

**State of Iowa**

**2019**

**ACTS AND JOINT RESOLUTIONS**  
**(Session Laws)**

Enacted at the

**2019 REGULAR SESSION**

of the

**Eighty-Eighth General Assembly**

of the

**State of Iowa**

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

REGULAR SESSION CONVENED ON THE FOURTEENTH DAY OF JANUARY  
AND ADJOURNED ON THE TWENTY-SEVENTH DAY OF APRIL, A.D. 2019



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, Timothy C. McDermott, 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 2019 Regular Session of the Eighty-eighth 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 2020 Iowa Code is published. Changes will be shown in the Tables of Disposition of Acts in the 2020 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 2019 Regular Session generally took effect on July 1, 2019, 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 an updated, final 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](http://www.legis.iowa.gov/law/information)

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# ELECTIVE OFFICERS

Name and Office

County of residence

## GOVERNOR

KIM REYNOLDS ..... Clarke  
 Sara Craig, Chief of Staff  
 Kirby Connell, Scheduler

## LIEUTENANT GOVERNOR

ADAM GREGG ..... Polk  
 Taylor Collins, Assistant to the Lieutenant Governor

## SECRETARY OF STATE

PAUL D. PATE ..... Linn  
 Michael Ross, Chief Deputy Secretary of State  
 Christy Wilson, Deputy Secretary of State

## AUDITOR OF STATE

ROB SAND ..... Polk  
 John McCormally, Chief of Staff  
 Annette Campbell, CPA, Deputy, Performance Investigation Division  
 Marlys Gaston, 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 of Agriculture

## ATTORNEY GENERAL

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

# 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
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), 88(1st)
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), 88(1st)
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), 88(1st)
Boulton, Nate Des Moines	Attorney	16th— <i>Polk</i>	87(1st), 87(2nd), 88(1st)
Breitbach, Michael Strawberry Point	Business Owner	28th—Allamakee, <i>Clayton</i> , Fayette, Winneshiek	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Brown, Waylon St. Ansgar	Small Business Owner/Farmer	26th—Cerro Gordo, Chickasaw, Floyd, Howard, <i>Mitchell</i> , Winneshiek, Worth	87(1st), 87(2nd), 88(1st)
Carlin, Jim Sioux City	Attorney	3rd—Plymouth, <i>Woodbury</i>	87(1st), 87(2nd), 88(1st)
Celsi, Claire West Des Moines		21st— <i>Polk</i> , Warren	88(1st)
Chapman, Jake Adel	Businessman/EMT	10th—Adair, Cass, <i>Dallas</i> , Guthrie, Polk	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
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), 88(1st)
Cournoyer, Chris LeClaire	Webmaster	49th—Clinton, <i>Scott</i>	88(1st)



Name and Residence	Occupation	Senatorial District	Legislative Service
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), 88(1st)
Dawson, Dan Council Bluffs	Peace Officer	8th— <i>Pottawattamie</i>	87(1st), 87(2nd), 88(1st)
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), 88(1st)
Edler, Jeff State Center		36th— <i>Black Hawk, Marshall, Tama</i>	87(1st), 87(2nd), 88(1st)
Feenstra, Randy Hull	Professor—Dordt College	2nd— <i>Cherokee, O'Brien, Plymouth, Sioux</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Garrett, Julian B. Indianola	Farmer	13th— <i>Madison, Warren</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Giddens, Eric** Cedar Falls	Energy Education and Outreach Coordinator—University of Northern Iowa	30th— <i>Black Hawk</i>	88(1st)
Greene, Thomas A. Burlington		44th— <i>Des Moines, Louisa, Muscatine</i>	87(1st), 87(2nd), 88(1st)
Guth, Dennis Klemme	Farmer	4th— <i>Emmet, Hancock, Kossuth, Winnebago, Wright</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
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), 88(1st)
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), 88(1st)
Johnson, Craig Independence	Executive Director—Heartland Acres	32nd— <i>Black Hawk, Bremer, Buchanan, Fayette</i>	87(1st), 87(2nd), 88(1st)

\* Resigned February 14, 2019

\*\* Elected in Special Election March 19, 2019

Name and Residence	Occupation	Senatorial District	Legislative Service
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), 88(1st)
Kinney, Kevin Oxford	Farmer/Retired Deputy Sheriff	39th— <i>Johnson</i> , Keokuk, Washington	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Koelker, Carrie Dyersville	Executive Director—Tourism and Economic Development	29th— <i>Dubuque</i> , Jackson, Jones	88(1st)
Kraayenbrink, Tim Fort Dodge	Investment Advisor	5th— <i>Calhoun</i> , Humboldt, Pocahontas, <i>Webster</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
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), 88(1st)
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), 88(1st)
Mathis, Liz Hiawatha	Nonprofit Executive/Family Business Owner	34th— <i>Linn</i>	84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Miller-Meeks, Mariannette Ottumwa	Physician	41st— <i>Davis</i> , Jefferson, Van Buren, <i>Wapello</i>	88(1st)
Nunn, Zach Altoona	Military Officer	15th— <i>Jasper</i> , <i>Polk</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Petersen, Janet Des Moines	Marketing Communications	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), 88(1st)
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), 88(1st)
Ragan, Amanda Mason City	Director—Community Kitchen of North Iowa/Director—Meals on Wheels	27th— <i>Butler</i> , <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), 88(1st)
Rozenboom, Ken Oskaloosa	Farming/Ag Business	40th— <i>Appanoose</i> , <i>Mahaska</i> , Marion, Monroe, <i>Wapello</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)

Name and Residence	Occupation	Senatorial District	Legislative Service
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), 88(1st)
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), 88(1st)
Segebart, Mark Vail	Farmer	6th— <i>Audubon</i> , Buena Vista, Carroll, <i>Crawford</i> , Sac	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Shipley, Tom Nodaway	Farmer/Legislator	11th— <i>Adams</i> , Cass, Pottawattamie, Union	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Sinclair, Amy Allerton		14th— <i>Clarke</i> , Decatur, Jasper, Lucas, Marion, Wayne	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Smith, Jackie Sioux City		7th— <i>Woodbury</i>	88(1st)
Smith, Roby Davenport	Small Business Owner	47th— <i>Scott</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Sweeney, Annette Alden	Farmer	25th— <i>Butler</i> , Grundy, <i>Hardin</i> , Story	83(1st), 83(2nd), 84(1st), 84(2nd), 87(2nd), 88(1st)
Taylor, Rich Mount Pleasant	Master HVAC/R Technician/Master Electrician	42nd— <i>Henry</i> , Jefferson, Lee, Washington	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Taylor, Todd E. Cedar Rapids	AFSCME Representative	35th— <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), 88(1st)
Wahls, Zach Coralville		37th— <i>Cedar</i> , <i>Johnson</i> , Muscatine	88(1st)
Whiting, Zach Spirit Lake	Policy Advisor	1st— <i>Clay</i> , <i>Dickinson</i> , Lyon, Osceola, Palo Alto	88(1st)
Whitver, Jack Ankeny	Business Owner/Attorney	19th— <i>Polk</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Zaun, Brad Urbandale	Director—Master Dowel/Director— Grapnel Tech Services	20th— <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), 88(1st)
Zumbach, Dan Ryan	Farmer	48th— <i>Buchanan</i> , <i>Delaware</i> , Jones, Linn	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)

## 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), 88(1st)
Anderson, Marti Des Moines	Social Worker	36th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Bacon, Robert P. Slater	Funeral Director	48th—Boone, Hamilton, <i>Story, Webster</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Baxter, Terry C. Garner	World Missions GoServ Global	8th— <i>Hancock, Kossuth,</i> <i>Wright</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Bearinger, Bruce Oelwein		64th—Buchanan, <i>Fayette</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Bennett, Liz Cedar Rapids	Internet Sales and Support Consultant— GoDaddy.com	65th— <i>Linn</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Bergan, Michael R. Dorchester	Accountant	55th—Clayton, Fayette, <i>Winneshiek</i>	87(1st), 87(2nd), 88(1st)
Best, Brian Glidden	President—Western Iowa Sleep	12th—Audubon, <i>Carroll,</i> <i>Crawford</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Bloomingtondale, Jane Northwood		51st—Howard, Mitchell, <i>Winneshiek, Worth</i>	87(1st), 87(2nd), 88(1st)
Bossman, Jacob Sioux City		6th— <i>Woodbury</i>	87(2nd), 88(1st)
Breckenridge, Wes Newton	Adjunct Instructor—DMACC	29th— <i>Jasper</i>	87(1st), 87(2nd), 88(1st)
Brink, Holly Oskaloosa	Insurance Agent	80th—Appanoose, <i>Mahaska, Monroe,</i> <i>Wapello</i>	88(1st)
Brown-Powers, Timi Waterloo	Therapist—Covenant Medical Center	61st— <i>Black Hawk</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Carlson, Gary L. Muscatine	Vice President—HNI Corporation	91st— <i>Muscatine</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Cohoon, Dennis M. Burlington	Retired 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), 88(1st)
Derry, Karin Johnston	Attorney	39th— <i>Polk</i>	88(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Deyoe, Dave Nevada	Farmer	49th—Hardin, <i>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), 88(1st)
Dolecheck, Cecil Mount Ayr	Retired Farmer	24th—Montgomery, Page, <i>Ringgold</i> , Taylor	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), 88(1st)
Donahue, Molly Erin Cedar Rapids	Teacher	68th— <i>Linn</i>	88(1st)
Ehlert, Tracy Cedar Rapids	Early Childhood Educator	70th— <i>Linn</i>	88(1st)
Fisher, Dean Montour	Engineering/Farming	72nd—Black Hawk, Marshall, <i>Tama</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Forbes, John Urbandale	Pharmacist	40th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Fry, Joel Osceola	Therapist	27th— <i>Clarke</i> , Decatur, Lucas, Wayne	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Gaines, Ruth Ann Des Moines	Instructor	32nd— <i>Polk</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Gaskill, Mary A. 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), 88(1st)
Gassman, Tedd Scarville	Farmer/Legislator	7th— <i>Emmet</i> , Kossuth, <i>Winnebago</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Gerhold, Thomas D. Atkins	Research Associate	75th— <i>Benton</i> , Iowa	88(1st)
Grassley, Pat New Hartford	Farmer	50th— <i>Butler</i> , Grundy, Hardin	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Gustafson, Stan Cumming	Retired Marine/Retired Attorney	25th— <i>Madison</i> , Warren	85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Hagenow, Chris Urbandale	Attorney	19th— <i>Dallas</i> , Polk	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Hall, Chris Sioux City		13th— <i>Woodbury</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Hanusa, Mary Ann Council Bluffs	Special Projects and Programs Director—Children's Square USA	16th— <i>Pottawattamie</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)

Name and Residence	Occupation	Representative District	Legislative Service
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), 88(1st)
Hein, Lee Monticello	Farmer	96th— <i>Delaware, Jones</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Hinson, Ashley Marion	Media Consultant	67th— <i>Linn</i>	87(1st), 87(2nd), 88(1st)
Hite, Dustin D. New Sharon	Attorney	79th— <i>Mahaska, Marion</i>	88(1st)
Holt, Steven Denison	Business Owner/Retired U.S. Marine	18th— <i>Crawford, Harrison, Shelby</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Hunter, Bruce Des Moines	Retired	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), 88(1st)
Huseman, Daniel Adair Aurelia	Farmer	3rd— <i>Cherokee, O'Brien, Plymouth, 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), 88(1st)
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), 88(1st)
Jacobsen, Jon Council Bluffs	Senior Trust Officer/VP/Attorney	22nd— <i>Pottawattamie</i>	87(2nd), 88(1st)
Jacoby, Dave Coralville	STEM 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), 88(1st)
James, Lindsay Dubuque		99th— <i>Dubuque</i>	88(1st)
Jeneary, Tom Le Mars	Retired Dentist	5th— <i>Plymouth, Woodbury</i>	88(1st)
Jones, Megan Sioux Rapids	Nonpracticing Attorney/Farm Wife	2nd— <i>Clay, Dickinson, Palo Alto</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Judge, Kenan Waukee		44th— <i>Dallas</i>	88(1st)
Kacena, Timothy Sioux City	Retired Fire Fighter	14th— <i>Woodbury</i>	87(1st), 87(2nd), 88(1st)

Name and Residence	Occupation	Representative District	Legislative Service
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), 88(1st)
Kerr, David Morning Sun	Farming/Retired Kinder Morgan Inc.	88th— <i>Des Moines, Louisa, Muscatine</i>	87(1st), 87(2nd), 88(1st)
Klein, Jarad Keota	Family Farmer	78th— <i>Keokuk, Washington</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Konrft, Jennifer Windsor Heights	Professor	43rd— <i>Polk</i>	88(1st)
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), 88(1st)
Kurth, Monica Davenport	Retired Teacher	89th— <i>Scott</i>	87(1st), 87(2nd), 88(1st)
Kurtz, Jeff Fort Madison	Retired Locomotive Engineer	83rd— <i>Lee</i>	88(1st)
Landon, John Ankeny	Retired—Ag Business	37th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Lensing, Vicki 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), 88(1st)
Lohse, Brian K. Bondurant	Attorney	30th— <i>Polk</i>	88(1st)
Lundgren, Shannon Peosta	Small Business Owner	57th— <i>Dubuque</i>	87(1st), 87(2nd), 88(1st)
Mascher, Mary Iowa City	Legislator/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), 88(1st)
Matson, Heather Ankeny		38th— <i>Polk</i>	88(1st)
Maxwell, David E. Gibson	Drainage Contractor/Farmer	76th— <i>Iowa, Poweshiek</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
McConkey, Charlie Council Bluffs	Retired Steelworker	15th— <i>Pottawattamie</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)

Name and Residence	Occupation	Representative District	Legislative Service
McKean, Andy Anamosa	Retired Attorney	58th—Dubuque, Jackson, Jones	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), 88(1st)
Meyer, Ann Fort Dodge	Registered Nurse	9th—Webster	88(1st)
Meyer, Brian Des Moines	Attorney	33rd—Polk	85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Mitchell, Joe Mount Pleasant		84th—Henry, Jefferson, Lee, Washington	88(1st)
Mohr, Gary M. Bettendorf	Retired Community College Administrator	94th—Scott	87(1st), 87(2nd), 88(1st)
Mommsen, Norlin G. DeWitt	Farmer	97th—Clinton, Scott	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Moore, Tom Griswold		21st—Adams, Cass, Pottawattamie, Union	86(2nd), 87(1st), 87(2nd), 88(1st)
Nielsen, Amy North Liberty		77th—Johnson	87(1st), 87(2nd), 88(1st)
Oldson, Jo Des Moines		41st—Polk	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), 88(1st)
Olson, Rick L. Des Moines	Attorney	31st—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), 88(1st)
Osmundson, Anne Volga	Small Business Owner/Farmer	56th—Allamakee, Clayton	88(1st)
Ourth, Scott D. Ackworth	Legislator/Operating Engineer	26th—Warren	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Paustian, Ross C. Walcott	Farmer	92nd—Scott	84(1st), 84(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Prichard, Todd Charles City	Attorney	52nd—Cerro Gordo, Chickasaw, Floyd	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Running-Marquardt, Kirsten Cedar Rapids		69th—Linn	83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Salmon, Sandy Janesville	Retired Home Educator	63rd—Black Hawk, Bremer	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Sexton, Mike Rockwell City	Farmer/Entrepreneur	10th—Calhoun, Humboldt, Pocahontas, Webster	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), 88(1st)



Name and Residence	Occupation	Representative District	Legislative Service
Shipley, Jeff Fairfield	Sauerkraut Salesman	82nd—Davis, Jefferson, Van Buren	88(1st)
Sieck, David Glenwood	Farmer/Real Estate	23rd—Fremont, Mills, Montgomery	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
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), 88(1st)
Smith, RasTafari I. Waterloo	Consultant— Communities In Schools of Mid America	62nd— <i>Black Hawk</i>	87(1st), 87(2nd), 88(1st)
Sorensen, Ray Greenfield	Mural Artist/Business Owner	20th— <i>Adair, Cass, Dallas, Guthrie</i>	88(1st)
Staed, Art Cedar Rapids	Retired Educator	66th— <i>Linn</i>	82(1st), 82(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
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), 88(1st)
Sunde, Kristin West Des Moines		42nd— <i>Polk, Warren</i>	88(1st)
Thede, Phyllis Bettendorf	State Legislator	93rd— <i>Scott</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)
Thompson, Phil Jefferson	Contractor	47th— <i>Boone, Greene</i>	88(1st)
Thorup, Jon Knoxville	Iowa State Trooper	28th— <i>Jasper, Lucas, Marion</i>	88(1st)
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), 88(1st)
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), 88(1st)
Wheeler, Skyler Orange City		4th— <i>Sioux</i>	87(1st), 87(2nd), 88(1st)
Williams, Dave Cedar Falls	Business Consultant	60th— <i>Black Hawk</i>	88(1st)
Wills, John H. Spirit Lake		1st— <i>Dickinson, Lyon, Osceola</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st)

Name and Residence	Occupation	Representative District	Legislative Service
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), 88(1st)
Windschitl, Matt W. Missouri Valley	Doll Distributing	17th— <i>Harrison, Ida,</i> <i>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), 88(1st)
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), 88(1st)
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), 88(1st)
Zumbach, Louis J. Coggon		95th— <i>Buchanan, Linn</i>	87(1st), 87(2nd), 88(1st)

# 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
Brent R. Appel .....	Ackworth .....	December 31, 2024
Thomas D. Waterman .....	Pleasant Valley .....	December 31, 2020
Edward M. Mansfield .....	Des Moines .....	December 31, 2020
Susan K. Christensen .....	Harlan .....	December 31, 2020
Christopher L. McDonald .....	Des Moines .....	December 31, 2020

## JUDGES OF THE COURT OF APPEALS

(Judges listed according to seniority)

Gayle Nelson Vogel, C.J. ....	Spirit Lake .....	December 31, 2022
Anuradha Vaitheswaran .....	Des Moines .....	December 31, 2024
Amanda Potterfield .....	Tiffin .....	December 31, 2022
Richard H. Doyle .....	Des Moines .....	December 31, 2022
Mary E. Tabor .....	Des Moines .....	December 31, 2024
Michael R. Mullins .....	Washington .....	December 31, 2024
Thomas N. Bower .....	Cedar Falls .....	December 31, 2020

# CONGRESSIONAL DELEGATION AND DISTRICT OFFICES

## UNITED STATES SENATORS

### Senator Joni Ernst (R)

730 Hart Senate Office Building  
Washington, D.C. 20510  
202.224.3254

Website address:  
ernst.senate.gov

Email address:  
Electronic communications  
can be made through website

111 Seventh Avenue SE  
Suite 480  
Cedar Rapids, Iowa 52401  
319.365.4504

221 Federal Building  
8 South Sixth Street  
Council Bluffs, Iowa 51501  
712.352.1167

201 West Second Street  
Suite 806  
Davenport, Iowa 52801  
563.322.0677

733 Federal Building  
210 Walnut Street  
Des Moines, Iowa 50309  
515.284.4574

194 Federal Building  
320 Sixth Street  
Sioux City, Iowa 51101  
712.252.1550

### Senator Charles E. Grassley (R)

135 Hart Senate Office Building  
Washington, D.C. 20510-1501  
202.224.3744

Website address:  
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Email address:  
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111 Seventh Avenue SE, Box 13  
Suite 6800  
Cedar Rapids, Iowa 52401  
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307 Federal Building  
8 South Sixth Street  
Council Bluffs, Iowa 51501  
712.322.7103

201 West Second Street  
Suite 720  
Davenport, Iowa 52801  
563.322.4331

721 Federal Building  
210 Walnut Street  
Des Moines, Iowa 50309  
515.288.1145

120 Federal Building  
320 Sixth Street  
Sioux City, Iowa 51101  
712.233.1860

210 Waterloo Building  
531 Commercial Street  
Waterloo, Iowa 50701  
319.232.6657

## UNITED STATES REPRESENTATIVES

First District: **Representative Abby Finkenauer (D)**

124 Cannon House Office Bldg.  
Washington, D.C. 20515  
202.225.2911

521A Lafayette Street  
Waterloo, Iowa 50703  
319.266.6925

Website address:  
finkenauer.house.gov

308 Third Street SE  
Suite 200  
Cedar Rapids, Iowa 52401  
319.364.2288

Email address:  
Electronic communications  
can be made through website

1050 Main Street  
Dubuque, Iowa 52001  
563.557.7789

Second District: **Representative Dave Loebsack (D)**

1211 Longworth House Office Bldg.  
Washington, D.C. 20515  
202.225.6576

209 West Fourth Street  
Suite 104  
Davenport, Iowa 52801  
563.323.5988

Website address:  
loeb sack.house.gov

125 South Dubuque Street  
Iowa City, Iowa 52240  
319.351.0789

Email address:  
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can be made through website

Third District: **Representative Cindy Axne (D)**

330 Cannon House Office Bldg.  
Washington, D.C. 20515  
202.225.5476

208 West Taylor Street  
Creston, Iowa 50801  
641.278.1828

Website address:  
axne.house.gov

400 East Court Avenue  
Suite 346  
Des Moines, Iowa 50309  
515.400.8180

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can be made through website

501 Fifth Avenue  
Council Bluffs, Iowa 51503  
712.890.3117

Fourth District: **Representative Steve King (R)**

2210 Rayburn House Office Bldg.  
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1421 South Bell Avenue  
Suite 102  
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723 Central Avenue  
Fort Dodge, Iowa 50501  
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202 First Street SE  
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Mason City, Iowa 50401  
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320 Sixth Street  
Room 112  
Sioux City, Iowa 51101  
712.224.4692

306 North Grand Avenue  
P.O. Box 650  
Spencer, Iowa 51301  
712.580.7754

# CONDITION OF STATE TREASURY

June 30, 2018

	Balance July 1, 2017	Total Receipts and Transfers	Total Available	Total Disbursements and Transfers	Balance June 30, 2018
General Fund .....	\$ 390,103,106	\$14,781,589,677	\$15,171,692,783	\$14,698,665,763	\$ 473,027,020
Special Revenue Fund .....	1,078,897,615	4,829,914,985	5,908,812,600	4,903,412,719	1,005,399,881
Capital Projects Fund .....	22,974,230	19,604,983	42,579,213	28,979,930	13,599,283
Debt Service Fund .....	0	0	0	0	0
Enterprise Fund .....	71,708,714	788,601,924	860,310,638	791,008,799	69,301,839
Internal Service Fund .....	177,849,542	671,984,871	849,834,413	636,378,781	213,455,632
Expendable Trust Fund .....	167,520,467	452,646,677	620,167,144	447,546,607	172,620,537
Nonexpendable Trust Fund .....	34,392,296	2,877,867	37,270,163	652,229	36,617,934
Pension Fund .....	25,648,867,849	3,886,328,518	29,535,196,367	2,212,819,736	27,322,376,631
Trust and Agency Fund .....	342,359,251	6,130,575,003	6,472,934,254	6,153,351,496	319,582,758
Totals .....	<u>\$27,934,673,070</u>	<u>\$31,564,124,505</u>	<u>\$59,498,797,575</u>	<u>\$29,872,816,060</u>	<u>\$29,625,981,515</u>

Balance July 1, 2017 .....	\$27,934,673,070
Receipts and Transfers .....	31,564,124,505
Total Available .....	59,498,797,575
Disbursements and Transfers .....	29,872,816,060
Balance June 30, 2018 .....	\$29,625,981,515

DEPARTMENT OF ADMINISTRATIVE SERVICES  
STATE ACCOUNTING ENTERPRISE

May 15, 2019

# ANALYSIS BY CHAPTERS

## 2019 REGULAR SESSION

For Conversion Tables of Senate and House Files and Joint Resolutions to chapters of the 2019 Acts, Regular Session, see page 616

CH.	FILE	TITLE
1	HF 306	School finance — state percents of growth — property tax replacement payments
2	HF 307	School finance — regular state cost per pupil — school transportation funding
3	SF 519	Agricultural production facility trespass
4	SF 220	Taxation of corporations and financial institutions — increased expensing allowance deduction
5	SF 113	Habitual offenders — operating while intoxicated third or subsequent offenders
6	SF 367	Iowa communications network — elimination of education and regional telecommunications councils
7	HF 482	Peace officers — designated department of transportation employees — repeal extended
8	HF 668	Regulation of alcoholic beverages — business interests of manufacturers, wholesalers, and retailers
9	HF 288	Injured veterans grants and expedited professional or occupational licensing for spouses of military forces members
10	HF 487	Wireless telecommunications infrastructure installations — restrictions
11	SF 274	Speech and expression at public institutions of higher education
12	SF 556	Life and health insurance guaranty association — membership and assessments
13	SF 304	Student loan delinquencies and defaults — licensing sanctions prohibited
14	SF 534	Solid waste — recovery and conversion — gasification and pyrolysis facilities
15	SF 555	Implements of husbandry — weight limitations
16	SF 559	Portable electronics insurance — electronic notices to consumer
17	HF 266	Civil commitment of sexually violent predators
18	SF 210	Hospitalization — discharges — designation of lay caregivers
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2019 Regular Session  
of the  
**Eighty-Eighth General Assembly**  
of the  
State of Iowa

**CHAPTER 1**

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

*H.F. 306*

**AN ACT** relating to public school funding by establishing the state percent of growth and the categorical state percent of growth for the budget year beginning July 1, 2019, modifying provisions relating to the 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 2019, are amended to read as follows:

1. *State percent of growth.* ~~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 the budget year beginning July 1, 2019, is two and six hundredths 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, 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 the budget year beginning July 1, 2019, is two and six hundredths 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 1, Code 2019, is amended to read as follows:

1. For each fiscal year beginning on or after July 1, ~~2013~~ 2017, there is appropriated from the general fund of the state to the department of education an amount necessary to make all school district property tax replacement payments under this section, as calculated in subsection 2.

Sec. 3. Section 257.16B, subsection 2, paragraphs a, b, c, and d, Code 2019, are amended by striking the paragraphs.

Sec. 4. Section 257.16B, subsection 2, paragraph f, unnumbered paragraph 1, Code 2019, is amended to read as follows:

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

Sec. 5. Section 257.16B, subsection 2, paragraph f, subparagraph (3), Code 2019, 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, 2018, 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. 6. Section 257.16B, subsection 2, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. For each budget year beginning on or after July 1, 2019, 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, 2019, 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. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 19, 2019

## CHAPTER 2

### SCHOOL FINANCE — REGULAR STATE COST PER PUPIL — SCHOOL TRANSPORTATION FUNDING

*H.F. 307*

**AN ACT** relating to public school funding by modifying provisions relating to the regular program state cost per pupil, making appropriations to the transportation equity fund, establishing transportation data review and reporting requirements, and including effective date provisions.

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

Section 1. Section 257.8, subsection 2, Code 2019, is amended to read as follows:

2. *Categorical state percent of growth.* 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, and for budget years beginning on or after July 1, 2020, transportation equity aid payments under section 257.16C.

Sec. 2. Section 257.8, subsection 5, paragraph b, Code 2019, is amended to read as follows:

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 amounts for the specified budget year beginning July 1, 2018, years 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 2019, 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, 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.

e. ~~d.~~ For the budget year beginning July 1, 2019 2020, 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 257.16C, subsection 3, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. (1) For the fiscal year beginning July 1, 2019, there is appropriated from the general fund of the state to the department of management for deposit in the transportation equity fund the sum of nineteen million dollars, or so much thereof as is necessary, to be used for the purposes of this section.

(2) For each fiscal year beginning on or after July 1, 2020, there is appropriated from the general fund of the state to the department of management for deposit in the transportation equity fund the sum of the following, or so much thereof as is necessary, to be used for the purposes of this section:

(a) The amount appropriated to the transportation equity fund under this paragraph for the immediately preceding fiscal year.

(b) The product of the amount determined under subparagraph division (a) multiplied by the categorical percent of growth under section 257.8, subsection 2, for the budget year beginning on the same date of the fiscal year for which the appropriation is made.

Sec. 5. Section 257.16C, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 7. On or before December 1, 2020, and on or before December 1 every five years thereafter, the director of the department of education shall compile and review the data collected as a result of the transportation equity aid and transportation base funding payments provided under this section and shall prepare a report to the general assembly containing analysis of the aid and the payments' efficacy and recommendations for changes.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 19, 2019

### CHAPTER 3

#### AGRICULTURAL PRODUCTION FACILITY TRESPASS

*S.F. 519*

**AN ACT** relating to an offense involving trespass to agricultural production facilities, providing penalties, and including effective date provisions.

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

Section 1. **NEW SECTION. 717A.3B Agricultural production facility trespass.**

1. A person commits agricultural production facility trespass if the person does any of the following:

a. Uses deception as described in section 702.9, subsection 1 or 2, on a matter that would reasonably result in a denial of access to an agricultural production facility that is not open to the public, and, through such deception, gains access to the agricultural production facility, with the intent to cause physical or economic harm or other injury to the agricultural production facility's operations, agricultural animals, crop, owner, personnel, equipment, building, premises, business interest, or customer.

b. Uses deception as described in section 702.9, subsection 1 or 2, on a matter that would reasonably result in a denial of an opportunity to be employed at an agricultural production facility that is not open to the public, and, through such deception, is so employed, with the intent to cause physical or economic harm or other injury to the agricultural production facility's operations, agricultural animals, crop, owner, personnel, equipment, building, premises, business interest, or customer.

2. A person who commits agricultural production facility trespass is guilty of a serious misdemeanor for a first offense and an aggravated misdemeanor for a second or subsequent offense.

3. A person who conspires with another, as described in section 706.1, to commit agricultural production facility trespass is guilty of a serious misdemeanor for a first offense and an aggravated misdemeanor for a second or subsequent offense. For purposes of this subsection, a person commits conspiracy to commit agricultural production facility trespass, without regard to the limitation of criminal liability for conspiracy otherwise applicable under section 706.1, subsection 1.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 14, 2019



**CHAPTER 4****TAXATION OF CORPORATIONS AND FINANCIAL INSTITUTIONS — INCREASED EXPENSING ALLOWANCE DEDUCTION**

S.F. 220

**AN ACT** relating to the increased expensing allowance deduction by corporations, financial institutions, and partnerships and limited liability companies taxed as corporations, and including effective date and retroactive applicability provisions.

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

Section 1. Section 422.35, subsections 14 and 15, Code 2019, are amended to read as follows:

14. a. The Notwithstanding any other provision of the 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, 2019 2018, subject to the limitations in this subsection for tax years beginning on or after January 1, 2019, but before 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 taxable income for tax years beginning on or after January 1, 2019 2018, 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, as amended by Pub. L. No. 115-97, §13101.

(2) (a) Subtract 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 the 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 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.

15. a. For tax years beginning on or after January 1, 2019 2018, 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, as amended by Pub. L. No. 115-97, §13101, 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 seventy thousand dollars for a tax year beginning during the 2018 calendar year, or exceeds one hundred thousand dollars for the 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 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, 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 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, 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.

~~d.~~ e. The director shall adopt rules pursuant to chapter 17A to administer this subsection.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 3. RETROACTIVE APPLICABILITY. This Act applies retroactively to January 1, 2018, for tax years beginning on or after that date.

Approved March 15, 2019

**CHAPTER 5****HABITUAL OFFENDERS — OPERATING WHILE INTOXICATED THIRD OR  
SUBSEQUENT OFFENDERS***S.F. 113*

**AN ACT** allowing certain operating-while-intoxicated offenders to be sentenced as habitual offenders, and making penalties applicable.

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

Section 1. Section 321J.2, subsection 5, unnumbered paragraph 1, Code 2019, is amended to read as follows:

A third or subsequent offense is punishable by all of the following:

Sec. 2. Section 321J.2, subsection 5, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* Notwithstanding the maximum sentence set forth in paragraph “a”, a person convicted of a third or subsequent offense may be sentenced as an habitual offender pursuant to sections 902.8 and 902.9 if the person qualifies as an habitual offender as described in section 902.8.

Approved March 21, 2019

**CHAPTER 6****IOWA COMMUNICATIONS NETWORK — ELIMINATION OF EDUCATION AND  
REGIONAL TELECOMMUNICATIONS COUNCILS***S.F. 367*

**AN ACT** eliminating the education telecommunications council and regional telecommunications councils established under the Iowa communications network.

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

Section 1. Section 8D.8, Code 2019, is amended to read as follows:

**8D.8 Scheduling for authorized users.**

~~Except as provided in section 8D.5, an~~ An authorized user is responsible for all scheduling of the use of the authorized user’s facility. A person who disputes a scheduling decision of such user may petition the commission for a review of such decision pursuant to section 8D.3, subsection 3, paragraph “c”.

Sec. 2. Section 8D.13, subsection 8, Code 2019, is amended by striking the subsection.

Sec. 3. REPEAL. Section 8D.5, Code 2019, is repealed.

Approved March 21, 2019

**CHAPTER 7****PEACE OFFICERS — DESIGNATED DEPARTMENT OF TRANSPORTATION EMPLOYEES  
— REPEAL EXTENDED***H.F. 482*

**AN ACT** relating to department of transportation employees designated as peace officers, and including effective date provisions.

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

Section 1. 2017 Iowa Acts, chapter 149, section 4, as amended by 2018 Iowa Acts, chapter 1170, section 3, is amended to read as follows:

SEC. 4. REPEAL. The section of this Act amending section 321.477 is repealed July 1, 2019 2022.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 21, 2019

**CHAPTER 8****REGULATION OF ALCOHOLIC BEVERAGES — BUSINESS INTERESTS OF  
MANUFACTURERS, WHOLESALERS, AND RETAILERS***H.F. 668*

**AN ACT** concerning alcoholic beverage control, relating to limitations on business interests of certain manufacturers, wholesalers, and retailers of alcoholic beverages.

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

Section 1. Section 123.3, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 24A. "Institutional investor" means a person who maintains a diversified portfolio of investments through a state or federally chartered bank, a mutual fund, a retirement plan or account created by an employer, the person, or another individual to provide retirement benefits or deferred compensation to the person, a private investment firm, or a holding company publicly traded on the New York stock exchange, the American stock exchange, or NASDAQ stock market and who has a majority of investments in businesses other than businesses that manufacture, bottle, wholesale, or sell at retail alcoholic beverages.

Sec. 2. Section 123.45, subsection 1, unnumbered paragraph 1, Code 2019, is amended to read as follows:

A Subject to such exceptions as otherwise authorized under this chapter, a person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages, wine, or beer excluding an institutional investor, or any jobber, representative, broker, employee, or agent of such a person, shall not do any of the following:

Sec. 3. Section 123.45, subsection 1, paragraphs c and d, Code 2019, are amended to read as follows:

c. Directly or indirectly be interested in the ownership, conduct, or operation of the business of another licensee or permittee authorized under this chapter to sell at retail, unless the licensee or permittee authorized under this chapter to sell at retail does not purchase or sell the alcoholic beverages of the person engaged in the business of manufacturing,

bottling, or wholesaling alcoholic beverages. However, the licensee or permittee authorized under this chapter to sell at retail may purchase and sell the wine of the person engaged in the business of manufacturing wine that is not native wine provided the licensed premises is the principal office, as defined in section 490.140, of the person.

d. Hold a retail liquor control license or retail wine or beer permit, unless the licensee or permittee holding a retail liquor control license or retail wine or beer permit does not purchase or sell the alcoholic beverages of the person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages. However, a person engaged in the business of manufacturing wine that is not native wine may purchase and sell the person's wine under the authority of a special class "C" liquor control license and a class "B" wine permit provided the licensed premises is the principal office, as defined in section 490.140, of the person.

Sec. 4. Section 123.45, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. Notwithstanding any provision of law to the contrary, a broker, employee, or agent of a person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages may be a broker, employee, or agent of another person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages or a broker, employee, or agent of a business authorized under this chapter to sell alcoholic beverages at retail as long as the broker, employee, or agent is not an officer, owner, director, or employee in a position to exercise any control or influence over the types of sales or the purchasing of alcoholic beverages in either position of employment.

NEW SUBSECTION. 4. The exceptions established by subsection 1 to the general prohibition against tied interests shall be limited to their express terms so as not to undermine the general prohibition and shall therefore be construed accordingly, and shall not be construed to affect exceptions to the general prohibition against tied interests as otherwise authorized under this chapter.

Sec. 5. Section 123.130, subsection 1, Code 2019, is amended to read as follows:

1. a. Any person holding a class "A" beer permit issued by the division shall be authorized to manufacture and sell, or sell at wholesale, beer for consumption off the premises, such sales within the state to be made only to persons holding subsisting class "A", "B", or "C" beer permits, both a class "C" native wine permit and a class "A" wine permit pursuant to section 123.178B, subsection 4, or liquor control licenses issued in accordance with the provisions of this chapter. However, a person holding a class "A" beer permit issued by the division who also holds a brewer's notice issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury shall be authorized to sell, at wholesale, no more than thirty thousand barrels of beer on an annual basis for consumption off the premises to a licensee or permittee authorized under this chapter to sell beer at retail.

b. A class "A" or special class "A" beer permit does not grant authority to manufacture wine as defined in section 123.3, subsection 48.

Approved March 21, 2019

## CHAPTER 9

### INJURED VETERANS GRANTS AND EXPEDITED PROFESSIONAL OR OCCUPATIONAL LICENSING FOR SPOUSES OF MILITARY FORCES MEMBERS

H.F. 288

AN ACT relating to military and veterans benefits.

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

Section 1. Section 35A.14, subsection 4, Code 2019, is amended to read as follows:

4. Moneys appropriated to or received by the department for providing injured veterans grants under this section may be expended for grants of up to ten thousand dollars to a veteran who is seriously injured or very seriously injured, as defined in the most recently published United States department of defense joint publication 1-02, to provide financial assistance to the veteran so that family members of the veteran may be with the veteran during the veteran's recovery from an injury received in the line of duty ~~in a combat zone or in a zone where the veteran was receiving hazardous duty pay~~ after September 11, 2001.

Sec. 2. Section 35A.14, subsection 5, paragraph b, Code 2019, is amended to read as follows:

b. Proof of continued medical care or rehabilitation services may include any reasonably reliable documentation showing that the veteran is receiving continued medical or rehabilitative care as a result of qualifying injuries. Proof that the injury occurred in the line of duty shall be made based upon the circumstances of the injury known at the time of evacuation from the ~~combat zone or zone in which the veteran was receiving hazardous duty pay~~ place where the veteran was injured.

Sec. 3. Section 35A.14, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The department, the commission, and the national guard shall collaborate on a report regarding the sustainability of future funding for the injured veterans grant program and shall submit their findings and recommendations in a written report to the governor and the general assembly by December 31, 2019.

Sec. 4. Section 272C.4, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. a. Establish procedures by January 1, 2020, to expedite the licensing of an individual who is licensed in a similar profession or occupation in another state and who is the spouse of an active duty member of the military forces of the United States.

b. If the board determines that the professional or occupational licensing requirements of the state where the spouse is licensed are substantially equivalent to the licensing requirements of this state, the procedures shall require the expedited licensing of the spouse in this state.

c. If the board determines that the professional or occupational licensing requirements of the state where the spouse is licensed are not substantially equivalent to the professional or occupational licensing requirements of this state, the procedures shall allow the provisional licensing of the spouse for a period of time deemed necessary by the board to obtain a substantial equivalent to the licensing requirements of this state. The board shall advise the spouse of required education or training necessary to obtain a substantial equivalent to the professional or occupational licensing requirements of this state, and the procedures shall provide for licensing of an individual who has, pursuant to this paragraph, obtained a substantial equivalent to the licensing requirements of this state.

Approved March 22, 2019

## CHAPTER 10

### WIRELESS TELECOMMUNICATIONS INFRASTRUCTURE INSTALLATIONS — RESTRICTIONS

*H.F. 487*

**AN ACT** related to installations of certain wireless telecommunications infrastructure in the state, and including effective date provisions.

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

Section 1. Section 8C.3, Code 2019, is amended by adding the following new subsection:  
**NEW SUBSECTION.** 14. *a.* Reject an application, in whole or in part, for the installation of a tower or transmission equipment in the unincorporated area of a county with a population of less than fifteen thousand, except for on property zoned and used exclusively for single-family residential use or within a previously designated area of historical significance pursuant to section 303.34, upon written confirmation from the statewide interoperable communications system board established in section 80.28, that the tower or transmission equipment is intended to be installed and used as part of the state plan approved under 47 U.S.C. §1442(e) for the deployment of the nationwide public safety broadband network or radio access network. For purposes of this subsection, “*nationwide public safety broadband network*” and “*radio access network*” mean the same as those terms are defined in 47 U.S.C. §1401.

*b.* This subsection is repealed two years after the effective date of this Act.

Sec. 2. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 25, 2019

## CHAPTER 11

### SPEECH AND EXPRESSION AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION

*S.F. 274*

**AN ACT** relating to speech and expression at public institutions of higher education, providing for remedies, and including effective date provisions.

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

Section 1. **NEW SECTION. 261H.1 Definitions.**

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

1. “*Benefit*” with respect to a student organization at a public institution of higher education means any of the following:

- a.* Recognition.
- b.* Registration.
- c.* Use of facilities for meetings or speaking purposes.
- d.* Use of channels of communication.
- e.* Access to funding sources that are otherwise available to other student groups.

2. “*Campus community*” means students, administrators, faculty, and staff at a public institution of higher education and guests invited to a public institution of higher education by the institution’s students, administrators, faculty, or staff.

3. “*Materially and substantially disrupts*” means when a person, with the intent to or with knowledge of doing so, engages in violent or other disorderly conduct that significantly hinders a previously scheduled or reserved activity occurring on university grounds, buildings, and facilities. “*Materially and substantially disrupts*” does not include conduct that is protected under the first amendment to the Constitution of the United States, including but not limited to lawful protests and counterprotests.

4. “*Outdoor areas of campus*” means the generally accessible outside areas of campus where students, administrators, faculty, and staff at a public institution of higher education are commonly allowed, such as grassy areas, walkways, or other similar common areas and does not include areas outside health care facilities including both stand-alone facilities and mixed-use facilities that are embedded within another facility, veterinary medicine facilities, a facility or outdoor area used by the institution’s athletics program or teams, or other outdoor areas where access is restricted to a majority of the campus community. In

recognition of the healing environment that is essential to its clinical purposes, the areas outside health care facilities, including both stand-alone facilities and mixed-use facilities that are embedded within another facility, are not designated public forums.

5. “*Public institution of higher education*” means a community college established under chapter 260C or an institution of higher learning governed by the state board of regents.

6. “*Student*” means an individual who is enrolled on a full-time or part-time basis at a public institution of higher education.

7. “*Student organization*” means a group officially recognized at or officially registered by a public institution of higher education, or a group seeking such official recognition or official registration, comprised of students who are admitted and in attendance at the public institution of higher education, and who receive, or are seeking to receive, student organization benefits or privileges through the public institution of higher education.

#### Sec. 2. NEW SECTION. 261H.2 Policy adoption.

The state board of regents and the board of directors of each community college shall adopt a policy that includes all of the following statements:

1. That the primary function of an institution of higher education is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate. This statement shall provide that, to fulfill this function, the institution must strive to ensure the fullest degree of intellectual freedom and free expression allowed under the first amendment to the Constitution of the United States.

2. a. That it is not the proper role of an institution of higher education to shield individuals from speech protected by the first amendment to the Constitution of the United States, which may include ideas and opinions the individual finds unwelcome, disagreeable, or even offensive.

b. That it is the proper role of an institution of higher education to encourage diversity of thoughts, ideas, and opinions and to encourage, within the bounds of the first amendment to the Constitution of the United States, the peaceful, respectful, and safe exercise of first amendment rights.

3. That students and faculty have the freedom to discuss any problem that presents itself, assemble, and engage in spontaneous expressive activity on campus, within the bounds of established principles of the first amendment to the Constitution of the United States, and subject to reasonable time, place, and manner restrictions that are consistent with established first amendment principles.

4. That the outdoor areas of campus of an institution of higher education are public forums, open on the same terms to any invited speaker subject to reasonable time, place, and manner restrictions that are consistent with established principles of the first amendment to the Constitution of the United States.

#### Sec. 3. NEW SECTION. 261H.3 Protected activities.

1. Noncommercial expressive activities protected under the provisions of this chapter include but are not limited to any lawful oral or written means by which members of the campus community may communicate ideas to one another, including but not limited to all forms of peaceful assembly, protests, speeches including by invited speakers, distribution of literature, circulating petitions, and publishing, including publishing or streaming on an internet site, audio or video recorded in outdoor areas of campus.

2. A member of the campus community who wishes to engage in noncommercial expressive activity in outdoor areas of campus shall be permitted to do so freely, subject to reasonable time, place, and manner restrictions, and as long as the member’s conduct is not unlawful, does not impede others’ access to a facility or use of walkways, and does not disrupt the functioning of the public institution of higher education, subject to the protections of subsection 1. The public institution of higher education may designate other areas of campus available for use by the campus community according to institutional policy, but in all cases access to designated areas of campus must be granted on a viewpoint-neutral basis within the bounds of established first amendment principles.<sup>1</sup>

<sup>1</sup> See chapter 89, §12 herein



3. A public institution of higher education shall not deny benefits or privileges available to student organizations based on the viewpoint of a student organization or the expression of the viewpoint of a student organization by the student organization or its members protected by the first amendment to the Constitution of the United States. In addition, a public institution of higher education shall not deny any benefit or privilege to a student organization based on the student organization's requirement that the leaders of the student organization agree to and support the student organization's beliefs, as those beliefs are interpreted and applied by the organization, and to further the student organization's mission.

4. This section shall not be interpreted as limiting the right of student expression in a counter demonstration held in an outdoor area of campus as long as the conduct at the counter demonstration is not unlawful, does not materially and substantially prohibit the free expression rights of others in an outdoor area of campus or disrupt the functioning of the public institution of higher education, and does not impede others' access to a facility or use of walkways, subject to reasonable time, place, and manner restrictions that are consistent with established principles of the first amendment to the Constitution of the United States.

5. This chapter shall not be interpreted as preventing public institutions of higher education from prohibiting, limiting, or restricting expression that the first amendment of the Constitution of the United States does not protect, including but not limited to a threat of serious harm and expression directed or likely directed to provoke imminent unlawful actions; or from prohibiting harassment, including but not limited to expression which is so severe, pervasive, and subjectively and objectively offensive that the expression unreasonably interferes with an individual's access to educational opportunities or benefits provided by a public institution of higher education.

**Sec. 4. NEW SECTION. 261H.4 Public forums on campus — freedom of association.**

1. The outdoor areas of campuses of public institutions of higher education in this state shall be deemed public forums. Public institutions of higher education may maintain and enforce clear, published, reasonable viewpoint-neutral time, place, and manner restrictions that are narrowly tailored in furtherance of a significant institutional interest, but shall allow members of the campus community to engage in spontaneous expressive activity and to distribute literature. Restrictions instituted by a public institution of higher education under this section shall provide for ample alternative means of expression.

2. Except as provided in this chapter, and subject to reasonable time, place, and manner restrictions, a public institution of higher education shall not designate any area of campus a free-speech zone or otherwise create policies restricting expressive activities to a particular outdoor area of campus.

3. Nothing in this chapter shall be construed to grant individuals the right to engage in conduct that intentionally, materially, and substantially disrupts the expressive activity of a person or student organization if the public institution of higher education has reserved space in an outdoor area of campus for activity by the person or student organization in accordance with this chapter.

**Sec. 5. NEW SECTION. 261H.5 Remedies — statute of limitations — immunity.**

1. A member of the campus community aggrieved by a violation of this chapter may file a complaint with the governing body of the public institution of higher education.

2. A member of the campus community aggrieved by a violation of this chapter may assert such violation as a defense or counterclaim in a disciplinary action or in a civil or administrative proceeding brought against the member of the campus community.

3. A member of the campus community shall bring a claim for violation of this chapter pursuant to this section not later than one year after the day the cause of action accrues.

4. This section shall not be interpreted to limit any other remedies available to a member of the campus community.

5. Nothing in this section shall be construed to make any administrator, officer, employee, or agent of a public institution of higher education personally liable for acts taken pursuant to the individual's official duties.

Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 27, 2019

## CHAPTER 12

### LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION — MEMBERSHIP AND ASSESSMENTS

S.F. 556

**AN ACT** relating to the membership of the life and health insurance guaranty association, assessments to member insurers for insurance written by impaired or insolvent member insurers, and including applicability and effective date provisions.

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

Section 1. Section 507C.3, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Health maintenance organizations formed under chapter 514B other than limited service organizations formed under section 514B.33.

Sec. 2. Section 508C.2, Code 2019, is amended to read as follows:

**508C.2 Purpose.**

1. The purpose of this chapter is to protect, subject to certain limitations, the persons specified in section 508C.3, subsection 1, against failure in the performance of contractual obligations under life, and health, insurance policies and annuity policies, plans, or contracts specified in section 508C.3, subsection 2, because of the impairment or insolvency of the member insurer which issued the policies, plans, or contracts.

2. To provide this protection, an association of member insurers is created to enable the guaranty of payments of benefits and of continuation of coverages as limited in by this chapter. Members of the association are subject to assessment to provide funds to carry out the purpose of this chapter.

Sec. 3. Section 508C.3, subsection 1, paragraphs a, b, and e, Code 2019, are amended to read as follows:

a. ~~Except~~ Persons, regardless of where they reside, except for nonresident certificate holders under group policies or contracts, persons who are the beneficiaries, assignees, or payees, including health care providers rendering services covered under health insurance policies, contracts, or certificates, of the persons covered under paragraph "b".

b. Persons who are owners of or certificate holders or enrollees under the policies or contracts specified in subsection 2, other than unallocated annuity contracts and structured settlement annuities, or are enrollees, insureds, or annuitants under the policies or contracts, and who are either of the following:

(1) Residents of this state.

(2) Nonresidents of this state if all of the following conditions are met:

(a) The state in which the person resides has an association similar to the association created in this chapter.

(b) The person is not eligible for coverage by an association described in subparagraph division (a) in any other state due to the fact that the insurer or the health maintenance

organization was not licensed in the state at the time specified in that state's guaranty association law.

(c) The member insurer that issued the policy or contract is domiciled in this state.

e. A person who is a resident of this state and, only in special circumstances, to a nonresident. In order to avoid duplicate coverage, if a person who would otherwise receive coverage under this chapter is provided coverage under the laws of any other state, that person shall not be provided coverage under this chapter. In determining the application of the provisions of this paragraph in ~~situations~~ a situation where a person could be provided coverage by the association of more than one state, whether as an owner, payee, enrollee, beneficiary, or assignee, this chapter shall be construed in conjunction with other state laws to result in coverage by the association of only one state.

Sec. 4. Section 508C.3, subsections 2, 3, and 4, Code 2019, are amended to read as follows:

2. This chapter shall provide coverage to the persons specified in subsection 1 under ~~policies or contracts of direct life insurance policies, health insurance policies including long-term care insurance and disability insurance policies, annuity contracts or annuities,~~ supplemental contracts, certificates under group policies or contracts, and unallocated annuity contracts issued by member insurers. For purposes of this chapter, health insurance shall include without limitation health maintenance organization subscriber contracts and certificates, long-term care insurance, and disability insurance policies.

3. Coverage under this chapter shall not be provided to any of the following:

a. A person who is a payee, or ~~the~~ a beneficiary of a payee if the payee is deceased, of a contract owner who is a resident of this state, if the payee or the beneficiary of the payee is provided any coverage by the association of another state.

b. A person who is covered pursuant to subsection 1, paragraph "c", if that person is provided any coverage by the association of another state.

c. A person who acquires rights to receive payments through a structured settlement factoring transaction as defined in 26 U.S.C. §5891(c)(3)(A), regardless of when the transaction occurred.

4. This chapter does not apply to any of the following:

a. ~~Any~~ Except for a portion of a policy or contract, including a rider, that provides coverage for long-term care or any health insurance benefits, any portion of a policy or contract to the extent that the rate of interest on which it is based or the interest rate, crediting rate, or similar factor determined by use of an index or other external reference stated in the policy or contract and employed in calculating returns or changes in value, averaged over the period of four years prior to the date on which the association becomes obligated with respect to the policy or contract, exceeds a rate of interest determined by subtracting two percentage points from Moody's corporate bond yield average for the same four-year period or over such lesser period if the policy or contract was issued less than four years before the association became obligated; and on or after the date on which the association becomes obligated with respect to the policy or contract, exceeds the rate of interest determined by subtracting three percentage points from Moody's corporate bond yield average as most recently available.

b. That portion or part of a policy or contract not guaranteed by the member insurer, or under which the risk is borne by the ~~policyholder~~ policy or contract holder.

c. A policy or contract or part of a policy or contract assumed by the impaired or insolvent insurer under a contract of reinsurance, other than reinsurance for which assumption certificates have been issued.

d. An unallocated annuity contract issued to or in connection with an employee benefit plan protected under the federal pension benefit guaranty corporation, regardless of whether the federal pension benefit guaranty corporation has yet become liable to make any payments with respect to the benefit plan, ~~or a~~.

e. A portion of an unallocated annuity contract which is not issued to or in connection with a specific employee, union, or association of natural persons, or any portion of a financial guarantee.

f. A policy or contract issued by a company which is licensed under chapter 509A, 512A, 512B, 514, 514B, 518, 518A, or 520, or under section 514B.33.

~~f.~~ g. Except for a policy issued pursuant to section 515.48, subsection 5, paragraph “a”, a policy or contract issued by a company which is licensed under chapter 515.

~~g.~~ h. A charitable gift annuity under chapter 508F.

~~h.~~ i. An annuity contract issued to a government lottery.

~~i.~~ j. A funding agreement under section 508.31A.

~~j.~~ k. An obligation that does not arise under the express written terms of a covered policy or contract issued by the member insurer to the enrollee, certificate holder, policy owner, or contract owner including without limitation all of the following:

(1) Claims A claim based on marketing materials.

(2) Claims A claim based on side letters, riders, or other documents that were issued by the member insurer without meeting applicable policy or contract form filing or approval requirements.

(3) Misrepresentation A claim based on misrepresentation of or misrepresentation regarding policy or contract benefits.

(4) Extra-contractual claims An extra-contractual claim.

(5) Claims A claim for penalties, consequential, or incidental damages.

~~k.~~ l. A contractual agreement that establishes a member insurer’s obligations to provide a book value accounting guaranty for defined contribution benefit plan participants by reference to a portfolio of assets that is owned by the benefit plan or its trustee, which in each case is not an affiliate of the member insurer.

~~l.~~ m. A portion of a covered policy to the extent it provides for interest or other change changes in value to be determined by the use of an index or other external reference stated in the covered policy, but which ~~has~~ have not been credited to the covered policy, or as to which the covered policy owner’s rights are subject to forfeiture, as of the date the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier. If a covered policy’s interest or change changes in value ~~is~~ are credited less frequently than annually, then for purposes of determining the values that have been credited and are not subject to forfeiture under the covered policy, the interest or change in value determined by using the procedures defined in the covered policy will be credited as if the contractual date of crediting interest or changing values was the date of impairment or insolvency, whichever is earlier, and will the crediting interest or changing value shall not be subject to forfeiture.

~~m.~~ n. A policy or contract issued in this state by a member insurer at a time the insurer was not licensed or did not have a certificate of authority to issue the policy or contract in this state.

~~n.~~ o. A portion of a policy or contract issued to a plan or program of an employer, association, or other person to provide life, health, or annuity benefits to employees, members, or others, to the extent that the plan or program is self-funded or uninsured, including but not limited to benefits payable by an employer, association, or other person under any of the following:

(1) 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.

(2) A minimum premium group insurance plan.

(3) A stop-loss group insurance plan.

(4) An administrative services-only contract.

~~o.~~ p. A portion of a policy or contract to the extent that it provides for any of the following:

(1) Dividends or experience rating credits.

(2) Voting rights.

(3) Payment of any fees or allowances to any person, including the policy or contract owner, in connection with service to or administration of the policy or contract.

~~p.~~ q. A portion of a policy or contract to the extent that the assessments authorized by section 508C.9 with respect to the policy or contract are preempted by federal or state law.

~~q.~~ r. A policy or contract providing any hospital, medical, prescription drug, or other health care benefits pursuant to any of the following:

(1) 42 U.S.C. ch. 7, subch. XVIII, Part C or Part D, commonly known as Medicare Part C and D pursuant to ~~Tit. XVIII of the federal Social Security Act~~, or any regulations issued pursuant thereto.

(2) 42 U.S.C. ch. 7, subch. XIX, commonly known as Medicaid, or any regulations issued pursuant thereto.

s. Structured settlement annuity benefits to which a payee or beneficiary has transferred the payee's or beneficiary's rights in a structured settlement factoring transaction as defined in 26 U.S.C. §5891(c)(3)(A).

Sec. 5. Section 508C.3, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 4A. a. The benefits that the association may become obligated to cover shall in no event exceed the lesser of either of the following:

(1) The contractual obligations for which the member insurer is liable or would have been liable if the member insurer were not an impaired or insolvent insurer.

(2) Any of the following:

(a) With respect to one life, regardless of the number of policies or contracts:

(i) Three hundred thousand dollars in life insurance death benefits, but not more than one hundred thousand dollars in net cash surrender and net cash withdrawal values for life insurance.

(ii) Five hundred thousand dollars for health benefit plans; three hundred thousand dollars for health insurance benefits which are disability income protection coverage as defined by the commissioner by rule pursuant to section 514D.4; three hundred thousand dollars for long-term care insurance as defined in section 514G.103; or one hundred thousand dollars for other health insurance benefits including any net cash surrender and net cash withdrawal values.

(iii) Two hundred fifty thousand dollars in the present value of annuity benefits, including net cash surrender and net cash withdrawal values.

(iv) With respect to each payee of a structured settlement annuity, or the beneficiary or beneficiaries of the payee if the payee is deceased, two hundred fifty thousand dollars in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values.

(b) (i) With respect to each individual participating in a retirement benefit plan established under section 401, 403(b), or 457 of the United States Internal Revenue Code, or each unallocated annuity contract account, excluding a plan established under section 401, 403(b), or 457 of the United States Internal Revenue Code, not more than two hundred fifty thousand dollars in the aggregate, in present value annuity benefits, including net cash surrender and net cash withdrawal values for the beneficiaries of the deceased individual.

(ii) However, the association shall not in any event be obligated to cover more than an aggregate of three hundred fifty thousand dollars in benefits with respect to any one life under subparagraph division (a) and this subparagraph division (b), except with respect to benefits for health benefit plans under subparagraph division (a), subparagraph subdivision (ii), in which case the aggregate liability of the association shall not exceed five hundred thousand dollars with respect to any one individual, or more than five million dollars in benefits to one owner of multiple nongroup policies of life insurance regardless of whether the policy or contract owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees, or other persons, and regardless of the number of policies and contracts held by the owner.

(c) With respect to a plan sponsor whose plan owns, directly or in trust, one or more unallocated annuity contracts not included under subparagraph division (b), not more than five million dollars in benefits, regardless of the number of contracts held by the plan sponsor. However, where one or more such unallocated annuity contracts are covered contracts under this chapter and are owned by a trust or other entity for the benefit of two or more plan sponsors, the association shall provide coverage if the largest interest in the trust or entity owning the contract is held by a plan sponsor whose principal place of business is in the state but in no event shall the association be obligated to cover more than five million dollars in benefits in the aggregate with respect to all such unallocated contracts.

b. The limitations on the association's obligation to cover benefits that are set forth under this subsection do not take into account the association's subrogation and assignment rights or the extent to which such benefits could be provided out of the assets of the impaired or insolvent insurer attributable to covered policies. The cost of the association's obligations

under this chapter may be met by the use of assets attributable to covered policies or reimbursed to the association pursuant to the association's subrogation and assignment rights.

c. For purposes of this chapter, benefits provided by a long-term care rider to a life insurance policy or annuity contract shall be considered the same type of benefits as the base life insurance policy or annuity contract to which the long-term rider relates.

Sec. 6. Section 508C.3, subsection 5, Code 2019, is amended to read as follows:

5. In performing its obligations to provide coverage under this chapter, the association shall not be required to guarantee, assume, reinsure, reissue, or perform, or cause to be guaranteed, assumed, reinsured, reissued, or performed, the contractual obligations of an insolvent or impaired insurer under a covered policy or contract that do not materially affect the economic values or economic benefits of the covered policy or contract.

Sec. 7. Section 508C.5, subsections 8, 10, 11, 12, 14, 17, 19, and 20, Code 2019, are amended to read as follows:

8. "Covered policy" or "covered contract" means a policy or contract, or a portion of a policy or contract, for which coverage is provided under section 508C.3.

10. "Impaired insurer" means a member insurer which, ~~after July 1, 1987~~, is not an insolvent insurer but and is placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

11. "Insolvent insurer" means a member insurer which, ~~after July 1, 1987~~, is placed under an order of liquidation with a finding of insolvency by a court of competent jurisdiction.

12. "Member insurer" means ~~a person~~ an insurer or health maintenance organization which is licensed or who which holds a certificate of authority to transact in this state any kind of insurance or health maintenance business for which coverage is provided under section 508C.3, and including a person an insurer or health maintenance organization whose license or certificate of authority in this state has been suspended, revoked, not renewed, or voluntarily withdrawn but does not including include any of the following:

a. An entity which is a licensed company specified in section 508C.3, subsection 4, paragraph "e" "f" or "f" "g".

b. A mandatory state pooling plan.

c. A mutual assessment company or other person which operates on an assessment basis.

d. An insurance exchange.

e. An entity which issues a charitable gift annuity under chapter 508F.

f. An entity whose only business in this state is operating as a managed care organization. For purposes of this paragraph, "managed care organization" means an entity that is under contract with the Iowa department of human services to provide services to Medicaid recipients and that also meets the definition of "health maintenance organization" in section 514B.1.

f. g. An entity similar to any of the entities enumerated in this subsection.

14. "Owner" of a policy of contract, "policy holder", "policy owner", or "contract owner" means the person who is identified as the legal owner of a policy or contract under the terms of the policy or contract or who is otherwise vested with legal title to the policy or contract through a valid assignment completed in accordance with the terms of the policy or contract and properly recorded as the owner on the books of the member insurer. "Owner", "policy holder", "policy owner", or "contract owner" does not include a person with a mere beneficial interest in a policy or contract.

17. "Premium" means amounts or consideration, by whatever name called, received on covered policies or contracts less returned premiums, considerations, and deposits and less dividends and experience credits. "Premium" does not include amounts for consideration received for policies or contracts or for the portions of policies or contracts for which coverage is not provided under section 508C.3, subsection 4, except that assessable premium shall not be reduced on account of the provisions of section 508C.3, subsection 4, paragraph "a", relating to interest limitations and section ~~508C.8~~ 508C.3, subsection ~~8~~ 4A, paragraph "a", subparagraph (2), subparagraph division (a), relating to limitations with respect to one

individual, one participant, and one policy or contract owner. “Premium” ~~also does~~ shall not include any of the following:

a. Premiums in excess of five million dollars on an unallocated annuity contract not issued under a governmental retirement plan, or its trustee, established under section 401, 403(b), or 457 of the United States Internal Revenue Code.

b. With respect to multiple nongroup policies of life insurance owned by one owner, whether the policy or contract owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees, or other persons, premiums in excess of five million dollars with respect to those policies or contracts, regardless of the number of policies or contracts held by the owner.

19. “*Receivership court*” means a court in an insolvent or impaired insurer’s state having jurisdiction over the conservation, rehabilitation, or liquidation of the insolvent or impaired insurer.

20. “*Resident*” means a person to whom a contractual obligation is owed and who resides in a state on the date of entry of a court order that determines a member insurer is an impaired insurer or a court order that determines a member insurer is an insolvent insurer. A person may be a resident of only one state, which in the case of a person other than a natural person shall be the state of that person’s principal place of business. A citizen of the United States who is a resident of a foreign country, or is a resident of a United States possession, territory, or protectorate that does not have an association similar to the association created by this chapter, shall be deemed a resident of the state or domicile of the member insurer that issued the policy or contract.

Sec. 8. Section 508C.5, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. “*Health benefit plan*” means any hospital or medical expense policy or certificate, or health maintenance organization subscriber contract or any other similar health contract. “*Health benefit plan*” does not include any of the following:

- a. Accident-only insurance.
- b. Credit insurance.
- c. Dental-only insurance.
- d. Vision-only insurance.
- e. Medicare supplement insurance.
- f. Benefits for long-term care, home health care, community-based care, or any combination thereof.
- g. Disability income insurance.
- h. Coverage for an onsite medical clinic.
- i. Specified disease, hospital confinement indemnity, or limited benefit health insurance if the specific type of coverage does not provide coordination of benefits and is provided under a separate policy or certificate.

Sec. 9. Section 508C.6, subsection 1, Code 2019, is amended to read as follows:

1. A nonprofit legal entity is created to be known as the Iowa life and health insurance guaranty association. All member insurers shall be and shall remain members of the association as a condition of their authority to transact insurance or health maintenance organization business in this state. The association shall perform its functions under the plan of operation established and approved under section 508C.10 and shall exercise its powers through the board of directors established in section 508C.7. For purposes of administration and assessment, the association shall maintain all of the following accounts:

- a. A health insurance account.
- b. A life insurance account.
- c. An annuity account ~~—A,~~ which shall include annuity contracts owned by a governmental retirement plan, or the plan’s trustee, established under section 401, 403(b), or 457 of the United States Internal Revenue Code shall be covered by the annuity account, but shall otherwise exclude unallocated annuities.
- d. An unallocated annuity contract account, excluding plans which shall exclude contracts owned by a governmental retirement benefit plan, or the plan’s trustee, established under section 401, 403(b), or 457 of the United States Internal Revenue Code.

Sec. 10. Section 508C.7, subsections 1 and 2, Code 2019, are amended to read as follows:

1. The board of directors of the association shall consist of not less than ~~five~~ seven nor more than ~~nine~~ eleven member insurers serving terms as established in the plan of operation. The members of the board shall be selected by member insurers, subject to the approval of the commissioner. Vacancies on the board shall be filled for the remaining period of the term by a majority vote of the remaining board members, subject to the approval of the commissioner. To select the initial board of directors, and initially organize the association, the commissioner shall give notice to all member insurers of the time and place of the organizational meeting. In determining voting rights at the organizational meeting, ~~each member insurer is~~ shall be entitled to one vote in person or by proxy. If the board of directors is not selected within sixty days after notice of the organizational meeting, the commissioner may appoint the initial members.

2. In approving selections or in appointing members to the board, the commissioner shall consider, among other factors, whether all member insurers, including member insurers that primarily write life insurance, annuity contracts, or health benefit plans, are fairly represented.

Sec. 11. Section 508C.8, subsections 1 and 2, Code 2019, are amended to read as follows:

1. If a ~~domestic, foreign, or alien~~ member insurer is an impaired insurer, the association, subject to conditions imposed by the association and approved by the impaired insurer and the commissioner, may take any of the following actions:

a. Guarantee, assume, reissue, reinsure, or cause to be guaranteed, assumed, reissued, or reinsured, any or all of the covered policies of the impaired insurer.

b. Provide moneys, pledges, notes, guarantees, or other means as proper to effectuate paragraph "a" and assure payment of the contractual obligations of the impaired insurer pending action under paragraph "a".

c. Loan money to the impaired insurer and guarantee borrowings by the impaired insurer, provided the association has concluded, based on reasonable assumptions, that there is a likelihood of repayment of the loan and a probability that unless a loan is made the association would incur substantial liabilities under subsection 2.

2. If a member insurer is an insolvent insurer, the association may in its discretion do any of the following:

a. The association may do either of the following:

(1) Guarantee, assume, reissue, or reinsure, or cause to be guaranteed, assumed, reissued, or reinsured the covered policies or contracts of an insolvent insurer.

(2) Assure payment of the contractual obligations of the insolvent insurer.

b. Provide moneys, pledges, notes, guarantees, or other means as reasonably necessary to discharge the association's duties described in this subsection.

c. Provide benefits and coverages in accordance with all of the following provisions:

(1) With respect to ~~life and health insurance policies or contracts and annuity contracts,~~ assure payment of benefits for ~~premiums identical to the premiums and benefits, except for conversion and renewability,~~ that would have been payable under the policies or contracts of the insolvent insurer for the following claims incurred as follows:

(a) With respect to group policies ~~or~~ and contracts, not later than the earlier of the next renewal date under those policies or contracts or forty-five days, but in no event less than thirty days, after the date on which the association becomes obligated with respect to ~~those~~ the policies or contracts.

(b) With respect to nongroup policies or contracts not later than the earlier of the next renewal date, if any, under those policies or contracts or one year, but in no event less than thirty days, from the date on which the association becomes obligated with respect to the policies or contracts.

(2) Make diligent efforts to provide all known insureds, enrollees, or annuitants, for nongroup policies or contracts, or group policy or contract owners, with respect to group policies or contracts, thirty days' notice of the termination, pursuant to subparagraph (1), of the benefits provided pursuant to subparagraph (1).

(3) With respect to nongroup ~~life and health insurance policies or~~ and contracts covered by the association, make available to each known insured, enrollee, or annuitant, or owner



if other than the insured or annuitant, and with respect to an individual formerly an insured, enrollee, or formerly an annuitant under a group policy or contract who is not eligible for replacement group coverage, substitute coverage on an individual basis in accordance with the provisions of subparagraph (4), if the insureds, enrollees, or annuitants had a right under law or under the terminated policy, or contract, or annuity to convert coverage to individual coverage or to continue an individual policy, or contract, or annuity in force until a specified age or for a specified time, during which the member insurer had no right to unilaterally make changes in any provision of the policy, or contract, or annuity or had a right only to make changes in premium by class.

(4) In providing the substitute coverage required under subparagraph (3), the association may offer either to reissue the terminated coverage or to issue an alternative policy or contract at actuarially justified rates.

(a) Reissued or alternative policies or contracts shall be offered without requiring evidence of insurability, and shall not provide for any waiting period or exclusion that would not have applied under the terminated policy or contract.

(b) The association may reinsure any reissued or alternative policy or contract.

(5) Alternative policies or contracts adopted by the association shall be subject to the approval of the domiciliary insurance commissioner and the receivership court. The association may adopt alternative policies or contracts of various types for future issuance without regard to any particular impairment or insolvency of an insurer.

(a) Alternative policies or contracts shall contain at least the minimum statutory provisions required in this state and shall provide benefits that are not unreasonable in relation to the premium charged. The association shall set the premium in accordance with a table of rates that the association shall adopt. The premium shall reflect the amount of insurance to be provided and the age and class of risk of each insured, but shall not reflect any changes in the health of the insured after the original policy or contract was last underwritten.

(b) Any alternative policy or contract issued by the association shall provide coverage of a type similar to that of the policy or contract issued by the impaired or insolvent insurer, as determined by the association.

(6) If the association elects to reissue terminated coverage at a premium rate different from that charged under the terminated policy or contract, the premium shall be actuarially justified and set by the association in accordance with the amount of insurance or coverage provided and the age and class of risk, subject to approval of the domiciliary insurance commissioner and the receivership court.

(7) The association's obligations with respect to coverage under any policy or contract of an the impaired or insolvent insurer or under any reissued or alternative policy or contract, shall cease on the date the coverage, or policy, or contract, is replaced by another similar policy or contract by the policy or contract owner, the insured, the enrollee, or the association.

(8) When proceeding under this paragraph "c" with respect to a policy or contract carrying guaranteed minimum interest rates, the association shall assure the payment or crediting of a rate of interest consistent with section 508C.3, subsection 4, paragraph "a".

(9) Nonpayment of premiums within thirty-one days after the date required under the terms of any guaranteed, assumed, alternative, or reissued policy, contract, or substitute coverage shall terminate the association's obligations under the policy, contract, or coverage under this chapter with respect to the policy, contract, or coverage, except with respect to any claims incurred or any net cash surrender value which may be due under this chapter.

(10) Premiums due for coverage after entry of an order of liquidation of an insolvent insurer shall belong to the association and be payable at the direction of the association. If the liquidator of an insolvent insurer requests, the association shall provide a report to the liquidator regarding the premiums collected by the association. The association shall be liable for unearned premiums due to policy or contract owners arising after the entry of the order of liquidation.

(11) The protection provided by this chapter shall not apply where any guaranty protection is provided to a resident of this state by the laws of the domiciliary state or by jurisdiction of the impaired or insolvent insurer by an entity other than this state.

Sec. 12. Section 508C.8, subsection 6, Code 2019, is amended to read as follows:

6. *a.* The association shall have standing to appear or intervene before any court or agency in this state with jurisdiction over an impaired or insolvent insurer concerning which the association is or may become obligated under this chapter or with jurisdiction over any person or property against which the association may have rights through subrogation or otherwise. Standing shall extend to all matters germane to the powers and duties of the association including but not limited to proposals for reinsuring, reissuing, modifying, or guaranteeing the covered policies or contracts of the impaired or insolvent insurer and the determination of the covered policies or contracts, and contractual obligations. The association shall also have the right to appear or intervene before any court or agency in another state with jurisdiction over an impaired or insolvent insurer for which the association is or may become obligated or with jurisdiction over any person or property against whom the association may have rights through subrogation or otherwise.

*b.* As a creditor of an impaired or insolvent insurer as provided under section 508C.13, subsection 3, and consistent with the provisions of section 507C.34, the association and other similar associations shall be entitled to receive a disbursement of assets out of the marshaled assets, from time to time as the assets become available to reimburse the association or similar associations, as a credit against contractual obligations under this chapter. If the liquidator has not, within one hundred twenty days of a final determination of insolvency of ~~an~~ a member insurer by the receivership court, made an application to the court for the approval of a proposal to disburse assets out of marshaled assets to guaranty associations having obligations because of the insolvency, the association or similar associations shall be entitled to make application to the receivership court for approval of ~~its own~~ the association's or the similar association's proposal to disburse ~~these~~ the assets.

Sec. 13. Section 508C.8, subsection 7, paragraphs a and c, Code 2019, are amended to read as follows:

*a.* A person receiving benefits under this chapter is deemed to have assigned the rights under, and any causes of action against any person for losses arising under, resulting from, or otherwise relating to, the covered policy or contract to the association to the extent of the benefits received under this chapter, whether the benefits are payments of contractual obligations or on account of contractual obligations, a continuation of coverage, or ~~the~~ provision of substitute or alternative policies, contracts, or coverages. The association may require an assignment to the association of the rights and causes of action by any enrollee, payee, policyholder, policy or contract owner, beneficiary, insured, or annuitant as a condition precedent to the receipt of any ~~rights~~ right or benefits conferred by this chapter upon the person. The association shall be subrogated to ~~these~~ the rights of any enrollee, payee, policy or contract holder, beneficiary, insured, or annuitant against the assets of the impaired or insolvent insurer.

*c.* In addition to the rights pursuant to ~~subsection 3,~~ paragraphs "a" and "b", the association shall have all common law rights of subrogation and any other equitable or legal remedy which would have been available to the impaired ~~or insurer,~~ insolvent insurer, ~~or owner,~~ beneficiary, enrollee, or payee of a covered policy or covered contract with respect to the covered policy or covered contract, including without limitation, in the case of a structured settlement annuity, any rights of the owner, beneficiary, or payee of the annuity, to the extent of benefits received pursuant to this chapter, against ~~the~~ a person originally or by succession responsible for the losses arising from the personal injury relating to the annuity or payment for the annuity, excepting any such person responsible solely by reason of serving as an assignee in respect of a qualified assignment under section 130 of the Internal Revenue Code.

Sec. 14. Section 508C.8, subsection 8, Code 2019, is amended by striking the subsection.

Sec. 15. Section 508C.8, subsection 10, paragraph g, Code 2019, is amended to read as follows:

*g.* For the purposes of this chapter and to the extent approved by the commissioner, exercise the powers of a domestic life ~~or insurer,~~ health insurer. ~~However, or health maintenance organization,~~ but the association shall not issue ~~insurance~~ policies or ~~annuity~~

contracts other than those issued to perform the ~~contractual association's~~ obligations of the ~~impaired or insolvent insurer~~ under this chapter.

Sec. 16. Section 508C.8, subsection 10, Code 2019, is amended by adding the following new paragraphs:

NEW PARAGRAPH. i. Unless prohibited by law, in accordance with the terms and conditions of the policy or contract, file for actuarially justified rate or premium increases for any policy or contract for which the association provides coverage under this chapter.

NEW PARAGRAPH. j. Take other necessary or appropriate action to discharge the association's duties and obligations under this chapter or to exercise the association's powers under this chapter.

Sec. 17. Section 508C.8, subsection 11, paragraph a, subparagraph (3), subparagraph division (c), Code 2019, is amended to read as follows:

(c) Within thirty days following the date of election, the association and each reinsurer under reinsurance contracts assumed by the association shall calculate the net balance due to or from the association under each reinsurance contract as of the date of election with respect to policies or contracts covered, in whole or in part, by the association, which calculation shall give full credit to all items paid by either the member insurer or its receiver or the reinsurer prior to the date of election. The reinsurer shall pay the receiver any amounts due for losses or events prior to the date of the order of liquidation, subject to any setoff for premiums unpaid for periods prior to the date of the order for liquidation, and the association or reinsurer shall pay any remaining balance due the other, in each case within five days of the completion of the aforementioned calculation. Any ~~disputes~~ dispute over the amounts due to either the association or the reinsurer shall be resolved by arbitration pursuant to the terms of the affected reinsurance ~~contracts~~ contract or, if the contract ~~contains no~~ does not contain an arbitration clause, as otherwise provided by law. If the receiver has received any amounts due the association pursuant to subparagraph division (b), the receiver shall remit the same amounts to the association as promptly as practicable.

Sec. 18. Section 508C.8, subsection 11, paragraph f, subparagraph (3), Code 2019, is amended to read as follows:

(3) Give a policyholder, contract holder, enrollee, certificate holder, or beneficiary an independent cause of action against a reinsurer that is not otherwise set forth in the reinsurance contract.

Sec. 19. Section 508C.8, subsection 15, unnumbered paragraph 1, Code 2019, is amended to read as follows:

In carrying out its duties in connection with guaranteeing, assuming, reissuing, or reinsuring policies or contracts under subsections 2 1 and 3 2, the association may, ~~subject to approval of the receivership court,~~ issue substitute coverage for a policy or contract that provides an interest rate, crediting rate, or similar factor determined by the use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value by issuing an alternative policy or contract in accordance with the following provisions:

Sec. 20. Section 508C.9, subsection 3, Code 2019, is amended to read as follows:

3. a. The amount of a class A assessment shall be determined by the board and may be authorized and called on a pro rata or non-pro rata basis. If pro rata, the board may provide that the assessment be credited against future class B assessments. ~~The total of all non-pro rata assessments shall not exceed three hundred dollars per member insurer in any one calendar year. The amount of a class B assessment shall be allocated for assessment purposes among the accounts pursuant to an allocation formula which may be based on the premiums or reserves of the impaired or insolvent insurer or on any other standard deemed by the board in its sole discretion as being fair and reasonable under the circumstances.~~

b. The amount of a class B assessment, except for assessments related to long-term care insurance, shall be allocated for assessment purposes among the accounts pursuant to an allocation formula which may be based on the premiums or the reserves of the impaired or

insolvent insurer or any other standard deemed by the board in its sole discretion as being fair and reasonable under the circumstances.

c. The amount of the class B assessment for long-term care insurance written by the impaired or insolvent insurer shall be allocated according to a methodology included in the plan of operation pursuant to section 508C.10, and as approved by the commissioner. The methodology shall provide for fifty percent of the assessment to be allocated to accident and health member insurers and fifty percent to be allocated to life and annuity member insurers.

b. d. Class B assessments against member insurers for each account shall be in the proportion that the average of the aggregate premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account for the three most recent calendar years for which information is available, preceding the year in which the member insurer became insolvent, or, in the case of an assessment with respect to an impaired insurer, the three most recent calendar years for which information is available preceding the year in which the member insurer became impaired, bears to the premiums received on business in this state for those calendar years by all assessed member insurers.

e. e. Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer shall not be authorized or called until necessary to implement the purposes of this chapter. Classification of assessments under subsection 2 and computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible. The association shall notify each member insurer of its anticipated pro rata share of an authorized assessment not yet called within one hundred eighty days after the assessment is authorized.

Sec. 21. Section 508C.9, subsection 5, paragraph a, subparagraphs (1) and (2), Code 2019, are amended to read as follows:

(1) Subject to the provisions of subparagraph (2) of this paragraph “a”, the total of all assessments authorized by the association with respect to a member insurer for each of the accounts established pursuant to section 508C.6, and designated as the health ~~insurane~~ account, the life insurance account, the annuity account, and the unallocated annuity contract account, shall not in any one calendar year exceed two percent of that member insurer’s average annual premiums received in this state on the policies and contracts covered by the account during the three calendar years preceding the year in which the member insurer becomes impaired or insolvent.

(2) If two or more assessments are authorized in one calendar year with respect to member insurers that become impaired or insolvent in different calendar years, the average annual premiums for purposes of the aggregate assessment percentage limitation referred to in subparagraph (1) of this paragraph “a” shall be equal and limited to the higher of the three-year average annual premiums for the applicable account as calculated pursuant to this section.

Sec. 22. Section 508C.9, subsections 6, 7, and 8, Code 2019, are amended to read as follows:

6. By an equitable method as established in the plan of operation, the board may refund to member insurers, in proportion to the contribution of each member insurer to that account, the amount by which the assets of the account, including assets accruing from assignment, subrogation, net realized gains, and income from investments, exceed the amount the board finds is necessary to carry out during the coming year the obligations of the association with regard to that account. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses claims.

7. In determining its premium rates and ~~policyowner~~ policy owner dividends as to any kind of insurance or health maintenance organization business within the scope of this chapter, it is proper for a member insurer to consider the amount reasonably necessary to meet its assessment obligations under this chapter.

8. The association shall issue to each member insurer paying a class B assessment under this chapter, a certificate of contribution in a form prescribed by the commissioner for the amount of the assessment so paid. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may

be shown by the member insurer in its financial statement as an asset in the form, for the amount, and for a period of time as the commissioner may approve.

Sec. 23. Section 508C.10, subsection 1, paragraph b, Code 2019, is amended to read as follows:

b. If the association fails to submit a suitable plan of operation ~~within one hundred eighty days following July 1, 1987,~~ or if at any time the association fails to submit suitable amendments to the plan, the commissioner shall, after notice and hearing, adopt rules pursuant to chapter 17A as necessary or advisable to effectuate this chapter. The rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

Sec. 24. Section 508C.11, subsections 1 and 2, Code 2019, are amended to read as follows:

1. The commissioner shall:

a. Upon request of the board of directors, provide the association with a statement of the premiums for each member insurer.

b. When an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time. Notice to the impaired insurer constitutes notice to its shareholders, if any. The failure of the impaired insurer to promptly comply with the demand shall not excuse the association from the performance of its powers and duties under this chapter.

2. After notice and hearing, the commissioner may suspend or revoke the certificate of authority to transact insurance business in this state of a member insurer which fails to pay an assessment when due, or fails to comply with the plan of operation. As an alternative, the commissioner may levy an administrative penalty on any member insurer which fails to pay an assessment when due. The administrative penalty shall not exceed five percent of the unpaid assessment per month. However, an administrative penalty shall not be less than one hundred dollars per month.

Sec. 25. Section 508C.12, subsection 1, unnumbered paragraph 1, Code 2019, is amended to read as follows:

To aid in the detection and prevention of member insurer insolvencies or impairments the commissioner shall:

Sec. 26. Section 508C.12, subsection 1, paragraph a, subparagraph (1), subparagraph division (c), Code 2019, is amended to read as follows:

(c) A formal order is made that a ~~company~~ member insurer restrict its premium writing, obtain additional contributions to surplus, withdraw from the state, reinsure all or any part of its business, or increase capital, surplus, or any other account for the security of policyholders, contract owners, certificate holders, or creditors.

Sec. 27. Section 508C.12, subsections 2, 3, and 6, Code 2019, are amended to read as follows:

2. The commissioner may seek the advice and recommendations of the board of directors concerning any matter affecting the commissioner's duties and responsibilities regarding the financial condition of member insurers, and companies insurers or health maintenance organizations seeking admission to transact insurance business in this state.

3. The board of directors may upon majority vote make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation, or conservation of a member insurer or germane to the solvency of ~~a company~~ an insurer or health maintenance organization seeking to transact insurance business in this state. These reports and recommendations are not public records pursuant to chapter 22.

6. Upon majority vote, the board of directors may make recommendations to the commissioner for the detection and prevention of member insurer insolvencies.

Sec. 28. Section 508C.13, subsections 3 and 4, Code 2019, are amended to read as follows:

3. For the purpose of carrying out its obligations under this chapter, the association shall be deemed to be a creditor of the impaired or insolvent insurer to the extent of assets attributable

to covered policies reduced by any amounts to which the association is entitled pursuant to its subrogation rights under section 508C.8, subsection 7. Assets of the impaired or insolvent insurer attributable to covered policies or contracts shall be used to continue all covered policies or contracts and pay all contractual obligations of the impaired or insolvent insurer as required by this chapter. As used in this subsection, “*assets attributable to covered policies”* ~~“*assets attributable to covered policies or contracts*”~~ means that proportion of the assets which the reserves that should have been established for the policies or contracts bear to the reserves that should have been established for all policies of insurance or health benefit plans written by the impaired or insolvent insurer.

4. a. Prior to the termination of a liquidation, rehabilitation, or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, ~~similar associations of other states~~, the shareholders, contract owners, certificate holders, enrollees, and policyowners ~~policy owners~~ of the insolvent insurer, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of the insolvent insurer. When considering the contributions, consideration shall be given to the welfare of the ~~policyholders~~ contract owners, certificate holders, enrollees, and policy owners of the continuing or successor member insurer.

b. A distribution to stockholders, if any, of an impaired or insolvent insurer shall not be made until the total amount of valid claims of the association and of similar associations of other states for funds expended in carrying out its powers and duties under section 508C.8 with respect to the member insurer have been fully recovered by the association and the similar associations.

Sec. 29. Section 508C.13, subsection 5, paragraphs a, b, and c, Code 2019, are amended to read as follows:

a. Subject to the limitations of paragraphs “b”, “c”, and “d”, if an order for liquidation or rehabilitation of ~~an~~ a member insurer domiciled in this state has been entered, the receiver appointed under the order may recover, on behalf of the member insurer, from any affiliate that controlled it, the amount of distributions other than stock dividends paid by the member insurer on its capital stock, made at any time during the five years preceding the petition for liquidation or rehabilitation.

b. Distributions are not recoverable if the member insurer shows that when paid the distributions were lawful and reasonable and that the member insurer did not know and could not reasonably have known that the distributions might adversely affect the ability of the member insurer to fulfill its contractual obligations.

c. A person who was an affiliate that controlled the member insurer at the time the distributions were paid is ~~shall be~~ liable up to the amount of distributions received. A person who was an affiliate that controlled the member insurer at the time the distributions were declared is ~~shall be~~ liable up to the amount of distributions that would have been received if ~~they~~ the distributions had been paid immediately. If two or more persons are liable with respect to the same distributions, ~~they~~ the persons are jointly and severally liable.

Sec. 30. Section 508C.18, Code 2019, is amended to read as follows:

**508C.18 Prohibited advertisements.**

A person, including ~~an~~ a member insurer, agent, or affiliate of ~~an~~ a member insurer, shall not make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over a radio station or television station, or in any other way, an advertisement, announcement, or statement, written or oral, which uses the existence of the insurance guaranty association of this state for the purpose of sales, solicitation, or inducement to purchase any form of insurance or other coverage covered by this chapter. However, this section does not apply to the association or any other entity which does not sell or solicit insurance or coverage by a health maintenance organization.

Sec. 31. Section 508C.18A, subsection 1, Code 2019, is amended to read as follows:

1. ~~a. On or after March 1, 2012, an~~ A member insurer shall not deliver ~~an insurance~~ a policy or contract in Iowa to the owner of the policy or owner, contract owner, certificate holder, or enrollee unless a summary document describing the general purposes and current provisions of this chapter and containing a disclosure in compliance with subsection 2 is delivered to the ~~policy or owner, contract owner, certificate holder, or enrollee~~ at the same time.

~~b. The summary document shall also be available upon request by an insurance~~ a policy or owner, contract owner, certificate holder, or enrollee.

~~c. The distribution, delivery, contents, or interpretation of this~~ the summary document does not guarantee that either the ~~insurance policy or contract,~~ the policy owner, ~~of the policy or contract owner, certificate holder, or enrollee,~~ is covered in the event of the impairment or insolvency of a member insurer.

~~d. The summary document shall be revised by the association and approved by the commissioner as amendments to this chapter may require. Failure to receive a summary document does not give the insurance policy or contract owner, certificate holder, enrollee, or insured any greater rights than those stated in this chapter.~~

Sec. 32. Section 508C.18A, subsection 2, paragraphs b, d, e, and g, Code 2019, are amended to read as follows:

~~b. Prominently warn the insurance policy or contract owner, certificate holder, or enrollee that the association may not cover the policy or contract or, if coverage is available, it will be subject to substantial limitations and exclusions and conditioned on continued residence in this state.~~

~~d. State that the member insurer and its~~ the member insurer's agents are prohibited by law from using the existence of the association for the purpose of sales, solicitation, or inducement to purchase any form of insurance or health maintenance organization coverage.

~~e. State that the insurance policy or owner, contract owner, certificate holder, or enrollee should not rely on coverage from the association when selecting an insurer or health maintenance organization.~~

~~g. Provide other information as directed by the commissioner, including but not limited to sources for information about the financial condition of an~~ a member insurer provided that the information is not proprietary and is subject to disclosure under chapter 22.

Sec. 33. Section 508C.18A, subsection 3, Code 2019, is amended to read as follows:

3. A member insurer shall retain evidence of compliance with the provisions of this section for as long as the ~~insurance policy or contract~~ for which the notice is given remains in effect.

Sec. 34. Section 514B.25A, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

**514B.25A Impairment and insolvency protection.**

The provisions of chapter 508C shall apply to health maintenance organizations.

Sec. 35. APPLICABILITY. This Act applies to any member insurer that becomes insolvent or unable to fulfill the member insurer's contractual obligations on or after the effective date of this Act.

Sec. 36. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment. <sup>1</sup>

Approved March 29, 2019

<sup>1</sup> Sections 35 and 36 reflect the original language of the document that was passed by the General Assembly and signed by the Governor. Hard bound editions of the 2019 Iowa Acts contain incorrect versions of the sections as a result of a computer error which occurred due to a manual change in the metadata in the underlying legislation that was made after final proofreading and approval of the 2019 Iowa Acts.

**CHAPTER 13****STUDENT LOAN DELINQUENCIES AND DEFAULTS — LICENSING SANCTIONS  
PROHIBITED***S.F. 304*

**AN ACT** relating to licensing sanctions against individuals who default or are delinquent on student loan debt or on a related service obligation.

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

Section 1. Section 272.2, Code 2019, is amended by adding the following new subsection: NEW SUBSECTION. 21. Adopt rules under chapter 17A to prohibit the suspension or revocation of a license issued by the board to a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

Sec. 2. Section 272C.4, subsection 10, Code 2019, is amended by striking the subsection and inserting in lieu thereof the following:

10. Adopt rules under chapter 17A to prohibit the suspension or revocation of a license issued by the board to a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

Sec. 3. REPEAL. Sections 261.121, 261.122, 261.123, 261.124, 261.125, 261.126, and 261.127, Code 2019, are repealed.

Approved April 8, 2019

**CHAPTER 14****SOLID WASTE — RECOVERY AND CONVERSION — GASIFICATION AND PYROLYSIS  
FACILITIES***S.F. 534*

**AN ACT** relating to the use of gasification and pyrolysis facilities for the conversion of certain recoverable waste materials.

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

Section 1. Section 455B.301, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 9A. “*Gasification*” means a process through which recoverable feedstocks are heated and converted into a fuel and gas mixture in an oxygen-deficient atmosphere and the mixture is converted to crude oil, diesel, gasoline, home heating oil, or other fuels; chemicals, waxes, lubricants, chemical feedstocks, diesel and gasoline blendstocks, or other raw materials; or intermediate or final products that are returned to the economic mainstream in the form of raw materials, products, or fuels.

NEW SUBSECTION. 9B. “*Gasification facility*” means a facility that receives, separates, stores, and converts post-use polymers and recoverable feedstocks using gasification. A gasification facility is not a sanitary disposal project, solid waste disposal facility, or processing facility.



NEW SUBSECTION. 16A. “*Post-use polymer*” means a plastic polymer to which all of the following apply:

a. The plastic polymer is derived from any industrial, commercial, agricultural, or domestic activities.

b. The plastic polymer is used or is intended to be used to manufacture crude oil, fuels, feedstocks, blendstocks, raw materials, or other intermediate products or final products using pyrolysis or gasification.

c. The plastic polymer may contain incidental contaminants or impurities, such as paper labels or metal rings.

NEW SUBSECTION. 18A. “*Pyrolysis*” means a process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed and are then cooled, condensed, and converted to crude oil, diesel, gasoline, home heating oil, or other fuels; chemicals, waxes, lubricants, chemical feedstocks, diesel and gasoline blendstocks, or other raw materials; or intermediate or final products that are returned to the economic mainstream in the form of raw materials, products, or fuels.

NEW SUBSECTION. 18B. “*Pyrolysis facility*” means a facility that receives, separates, stores, and converts post-use polymers using pyrolysis. A pyrolysis facility is not a sanitary disposal project, solid waste disposal facility, or processing facility.

NEW SUBSECTION. 18C. “*Recoverable feedstock*” means one or more of the following materials derived from recoverable waste that has been processed so that it may be used as feedstock in a gasification facility:

a. Post-use polymers.

b. Materials for which the United States environmental protection agency has made a nonwaste determination pursuant to 40 C.F.R. 241.3(c), or has otherwise determined are not solid waste.

Sec. 2. Section 455B.301, subsections 21, 23, and 24, Code 2019, are amended to read as follows:

21. “*Sanitary disposal project*” means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director. “*Sanitary disposal project*” does not include a pyrolysis or gasification facility.

23. “*Solid waste*” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. “*Solid waste*” may include vehicles, as defined by section 321.1, subsection 90. This definition does not prohibit the use of rubble at places other than a sanitary disposal project. “*Solid waste*” does not include any of the following:

a. Hazardous waste regulated under the federal Resource Conservation and Recovery Act, 42 U.S.C. §6921-6934.

b. Hazardous waste as defined in section 455B.411, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the commission.

c. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

d. Petroleum contaminated soil that has been remediated to acceptable state or federal standards.

e. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

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

g. Post-use polymers or recoverable feedstocks that are any of the following:

(1) Processed at a pyrolysis or gasification facility.

(2) Held at a pyrolysis or gasification facility prior to processing to ensure production is not interrupted.

24. “*Waste conversion technologies*” means thermal, chemical, mechanical, and biological processes capable of converting waste from which recyclable materials have been

substantially diverted or removed into useful products and chemicals, green fuels such as ethanol and biodiesel, and clean, renewable energy. “Waste conversion technologies” includes but is not limited to anaerobic digestion, plasma gasification, and pyrolysis, except the term does not include gasification and pyrolysis facilities that process post-use polymers or recoverable feedstocks.

Sec. 3. NEW SECTION. 455B.305B Pyrolysis or gasification material ownership.

Preprocessed and postprocessed post-use polymers and recoverable feedstocks stored at a pyrolysis facility or gasification facility are the sole property of the pyrolysis facility or gasification facility. Within sixty days of termination of operations at the facility, all unused preprocessed and postprocessed post-use polymers and recoverable feedstocks must be sold or disposed of by the pyrolysis facility or gasification facility in compliance with applicable laws.

Sec. 4. REPEAL. Section 455D.15A, Code 2019, is repealed.

Approved April 8, 2019

## CHAPTER 15

### IMPLEMENTS OF HUSBANDRY — WEIGHT LIMITATIONS

*S.F. 555*

**AN ACT** relating to weight limitations for certain implements of husbandry.

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

Section 1. Section 321.463, subsection 4, paragraph a, Code 2019, is amended to read as follows:

a. (1) ~~Self-propelled implements~~ Notwithstanding any provision of this section to the contrary, the weight on any one axle of a self-propelled implement of husbandry used exclusively for the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals, unless traveling under a permit issued pursuant to section 321E.8A, operated on the highways of this state shall be operated in compliance with this section not exceed twenty-five thousand pounds.

(2) A self-propelled implement of husbandry used exclusively for the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals shall comply with the other provisions of this section and chapter when operated over a bridge in this state, other than any provision limiting the weight on any one axle to less than twenty-five thousand pounds. A local authority may issue a special permit, based on a statewide standard developed by the department, allowing the operation over a bridge within its jurisdiction of such a self-propelled implement of husbandry with a weight in excess of the weights allowed under this chapter.

Sec. 2. Section 321E.3, subsection 1, Code 2019, is amended to read as follows:

1. Permits issued under this chapter shall be issued by the authority responsible for the maintenance of the system of highways or streets. However, the department may issue permits on primary road extensions in cities in conjunction with movements on the rural primary road system. The department may issue an all-systems permit under section 321E.8 which is valid for movements on all highways or streets under the jurisdiction of either the state or those local authorities that have indicated to the department in writing, including by means of electronic communication, those streets or highways for which an all-systems permit is not valid. ~~The department may issue annual permits pursuant to section 321E.8A valid only for operation on noninterstate highways in counties stipulated in the permit.~~

Sec. 3. Section 321E.7, subsection 4, Code 2019, is amended by striking the subsection.

Sec. 4. REPEAL. Section 321E.8A, Code 2019, is repealed.

Approved April 8, 2019

## CHAPTER 16

### PORTABLE ELECTRONICS INSURANCE — ELECTRONIC NOTICES TO CONSUMER

S.F. 559

**AN ACT** relating to insurance notices and documents delivered by electronic means to a consumer that purchases portable electronics insurance in a retail transaction.

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

Section 1. Section 505B.1, subsection 1, paragraph a, unnumbered paragraph 1, Code 2019, is amended to read as follows:

*“Delivered or deliver or delivery by electronic means”* means any of the following:

Sec. 2. Section 505B.1, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 4A. a. For purposes of this subsection, *“consumer”* and *“portable electronics insurance”* mean the same as defined in section 522E.1.

b. Notwithstanding subsection 4, affirmative consent from a party to have notices and documents delivered by electronic means for portable electronics insurance sold pursuant to chapter 522E is obtained if a consumer provides an electronic mail address and the consumer is provided at the point of sale, or prior to the point of sale, a conspicuously located disclosure advising the consumer that the consumer is giving affirmative consent. The disclosure must also advise the consumer of the consumer’s right to receive a paper copy of notices and documents and of the process by which the consumer can opt out of delivery by electronic means.

Sec. 3. Section 522E.1, subsection 2, Code 2019, is amended to read as follows:

2. *“Consumer”* means a person who purchases portable electronics or portable electronics insurance in a retail transaction.

Sec. 4. Section 522E.1, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 2A. *“Delivered or deliver by electronic means”* means the same as defined in section 505B.1.

Sec. 5. Section 522E.9, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 7. In order for all portable electronic insurance notices and documents to be delivered by electronic means to the consumer, affirmative consent shall be obtained pursuant to section 505B.1, subsection 4A.

Sec. 6. Section 522E.13, subsections 5 and 6, Code 2019, are amended to read as follows:  
5. If a portable electronics insurance policy is terminated by the licensed portable electronics vendor that is the policyholder, the portable electronics vendor shall deliver by mail or deliver by electronic means a written notice to each enrolled consumer advising the enrolled consumer of the termination of the policy and the effective date of termination. The written notice shall be ~~mailed or~~ delivered by the portable electronics vendor to the enrolled consumer at least thirty calendar days prior to the termination. However, if the notice is not sent within thirty calendar days, enrollment shall continue until thirty calendar days from the date the portable electronics vendor sends notice of termination to the enrolled consumer or until a new portable electronics insurance policy is in effect.

6. Whenever notice or correspondence with respect to a policy of portable electronics insurance is required pursuant to this section, it shall be in writing and sent within the notice period required pursuant to this section. Notices and correspondence shall be sent to the licensed portable electronics vendor that is the policyholder at the portable electronics vendor's mailing or electronic mail address specified for that purpose and to its affected enrolled consumers' last known mailing or electronic mail addresses on file with the insurer or the portable electronics vendor. All notices and documents that are delivered by electronic means shall comply with section 505B.1, except for the provisions in<sup>1</sup> subsection 4. The insurer or portable electronics vendor shall maintain proof that the notice or correspondence was sent for not less than three years after that notice or correspondence was sent.

Approved April 8, 2019

## CHAPTER 17

### CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS

H.F. 266

**AN ACT** relating to the civil commitment of sexually violent predators.

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

Section 1. Section 229A.2, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. "Presently confined" means incarceration or detention in a correctional facility, a rehabilitation camp, a residential facility, a county jail, a halfway house, or any other comparable facility, including but not limited to placement at such a facility as a condition of probation, parole, or special sentence following conviction for a sexually violent offense.

Sec. 2. Section 229A.2, subsection 11, paragraph c, Code 2019, is amended to read as follows:

c. Sexual exploitation of a minor in violation of section 728.12, ~~subsection 1.~~

Sec. 3. Section 229A.3, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 6. This section shall not be construed as a limit on persons subject to commitment under this chapter.

Sec. 4. Section 229A.4, subsection 2, paragraph a, Code 2019, is amended to read as follows:

a. The person was convicted of a sexually violent offense and ~~has been discharged after the completion of the sentence imposed for the offense~~ is no longer presently confined for that offense.

Sec. 5. Section 229A.7, subsection 5, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. At trial, the court shall admit, and the fact finder may rely on, the findings of an administrative parole judge or other agency fact finder.

Approved April 8, 2019

<sup>1</sup> See chapter 89, §18 herein

**CHAPTER 18****HOSPITALIZATION — DISCHARGES — DESIGNATION OF LAY CAREGIVERS***S.F. 210*

**AN ACT** providing for the designation of a lay caregiver relating to a patient's inpatient stay at a hospital.

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

**Section 1. NEW SECTION. 144F.1 Definitions.**

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

1. "Aftercare assistance" means any assistance provided by a lay caregiver to a patient following discharge of the patient that are tasks directly related to the patient's condition at the time of discharge, do not require a licensed professional, and are determined to be appropriate by the patient's discharging physician or other licensed health care professional.

2. "Discharge" means the exit or release of a patient from inpatient care in a hospital to the residence of the patient.

3. "Facility" means a health care facility as defined in section 135C.1, an elder group home as defined in section 231B.1, or an assisted living program as defined in section 231C.2.

4. "Hospital" means a licensed hospital as defined in section 135B.1.

5. "Lay caregiver" means an individual, eighteen years of age or older, who is designated as a lay caregiver under this chapter by a patient or the patient's legal representative, and who is willing and able to perform aftercare assistance for the patient at the patient's residence following discharge.

6. "Legal representative" means, in order of priority, an attorney in fact under a durable power of attorney for health care pursuant to chapter 144B or, if no durable power of attorney for health care has been executed pursuant to chapter 144B or if the attorney in fact is unavailable, a legal guardian appointed pursuant to chapter 633.

7. "Patient" means an individual who is receiving or who has received inpatient medical care in a hospital.

8. "Residence" means the dwelling that a patient considers to be the patient's home. "Residence" does not include any rehabilitation facility, hospital, or facility.

**Sec. 2. NEW SECTION. 144F.2 Discharge policies — opportunity to designate lay caregiver.**

1. *a.* A hospital shall adopt and maintain evidence-based discharge policies and procedures. At a minimum, the policies and procedures shall provide for an assessment of the patient's ability for self-care after discharge and, as part of the assessment, shall provide a patient, or if applicable the patient's legal representative, with an opportunity to designate one lay caregiver prior to discharge of the patient.

*b.* A legal representative who is an agent under a durable power of attorney for health care pursuant to chapter 144B shall be given the opportunity to designate a lay caregiver in lieu of the patient's designation of a lay caregiver only if, consistent with chapter 144B, in the judgment of the attending physician, the patient is unable to make the health care decision. A legal representative who is a guardian shall be given the opportunity to designate a lay caregiver in lieu of the patient's designation of a lay caregiver to the extent consistent with the powers and duties granted the guardian pursuant to section 633.635.

2. If a patient or the patient's legal representative declines to designate a lay caregiver, the hospital shall document the declination in the patient's medical record and the hospital shall be deemed to be in compliance with this section.

3. If a patient or the patient's legal representative designates a lay caregiver, the hospital shall do all of the following:

*a.* Record in the patient's medical record the designation of the lay caregiver, in accordance with the hospital's policies and procedures, which may include information such as the relationship of the lay caregiver to the patient, and the name, telephone number, and address of the lay caregiver.

b. (1) Request written consent from the patient or the patient's legal representative to release medical information to the lay caregiver in accordance with the hospital's established procedures for releasing a patient's personal health information and in compliance with all applicable state and federal laws.

(2) If a patient or the patient's legal representative declines to consent to the release of medical information to the lay caregiver, the hospital is not required to provide notice to the lay caregiver under section 144F.3 or to consult with or provide information contained in the patient's discharge plan to the lay caregiver under section 144F.4.

4. A patient or the patient's legal representative may change the designation of a lay caregiver if the lay caregiver becomes incapacitated.

5. The designation of an individual as a lay caregiver under this section does not obligate the individual to perform any aftercare assistance for the patient.

6. This section shall not be construed to require a patient or the patient's legal representative to designate a lay caregiver.

**Sec. 3. NEW SECTION. 144F.3 Notification of lay caregiver of discharge.**

If a lay caregiver is designated under section 144F.2, the hospital shall, in accordance with the hospital's established policies and procedures, attempt to notify the lay caregiver of the discharge of the patient as soon as practicable.

**Sec. 4. NEW SECTION. 144F.4 Aftercare assistance instructions to lay caregiver.**

1. If a lay caregiver is designated under section 144F.2, as soon as practicable prior to discharge of a patient, a hospital shall attempt to do all of the following:

a. Consult with the patient's lay caregiver to prepare the lay caregiver for the aftercare assistance the lay caregiver may provide.

b. Issue a discharge plan that describes the aftercare assistance needs of the patient and offer to provide the lay caregiver with instructions for the aftercare assistance tasks described in the discharge plan and the opportunity for the lay caregiver to ask questions regarding such tasks.

2. The inability of a hospital to consult with a patient's lay caregiver shall not interfere with, delay, or otherwise affect the medical care provided to the patient or the patient's discharge.

**Sec. 5. NEW SECTION. 144F.5 Hospital discharge process — evidence-based practices.**

A hospital's discharge process may incorporate established evidence-based practices, including but not limited to any of the following:

1. The standards for accreditation adopted by the joint commission on the accreditation of health care organizations or any other nationally recognized hospital accreditation organization.

2. The conditions of participation for hospitals adopted by the centers for Medicare and Medicaid services of the United States department of health and human services.

**Sec. 6. NEW SECTION. 144F.6 Construction of chapter relative to other health care directives.**

Nothing in this chapter shall be construed to interfere with the authority or responsibilities of an agent operating under a valid durable power of attorney for health care pursuant to chapter 144B or of the powers and duties granted to a guardian pursuant to section 633.635.

**Sec. 7. NEW SECTION. 144F.7 Limitations.**

1. Nothing in this chapter shall be construed to create a private right of action against a hospital, a hospital employee, or any consultant or contractor with whom a hospital has a contractual relationship, or to limit or otherwise supersede or replace existing rights or remedies under any other provision of law.

2. Nothing in this chapter shall delay the appropriate discharge or transfer of a patient.

3. Nothing in this chapter shall be construed to interfere with or supersede a health care provider's instructions regarding a Medicare-certified home health agency or any other post-acute care provider.

4. Nothing in this chapter shall be construed to grant decision-making authority to a lay caregiver to determine the type of provider or provider of the patient's post-hospital care as specified in the patient's discharge plan.

Approved April 9, 2019

## CHAPTER 19

### DOMESTIC SURPLUS LINES INSURER REQUIREMENTS

S.F. 558

**AN ACT** relating to requirements for domestic surplus lines insurers.

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

Section 1. Section 515I.2, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 6A. "Domestic surplus lines insurer" means a domestic insurer that has been authorized by the commissioner pursuant to chapter 515I to do business as a domestic surplus lines insurer with which a surplus lines insurance producer may place surplus lines insurance.

Sec. 2. Section 515I.2, subsection 7, Code 2019, is amended to read as follows:

7. "Eligible surplus lines insurer" means ~~either~~ any of the following:

a. A nonadmitted insurer that has filed an application with the commissioner and been approved for placement of surplus lines insurance and appears on the Iowa listing of nonadmitted companies.

b. A nonadmitted insurer domiciled outside of the United States that is listed on the quarterly listing of alien insurers maintained by the national association of insurance commissioners.

c. A domestic surplus lines insurer authorized by the commissioner.

Sec. 3. Section 515I.3, Code 2019, is amended to read as follows:

**515I.3 Placement of surplus lines insurance business with nonadmitted insurers and domestic surplus lines insurers.**

1. Surplus lines insurance may be placed by a surplus lines insurance producer with a nonadmitted insurer or domestic surplus lines insurer only if all of the following requirements are met:

a. The proposed nonadmitted insurer or domestic surplus lines insurer is an eligible surplus lines insurer.

b. The proposed nonadmitted insurer or domestic surplus lines insurer is authorized to write the type of insurance sought in this state in its domiciliary jurisdiction.

c. Unless otherwise exempt from this requirement, after a diligent search the full amount or type of insurance cannot be obtained from an admitted insurer.

d. All other requirements of this chapter are met.

2. a. In addition to the full amount of gross premiums charged by the nonadmitted insurer or domestic surplus lines insurer for the insurance on which a premium tax is imposed for surplus lines insurance for which the insured's home state is Iowa, a surplus lines insurance producer shall collect and pay to the state of Iowa the appropriate amount of premium tax as provided in section 432.1 for surplus lines insurance. The commissioner shall adopt rules to specify the use of credits or deductions that may be applied to the premium tax.

b. The tax on any portion of the premium unearned at the termination of the surplus lines insurance that has been credited by the state shall be returned to the policyholder directly by the surplus lines insurance producer. The surplus lines insurance producer is prohibited from rebating, for any reason, any part of the tax.

3. This section shall not apply to a person properly licensed as an insurance producer, who, for a fee and pursuant to a written agreement, is engaged solely to offer advice, counsel, opinion, or service to an insured with respect to the benefits, advantages, or disadvantages promised under any proposed or in-force policy of insurance if the person does not, directly or indirectly, participate in the sale, solicitation, or negotiation of insurance on behalf of the insured.

4. Insurance placed under this section shall be valid and enforceable as to all parties.

**Sec. 4. NEW SECTION. 515I.4A Requirements for domestic surplus lines insurers.**

1. An insurer that is domiciled in this state may apply to the commissioner for licensure as a domestic surplus lines insurer if all of the following requirements are met:

a. The insurer possesses policyholder surplus of the greater of either fifteen million dollars or three hundred percent of authorized-control-level risk-based capital pursuant to chapter 521E.

b. The insurer is an eligible surplus lines insurer in at least one jurisdiction other than this state.

c. The board of directors of the insurer has passed a resolution seeking approval as a domestic surplus lines insurer in this state and stating that the insurer shall only write surplus line<sup>1</sup> business. The resolution shall not be amended without approval of the commissioner.

d. The commissioner has approved the insurer as a domestic surplus lines insurer in this state.

2. For the purposes of the federal Nonadmitted and Reinsurance Reform Act of 2010, 15 U.S.C. §8201 et seq., a domestic surplus lines insurer shall be considered a nonadmitted insurer as the term is referenced in the Act, with respect to risks insured in this state.

3. A domestic surplus lines insurer shall be deemed an eligible surplus lines insurer and is subject to all requirements of this chapter that are applicable to an eligible surplus lines insurer. A domestic surplus lines insurer is authorized to write any kind of insurance that a nonadmitted insurer not domiciled in this state is eligible to write.

4. Notwithstanding any other provision of law to the contrary, a policy or contract issued in this state by a domestic surplus lines insurer shall be subject to taxes assessed on a surplus lines policy or contract issued by a nonadmitted insurer, including the premium tax on surplus lines insurance, but shall not be subject to other taxes levied on an admitted insurer, whether domestic or foreign.

5. A policy or contract issued by a domestic surplus lines insurer is not a policy or contract for which coverage is provided under the Iowa insurance guaranty association pursuant to chapter 515B or the Iowa life and health insurance guaranty association pursuant to chapter 508C.

6. All financial and solvency requirements imposed in this state upon a domestic admitted insurer are applicable to a domestic surplus lines insurer unless a domestic surplus lines insurer is specifically exempted from such requirements.

7. A policy or contract issued by a domestic surplus lines insurer in this state is exempt from all requirements imposed in this state relating to insurance rating plans, policy or contract forms, policy or contract cancellation and nonrenewal, or premiums charged to the insured in the same manner and to the same extent as a policy or contract issued by a nonadmitted insurer domiciled in another state.

Approved April 9, 2019

<sup>1</sup> See chapter 89, §17 herein



**CHAPTER 20****DOMESTIC STOCK INSURERS — PLANS OF DIVISION***H.F. 264*

**AN ACT** relating to the division of domestic stock insurers.

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

Section 1. NEW SECTION. **521I.1 Definitions.**

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

1. “*Assets*” means property whether real, personal, mixed, tangible, or intangible and any right or interest therein, including all rights under a contract or other agreement.
2. “*Capital*” means the capital stock component of a statutory surplus as defined in Iowa law.
3. “*Commissioner*” means the commissioner of insurance.
4. “*Divide*” or “*division*” means a transaction in which a domestic stock insurer splits into two or more resulting domestic stock insurers.
5. “*Dividing insurer*” means a domestic stock insurer that approves a plan of division.
6. “*Domestic stock insurer*” means a stock insurer domiciled and organized under the laws of this state pursuant to chapter 508, 514B, or 515, including domestic stock insurers affiliated with a mutual insurance holding company organized pursuant to section 521A.14, and including those insurers which confer membership rights in the mutual insurance holding company.
7. “*Liability*” means a secured or contingent debt or obligation arising in any manner.
8. “*Resulting insurer*” means a dividing domestic stock insurer that survives a division or a new domestic stock insurer that is created by a division.
9. “*Shareholder*” means the person in whose name shares are registered in the records of a corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with a corporation.
10. “*Surplus*” means total statutory surplus less capital stock calculated in accordance with the current national association of insurance commissioners’ accounting practices and procedures manual.
11. “*Transfer*” includes an assignment, assumption, conveyance, sale, lease, encumbrance, security interest, gift, or transfer by operation of law.

Sec. 2. NEW SECTION. **521I.2 Plan of division — general requirements.**

A domestic stock insurer’s plan of division shall include all of the following:

1. The name of the domestic stock insurer seeking to divide.
2. The name of each resulting insurer created by the proposed division and for each resulting insurer a copy of all of the following:
  - a. Proposed articles of incorporation.
  - b. Proposed bylaws.
3. The manner of allocating assets and liabilities, including policy liabilities, between or among all resulting insurers.
4. The manner of distributing shares in the resulting insurers to the dividing insurer or the dividing insurer’s shareholders.
5. A description of all liabilities and all assets that the dividing insurer proposes to allocate to each resulting insurer, including the manner by which the dividing insurer proposes to allocate all reinsurance contracts.
6. All terms and conditions required by the laws of this state and the articles and bylaws of the dividing insurer.
7. All other terms and conditions of the division.

Sec. 3. NEW SECTION. **521I.3 Plan of division — dividing insurer to survive division.**

If a dividing insurer will survive a division, the plan of division shall include, in addition to the requirements pursuant to section 521I.2, all of the following:

1. All proposed amendments to the dividing insurer’s articles of incorporation and bylaws.

2. If the dividing insurer intends to cancel some but not all shares in the dividing insurer, the manner in which the dividing insurer intends to cancel such shares.

3. If the dividing insurer intends to convert some but not all shares in the dividing insurer into securities, obligations, money, other property, rights to acquire shares or securities, or any combination thereof, a statement disclosing the manner in which the dividing insurer intends to convert such shares.

**Sec. 4. NEW SECTION. 521I.4 Plan of division — dividing insurer not to survive division.**

If a dividing insurer will not survive a division, the plan of division shall include, in addition to the requirements pursuant to section 521I.2, the manner in which the dividing insurer will cancel or convert shares in the dividing insurer's shares into shares, securities, obligations, money, other property, rights to acquire shares or securities, or any combination thereof.

**Sec. 5. NEW SECTION. 521I.5 Amending plan of division.**

1. A dividing insurer may amend the dividing insurer's plan of division in accordance with any procedures set forth in the plan of division, or if no such procedures are set forth in the plan of division, in a manner determined by the board of directors of the dividing insurer. A shareholder that is entitled to vote on or consent to approval of the plan of division shall be entitled to vote on or consent to an amendment of the plan of division that will affect any of the following:

a. The amount or kind of shares, securities, obligations, money, other property, rights to acquire shares or securities, or any combination thereof to be received by any of the shareholders of the dividing insurer under the plan of division.

b. The articles of incorporation or bylaws of any resulting insurer that become effective when the division becomes effective except for changes that do not require approval of the shareholders of the resulting insurer under such articles of incorporation or bylaws.

c. Any other terms or conditions of the plan of division if the change may adversely affect the shareholders in any material respect.

2. A dividing insurer shall not amend the dividing insurer's plan of division after the plan of division becomes effective.

3. A dividing insurer shall not amend the dividing insurer's plan of division after the plan of division is approved by the commissioner.

**Sec. 6. NEW SECTION. 521I.6 Abandoning plan of division.**

1. A dividing insurer may abandon the dividing insurer's plan of division in any of the following circumstances:

a. After the dividing insurer has approved the plan of division without any action by the shareholders and in accordance with any procedures set forth in the plan of division, or if no such procedures are set forth in the plan of division, in a manner determined by the board of directors of the dividing insurer.

b. After the dividing insurer has filed a certificate of division with the secretary of state pursuant to section 521I.10, the dividing insurer may file a signed certificate of abandonment with the secretary of state and file a copy with the commissioner. The certificate of abandonment shall be effective on the date the certificate of abandonment is filed with the secretary of state.

2. A dividing insurer shall not abandon the dividing insurer's plan of division after the plan of division becomes effective.

3. If a dividing insurer elects to abandon the dividing insurer's plan of division, the dividing insurer shall notify the commissioner.

**Sec. 7. NEW SECTION. 521I.7 Approval of plan of division — articles of incorporation and bylaws.**

1. A dividing insurer shall not file a plan of division with the commissioner until such plan of division has been approved in accordance with all provisions of the dividing insurer's articles of incorporation and bylaws. If the dividing insurer's articles of incorporation and bylaws do not provide for approval of a plan of division, the dividing insurer shall not file the plan of division with the commissioner unless such plan of division has been approved in accordance

with all provisions of the dividing insurer's articles of incorporation and bylaws that provide for approval of a merger.

2. If a provision of a dividing insurer's articles of incorporation or bylaws adopted before the effective date of this Act requires that a specific number of or a percentage of the board of directors or shareholders propose or adopt a plan of merger or impose other procedures for the proposal or adoption of a plan of merger, the dividing insurer shall adhere to such provision in proposing or adopting a plan of division. If any such provision of the articles of incorporation or bylaws is amended on or after the effective date of this Act, such provision shall apply to a division thereafter only in accordance with its express terms.

**Sec. 8. NEW SECTION. 521I.8 Commissioner approval of plan of division.**

1. After a dividing insurer approves a plan of division pursuant to section 521I.7, the dividing insurer shall file the plan of division with the commissioner. Within ten business days of filing the plan of division with the commissioner, the dividing insurer shall provide notice of the filing to each reinsurer that is a party to a reinsurance contract allocated in the plan of division.

2. *a.* A division shall not become effective until approved by the commissioner after reasonable notice and a public hearing. Notice and public hearing required under this section shall be conducted as a contested case pursuant to chapter 17A.

*b.* The commissioner shall require the dividing insurer to mail written notice of the public hearing to the dividing insurer's policyholders stating that a plan of division has been filed with the commissioner and providing the date, time, and location of the public hearing.

*c.* The commissioner shall select and retain an independent expert who shall review the dividing insurer's plan of division and issue a report to the commissioner.

3. The commissioner may approve a plan of division if the commissioner finds that all of the following apply:

*a.* The interest of the policyholders, creditors, or shareholders of the dividing insurer will be adequately protected and the plan of division is not unfair or unreasonable to the policyholders of the dividing insurer and is not contrary to the public interest.

*b.* The financial condition of the resulting insurers will not jeopardize the financial stability of a dividing insurer or the resulting insurers or prejudice the interests of the policyholders of such insurers.

*c.* All resulting insurers created by the proposed division will be qualified and eligible to receive a certificate of authority to transact the business of insurance in this state.

*d.* The proposed division does not violate a provision of chapter 684. In a division in which the dividing insurer will survive, the commissioner shall apply chapter 684 to the dividing insurer in its capacity as a resulting insurer. In applying the provisions of chapter 684 to a resulting insurer, the commissioner shall do all of the following:

(1) Treat the resulting insurer as a debtor.

(2) Treat a liability allocated to the resulting insurer as a liability incurred by a debtor.

(3) Treat the resulting insurer as receiving unequal value in exchange for incurring allocated obligations.

(4) Treat assets allocated to the resulting insurer as remaining assets.

*e.* The proposed division is not being made for the purpose of hindering, delaying, or defrauding any policyholders or other creditors of the dividing insurer.

*f.* All resulting insurers will be solvent when the division becomes effective.

*g.* The remaining assets of a resulting insurer will not be unreasonably small in relation to the business and transactions such resulting insurer has been engaged in or will engage in after completion of the division.

4. In determining if the standards set forth in subsection 3, paragraphs "c" through "g" are satisfied, the commissioner may consider all proposed assets of the resulting insurer including without limitation reinsurance agreements, parental guarantees, support agreements, keepwell agreements, and capital maintenance of contingent capital agreements regardless of whether such qualify as an admitted asset under state law.

5. All expenses incurred by the commissioner in connection with proceedings under this section including expenses for attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff as may be reasonably necessary to assist the

commissioner in reviewing a proposed plan of division shall be paid by the dividing insurer filing such plan. A dividing insurer may allocate such expense in a plan of division in the same manner as any other liability.

6. If the commissioner approves a plan of division the commissioner shall issue an order which shall be accompanied by findings of fact and conclusions of law. The commissioner shall also issue a certificate of authority authorizing the resulting insurers to transact the business of insurance in this state.

7. The conditions in this section for freeing one or more of the resulting insurers from the liabilities of the dividing insurer and for allocating some or all of the liabilities of the dividing insurer shall be deemed to have been satisfied if the plan of division is approved by the commissioner in a final order.

**Sec. 9. NEW SECTION. 521I.9 Confidentiality.**

A dividing insurer may submit a written request to the commissioner that confidentiality be maintained regarding all business, financial, actuarial, and other proprietary information submitted to, obtained by, or disclosed to the commissioner in connection with the dividing insurer's plan of division. The commissioner shall make a determination regarding the dividing insurer's request prior to issuing a notice of a public hearing pursuant to section 521I.8, subsection 2. If the commissioner grants the dividing insurer's request in whole or in part, such information as the commissioner determines shall remain confidential, shall not be available for public inspection, and shall not be subject to chapter 22. The plan of division shall not be confidential and shall be available for public inspection.

**Sec. 10. NEW SECTION. 521I.10 Certificate of division.**

1. If the commissioner approves a dividing insurer's plan of division pursuant to section 521I.8, an officer or duly authorized representative of the dividing insurer shall sign a certificate of division that sets forth all of the following:

- a. The name of the dividing insurer.
- b. A statement disclosing whether the dividing insurer survived the division. If the dividing insurer survived the division, the certificate of division shall include any amendments to the dividing insurer's articles of incorporation or bylaws as approved as part of the plan of division.
- c. The name of each resulting insurer that is created by the division.
- d. The date on which the division is effective.
- e. A statement that the division was approved by the commissioner under section 521I.8.
- f. A statement that the dividing insurer provided reasonable notice to each reinsurer that is a party to a reinsurance contract allocated in the plan of division.
- g. The resulting insurer's articles of incorporation and bylaws for each resulting insurer created by the division. The articles of incorporation and bylaws of each resulting insurer must comply with the applicable requirements of the laws of this state. The articles of incorporation and bylaws may state the name or address of an incorporator, may be signed, and may include any provision that is not required in a restatement of the articles of incorporation or bylaws.
- h. A reasonable description of the capital, surplus, other assets and liabilities, including policy liabilities, of the dividing insurer that are to be allocated to each resulting insurer.

2. A dividing insurer's certificate of division is effective on the date the dividing insurer files the certificate with the secretary of state and provides a concurrent copy to the commissioner, or on another date as specified in the plan of division, whichever is later. However, the certificate of division shall become effective not later than ninety calendar days after it is filed with the secretary of state. A division shall be effective when the relevant certificate of division is effective.

**Sec. 11. NEW SECTION. 521I.11 Division effective.**

1. On the effective date of a division pursuant to section 521I.10, the following apply:

- a. If the dividing insurer survives, all of the following apply:
  - (1) The dividing insurer shall continue to exist.

(2) The articles of incorporation of the dividing insurer shall be amended, if at all, if provided for in the plan of division.

(3) The bylaws of the dividing insurer shall be amended, if at all, if provided for in the plan of division.

b. If the dividing insurer does not survive, the dividing insurer's separate existence shall cease to exist and any resulting insurer created by the plan of division shall come into existence.

c. Each resulting insurer shall hold any capital, surplus, and other assets allocated to such resulting insurer by the plan of division as a successor to the dividing insurer by operation of law, and not by transfer, whether directly or indirectly. The articles of incorporation and bylaws, if any, of each resulting insurer shall be effective when the resulting insurer comes into existence.

d. (1) All capital, surplus, and other assets of the dividing insurer that are allocated by the plan of division shall vest in the applicable resulting insurer as provided in the plan of division or shall remain vested in the dividing insurer as provided in the plan of division.

(2) All capital, surplus, and other assets of the dividing insurer that are not allocated by the plan of division shall remain vested in the dividing insurer if the dividing insurer survives the division and shall be allocated to and vest pro rata in the resulting insurers individually if the dividing insurer does not survive the division.

(3) All capital, surplus, and other assets of the dividing insurer otherwise vest as provided in this section without transfer, reversion, or impairment.

e. A resulting insurer to which a cause of action is allocated may be substituted or added in any pending action or proceeding to which the dividing insurer is a party when the division becomes effective.

f. All liabilities of a dividing insurer are allocated between or among any resulting insurers as provided in section 521I.10 and each resulting insurer to which liabilities are allocated is liable only for those liabilities, including policy liabilities, allocated as a successor to the dividing insurer by operation of law.

g. Any shares in the dividing insurer that are to be converted or canceled in the division are converted or canceled and the shareholders of those shares are entitled only to the rights provided to such shareholders under the plan of division and any appraisal rights that such shareholders may have pursuant to section 521I.13.

2. Except as provided in the dividing insurer's articles of incorporation or bylaws, the division does not give rise to any rights that a shareholder, director of a domestic stock insurer, or third party would have upon a dissolution, liquidation, or winding up of the dividing insurer.

3. The allocation to a resulting insurer of capital, surplus, or other asset that is collateral covered by an effective financing statement shall not be effective until a new effective financing statement naming the resulting insurer as a debtor is effective under the uniform commercial code.

4. Unless otherwise provided in the plan of division, the shares in and any securities of each resulting insurer shall be distributed to the dividing insurer if it survives the division, or pro rata to the shareholders of the dividing insurer that do not assert any appraisal rights pursuant to section 521I.13.

**Sec. 12. NEW SECTION. 521I.12 Resulting insurers liability for allocated assets, debts, and liabilities.**

1. Except as expressly provided in this section, when a division becomes effective, by operation of law all of the following apply:

a. A resulting insurer is individually liable for the liabilities, including policy liabilities, that the resulting insurer issues, undertakes, or incurs in its own name after the division.

b. A resulting insurer is individually liable for the liabilities, including policy liabilities, of the dividing insurer that are allocated to or remain the liability of the resulting insurer to the extent specified in the plan of division.

c. The dividing insurer remains responsible for the liabilities, including policy liabilities, of the dividing insurer that are not allocated by the plan of division if the dividing insurer survives the division.

d. A resulting insurer is liable pro rata individually for the liabilities, including policy liabilities, of the dividing insurer that are not allocated by the plan of division if the dividing insurer does not survive the division.

2. Except as otherwise expressly provided in this section, when a division becomes effective a resulting insurer is not responsible for and shall not have liability for any of the following:

a. Any liabilities, including policy liabilities, that another resulting insurer issues, undertakes, or incurs in such resulting insurer's own name after the division.

b. Any liabilities, including policy liabilities, of the dividing insurer that are allocated to or remain the liability of another resulting insurer under the plan of division.

3. If a provision of any evidence of indebtedness, whether secured or unsecured, or a provision of any contract other than an insurance policy, annuity, or reinsurance agreement that was issued, incurred, or executed by the dividing insurer before the effective date of this Act, requires the consent of the obligee to a merger of the dividing insurer, or treats such a merger as a default, such provision shall apply to a division of the dividing insurer as if such division were a merger.

4. If a division breaches a contractual obligation of the dividing insurer, all resulting insurers are jointly and severally liable for the breach. The validity and effectiveness of the division shall not be affected by the breach.

5. A direct or indirect allocation of capital, surplus, assets, or liabilities, including policy liabilities, shall occur automatically, by operation of law, and shall not be treated as a distribution or transfer for any purpose with respect to either the dividing insurer or any resulting insurer.

6. Liens, security interests, and other charges on the capital, surplus, or other assets of the dividing insurer shall not be impaired by the division, notwithstanding any otherwise enforceable allocation of liabilities, including policy liabilities, of the dividing insurer.

7. If the dividing insurer is bound by a security agreement governed by chapter 554 or article 9 of the uniform commercial code as enacted in any other jurisdiction, and the security agreement provides that the security interest attaches to after-acquired collateral, a resulting insurer shall be bound by the security agreement.

8. Unless provided in the plan of division and specifically approved by the commissioner, an allocation of a policy or other liability is prohibited from doing any of the following:

a. Affecting the rights that a policyholder or creditor has under any other law with respect to such policy or other liability, except that such rights shall be available only against a resulting insurer responsible for the policy or liability under this section.

b. Releasing or reducing the obligation of a reinsurer, surety, or guarantor of the policy or liability.

9. A resulting insurer shall only be liable for the liabilities allocated to the resulting insurer in accordance with the plan of division and this section and shall not be liable for any other liabilities under the common law doctrine of successor liability or any other theory of liability applicable to transferees or assignees of assets.

**Sec. 13. NEW SECTION. 521I.13 Shareholder appraisal rights.**

If a dividing insurer does not survive a division, an objecting shareholder of the dividing insurer is entitled to appraisal rights and to obtain payment of the fair value of such shareholder's shares in the same manner and to the extent provided for a corporation as a party to a merger pursuant to section 490.1302.

**Sec. 14. NEW SECTION. 521I.14 Rules.**

The commissioner may adopt rules pursuant to chapter 17A to administer this chapter.

**Sec. 15. NEW SECTION. 521I.15 Enforcement.**

The commissioner may take any action under the commissioner's authority to enforce compliance with this chapter.

Sec. 16. Section 490.120, subsection 12, paragraph c, subparagraph (2), Code 2019, is amended to read as follows:

(2) “*Plan*” means a plan of merger or, a plan of share exchange, or a plan of division pursuant to chapter 521I.

Sec. 17. Section 490.1302, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Consummation of a division pursuant to chapter 521I to which the corporation is a party if the corporation does not survive such division.

Sec. 18. Section 521.1, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 5. “*Dividing insurer*” means the same as defined in section 521I.1.

NEW SUBSECTION. 6. “*Resulting insurer*” means the same as defined in section 521I.1.

Sec. 19. NEW SECTION. **521.19 Merger or consolidation effective with division.**

A dividing insurer and the dividing insurer’s officers, directors, and shareholders shall have the authority to adopt and execute a plan of merger or consolidation on behalf of a resulting insurer, to execute and deliver documents, plans, certificates, and resolutions, and to make any filings on behalf of such resulting insurer. If provided in a plan of merger or consolidation, the merger or consolidation shall be effective simultaneously with the effectiveness of a division pursuant to 521I.10.

Approved April 9, 2019

## CHAPTER 21

### EMPLOYERS AND EMPLOYEES — FRANCHISE RELATIONSHIPS

H.F. 327

**AN ACT** relating to franchisor-franchisee relationships for the purposes of certain employment laws and including applicability provisions.

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

Section 1. NEW SECTION. **85.55 Franchisor-franchisee relationship.**

1. For purposes of this section, franchisee and franchisor mean the same as defined in section 523H.1.

2. For purposes of this chapter and chapters 86 and 87, a franchisor shall not be considered to be an employer of a franchisee or of an employee of a franchisee unless any of the following conditions apply:

a. The franchisor has agreed in writing to be considered to be the employer of the franchisee or of the employees of the franchisee.

b. The franchisor has been found by the workers’ compensation commissioner to have exercised a type or degree of control over the franchisee or the franchisee’s employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor’s trademarks and brand.

Sec. 2. NEW SECTION. **91A.15 Franchisor-franchisee relationship.**

1. For purposes of this section, franchisee and franchisor mean the same as defined in section 523H.1.

2. For purposes of this chapter, a franchisor shall not be considered to be an employer of a franchisee or of an employee of a franchisee unless any of the following conditions apply:

a. The franchisor has agreed in writing to be considered to be the employer of the franchisee or of the employees of the franchisee.

b. The franchisor has been found by the commissioner to have exercised a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

Sec. 3. Section 91D.1, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. a. For purposes of this subsection, franchisee and franchisor mean the same as defined in section 523H.1.

b. For purposes of this chapter, a franchisor shall not be considered to be an employer of a franchisee or of an employee of a franchisee unless any of the following conditions apply:

(1) The franchisor has agreed in writing to be considered to be the employer of the franchisee or of the employees of the franchisee.

(2) The franchisor has been found by the labor commissioner to have exercised a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

Sec. 4. NEW SECTION. **96.36 Franchisor-franchisee relationship.**

1. For purposes of this section, franchisee and franchisor mean the same as defined in section 523H.1.

2. For purposes of this chapter, a franchisor shall not be considered to be an employer of a franchisee or of an employee of a franchisee unless any of the following conditions apply:

a. The franchisor has agreed in writing to be considered to be the employer of the franchisee or of the employees of the franchisee.

b. The franchisor has been found by the department to have exercised a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

Sec. 5. NEW SECTION. **216.22 Franchisor-franchisee relationship.**

1. For purposes of this section, franchisee and franchisor mean the same as defined in section 523H.1.

2. For purposes of this chapter, a franchisor shall not be considered to be an employer of a franchisee or of an employee of a franchisee unless any of the following conditions apply:

a. The franchisor has agreed in writing to be considered to be the employer of the franchisee or of the employees of the franchisee.

b. The franchisor has been found by the commission to have exercised a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

Sec. 6. APPLICABILITY. This Act applies to work performed on or after the effective date of this Act.

Approved April 9, 2019

## CHAPTER 22

### SPECIAL MINOR'S DRIVER'S LICENSES — ACCREDITED NONPUBLIC SCHOOL STUDENTS — MAXIMUM DRIVING DISTANCE

*S.F. 140*

**AN ACT** relating to special minor's driver's licenses for students attending accredited nonpublic schools.

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



Section 1. Section 321.194, subsection 2, paragraph a, subparagraph (2), subparagraph divisions (a) and (b), Code 2019, are amended to read 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~~ fifty 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~~ fifty miles.

Sec. 2. Section 321.194, subsection 3, paragraph f, Code 2019, is amended to read as follows:

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~~ fifty miles.

Approved April 15, 2019

## CHAPTER 23

### MAXIMUM ALLOWABLE LENGTH FOR STINGER-STEERED AUTOMOBILE TRANSPORTERS

S.F. 208

**AN ACT** increasing the maximum allowable length for stinger-steered automobile transporters.

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

Section 1. Section 321.457, subsection 2, paragraph i, Code 2019, is amended to read as follows:

i. A stinger-steered automobile transporter shall not have an overall length exceeding ~~seventy-five~~ eighty feet, exclusive of retractable extensions used to support the load and all other devices or appurtenances related to the safe and efficient operation of the vehicle, except that the load may extend up to ~~three~~ four feet beyond the front bumper and up to ~~four~~ six feet beyond the rear bumper.

Approved April 15, 2019

**CHAPTER 24**

## NONSUBSTANTIVE CODE CORRECTIONS

## S.F. 333

**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 6B.61, Code 2019, is amended to read as follows:

**6B.61 Approval of local elected officials required.**

1. Notwithstanding any provision of law to the contrary, any entity created by or on behalf of one or more political subdivisions and granted, by statute, eminent domain authority to acquire property shall not exercise such authority outside the jurisdictional limits of the political subdivisions participating in the entity at the time of such exercise of authority without first presenting the proposal to acquire such property by eminent domain to the board of supervisors of each county where the property is located and such proposal receives the approval, by resolution, of each applicable board of supervisors.

2. ~~a. However, this~~ This section does not apply to an entity created by or on behalf of one or more political subdivisions if the entity is authorized by statute to act as a political subdivision and if this section would limit the ability of the entity to comply with requirements or limitations imposed by the Internal Revenue Code to preserve the tax exemption of interest payable on bonds or obligations of the entity acting as a political subdivision.

b. This section does not apply to a person issued a certificate of public convenience, use, and necessity under chapter 476A.

c. This section does not apply to property condemned by or on behalf of a multistate entity created to provide drinking water that has received or is receiving federal funds, but only if such property is to be acquired for water transmission and service lines, pump stations, water storage tanks, meter houses and vaults, related appurtenances, or supporting utilities.

Sec. 2. Section 9C.1, subsection 1, Code 2019, is amended to read as follows:

1. As used in this chapter, the term “*transient merchant*” shall mean and include every merchant, whether an individual person, a firm, corporation, partnership, or association, and whether owner, agent, bailee, consignee, or employee, who shall bring or cause to be brought within the state of Iowa any goods, wares, or merchandise of any kind, nature, or description, with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares, or merchandise within the state of Iowa. The term “*transient merchant*” shall also mean and include every merchant, whether an individual person, a firm, corporation, partnership, or an association, who shall by itself, or by agent, consignee, or employee temporarily or intermittently engage in or conduct at one or more locations a business within the state of Iowa for the sale at retail of any goods, wares, or merchandise of any nature or description.

Sec. 3. Section 9C.3, unnumbered paragraph 1, Code 2019, is amended to read as follows:

Any transient merchant desiring a transient merchant’s license shall at least ten days prior to the first day any sale is made, file with the secretary of state of the state of Iowa an application in writing duly verified by the person, firm, corporation, partnership, or association proposing to sell or offer to sell at retail any goods, wares, or merchandise, or to engage in or conduct a temporary or intermittent business for the sale at retail of any goods, wares, or merchandise. The application shall state the following facts:

Sec. 4. Section 9C.3, subsections 1, 2, 6, and 7, Code 2019, are amended to read as follows:

1. The name, residence, and post office address of the person, firm, corporation, partnership, or association making the application, and if a corporation, the names and addresses of the officers thereof, and if a firm, partnership, or association and not a corporation, the names and addresses of all members thereof.

2. If the application be made by an agent, bailee, consignee, or employee, the application shall so state and set out the name and address of such agent, bailee, consignee, or employee and shall also set out the name and address of the owner of the goods, wares, and merchandise to be sold or offered for sale.

6. The date or dates upon which said goods, wares, or merchandise shall be sold or offered for sale, or the date or dates upon which it is the intention of the applicant to engage in or conduct a temporary or intermittent business.

7. The location and address where such goods, wares, or merchandise shall be sold or offered for sale, or such business engaged in or conducted.

Sec. 5. Section 12C.1, subsection 1, Code 2019, is amended to read as follows:

1. a. All funds held by the following officers or institutions shall be deposited in one or more depositories first approved by the appropriate governing body as indicated: ~~for~~

(1) For the treasurer of state, by the executive council;~~for.~~

(2) For judicial officers and court employees, by the supreme court;~~for.~~

(3) For the county treasurer, recorder, auditor, and sheriff, by the board of supervisors;~~for.~~

(4) For the city treasurer or other designated financial officer of a city, by the city council;~~for.~~

(5) For the county public hospital or merged area hospital, by the board of hospital trustees;~~for.~~

(6) For a memorial hospital, by the memorial hospital commission;~~for.~~

(7) For a school corporation, by the board of school directors;~~for.~~

(8) For a city utility or combined utility system established under chapter 388, by the utility board;~~and for.~~

(9) For an electric power agency as defined in section 28F.2 or 390.9, by the governing body of the electric power agency.

b. However, the treasurer of state and the treasurer of each political subdivision or the designated financial officer of a city shall invest all funds not needed for current operating expenses in time certificates of deposit in approved depositories pursuant to this chapter or in investments permitted by section 12B.10. The list of public depositories and the amounts severally deposited in the depositories are matters of public record.

c. This subsection does not limit the definition of “public funds” contained in subsection 2. Notwithstanding provisions of this section to the contrary, public funds of a state government deferred compensation plan established by the executive council may also be invested in the investment products authorized under section 509A.12.

Sec. 6. Section 12C.10, Code 2019, is amended to read as follows:

**12C.10 Investment of funds created by election.**

The governing council or board, who by law ~~have~~ has control of any fund created by direct vote of the people, may invest any portion of the fund not currently needed, in investments authorized in section 12B.10. 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. Interest or earnings on such funds shall be credited as provided in section 12C.7, subsection 2.

Sec. 7. Section 29A.42, Code 2019, is amended to read as follows:

**29A.42 Trespass or interference with official acts.**

1. Any person who shall trespass upon any military reservation, camp, or armory, in violation of the orders of the commander thereof, or officer charged with the responsibility therefor shall be guilty of trespass and shall be punished as provided in section 716.8.

2. Any person who shall molest, or interfere with any member of the national guard, in the discharge of the member’s duty shall be guilty of interference with official acts ~~which is under~~ section 719.1, subsection 1. The commanding officer of such force may order the arrest of such person and cause the person to be delivered to a peace officer or magistrate.

Sec. 8. Section 48A.11, subsection 3, paragraph a, Code 2019, is amended to read as follows:

a. The following questions and statement regarding eligibility shall be included on forms that may be used for registration by mail:

- [1] ~~“Are~~ Are you a citizen of the United States of ~~America?”~~  
America?
- [2] ~~“Will~~ Will you be eighteen years of age on or before election ~~day?”~~ day?
- [3] ~~“If~~ If you checked ~~‘no’~~ “no” in response to either of these questions, do not complete this ~~form.”~~ form.

Sec. 9. Section 49.5, subsections 2 and 3, Code 2019, are amended to read as follows:

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. 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.

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. 10. Section 50.31, Code 2019, is amended to read as follows:

**50.31 Abstracts for governor and lieutenant governor.**

1. The envelope containing the abstracts of votes for governor and lieutenant governor shall be endorsed substantially as follows: ~~“Abstract~~

Abstract of votes for governor and lieutenant governor from ..... county” ~~county.~~

2. After being so endorsed ~~said~~, the envelope shall be addressed, ~~“To~~ as follows:  
~~To the Speaker of the House of Representatives”~~ Representatives.

Sec. 11. Section 50.32, Code 2019, is amended to read as follows:

**50.32 Endorsement on other envelope.**

The envelope for offices other than governor and lieutenant governor shall be endorsed substantially in the manner provided in section 50.31, with changes necessary to indicate the particular offices, and shall be addressed, ~~“To~~ as follows:

To the State Commissioner of Elections” ~~Elections.~~

Sec. 12. Section 66.28, Code 2019, is amended to read as follows:

**66.28 Witness fees.**

~~Said witnesses~~ Witnesses, if in the employ of the state, shall not be entitled to any witness fees, but shall receive the mileage allowed witnesses in the district court. Other witnesses shall receive the fees and mileage allowed witnesses in district court. A sum sufficient to pay ~~said~~ the fees and mileage is ~~hereby~~ appropriated out of any unappropriated funds in the state treasury.

Sec. 13. Section 88.3, subsection 6, Code 2019, is amended to read as follows:

6. ~~“Federal law”~~ means the Act of Congress approved December 29, 1970, 84 Stat. 1590, officially cited as the “Occupational Safety and Health Act of 1970-~~(29~~ 1970”, codified at 29 U.S.C. §651 – ~~678)”~~ 678.

Sec. 14. Section 88A.16, subsection 2, paragraph e, Code 2019, is amended to read as follows:

e. A legend ~~providing that~~, “State stating the following:

State law requires riders to obey all warnings and directions for this amusement ride and behave in a manner that will not cause or contribute to the injury of themselves or others. Riders must report injuries prior to leaving the premises. Failure to comply is punishable by fine.” ~~fine.~~

Sec. 15. Section 96.3, subsection 4, Code 2019, is amended to read as follows:

4. *Determination of benefits.*

a. With respect to benefit years beginning on or after July 1, 1983, an eligible individual’s weekly benefit amount for a week of total unemployment shall be an amount equal to the following fractions of the individual’s total wages in insured work paid during that quarter of the individual’s base period in which such total wages were highest; ~~the~~. The director shall determine annually a maximum weekly benefit amount equal to the following percentages, to vary with the number of dependents, of the statewide average weekly wage paid to employees in insured work which shall be effective the first day of the first full week in July:

If the number of dependents is:	The weekly benefit amount shall equal the following fraction of high quarter wages:	Subject to the following maximum percentage of the statewide average weekly wage:
0	1/23	53%
1	1/22	55%
2	1/21	57%
3	1/20	60%
4 or more	1/19	65%

b. The maximum weekly benefit amount, if not a multiple of one dollar, shall be rounded to the lower multiple of one dollar. However, until such time as sixty-five percent of the statewide average weekly wage exceeds one hundred ninety dollars, the maximum weekly benefit amounts shall be determined using the statewide average weekly wage computed on the basis of wages reported for calendar year 1981. As used in this section, “*dependent*” means dependent as defined in section 422.12, subsection 1, paragraph “a”, as if the individual claimant was a taxpayer, except that an individual claimant’s nonworking spouse shall be deemed to be a dependent under this section. “*Nonworking spouse*” means a spouse who does not earn more than one hundred twenty dollars in gross wages in one week.

Sec. 16. Section 97A.5, subsection 1, Code 2019, is amended to read as follows:

1. *Board of trustees.*

a. A board of trustees of the Iowa department of public safety peace officers’ retirement, accident, and disability system is created. The general responsibility for the proper operation of the system is vested in the board of trustees.

b. The board of trustees is constituted as follows:

(1) The commissioner of public safety, who is chairperson of the board; ~~the~~

(2) The treasurer of state; ~~an~~

(3) An actively engaged member of the system, to be chosen by secret ballot by the actively engaged members of the system; ~~a~~

(4) A retired member of the system, to be chosen by secret ballot by the retired members of the system; ~~and a~~

(5) A person appointed by the governor.

c. The person appointed by the governor shall be an executive of a domestic life insurance company, an executive of a state or national bank operating within the state of Iowa, or an executive in the financial services industry, and shall be subject to confirmation by the senate.

d. The members of the system and the person appointed by the governor shall serve for a term of two years.

Sec. 17. Section 124E.4, subsection 1, paragraph d, subparagraph (2), Code 2019, is amended to read as follows:

(2) A copy of the patient's valid ~~photograph~~ photo identification.

Sec. 18. Section 124E.4, subsection 3, paragraph b, subparagraph (3), Code 2019, is amended to read as follows:

(3) A copy of the primary caregiver's valid ~~photograph~~ photo identification.

Sec. 19. Section 229A.1, Code 2019, is amended to read as follows:

**229A.1 Legislative findings.**

1. The general assembly finds that a small but extremely dangerous group of sexually violent predators exists which is made up of persons who do not have a mental disease or defect that renders them appropriate for involuntary treatment pursuant to the treatment provisions for mentally ill persons under chapter 229, since that chapter is intended to provide short-term treatment to persons with serious mental disorders and then return them to the community. In contrast to persons appropriate for civil commitment under chapter 229, sexually violent predators generally have antisocial personality features that are unamenable to existing mental illness treatment modalities and that render them likely to engage in sexually violent behavior.

2. The general assembly finds that sexually violent predators' likelihood of engaging in repeat acts of predatory sexual violence is high and that the existing involuntary commitment procedure under chapter 229 is inadequate to address the risk these sexually violent predators pose to society.

3. The general assembly further finds that the prognosis for rehabilitating sexually violent predators in a prison setting is poor, because the treatment needs of this population are very long-term, and the treatment modalities for this population are very different from the traditional treatment modalities available in a prison setting or for persons appropriate for commitment under chapter 229.

4. Therefore, the general assembly finds that a civil commitment procedure for the long-term care and treatment of the sexually violent predator is necessary. The procedures regarding sexually violent predators should reflect legitimate public safety concerns, while providing treatment services designed to benefit sexually violent predators who are civilly committed. The procedures should also reflect the need to protect the public, to respect the needs of the victims of sexually violent offenses, and to encourage full, meaningful participation of sexually violent predators in treatment programs.

Sec. 20. Section 229A.8, subsection 5, paragraph i, Code 2019, is amended to read as follows:

i. If at the time of the annual review the committed person is in a secure facility and not in the transitional release program, the state shall have the right to demand that both determinations in paragraph "e", subparagraph (1), be submitted to the court or jury.

Sec. 21. Section 230.17, Code 2019, 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~~ in the best interests of the county.

Sec. 22. Section 231.42, subsection 3, paragraph e, Code 2019, is amended to read as follows:

e. Make ~~noncomplaint-related~~ non-complaint-related visits to long-term care facilities, assisted living programs, and elder group homes to observe daily routines, meals, and activities, and work to resolve complaints if any are identified during these visits.

Sec. 23. Section 232.8, subsection 2, paragraph a, Code 2019, is amended to read as follows:

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.

Sec. 24. Section 232.36, subsection 1, Code 2019, is amended to read as follows:

1. The petition and subsequent court documents shall be entitled "in as follows:  
In the interests of ....., a child" child.

Sec. 25. Section 232.125, subsection 3, Code 2019, is amended to read as follows:

3. The petition and subsequent court documents shall be entitled "in as follows:  
In re the family of .....".

Sec. 26. Section 232.178, subsection 2, Code 2019, is amended to read as follows:

2. The petition and subsequent court documents shall be entitled "in as follows:  
In the interests of ....., a child" child.

Sec. 27. Section 235D.1, Code 2019, is amended to read as follows:

**235D.1 Criminal history check — applicants at domestic abuse or sexual assault centers.**

An applicant for employment at a domestic abuse or sexual assault center shall be subject to a national criminal history check through the federal bureau of investigation. The domestic abuse or sexual assault center shall request the criminal history check and shall provide the applicant's fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation. The applicant shall authorize release of the results of the criminal history check to the domestic abuse or sexual assault center. The applicant shall pay the actual cost of the fingerprinting and criminal history check, if any. Unless the criminal history check was completed within the ninety calendar days prior to the date the application is received by the domestic abuse or sexual assault center, the center shall reject and return the application to the applicant. The results of a criminal history check conducted pursuant to this ~~subsection~~ section shall not be considered a public record under chapter 22. For purposes of this section, "*domestic abuse or sexual assault center*" means a crime victim center as defined in section 915.20A.

Sec. 28. Section 237A.30, subsection 2, Code 2019, is amended to read as follows:

2. The criteria utilized for the rating system may include but are not limited to any of the following: ~~facility type; provider~~

a. Facility type.

b. Provider staff experience, education, training, and credentials; ~~facility.~~

c. Facility director education and training; ~~an.~~

d. An environmental rating score or other direct assessment environmental methodology; ~~national.~~

e. National accreditation; ~~facility.~~

f. Facility history of compliance with law and rules; ~~child-to-staff ratio; curriculum.~~

g. Child-to-staff ratio.

h. Curriculum, including the extent to which the curriculum focuses on the stages of child development and on child outcomes; ~~business practices; staff.~~

i. Business practices.

j. Staff retention rates; ~~evaluation.~~

k. Evaluation of staff members and program practices; ~~staff.~~

l. Staff compensation and benefit practices; ~~provider.~~

m. Provider and staff membership in professional early childhood organizations; ~~and parental.~~

n. Parental involvement with the facility.

Sec. 29. Section 252E.1, subsection 8, Code 2019, is amended to read as follows:

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 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.

Sec. 30. Section 256.46, Code 2019, is amended to read as follows:

**256.46 Rules for participation in extracurricular activities by certain children.**

1. The state board shall adopt rules that permit a child who does not meet the residence requirements for participation in extracurricular interscholastic contests or competitions sponsored or administered by an organization as defined in section 280.13 to participate in the contests or competitions immediately if the child is duly enrolled in a school, is otherwise eligible to participate, and meets one of the following circumstances or a similar circumstance: ~~the~~

~~a. The child has been adopted; the.~~

~~b. The child is placed under foster or shelter care; the.~~

~~c. The child is living with one of the child’s parents as a result of divorce, separation, death, or other change in the child’s parents’ marital relationship, or pursuant to other court-ordered decree or order of custody; the.~~

~~d. The child is a foreign exchange student, unless undue influence was exerted to place the child for primarily athletic purposes; the.~~

~~e. The child has been placed in a juvenile correctional facility; the.~~

~~f. The child is a ward of the court or the state; the.~~

~~g. The child is a participant in a substance abuse or mental health program; or the.~~

~~h. The child is enrolled in an accredited nonpublic high school because the child’s district of residence has entered into a whole grade sharing agreement for the pupil’s grade with another district.~~

2. The rules shall permit a child who is otherwise eligible to participate, but who does not meet one of the foregoing or similar circumstances relating to residence requirements, to participate at any level of competition other than the varsity level.

3. For purposes of this section and section 282.18, “*varsity*” means the highest level of competition offered by one school or school district against the highest level of competition offered by an opposing school or school district.

Sec. 31. Section 261.36, subsections 3, 6, and 7, Code 2019, are amended to read as follows:

3. Make and execute agreements, contracts, and other instruments with any public or private person or agency including the United States secretary of education.

6. Approve financial or credit institutions, insurance companies, or other lenders as eligible lenders upon their meeting the standards established by the commission for making guaranteed loans.

7. Accept appropriations, gifts, grants, loans, or other aid from public or private persons or agencies including the United States secretary of education.

Sec. 32. Section 261.86, subsection 1, paragraph f, Code 2019, is amended to read as follows:

f. 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. 33. Section 261A.44, Code 2019, is amended to read as follows:

**261A.44 Obligations secured by trust agreement.**

1. Obligations issued under this subchapter may be secured by a trust agreement by and between the authority and an incorporated trustee, which may be a trust company or bank having the powers of a trust company within or without the state. The trust agreement or the



resolution providing for the issuance of the obligations may pledge or assign the revenue to be received or proceeds of any contract pledged and may convey or mortgage the project or any portion of the project.

2. A pledge or assignment made by the authority pursuant to this section is valid and binding from the time that the pledge or assignment is made, and the revenue pledged and thereafter received by the authority is immediately subject to the lien of the pledge or assignment without physical delivery or any further act. The lien of the pledge or assignment is valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the authority irrespective of whether the parties have notice of the lien.

3. The resolution or trust agreement by which a pledge is created or an assignment made shall be filed or recorded in the records of the authority, with the secretary of state, and in each county in which the project is located.

4. The trust agreement or resolution providing for the issuance of the obligations may contain provisions for protecting and enforcing the rights and remedies of the obligation holders as are reasonable and proper, not in violation of law, or provided for in this subchapter. A bank or trust company incorporated under the laws of this state which acts as depository of proceeds of the obligations, revenue, or other money shall furnish the indemnifying obligations or pledge the securities as required by the authority. The trust agreement may set forth the rights and remedies of the obligation holders and of the trustee, and may restrict the individual right of action by obligation holders. The trust agreement or resolution may contain other provisions the authority deems reasonable and proper for the security of the obligation holders.

5. Expense incurred in carrying out the trust agreement or resolution may be treated as a part of the cost of the operation of a project.

Sec. 34. Section 262.9, subsection 10, Code 2019, is amended to read as follows:

10. Direct the expenditure of all appropriations made to said institutions, and of any other moneys belonging thereto, but in no event shall the perpetual funds of the Iowa state university of science and technology, nor the permanent funds of the state university of Iowa derived under Acts of Congress, be diminished.

Sec. 35. Section 262.34, subsection 1, Code 2019, 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. 36. Section 272.2, subsection 12, Code 2019, is amended to read as follows:

12. Establish Adopt, under chapter 17A, rules necessary to carry out board duties, and establish a budget request.

Sec. 37. Section 279.16, subsection 3, Code 2019, 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 suited to ascertain and conserve the substantial rights of the parties. Process and procedure under sections 279.13 through 279.15, this section, and sections 279.18 and 279.19 shall be as summary as reasonably may be.

Sec. 38. Section 282.10, subsection 4, Code 2019, is amended to read as follows:

4. A whole grade sharing agreement shall be signed by the boards of the districts involved in the agreement not later than February 1 of the school year preceding the school year for which the agreement is to take effect. The boards of the districts shall negotiate as part of the new or existing agreement the disposition of funding provided under chapter 284, including the following:

The teacher leadership supplement state cost per pupil as provided in section 257.9, unless all of the districts subject to the agreement are receiving such funding.

Sec. 39. Section 303.63, Code 2019, is amended to read as follows:

**303.63 Trial to court.**

1. If upon the hearing, which shall be tried de novo, it appears to the court that testimony is necessary for the proper disposition of the matter, ~~it the court~~ may take evidence or appoint a referee to take evidence as it directs and report the evidence to the court with findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

2. Costs shall not be allowed against the board unless it appears to the court that ~~it the board~~ acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Sec. 40. Section 307.1, subsection 3, Code 2019, is amended to read as follows:

3. "Commission" means the state transportation commission established in section 307A.1A.

Sec. 41. Section 309.97, Code 2019, is amended to read as follows:

**309.97 Construction of law.**

Nothing in ~~sections 309.93 to 309.96~~ this subchapter shall contravene or affect the provisions of chapter 24.

Sec. 42. Section 314.22, subsection 1, paragraph e, Code 2019, is amended to read as follows:

e. Incorporate integrated management practices for the long-term control of damaging insect populations, weeds, and ~~invader~~ invasive plant species.

Sec. 43. Section 314.23, subsection 4, Code 2019, is amended to read as follows:

4. *Prime agricultural lands.* Topsoil removed may be utilized for landscaping and other necessary construction. Excess topsoil shall be made available to the former landowner or other landowners whose land was purchased for the construction or others, and if not acquired by one of these parties, it may be disposed of.

Sec. 44. Section 321.423, subsection 6, Code 2019, is amended to read as follows:

6. *Amber flashing light.* A farm tractor, farm tractor with towed equipment, self-propelled implement of husbandry, road construction or maintenance vehicle, road grader, or other vehicle principally designed for use off the highway which, when operated on a primary or secondary road, is operated at a speed of thirty-five miles ~~an~~ per hour or less, shall be equipped with and display an amber flashing light visible from the rear at any time from sunset to sunrise. If the amber flashing light is obstructed by the towed equipment, the towed equipment shall also be equipped with and display an amber flashing light as required under this subsection. All vehicles specified in this subsection which are manufactured for sale or sold in this state shall be equipped with an amber flashing light in accordance with the standards of the American society of agricultural engineers.

Sec. 45. Section 321.431, subsection 1, unnumbered paragraph 1, Code 2019, is amended to read as follows:

The service brakes upon any motor vehicle or combination of motor vehicles, when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one percent, when traveling twenty miles ~~an~~ per hour shall be adequate:

Sec. 46. Section 325A.3A, Code 2019, 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 submitted in writing to the department's office of vehicle and motor carrier services.

Sec. 47. Section 358.1B, subsection 2, Code 2019, is amended to read as follows:

2. For the purpose of establishing, operating, or dissolving a combined water and sanitary district under chapter 357 and this chapter, the term "*sanitary district*" includes a combined water and sanitary district where applicable.

Sec. 48. Section 386.7, subsection 6, Code 2019, is amended to read as follows:

6. A city may issue revenue bonds payable from the income and receipts derived from the self-liquidated improvement. Chapter 384, subchapter V applies to revenue bonds for self-liquidating improvements and the term "*city enterprise*" as used in ~~that~~ chapter 384, subchapter V, shall be deemed to include self-liquidating improvements authorized by this chapter.

Sec. 49. Section 421B.5, Code 2019, is amended to read as follows:

**421B.5 Sales by a wholesaler to a wholesaler.**

When one wholesaler sells cigarettes to any other wholesaler, the former shall not be required to include in the selling price to the latter, the cost to the wholesaler, as defined by section 421B.2, but the latter wholesaler, upon resale to a retailer, shall be subject to the provisions of ~~the said~~ section 421B.2.

Sec. 50. Section 422.32, subsection 2, Code 2019, is amended to read as follows:

2. The words, terms, and phrases defined in section 422.4, subsections 4 ~~through~~, 5, 6, 8, 9, 13, and 15 ~~through~~, 16, and 17, when used in this division, shall have the meanings ascribed to them in said section 422.4, except where the context clearly indicates a different meaning.

Sec. 51. Section 425.17, subsection 2, paragraph a, subparagraph (2), Code 2019, is amended to read as follows:

(2) A person filing a claim for credit or reimbursement under this subchapter who has attained the age of twenty-three years on or before December 31 of the base year or was a head of household on December 31 of the base year, as defined in the Internal Revenue Code, but has not attained the age or disability status described in this paragraph "a", subparagraph (1), and is domiciled in this state at the time the claim is filed or at the time of the person's death in the case of a claim filed by the executor or administrator of the claimant's estate, and was not claimed as a dependent on any other person's tax return for the base year.

Sec. 52. Section 427.13, Code 2019, is amended to read as follows:

**427.13 What taxable.**

All other real property is subject to taxation in the manner prescribed, and this section is also intended to embrace ferry franchises and toll bridges, which, for the purpose of this chapter are considered real property. However, this section is subject to section 427.1.

~~However, this section is subject to section 427.1.~~

Sec. 53. Section 448.1, Code 2019, is amended to read as follows:

**448.1 Return of certificate of purchase — execution of deed — fees.**

1. Immediately after the expiration of ninety days from the date of completed service of the notice provided in section 447.12, the county treasurer shall make out a deed for each parcel sold and unredeemed upon the return of the certificate of purchase and payment of the appropriate deed and recording fees by the purchaser. The treasurer shall record the deed with the county recorder prior to delivering the deed to the purchaser. The treasurer shall receive twenty-five dollars for each deed made by the treasurer, and the treasurer may include any number of parcels purchased by one person in one deed, if authorized by the treasurer.

2. The tax sale certificate holder shall return the certificate of purchase and remit the appropriate deed issuance fee and recording fee to the county treasurer within ninety calendar days after the redemption period expires. The treasurer shall cancel the certificate for any tax sale certificate holder who fails to comply with this ~~paragraph subsection~~. This ~~paragraph subsection~~ does not apply to certificates held by a county. This ~~paragraph subsection~~ is applicable to all certificates of purchase issued before, on, or after July 1, 1997. Holders of certificates of purchase that are outstanding on July 1, 1997, shall return the certificate of purchase and remit the appropriate deed issuance fee to the county treasurer within ninety calendar days from that date.

Sec. 54. Section 450.32, Code 2019, is amended to read as follows:

**450.32 Hearing — order.**

If upon the hearing the court finds the amount at which the real property is appraised is ~~its~~ the property's value on the market in the ordinary course of trade and the appraisal was fairly and in good faith made, ~~it~~ the court shall approve the appraisal. If the court finds that the appraisal was made at a greater or lesser sum than the value of the real property in the ordinary course of trade, or that ~~it~~ the appraisal was not made fairly or in good faith ~~made~~, ~~it~~ the court shall set aside the appraisal. Upon the appraisal being set aside, the court shall fix the value of the real property of the estate for inheritance tax purposes and the valuation fixed is that upon which the tax shall be paid, unless an appeal is taken from the order of the court as provided for in this chapter.

Sec. 55. Section 450.47, Code 2019, 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~~. 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 as provided in section 450.48.

Sec. 56. Section 453A.44, subsection 7, Code 2019, is amended to read as follows:

7. The director, upon receipt of the application ~~(and, and~~ and bond, in the case of the ~~distributor)~~ distributor, in proper form, and payment of the license fee required by subsection 4 or subsection 5, shall unless otherwise provided by this subchapter, issue the applicant a license in form as prescribed by the director, which license shall permit the applicant to whom it is issued to engage in business as a distributor or subjobber at the place of business shown in the application. The director shall assign a permit number to each person licensed as a distributor at the time of issuance of the person's first license, which shall be inscribed upon all licenses issued to that distributor.

Sec. 57. Section 453A.45, subsection 5, paragraph c, Code 2019, is amended to read as follows:

c. Common carriers transporting tobacco products into this state shall file with the director reports of all such shipments other than those which are delivered to public warehouses of first destination in this state which are licensed under the provisions of chapter 554. Such reports shall be filed on or before the tenth day of each month and shall show with respect to deliveries made in the preceding month; all of the following:

- (1) The date;
- (2) The point of origin;
- (3) The point of delivery;
- (4) The name of the consignee;
- (5) A description and the quantity of tobacco products delivered, and such;
- (6) Such other information as the director may otherwise require.

Sec. 58. Section 455A.14, subsection 2, Code 2019, is amended to read as follows:

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 on a statewide basis or on the basis of an individual state park or recreation area 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.~~

Sec. 59. Section 455B.338, Code 2019, is amended to read as follows:

**455B.338 Judicial review.**

Judicial review of the actions of the commission may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of ~~said Act chapter 17A,~~ a petition for judicial review may be filed in the district court of the county in which the alleged violation was committed or in which a final order was entered.

Sec. 60. Section 455B.339, Code 2019, is amended to read as follows:

**455B.339 Injunction.**

Whenever, in the judgment of the director, any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this part 2 of division IV or any rule or order promulgated under ~~said this part 2,~~ the director may request the attorney general to make application in the name of the state to the district court of the county in which such acts or practices may be performed, for an order enjoining such acts or practices notwithstanding the existence or pursuit of any other remedy, and the attorney general shall make such application.

Sec. 61. Section 455B.340, Code 2019, is amended to read as follows:

**455B.340 Penalty.**

Any person who violates any provisions of this part 2 of division IV or rules adopted under ~~this part 2,~~ or any order of the department or director issued pursuant to said part, shall be guilty of a serious misdemeanor and, in addition, the person may be enjoined from continuing such violation. Each day of continued violation after notice that a violation is being committed shall constitute a separate violation.

Sec. 62. Section 459.102, subsection 6, paragraphs l and m, Code 2019, are amended to read as follows:

- l. Fishes Fish weighing twenty-five grams or more..... 0.001
- m. Fishes Fish weighing less than twenty-five grams..... 0.00006

Sec. 63. Section 462A.3, Code 2019, is amended to read as follows:

**462A.3 Powers and duties of commission.**

1. The commission is ~~hereby~~ vested with the power and is charged with the duty of observing, administering and enforcing the provisions of this chapter.

2. The commission may adopt and enforce rules under chapter 17A as necessary to carry out this chapter and to protect private and public property and the health, safety, and welfare of the public. In adopting rules, the commission shall give consideration to the various uses to which they may be put by and for public and private purposes, the preservation of each body of water, its bed, waters, ice, banks, and public and private property attached thereto, and the need for uniformity of rules relating to the use, operation, and equipment of vessels and vehicles.

Sec. 64. Section 465C.3, Code 2019, is amended to read as follows:

**465C.3 Membership.**

1. a. The board shall be composed of seven members, six of which shall be appointed by the governor. The director of the department shall also serve as a member of the board.

~~b. 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. Members shall serve until their successors are appointed and qualified. The director shall serve as long as the director is director. Any vacancies on the board shall be filled, for the remainder of the term vacated, by appointment by the governor provided by this chapter. As terms of members 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. 65. Section 474.2, Code 2019, 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 public utility shall be eligible to hold the office of utilities board member or chief operating officer of the utilities board; ~~and the~~. 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 chief operating officer after appointment shall disqualify the member or chief operating officer to hold the office or perform the duties thereof of the office.

Sec. 66. Section 474.8, Code 2019, 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~~. Each member shall devote the member's whole time to the duties of the office, and the members, 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. 67. Section 479.4, subsection 1, Code 2019, is amended to read as follows:

1. The board is vested with power and authority and it shall be the board's duty to supervise all pipelines and underground storage and pipeline companies and, ~~shall~~ from time to time, to inspect and examine the construction, maintenance, and condition of the pipelines and underground storage 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, the board shall immediately in writing notify the pipeline company which is constructing or operating the pipeline and underground storage facilities, device, apparatus, or other equipment to repair or replace any defective or unsafe part or portion of the pipeline and underground storage facilities, device, apparatus, or equipment.

Sec. 68. Section 479B.4, Code 2019, is amended to read as follows:

**479B.4 Application for permit — informational meeting — notice.**

1. A pipeline company doing business in this state shall file a verified petition with the board asking for a permit to construct, maintain, and operate a new pipeline along, over, or across the public or private highways, grounds, waters, and streams of any kind in this state. Any pipeline company now owning or operating a pipeline or underground storage facility in this state shall be issued a permit by the board upon supplying the information as provided for in section 479B.5, subsections 1 through 5, and meeting the requirements of section 479B.13.

2. A pipeline company doing business in this state and proposing to store hazardous liquid underground within this state shall file with the board a verified petition asking for a permit to construct, maintain, and operate facilities for the underground storage of hazardous liquid which includes the construction, placement, maintenance, and operation of machinery, appliances, fixtures, wells, pipelines, and stations necessary for the construction, maintenance, and operation of the underground storage facilities.

3. The pipeline company shall hold informational meetings in each county in which real property or property rights will be affected at least thirty days prior to filing the petition for a

new pipeline. A member of the board, or a person designated by the board, shall serve as the presiding officer at each meeting and present an agenda for the meeting which shall include a summary of the legal rights of the affected landowners. No formal record of the meeting shall be required. The meeting shall be held at a location reasonably accessible to all persons who may be affected by granting the permit.

4. The pipeline company seeking the permit for a new pipeline shall give notice of the informational meeting to each landowner affected by the proposed project and each person in possession of or residing on the property. For the purposes of the informational meeting, "landowner" means a person listed on the tax assessment rolls as responsible for the payment of real estate taxes imposed on the property and "pipeline" means a line transporting a hazardous liquid under pressure in excess of one hundred fifty pounds per square inch and extending a distance of not less than five miles or having a future anticipated extension of an overall distance of five miles.

5. a. The notice shall set forth the following: the

(1) The name of the applicant, ~~the~~.

(2) The applicant's principal place of business, ~~the~~.

(3) The general description and purpose of the proposed project, ~~the~~.

(4) The general nature of the right-of-way desired, ~~a~~.

(5) A map showing the route or location of the proposed project, ~~that~~.

(6) That the landowner has a right to be present at the meeting and to file objections with the board, ~~and a~~.

(7) A designation of the time and place of the meeting.

b. The notice shall be 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.

6. A pipeline company seeking rights under this chapter shall not negotiate or purchase an easement or other interest in land in a county known to be affected by the proposed project prior to the informational meeting.

Sec. 69. Section 481A.4, Code 2019, is amended to read as follows:

**481A.4 Fish hatcheries — game farms.**

The commission may establish and control the state hatcheries and game farms, which shall be used for the purpose of stocking the waters of the state with fish and the natural covers with game birds to the extent of the means provided for that purpose; and for impartially and equitably ~~distribute~~ distributing all birds, eggs, and fry raised by or furnished to the state, or for ~~it the state~~ through other sources, in the streams, lakes, and natural covers of the state.

Sec. 70. Section 481A.13, Code 2019, is amended to read as follows:

**481A.13 Search warrants.**

1. 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.

2. 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~~. 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. 71. Section 481A.36, subsection 2, Code 2019, is amended to read as follows:

2. Prosecutions for violations may be brought in the county in which any fish, fowl, bird, bird's nest, eggs, or plumage, or animals protected by this chapter were unlawfully caught,

taken, killed, trapped, ensnared, bought, sold, or shipped unlawfully, or in any county into or through which they were received, transported, or found in the possession of any person.

Sec. 72. Section 489.1101, subsection 4, Code 2019, is amended to read as follows:

4. “*Profession*” means the ~~profession of certified following professions:~~

~~a. Certified public accountancy, architecture, chiropractic, dentistry, physical.~~

~~b. Architecture.~~

~~c. Chiropractic.~~

~~d. Dentistry.~~

~~e. Physical therapy, practice.~~

~~f. Practice as a physician assistant, psychology, professional.~~

~~g. Psychology.~~

~~h. Professional engineering, land.~~

~~i. Land surveying, landscape.~~

~~j. Landscape architecture, law, medicine.~~

~~k. Law.~~

~~l. Medicine and surgery, optometry, osteopathic.~~

~~m. Optometry.~~

~~n. Osteopathic medicine and surgery, accounting.~~

~~o. Accounting practitioner, podiatry, real.~~

~~p. Podiatry.~~

~~q. Real estate brokerage, speech.~~

~~r. Speech pathology, audiology, veterinary.~~

~~s. Audiology.~~

~~t. Veterinary medicine, pharmacy, nursing, marital.~~

~~u. Pharmacy.~~

~~v. Nursing.~~

~~w. 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.~~

~~x. Social work, provided that the social worker is licensed pursuant to chapter 147 and section 154C.3, subsection 1, paragraph “c”.~~

Sec. 73. Section 490.140, subsection 19, Code 2019, is amended to read as follows:

19. “*Governmental subdivision*” includes an authority, city, county, district, township, and other political subdivision.

Sec. 74. Section 496C.2, subsections 4 and 5, Code 2019, are amended to read as follows:

4. “*Profession*” means the ~~profession of certified following professions:~~

~~a. Certified public accountancy, architecture, chiropractic, dentistry, physical.~~

~~b. Architecture.~~

~~c. Chiropractic.~~

~~d. Dentistry.~~

~~e. Physical therapy, practice.~~

~~f. Practice as a physician assistant, psychology, marital.~~

~~g. Psychology.~~

~~h. 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.~~

~~i. Social work, provided that the social worker is licensed pursuant to chapter 147 and section 154C.3, subsection 1, paragraph “c”, professional.~~

~~j. Professional engineering, land.~~

~~k. Land surveying, landscape.~~

~~l. Landscape architecture, law, medicine.~~

~~m. Law.~~

~~n. Medicine and surgery, optometry, osteopathic.~~

~~o. Optometry.~~

~~p. Osteopathic medicine and surgery, accounting.~~

~~q. Accounting practitioner, podiatry, real.~~



r. Podiatry.

s. Real estate brokerage, speech.

t. Speech pathology, audiology, veterinary.

u. Audiology.

v. Veterinary medicine, pharmacy, and the

w. Pharmacy.

x. The practice of nursing.

5. “*Professional corporation*” means a corporation subject to this Act chapter, except a foreign professional corporation.

Sec. 75. Section 499.4, Code 2019, is amended to read as follows:

**499.4 Use of term “cooperative” restricted.**

1. A person including a corporation hereafter organized, which is not an association as defined in this chapter or a cooperative as defined in chapter 501 or 501A, shall not use the word “cooperative” or any abbreviation thereof in its name or advertising or in any connection with its business, except foreign associations admitted under section 499.54. The attorney general or any association or any member thereof may sue and enjoin such use.

2. This chapter does not control the use of fictitious names; ~~however.~~ However, if a cooperative association or a foreign cooperative association uses a fictitious name in this state, ~~it the cooperative association or foreign cooperative association~~ shall deliver to the secretary of state for filing a copy of the resolution of its board of directors, certified by its secretary, adopting the fictitious name.

Sec. 76. Section 507B.12, subsection 2, Code 2019, is amended to read as follows:

2. The powers vested in the commissioner by this chapter shall be additional to any other powers to enforce any penalties, fines, or forfeitures authorized by law with respect to the methods, acts, and practices hereby declared to be unfair or deceptive.

Sec. 77. Section 508.18, Code 2019, is amended to read as follows:

**508.18 Decree.**

The court, on the final hearing, may make the decree subject to the provisions of section 508.19 as to the appointment of a receiver, the disposition of the deposits of the company in the hands of the commissioner, and its dissolution, if a domestic company.

Sec. 78. Section 514B.26, subsection 2, Code 2019, is amended to read as follows:

2. At the time and place fixed for a hearing, the person charged shall have an opportunity to be heard and to show cause why the order should not be made by the commissioner. Upon good cause shown, the commissioner may permit any person to intervene, appear, and be heard at the hearing by counsel or in person. Nothing contained in this chapter shall require the observance at any hearing of formal rules of pleading or evidence. The provisions of section 507B.6, subsections 4 and 5, relating to the powers and duties of the commissioner in relation to the hearing and relating to the rights and obligations of persons upon whom the commissioner has served notice shall apply to this chapter.

Sec. 79. Section 523A.601, subsection 5, paragraph a, Code 2019, is amended to read as follows:

a. The specific method or methods ~~(trust, including but not limited to trust deposits, certificates of deposit, life insurance or an annuity, a surety bond, or warehousing)~~ warehousing, that will be used to fund the purchase agreement.

Sec. 80. Section 523I.312, subsection 1, Code 2019, is amended to read as follows:

1. A nonperpetual cemetery shall not sell any lot or interment space in the cemetery unless the purchaser of the interment space is informed that the cemetery is a nonperpetual care cemetery. Each nonperpetual care cemetery shall have printed or stamped at the head of all of its contracts, deeds, statements, letterheads, and advertising material, the legend: “This is a nonperpetual care cemetery”, ~~and shall not sell any lot or interment space in the cemetery unless the purchaser of the interment space is informed that the cemetery is a nonperpetual care cemetery.~~

Sec. 81. Section 537.2501, subsection 1, paragraph e, subparagraph (3), Code 2019, is amended to read as follows:

(3) Escrows for future payments of taxes, including assessments for improvements, insurance, and water, sewer, and land rents.

Sec. 82. Section 554.10105, subsection 1, Code 2019, is amended to read as follows:

1. The secretary of state, and the secretary's employees or agents, are hereby exempted from all personal liability as a result of errors or omissions in the performance of any duty required by the Uniform Commercial Code, as provided in this chapter, except in cases of willful negligence.

Sec. 83. Section 598.41, subsection 3, paragraph g, Code 2019, is amended to read as follows:

g. Whether one or both of the parents agree or are opposed to joint custody.

Sec. 84. Section 626.30, Code 2019, is amended to read as follows:

**626.30 Expiration or return of distress warrant.**

Proceedings by garnishment under a distress warrant issued by the Iowa director of revenue or the director of inspections and appeals shall not be affected by its the expiration or its return of the warrant.

Sec. 85. Section 628.19, Code 2019, is amended to read as follows:

**628.19 Credit on lien.**

If the lienholder is unwilling to hold the property and credit the debtor ~~thereon~~ with the full amount of the lienholder's lien, the lienholder must state the utmost amount that the lienholder is willing to credit the debtor ~~with~~.

Sec. 86. Section 633.3, subsections 16, 19, and 31, Code 2019, are amended to read as follows:

16. *Executor* — ~~means~~ any person appointed by the court to administer the estate of a testate decedent.

19. *Functional limitations* — ~~means~~ the behavior or condition of a person which impairs the person's ability to care for the person's personal safety or to attend to or provide for necessities for the person.

31. *Probate assets* — ~~means~~ a decedent's property subject to administration by a personal representative.

Sec. 87. Section 633.356, Code 2019, is amended to read as follows:

**633.356 Distribution of property by affidavit — very small estates.**

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, 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.

2. "Successor" means:

a. If the decedent died testate, the reasonably ascertainable beneficiary or beneficiaries who succeeded to the item of property under the decedent's will. For the purposes of this subsection, the trustee of a trust created during the decedent's lifetime is a beneficiary under the decedent's will if the trust succeeds to the property under the decedent's will.

b. If the decedent died intestate, the reasonably ascertainable person or persons who succeeded to the property under the laws of intestate succession of this state.

c. If the decedent received medical assistance benefits from the state, the Iowa Medicaid agency that provided the benefits is a successor pursuant to subsection 8.

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, 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.

(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.

4. a. If the decedent had evidence of ownership of the property described in the affidavit and the holder of the property would have the right to require presentation of the evidence of ownership before the duty of the holder to pay, deliver, or transfer the property to the decedent would have arisen, the evidence of the ownership, if available, shall be presented with the affidavit to the holder of the decedent's property.

b. If the evidence of ownership is not presented to the holder of the property, the holder may require, as a condition for the payment, delivery, or transfer of the property, that the affiant provide the holder with a bond in a reasonable amount determined by the holder to be sufficient to indemnify the holder against all liability, claims, demands, loss, damages, costs, and expenses that the holder may incur or suffer by reason of the payment, delivery, or transfer of the property. This subsection does not preclude the holder and the affiant from dispensing with the requirement that a bond be provided, and instead entering into an agreement satisfactory to the holder concerning the duty of the affiant to indemnify the holder.

c. Judgments rendered by any court in this state and mortgages belonging to a decedent whose personal property is being distributed pursuant to this section may, without prior order of court, be released, discharged, or assigned, in whole or in part, as to any property, and deeds may be executed in performance of real estate contracts entered into by the decedent, where an affidavit made pursuant to subsection 3 or 8 is filed in the office of the county recorder of the county wherein any judgment, mortgage, or real estate contract appears of record.

5. Reasonable proof of the identity of each successor seeking distribution by virtue of the affidavit shall be provided to the satisfaction of the holder of the decedent's property.

6. *a.* If the requirements of this section are satisfied:

(1) The property described in the affidavit shall be paid, delivered, or transferred to or for the benefit of each successor.

(2) A transfer agent of a security described in the affidavit shall change registered ownership on the books of the corporation from the decedent to or for the benefit of each successor.

(3) The holder of the property may return the attached certified copy of the decedent's death certificate to the affiant.

*b.* If the holder of the decedent's property refuses to pay, deliver, or transfer any property or evidence thereof to or for the benefit of the successor within a reasonable time, a successor may recover the property or compel its payment, delivery, or transfer in an action brought for that purpose against the holder of the property. If an action is brought against the holder under this subsection, the court shall award attorney fees to the person bringing the action if the court finds that the holder of the decedent's property acted unreasonably in refusing to pay, deliver, or transfer the property to or for the benefit of the successor as required by this subsection.

7. *a.* If the requirements of this section are satisfied, receipt by the holder of the decedent's property of the affidavit under subsection 3 or 8 constitutes sufficient acquittance for the payment of money, delivery of property, or transferring the registered ownership of property pursuant to this section and discharges the holder from any further liability with respect to the money or property. The holder may rely in good faith on the statements in the affidavit and has no duty to inquire into the truth of any statement in the affidavit.

*b.* If the requirements of this section are satisfied, the holder is not liable for any debt owed by the decedent by reason of paying money, delivering property, or transferring registered ownership of property pursuant to this section. If an action is brought against the holder under this section, the court shall award attorney fees to the holder if the court finds that the holder acted reasonably in paying, delivering, or transferring the property as required by this section.

8. *a.* If an affidavit, executed under this section for a deceased distributee of an estate being administered in this state, is filed with the clerk of the district court in which the estate is being administered, the court shall direct the personal representative to pay the money or deliver the property to or for the benefit of each successor to the extent the court determines that the deceased distributee would have been entitled to money or property of the estate.

*b.* When the department of human services is entitled to money or property of a decedent pursuant to section 249A.53, subsection 2, and no affidavit has been presented by a successor as defined in subsection 2, paragraph "a" or "b", within ninety days of the date of the decedent's death, the funds in the account or other property, up to the amount of the claim of the department, shall be paid to the department upon presentation by the department or an entity designated by the department of an affidavit to the holder of the decedent's property. Such affidavit shall include the information specified in subsection 3, except that the department may submit proof of payment of funeral expenses as verification of the decedent's death instead of a certified copy of the decedent's death certificate. The amount of the department's claim shall also be included in the affidavit, which shall entitle the department to receive the funds as a successor. The department shall issue a refund within sixty days to any claimant with a superior priority pursuant to section 633.425, if notice of such claim is given to the department, or to the entity designated by the department to receive notice, within one year of the department's receipt of funds. This paragraph shall apply to funds or property of the decedent transferred to the custody of the treasurer of state as unclaimed property pursuant to chapter 556.

~~9. The procedure provided by this section may be used only if no administration of the decedent's estate is pending.~~

10. 9. 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, 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, 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, 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.

10. The procedure provided by this section may be used only if no administration of the decedent’s estate is pending.

Sec. 88. Section 633.637, Code 2019, is amended to read as follows:

**633.637 Powers of ward.**

1. A ward for whom a conservator has been appointed shall not have the power to convey, encumber, or dispose of property in any manner, other than by will if the ward possesses the requisite testamentary capacity, unless the court determines that the ward has a limited ability to handle the ward’s own funds. If the court makes such a finding, ~~it~~ the court shall specify to what extent the ward may possess and use the ward’s own funds.

2. Any modification of the powers of the ward that would be more restrictive of the ward’s control over the ward’s financial affairs shall be based upon clear and convincing evidence and the burden of persuasion is on the conservator. Any modification that would be less restrictive of the ward’s control over the ward’s financial affairs shall be based upon proof in accordance with the requirements of section 633.675.

Sec. 89. Section 633.665, Code 2019, is amended to read as follows:

**633.665 Separate actions and claims.**

1. Any action pending against the ward at the time the conservator is appointed shall also be considered a claim filed in the conservatorship if notice of substitution is served on the conservator as defendant, and a duplicate of the proof of service of notice of such proceeding is filed in the conservatorship proceeding.

2. A separate action based on a debt or other liability of the ward may be commenced against the conservator ~~as such~~ in lieu of filing a claim in the conservatorship. Such an action shall be commenced by serving an original notice on the conservator and filing a duplicate of the proof of service of notice of such proceeding in the conservatorship proceeding. Such an action shall also be considered a claim filed in the conservatorship. Such an action may be commenced only in a county where the venue would have been proper if there were no conservatorship and the action had been commenced against the ward.

Sec. 90. Section 669.11, Code 2019, is amended to read as follows:

**669.11 Payment of award.**

Any award to a claimant under this chapter, and any judgment in favor of any claimant under this chapter, shall be paid promptly out of appropriations which have been made for ~~such~~ that purpose, if any; but any such amount or part thereof which cannot be paid promptly from such appropriations shall be paid promptly out of any ~~money~~ moneys in the state treasury not otherwise appropriated. Payment shall be made only upon receipt of a written release by the claimant in a form approved by the attorney general.

Sec. 91. Section 716.12, Code 2019, is amended to read as follows:

**716.12 Critical infrastructure sabotage — penalties.**

A person who commits critical infrastructure sabotage as defined in section 716.11 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.

Sec. 92. Section 717F.1, subsection 5, paragraph a, subparagraph (5), Code 2019, is amended to read as follows:

(5) A member of the family *rhinocero tidae* of the order *perissodactyla*, which is a rhinoceros.

Sec. 93. Section 717F.8, subsection 2, paragraph b, Code 2019, is amended to read as follows:

b. Five hundred dollars for a member of the family *rhinocero tidae* of the order *perissodactyla*, which is a rhinoceros.

Sec. 94. Section 820.23, Code 2019, is amended to read as follows:

**820.23 Application for extradition.**

1. When the return to this state of a person charged with crime in this state is required, the prosecuting attorney shall present to the governor the prosecuting attorney's written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against the person, the approximate time, place and circumstances of its commission, the state in which the person is believed to be, including the location of the accused therein at the time the application is made and certifying that, in the opinion of the ~~said~~ prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim.

2. When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of the person's bail, probation, or parole, the prosecuting attorney of the county in which the offense was committed, the parole board, or the warden of the institution or sheriff of the county, from which escape was made, shall present to the governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which the person was convicted, the circumstances of the person's escape from confinement or of the breach of the terms of the person's bail, probation, or parole, and the state in which the person is believed to be, including the location of the person therein at the time application is made.

3. The application shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or magistrate, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, parole board, warden, or sheriff may also attach such further affidavits and other documents in duplicate as the prosecuting officer, parole board, warden, or sheriff shall deem proper to be submitted with such application. One copy of the application, with the action of the governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information, and affidavits or of the judgment of conviction or of the sentence shall be filed in the office of the governor to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition.

Sec. 95. Section 822.6, subsection 2, Code 2019, is amended to read as follows:

2. When a court is satisfied, on the basis of the application, the answer or motion, and the record, that the applicant is not entitled to postconviction relief and no purpose would be served by any further proceedings, ~~it~~ the court may indicate to the parties its intention to dismiss the application and ~~its~~ the reasons for dismissal. The applicant shall be given an opportunity to reply to the proposed dismissal. In light of the reply, or on default thereof, the court may order the application dismissed or grant leave to file an amended application or direct that the proceedings otherwise continue. Disposition on the pleadings and record is not proper if a material issue of fact exists.

DIVISION II  
CORRESPONDING CHANGES

Sec. 96. Section 8D.13, subsection 18, Code 2019, is amended to read as follows:

18. Access to the network shall be offered to the department of public safety and the department of public defense for the purpose of establishing and operating a shared data-only network providing law enforcement, emergency management, disaster service, emergency warning, and other emergency information dissemination services to federal, state, and local law enforcement agencies as provided in sections ~~80.9~~ 80.5 and 80.9B, and local emergency management offices established under the authority of sections 29C.9 and 29C.10.

Sec. 97. Section 97A.1, subsection 10, Code 2019, is amended to read as follows:

10. “*Earnable compensation*” or “*compensation earnable*” shall mean the regular compensation which a member would earn during one year on the basis of the stated compensation for the member’s rank or position including compensation for longevity and the daily amount received for meals under section ~~80.8~~ 80.6 and excluding any amount received for overtime compensation or other special additional compensation, other payments for meal expenses, uniform cleaning allowances, travel expenses, and uniform allowances and excluding any amount received upon termination or retirement in payment for accumulated sick leave or vacation.

Sec. 98. Section 99F.1, subsection 7, Code 2019, is amended to read as follows:

7. “*Division*” means the division of criminal investigation of the department of public safety as provided in section ~~80.17~~ 80.4.

Sec. 99. Section 135.141, subsection 1, Code 2019, is amended to read as follows:

1. A division of acute disease prevention and emergency response is established within the department. The division shall coordinate the administration of this ~~division of this chapter subchapter~~ with other administrative divisions of the department and with federal, state, and local agencies and officials.

Sec. 100. Section 135.141, subsection 2, paragraphs g and i, Code 2019, are amended to read as follows:

g. Apply for and accept grants, gifts, or other funds to be used for programs authorized by this ~~division of this chapter subchapter~~.

i. Adopt rules pursuant to chapter 17A for the administration of this ~~division of this chapter subchapter~~ including rules adopted in cooperation with the Iowa pharmacy association and the Iowa hospital association for the development of a surveillance system to monitor supplies of drugs, antidotes, and vaccines to assist in detecting a potential public health disaster. Prior to adoption, the rules shall be approved by the state board of health and the director of the department of homeland security and emergency management.

Sec. 101. Section 135.143, subsection 3, unnumbered paragraph 1, Code 2019, is amended to read as follows:

A member of a public health response team acting pursuant to this ~~division of this chapter subchapter~~ shall be considered an employee of the state under section 29C.21 and chapter ~~669~~, shall be afforded protection as an employee of the state under section 669.21, and shall be considered an employee of the state for purposes of workers’ compensation, disability, and death benefits, provided that the member has done all of the following:

Sec. 102. Section 135.144, subsections 5, 6, 7, and 8, Code 2019, are amended to read as follows:

5. Order physical examinations and tests and collect specimens as necessary for the diagnosis or treatment of individuals, to be performed by any qualified person authorized to do so by the department. An examination or test shall not be performed or ordered if the examination or test is reasonably likely to lead to serious harm to the affected individual. The department may isolate or quarantine, pursuant to chapter 139A and the rules implementing chapter 139A and this ~~division of this chapter subchapter~~, any individual whose refusal of medical examination or testing results in uncertainty regarding whether the individual has been exposed to or is infected with a communicable or potentially communicable disease or otherwise poses a danger to public health.

6. Vaccinate or order that individuals be vaccinated against an infectious disease and to prevent the spread of communicable or potentially communicable disease. Vaccinations shall be administered by any qualified person authorized to do so by the department. The vaccination shall not be provided or ordered if it is reasonably likely to lead to serious harm to the affected individual. To prevent the spread of communicable or potentially communicable disease, the department may isolate or quarantine, pursuant to chapter 139A and the rules implementing chapter 139A and this ~~division of this chapter subchapter~~, any person who is unable or unwilling to undergo vaccination pursuant to this subsection.

7. Treat or order that individuals exposed to or infected with disease receive treatment or prophylaxis. Treatment or prophylaxis shall be administered by any qualified person authorized to do so by the department. Treatment or prophylaxis shall not be provided or ordered if the treatment or prophylaxis is reasonably likely to lead to serious harm to the affected individual. To prevent the spread of communicable or potentially communicable disease, the department may isolate or quarantine, pursuant to chapter 139A and the rules implementing chapter 139A and this ~~division of this chapter~~ subchapter, any individual who is unable or unwilling to undergo treatment or prophylaxis pursuant to this section.

8. Isolate or quarantine individuals or groups of individuals pursuant to chapter 139A and the rules implementing chapter 139A and this ~~division of this chapter~~ subchapter.

Sec. 103. Section 282.18, subsection 11, paragraph c, Code 2019, is amended to read as follows:

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, subsection 3.

### DIVISION III CODE EDITOR DIRECTIVES

#### Sec. 104. CODE EDITOR DIRECTIVES.

1. Sections 18B.2, subsection 1, paragraph “a”, subparagraph (2), subparagraph division (a); and 455B.262, subsection 1, Code 2019, are amended by striking the words “flood plain” and inserting in lieu thereof the word “floodplain”.

2. Sections 335.2 and 414.21, Code 2019, are amended by striking the words “flood plains” and inserting in lieu thereof the word “floodplains”.

3. Sections 49A.9, 218.72, 222.11, 222.69, 225.28, 226.17, and 230.11, Code 2019, are amended by striking the word “money” and inserting in lieu thereof the word “moneys”.

4. Sections 25.2, subsection 4; 85.59, subsection 4; and 166.42, subsection 2, Code 2019, are amended by striking the word “money” and inserting in lieu thereof the word “moneys”.

5. Sections 135.42 and 249A.40, Code 2019, are amended by striking the word “division” and inserting in lieu thereof the word “subchapter”.

6. Sections 15E.206, subsection 3, paragraph “a”; 15E.207, subsection 2, paragraph “b”,<sup>1</sup> subparagraph division (c); 15E.208, subsection 5, paragraph “g”, subparagraphs (1) and (2); 15E.208, subsection 6, paragraph “d”, subparagraph (1), subparagraph division (a); 135.61, unnumbered paragraph 1; 135.61, subsection 1, paragraph “d”; 135.61, subsection 4; 135.62, subsection 1; 135.62, subsection 2, paragraph “f”, subparagraphs (2), (4), and (5); 135.63, subsection 1; 135.63, subsection 2, unnumbered paragraph 1; 135.63, subsection 2, paragraph “f”; 135.63, subsection 2, paragraph “g”, subparagraph (1); 135.63, subsection 2, paragraph “h”, subparagraph (1), unnumbered paragraph 1; 135.63, subsection 2, paragraph “j”; 135.63, subsection 2, paragraph “k”, subparagraph (1), unnumbered paragraph 1; 135.63, subsection 2, paragraph “l”, unnumbered paragraph 1; 135.63, subsection 2, paragraphs “m” and “n”; 135.63, subsection 2, paragraph “p”, unnumbered paragraph 1; 135.63, subsection 3; 135.64, subsection 3; 135.72, unnumbered paragraph 1; 135.73, subsection 1; 135.73, subsection 2, unnumbered paragraph 1; 135.73, subsection 3; 135.74, subsections 1 and 3; 135.75, subsection 2; 135.76, subsection 1; 135.100, unnumbered paragraph 1; 135.105A, subsection 5; 135.108, unnumbered paragraph 1; 135.140, unnumbered paragraph 1; 249K.2, subsection 6; 490.120, subsection 12, paragraph “c”, subparagraph (1); 490.140, subsection 29; 490.640, subsection 8; 490.809, subsection 2; 490.858, subsection 2; 490.1101, unnumbered paragraph 1; 490.1105, subsection 3; 490.1107, subsection 1, paragraph “h”; 490.1107, subsection 2; 490.1107, subsection 4, paragraph “b”; 490.1108, subsection 1; 490.1114, subsection 1; 490.1114, subsection 2, paragraph “g”; 490.1202, subsection 7; 490.1301, unnumbered paragraph 1; 490.1320, subsection 1; 490.1320, subsection 3, paragraphs “a” and “b”; 490.1322, subsection 2, paragraph “c”; 490.1323, subsection 3; 490.1331, subsection 1; 490.1340, subsection 2, paragraph “a”, subparagraph (1); 490.1403, subsection 3; 490.1405,

<sup>1</sup> See chapter 89, §21 herein



subsection 2, paragraph “c”; 499.69A, subsection 6; 524.1309, subsection 8; 524.1406, subsection 1; 524.1417, subsection 1; and 524.1805, subsection 6, Code 2019, are amended by striking the word “division” and inserting in lieu thereof the word “subchapter”.

7. The Code editor may change Code chapter division designations to subchapter designations and correct internal references as necessary within and to the following Code chapters:

- a. 135.
- b. 490.

8. The Code editor may designate unnumbered Code chapter headings as numbered subchapters and correct internal references as necessary within and to the following Code chapters:

- a. 274.
- b. 294.
- c. 297.
- d. 420.

9. The Code editor may add the following Code chapter headings to the numbered subchapters in Code chapter 499A:

- a. Subchapter I: add the heading, “GENERAL PROVISIONS”.
- b. Subchapter II: add the heading, “LOW-INCOME OR SWEAT EQUITY HOUSING COOPERATIVES”.

10. The Code editor shall delete unnumbered Code chapter headings from Code chapter 15A.

11. a. The Code editor is directed to make the following transfers:

- (1) Section 80.6 to section 80.16.
- (2) Section 80.7 to section 80.25.
- (3) Section 80.8 to section 80.6.
- (4) Section 80.9 to section 80.5.
- (5) Section 80.17 to section 80.4.
- (6) Section 488.1206 to section 488.117A.

b. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this subsection.

12. The Code editor is directed to number unnumbered paragraphs within sections 3.6, 6B.25, 8.21, 8.44, 8.61, 29A.13, 29A.17, 29A.37, 29A.40, 29A.46, 29A.47, 29A.61, 29A.74, 29B.3, 29B.4, 29B.25, 29B.35, 29B.42, 29B.61, 29B.64, 29B.66, 29B.70, 29B.79, 29B.105, 29B.119, 43.63, 44.17, 85A.25, 86.44, 100.5, 100.54, 100B.3, 100B.4, 100B.9, 157.7, 161E.14, 218.2, 218.94, 277.5, 277.7, 277.20, 303.6, 303.11, 303.21, 303.33, 303.86, 309.22, 331.241, 331.245, 331.435, 335.21, 347.25, 349.6, 357A.6, 357A.12, 357A.15, 357A.22A, 384.2, 384.14, 384.28, 384.61, 386.5, 388.3, 388.5, 422.6, 423B.3, 425.8, 425.28, 427.2A, 441.6, 441.33, 445.4, 450.6, 450.88, 455G.16, 462A.13, 468.92, 468.590, 479B.7, 479B.14, 480.5, 499.45, 509A.3, 509A.5, 509A.12, 509A.13, 515B.15, 515G.14, 524.539, 548.105, 548.114, 602.9206, 602.10104, 602.10107, 602.11103, 602.11108, 633.434, 691.2, 692.4, and 904.305, Code 2019, in accordance with established Code section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

Approved April 15, 2019

**CHAPTER 25****CONSTRUCTION DEFECTS IN NEW CONSTRUCTION — CLASS ACTIONS — NOTICE AND OPPORTUNITY TO REPAIR**

S.F. 532

**AN ACT** relating to notice and opportunity to repair construction defects in new construction, and including effective date and applicability provisions.

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

**Section 1. NEW SECTION. 686.1 Definitions.**

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

1. “*Action*” means any civil action or arbitration proceeding for damages or indemnity asserting a claim for injury to property, real or personal, arising out of the unsafe or defective condition of an improvement to real property based on tort, breach of contract, or express or implied warranty.

2. “*Association*” means an entity or homeowners association created for the purposes of managing the operations of a community as set forth in a declaration of covenants or declaration of submission of property to horizontal property regime filed of record in the county that the property is located.

3. “*Claimant*” means a private owner, a subsequent private owner, or an association, who asserts a claim in a class action for damages against a general contractor or subcontractor concerning a construction defect. “*Claimant*” shall not include a public corporation as defined in section 573.1.

4. “*Construction defect*” means an alleged or actual unsafe or defective condition of an improvement to real property.

5. “*General contractor*” means a person who does work or furnishes materials by contract, express or implied, with an owner.

6. “*Owner*” means the legal or equitable titleholder of record to real property or the holder of a leasehold interest.

7. “*Serve*”, “*served*”, or “*service*” means delivery by certified mail with a United States postal service record of evidence of delivery or attempted delivery to the last known address of the addressee, by hand delivery with written evidence of delivery, or by delivery by any courier with written evidence of delivery.

8. “*Subcontractor*” means a person furnishing material or performing labor upon any building, erection, or other improvement to land, except those having contracts directly with the owner.

**Sec. 2. NEW SECTION. 686.2 Action — compliance.**

1. A claimant shall not file an action without first complying with the requirements of this chapter. If a claimant files an action alleging a construction defect without first complying with the requirements of this chapter, on timely motion by a party to the action, the court shall stay the action, without prejudice, and the action shall not proceed until the claimant has complied with the requirements.

2. An action filed prior to the expiration of the statute of limitations set forth in section 614.1, which is stayed pursuant to this section and for which the statute of limitations runs during the time the claimant is complying with this statute, shall not be deemed barred by the applicable statute of limitation for the pending action if the claimant complies with the requirements of this chapter and the action is otherwise allowed to proceed.

**Sec. 3. NEW SECTION. 686.3 Notice and opportunity to repair.**

1. Prior to commencing an action alleging a construction defect, the claimant shall, at least one hundred twenty days before filing an action, serve written notice of claim on the general contractor and subcontractor. The notice of claim shall refer to this chapter and must describe the claim in reasonable detail sufficient to determine the general nature of each alleged construction defect, a description of the damage or loss resulting from the defect, if known, and any work or inspections completed to determine the cause of the damage or loss

or correct the construction defect. This subsection does not preclude a claimant from filing an action sooner than one hundred twenty days, after service of written notice as expressly provided in subsection 6, 7, or 8.

2. *a.* Within sixty days after service of the notice of claim, the person served with the notice of claim under subsection 1 is entitled to perform a reasonable inspection of the property or of each unit subject to the claim to assess each alleged construction defect. The claimant shall provide the person served with notice under subsection 1 and the person's general contractors, subcontractors, or agents reasonable access to the property during normal working hours to inspect the property to determine the nature and cause of each alleged construction defect and the nature and extent of any repairs or replacements necessary to remedy each construction defect. The person served with notice under subsection 1 shall reasonably coordinate the timing and manner of any and all inspections with the claimant to minimize the number of inspections. The inspection may include reasonable destructive testing by mutual agreement under the following terms and conditions:

(1) If the person served with notice under subsection 1 determines that destructive testing is necessary to determine the nature and cause of the alleged construction defects, the person shall notify the claimant in writing.

(2) The notice shall describe the destructive testing to be performed, the person selected to do the testing, the estimated anticipated damage and repairs to or restoration of the property resulting from the testing, the estimated amount of time necessary for the testing and to complete the repairs or restoration, and the financial responsibility offered for covering the costs of repairs or restoration.

(3) The testing shall be done at a mutually agreeable time.

(4) The claimant or a representative of the claimant may be present to observe the destructive testing.

*b.* If the claimant refuses to agree and permit reasonable destructive testing, the claimant shall have no claim for damages which could have been avoided or mitigated had destructive testing been allowed when requested and had a feasible remedy been promptly implemented.

3. The general contractor or subcontractor may serve a copy of the notice of claim to each subcontractor or general contractor whom the general contractor or subcontractor reasonably believes is responsible for a construction defect specified in the notice of claim and shall note the specific construction defect for which the subcontractor or general contractor is alleged to be responsible. The notice described in this subsection shall not be construed as an admission of any kind. A general contractor or subcontractor may inspect the property in the manner described in subsection 2.

4. Within thirty days after service of the notice of claim pursuant to subsection 3, the general contractor or subcontractor must serve a written response to the general contractor or subcontractor who served the notice of claim. The written response shall include a report, if any, of the scope of any inspection of the property, the findings and results of the inspection, a statement of whether the subcontractor or general contractor is willing to make repairs to the property or whether the claim is disputed, a description of any repairs the subcontractor or general contractor is willing to make to remedy the alleged construction defect, and a timetable for the completion of the repairs. This response may also be served on the initial claimant by the general contractor or subcontractor.

5. Within seventy-five days after service of the notice of claim, the person who was served the notice under subsection 1 shall serve a written response to the claimant. The response shall be served to the attention of the person who signed the notice of claim, unless otherwise designated in the notice of claim. The written response must provide for one of the following:

*a.* A written offer to remedy the alleged construction defect at no cost to the claimant, a description of the proposed repairs necessary to remedy the construction defect, and a timetable for the completion of such repairs.

*b.* A written offer to compromise and settle the claim by monetary payment, that will not obligate the person's insurer, and a timetable for making payment.

*c.* A written offer to compromise and settle the claim by a combination of repairs and monetary payment that will not obligate the person's insurer, and which includes a detailed description of the proposed repairs and a timetable for the completion of such repairs and making payment.

d. A written statement that the person disputes the claim and will not remedy the construction defect or compromise and settle the claim.

e. A written offer of a monetary payment, including insurance proceeds, to be determined by the person and the person's insurer, which the claimant may accept or reject.

6. If the person served with a notice of claim pursuant to subsection 1 disputes the claim and will neither remedy the construction defect nor compromise and settle the claim, or does not respond to the claimant's notice of claim within the time provided in subsection 5, the claimant may, without further notice, proceed with an action against that person for the claim described in the notice of claim. Nothing in this chapter shall be construed to preclude a partial settlement or compromise of the claim as agreed to by the parties and, in that event, the claimant may, without further notice, proceed with an action on the unresolved portions of the claim.

7. A claimant who receives a timely settlement offer shall accept or reject the offer by serving written notice of such acceptance or rejection on the person making the offer within forty-five days after receiving the settlement offer. If a claimant initiates an action without first accepting or rejecting the offer, the court shall stay the action upon timely motion until the claimant complies with this subsection.

8. If the claimant timely and properly accepts the offer to repair an alleged construction defect, the claimant shall provide the offeror and the offeror's agents reasonable access to the claimant's property during normal working hours to perform the repair by the agreed-upon timetable as stated in the offer. If the offeror does not make the payment or repair the construction defect within the agreed time and in the agreed manner, except for reasonable delays beyond the control of the offeror, including but not limited to weather conditions, delivery of materials, claimant's actions, or issuance of any required permits, the claimant may, without further notice, proceed with an action against the offeror based upon the claim in the notice of claim. If the offeror makes payment or repairs to the defect within the agreed time and in the agreed manner, the claimant is barred from proceeding with an action for the claim described in the notice of claim or as otherwise provided in the accepted settlement offer.

9. This section does not prohibit or limit a claimant from making any necessary emergency repairs to the property as are required to protect the health, safety, and welfare of any person.

10. Any offer or failure to offer, pursuant to subsection 5, to remedy a construction defect or to compromise and settle the claim by monetary payment does not constitute an admission of liability with respect to the defect and is not admissible in an action that is subject to this chapter.

11. This section does not relieve the person who is served a notice of claim under subsection 1 from complying with all contractual provisions of any liability insurance policy as a condition precedent to coverage for any claim under this section.

#### Sec. 4. NEW SECTION. **686.4 Multiple construction defects.**

The procedures in this chapter apply to each construction defect. However, a claimant may include multiple defects in one notice of claim. A claimant may amend the initial list of construction defects to identify additional or new construction defects as the defects become known to the claimant. The court shall allow the action to proceed to trial only as to alleged construction defects that were noticed and for which the claimant has complied with this chapter and as to construction defects reasonably related to, or caused by, the construction defects previously noticed. Nothing in this section shall preclude subsequent or further actions.

#### Sec. 5. NEW SECTION. **686.5 Limitations of chapter.**

This chapter does not do any of the following:

1. Bar or limit any rights, including the right of specific performance to the extent such right would be available in the absence of this chapter, any causes of action, or any theories on which liability may be based, except as specifically provided in this chapter.

2. Bar or limit any defense, or create any new defense, except as specifically provided in this chapter.

3. Create any new rights, causes of action, or theories on which liability may be based.

Sec. 6. NEW SECTION. **686.6 Effect of arbitration clauses.**

To the extent that an arbitration clause in a contract for the sale, design, or construction of real property conflicts with this chapter, this chapter shall control.

Sec. 7. NEW SECTION. **686.7 Application.**

1. This chapter applies to construction defects in new construction. This chapter does not apply to construction defects in renovations or remodels.

2. This chapter only applies to actions brought pursuant to a class action.

Sec. 8. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 9. **APPLICABILITY.** This Act applies to actions for which litigation has not commenced prior to the effective date of this Act.

Approved April 15, 2019

## CHAPTER 26

### LIMITED LIABILITY COMPANIES — UNIFORM PROTECTED SERIES ACT

S.F. 569

**AN ACT** relating to business entities, by providing for different types of limited liability companies and the dissolution of limited liability companies, and including effective date provisions.

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

#### DIVISION I

#### UNIFORM PROTECTED SERIES ACT — ENACTMENT

#### ARTICLE 12

#### PART 1

#### UNIFORM PROTECTED SERIES ACT

#### SUBPART A

#### GENERAL PROVISIONS

Section 1. NEW SECTION. **489.12101 Short title.**

This part may be cited as the “*Uniform Protected Series Act*”.

Sec. 2. NEW SECTION. **489.12102 Definitions.**

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

1. “*Asset*” means any of the following:
  - a. Property in which a series limited liability company or protected series has rights.
  - b. Property as to which the company or protected series has the power to transfer rights.
2. “*Associated asset*” means an asset that meets the requirements of section 489.12301.
3. “*Associated member*” means a member that meets the requirements of section 489.12302.
4. “*Foreign protected series*” means an arrangement, configuration, or other structure established by a foreign limited liability company which has attributes comparable to a protected series established under this part. The term applies whether or not the law under which the foreign company is organized refers to “protected series”.
5. “*Foreign series limited liability company*” means a foreign limited liability company that has at least one foreign protected series.
6. “*Nonassociated asset*” means any of the following:

a. An asset of a series limited liability company which is not an associated asset of the company.

b. An asset of a protected series of the company which is not an associated asset of the protected series.

7. "Person" means the same as defined in section 4.1 and includes a protected series.

8. "Protected series", except in the phrase "foreign protected series", means a protected series established under section 489.12201.

9. "Protected-series manager" means a person under whose authority the powers of a protected series are exercised and under whose direction the activities and affairs of the protected series are managed under the operating agreement, this part, and this chapter.

10. "Protected-series transferable interest" means a right to receive a distribution from a protected series.

11. "Protected-series transferee" means a person to which all or part of a protected-series transferable interest of a protected series of a series limited liability company has been transferred, other than the company. The term includes a person that owns a protected-series transferable interest as a result of ceasing to be an associated member of a protected series.

12. "Series limited liability company", except in the phrase "foreign series limited liability company", means a limited liability company that has at least one protected series.

### Sec. 3. NEW SECTION. **489.12103 Nature of protected series.**

A protected series of a series limited liability company is a person distinct from all of the following:

1. The company, subject to section 489.12104, subsection 3, section 489.12501, subsection 1, and section 489.12502, subsection 4.

2. Another protected series of the company.

3. A member of the company, whether or not the member is an associated member of the protected series.

4. A protected-series transferee of a protected series of the company.

5. A transferee of a transferable interest of the company.

### Sec. 4. NEW SECTION. **489.12104 Powers and duration of protected series.**

1. A protected series of a series limited liability company has the capacity to sue and be sued in its own name.

2. Except as otherwise provided in subsections 3 and 4, a protected series of a series limited liability company has the same powers and purposes as the company.

3. A protected series of a series limited liability company ceases to exist not later than when the company completes its winding up.

4. A protected series of a series limited liability company shall not do any of the following:

a. Be a member of the company.

b. Establish a protected series.

c. Except as permitted by law of this state other than this part, have a purpose or power that the law of this state other than this part prohibits a limited liability company from doing or having.

### Sec. 5. NEW SECTION. **489.12105 Governing law.**

The law of this state governs all of the following:

1. The internal affairs of a protected series of a series limited liability company, including all of the following:

a. Relations among any associated members of the protected series.

b. Relations among the protected series and any of the following:

(1) Any associated member.

(2) The protected-series manager.

(3) Any protected-series transferee.

c. Relations between any associated member and any of the following:

(1) The protected-series manager.

(2) Any protected-series transferee.

d. The rights and duties of a protected-series manager.

e. Governance decisions affecting the activities and affairs of the protected series and the conduct of those activities and affairs.

f. Procedures and conditions for becoming an associated member or protected-series transferee.

2. The relations between a protected series of a series limited liability company and each of the following:

a. The company.

b. Another protected series of the company.

c. A member of the company which is not an associated member of the protected series.

d. A protected-series manager that is not a protected-series manager of the protected series.

e. A protected-series transferee that is not a protected-series transferee of the protected series.

3. The liability of a person for a debt, obligation, or other liability of a protected series of a series limited liability company if the debt, obligation, or liability is asserted solely by reason of the person being or acting as any of the following:

a. An associated member, protected-series transferee, or protected-series manager of the protected series.

b. A member of the company which is not an associated member of the protected series.

c. A protected-series manager that is not a protected-series manager of the protected series.

d. A protected-series transferee that is not a protected-series transferee of the protected series.

e. A manager of the company.

f. A transferee of a transferable interest of the company.

4. The liability of a series limited liability company for a debt, obligation, or other liability of a protected series of the company if the debt, obligation, or liability is asserted solely by reason of the company doing any of the following:

a. Having delivered to the secretary of state for filing under section 489.12201, subsection 2, a protected series designation pertaining to the protected series or under section 489.12201, subsection 4, or section 489.12202, subsection 3, a statement of designation change pertaining to the protected series.

b. Being or acting as a protected-series manager of the protected series.

c. Having the protected series be or act as a manager of the company.

d. Owning a protected-series transferable interest of the protected series.

5. The liability of a protected series of a series limited liability company for a debt, obligation, or other liability of the company or of another protected series of the company if the debt, obligation, or liability is asserted solely by reason of any of the following:

a. The protected series is any of the following:

(1) A protected series of the company or having as a protected-series manager the company or another protected series of the company.

(2) Acting as a protected-series manager of another protected series of the company or a manager of the company.

b. The company owning a protected-series transferable interest of the protected series.

**Sec. 6. NEW SECTION. 489.12106 Relation of operating agreement, this part, and this chapter.**

1. Except as otherwise provided in this section and subject to sections 489.12107 and 489.12108, the operating agreement of a series limited liability company governs all of the following:

a. The internal affairs of a protected series, including all of the following:

(1) Relations among any associated members of the protected series.

(2) Relations among the protected series and any of the following:

(a) Any associated member.

(b) The protected-series manager.

(c) Any protected-series transferee.

(3) Relations between any associated member and any of the following:

(a) The protected-series manager.

- (b) Any protected-series transferee.
- (4) The rights and duties of a protected-series manager.
- (5) Governance decisions affecting the activities and affairs of the protected series and the conduct of those activities and affairs.
- (6) Procedures and conditions for becoming an associated member or protected-series transferee.
  - b. Relations among the protected series, the company, and any other protected series of the company.
  - c. Relations between all of the following:
    - (1) The protected series, its protected-series manager, any associated member of the protected series, or any protected-series transferee of the protected series.
    - (2) A person in the person's capacity as any of the following:
      - (a) A member of the company which is not an associated member of the protected series.
      - (b) A protected-series transferee or protected-series manager of another protected series.
      - (c) A transferee of the company.
- 2. If this chapter otherwise restricts the power of an operating agreement to affect a matter, the restriction applies to a matter under this part in accordance with section 489.12108.
- 3. If law of this state other than this part imposes a prohibition, limitation, requirement, condition, obligation, liability, or other restriction on a limited liability company, a member, manager, or other agent of the company, or a transferee of the company, except as otherwise provided in law of this state other than this part, the restriction applies in accordance with section 489.12108.
- 4. Except as otherwise provided in section 489.12107, if the operating agreement of a series limited liability company does not provide for a matter described in subsection 1 in a manner permitted by this article, the matter is determined in accordance with the following rules:
  - a. To the extent this part addresses the matter, this part governs.
  - b. To the extent this part does not address the matter, the other articles of this chapter governs the matter in accordance with section 489.12108.

**Sec. 7. NEW SECTION. 489.12107 Additional limitations on operating agreement.**

- 1. An operating agreement shall not vary the effect of any of the following:
  - a. This section.
  - b. Section 489.12103.
  - c. Section 489.12104, subsection 1.
  - d. Section 489.12104, subsection 2, to provide a protected series a power beyond the powers this chapter provides a limited liability company.
  - e. Section 489.12104, subsection 3 or 4.
  - f. Section 489.12105.
  - g. Section 489.12106.
  - h. Section 489.12108.
  - i. Section 489.12201, except to vary the manner in which a limited liability company approves establishing a protected series.
  - j. Section 489.12202.
  - k. Section 489.12301.
  - l. Section 489.12302.
  - m. Section 489.12303, subsection 1 or 2.
  - n. Section 489.12304, subsection 3 or 6.
  - o. Section 489.12401, except to decrease or eliminate a limitation of liability stated in section 489.12401.
  - p. Section 489.12402.
  - q. Section 489.12403.
  - r. Section 489.12404.
  - s. Section 489.12501, subsections 1, 4, and 5.
  - t. Section 489.12502, except to designate a different person to manage winding up.
  - u. Section 489.12503.
  - v. Article 6.
  - w. Article 7.



x. Article 8, except to vary any of the following:

(1) The manner in which a series limited liability company may elect under section 489.12803, subsection 1, paragraph “b”, to be subject to this part.

(2) The person that has the right to sign and deliver to the secretary of state for filing a record under section 489.12803, subsection 2, paragraph “b”.

y. A provision of this part pertaining to any of the following:

(1) Registered agents.

(2) The secretary of state, including provisions pertaining to records authorized or required to be delivered to the secretary of state for filing under this part.

2. An operating agreement shall not unreasonably restrict the duties and rights under section 489.12305 but may impose reasonable restrictions on the availability and use of information obtained under section 489.12305 and may provide appropriate remedies, including liquidated damages, for a breach of any reasonable restriction on use.

**Sec. 8. NEW SECTION. 489.12108 Rules for applying to specified provisions of this chapter to specified provisions of this part.**

1. Except as otherwise provided in subsection 2 and section 489.12107, the following rules apply in applying section 489.12106, section 489.12304, subsections 3 and 6, section 489.12501, subsection 4, paragraph “a”, section 489.12502, subsection 1, and section 489.12503, subsection 2:

a. A protected series of a series limited liability company is deemed to be a limited liability company that is formed separately from the series limited liability company and is distinct from the series limited liability company and any other protected series of the series limited liability company.

b. An associated member of the protected series is deemed to be a member of the company deemed to exist under paragraph “a”.

c. A protected-series transferee of the protected series is deemed to be a transferee of the company deemed to exist under paragraph “a”.

d. A protected-series transferable interest of the protected series is deemed to be a transferable interest of the company deemed to exist under paragraph “a”.

e. A protected-series manager is deemed to be a manager of the company deemed to exist under paragraph “a”.

f. An asset of the protected series is deemed to be an asset of the company deemed to exist under paragraph “a”, whether or not the asset is an associated asset of the protected series.

g. Any creditor or other obligee of the protected series is deemed to be a creditor or obligee of the company deemed to exist under paragraph “a”.

2. Subsection 1 does not apply if its application would do any of the following:

a. Contravene section 489.110.

b. Authorize or require the secretary of state to do any of the following:

(1) Accept for filing a type of record that neither this part nor any of the other articles of this chapter authorizes or requires a person to deliver to the secretary of state for filing.

(2) Make or deliver a record that neither this part nor the other articles of this chapter authorizes or requires the secretary of state to make or deliver.

**SUBPART B  
ESTABLISHING PROTECTED SERIES**

**Sec. 9. NEW SECTION. 489.12201 Protected series designation — amendment.**

1. With the affirmative vote or consent of all members of a limited liability company, the company may establish a protected series.

2. To establish a protected series, a limited liability company shall deliver to the secretary of state for filing a protected series designation, signed by the company, stating the name of the company and the name of the protected series to be established.

3. A protected series is established when the protected series designation takes effect under section 489.205.

4. To amend a protected series designation, a series limited liability company shall deliver to the secretary of state for filing a statement of designation change, signed by the company,

that changes the name of the company, the name of the protected series to which the designation applies, or both. The change takes effect when the statement of designation change takes effect under section 489.205.

**Sec. 10. NEW SECTION. 489.12202 Name.**

1. Except as otherwise provided in subsection 2, the name of a protected series must comply with section 489.108.

2. The name of a protected series of a series limited liability company must do all of the following:

a. Begin with the name of the company, including any word or abbreviation required by section 489.108.

b. Contain the phrase “*Protected Series*” or “*protected series*” or the abbreviation “P.S.” or “PS”.

3. If a series limited liability company changes its name, the company shall deliver to the secretary of state for filing a statement of designation change for each of the company’s protected series, changing the name of each protected series to comply with this section.

**Sec. 11. NEW SECTION. 489.12203 Registered agent.**

1. The registered agent in this state for a series limited liability company is the registered agent in this state for each protected series of the company.

2. Before delivering a protected series designation to the secretary of state for filing, a limited liability company shall agree with a registered agent that the agent will serve as the registered agent in this state for both the company and the protected series.

3. A person that signs a protected series designation delivered to the secretary of state for filing affirms as a fact that the limited liability company on whose behalf the designation is delivered has complied with subsection 2.

4. A person that ceases to be the registered agent for a series limited liability company ceases to be the registered agent for each protected series of the company.

5. A person that ceases to be the registered agent for a protected series of a series limited liability company, other than as a result of the termination of the protected series, ceases to be the registered agent of the company and any other protected series of the company.

6. Except as otherwise agreed by a series limited liability company and its registered agent, the agent is not obligated to distinguish between a process, notice, demand, or other record concerning the company and a process, notice, demand, or other record concerning a protected series of the company.

**Sec. 12. NEW SECTION. 489.12204 Service of process, notice, demand, or other record.**

1. A protected series of a series limited liability company may be served with a process, notice, demand, or other record required or permitted by law by any of the following:

a. Serving the company.

b. Serving the registered agent of the protected series.

c. Other means authorized by law of this state other than the other articles of this chapter.

2. Service of a summons and complaint on a series limited liability company is notice to each protected series of the company of service of the summons and complaint and the contents of the complaint.

3. Service of a summons and complaint on a protected series of a series limited liability company is notice to the company and any other protected series of the company of service of the summons and complaint and the contents of the complaint.

4. Service of a summons and complaint on a foreign series limited liability company is notice to each foreign protected series of the foreign company of service of the summons and complaint and the contents of the complaint.

5. Service of a summons and complaint on a foreign protected series of a foreign series limited liability company is notice to the foreign company and any other foreign protected series of the company of service of the summons and complaint and the contents of the complaint.

6. Notice to a person under subsection 2, 3, 4, or 5 is effective whether or not the summons and complaint identify the person if the summons and complaint name as a party and identify any of the following:

- a. The series limited liability company or a protected series of the company.
- b. The foreign series limited liability company or a foreign protected series of the foreign company.

**Sec. 13. NEW SECTION. 489.12205 Certificate of existence for protected series.**

1. On request of any person, the secretary of state shall issue a certificate of existence for a protected series of a series limited liability company or a certificate of authority for a foreign protected series in the following circumstances:

a. In the case of a protected series, if all of the following apply:

(1) No statement of dissolution, termination, or relocation pertaining to the protected series has been filed.

(2) The company has delivered to the secretary of state for filing the most recent biennial report required by section 489.209 and the report includes the name of the protected series, unless any of the following applies:

(a) When the company delivered the report for filing, the protected series designation pertaining to the protected series had not yet taken effect.

(b) After the company delivered the report for filing, the company delivered to the secretary of state for filing a statement of designation change changing the name of the protected series.

b. In the case of a foreign protected series, it is authorized to do business in this state.

2. A certificate issued under subsection 1 must state all of the following:

a. In the case of a protected series, all of the following:

(1) The name of the protected series of the series limited liability company and the name of the company.

(2) That the requirements of subsection 1 are met.

(3) The date the protected series designation pertaining to the protected series took effect.

(4) If a statement of designation change pertaining to the protected series has been filed, the effective date and contents of the statement.

b. In the case of a foreign protected series, that it is authorized to do business in this state.

c. That all fees, taxes, interest, and penalties due under this chapter or other law to the secretary of state have been paid if all of the following apply:

(1) Payment is reflected in the records of the secretary of state.

(2) Nonpayment affects the existence or good standing of the protected series.

d. Other facts reflected in the records of the secretary of state pertaining to the protected series or foreign protected series which the person requesting the certificate reasonably requests.

3. Subject to any qualification stated by the secretary of state in a certificate issued under subsection 1, the certificate may be relied on as conclusive evidence of the facts stated in the certificate.

**Sec. 14. NEW SECTION. 489.12206 Information required in biennial report — effect of failure to provide.**

1. In the biennial report required by section 489.209, a series limited liability company shall include the name of each protected series of the company for which all of the following applies:

a. For which the company has previously delivered to the secretary of state for filing a protected series designation.

b. Which has not dissolved and completed winding up.

2. A failure by a series limited liability company to comply with subsection 1 with regard to a protected series prevents issuance of a certificate of good standing pertaining to the protected series but does not otherwise affect the protected series.

## SUBPART C

## ASSOCIATED ASSET, ASSOCIATED MEMBER, PROTECTED-SERIES TRANSFERABLE INTEREST, MANAGEMENT, AND RIGHT OF INFORMATION

Sec. 15. NEW SECTION. 489.12301 **Associated asset.**

1. Only an asset of a protected series may be an associated asset of the protected series. Only an asset of a series limited liability company may be an associated asset of the company.

2. An asset of a protected series of a series limited liability company is an associated asset of the protected series only if the protected series creates and maintains records that state the name of the protected series and describe the asset with sufficient specificity to permit a disinterested, reasonable individual to do all of the following:

a. Identify the asset and distinguish it from any other asset of the protected series, any asset of the company, and any asset of any other protected series of the company.

b. Determine when and from what person the protected series acquired the asset or how the asset otherwise became an asset of the protected series.

c. If the protected series acquired the asset from the company or another protected series of the company, determine any consideration paid, the payor, and the payee.

3. An asset of a series limited liability company is an associated asset of the company only if the company creates and maintains records that state the name of the company and describe the asset with sufficient specificity to permit a disinterested, reasonable individual to do all of the following:

a. Identify the asset and distinguish it from any other asset of the company and any asset of any protected series of the company.

b. Determine when and from what person the company acquired the asset or how the asset otherwise became an asset of the company.

c. If the company acquired the asset from a protected series of the company, determine any consideration paid, the payor, and the payee.

4. The records and recordkeeping required by subsections 2 and 3 may be organized by specific listing, category, type, quantity, or computational or allocational formula or procedure, including a percentage or share of any asset, or in any other reasonable manner.

5. To the extent permitted by this section and law of this state other than this part, a series limited liability company or protected series of the company may hold an associated asset directly or indirectly, through a representative, nominee, or similar arrangement, except that all of the following applies:

a. A protected series shall not hold an associated asset in the name of the company or another protected series of the company.

b. The company shall not hold an associated asset in the name of a protected series of the company.

Sec. 16. NEW SECTION. 489.12302 **Associated member.**

1. Only a member of a series limited liability company may be an associated member of a protected series of the company.

2. A member of a series limited liability company becomes an associated member of a protected series of the company if the operating agreement or a procedure established by the agreement states all of the following:

a. That the member is an associated member of the protected series.

b. The date on which the member became an associated member.

c. Any protected-series transferable interest the associated member has in connection with becoming or being an associated member.

3. If a person that is an associated member of a protected series of a series limited liability company is dissociated from the company, the person ceases to be an associated member of the protected series.

Sec. 17. NEW SECTION. 489.12303 **Protected-series transferable interest.**

1. A protected-series transferable interest of a protected series of a series limited liability company must be owned initially by an associated member of the protected series or the company.

2. If a protected series of a series limited liability company has no associated members when established, the company owns the protected-series transferable interests in the protected series.

3. In addition to acquiring a protected series transferable series interest under subsection 2, a series limited liability company may acquire a protected-series transferable interest through a transfer from another person or as provided in the operating agreement.

4. Except for section 489.12108, subsection 1, paragraph “c”, a provision of this part which applies to a protected-series transferee of a protected series of a series limited liability company applies to the company in its capacity as an owner of a protected-series transferable interest of the protected series. A provision of the operating agreement of a series limited liability company which applies to a protected-series transferee of a protected series of the company applies to the company in its capacity as an owner of a protected-series transferable interest of the protected series.

**Sec. 18. NEW SECTION. 489.12304 Management.**

1. A protected series may have more than one protected-series manager.

2. If a protected series has no associated members, the series limited liability company is the protected-series manager.

3. Section 489.12108 applies to determine any duties of a protected-series manager of a protected series of a series limited liability company to all of the following:

a. The protected series.

b. Any associated member of the protected series.

c. Any protected-series transferee of the protected series.

4. Solely by reason of being or acting as a protected-series manager of a protected series of a series limited liability company, a person owes no duty to any of the following:

a. The company.

b. Another protected series of the company.

c. Another person in that person’s capacity as any of the following:

(1) A member of the company which is not an associated member of the protected series.

(2) A protected-series transferee or protected-series manager of another protected series.

(3) A transferee of the company.

5. An associated member of a protected series of a series limited liability company has the same rights as any other member of the company to vote on or consent to an amendment to the company’s operating agreement or any other matter being decided by the members, whether or not the amendment or matter affects the interests of the protected series or the associated member.

6. Article 9 applies to a protected series in accordance with section 489.12108.

**Sec. 19. NEW SECTION. 489.12305 Right of person not associated member of protected series to information concerning protected series.**

1. A member of a series limited liability company which is not an associated member of a protected series of the company has a right to information concerning the protected series to the same extent, in the same manner, and under the same conditions that a member that is not a manager of a manager-managed limited liability company has a right to information concerning the company under section 489.410, subsection 2.

2. A person formerly an associated member of a protected series has a right to information concerning the protected series to the same extent, in the same manner, and under the same conditions that a person dissociated as a member of a manager-managed limited liability company has a right to information concerning the company under section 489.410, subsection 3.

3. If an associated member of a protected series dies, the legal representative of the deceased associated member has a right to information concerning the protected series to the same extent, in the same manner, and under the same conditions that the legal representative of a deceased member of a limited liability company has a right to information concerning the company under section 489.504.

4. A protected-series manager of a protected series has a right to information concerning the protected series to the same extent, in the same manner, and under the same conditions

that a manager of a manager-managed limited liability company has a right to information concerning the company under section 489.410, subsection 2.

SUBPART D  
LIMITATION ON LIABILITY AND ENFORCEMENT OF CLAIMS

Sec. 20. **NEW SECTION. 489.12401 Limitations on liability.**

1. A person is not liable, directly or indirectly, by way of contribution or otherwise, for a debt, obligation, or other liability of any of the following:

a. A protected series of a series limited liability company solely by reason of being or acting as any of the following:

(1) An associated member, protected-series manager, or protected-series transferee of the protected series.

(2) A member, manager, or a transferee of the company.

b. A series limited liability company solely by reason of being or acting as an associated member, protected-series manager, or protected-series transferee of a protected series of the company.

2. Subject to section 489.12404, all of the following rules apply:

a. A debt, obligation, or other liability of a series limited liability company is solely the debt, obligation, or liability of the company.

b. A debt, obligation, or other liability of a protected series is solely the debt, obligation, or liability of the protected series.

c. A series limited liability company is not liable, directly or indirectly, by way of contribution or otherwise, for a debt, obligation, or other liability of a protected series of the company solely by reason of the protected series being a protected series of the company or the company for any of the following:

(1) Being or acting as a protected-series manager of the protected series.

(2) Having the protected series manage the company.

(3) Owning a protected-series transferable interest of the protected series.

d. A protected series of a series limited liability company is not liable, directly or indirectly, by way of contribution or otherwise, for a debt, obligation, or other liability of the company or another protected series of the company solely by reason of any of the following:

(1) Being a protected series of the company.

(2) Being or acting as a manager of the company or a protected-series manager of another protected series of the company.

(3) Having the company or another protected series of the company be or act as a protected-series manager of the protected series.

Sec. 21. **NEW SECTION. 489.12402 Claim seeking to disregard limitation of liability.**

1. Except as otherwise provided in subsection 2, a claim seeking to disregard a limitation in section 489.12401 is governed by the principles of law and equity, including a principle providing a right to a creditor or holding a person liable for a debt, obligation, or other liability of another person, which would apply if each protected series of a series limited liability company were a limited liability company formed separately from the series limited liability company and distinct from the series limited liability company and any other protected series of the series limited liability company.

2. The failure of a limited liability company or a protected series to observe formalities relating to the exercise of its powers or management of its activities and affairs is not a ground to disregard a limitation in section 489.12401, subsection 1, but may be a ground to disregard a limitation in section 489.12401, subsection 2.

3. This section applies to a claim seeking to disregard a limitation of liability applicable to a foreign series limited liability company or foreign protected series and comparable to a limitation stated in section 489.12401, if any of the following apply:

a. The claimant is a resident of this state or doing business or authorized to do business in this state.

b. The claim is to establish or enforce a liability arising under law of this state other than this part or from an act or omission in this state.

**Sec. 22. NEW SECTION. 489.12403 Remedies of judgment creditor of associated member or protected-series transferee.**

Section 489.503 applies to a judgment creditor of any of the following:

1. An associated member or protected-series transferee of a protected series.
2. A series limited liability company, to the extent the company owns a protected-series transferable interest of a protected series.

**Sec. 23. NEW SECTION. 489.12404 Enforcement against nonassociated asset.**

1. As used in this section:

a. “*Enforcement date*” means 12:01 a.m. on the date on which a claimant first serves process on a series limited liability company or protected series in an action seeking to enforce under this section a claim against an asset of the company or protected series by attachment, levy, or the like.

b. Subject to section 489.12608, subsection 2, “*incurrence date*” means the date on which a series limited liability company or protected series incurred the liability giving rise to a claim that a claimant seeks to enforce under this section.

2. If a claim against a series limited liability company or a protected series of the company has been reduced to judgment, in addition to any other remedy provided by law or equity, the judgment may be enforced in accordance with the following rules:

a. A judgment against the company may be enforced against an asset of a protected series of the company if any of the following applies:

- (1) The asset was a nonassociated asset of the protected series on the incurrence date.
- (2) The asset is a nonassociated asset of the protected series on the enforcement date.

b. A judgment against a protected series may be enforced against an asset of the company if any of the following apply:

- (1) The asset was a nonassociated asset of the company on the incurrence date.
- (2) The asset is a nonassociated asset of the company on the enforcement date.

c. A judgment against a protected series may be enforced against an asset of another protected series of the company if any of the following applies:

(1) The asset was a nonassociated asset of the other protected series on the incurrence date.

(2) The asset is a nonassociated asset of the other protected series on the enforcement date.

3. In addition to any other remedy provided by law or equity, if a claim against a series limited liability company or a protected series has not been reduced to a judgment and law other than this part permits a prejudgment remedy by attachment, levy, or the like, the court may apply subsection 2 as a prejudgment remedy.

4. In a proceeding under this section, the party asserting that an asset is or was an associated asset of a series limited liability company or a protected series of the company has the burden of proof on the issue.

5. This section applies to an asset of a foreign series limited liability company or foreign protected series if all of the following applies:

a. The asset is real or tangible property located in this state.

b. The claimant is a resident of this state or doing business or authorized to do business in this state, or the claim under section 489.12404 is to enforce a judgment, or to seek a prejudgment remedy, pertaining to a liability arising from law of this state other than this part or an act or omission in this state.

c. The asset is not identified in the records of the foreign series limited liability company or foreign protected series in a manner comparable to the manner required by section 489.12301.

SUBPART E

DISSOLUTION AND WINDING UP OF PROTECTED SERIES

**Sec. 24. NEW SECTION. 489.12501 Events causing dissolution of protected series.**

A protected series of a series limited liability company is dissolved, and its activities and affairs must be wound up, only on any of the following:

1. Dissolution of the company.

2. Occurrence of an event or circumstance the operating agreement states causes dissolution of the protected series.

3. Affirmative vote or consent of all members.

4. Entry by the court of an order dissolving the protected series on application by an associated member or protected-series manager of the protected series subject to all of the following:

a. In accordance with section 489.12108.

b. To the same extent, in the same manner, and on the same grounds the court would enter an order dissolving a limited liability company on application by a member or manager of the company.

5. Entry by the court of an order dissolving the protected series on application by the company or a member of the company on the ground that the conduct of all or substantially all the activities and affairs of the protected series is illegal.

**Sec. 25. NEW SECTION. 489.12502 Winding up dissolved protected series.**

1. Subject to subsections 2 and 3 and in accordance with section 489.12108 all of the following apply:

a. A dissolved protected series shall wind up its activities and affairs in the same manner that a limited liability company winds up its activities and affairs under sections 489.702 through 489.704 subject to the same requirements and conditions and with the same effects.

b. Judicial supervision or another judicial remedy is available in the winding up of the protected series to the same extent, in the same manner, under the same conditions, and with the same effects that apply under section 489.702, subsection 5.

2. When a protected series of a series limited liability company dissolves, the company may deliver to the secretary of state for filing a statement of protected series dissolution stating the name of the company and the protected series and that the protected series is dissolved. The filing of the statement by the secretary of state has the same effect as the filing by the secretary of state of a statement of dissolution under section 489.103, subsection 4, paragraph "b", subparagraph (1).

3. When a protected series of a series limited liability company has completed winding up, the company may deliver to the secretary of state for filing a statement of designation cancellation stating the name of the company and the protected series and that the protected series is terminated. The filing of the statement by the secretary of state has the same effect as the filing by the secretary of state of a statement of termination under section 489.103, subsection 4, paragraph "b", subparagraph (2).

4. A series limited liability company has not completed its winding up until each of the protected series of the company has completed its winding up.

**Sec. 26. NEW SECTION. 489.12503 Effect of reinstatement of series limited liability company or revocation of voluntary dissolution.**

If a series limited liability company that has been administratively dissolved is reinstated, or a series limited liability company that voluntarily dissolved rescinds its dissolution both of the following apply:

1. Each protected series of the company ceases winding up.

2. The provisions of section 489.706 apply to each protected series of the company in accordance with section 489.12108.

SUBPART F  
ENTITY TRANSACTIONS RESTRICTED

**Sec. 27. NEW SECTION. 489.12601 Definitions.**

As used in this subpart:

1. "After a merger" or "after the merger" means when a merger under section 489.12604 becomes effective and afterwards.

2. "Before a merger" or "before the merger" means before a merger under section 489.12604 becomes effective.

3. "Continuing protected series" means a protected series of a surviving company which continues in uninterrupted existence after a merger under section 489.12604.



4. “*Merging company*” means a limited liability company that is party to a merger under section 489.12604.

5. “*Nonsurviving company*” means a merging company that does not continue in existence after a merger under section 489.12604.

6. “*Relocated protected series*” means a protected series of a nonsurviving company which, after a merger under section 489.12604, continues in uninterrupted existence as a protected series of the surviving company.

7. “*Surviving company*” means a merging company that continues in existence after a merger under section 489.12604.

**Sec. 28. NEW SECTION. 489.12602 Protected series shall not be party to entity transaction.**

A protected series shall not do any of the following:

1. Be an acquiring, acquired, converting, converted, merging, or surviving entity.
2. Participate in a domestication.
3. Be a party to or be formed, organized, established, or created in a transaction substantially like a merger, interest exchange, conversion, or domestication.

**Sec. 29. NEW SECTION. 489.12603 Restriction on entity transaction involving protected series.**

A series limited liability company shall not be any of the following:

1. An acquiring, acquired, converting, converted, domesticating, or domesticated entity.
2. Except as otherwise provided in section 489.12604, a party to or the surviving company of a merger.

**Sec. 30. NEW SECTION. 489.12604 Merger authorized — parties restricted.**

A series limited liability company may be party to a merger in accordance with sections 489.1001 through 489.1005, this section, and sections 489.12605 through 489.12608 only if all of the following apply:

1. Each other party to the merger is a limited liability company.
2. The surviving company is not created in the merger.

**Sec. 31. NEW SECTION. 489.12605 Plan of merger.**

In a merger under section 489.12604, the plan of merger must do all of the following:

1. Comply with section 489.1002.
2. State in a record all of the following:
  - a. For any protected series of a nonsurviving company, whether after the merger the protected series will be a relocated protected series or be dissolved, wound up, and terminated.
  - b. For any protected series of the surviving company which exists before the merger, whether after the merger the protected series will be a continuing protected series or be dissolved, wound up, and terminated.
  - c. For each relocated protected series or continuing protected series all of the following:
    - (1) The name of any person that becomes an associated member or protected-series transferee of the protected series after the merger, any consideration to be paid by, on behalf of, or in respect of the person, the name of the payor, and the name of the payee.
    - (2) The name of any person whose rights or obligations in the person’s capacity as an associated member or protected-series transferee will change after the merger.
    - (3) Any consideration to be paid to a person who before the merger was an associated member or protected-series transferee of the protected series and the name of the payor.
    - (4) If after the merger the protected series will be a relocated protected series, its new name.
  - d. For any protected series to be established by the surviving company as a result of the merger all of the following:
    - (1) The name of the protected series.
    - (2) Any protected-series transferable interest to be owned by the surviving company when the protected series is established.

(3) The name of and any protected-series transferable interest owned by any person that will be an associated member of the protected series when the protected series is established.

e. For any person that is an associated member of a relocated protected series and will remain a member after the merger, any amendment to the operating agreement of the surviving company which is all of the following:

(1) Is or is proposed to be in a record.

(2) Is necessary or appropriate to state the rights and obligations of the person as a member of the surviving company.

**Sec. 32. NEW SECTION. 489.12606 Articles of merger.**

In a merger under section 489.12604, the articles of merger must do all of the following:

1. Comply with section 489.1004.

2. Include as an attachment the following records, each to become effective when the merger becomes effective upon any of the following:

a. For a protected series of a merging company being terminated as a result of the merger, a statement of termination signed by the company.

b. For a protected series of a nonsurviving company which after the merger will be a relocated protected series all of the following:

(1) A statement of relocation signed by the nonsurviving company which contains the name of the company and the name of the protected series before and after the merger.

(2) A statement of protected series designation signed by the surviving company.

c. For a protected series being established by the surviving company as a result of the merger, a protected series designation signed by the company.

**Sec. 33. NEW SECTION. 489.12607 Effect of merger.**

When a merger under section 489.12604 becomes effective, in addition to the effects stated in section 489.1005, all of the following apply:

1. As provided in the plan of merger, each protected series of each merging company which was established before the merger is any of the following:

a. Is a relocated protected series or continuing protected series.

b. Is dissolved, wound up, and terminated.

2. Any protected series to be established as a result of the merger is established.

3. Any relocated protected series or continuing protected series is the same person without interruption as it was before the merger.

4. All property of a relocated protected series or continuing protected series continues to be vested in the protected series without transfer, reversion, or impairment.

5. All debts, obligations, and other liabilities of a relocated protected series or continuing protected series continue as debts, obligations, and other liabilities of the protected series.

6. Except as otherwise provided by law or the plan of merger, all the rights, privileges, immunities, powers, and purposes of a relocated protected series or continuing protected series remain in the protected series.

7. The new name of a relocated protected series may be substituted for the former name of the protected series in any pending action or proceeding.

8. If provided in the plan of merger all of the following apply:

a. A person becomes an associated member or protected-series transferee of a relocated protected series or continuing protected series.

b. A person becomes an associated member of a protected series established by the surviving company as a result of the merger.

c. Any change in the rights or obligations of a person in the person's capacity as an associated member or protected-series transferee of a relocated protected series or continuing protected series take effect.

d. Any consideration to be paid to a person that before the merger was an associated member or protected-series transferee of a relocated protected series or continuing protected series is due.

9. Any person that is a member of a relocated protected series becomes a member of the surviving company, if not already a member.

Sec. 34. NEW SECTION. **489.12608 Application of section 489.12404 after merger.**

1. A creditor's right that existed under section 489.12404 immediately before a merger under section 489.12604 may be enforced after the merger in accordance with all of the following:

a. A creditor's right that existed immediately before the merger against the surviving company, a continuing protected series, or a relocated protected series continues without change after the merger.

b. A creditor's right that existed immediately before the merger against a nonsurviving company all of the following apply:

(1) May be asserted against an asset of the nonsurviving company which vested in the surviving company as a result of the merger.

(2) Does not otherwise change.

c. Subject to subsection 2, all of the following apply:

(1) In addition to the remedy stated in paragraph "a", a creditor with a right under section 489.12404 which existed immediately before the merger against a nonsurviving company or a relocated protected series may assert the right against any of the following:

(a) An asset of the surviving company, other than an asset of the nonsurviving company which vested in the surviving company as a result of the merger.

(b) An asset of a continuing protected series.

(c) An asset of a protected series established by the surviving company as a result of the merger.

(d) If the creditor's right was against an asset of the nonsurviving company, an asset of a relocated series.

(e) If the creditor's right was against an asset of a relocated protected series, an asset of another relocated protected series.

(2) In addition to the remedy stated in paragraph "b", a creditor with a right that existed immediately before the merger against the surviving company or a continuing protected series may assert the right against any of the following:

(a) An asset of a relocated protected series.

(b) An asset of a nonsurviving company which vested in the surviving company as a result of the merger.

2. For the purposes of subsection 1, paragraph "c", and section 489.12404, subsection 2, paragraph "a", subparagraph (1); section 489.12404, subsection 2, paragraph "b", subparagraph (1); and section 489.12404, subsection 2, paragraph "c", subparagraph (1), the incurrence date is deemed to be the date on which the merger becomes effective.

3. A merger under section 489.12604 does not affect the manner in which section 489.12404 applies to a liability incurred after the merger.

SUBPART G  
FOREIGN PROTECTED SERIES

Sec. 35. NEW SECTION. **489.12701 Governing law.**

The law of the jurisdiction of formation of a foreign series limited liability company governs all of the following:

1. The internal affairs of a foreign protected series of the company, including all of the following:

a. Relations among any associated members of the foreign protected series.

b. Relations between the foreign protected series and any of the following:

(1) Any associated member.

(2) The protected-series manager.

(3) Any protected-series transferee.

c. Relations between any associated member and any of the following:

(1) The protected-series manager.

(2) Any protected-series transferee.

d. The rights and duties of a protected-series manager.

e. Governance decisions affecting the activities and affairs of the foreign protected series and the conduct of those activities and affairs.

f. Procedures and conditions for becoming an associated member or protected-series transferee.

2. Relations between the foreign protected series and all of the following:

a. The company.

b. Another foreign protected series of the company.

c. A member of the company which is not an associated member of the foreign protected series.

d. A foreign protected-series manager that is not a protected-series manager of the protected series.

e. A foreign protected-series transferee that is not a foreign protected-series transferee of the protected series.

f. A transferee of a transferable interest of the company.

3. Except as otherwise provided in sections 489.12402 and 489.12404, the liability of a person for a debt, obligation, or other liability of a foreign protected series of a foreign series limited liability company if the debt, obligation, or liability is asserted solely by reason of the person being or acting as any of the following:

a. An associated member, protected-series transferee, or protected-series manager of the foreign protected series.

b. A member of the company which is not an associated member of the foreign protected series.

c. A protected-series manager of another foreign protected series of the company.

d. A protected-series transferee of another foreign protected series of the company.

e. A manager of the company.

f. A transferee of a transferable interest of the company.

4. Except as otherwise provided in sections 489.12402 and 489.12404 all of the following apply:

a. The liability of the foreign series limited liability company for a debt, obligation, or other liability of a foreign protected series of the company if the debt, obligation, or liability is asserted solely by reason of the foreign protected series being a foreign protected series of the company or the company as a consequence of any of the following:

(1) Being or acting as a foreign protected-series manager of the foreign protected series.

(2) Having the foreign protected series manage the company.

(3) Owning a protected-series transferable interest of the foreign protected series.

b. The liability of a foreign protected series for a debt, obligation, or other liability of the company or another foreign protected series of the company if the debt, obligation, or liability is asserted solely by reason of the foreign protected series as a consequence of any of the following:

(1) Being a foreign protected series of the company or having the company or another foreign protected series of the company be or act as foreign protected-series manager of the foreign protected series.

(2) Managing the company or being or acting as a foreign protected-series manager of another foreign protected series of the company.

**Sec. 36. NEW SECTION. 489.12702 No attribution of activities constituting doing business or for establishing jurisdiction.**

In determining whether a foreign series limited liability company or foreign protected series of the company does business in this state or is subject to the personal jurisdiction of the courts of this state all of the following apply:

1. The activities and affairs of the company are not attributable to a foreign protected series of the company solely by reason of the foreign protected series being a foreign protected series of the company.

2. The activities and affairs of a foreign protected series are not attributable to the company or another foreign protected series of the company solely by reason of the foreign protected series being a foreign protected series of the company.

**Sec. 37. NEW SECTION. 489.12703 Authorization of foreign protected series.**

1. Except as otherwise provided in this section and subject to sections 489.12402 and 489.12404, the law of this state governing the filing of a certificate of authority of a foreign limited liability company to do business in this state, including the consequences of not complying with that law, applies to a foreign protected series of a foreign series limited liability company as if the foreign protected series were a foreign limited liability company formed separately from the foreign series limited liability company and distinct from the foreign series limited liability company and any other foreign protected series of the foreign series limited liability company.

2. An application by a foreign protected series of a foreign series limited liability company for a certificate of authority to do business in this state must include all of the following:

a. The name and jurisdiction of formation of the foreign series limited liability company.

b. If the company has other foreign protected series, the name and street and mailing address of an individual who knows the name and street and mailing address of all of the following:

(1) Each other foreign protected series of the foreign series limited liability company.

(2) The foreign protected-series manager of and agent for service of process for each other foreign protected series of the foreign series limited liability company.

2A. If the jurisdiction under whose law the foreign protected series was organized does not provide for the protected series to obtain a certificate of existence, the foreign protected series shall attach a certificate of existence for the series limited liability company of which it is a protected series. In that case, a foreign protected series of the foreign series limited liability company will be deemed to be in existence and good standing as long as the series limited liability company is in existence and good standing.

3. The name of a foreign protected series applying for a certificate of authority or authorized to do business in this state must comply with section 489.12202 and may do so using a fictitious name pursuant to section 489.108, if the fictitious name complies with section 489.12202.

4. A foreign protected series that has in effect a certificate of authority pursuant to this section shall file with the secretary of state an amendment to its application if there is any change in the information required by subsection 2.

**Sec. 38. NEW SECTION. 489.12704 Disclosure required when foreign series limited liability company or foreign protected series party to proceeding.**

1. Not later than thirty days after becoming a party to a proceeding before a civil, administrative, or other adjudicative tribunal of or located in this state or a tribunal of the United States located in this state all of the following apply:

a. A foreign series limited liability company shall disclose to each other party the name and street and mailing address of all of the following:

(1) Each foreign protected series of the company.

(2) Each foreign protected-series manager of and a registered agent for service of process for each foreign protected series of the company.

b. A foreign protected series of a foreign series limited liability company shall disclose to each other party the name and street and mailing address of all of the following:

(1) The company and each manager of the company and an agent for service of process for the company.

(2) Any other foreign protected series of the company and each foreign protected-series manager of and an agent for service of process for the other foreign protected series.

2. If a foreign series limited liability company or foreign protected series challenges the personal jurisdiction of the tribunal, the requirement that the foreign company or foreign protected series make disclosure under subsection 1 is tolled until the tribunal determines whether it has personal jurisdiction.

3. If a foreign series limited liability company or foreign protected series does not comply with subsection 1, a party to the proceeding may do any of the following:

a. Request the tribunal to treat the noncompliance as a failure to comply with the tribunal's discovery rules.

b. Bring a separate proceeding in the court to enforce subsection 1.

SUBPART H  
TRANSITIONAL PROVISIONS

Sec. 39. **NEW SECTION. 489.12803 Transitional provisions.**

1. Before July 1, 2021, this part governs only the following:

a. A series limited liability company formed, or a protected series established, on or after July 1, 2020.

b. A limited liability company that is a series limited liability company before July 1, 2020, and elects, in the manner provided in its operating agreement or by law for amending the operating agreement, to be subject to this part.

2. If a series limited liability company elects under subsection 1, paragraph “b”, to be subject to this part:

a. The election applies to each protected series of the company, whenever established.

b. A manager of the company has the right to sign and deliver to the secretary of state for filing any record necessary to comply with this part, whether the record pertains to the company, a protected series of the company, or both.

3. On and after July 1, 2021, this part governs all series limited liability companies and protected series.

4. Until July 1, 2021, sections 489.12402 and 489.12404 do not apply to a foreign protected series that was established before July 1, 2020, or a foreign limited liability company that became a foreign series limited liability company before July 1, 2020.

5. This section is repealed on July 1, 2021.

Sec. 40. **NEW SECTION. 489.12804 Savings clause.**

This part does not affect an action commenced, proceeding brought, or right accrued before July 1, 2020.

Sec. 41. **EFFECTIVE DATE.** This division of this Act takes effect July 1, 2020.

DIVISION II  
UNIFORM PROTECTED SERIES ACT — CONFORMING AMENDMENTS

Sec. 42. Section 10.1, subsections 9 and 17, Code 2019, are amended to read as follows:

9. a. “Farmers cooperative limited liability company” means a limited liability company organized under chapter 489, if cooperative associations hold one hundred percent of all membership interests in the limited liability company. Farmers cooperative associations must hold at least seventy percent of all membership interests in the limited liability company. If more than one type of membership interest is established, including any series as provided in section 489.1201 or any class or group as provided in section 489.1201, farmers cooperative associations must hold at least seventy percent of all membership interests of each type.

b. As used in paragraph “a”, a type of membership interest in a limited liability company includes any of the following:

(1) (a) A series as provided in chapter 489, article 12.

(b) This subparagraph is repealed on July 1, 2021.

(2) A protected series as provided in chapter 489, article 12.

17. “*Networking farmers limited liability company*” means a limited liability company, other than a family farm limited liability company as defined in section 9H.1, organized under chapter 489 if all of the following conditions are satisfied:

a. (1) Qualified farmers must hold at least fifty-one percent of all membership interests in the limited liability company. If more than one type of membership interest is established, including any series as provided in section 489.1201 or any class or group as provided in section 489.1201, qualified farmers must hold at least fifty-one percent of all membership interests of each type.

b. (2) Qualified persons must hold at least seventy percent of all membership interests in the limited liability company. If more than one type of membership interest is established, including any series as provided in section 489.1201 or any class or group as provided in section 489.1201, qualified persons must hold at least seventy percent of all membership interests of each type.

b. As used in paragraph “a”, a type of membership interest in a limited liability company includes any of the following:

(1) (a) A series as provided in chapter 489, article 12.

(b) This subparagraph is repealed on July 1, 2021.

(2) A protected series of a series limited liability company as provided in chapter 489, article 12.

Sec. 43. Section 10.10, subsection 1, paragraph c, Code 2019, is amended to read as follows:

c. (1) Less than fifty percent of the interest in the farmers cooperative limited liability company is held by members which are parties to intra-company loan agreements. If more than one type of membership interest is established, including any series as provided in section 489.1201 or any class or group as provided in section 489.1201, less than fifty percent of the interest in each type of membership shall be held by members which are parties to intra-company loan agreements.

(2) As used in subparagraph (1), a type of membership interest in a limited liability company includes any of the following:

(a) (i) A series as provided in chapter 489, article 12.

(ii) This subparagraph division is repealed on July 1, 2021.

(b) A protected series of a series limited liability company as provided in chapter 489, article 12.

Sec. 44. Section 489.101, Code 2019, is amended to read as follows:

**489.101 Short title.**

1. This chapter may be cited as the “Revised Uniform Limited Liability Company Act”.

2. In addition, article 12, part 1, of this chapter may be cited as provided in section 489.1201.

Sec. 45. Section 489.801, subsection 1, Code 2019, is amended to read as follows:

1. The Subject to sections 489.12402 and 489.12404, the law of the state or other jurisdiction under which a foreign limited liability company is formed governs all of the following:

a. The internal affairs of the company.

b. The liability of a member as member and a manager as manager for the debts, obligations, or other liabilities of the company.

Sec. 46. Section 489.1201, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 8. This section is repealed on July 1, 2021.

Sec. 47. Section 489.1202, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 7. This section is repealed on July 1, 2021.

Sec. 48. Section 489.1203, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 14. This section is repealed on July 1, 2021.

Sec. 49. Section 489.1204, Code 2019, is amended to read as follows:

**489.1204 Dissociation from a series.**

1. Unless otherwise provided in the operating agreement, a member shall cease to be associated with a series and to have the power to exercise any rights or powers of a member with respect to such series upon the assignment of all of the member’s transferable interest with respect to such series. Except as otherwise provided in an operating agreement, an event under this chapter or identified in an operating agreement that causes a member to cease to be associated with a series, by itself, shall not cause such member to cease to be associated with any other series or terminate the continued membership of a member in the limited liability company.

2. This section is repealed on July 1, 2021.

Sec. 50. Section 489.1205, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 4. This section is repealed on July 1, 2021.

Sec. 51. Section 489.1206, Code 2019, is amended to read as follows:

**489.1206 Foreign series.**

1. A foreign limited liability company that is authorized to do business in this state under article 8 which is governed by an operating agreement that establishes or provides for the establishment of designated series of transferable interests having separate rights, powers, or duties with respect to specified property or obligations of the foreign limited liability company, or profits and losses associated with the specified property or obligations, shall indicate that fact on the application for a certificate of authority as a foreign limited liability company. In addition, the foreign limited liability company shall state on the application whether the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to a particular series, if any, are enforceable against the assets of such series only, and not against the assets of the foreign limited liability company generally.

2. This section is repealed on July 1, 2021.

Sec. 52. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

- a. Section 489.1201, as amended by this division of this Act, to section 489.12901.
- b. Section 489.1202, as amended by this division of this Act, to section 489.12902.
- c. Section 489.1203, as amended by this division of this Act, to section 489.12903.
- d. Section 489.1204, as amended by this division of this Act, to section 489.12904.
- e. Section 489.1205, as amended by this division of this Act, to section 489.12905.
- f. Section 489.1206, as amended by this division of this Act, to section 489.12906.

2. The Code editor shall codify the sections described in subsection 1 as new part 2 of article 12 of chapter 489.

3. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

Sec. 53. EFFECTIVE DATE. This division of this Act takes effect July 1, 2020.

DIVISION III  
MANAGEMENT OF LIMITED LIABILITY COMPANIES

Sec. 54. Section 489.407, subsection 2, paragraph f, Code 2019, is amended by striking the paragraph.

DIVISION IV  
DISSOLUTION

Sec. 55. Section 489.105, subsection 2, paragraph a, Code 2019, is amended to read as follows:

a. Delivering to the secretary of state for filing a statement of change under section 489.114, an amendment to the certificate under section 489.202, a statement of correction under section 489.206, a biennial report under section 489.209, a statement of withdrawal or a statement of rescission under section 489.701A, or a statement of termination under section 489.702, subsection 2, paragraph "b", subparagraph (6).

Sec. 56. Section 489.117, subsection 1, Code 2019, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0a. Statement of rescission..... No fee

NEW PARAGRAPH. 00a. Statement of withdrawal.... No fee

Sec. 57. NEW SECTION. **489.701A Rescinding dissolution.**

1. A limited liability company may rescind its dissolution, unless a statement of termination applicable to the company has become effective, a district court has entered an order under



section 489.701, subsection 1, paragraph “d”, dissolving the company, or the secretary of state has dissolved the company under section 489.705.

2. Rescinding dissolution under this section requires all of the following:

a. The affirmative vote or consent of each member.

b. If the limited liability company has delivered to the secretary of state for filing a statement of dissolution and any of the following applies:

(1) The statement has not become effective, delivery to the secretary of state for filing of a statement of withdrawal under section 489.205 applicable to the statement of dissolution.

(2) If the statement of dissolution has become effective, delivery to the secretary of state for filing of a statement of rescission stating the name of the company and that dissolution has been rescinded under this section.

3. If a limited liability company rescinds its dissolution all of the following apply:

a. The company resumes carrying on its activities and affairs as if the dissolution had never occurred.

b. Subject to paragraph “c”, any liability incurred by the company after the dissolution and before the rescission has become effective is determined as if dissolution had never occurred.

c. The rights of a third party arising out of conduct in reliance on the dissolution before the third party knew or had notice of the rescission may not be adversely affected.

Approved April 15, 2019

## CHAPTER 27

### LOANS — PERMISSIBLE INTEREST RATES AND CHARGES

*H.F. 260*

**AN ACT** relating to permissible interest rates and charges for certain loans.

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

Section 1. Section 536.13, subsection 7, paragraph a, Code 2019, is amended to read as follows:

a. The superintendent may establish the maximum rate of interest or charges as permitted under this chapter for those loans with an unpaid principal balance of ~~ten~~ thirty thousand dollars or less. For those loans with an unpaid principal balance of over ~~ten~~ thirty thousand dollars, the maximum rate of interest or charges which a licensee may charge shall be the greater of the rate permitted by chapter 535 or the rate authorized for supervised financial organizations by chapter 537.

Sec. 2. Section 537.2501, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. 1. For an interest-bearing consumer credit transaction, a service charge in an amount not to exceed the lesser of ten percent of the amount financed or thirty dollars.

Sec. 3. Section 537.2510, subsection 3, paragraph a, Code 2019, is amended to read as follows:

a. If the prepayment is in full, the creditor may collect or retain a minimum charge not exceeding five dollars in a transaction which had an amount financed of seventy-five dollars or less, or not exceeding seven dollars and fifty cents in a transaction which had an amount financed of more than seventy-five dollars, if the minimum charge was contracted for, and the finance charge earned at the time of prepayment is less than the minimum charge contracted for. If, however, a creditor has collected a service charge in association with an interest-bearing consumer credit transaction pursuant to section 537.2501, subsection 1,

paragraph “l”, the creditor shall not collect or retain a minimum charge upon prepayment pursuant to this subsection.

Sec. 4. Section 537.2510, Code 2019, is amended by adding the following new subsection: NEW SUBSECTION. 9. This section does not apply to a service charge collected pursuant to section 537.2501, subsection 1, paragraph “l”.

Approved April 15, 2019

## CHAPTER 28

### AIRCRAFT CERTIFICATES OF REGISTRATION

*H.F. 390*

**AN ACT** relating to required notices to the department of transportation regarding certain registered aircraft.

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

Section 1. Section 328.24, subsection 1, Code 2019, is amended to read as follows:

1. If, during the year for which an aircraft, except aircraft used for the application of herbicides and pesticides, was registered and the required fee paid, the aircraft is destroyed by fire or accident or junked, and its the aircraft's identity as an aircraft entirely eliminated, or the aircraft is removed and continuously used beyond the boundaries of the state, then the owner in whose name ~~it~~ the aircraft was registered at the time of destruction, dismantling, or removal from the state shall ~~return the certificate of registration~~ provide notice to the department within thirty days and make affidavit of the destruction, dismantling, or removal and make claim for the refund. The refund shall be paid from the general fund of the state.

Sec. 2. Section 328.43, Code 2019, is amended to read as follows:

**328.43 Transfer notice.**

Upon the transfer of ownership of any registered aircraft, the owner shall immediately give provide notice to the department ~~upon the form on the reverse side of the certificate of registration~~, stating the date of such transfer, the name and post office address with street number, if in a city, of the person to whom ~~the aircraft was~~ transferred, the number of the registration certificate, and such other information as the department may require.

Approved April 15, 2019

## CHAPTER 29

### PIONEER CEMETERIES — JURISDICTION AND MANAGEMENT

*H.F. 698*

**AN ACT** relating to the jurisdiction and management of pioneer cemeteries.

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

Section 1. Section 331.325, subsection 3, Code 2019, is amended to read as follows:

3. a. In lieu of management of the cemeteries, the board of supervisors may create, by ordinance, a cemetery commission to assume jurisdiction and management of the pioneer

cemeteries in the county. The ordinance shall delineate the number of commissioners, the appointing authority, the term of office, officers, employees, organizational matters, rules of procedure, compensation and expenses, and other matters deemed pertinent by the board. The board may delegate any power and duties relating to cemeteries ~~which~~ that may otherwise be exercised by township trustees pursuant to sections 359.28 through 359.40 to the cemetery commission except the commission shall not certify a tax levy pursuant to section 359.30 or 359.33 and except that the expenses of the cemetery commission shall be paid from the county general fund.

b. The cemetery commission, once created, may continue to assume jurisdiction and management of a cemetery that would no longer qualify as a pioneer cemetery due to recent burials if the cemetery qualified as a pioneer cemetery upon or after creation of the cemetery commission. The choice to continue retaining jurisdiction and control of a cemetery that no longer qualifies as a pioneer cemetery shall be made jointly between the county board of supervisors and the cemetery commission.

c. The board of supervisors and the cemetery commission may jointly decide to allow the cemetery commission to care for any cemetery that had between thirteen and twenty-four burials within the previous fifty years. However, a cemetery that had thirteen or more burials within the previous fifty years shall not be considered a pioneer cemetery.

Approved April 15, 2019

## CHAPTER 30

### TEACHER PREPARATION PROGRAM ASSESSMENTS — MINIMUM SCORES — WAIVERS

#### S.F. 159

**AN ACT** relating to assessment scores set by the department of education for successful completion of a practitioner preparation program and for initial teacher licensure and providing for related matters.

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

Section 1. Section 256.7, subsection 3, Code 2019, is amended to read as follows:

3. Prescribe standards and procedures for the approval of practitioner preparation programs and professional development programs offered in this state by practitioner preparation institutions located within or outside this state and by area education agencies. Procedures provided for approval of programs shall include procedures for enforcement of the prescribed standards and, except as provided in section 256.16, subsection 3, shall not include a procedure for the waiving of any of the standards prescribed. The board may establish by rule and collect from practitioner preparation institutions located outside this state an amount equivalent to the department's necessary travel and actual expenses incurred while engaged in the program approval process for the institution located outside this state. Amounts collected under this subsection shall be deposited in the general fund of the state.

Sec. 2. Section 256.16, subsection 1, paragraph a, subparagraph (2), Code 2019, is amended to read as follows:

(2) Administer, prior to a student's completion of the practitioner preparation program and subject to the director's approval, subject assessments designed by a nationally recognized testing service that measure pedagogy and knowledge of at least one subject area; or, a valid and reliable subject-area-specific, performance-based assessment for preservice teacher candidates, centered on student learning. A student shall not successfully complete the program unless the scores achieved by the student achieves scores on the assessments administered under this subparagraph are at or above the twenty-fifth percentile nationally

on the assessments administered pursuant to this subparagraph minimum passing scores set by the department.

(a) In setting the minimum passing scores for purposes of this subparagraph, the department shall consider all of the following:

(i) Scores required for similar tests in all of the states contiguous to Iowa.

(ii) The supply and demand imbalance of content areas or teaching positions currently experienced in Iowa.

(b) A student who successfully completes the practitioner preparation program as required under this subparagraph shall be deemed to have attained a passing score on the assessments administered under this subparagraph even if the department subsequently sets different minimum passing scores.

Sec. 3. Section 256.16, subsection 2, Code 2019, is amended to read as follows:

2. A person initially applying for a license shall successfully complete ~~a professional education~~ a practitioner preparation program approved under section 256.7, subsection 3, and containing the subject matter specified in this section, before the initial action by the board of educational examiners under chapter 272 takes place. However, this subsection shall not apply to a person who meets the requirements for an initial one-year license in accordance with subsection 3.

Sec. 4. Section 256.16, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The state board shall adopt rules under chapter 17A to provide that the director shall waive the assessment requirements of subsection 1, paragraph "a", subparagraph (2), for not more than one year for a person who has completed the course requirements for an approved practitioner preparation program but attained an assessment score below the minimum passing scores set by the department for successful completion of the program under subsection 1, paragraph "a", subparagraph (2).

Sec. 5. Section 272.2, subsection 14, paragraph b, subparagraph (5), Code 2019, is amended to read as follows:

(5) The applicant fails to meet board standards for application for an initial or renewed license. However, this subparagraph shall not apply to a person who applies for an initial one-year license and submits to the board a waiver issued by the director of the department of education in accordance with section 256.16, subsection 3.

Sec. 6. Section 272.2, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 21. Adopt rules pursuant to chapter 17A to create a nonrenewable initial one-year license for an applicant who obtains a waiver issued by the director of the department of education in accordance with section 256.16, subsection 3, and presents the waiver within thirty days of issuance to the board of educational examiners. Such an applicant must also provide an affidavit from the administrator of a school district or an accredited nonpublic school verifying that an offer of a teaching contract has been made and the school district or accredited nonpublic school has made 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. For purposes of this subsection, "good-faith effort" means the same as defined in section 279.19A, subsection 9.

Approved April 16, 2019

## CHAPTER 31

### SKILLED WORKFORCE SHORTAGE TUITION GRANT PROGRAM — ELIGIBILITY AND REPORTING REQUIREMENTS

S.F. 245

**AN ACT** relating to eligibility and reporting requirements for the skilled workforce shortage tuition grant program.

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

Section 1. Section 261.130, subsection 2, Code 2019, is amended to read as follows:

2. Skilled workforce shortage tuition grants shall be awarded only to students pursuing a career-technical or career option program in an industry identified as having a shortage of skilled workers by a community college after conducting a regional skills gap analysis or as being a high-demand job by the department of workforce development in the department's most recent quarterly report pursuant to section 84A.6, subsection 4 list of high-demand jobs. If a community college no longer identifies the industry as having a shortage of skilled workers or the department no longer identifies the industry as a high-demand job, an eligible student who received a grant for a career-technical or career option program based on that identification shall continue to receive the grant until achieving a postsecondary credential, up to an associate degree, as long as the student is continuously enrolled in that program and continues to meet all other eligibility requirements.

Sec. 2. Section 261.130, subsection 8, paragraph d, Code 2019, is amended to read as follows:

d. Make an annual report to the governor and general assembly. The report shall include the number of students receiving assistance and the industries identified by the community colleges and by the department of workforce development ~~pursuant to section 84A.6, subsection 4~~, for which students were admitted to a career-technical or career option program.

Approved April 16, 2019

## CHAPTER 32

### ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM — ELIGIBILITY REQUIREMENTS

S.F. 246

**AN ACT** relating to requirements for eligibility under the all Iowa opportunity scholarship program.

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

Section 1. Section 261.87, subsection 1, paragraph b, subparagraph (3), unnumbered paragraph 1, Code 2019, is amended to read as follows:

Is ~~age eighteen through twenty-three and is~~ described by any of the following:

Sec. 2. Section 261.87, subsection 1, paragraph d, unnumbered paragraph 1, Code 2019, is amended to read as follows:

*“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:

Approved April 16, 2019

## CHAPTER 33

### NEGLIGENT HIRING OF PERSONS WITH PUBLIC OFFENSE CONVICTIONS — LIMITATIONS ON LIABILITY

H.F. 650

**AN ACT** relating to the liability of private employers, general contractors, and premises owners for negligently hiring employees, agents, or independent contractors convicted of a public offense.

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

Section 1. NEW SECTION. **671A.1 Limitation on liability for negligently hiring an employee, agent, or independent contractor convicted of a public offense.**

1. A cause of action shall not be brought against a private employer, general contractor, or premises owner for negligently hiring an employee, agent, or independent contractor, based solely on evidence that the employee, agent, or independent contractor has been convicted of a public offense as defined in section 701.2.

2. This chapter does not create a cause of action or expand an existing cause of action.

3. This chapter does not apply to employment of prisoners at prisons.

Sec. 2. NEW SECTION. **671A.2 Liability protection not applicable.**

1. This chapter does not preclude a cause of action for negligent hiring based on evidence that the employee, agent, or independent contractor has been convicted of a public offense as defined in section 701.2, if all of the following criteria are met:

a. The private employer, general contractor, or premises owner knew or should have known of the conviction.

b. The employee, agent, or independent contractor was convicted of any of the following:

(1) A public offense that was committed while performing duties substantially similar to those reasonably expected to be performed in the employment or under the relationship or contract, or under conditions substantially similar to those reasonably expected to be encountered in the employment or under the relationship or contract, taking into consideration all of the following factors:

(a) The nature and seriousness of the public offense.

(b) The extent and nature of the employee, agent, or independent contractor's past criminal activity.

(c) The age of the employee, agent, or independent contractor when the public offense was committed.

(d) The amount of time that has elapsed since the employee, agent, or independent contractor's last criminal activity.

(2) A sexually violent offense as defined in section 229A.2.

(3) The offense of dependent adult abuse as provided for under section 235B.20.

(4) The offense of murder in the first degree under section 707.2.

(5) The offense of murder in the second degree under section 707.3.

(6) The offense of assault as defined in section 708.1 that is a felony under section 708.2.

(7) The offense of domestic abuse assault as defined in section 708.2A.

(8) The offense of kidnapping in the first degree under section 710.2.

(9) The offense of robbery in the first degree under section 711.2.

(10) An offense committed on certain real property for which an enhanced penalty was received under section 124.401A or 124.401B.

(11) A felony offense where the employee, agent, or independent contractor used or exhibited a dangerous weapon as defined in section 702.7 during the commission of or during immediate flight from the scene of the felony offense, or where the employee, agent, or independent contractor used or exhibited the dangerous weapon or was a party to the felony offense and knew that a dangerous weapon would be used or exhibited.

2. The protections provided to a private employer, general contractor, or premises owner under this chapter do not apply in a suit concerning the misuse of funds or property of a person other than the employer, general contractor, or premises owner, by an employee, agent, or independent contractor if, on the date the employee, agent, or independent contractor was hired, the employee, agent, or independent contractor had been convicted of a public offense that included fraud or the misuse of funds or property as an element of the public offense, and it was foreseeable that the position for which the employee, agent, or independent contractor was hired would involve discharging a fiduciary responsibility in the management of funds or property.

Approved April 17, 2019

## CHAPTER 34

### CERTIFICATION OF TRUST REQUIREMENTS

S.F. 112

**AN ACT** relating to the requirements for certifications of trust and including applicability provisions.

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

Section 1. Section 633A.4604, subsection 2, Code 2019, is amended to read as follows:

2. The certification of trust must ~~contain a statement~~ do all of the following:

a. State that the trust has not been revoked, modified, or amended in any manner which that would cause the representations contained in the certification of trust to be incorrect and must contain a statement that it is being.

b. Be signed by all of the a currently acting trustees of the trust and is sworn and trustee or the attorney of an acting trustee.

c. Be subscribed and sworn to under penalty of perjury before a notary public as provided in chapter 9B.

Sec. 2. **APPLICABILITY.** This Act applies to certifications of trust signed on and after July 1, 2019.

Approved April 23, 2019

**CHAPTER 35**

## SUBMISSION TO CREDIT UNION DIVISION — GOOD FAITH REQUIREMENT

S.F. 402

**AN ACT** providing for the good-faith submission of information, records, applications, and documents to the credit union division.

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

Section 1. NEW SECTION. **533.510 Submissions to credit union division — good faith requirement.**

Any information, record, application, or document provided to the credit union division pursuant to this chapter shall be provided in good faith. A director, officer, agent, or employee of a state credit union, a credit union service organization, or any other person shall not intentionally publish, report, submit, file, or cause to be filed with the division any information, record, application, or document that is false or misleading by statement or omission. Any information, record, application, or document provided to the division in the absence of good faith or in violation of this section is subject to revocation of prior approval or denial, if applicable.

Approved April 23, 2019

**CHAPTER 36**

## SUPERINTENDENT OF CREDIT UNIONS — SUBPOENA POWERS

S.F. 403

**AN ACT** relating to the subpoena powers of the superintendent of credit unions, and making penalties applicable.

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

Section 1. Section 533.505, subsection 1, Code 2019, is amended to read as follows:

1. The superintendent or the superintendent's designee may subpoena witnesses, compel their attendance, administer an oath, examine any person under oath, and require the production of any relevant record during the related to any period of examination, or related to any report or filing made by or provided to the credit union division.

Approved April 23, 2019

**CHAPTER 37**

## CREDIT UNION MERGERS — NOTICE AND APPROVAL REQUIREMENTS

S.F. 506

**AN ACT** relating to procedural requirements for the merger of state credit unions.

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



Section 1. Section 533.401, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Prior to the sending of notice of balloting for the membership vote on a merger, a merging credit union shall submit to the superintendent all materials to be included in the notice at least fifteen days before the notice is sent to the members. The superintendent shall review and approve the materials to be included in the notice at least ten days before the notice is sent to the members. The superintendent may direct any materials to be included in the notice of balloting sent to members.

Sec. 2. Section 533.401, subsection 3, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0a. All materials included in the notice of balloting for the membership vote on the merger were reviewed and approved by the superintendent pursuant to subsection 1A.

Approved April 23, 2019

## CHAPTER 38

### WORKERS' COMPENSATION — FALLS ON LEVEL SURFACES

*S.F. 507*

**AN ACT** relating to the definition of personal injuries arising out of and in the course of the employment for the purposes of compensable acts for workers' compensation.

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

Section 1. Section 85.61, subsection 7, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Personal injuries due to idiopathic or unexplained falls from a level surface onto the same level surface do not arise out of and in the course of employment and are not compensable under this chapter.

Approved April 23, 2019

## CHAPTER 39

### DEPENDENT ADULT ABUSE — EXPLOITATION OF PHYSICAL OR FINANCIAL RESOURCES

*H.F. 323*

**AN ACT** relating to the exploitation of a dependent adult by a caretaker.

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

Section 1. Section 235B.2, subsection 5, paragraph a, subparagraph (1), subparagraph division (c), Code 2019, is amended to read as follows:

(c) Exploitation of a dependent adult which means the act or process of taking unfair advantage of a dependent adult or the adult's physical or financial resources ~~for one's own personal or pecuniary profit~~, without the informed consent of the dependent adult, including

theft, by the use of undue influence, harassment, duress, deception, false representation, or false pretenses.

Approved April 23, 2019

## CHAPTER 40

### ETHICS — GIFT REPORTING BY EXECUTIVE BRANCH

*H.F. 393*

**AN ACT** relating to the reporting of certain gifts and bequests received by the executive branch.

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

Section 1. Section 8.7, Code 2019, is amended to read as follows:

#### **8.7 Reporting of gifts and bequests received.**

All gifts and bequests with a value of fifty dollars or more received by a department or accepted by the governor on behalf of the state shall be reported within twenty days of receiving the gift or bequest to the Iowa ethics and campaign disclosure board ~~and the general assembly's standing committees on government oversight, using the board's internet reporting system.~~ The Iowa ethics and campaign disclosure board shall, by January 31 of each year, submit to the fiscal services division of the legislative services agency a written report listing all gifts and bequests received during the previous calendar year with a value over one thousand dollars and the purpose for each such gift or bequest. The submission shall also include a listing of all gifts and bequests received by a department from a person if the cumulative value of all gifts and bequests received by the department from the person during the previous calendar year exceeds one thousand dollars, and the Iowa ethics and campaign disclosure board shall include, if available, the purpose for each such gift or bequest. However, the reports on gifts or bequests filed by the state board of regents and the Iowa state fair board pursuant to section 8.44 shall be deemed sufficient to comply with the requirements of this section.

Approved April 23, 2019

## CHAPTER 41

### COMMERCIAL DRIVER'S LICENSING REQUIREMENTS

*H.F. 418*

**AN ACT** relating to commercial driver's license requirements, and including applicability provisions.

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

Section 1. Section 321.187, subsection 2, paragraph c, Code 2019, is amended to read as follows:

c. Any third-party skills test examiner used by the third-party tester shall meet the requirements of 49 C.F.R. §383.75 and 49 C.F.R. §384.228, as adopted by rule by the department. The department shall adopt rules requiring that a third-party tester, other than

a community college established under chapter 260C, shall be an Iowa-based motor carrier, or its subsidiary, that has its principal office within this state and operates a permanent commercial driver training facility in this state, or an Iowa nonprofit corporation that serves as a trade association for Iowa-based motor carriers. The rules may also provide that a third-party tester conduct a number of skills test examinations above the number required under 49 C.F.R. §383.75 in order to remain qualified as a third-party tester under this section.

Sec. 2. Section 321.188, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0c. Successfully complete any entry-level driver training if required under 49 C.F.R. pt. 380, subpt. F, or 49 C.F.R. pt. 383, subpt. E, prior to taking a knowledge test or driving skills test, the passage of which is required under paragraph “c”.

Sec. 3. Section 321.188, subsection 4, Code 2019, is amended to read as follows:

4. The department shall check the applicant’s driving record as maintained by the applicant’s current licensing state, the national commercial driver’s license information system, the national drug and alcohol clearinghouse if required under 49 C.F.R. §383.73, and the national driver register to determine whether the applicant qualifies ~~to be issued for the issuance, renewal, or upgrade of~~ a commercial driver’s license, as applicable. The department shall notify the national commercial driver’s license information system of the issuance, renewal, or upgrade of a commercial driver’s license and shall post the driver’s self-certification of type of driving as required by rule. The department shall also post information from the medical examiner’s certificate required under subsection 1, paragraph “c”, to the national commercial driver’s license information system, if required by rule.

Sec. 4. Section 321.449, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The department may adopt rules pursuant to chapter 17A authorizing a person who is at least eighteen years of age or over, but under twenty-one years of age, to be licensed to operate a commercial motor vehicle in interstate commerce if the person holds a valid commercial driver’s license and is authorized under federal law to operate a commercial motor vehicle in interstate commerce.

Sec. 5. **COMMERCIAL DRIVER’S LICENSE DRIVING SKILLS TEST — STUDY.** The department of transportation shall conduct a study on access in this state to the driving skills test required for issuance of a commercial driver’s license. The department shall evaluate and may recommend additional testing options to increase access in this state to the driving skills test required for issuance of a commercial driver’s license. The department shall submit a report, in paper or electronic format, containing the department’s findings, evaluation, and any recommendations to the general assembly on or before December 31, 2019.

Sec. 6. **APPLICABILITY.** The following applies to applicants for which the issuance or upgrade of a commercial driver’s license sought by the applicant is or will be issued by the department of transportation on or after February 7, 2020, regardless of the date the applicant submitted to the department the application or other information required for the issuance or upgrade of the license:

The section of this Act enacting section 321.188, subsection 1, paragraph “0c”.

Sec. 7. **APPLICABILITY.** The following applies to applicants for which the issuance, renewal, or upgrade of a commercial driver’s license sought by the applicant is or will be issued by the department of transportation on or after January 6, 2020, regardless of the date the applicant submitted to the department the application or other information required for the issuance, renewal, or upgrade of the license:

The section of this Act amending section 321.188, subsection 4.

**CHAPTER 42****HOSPICE BENEFITS IN NURSING FACILITIES — DUALY ELIGIBLE MEDICARE AND MEDICAID AND MEDICAID-ONLY MEMBERS***H.F. 518*

**AN ACT** relating to reimbursement for dually eligible Medicare and Medicaid members receiving the Medicare hospice benefit and Medicaid-only members electing the 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 MEMBERS AND MEDICAID-ONLY MEMBERS RECEIVING HOSPICE BENEFIT IN A NURSING FACILITY — ELIMINATION OF PASS-THROUGH PAYMENT.**

1. The department of human services shall request federal approval from the centers for Medicare and Medicaid services of the United States department of health and human services for a section 1115 demonstration waiver to allow for the payment of the nursing facility room and board expenses for a dually eligible Medicare and Medicaid member receiving the Medicare hospice benefit or a Medicaid-only member electing the member's hospice benefit, to allow Medicaid managed care organizations and the Medicaid fee-for-service payment system to reimburse the nursing facility directly for the room and board expenses at no less than ninety-five percent of the nursing facility's Medicaid fee-for-service rate rather than indirectly as a pass-through payment from the hospice services provider. The department of human services shall report receipt of such approval to the chairpersons and ranking members of the appropriations committees of the house and senate, the co-chairpersons and ranking members of the joint appropriations subcommittee on health and human services, and the legislative services agency.

2. The department of human services shall adopt rules pursuant to chapter 17A to administer this section and specifically to allow Medicaid managed care organizations and the department's fee-for-service Medicaid payment system to reimburse a nursing facility directly for the room and board expenses at no less than ninety-five percent of the nursing facility's Medicaid fee-for-service rate as provided in this section.

Approved April 23, 2019

**CHAPTER 43****ZONING — PREEXISTING NONCONFORMING USES BY MANUFACTURED, MODULAR, AND MOBILE HOMES AND SITE-BUILT DWELLING UNITS — CONTINUANCE***H.F. 701*

**AN ACT** relating to the continuance of lawful preexisting nonconforming uses by manufactured, modular, and mobile homes and site-built dwelling units.

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

Section 1. Section 335.3, Code 2019, is amended to read as follows:

**335.3 Powers.**

1. Subject to section 335.2, the board of supervisors may by ordinance regulate and restrict the height, number of structures, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and may regulate, restrict, and prohibit the use for residential

purposes of tents, trailers, and portable or potentially portable structures. However, such powers shall be exercised only with reference to land and structures located within the county but lying outside of the corporate limits of any city.

2. When there is a replacement of a preexisting manufactured, modular, or mobile home with another manufactured, modular, or mobile home containing no more than the original number of dwelling units, or a replacement of a preexisting site-built dwelling unit with a manufactured, modular, or mobile home or site-built dwelling unit, within a manufactured home community or a mobile home park, the board of supervisors shall not adopt or enforce any ordinance, regulation, or restriction that would prevent the continuance of the property owner's lawful nonconforming use that had existed relating to the preexisting home unless any of the following apply:

a. A discontinuance is necessary for the safety of life or property.

b. The nonconforming use has been discontinued for the period of time established by ordinance, unless such discontinuance is caused by circumstances outside the control of the property owner. The period of time so established shall be not less than one year.

c. The replacement results in the overall nature and character of the present use being substantially or entirely different from the original lawful preexisting nonconforming use.

d. The replacement results in an obstruction to a shared driveway or shared sidewalk providing vehicular or pedestrian access to other homes and uses unless the property owner makes modifications to such shared driveway or sidewalk that extinguishes such obstruction or the effects of such obstruction.

Sec. 2. Section 414.1, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. When there is a replacement of a preexisting manufactured, modular, or mobile home with another manufactured, modular, or mobile home containing no more than the original number of dwelling units, or a replacement of a preexisting site-built dwelling unit with a manufactured, modular, or mobile home or site-built dwelling unit, within a manufactured home community or a mobile home park, the city shall not adopt or enforce any ordinance, regulation, or restriction that would prevent the continuance of the property owner's lawful nonconforming use that had existed relating to the preexisting home unless any of the following apply:

(1) A discontinuance is necessary for the safety of life or property.

(2) The nonconforming use has been discontinued for the period of time established by ordinance, unless such discontinuance is caused by circumstances outside the control of the property owner. The period of time so established shall be not less than one year.

(3) The replacement results in the overall nature and character of the present use being substantially or entirely different from the original lawful preexisting nonconforming use.

(4) The replacement results in an obstruction to a shared driveway or shared sidewalk providing vehicular or pedestrian access to other homes and uses unless the property owner makes modifications to such shared driveway or sidewalk that extinguishes such obstruction or the effects of such obstruction.

Approved April 23, 2019

**CHAPTER 44****NOTARIAL ACTS — USE OF COMMUNICATIONS TECHNOLOGY — ELECTRONIC DOCUMENTS**

S.F. 475

**AN ACT** providing for notarial acts, including by providing for the use of electronic media, providing penalties, and including effective date provisions.

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

Section 1. Section 9B.1, Code 2019, is amended to read as follows:

**9B.1 Short title.**

This chapter may be cited as the “*Revised Uniform Law on Notarial Acts*” Acts (2018)”.

Sec. 2. Section 9B.2, subsection 10, paragraph b, Code 2019, is amended to read as follows:

b. “Personal Except as provided in section 9B.14A, “*personal appearance*” does not include appearances which require video, optical, or technology with similar capabilities.

Sec. 3. Section 9B.2, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. “*Instrument affecting real property*” means a written instrument conveying or encumbering real property including an instrument affecting real estate as defined in section 558.1 or any similar instrument provided in chapter 558.

NEW SUBSECTION. 11A. “*Remote facilitator*” means a person who participates in performing a notarial act under section 9B.14A, by doing any of the following:

a. Providing communication technology used by a public notary or remotely located individual.

b. Creating, transmitting, or retaining audio-visual recordings on behalf of a notary public.

Sec. 4. Section 9B.4, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record as provided in section 9B.14A.

Sec. 5. Section 9B.6, Code 2019, is amended to read as follows:

**9B.6 Personal appearance required.**

1. If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

2. This section is satisfied by a remotely located individual using communication technology to appear before a notary public as provided in section 9B.14A.

Sec. 6. NEW SECTION. **9B.14A Notarial act performed for remotely located individual.**

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

a. “*Communication technology*” means an electronic device or process that does all of the following:

(1) Allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound.

(2) When necessary and consistent with other applicable law, facilitates communication with a remotely located individual who has a vision, hearing, or speech impairment.

b. “*Foreign state*” means a jurisdiction other than the United States, a state, or a federally recognized Indian tribe.

c. “*Identity proofing*” means a process or service by which a third person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

d. “*Outside the United States*” means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory, insular possession, or other location subject to the jurisdiction of the United States.

*e. "Remotely located individual"* means an individual who is not in the physical presence of the notary public who performs a notarial act under subsection 3.

2. A remotely located individual may comply with section 9B.6 by using communication technology to appear before a notary public.

3. A notary public located in this state may perform a notarial act using communication technology for a remotely located individual if all of the following applies:

a. The notary public has any of the following:

(1) Personal knowledge under section 9B.7, subsection 1, of the identity of the individual.

(2) Satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notary public under section 9B.7, subsection 2, or this section.

(3) Obtained satisfactory evidence of the identity of the remotely located individual by using at least two different types of identity proofing.

b. The notary public is able reasonably to confirm that a record before the notary public is the same record in which the remotely located individual made a statement or on which the individual executed a signature.

c. The notary public, or a person acting on behalf of the notary public, creates an audio-visual recording of the performance of the notarial act.

d. For a remotely located individual located outside the United States, all of the following applies:

(1) The record complies with any of the following:

(a) Is to be filed with or relates to a matter before a public official or court, governmental entity, or other entity subject to the jurisdiction of the United States.

(b) Involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States.

(2) The act of making the statement or signing the record is not prohibited by the foreign state in which the remotely located individual is located.

4. If a notarial act is performed under this section, the certificate of notarial act required by section 9B.15 and the short-form certificate provided in section 9B.16 must indicate that the notarial act was performed using communication technology.

5. A short-form certificate provided in section 9B.16 for a notarial act subject to this section is sufficient if any of the following applies:

a. It complies with rules adopted under subsection 8, paragraph "a".

b. It is in the form provided in section 9B.16 and contains a statement substantially as follows: "This notarial act involved the use of communication technology".

6. A notary public, a guardian, conservator, or agent of a notary public, or a personal representative of a deceased notary public shall retain the audio-visual recording created under subsection 3, paragraph "c", or cause the recording to be retained by a repository designated by or on behalf of the person required to retain the recording. Unless a different period is required by rule adopted under subsection 8, paragraph "d", the recording must be retained for a period of at least ten years after the recording is made.

7. Before a notary public performs the notary public's initial notarial act under this section, the notary public must notify the secretary of state that the notary public will be performing notarial acts with respect to remotely located individuals and identify the technologies the notary public intends to use. If the secretary of state has established standards under subsection 8 and section 9B.27 for approval of communication technology or identity proofing, the communication technology and identity proofing must conform to the standards.

8. In addition to adopting rules under section 9B.27, the secretary of state may adopt rules under this section regarding performance of a notarial act. The rules may do all of the following:

a. Prescribe the means and process, including training requirements, of performing a notarial act involving a remotely located individual using communication technology.

b. Establish standards for communication technology and identity proofing.

c. Establish requirements or procedures to approve providers of communication technology and the process of identity proofing.

d. Establish standards and a period for the retention of an audio-visual recording created under subsection 3, paragraph “c”.

9. Before adopting, amending, or repealing a rule governing performance of a notarial act with respect to a remotely located individual, the secretary of state must consider all of the following:

a. The most recent standards regarding the performance of a notarial act with respect to a remotely located individual promulgated by national standard-setting organizations and the recommendations of the national association of secretaries of state.

b. Standards, practices, and customs of other jurisdictions that have laws substantially similar to this section.

c. The views of governmental officials and entities and other interested persons.

10. By allowing its communication technology or identity proofing to facilitate a notarial act for a remotely located individual or by providing storage of the audio-visual recording created under subsection 3, paragraph “c”, the provider of the communication technology, identity proofing, or storage appoints the secretary of state as the provider’s agent for service of process in any civil action in this state related to the notarial act.

10A. A document purporting to convey or encumber real property that has been recorded by the county recorder for the jurisdiction in which the real property is located, although the document may not have been certified according to this section, shall give the same notice to third persons and be effective from the time of recording as if the document had been certified according to this section.

10B. A notary public who performs a notarial act under this section must be duly commissioned under and remain subject to the requirements of section 9B.21 and all other applicable requirements of this chapter.

**Sec. 7. NEW SECTION. 9B.14B Remote facilitator.**

To be eligible to directly facilitate a notarial act using communication technology for a remotely located individual as provided in section 9B.14A, a remote facilitator must designate and continuously maintain in this state one of the following:

1. Its usual place of business in this state.

2. A registered office, which need not be a place of its activity in this state, or a registered agent for service of process, as required by the secretary of state. In addition, the remote facilitator shall file a foreign entity authority statement with the secretary of state. The statement shall describe the current street and mailing address of the registered office or the name and current street and mailing address of the remote facilitator’s registered agent.

**Sec. 8. NEW SECTION. 9B.14C Use of information.**

1. a. As used in this section, unless the context otherwise requires, “*personally identifiable information*” means information about or pertaining to an individual in a record which identifies the individual, and includes information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other information.

b. “*Personally identifiable information*” includes but is not limited to a person’s photograph, social security number, driver’s license number, name, address, and telephone number.

2. A notary public or a remote facilitator shall not sell, offer for sale, use, or transfer to another person personally identifiable information collected in the course of performing a notarial act for any purpose other than as follows:

a. As required to perform the notarial act.

b. As necessary to effect, administer, enforce, service, or process the transaction for which the personally identifiable information was provided.

3. Subsection 2 does not apply to the transfer of personally identifiable information to another person in any of the following circumstances:

a. Upon written consent of the person for the use or release of that person’s personally identifiable information.

b. In response to a court order, subpoena, or other legal process compelling disclosure.

c. As part of a change in the form of a business entity’s organization or a change in the control of a business entity, including as a result of an acquisition, merger, or consolidation.



However, any reorganized or successor business entity shall comply with the same requirements as provided in subsection 2.

4. A person who violates this section is guilty of a simple misdemeanor.

Sec. 9. Section 9B.20, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. The office of the recorder of a county in which real estate is located may accept for recording a tangible copy of an electronic record of an instrument affecting real property, if the electronic record is evidenced by a certificate of a notarial act pursuant to section 9B.15.

Sec. 10. RULEMAKING. The secretary of state shall prepare a notice of intended action for the adoption of rules necessary to administer this Act as provided in section 9B.27. The notice of intended action shall be submitted to the administrative rules coordinator and the administrative code editor as soon as possible after July 1, 2020. However, nothing in this section authorizes the secretary of state to adopt rules under section 17A.4, subsection 3, or section 17A.5, subsection 2, paragraph “b”.

Sec. 11. EFFECTIVE DATE.

1. Except as provided in subsection 2, this Act takes effect July 1, 2020.

2. The section of this Act requiring the secretary of state to prepare a notice of intended action for the adoption of rules necessary to administer this Act shall take effect upon enactment.

Approved April 29, 2019

## CHAPTER 45

### POSTCONVICTION RELIEF PROCEDURE

S.F. 158

**AN ACT** relating to postconviction relief procedure and the underlying trial court record of the proceedings challenged.

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

Section 1. Section 822.6, subsection 1, Code 2019, is amended to read as follows:

1. Within thirty days after the docketing of the application, or within any further time the court may fix, the state shall respond by answer or by motion which may be supported by affidavits. At any time prior to entry of judgment the court may grant leave to withdraw the application. The court may make appropriate orders for amendment of the application or any pleading or motion, for pleading over, for filing further pleadings or motions, or for extending the time of the filing of any pleading. In considering the application the court shall take account of substance regardless of defects of form. ~~If the application is not accompanied by the record of the proceedings challenged therein, the respondent shall file with its answer the record or portions thereof that are material to the questions raised in the application.~~

Sec. 2. NEW SECTION. **822.6A Underlying trial court record part of application.**

The underlying trial court record containing the conviction for which an applicant seeks postconviction relief, as well as the court file containing any previous application filed by the applicant relating to the same conviction, shall automatically become part of the record in a claim for postconviction relief under this chapter.

Sec. 3. NEW SECTION. **822.6B Electronic access to trial court records.**

1. Upon the filing of an application, the clerk of the district court shall make the underlying trial court record accessible to the applicant's attorney, the county attorney, and the attorney general, without the necessity of a court order. If the underlying trial court record is not available in electronic format, the clerk of the district court shall convert the record to an electronic format and make the record available to the applicant's attorney, the county attorney, and the attorney general, without the necessity of a court order.

2. Upon request by an attorney of record, the clerk of the district court shall make the court file containing any previous application filed by the applicant relating to the same conviction accessible to the applicant's attorney, the county attorney, and the attorney general, without the necessity of a court order. If the court file containing any previous application is not available in an electronic format, the clerk of the district court shall convert the court file containing any previous application to an electronic format and make the court file containing any previous application available to the applicant's attorney, the county attorney, and the attorney general, without the necessity of a court order.

Sec. 4. NEW SECTION. **822.6C Associated costs.**

Costs shall not be charged to the applicant, the applicant's attorney, the county attorney, or the attorney general for converting a court file to an electronic format or for otherwise providing access to a court file under this chapter.

Approved May 1, 2019

## CHAPTER 46

### HONEY CREEK PREMIER DESTINATION PARK BOND PROGRAM — REPEAL

S.F. 282

**AN ACT** providing for the repeal of the honey creek premier destination park bond program.

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

Section 1. Section 8.57F, subsection 2, paragraph a, Code 2019, is amended by striking the paragraph.

Sec. 2. Section 12.30, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. "Authority" means a department, or public or quasi-public instrumentality of the state including but not limited to the authority created under chapter 12E, 16, 257C, or 261A, or 463C, which has the power to issue obligations, except that "authority" does not include the state board of regents or the Iowa finance authority to the extent it acts pursuant to chapter 260C. "Authority" also includes a port authority created under chapter 28J.

Sec. 3. Section 422.7, subsection 2, paragraph v, Code 2019, is amended by striking the paragraph.

Sec. 4. Section 461A.1, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 4. "Honey creek resort state park" or "resort" means the state's premier destination state park located on Rathbun lake.

Sec. 5. NEW SECTION. **461A.3A Honey creek resort state park — findings — competitive bidding.**

1. Honey creek resort state park is established to provide important recreational and economic benefits to the state.

2. Competitive bid laws, including hearings in connection with contracts, shall not apply to either the department's or its agents' contracts involving or benefitting the resort if the contract is carrying out a public or essential governmental function. However, the exemption from competitive bid laws in this section shall not be construed to apply to contracts for the development or construction of facilities at the resort, including but not limited to lodges, campgrounds, cabins, and golf courses.

Sec. 6. REPEAL. Chapter 463C, Code 2019, is repealed.

Approved May 1, 2019

## CHAPTER 47

### FEMALE GENITAL MUTILATION

S.F. 346

**AN ACT** creating the criminal offense of female genital mutilation and providing penalties.

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

Section 1. NEW SECTION. **708.16 Female genital mutilation.**

1. Except as otherwise provided in subsection 2, a person who knowingly circumcises, excises, or infibulates, in whole or in part, the labia majora, labia minora, or clitoris of a minor commits a class "D" felony.

2. A surgical procedure is not a violation of subsection 1 if the procedure is performed by a medical professional who holds a current license in this state necessary to perform the surgical procedure under any of the following circumstances:

a. When necessary to protect the health of the minor on whom the procedure is performed.

b. When performed on a minor who is in labor or who has just given birth and is performed for medical purposes connected with that labor or birth.

3. In determining whether a surgical procedure performed pursuant to subsection 2, paragraph "a", is a violation of subsection 1, consideration shall not be given to any belief the minor or any other person holds that the surgical procedure is required based on custom or ritual.

4. A person who knowingly transports a minor within or outside of this state for the purpose of performing a procedure that would be a violation of subsection 1 if the procedure occurred in this state, commits a class "D" felony.

Sec. 2. EDUCATION CAMPAIGN — HEALTH RISKS, PROHIBITION, CRIMINAL PENALTIES — FEMALE GENITAL MUTILATION. The crime victims assistance division of the office of the attorney general, in collaboration with community insiders and culturally specific victims services programs, shall initiate an education campaign to increase awareness regarding the health risks of, the prohibitions against, and the criminal penalties associated with female genital mutilation as specified in this Act.

Sec. 3. EDUCATIONAL PROGRAMMING — FEMALE GENITAL MUTILATION. The university of Iowa hospitals and clinics shall develop educational programming including protocols for physicians to provide safe health care and treatment to women who are victims of female genital mutilation.

Approved May 1, 2019

**CHAPTER 48****PRACTICE OF LAW — QUALIFICATIONS — PRO HAC VICE APPOINTMENTS***S.F. 379*

**AN ACT** relating to qualifications to practice law in Iowa and regulation of persons admitted to practice law in a jurisdiction of the United States other than Iowa.

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

Section 1. Section 602.10102, Code 2019, is amended to read as follows:

**602.10102 Qualifications for admission.**

Every applicant for such admission shall be a person of honesty, integrity, trustworthiness, truthfulness and one who appreciates and will adhere to a code of conduct for lawyers as adopted by the supreme court. The applicant ~~shall be an inhabitant of this state, and~~ shall have actually and in good faith pursued a regular course of study of the law and shall have graduated from some reputable law school. The application form shall not contain a recent photograph of the applicant. An applicant shall not be ineligible for registration because of age, citizenship, sex, race, religion, marital status or national origin although the application form may require citizenship information. The board may consider the past record of guilty pleas and convictions of public offenses of an applicant. Character references may be required; however, such references shall not be restricted to lawyers.

Sec. 2. Section 602.10109, Code 2019, is amended to read as follows:

**602.10109 Practitioners from other states United States jurisdictions.**

Any person who is ~~a resident of this state, and~~ has been admitted to the bar of any other state in the United States, ~~or the District of Columbia, or a territory of the United States,~~ may, in the discretion of the court, be admitted to practice in this state without examination or proof of a period of study. The person, in the application for admission to practice law in this state, in addition to all other requirements stated in this chapter, shall establish that the person has practiced law for five full years under license in such jurisdiction within the seven years immediately preceding the date of application and still holds a license to practice law. The teaching of law as a full-time instructor in a recognized law school in this state or some other state shall for the purpose of this section be deemed the practice of law. Any person who has discharged actual legal duties as a member of the armed services of the United States shall be deemed to have practiced law for the purposes of this section if certified to as such by the judge advocate general of the service. The court may charge an investigation fee based upon the cost of conducting the investigation as determined by the court.

Sec. 3. Section 602.10111, Code 2019, is amended to read as follows:

**602.10111 ~~Nonresident Non-Iowa attorney — appointment of local Iowa attorney.~~**

Any member of the bar of another state, ~~the District of Columbia, or a territory of the United States~~ actually engaged in any cause or matter pending in any court of this state, may be permitted by such court to appear in and conduct such cause or matter ~~while retaining the attorney's residence in another state,~~ without being subject to this article; provided that at the time the attorney enters an appearance the attorney files with the clerk of such court the written appointment of some attorney ~~resident and~~ admitted to practice in the state of Iowa, upon whom service may be had in all matters connected with said action, with the same effect as if personally made on such foreign attorney within this state. In case of failure to make such appointment, such attorney shall not be permitted to practice as provided in this section, and all papers filed by the attorney shall be stricken from the files.

Approved May 1, 2019

## CHAPTER 49

### HOMEOWNER'S INSURANCE — REPAIRS OR SERVICES ON RESIDENTIAL REAL ESTATE — ASSIGNMENT OF RIGHTS TO RESIDENTIAL CONTRACTORS

#### S.F. 412

**AN ACT** relating to post-loss assignment of rights to residential contractors for repair or services performed on residential real estate covered by property and casualty insurance, and making penalties applicable.

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

Section 1. NEW SECTION. **515.137A Post-loss assignment of rights or benefits to a residential contractor.**

1. This section may be cited as the “Insured Homeowner’s Protection Act”.

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

a. “Catastrophe” means the same as defined in section 103A.71.

b. “Residential contractor” means the same as defined in section 103A.71.

c. “Residential real estate” means the same as defined in section 103A.71.

d. “Roof system” means the same as defined in section 103A.71.

3. A post-loss assignment by a named insured of rights or benefits to a residential contractor under a property and casualty insurance policy insuring residential real estate shall be subject to all of the following requirements:

a. The assignment shall only authorize a residential contractor to be named as a co-payee for the payment of benefits under a property and casualty insurance policy covering residential real estate.

b. The assignment shall include all of the following:

(1) An itemized description of the work to be performed.

(2) An itemized description of the materials, labor, and fees for the work to be performed.

(3) A total itemized amount to be paid for the work to be performed.

c. The assignment shall include a statement that the residential contractor has made no assurances that the claimed loss will be fully covered by an insurance contract and shall include the following notice in capitalized fourteen point type:

YOU ARE AGREEING TO GIVE UP CERTAIN RIGHTS YOU  
HAVE UNDER YOUR INSURANCE POLICY. PLEASE READ AND  
UNDERSTAND THIS DOCUMENT BEFORE SIGNING.

THE ITEMIZED DESCRIPTION OF THE WORK TO BE DONE  
SHOWN IN THIS ASSIGNMENT FORM HAS NOT BEEN AGREED  
TO BY THE INSURER. THE INSURER HAS THE RIGHT TO PAY  
ONLY FOR THE COST TO REPAIR OR REPLACE DAMAGED  
PROPERTY CAUSED BY A COVERED PERIL.

d. The assignment shall include the following notice in capitalized fourteen point type located in the immediate proximity of the space reserved in the assignment for the signature of the named insured:

YOU MAY CANCEL THIS ASSIGNMENT WITHOUT PENALTY  
WITHIN FIVE (5) BUSINESS DAYS FROM THE LATER OF  
THE DATE THE ASSIGNMENT IS EXECUTED OR THE DATE  
ON WHICH YOU RECEIVE A COPY OF THE EXECUTED  
ASSIGNMENT.

YOU MUST CANCEL THE ASSIGNMENT IN WRITING  
AND THE CANCELLATION MUST BE DELIVERED TO (name  
and address of residential contractor as provided by the  
residential contractor). IF MAILED, THE CANCELLATION  
MUST BE POSTMARKED BEFORE THE FIVE (5) BUSINESS  
DAY DEADLINE. IF YOU CANCEL THIS ASSIGNMENT, THE  
RESIDENTIAL CONTRACTOR HAS UP TO TEN (10) BUSINESS  
DAYS TO RETURN ANY PAYMENTS OR DEPOSITS YOU HAVE  
MADE.

e. The assignment shall not impair the interest of a mortgagee listed on the declarations page of the property and casualty insurance policy which is the subject of the assignment.

f. The assignment shall not prevent or inhibit an insurer from communicating with the named insured or mortgagee listed on the declarations page of the property and casualty insurance policy that is the subject of the assignment.

g. A copy of the executed assignment shall be provided to the insurer of the residential real estate within five business days after execution of the assignment.

h. The named insured has the right to cancel the assignment for any reason within five business days from the later of the date the assignment is executed or the date on which the named insured receives a copy of the executed assignment. The cancellation must be made in writing. Within ten business days of the date of the written cancellation, the residential contractor shall tender to the named insured, the land owner, or the possessor of the real estate, any payments, partial payments, or deposits that have been made by such person.

4. Any written contract, repair estimate, or work order prepared by a residential contractor to provide goods or services to be paid from the proceeds of a property and casualty insurance policy shall include in capitalized fourteen point type the notice as provided in section 103A.71, subsection 4, paragraph “a”, which shall be signed by the named insured, and sent to the named insured’s insurance company prior to payment of proceeds under the applicable insurance policy.

5. a. A contract entered into with a residential contractor is void if the residential contractor violates any provision of this section.

b. A violation of this section by a residential contractor is an unlawful practice pursuant to section 714.16.

Approved May 1, 2019

## CHAPTER 50

### SELF-SERVICE STORAGE FACILITIES — USE, RENTAL AGREEMENTS, AND LIENS

S.F. 528

**AN ACT** relating to self-service storage facilities, including the creation and enforcement of liens on personal property within leased spaces.

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

Section 1. NEW SECTION. **578B.1 Short title.**

This Act shall be known as the “*Self-Service Storage Facilities Act*”.

Sec. 2. NEW SECTION. **578B.2 Definitions.**

As used in this chapter, unless the context clearly requires otherwise:

1. “*Commercially reasonable sale*” means a sale that is conducted at the self-service storage facility, at the nearest suitable place to where the personal property is held or stored, or on a publicly accessible internet site that conducts sales or auctions.

2. “*Default*” means the failure by the occupant to perform on time any obligation or duty set forth in a rental agreement or this chapter.

3. “*Emergency*” means any sudden, unexpected occurrence or circumstance at or near a self-service storage facility that requires immediate action to avoid injury to persons or property at or near the self-service storage facility, including a fire.

4. “*Last-known address*” means the postal address or electronic mail address provided by an occupant in a rental agreement or the postal address or electronic mail address provided by the occupant in a subsequent written notice of a change of address.

5. “*Late fee*” means any fee or charge assessed for an occupant’s failure to pay rent when due. “*Late fee*” does not include interest on a debt, reasonable expenses incurred in the

collection of unpaid rent, or costs associated with the enforcement of any other remedy provided by law or contract.

6. “*Leased space*” means individual storage space at a self-service storage facility which is rented to an occupant pursuant to a rental agreement.

7. “*Occupant*” means a person entitled to the use of leased space at a self-service storage facility under a rental agreement or the person’s successors or assigns.

8. “*Operator*” means the owner, operator, lessor, or sublessor of a self-service storage facility or an agent or any other person authorized to manage the facility. “*Operator*” does not include a warehouse worker if the warehouse worker issues a warehouse receipt, bill of lading, or other document of title for the personal property stored.

9. “*Personal property*” means movable property not affixed to land, including goods, wares, merchandise, motor vehicles, watercraft, household items, and furnishings.

10. “*Property that has no commercial value*” means property offered for sale in a commercially reasonable sale that receives no bid or offer.

11. “*Rental agreement*” means an agreement or lease, written or oral, that establishes or modifies the terms, conditions, or rules concerning the use and occupancy of leased space at a self-service storage facility.

12. “*Self-service storage facility*” means real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the space for the purpose of storing personal property. If an operator issues a warehouse receipt, bill of lading, or other document of title for the personal property stored, the operator and occupant are subject to chapter 554, article 7, and this chapter does not apply.

13. “*Verified mail*” means any method of mailing offered by the United States postal service or private delivery service that provides evidence of the mailing.

**Sec. 3. NEW SECTION. 578B.3 Facility not residence.**

1. An operator shall not knowingly permit a leased space at a self-service storage facility to be used for residential purposes.

2. An occupant shall not use a leased space for residential purposes.

**Sec. 4. NEW SECTION. 578B.4 Notice and consent for inspection and repair.**

Unless otherwise provided in a rental agreement, an occupant, upon reasonable request from the operator, shall allow the operator to enter a leased space for the purpose of inspection or repair. If an emergency occurs, an operator may enter a leased space for inspection or repair without notice to or consent from the occupant.

**Sec. 5. NEW SECTION. 578B.5 Lien — late fee — electronic communication permitted.**

1. The operator of a self-service storage facility and the operator’s heirs, executors, administrators, successors, and assigns shall have a lien upon all of an occupant’s personal property located at the self-service storage facility for delinquent rent, late fees, labor, or other charges incurred pursuant to a rental agreement and for expenses incurred for preservation, sale, or disposition of the personal property. The lien established by this subsection shall have priority over all other liens and security interests except for those perfected prior to the time the personal property is brought to the self-service storage facility.

2. The lien described in subsection 1 attaches on the date on which personal property is brought to the self-service storage facility.

3. If the rental agreement specifies a limit on the value of personal property that the occupant may store in the leased space, such limit shall be deemed to be the maximum value of the personal property in the occupant’s leased space.

4. A rental agreement under this chapter may provide for a reasonable late fee for failure of the occupant to timely make payments for the leased space when due. A monthly late fee of twenty dollars or twenty percent of the monthly rental amount, whichever is greater, shall be reasonable and is not a penalty.

5. The operator and occupant may agree to use electronic mail to satisfy all notice requirements under this chapter. The parties, if consenting to use electronic mail for notice, must consent to use electronic mail for all notices. If the parties agree, the rental agreement

shall contain a section outlining the rights and duties for each party regarding the use of electronic mail.

Sec. 6. NEW SECTION. **578B.6 Right to deny access due to default.**

If the occupant is in default, the operator shall have the right to deny the occupant access to the leased space at the self-service storage facility if such right is set forth in the rental agreement.

Sec. 7. NEW SECTION. **578B.7 Enforcement of lien.**

1. If an occupant is in default for a period of at least thirty days, the operator may enforce the lien granted in section 578B.5 by selling the occupant's personal property. Sale of the occupant's personal property may be by public or private proceedings. Such personal property may be sold as a unit or in parcels, by way of one or more contracts, at any time or place, and on any terms as long as the sale is commercially reasonable. The operator may otherwise dispose of any property that has no commercial value.

2. Before conducting a sale under this section, the operator shall do all of the following:

a. Send notice of default to the occupant by hand mail, verified mail, or electronic mail pursuant to subsection 7. The notice of default shall include all of the following:

(1) A statement of the operator's claim showing that the amount due at the time of the notice and the date when the amount became due.

(2) A brief and general description of the personal property subject to the lien. The description shall be reasonably adequate to permit the occupant to identify the property, except that any container including a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner which deters immediate access to the container's contents shall be described as such and shall omit a description of the contents.

(3) A demand for payment of the charges due within a specified time, which shall not be less than fourteen days after the date of the notice.

(4) A statement that unless the claim is paid within the time stated, the contents of the occupant's leased space will be sold or otherwise disposed of after a specified time.

(5) The name, street address, and telephone number of the operator or a designated agent whom the occupant may contact to respond to the notice.

b. Notify all persons whom the operator has actual knowledge who claim a security interest in the personal property. An operator shall conduct a search to determine whether there is a security interest in property subject to sale if the property is registered under chapter 321 or 462A. At least seven days before the sale, the operator shall also advertise the time, place, and terms of the sale in a commercially reasonable manner. The manner of advertisement is deemed commercially reasonable if it is likely to attract at least three independent bidders to attend or view the sale in person or online at the time and place advertised. The operator may buy the occupant's personal property at any public sale held pursuant to this section.

3. If the personal property subject to the operator's lien is a vehicle, watercraft, or trailer, and rent or other charges remain due and unpaid for thirty days, the operator may have the vehicle, watercraft, or trailer towed from the self-service storage facility. The operator shall not be liable for any damages to the vehicle, watercraft, or trailer once the tower takes possession of the property. Removal of any vehicle, watercraft, or trailer from the self-service storage facility shall not release the operator's lien.

4. At any time before a sale is held under this section or before a vehicle, watercraft, or trailer is towed under this section, the occupant may pay the amount necessary to satisfy the lien and redeem the occupant's personal property.

5. In the event of a sale under this section, the operator may satisfy the lien from the proceeds of the sale, but shall hold the balance, if any, for a period of ninety days for delivery on demand to the occupant. If the occupant does not claim the balance within ninety days, the balance shall be paid to the county treasurer in the county where the self-service storage facility is located. The county treasurer shall hold the funds for a period of two years. If a claim is not made by the owner of the fund, then the fund shall become the property of the county. There shall be no further recourse by any person against the operator for an action pursuant to this section.



6. A purchaser in good faith of any personal property sold to satisfy a lien under this chapter takes the property free of any rights of persons against whom the lien was valid, despite noncompliance by the operator with the requirements of this chapter. The purchaser of a motor vehicle shall apply for a new title to the vehicle by the procedures outlined in section 321.47. For all other property which has a written title, the purchaser shall follow the applicable procedures for the property for the transfer of title by operation of law.

7. Notice to the occupant under subsection 2, paragraph “a”, shall be sent to the occupant’s last-known address by hand delivery, verified mail, or electronic mail. Notices sent by hand delivery shall be deemed delivered when the occupant has signed an acknowledgment of delivery. Notices sent by verified mail shall be deemed delivered when deposited with the United States postal service or private delivery service if the notices are properly addressed with postage prepaid. Notices sent by electronic mail shall be deemed delivered when an electronic mail is sent to the last-known address provided by the occupant. If the operator sends notice by electronic mail and receives an automated message stating that the electronic mail cannot be delivered, the operator shall send notice by hand delivery or by verified mail to the occupant’s last-known address with postage prepaid.

8. If the operator complies with the requirements of this section, the operator’s liability:

a. To the occupant, shall be limited to the net proceeds received from the sale of the occupant’s personal property less any proceeds paid to the holders of any lien or security interest of record on the personal property being sold.

b. To the holders of any lien or security interest of record on the personal property being sold, shall be limited to the net proceeds received from the sale of the personal property subject to the holder’s lien or security interest.

**Sec. 8. NEW SECTION. 578B.8 Exclusive care, custody, and control of personal property vested in occupant.**

Unless the rental agreement specifically provides otherwise and until a lien sale under section 578B.7, the exclusive care, custody, and control of all personal property stored in a leased space remains vested in the occupant.

**Sec. 9. NEW SECTION. 578B.9 Supplemental nature of chapter.**

This chapter does not impair the powers of the parties to a rental agreement to create rights, duties, or obligations that do not arise from this chapter. This chapter does not impair or impact the rights of parties to create liens by special contract or agreement, nor does it affect or impair other liens arising at common law or in equity, or by a statute of this state. The rights provided to an operator by this chapter are in addition to all other rights provided by law to a creditor against a debtor.

**Sec. 10. NEW SECTION. 578B.10 Disclosure of flood zone.**

The operator shall disclose in the rental agreement whether the self-service storage facility is located in a “special flood hazard area” as defined by the federal emergency management agency in 44 C.F.R. pt. 61, Appendix A(3).

**Sec. 11. NEW SECTION. 578B.11 Fire, flood, or other catastrophic event damage or destruction.**

If the self-service storage facility is damaged or destroyed by a fire, flood, or other catastrophic event to the extent that the leased space is rendered unusable, the operator shall make a good faith effort to notify the occupant of the event and the occupant may terminate the rental agreement by giving the required notice in the rental agreement. If the occupant terminates the rental agreement under this section, the occupant shall remove all contents of the leased space as soon as is reasonably practicable. Any prepaid rent is due to the occupant upon removal of the occupant’s property from the leased space.

Sec. 12. Section 321.20, subsection 1, unnumbered paragraph 1, Code 2019, is amended to read as follows:

Except as provided in this chapter, an owner of a vehicle subject to registration shall make application to the county treasurer of the county of the owner’s residence, or if a nonresident, to the county treasurer of the county where the primary users of the vehicle are located, or if

a lessor of the vehicle pursuant to chapter 321F which vehicle has a gross vehicle weight of less than ten thousand pounds, to the county treasurer of the county of the lessee's residence, or if a firm, association, or corporation with vehicles in multiple counties, the owner may make application to the county treasurer of the county where the primary user of the vehicle is located, for the registration and issuance of a certificate of title for the vehicle upon the appropriate form furnished by the department. However, upon the transfer of ownership, the owner of a vehicle subject to the apportioned registration provisions of chapter 326 shall make application for issuance of a certificate of title to either the department or the appropriate county treasurer. The owner of a vehicle purchased pursuant to section 578B.7 shall present documentation that such sale was completed in compliance with that section. The application shall be accompanied by a fee of twenty dollars, and shall bear the owner's signature. A nonresident owner of two or more vehicles subject to registration may make application for registration and issuance of a certificate of title for all vehicles subject to registration to the county treasurer of the county where the primary user of any of the vehicles is located. The owner of a mobile home or manufactured home shall make application for a certificate of title under this section from the county treasurer of the county where the mobile home or manufactured home is located. The application shall contain:

Sec. 13. Section 321.20A, subsection 1, Code 2019, is amended to read as follows:

1. Notwithstanding other provisions of this chapter, the owner of a commercial vehicle subject to the apportioned registration provisions of chapter 326 may make application to the department or the appropriate county treasurer for a certificate of title. The owner of a commercial vehicle purchased pursuant to section 578B.7 shall present documentation that such sale was completed in compliance with that section. The application for certificate of title shall be made within thirty days of purchase or transfer and shall be accompanied by a twenty dollar title fee and the appropriate fee for new registration. The department or the county treasurer shall deliver the certificate of title to the owner if there is no security interest. If there is a security interest, the title, when issued, shall be delivered to the first secured party. Delivery may be made using electronic means.

Sec. 14. Section 321.23, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. If the vehicle to be registered is a specially constructed vehicle, reconstructed vehicle, street rod, replica vehicle, or foreign vehicle, such fact shall be stated in the application. A fee of ten dollars shall be paid by the person making the application upon issuance of a certificate of title by the county treasurer. For a specially constructed vehicle, reconstructed vehicle, street rod, or replica vehicle subject to registration, the application shall be accompanied by a statement from the department authorizing the motor vehicle to be titled and registered in this state. The owner of a specially constructed vehicle, reconstructed vehicle, street rod, replica vehicle, or foreign vehicle purchased pursuant to section 578B.7 shall present documentation that such sale was completed in compliance with that section.

Sec. 15. Section 321.47, subsection 1, Code 2019, is amended to read as follows:

1. If ownership of a vehicle is transferred by operation of law upon inheritance, devise or bequest, dissolution decree, order in bankruptcy, insolvency, replevin, foreclosure or execution sale, abandoned vehicle sale, or when the engine of a motor vehicle is replaced by another engine, or a vehicle is sold or transferred to satisfy an artisan's lien as provided in chapter 577, a landlord's lien as provided in chapter 570, a self-service storage facility lien as provided in section 578B.7, a storage lien as provided in chapter 579, a judgment in an action for abandonment of a manufactured or mobile home as provided in chapter 555B, upon presentation of an affidavit relating to the disposition of a valueless mobile, modular, or manufactured home as provided in chapter 555C, or repossession is had upon default in performance of the terms of a security agreement, the county treasurer in the transferee's county of residence or, in the case of a mobile home or manufactured home, the county treasurer of the county where the mobile home or manufactured home is located, upon the surrender of the prior certificate of title or the manufacturer's or importer's certificate, or when that is not possible, upon presentation of satisfactory proof to the county treasurer of

ownership and right of possession to the vehicle and upon payment of a fee of twenty dollars and the presentation of an application for registration and certificate of title, may issue to the applicant a registration card for the vehicle and a certificate of title to the vehicle. A person entitled to ownership of a vehicle under a decree of dissolution shall surrender a reproduction of a certified copy of the dissolution and upon fulfilling the other requirements of this chapter is entitled to a certificate of title and registration receipt issued in the person's name.

Sec. 16. Section 462A.77, Code 2019, is amended by adding the following new subsection: **NEW SUBSECTION. 10.** The buyer of a vessel sold pursuant to section 578B.7 shall present documentation that such sale was completed in compliance with that section.

Sec. 17. Section 462A.82, subsection 1, Code 2019, is amended to read as follows:

1. If ownership of a vessel is transferred by operation of law, such as by inheritance, order in bankruptcy, insolvency, replevin, ~~or~~ execution sale, or in compliance with section 578B.7, the transferee, within thirty days after acquiring the right to possession of the vessel by operation of law, shall mail or deliver to the county recorder satisfactory proof of ownership as the county recorder requires, together with an application for a new certificate of title, and the required fee. A title tax is not required on these transactions.

Sec. 18. REPEAL. Chapter 578A, Code 2019, is repealed.

Approved May 1, 2019

## CHAPTER 51

### INDIGENT DEFENSE — PAYMENTS TO PRIVATELY RETAINED ATTORNEYS

S.F. 590

**AN ACT** relating to payments from the indigent defense fund by the state public defender for costs incurred by a privately retained attorney representing an indigent person.

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

Section 1. **NEW SECTION. 815.1 Costs incurred by a privately retained attorney representing an indigent person.**

1. The court shall not authorize the payment of state funds for the costs incurred in the legal representation of an indigent person represented by a privately retained attorney unless the requirements of this section are satisfied.

2. An application for the payment of state funds for the costs incurred in the legal representation of an indigent person that is submitted by the privately retained attorney shall be filed with the court in the county in which the case was filed and include all of the following:

a. A copy of the attorney's fee agreement for the representation, including hourly rate, amount of retainer or other moneys received, and number of hours of work completed by the attorney to date.

b. A showing that the costs are reasonable and necessary for the representation of the indigent person in a case for which counsel could have been appointed under section 815.10.

c. An itemized accounting of all compensation paid to the attorney including the amount of any retainer.

d. The amount of compensation earned by the attorney.

e. Information on any expected additional costs to be paid or owed by the indigent person to the attorney for the representation.

f. A signed financial affidavit completed by the indigent person.

3. The privately retained attorney shall submit a copy of the application and all attached documents to the state public defender.

4. The court shall not grant the application and authorize all or a portion of the payment to be made from state funds unless the court determines, after reviewing the application and supporting documents, that all of the following apply:

a. The represented person is indigent and unable to pay for the costs sought to be paid.

b. The costs are reasonable and necessary for the representation of the indigent person in a case for which counsel could have been appointed under section 815.10.

c. The moneys paid or to be paid to the privately retained attorney by or on behalf of the indigent person are insufficient to pay all or a portion of the costs sought to be paid from state funds.

(1) In determining whether the moneys paid or to be paid to the attorney are insufficient for purposes of this paragraph "c", the court shall add the hours previously worked to the hours expected to be worked to finish the case and multiply that sum by the hourly rate of compensation specified under section 815.7.

(2) If the product calculated in subparagraph (1) is greater than the moneys paid or to be paid to the attorney by or on behalf of the indigent person, the moneys shall be considered insufficient to pay all or a portion of the costs sought to be paid from state funds.

(3) If the private attorney is retained on a flat fee agreement, and a precise record of hours worked is not available, the attorney shall provide the court a reasonable estimate of the time expended to allow the court to make the calculation pursuant to this paragraph "c".

5. Either the privately retained attorney for the indigent person or a representative from the office of the state public defender may participate in a hearing on the application by telephone.

6. If the court finds the payment of the costs incurred or to be incurred by a privately retained attorney are reasonable and necessary, the order of the court shall specify the maximum amount of costs which the attorney may incur without further court order, and that the actual amount of such costs to be allowed are subject to review by the state public defender for reasonableness.

7. Following entry of an order allowing costs to be incurred by a privately retained attorney representing an indigent person, the attorney or a claimant referred to in subsection 9 seeking payment or reimbursement for costs shall submit a claim for payment in accordance with the rules of the state public defender.

8. If the privately retained attorney or claimant referred to in subsection 9 seeking payment or reimbursement for costs pursuant to this section fails to comply with the requirements of this section, the state public defender may deny all or a part of the costs requested.

9. This section applies to payments to witnesses under section 815.4, evaluators, investigators, and certified shorthand reporters, and for other costs incurred by a privately retained attorney in the legal representation.

10. This section shall not be construed to restrict the payment of costs on behalf of indigent persons represented on a pro bono basis.

Approved May 1, 2019

**CHAPTER 52**

**APPROPRIATIONS — TRANSPORTATION**

*S.F. 600*

**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, and including effective date provisions.

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

DIVISION I  
FY 2018-2019

Section 1. PRIMARY ROAD FUND.

1. 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 amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purchase of salt:

..... \$ 8,700,000

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered and unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the designated purpose until the close of the succeeding fiscal year.

Sec. 2. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II  
FY 2019-2020

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, 2019, and ending June 30, 2020, 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:

..... \$ 3,876,000

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. Administrative services:

..... \$ 6,682,954

b. Planning:

..... \$ 447,822

c. Highways:

..... \$ 10,233,174

d. Motor vehicles:

..... \$ 26,457,148

e. Strategic performance:

..... \$ 671,369

3. For payments to the department of administrative services for utility services:

..... \$ 264,180

4. For unemployment compensation:

..... \$ 7,000

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:

..... \$ 158,809

6. For payment to the general fund of the state for indirect cost recoveries:

..... \$ 90,000

7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:

..... \$ 89,740

8. For automation, telecommunications, and related costs associated with the county issuance of driver's licenses and vehicle registrations and titles:

..... \$ 1,406,000

9. For costs associated with the participation in the Mississippi river parkway commission:

..... \$ 40,000

10. For costs associated with the traffic and criminal software program and the mobile architecture and communications handling program:

..... \$ 300,000

11. For costs associated with the statewide interoperability network:

..... \$ 114,302

12. For motor vehicle division field facility maintenance projects at various locations:

..... \$ 300,000

13. For capital costs associated with placing a driver and identification services center in Dallas county:

..... \$ 350,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 12 and 13 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 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.

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, 2019, and ending June 30, 2020, 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. Administrative services:

..... \$ 41,052,430

..... FTEs 250.00

b. Planning:

..... \$ 8,508,616

..... FTEs 94.00

c. Highways:

..... \$ 248,945,001

..... FTEs 2,056.00

d. Motor vehicles:

..... \$ 1,102,381

..... FTEs 289.00

e. Strategic performance:

..... \$ 4,124,123

..... FTEs 41.00

2. For payments to the department of administrative services for utility services:

..... \$ 1,622,820

3. For unemployment compensation:

..... \$ 138,000

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:

..... \$ 3,811,421

5. For disposal of hazardous wastes from field locations and the central complex:

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

6. For payment to the general fund of the state for indirect cost recoveries:

..... \$ 660,000

7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:

..... \$ 551,260

8. For inventory and equipment replacement:

..... \$ 10,330,000

9. For costs associated with the statewide interoperability network:

..... \$ 702,142

10. For utility improvements at various locations:

..... \$ 400,000

11. For roofing projects at various locations:

..... \$ 500,000

12. For heating, cooling, and exhaust system improvements at various locations:

..... \$ 700,000

13. For deferred maintenance projects at field facilities throughout the state:

..... \$ 1,700,000

14. For maintenance projects at rest area facilities throughout the state:

..... \$ 250,000

15. For improvements related to compliance with the federal Americans with Disabilities Act to facilities throughout the state:

..... \$ 150,000

16. For replacement of the Sioux City combined facility:

..... \$ 26,951,000

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.

Approved May 1, 2019

**CHAPTER 53**

**TRAVEL TRAILER DEALER'S LICENSE — SURETY BOND AMOUNT**

*H.F. 391*

**AN ACT** increasing the required amount for a surety bond necessary for the issuance of a travel trailer dealer's license, and including applicability provisions.

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

Section 1. Section 322C.4, subsection 4, Code 2019, is amended to read as follows:

4. Before the issuance of a travel trailer dealer's license, the applicant shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of

Iowa, be in the amount of ~~twenty-five~~ seventy-five thousand dollars and be conditioned upon the faithful compliance by the applicant as a dealer with all statutes of this state regulating or applicable to a travel trailer dealer, and shall indemnify any person dealing or transacting business with the dealer from loss or damage caused by the failure of the dealer to comply with the provisions of chapter 321 and this chapter, including the furnishing of a proper and valid certificate of title to a travel trailer, and that the bond shall be filed with the department prior to the issuance of the license. A person licensed under chapter 322, with the same name and location or locations, is not subject to the provisions of this subsection.

Sec. 2. APPLICABILITY. This Act applies to applications for a travel trailer dealer's license submitted to the department of transportation on or after July 1, 2019.

Approved May 1, 2019

## CHAPTER 54

ETHICS — SALES OF SERVICES BY GOVERNMENTAL OFFICIALS AND EMPLOYEES —  
EXEMPTION

*H.F. 392*

**AN ACT** relating to competitive bidding requirements applicable to certain governmental officials and employees.

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

Section 1. Section 68B.3, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 3A. This section does not apply to a contract for professional services that is exempt from competitive bidding requirements in the Code or in administrative rules adopted pursuant to the Code.

Approved May 1, 2019

## CHAPTER 55

PHYSICIAN WORKFORCE SUPPORT — RESIDENCY PROGRAMS — STUDY

*H.F. 532*

**AN ACT** relating to the physician workforce in the state including the awarding of medical residency positions in the state.

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

Section 1. Section 135.176, subsection 2, paragraph c, Code 2019, is amended to read as follows:

c. Criteria for preference in awarding of the grants, including preference in the residency specialty and preference for candidates who are residents of Iowa, attended and earned an undergraduate degree from an Iowa college or university, or attended and earned a medical degree from a medical school in Iowa.



Sec. 2. Section 135.176, subsection 2, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. A requirement that the residency program offer persons to whom a primary care, including psychiatry, residency position is awarded, the opportunity to participate in a rural rotation to expose the resident to the rural areas of the state.

Sec. 3. FEDERAL RESIDENCY POSITIONS — PREFERENCE FOR CERTAIN CANDIDATES — FOURTH YEAR ELECTIVES.

1. The university of Iowa hospitals and clinics shall give priority in awarding federal residency positions as established under the federal Balanced Budget Act of 1997, Pub. L. No. 105-33, to applicants who are residents of Iowa, attended and earned an undergraduate degree from an Iowa college or university, or attended and earned a medical degree from a medical school in Iowa. The university of Iowa hospitals and clinics shall also provide persons to whom a primary care, including psychiatry, residency position is awarded, the opportunity to participate in a rural rotation to expose the resident to rural areas of the state.

2. The university of Iowa carver college of medicine shall review the feasibility of offering additional fourth-year electives to students attending Des Moines university.

Sec. 4. PHYSICIAN WORKFORCE STUDY. The university of Iowa carver college of medicine shall conduct a study regarding the state's workforce challenges related to the recruitment and retention of primary and specialty care physicians. The study shall include, at a minimum, an examination of current physician workforce data, the identification of projected physician workforce shortages by region of the state, and an analysis of the availability of residency positions, and shall specifically emphasize the recruitment and retention of physicians in rural Iowa. The university of Iowa carver college of medicine shall submit a report of the findings of the study and policy recommendations to address physician workforce needs to the governor and the general assembly by January 15, 2020.

Approved May 1, 2019

## CHAPTER 56

### MINOR GUARDIANSHIP PROCEEDINGS

*H.F. 591*

**AN ACT** providing for juvenile court jurisdiction over minor guardianship proceedings and including effective date and applicability provisions.

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

#### DIVISION I

#### IOWA MINOR GUARDIANSHIP PROCEEDINGS ACT

Section 1. NEW SECTION. **232D.101 Title.**

This chapter shall be known as the “*Iowa Minor Guardianship Proceedings Act*”.

Sec. 2. NEW SECTION. **232D.102 Definitions.**

1. “*Adult*” means a person eighteen years of age or older or a person declared to be emancipated by a court of competent jurisdiction.

2. “*Conservator*” means a person appointed by a court to have custody and control of the property of a minor.

3. “*Court*” means the juvenile court established under section 602.7101.

4. “*Demonstrated lack of consistent parental participation*” means the refusal of a parent to comply with duties and responsibilities imposed upon a parent by the parent-child

relationship, including but not limited to providing the minor with necessary food, clothing, shelter, health care, education, and other care and supervision necessary for the minor's physical, mental, and emotional health and development.

5. "Guardian" means a person appointed by the court to have custody of a minor.

6. "Legal custodian" means a person awarded legal custody of a minor.

7. "Legal custody" means an award of the rights of legal custody of a minor under which a parent has legal custodial rights and responsibilities toward the minor child including but not limited to decision making affecting the minor's legal status, medical care, education, extracurricular activities, and religious instruction.

8. "Limited guardianship" means a guardianship that grants the guardian less than all powers available under this chapter or otherwise restricts the powers of the guardian.

9. "Minor" means an unmarried and unemancipated person under the age of eighteen years.

10. "Parent" means a biological or adoptive mother or father of a child, a person whose parental status has been established by operation of law due to the person's marriage to the mother at the time of the conception or birth of the child, by order of a court of competent jurisdiction, or by an administrative order when authorized by state law. "Parent" does not include a person whose parental rights have been terminated.

### Sec. 3. NEW SECTION. **232D.103 Jurisdiction.**

The juvenile court has exclusive jurisdiction in a guardianship proceeding concerning a minor who is alleged to be in need of a guardianship.

### Sec. 4. NEW SECTION. **232D.104 Venue.**

1. Venue for guardianship proceedings under this chapter shall be in the judicial district where the minor is found or in the judicial district of the minor's residence.

2. The court may transfer a guardianship proceeding brought under this chapter to the juvenile court of any county having venue at any stage in the proceedings as follows:

a. When it appears that the best interests of the minor or the convenience of the proceedings shall be served by a transfer, the court may transfer the case to the court of the county of the minor's residence.

b. With the consent of the receiving court, the court may transfer the case to the court of the county where the minor is found.

3. The court shall transfer the case by ordering the transfer and a continuance and by forwarding to the clerk of the receiving court a certified copy of all papers filed together with an order of transfer. The judge of the receiving court may accept the filings of the transferring court or may direct the filing of a new petition and hear the case anew.

### Sec. 5. NEW SECTION. **232D.105 Proceedings governed by other law.**

1. A petition alleging that a minor is in need of a conservatorship is not subject to this chapter. Such proceedings shall be governed by chapter 633 and may be initiated pursuant to section 633.627.

2. A petition for the appointment of a guardian for a minor and a petition for appointment of a conservator of a minor shall not be combined.

3. If a minor guardianship proceeding under this chapter pertains to an Indian child as defined in section 232B.3 and the proceeding is subject to the Iowa Indian child welfare Act under chapter 232B, the proceeding and other actions taken in connection with the proceeding shall comply with chapter 232B.

### Sec. 6. NEW SECTION. **232D.106 Applicability of rules of civil procedure.**

The rules of civil procedure shall govern guardianship proceedings concerning a minor who is alleged to be in need of a guardianship except as otherwise set forth in this chapter.

### Sec. 7. NEW SECTION. **232D.201 Termination of parental rights and child in need of assistance cases.**

1. The court may appoint a guardian for a minor who does not have a guardian if all parental rights have been terminated.

2. The court may appoint a guardian for a minor in a child in need of assistance case pursuant to section 232.101A, 232.103A, or 232.104.

**Sec. 8. NEW SECTION. 232D.202 Death of parents.**

1. The court may appoint a guardian for a minor if both parents are deceased.

2. In appointing a guardian for a minor whose parents are deceased, the court shall give preference to a person, if qualified and suitable, nominated as guardian for a minor by a will that was executed by the parent or parents having legal custody of the minor at the time of the parent's or parents' death, and that was admitted to probate under chapter 633.

**Sec. 9. NEW SECTION. 232D.203 Guardianship with parental consent.**

1. The court may appoint a guardian for a minor if the court finds all of the following:

a. The parent or parents having legal custody of the minor understand the nature of the guardianship and knowingly and voluntarily consent to the guardianship.

b. The minor is in need of a guardianship because of any one of the following:

(1) The parent having legal custody of the minor has a physical or mental illness that prevents the parent from providing care and supervision of the child.

(2) The parent having legal custody of the minor is incarcerated or imprisoned.

(3) The parent having legal custody of the minor is on active military duty.

(4) The minor is in need of a guardianship for some other reason constituting good cause shown.

c. Appointment of a guardian for the minor is in the best interest of the minor.

2. If the guardianship petition requests a guardianship with parental consent, the petition shall include an affidavit signed by the parent or parents verifying that the parent or parents knowingly and voluntarily consent to the guardianship. The consent required by this subsection shall be on a form prescribed by the judicial branch.

3. On or before the date of the hearing on the petition, the parent or parents and the proposed guardian shall file an agreement with the court. This agreement shall state the following:

a. The responsibilities of the guardian.

b. The responsibilities of the parent or parents.

c. The expected duration of the guardianship, if known.

4. If the court grants the petition, it shall approve the guardianship agreement between the custodial parent and the proposed guardian and incorporate its terms by reference unless the court finds the agreement was not reached knowingly and voluntarily or is not in the best interests of the child.

**Sec. 10. NEW SECTION. 232D.204 Guardianship without parental consent.**

1. The court may appoint a guardian for a minor without the consent of the parent or parents having legal custody of the minor if the court finds by clear and convincing evidence all of the following:

a. There is a person serving as a de facto guardian of the minor.

b. There has been a demonstrated lack of consistent parental participation in the life of the minor by the parent. In determining whether a parent has demonstrated a lack of consistent participation in the minor's life, the court may consider all of the following:

(1) The intent of the parent in placing the custody, care, and supervision of the minor with the person petitioning as a de facto guardian and the facts and circumstances regarding such placement.

(2) The amount of communication and visitation of the parent with the minor during the alleged de facto guardianship.

(3) Any refusal of the parent to comply with conditions for retaining custody of the minor set forth in any previous court orders.

2. The court may appoint a guardian for a minor without the consent of the parent or parents having legal custody of the minor if the court finds by clear and convincing evidence all of the following:

a. No parent having legal custody of the minor is willing or able to exercise the power the court will grant to the guardian if the court appoints a guardian.

b. Appointment of a guardian for the minor is in the best interest of the minor.

3. Prior to granting a petition for guardianship, the court shall consider whether the filing of a child in need of assistance petition is appropriate under section 232.87. If the court determines a child in need of assistance petition is not appropriate, the court shall make findings of why a child in need of assistance petition is not appropriate.

4. A proceeding under this section shall not create a new eligibility category for the department of human services protective services.

**Sec. 11. NEW SECTION. 232D.301 Petition.**

1. Proceedings for guardianship pursuant to this chapter may be initiated by the filing of a petition by any person with an interest in the welfare of the minor.

2. The petition shall list, to the extent known, all of the following:

a. The name, age, and address of the minor who is the subject of the petition.

b. The name and address of the petitioner and the petitioner's relationship to the minor.

c. If the petitioner is not the proposed guardian, the name and address of the proposed guardian and the reason the proposed guardian should be selected.

d. The name and address, to the extent known and ascertainable, of the following:

(1) Any living parents of the minor.

(2) Any legal custodian of the minor.

(3) Any adult who has had the primary care of the minor or with whom the minor has lived for at least six months prior to the filing of the petition.

3. The petition shall contain a concise statement of the factual basis for the petition.

4. The petition shall state whether a limited guardianship is appropriate.

5. Any additional information, to the extent known and reasonably ascertainable, required by section 598B.209 shall be included in an affidavit attached to the petition.

6. The petition may request that a temporary guardian for a minor may be appointed. Such a petition shall specify the duration of the requested temporary guardianship and the reason for a temporary guardianship.

**Sec. 12. NEW SECTION. 232D.302 Notice.**

1. The filing of a petition shall be served upon the minor who is the subject of the petition in the manner of an original notice in accordance with the rules of civil procedure governing such notice. Notice to the attorney representing the minor, if any, is notice to the minor.

2. Notice shall be served upon the minor's known parents listed in the petition in accordance with the rules of civil procedure.

3. Notice shall be served upon other known persons listed in the petition in the manner prescribed by the court, which may be notice by mail. Failure of such persons to receive actual notice does not constitute a jurisdictional defect precluding the appointment of a guardian by the court.

4. Notice of the filing of a petition given to a person under subsection 2 or 3 shall include a statement that the person may register to receive notice of the hearing on the petition and other proceedings and the manner of such registration.

**Sec. 13. NEW SECTION. 232D.303 Attorney for minor.**

1. Upon the filing of a petition for appointment of a guardian pursuant to section 232D.301, the court shall appoint an attorney for the minor, if the court determines that the interests of the minor are or may be inadequately represented.

2. An attorney representing the minor shall advocate for the wishes of the minor to the extent that those wishes are reasonably ascertainable and advocate for best interest of the minor if the wishes of the minor are not reasonably ascertainable.

**Sec. 14. NEW SECTION. 232D.304 Attorney for parent.**

Upon the filing of a petition for appointment of a guardian, the court shall appoint an attorney for the parent identified in the petition if all of the following are true:

1. The parent objects to the appointment of a guardian for the minor.

2. The parent requests appointment of an attorney and the court determines that the parent is unable to pay for an attorney in accordance with section 232D.505.

Sec. 15. **NEW SECTION. 232D.305 Court visitor.**

1. The court may appoint a court visitor for the minor.
2. The same person shall not serve both as the attorney representing the minor and as court visitor.
3. Unless otherwise enlarged or circumscribed by the court, the duties of a court visitor with respect to the minor shall include all of the following:
  - a. Conducting, if the minor's age is appropriate, an initial in-person interview with the minor.
  - b. Explaining to the minor, if the minor's age is appropriate, the substance of the petition, the purpose and effect of the guardianship proceeding, the rights of the minor at the hearing, and the general powers and duties of a guardian.
  - c. Determining, if the minor's age is appropriate, the views of the minor regarding the proposed guardian, the proposed guardian's powers and duties, and the scope and duration of the proposed guardianship.
  - d. Interviewing the parent or parents and any other person with legal responsibility for the custody, care, or both, of the minor.
  - e. Interviewing the petitioner, and if the petitioner is not the proposed guardian, interviewing the proposed guardian.
  - f. Visiting, to the extent feasible, the residence where it is reasonably believed that the minor will live if the guardian is appointed.
  - g. Making any other investigation the court directs, including but not limited to interviewing any persons providing medical, mental health, educational, social, or other services to the minor.
4. The court visitor shall submit a written report to the court that contains all of the following:
  - a. A recommendation regarding the appropriateness of a guardianship for the minor.
  - b. A statement of the qualifications of the guardian together with a statement of whether the minor has expressed agreement with the appointment of the proposed guardian.
  - c. Any other matters the court visitor deems relevant to the petition for guardianship and the best interests of the minor.
  - d. Any other matters the court directs.
5. The report of the court visitor shall be made part of the court record unless otherwise ordered by the court.

Sec. 16. **NEW SECTION. 232D.306 Hearing on petition.**

1. The court shall fix the time and place of hearing on the petition and shall prescribe a time not less than twenty days after the date the notice is served unless the court finds there is good cause shown to shorten the time period. The court shall also prescribe the manner of service of the notice of such hearing.
2. The minor who is the subject of a petition filed pursuant to section 232D.301 shall be entitled to attend the hearing on the petition if the minor is of an age appropriate to attend the hearing. A presumption shall exist that a minor fourteen years of age or older is of an age appropriate to attend the hearing.
3. The court shall not exclude a minor entitled to attend the hearing under subsection 2 unless the court finds that there is good cause shown for excluding the minor from attendance.

Sec. 17. **NEW SECTION. 232D.307 Background checks of proposed guardians.**

1. The court shall request criminal record checks and checks of the child abuse, dependent adult abuse, and sex offender registries in this state for all proposed guardians other than financial institutions with Iowa trust powers unless a proposed guardian has undergone the required background checks in this section within the twelve months prior to the filing of a petition.
2. The court shall review the results of background checks in determining the suitability of a proposed guardian for appointment.
3. The judicial branch in conjunction with the department of public safety, the department of human services, and the state chief information officer shall establish procedures for

electronic access to the single contact repository necessary to conduct background checks requested under subsection 1.

4. The person who files a petition for appointment of guardian for a minor shall be responsible for paying the fee for the background check conducted through the single contact repository unless the court waives the fee for good cause shown.

**Sec. 18. NEW SECTION. 232D.308 Selection of guardian — qualifications and preferences.**

1. The court shall appoint as guardian a qualified and suitable person who is willing to serve subject to the preferences as to the appointment of a guardian set forth in subsections 2 and 3.

2. In appointing a guardian for a minor, the court shall give preference to a person, if qualified and suitable, nominated as guardian for a minor by a will that was executed by the parent or parents having legal custody of the minor at the time of the parent's or parents' death, and that was admitted to probate under chapter 633.

3. In appointing a guardian for a minor, the court shall give preference, if qualified and suitable, to a person requested by a minor fourteen years of age or older.

**Sec. 19. NEW SECTION. 232D.309 Emergency appointment of temporary guardian.**

1. A person authorized to file a petition under section 232D.301 may file a petition for the emergency appointment of a temporary guardian for the minor.

2. The petition shall state all of the following:

a. The name and address of the minor and the birthdate of the minor.

b. The name and address of the living parents of the minor, if known.

c. The name and address of any other person legally responsible for the custody or care of the minor, if known.

d. The reason the emergency appointment of a temporary guardian is sought.

3. The court may enter an ex parte order appointing a temporary guardian for a minor on an emergency basis under this section if the court finds that all of the following are met:

a. There is not sufficient time to file a petition and hold a hearing pursuant to section 232D.301.

b. The appointment of temporary guardian is necessary to avoid immediate or irreparable harm to the minor.

4. Notice of the emergency appointment of a temporary guardian shall be provided to persons required to be listed in the petition under subsection 2.

5. The parents of the minor and any other person legally responsible for the custody or care of the minor may file a written request for a hearing. Such hearing shall be held no later than seven days after the filing of the written request.

6. The powers of the temporary guardian set forth in the ex parte order shall be limited to those necessary to address the emergency situation requiring the appointment of a temporary guardian.

7. The ex parte order shall terminate within thirty days after the order is issued.

**Sec. 20. NEW SECTION. 232D.310 Appointment of a guardian for a minor on a standby basis.**

1. An adult person having physical and legal custody of a minor may execute a verified petition for the appointment of a guardian of the minor upon the express condition that the petition shall be acted upon by the court only upon the occurrence of an event specified or the existence of a described condition of the mental or physical health of the petitioner, the occurrence of which event, or the existence of which condition, shall be established in the manner directed in the petition. The petition, in addition to containing the information required in section 232D.301, shall include a statement that the petitioner understands the result of a guardian being appointed for the minor. An appointment of a guardian for a minor shall only be effective until the minor attains full age.

2. A standby petition may nominate a person for appointment to serve as guardian as well as alternate guardians if the nominated person is unable or unwilling or is removed as guardian. The court in appointing the guardian shall appoint the person or persons

nominated by the petitioner unless the person or persons are not qualified or for other good cause and shall give due regard to other requests and recommendations contained in the petition.

3. A standby petition may be deposited with the clerk of the county in which the minor resides or with any person nominated by the petitioner to serve as guardian.

4. A standby petition may be revoked by the petitioner at any time before appointment of a guardian by the court, provided that the petitioner is of sound mind at the time of revocation. Revocation shall be accomplished by the destruction of the petition by the petitioner, or by the execution of an acknowledged instrument of revocation. If the petition has been deposited with the clerk, the revocation may likewise be deposited there.

5. If the standby petition has been deposited with the clerk under the provisions of subsection 3 and has not been revoked under the provisions of subsection 4, the petition may be filed with the court upon the filing of a verified statement to the effect that the occurrence of the event or the condition provided for in the petition has occurred. If the petition has not been deposited with the clerk under the provisions of subsection 3 and has not been revoked under the provisions of subsection 4, then the petition shall be filed with the court at the time a verified statement that the occurrence of the event or the condition provided for in the petition has occurred is filed with the court in the county where the minor then resides. Upon filing of the petition and verified statement, the person filing the verified statement shall become the petitioner and the proceedings shall be thereafter conducted as provided for in this chapter.

6. A standby petition for the appointment of a guardian for a minor shall not supersede any contradictory provision in a will admitted to probate of a parent, guardian, or custodian having physical and legal custody of a minor in the event of the parent's, guardian's, or custodian's death.

**Sec. 21. NEW SECTION. 232D.311 Appointment of guardian for minor approaching majority on a standby basis.**

Notwithstanding section 232D.103, any adult with an interest in the welfare of a minor who is at least seventeen years and six months of age may file a verified petition pursuant to section 633.552 to initiate a proceeding to appoint a guardian of the minor to take effect on the minor's eighteenth birthday.

**Sec. 22. NEW SECTION. 232D.401 Order appointing guardian and powers of guardian.**

1. The order by the court appointing a guardian for a minor shall state the basis for the order.

2. The order by the court appointing a guardian for a minor shall state whether the guardianship is a limited guardianship.

3. An order by the court appointing a guardian for a minor shall state the powers granted to the guardian. Except as otherwise limited by court order, the court may grant the guardian the following powers, which may be exercised without prior court approval:

a. Taking custody of the minor and establishing the minor's permanent residence if otherwise consistent with the terms of any order of competent jurisdiction relating to the custody, placement, detention, or commitment of the minor within the state.

b. Consenting to medical, dental, and other health care treatment and services for the minor.

c. Providing or arranging for the provision of education for the minor including but not limited to preschool education, primary education and secondary education, special education and related services, and vocational services.

d. Consenting to professional services for the minor to ensure the safety and welfare of the minor.

e. Applying for and receiving funds and benefits payable for the support of the minor.

f. Any other powers the court may specify.

4. The court may grant the guardian the following powers, which shall only be exercised with prior court approval:

a. Consenting to the withholding or withdrawal of life-sustaining procedures, as defined in section 144A.2, from the minor, the performance of an abortion on the minor, or the sterilization of the minor.

b. Establishing the residence of the minor outside of the state.

c. Consenting to the marriage of the minor.

d. Consenting to the emancipation of the minor.

5. The guardian shall obtain prior court approval for denial of all visitation, communication, or interaction between the minor and the parents of the minor. The court shall approve such denial of visitation, communication, or interaction upon a showing by the guardian that significant physical or emotional harm to the minor has resulted or is likely to result to the minor from parental contact. The guardian may place reasonable time, place, or manner restrictions on visitation, communication, or interaction between the minor and the minor's parents without prior court approval.

**Sec. 23. NEW SECTION. 232D.402 Duties and responsibilities of guardian.**

1. A guardian is a fiduciary and shall act in the best interest of the minor and exercise reasonable care, diligence, and prudence in performing guardianship duties and responsibilities. The fiduciary duties of a guardian for an adult set forth in chapter 633 are applicable to a guardian under this chapter.

2. Except as otherwise limited by the court, a guardian has the duty and responsibility to ensure the minor's health, education, safety, welfare, and support.

3. A guardian with whom the minor is not living should maintain regular contact with the minor.

4. A guardian should make reasonable efforts to facilitate the continuation of the relationship of the minor and the minor's parents subject to section 232D.401, subsection 5.

5. A guardian shall file the reports with the court required under section 232D.501.

6. A guardian shall promptly inform the court of any change in the permanent residence of the minor and the minor's new address.

7. A guardian shall promptly inform the court of any change in the minor's school or school district.

**Sec. 24. NEW SECTION. 232D.403 Guardian's acceptance of appointment and oath and issuance of letters of appointment.**

The court shall issue letters of appointment to a guardian upon the guardian's acceptance of appointment and the guardian's subscription of an oath, or certification under penalties of perjury, that the guardian will faithfully discharge the duties imposed by law, according to the best of the guardian's ability.

**Sec. 25. NEW SECTION. 232D.501 Reports of guardian.**

1. A guardian appointed by the court under this chapter shall file the following reports which shall not be waived by the court:

a. A verified initial care plan filed within sixty days of appointment. The information in the initial care plan shall include but not be limited to the following information:

(1) The minor's current residence and guardian's plan for the minor's living arrangements.

(2) The guardian's plan for payment of the minor's living expenses and other expenses.

(3) The minor's health status and the guardian's plan for meeting the minor's health needs.

(4) The minor's educational training and vocational needs and the guardian's plan for meeting the minor's educational training and vocational needs.

(5) The guardian's plan for facilitating contacts of the minor with the minor's parents.

(6) The guardian's plan for contact with and activities on behalf of the minor.

b. A verified annual report filed within thirty days of the close of the reporting period. The information in the annual report shall include but not be limited to the following information:

(1) The current residence and living arrangements of the minor.

(2) The sources of the payment for the minor's living expenses and other expenses.

(3) The minor's health status and health services provided the minor.

(4) The minor's mental, behavioral, or emotional problems, if any, and professional services provided the minor for such problems.



- (5) The minor's educational status and educational training and vocational services provided by the minor.
  - (6) The nature and extent of parental visits and communication with the minor.
  - (7) The nature and extent of the guardian's visits with and activities on behalf of the minor.
  - (8) The need for continuation of guardianship.
  - (9) The ability of the guardian to continue as guardian.
  - (10) The need of the guardian for assistance in providing or arranging for the provision of care for the minor.
- c. A final report filed within thirty days of the termination of the guardianship under section 232D.503.
  2. The judicial branch shall prescribe the forms for use by the guardian in filing the reports required by this section.
  3. The clerk of the court shall notify the guardian in writing of the reporting requirements and shall provide information and assistance to the guardian in filing the reports.
  4. Reports of the guardian shall be reviewed and approved by the court.

**Sec. 26. NEW SECTION. 232D.502 Removal of guardian — appointment of successor guardian.**

1. The court may remove a guardian for a minor for failure to perform guardianship duties or for other good cause shown.
2. The court shall conduct a hearing to determine whether a guardian should be removed on the filing of a petition by a minor under guardianship who is fourteen years of age or older, the parent of a minor, or other person with an interest in welfare of the minor if the court determines that there are reasonable grounds for believing that removal is appropriate based on the allegations stated in the petition.
3. The court may conduct a hearing to determine whether the guardian should be removed on the receipt of a written communication from a minor under guardianship who is fourteen years of age or older, the parent of the minor, or other person with an interest in welfare of the minor if the court determines that a hearing would be in the best interest of the minor.
4. The court may decline to hold a hearing under subsection 2 or 3 if the same or substantially similar facts were alleged in a petition filed in the preceding six months or in a written communication received in the preceding six months.
5. The court may appoint a successor guardian on the removal of a guardian pursuant to subsection 1, the death of a guardian, or the resignation of a guardian.

**Sec. 27. NEW SECTION. 232D.503 Termination and modification of guardianships.**

1. A guardianship shall terminate on the minor's death, adoption, emancipation, or attainment of majority.
2. The court shall terminate a guardianship established pursuant to section 232D.203 if the court finds that the basis for the guardianship set forth in section 232D.203 is not currently satisfied unless the court finds that the termination of the guardianship would be harmful to the minor and the minor's interest in continuation of the guardianship outweighs the interest of a parent of the minor in the termination of the guardianship.
3. The court shall terminate a guardianship established pursuant to section 232D.204 if the court finds that the basis for the guardianship set forth in section 232D.204 is not currently satisfied. A person seeking termination of guardianship established pursuant to section 232D.204 has the burden of making a prima facie showing that the guardianship should be terminated. If such a showing is made, the guardian has the burden of going forward to prove by clear and convincing evidence that the guardianship should not be terminated.
4. The court shall modify the powers granted to the guardian if the court finds such powers no longer meet the needs of the minor or are not in the minor's best interest.
5. The court may conduct a hearing to determine whether termination or modification of a guardianship is appropriate on the filing of a petition by a minor fourteen years of age or older who is under guardianship, a guardian, or other person with an interest in the welfare of the minor or on receipt of a written communication from such persons.

**Sec. 28. NEW SECTION. 232D.504 Rights and immunities of a guardian.**

1. A guardian is not required to use the guardian's personal funds for the minor's expenses. If a conservator has been appointed for the estate of the minor, the guardian may request and the conservator may approve and pay for the requested reimbursement without prior court approval.

2. A guardian may submit a request, together with the guardian's annual report, for approval by the court of reasonable compensation for services as guardian.

3. Notwithstanding section 137C.25B or any other provision of law to the contrary, a guardian is not liable to a third person for an act or omission of the minor solely by reason of the guardianship.

Sec. 29. NEW SECTION. 232D.505 Expenses.

1. Except as otherwise provided by law, the court shall inquire into the ability of the minor or the minor's parent to pay expenses incurred pursuant to the guardianship proceedings established under this chapter. After giving the minor and the parent a reasonable opportunity to be heard, the court may order the minor or the parent to pay all or part of the following:

a. Costs of legal expenses of the minor and the parent.

b. Expenses for a court visitor.

c. Filing fees and other court costs, unless the costs are waived for good cause shown.

2. If the court finds a minor's parents to be indigent, or if the minor has no parent, costs shall be assessed against the county in which the proceeding is pending. For purposes of assessing costs under this subsection, the court shall find a minor's parents to be indigent if the minor's or the parent's income and resources do not exceed one hundred fifty percent of the federal poverty level, or the minor's parent would be unable to pay such costs without prejudicing the parent's ability to provide economic necessities for the parent or the parent's dependents.

DIVISION II  
CORRESPONDING CODE CHANGES

Sec. 30. Section 232.101A, Code 2019, is amended to read as follows:

**232.101A Transfer of guardianship to custodian.**

1. After a dispositional hearing the court may ~~enter an order transferring guardianship of the child to a custodian~~ close the child in need of assistance case and appoint a guardian pursuant to sections 232D.308 and 232D.401 if all of the following conditions are met:

a. The person receiving guardianship meets the definition of custodian in section 232.2.

b. The person receiving guardianship has assumed responsibility for the child prior to filing of the petition under this division and has maintained placement of the child since the filing of the petition under this division.

c. The parent of the child does not appear at the dispositional hearing, or the parent appears at the dispositional hearing, does not object to the transfer of guardianship, and agrees to waive the requirement for making reasonable efforts as defined in section 232.102.

2. If the court ~~transfers guardianship~~ appoints a guardian pursuant to subsection 1, the court may close the child in need of assistance case ~~by transferring jurisdiction over the child's guardianship to the probate court.~~ The court shall inform the proposed guardian of the guardian's reporting duties under section ~~633.669~~ 232D.501 and other duties under chapter ~~633~~ 232D. Upon ~~transferring jurisdiction, the~~ The court shall direct the probate clerk of court, once the proposed guardian has filed an oath of office and identification in accordance with section ~~602.6111~~, to issue letters of appointment for guardianship and docket the case in probate. Records contained in the probate case file that were copied or transferred from the juvenile court file concerning the case shall be subject to section 232.147 and other confidentiality provisions of this chapter for cases not involving juvenile delinquency.

Sec. 31. Section 232.104, subsection 8, paragraph b, Code 2019, is amended to read as follows:

b. In lieu of the procedures specified in paragraph "a", the court may close the child in need of assistance case ~~by transferring jurisdiction over the child's guardianship to the probate court~~ and may appoint a guardian pursuant to chapter 232D. ~~The court shall inform the~~

~~proposed guardian of the guardian's reporting duties under section 633.669 and other duties under the probate code. Upon transferring jurisdiction, the court shall direct the probate clerk, once the proposed guardian has filed an oath of office and identification in accordance with section 602.6111, to issue letters of appointment for guardianship and docket the case in probate. Records contained in the probate case file that were copied or transferred from the juvenile court file concerning the case shall be subject to section 232.147 and other confidentiality provisions of this chapter for cases not involving juvenile delinquency.~~

Sec. 32. Section 235A.15, subsection 2, paragraph d, subparagraphs (1) and (2), Code 2019, are amended to read as follows:

(1) To a juvenile court involved in an adjudication or disposition of a child named in a report or a child that is the subject of a guardianship proceeding under chapter 232D.

(2) To a district court upon a finding that data is necessary for the resolution of an issue arising in any phase of a case involving child abuse or guardianship proceedings for a child under chapter 232D.

Sec. 33. Section 235B.6, subsection 2, paragraph d, Code 2019, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (5) To a juvenile court involved in an adjudication or disposition of a child that is the subject of a guardianship proceeding under chapter 232D.

NEW SUBPARAGRAPH. (6) To a district court upon a finding that data is necessary for the resolution of an issue arising in any phase of a case involving proceedings for a child guardianship under chapter 232D.

Sec. 34. Section 602.7101, subsection 1, Code 2019, is amended to read as follows:

1. A juvenile court is established in each county. The juvenile court is within the district court and has the jurisdiction provided in ~~chapter~~ chapters 232 and 232D.

Sec. 35. Section 602.8102, subsection 42, Code 2019, is amended to read as follows:

42. Serve as clerk of the juvenile court and carry out duties as provided in ~~chapter~~ chapters 232 and 232D and article 7 of this chapter.

Sec. 36. Section 633.10, subsection 3, Code 2019, is amended to read as follows:

3. *Conservatorships and guardianships.*

a. ~~The~~ Except as provided for in paragraph "b", the appointment of conservators and guardians; the granting of letters of conservatorship and guardianship; the administration, settlement and closing of conservatorships and guardianships.

b. Beginning the effective date of this Act, minor guardianships are under the exclusive jurisdiction of the juvenile court pursuant to, and except as limited by, chapter 232D.

Sec. 37. Section 633.552, subsection 2, Code 2019, is amended to read as follows:

2. That the proposed ward is ~~in either of the following categories:~~

~~a. Is a person whose decision-making capacity is so impaired that the person is unable to care for the person's personal safety or to attend to or provide for necessities for the person such as food, shelter, clothing, or medical care, without which physical injury or illness might occur.~~

~~b. Is a minor.~~

Sec. 38. Section 633.554, subsection 2, Code 2019, is amended to read as follows:

2. a. ~~If the proposed ward is a minor or if the proposed ward is an adult under a standby petition and the court determines, pursuant to section 633.561, subsection 1, paragraph "b", that the proposed ward is entitled to representation, notice in the manner of original notice, or another form of notice ordered by the court, given to the attorney appointed to represent the ward is notice to the proposed ward.~~

b. Notice shall also be served upon:

~~(1) The parents of the proposed ward, if the proposed ward is a minor.~~

~~(2) The spouse of the proposed ward, if the proposed ward is an adult. If the proposed ward has no spouse, notice shall be served upon the proposed ward's adult children, if any.~~

Sec. 39. Section 633.557, subsection 1, Code 2019, is amended to read as follows:

1. A guardian may also be appointed by the court upon the verified petition of the proposed ward, without further notice, ~~if the proposed ward is other than a minor under the age of fourteen years,~~ provided the court determines that such an appointment will inure to the best interest of the applicant. However, if an involuntary petition is pending, the court shall be governed by section 633.634. The petition shall provide the proposed ward notice of a guardian's powers as provided in section 633.562.

Sec. 40. Section 633.561, subsection 1, paragraph b, Code 2019, is amended to read as follows:

b. If the proposed ward is ~~either a minor or~~ an adult under a standby petition, the court shall determine whether, under the circumstances of the case, the proposed ward is entitled to representation. The determination regarding representation may be made with or without notice to the proposed ward, as the court deems necessary. If the court determines that the proposed ward is entitled to representation, the court shall appoint an attorney to represent the proposed ward. After making the determination regarding representation, the court shall set a hearing on the petition, and provide for notice on the determination regarding representation and the date for hearing.

Sec. 41. Section 633.635, subsection 5, Code 2019, is amended to read as follows:

5. From time to time, upon a proper showing, the court may modify the respective responsibilities of the guardian and the ward, after notice to the ward and an opportunity to be heard. Any modification that would be more restrictive or burdensome for the ward shall be based on clear and convincing evidence that the ward continues to fall within the categories of section 633.552, subsection 2, ~~paragraph "a" or "b",~~ and that the facts justify a modification of the guardianship. Section 633.551 applies to the modification proceedings. Any modification that would be less restrictive for the ward shall be based upon proof in accordance with the requirements of section 633.675.

Sec. 42. Section 633.679, subsection 2, Code 2019, is amended by striking the subsection.

Sec. 43. REPEAL. Section 633.559, Code 2019, is repealed.

Sec. 44. EFFECTIVE DATE. This Act takes effect January 1, 2020.

Sec. 45. APPLICABILITY. This Act applies to guardianships and guardianship proceedings of minors established or pending before, on, or after January 1, 2020.

Approved May 1, 2019

## CHAPTER 57

### ADULT GUARDIANSHIP AND ADULT AND MINOR CONSERVATORSHIP PROCEEDINGS

#### H.F. 610

**AN ACT** relating to the opening of guardianships for adults and conservatorships for adults and minors and the administration of guardianships and conservatorships and including effective date and applicability provisions.

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

Section 1. Section 48A.2, subsection 4, Code 2019, is amended to read as follows:

4. "*Person who is incompetent to vote*" means a person with an intellectual disability who has been found to lack the mental capacity to vote in a proceeding held pursuant to section ~~633.556~~ 633.552.

Sec. 2. Section 229.27, subsection 3, unnumbered paragraph 1, Code 2019, is amended to read as follows:

A hearing limited to the question of the person's competence and conducted in substantially the manner prescribed in sections ~~633.552, to 633.556, 633.558, and 633.560~~ shall be held when:

Sec. 3. Section 235B.18, subsections 4 and 5, Code 2019, are amended to read as follows:

4. If, at the hearing, the judge finds by clear and convincing evidence that the dependent adult is in need of protective services and lacks the capacity to consent to the receipt of protective services, the judge may issue an order authorizing the provision of protective services. The order may include the designation of a person to be responsible for performing or obtaining protective services on behalf of the dependent adult or otherwise consenting to the receipt of protective services on behalf of the dependent adult. Within sixty days of the appointment of such a person the court shall conduct a review to determine if a petition shall be initiated in accordance with section ~~633.552~~ 633.556 for good cause shown. The court may extend the sixty-day period for an additional sixty days, at the end of which the court shall conduct a review to determine if a petition shall be initiated in accordance with section ~~633.552~~ 633.556. A dependent adult shall not be committed to a mental health facility under this section.

5. A determination by the court that a dependent adult lacks the capacity to consent to the receipt of protective services under this chapter shall not affect incompetency proceedings under sections ~~633.552, through 633.556, 633.558, and 633.560~~ or any other proceedings, and incompetency proceedings under sections ~~633.552, through 633.556, 633.558, and 633.560~~ shall not have a conclusive effect on the question of capacity to consent to the receipt of protective services under this chapter. A person previously adjudicated as incompetent under the relevant provisions of chapter 633 is entitled to the care, protection, and services under this chapter.

Sec. 4. Section 235B.19, subsection 5, paragraph a, unnumbered paragraph 1, Code 2019, is amended to read as follows:

Notwithstanding sections ~~633.552 633.556 and 633.573~~ 633.569, upon a finding that there is probable cause to believe that the dependent adult abuse presents an immediate danger to the health or safety of the dependent adult or is producing irreparable harm to the physical or financial resources or property of the dependent adult, and that the dependent adult lacks capacity to consent to the receipt of services, the court may order the appointment of a temporary guardian or temporary conservator without notice to the dependent adult or the dependent adult's attorney if all of the following conditions are met:

Sec. 5. Section 622.10, subsection 3, paragraph f, Code 2019, is amended to read as follows:

f. The provisions of this subsection do not apply to actions or claims brought pursuant to chapter 85, 85A, or 85B, or to court orders issued pursuant to section ~~633.552~~.

Sec. 6. Section 633.3, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. *Assistance animal* — means an animal that qualifies as a reasonable accommodation under the federal Fair Housing Act, 42 U.S.C. §3601 et seq., as amended, or section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. §794, as amended.

NEW SUBSECTION. 1B. *Assistive animal* — means a simian or other animal specially trained or in the process of being trained to assist a person with a disability.

NEW SUBSECTION. 27A. *Limited guardianship* — means a guardianship that grants the guardian less than all powers available under this chapter or otherwise restricts the powers of the guardian.

NEW SUBSECTION. 32A. *Protected person* — means a person subject to guardianship or a person subject to conservatorship, or both.

NEW SUBSECTION. 32B. *Respondent* — means a person who is alleged to be a person in need of a guardianship or conservatorship, or both.

NEW SUBSECTION. 32C. *Service animal* — means a dog or miniature horse as set forth in the implementing regulations of Title II and Title III of the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.

Sec. 7. Section 633.174, Code 2019, is amended to read as follows:

**633.174 Guardians and conservators — bond.**

1. When the guardian appointed for a person is not the conservator of the property of that person, no bond shall be required of the guardian, unless the court for good cause finds it proper to require one. If no bond is initially required, the court may, nevertheless, for good cause, at any subsequent time, require that a bond be given.

2. Every conservator shall execute and file with the clerk a bond with sufficient surety or sureties except as provided in section 633.175.

Sec. 8. Section 633.175, Code 2019, is amended to read as follows:

**633.175 Waiver of bond by court.**

1. The court, for good cause shown, may exempt any fiduciary from giving bond, if the court finds that the interests of creditors and distributees will not thereby be prejudiced.

2. However, the court, except as provided in section 633.172, subsection 2, shall not exempt a conservator, other than a financial institution with Iowa trust powers, from giving bond in a conservatorship with total assets of more than twenty-five thousand dollars, excluding real property, unless it is a voluntary conservatorship in which the petitioner is eighteen years of age or older and has waived bond in the petition unless the court finds that there is an alternative to a bond that will provide sufficient protection to the assets of the protected person. The conservator shall submit a plan for any proposed alternative to a bond for review and approval by the court.

Sec. 9. Section 633.551, Code 2019, is amended to read as follows:

**633.551 Guardianships and conservatorships — general General provisions.**

1. ~~The determination of incompetency of the proposed ward or ward and the determination of the need for the appointment of a guardian or conservator or of the modification or termination of a guardianship or conservatorship~~ adult respondent to a petition for guardianship or conservatorship or an adult subject to guardianship or conservatorship shall be supported by clear and convincing evidence.

2. The burden of persuasion is on the petitioner in an initial proceeding to appoint a guardian or conservator. In a proceeding to modify or terminate a guardianship or conservatorship, if the guardian or conservator is the petitioner, the burden of persuasion remains with the guardian or conservator. In a proceeding to terminate a guardianship or conservatorship, if the ward protected person is the petitioner, the ward protected person shall make a prima facie showing of some decision-making capacity. Once a prima facie showing is made, the burden of persuasion is on the guardian or conservator to show by clear and convincing evidence that the ward protected person is incompetent.

3. In determining whether a guardianship or conservatorship is to be established, modified, or terminated, the district court shall consider if a limited guardianship or conservatorship pursuant to section 633.635 or 633.637 is appropriate. In making the determination, the court shall make findings of fact to support the powers conferred on the guardian or conservator.

4. In proceedings to establish, modify, or terminate a guardianship or conservatorship, in determining if the ~~proposed ward or ward~~ respondent or protected person is incompetent as defined in section 633.3, the court shall consider credible evidence ~~from any source to the effect of third-party assistance in meeting the needs of the proposed ward or ward as to whether there are other less restrictive alternatives, including third-party assistance, that would meet the needs of the respondent or the protected person.~~ However, neither party to the action shall have the burden to produce such evidence relating to other less restrictive alternatives, including but not limited to third-party assistance.

5. Except as otherwise provided in sections 633.672 and 633.673, in proceedings to establish a guardianship or conservatorship, the costs, including attorney fees, court visitor fees, and expert witness fees, shall be assessed against the ward or the ward's respondent or

the respondent's estate unless the proceeding is dismissed either voluntarily or involuntarily, in which case fees and costs may be assessed against the petitioner for good cause shown.

6. Except as otherwise provided in this subchapter, the rules of civil procedure shall govern proceedings to establish, modify, or terminate a guardianship or conservatorship.

**Sec. 10. NEW SECTION. 633.552 Basis for appointment of guardian for an adult.**

1. On petition and after notice and hearing, the court may appoint a guardian for an adult if the court finds by clear and convincing evidence that all of the following are true:

a. The decision-making capacity of the respondent is so impaired that the respondent is unable to care for the respondent's safety, or to provide for necessities such as food, shelter, clothing, or medical care without which physical injury or illness may occur.

b. The appointment of a guardian is in the best interest of the respondent.

2. Section 633.551 applies to the appointment of a guardian under subsection 1.

3. If the court appoints a guardian based upon the mental incapacity of the protected person because the protected person has an intellectual disability, as defined in section 4.1, the court shall make a separate determination as to the protected person's competency to vote. The court shall find a protected person incompetent to vote only upon determining that the person lacks sufficient mental capacity to comprehend and exercise the right to vote.

**Sec. 11. NEW SECTION. 633.553 Basis for appointment of conservator for an adult.**

1. On petition and after notice and hearing, the court may appoint a conservator for an adult if the court finds by clear and convincing evidence that both of the following are true:

a. The decision-making capacity of the respondent is so impaired that the respondent is unable to make, communicate, or carry out important decisions concerning the respondent's financial affairs.

b. The appointment of a conservator is in the best interest of the respondent.

2. Section 633.551 applies to the appointment of a conservatorship under subsection 1.

**Sec. 12. NEW SECTION. 633.554 Basis for appointment of conservator for a minor.**

On petition and after notice, the court may appoint a conservator for a minor if the court finds by a preponderance of the evidence that the appointment is in the best interest of the minor and any of the following is true:

1. The minor has funds or other property requiring management or protection that otherwise cannot be provided.

2. The minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age.

3. A conservator is needed to obtain or provide funds or other property.

**Sec. 13. NEW SECTION. 633.556 Petition for appointment of guardian or conservator for an adult.**

1. A formal judicial proceeding to determine whether to appoint a guardian or conservator for an adult shall be initiated by the filing of a verified petition by a person with an interest in the welfare of the adult, which may include the adult who is the subject of the petition.

2. The petition shall contain a concise statement of the factual basis for the petition.

3. The petition shall contain a concise statement of why there is no less restrictive alternative to the appointment of a guardian or a conservator.

4. The petition shall list the name and address of the petitioner and the petitioner's relationship to the respondent.

5. The petition shall list the name and address, to the extent known, of the following:

a. The name and address of the proposed guardian and the reason the proposed guardian should be selected.

b. Any spouse of the respondent.

c. Any adult children of the respondent.

d. Any parents of the respondent.

e. Any adult, who has had the primary care of the respondent or with whom the respondent has lived for at least six months prior to the filing of the petition, or any institution or facility where the respondent has resided for at least six months prior to the filing of the petition.

f. Any legal representative or representative payee of the respondent.

g. Any person designated as an attorney in fact in a durable power of attorney for health care which is valid under chapter 144B, or any person designated as an agent in a durable power of attorney which is valid under chapter 633B.

6. Any additional persons who may have an interest in the proceeding may be listed in an affidavit attached to the petition.

7. If the petition requests the appointment of a conservator, the petition shall state the estimated present value of the real estate owned or to be owned by the respondent, the estimated value of the personal property owned or to be owned by the respondent, and the estimated gross annual income of the respondent.

8. The petition shall provide a brief description of the respondent's alleged functional limitations that make the respondent unable to communicate or carry out important decisions concerning the respondent's financial affairs.

9. Any additional information relevant to the proceeding may be included in an affidavit attached to the petition.

**Sec. 14. NEW SECTION. 633.557 Petition for appointment of a conservator for a minor.**

1. A formal judicial proceeding to determine whether to appoint a conservator for a minor shall be initiated by the filing of a verified petition by a person with an interest in the welfare of the minor.

2. The petition shall contain a concise statement of the factual basis for the petition.

3. The petition shall state the following to the extent known:

a. The name, age, and address of the minor.

b. The name and address of the petitioner and the petitioner's relationship to the minor.

c. The name and address of the proposed conservator and the reason the proposed conservator should be selected.

d. If the petitioner, or the proposed conservator, is not the parent or parents having legal custody of the minor, the name and address, to the extent known, of the following:

(1) The parent or parents having legal custody of the minor.

(2) Any adult who has had the primary care of the minor or with whom the minor has lived for at least six months prior to the filing of the petition, or any institution or facility where the minor has resided for at least six months prior to the filing of the petition.

**Sec. 15. NEW SECTION. 633.558 Notice to adult respondent.**

1. The filing of a petition filed pursuant to section 633.556 shall be served upon the adult respondent in the manner of an original notice in accordance with the Iowa rules of civil procedure governing such notice. Notice to the attorney representing the respondent, if any, is notice to the respondent.

2. Notice shall be served upon other known persons listed in the petition in the manner prescribed by the court, which may be notice by mail in accordance with the Iowa rules of civil procedure. Failure of such persons to receive actual notice does not constitute a jurisdictional defect precluding the appointment of a guardian or conservator by the court.

3. Notice of the filing of a petition given to persons under subsections 2 and 3 shall include a statement that such persons may register to receive notice of the hearing on the petition and other proceedings and the manner of such registration.

**Sec. 16. NEW SECTION. 633.559 Notice to minor respondent.**

1. The filing of a petition pursuant to section 633.557 shall be served upon a minor respondent in the manner of an original notice in accordance with the Iowa rules of civil procedure governing such notice. Notice to the attorney representing the minor, if any, is notice to the minor.

2. Notice shall also be served upon the known parent or parents listed in the petition in accordance with the Iowa rules of civil procedure.

3. Notice shall be served upon other known persons listed in the petition in the manner prescribed by the court, which may be notice by mail in accordance with the Iowa rules of civil procedure. Failure of such persons to receive actual notice does not constitute a jurisdictional defect precluding the appointment of a conservator by the court.



4. Notice of the filing of a petition given to persons under subsections 2 and 3 shall include a statement that the recipient of the notice may register to receive notice of the hearing on the petition and other proceedings and the manner of such registration.

Sec. 17. NEW SECTION. **633.560 Hearing.**

1. The court shall fix the time and place of hearing on a petition and shall prescribe a time not less than twenty days after the date the notice is served unless the court finds there is good cause shown to shorten the time period to less than twenty days pursuant to section 633.40. The court shall also prescribe the manner of service of the notice of such hearing pursuant to section 633.40.

2. The respondent shall be entitled to attend the hearing on the petition and all other proceedings. The court shall make reasonable accommodations to enable the respondent to attend the hearing and all other proceedings. The court may waive the respondent's attendance for good cause shown. The court shall make a record of the reason for a respondent's nonattendance.

3. The court shall require the proposed guardian or conservator to attend the hearing on the petition but the court may excuse the proposed guardian's attendance for good cause shown.

4. The court shall require the court visitor as described in section 633.562, if any, to attend the hearing but the court may excuse the court visitor's attendance for good cause shown.

5. Any person with an interest in the welfare of the respondent may submit a written application to the court requesting permission to participate in the hearing on the petition and other proceedings. The court may grant the request if the court finds that the person's participation is in the best interest of the respondent. The court may impose appropriate conditions on the person's participation.

6. A complete record of the hearing shall be made.

Sec. 18. Section 633.560, Code 2019, is amended to read as follows:

**633.560 Appointment of guardian for an adult on a standby basis.**

A petition for the appointment of a guardian for an adult on a standby basis may be filed by any person under the same procedure and requirements as provided in sections 633.591 to 633.597, for appointment of standby conservator, insofar as applicable. In all proceedings to appoint a guardian, the court shall consider whether a limited guardianship, as authorized in section 633.635, is appropriate.

Sec. 19. NEW SECTION. **633.560A Mediation.**

1. The district court may, on its own motion or on the motion of any party, order the parties to participate in mediation in any guardianship or conservatorship action. Mediation performed under this section shall comply with the provisions of chapter 679C. The court shall, upon application of a party, grant a waiver from any court-ordered mediation under this section if the party demonstrates that a history of domestic abuse exists similarly as considered in section 598.41, subsection 3, paragraph "j". The court may, upon application of a party, grant a waiver from any court-ordered mediation if the action involves elder abuse pursuant to chapter 235F.

2. Mediation shall comply with all of the following standards:

a. The parties will participate in good faith. Participation in mediation shall include attendance at a mediation session with the mediator and the parties to the action, listening to the mediator's explanation of the mediation process, presentation of one party's view of the case, and listening to the response of the other party. Participation in mediation does not require that the parties reach an agreement.

b. Unless the parties agree upon a mediator, the court shall appoint a mediator. Any mediator appointed by the court shall meet the qualifications established in this section.

c. Parties to the mediation shall have the right to representation by an attorney at all times.

d. The parties to the mediation shall present any agreement reached through the mediation to their attorneys, if any. A mediation agreement reached by the parties shall not be enforceable until approved by the court.

e. The costs of mediation shall be borne by the parties, as agreed to by the parties, or as ordered by the court, and may be taxed as court costs.

3. A mediator appointed by the court acting pursuant to this section shall have the following qualifications:

a. Completed a one-hour internet seminar or live session regarding the external resources available to a respondent with particular focus on resources for older persons.

b. A minimum of twenty-five hours of general mediation training.

c. Either of the following:

(1) Fifteen hours of probate-specific or elder-specific mediation training.

(2) Ten continuous years of practice in Iowa as a licensed attorney with the greater of four hundred hours or forty percent of the total hours of law practice per year being devoted to matters concerning wills, trusts, and estate work for each of the ten continuous years.

Sec. 20. Section 633.561, Code 2019, is amended to read as follows:

**633.561 Representation Appointment and role of attorney for respondent.**

1. In a proceeding for the appointment of a guardian or conservator for an adult or a conservator for a minor:

a. If the ~~proposed ward~~ respondent is an adult and is not the petitioner, the ~~proposed ward respondent~~ is entitled to representation by an attorney. Upon the filing of the petition, the court shall appoint an attorney to represent the ~~proposed ward respondent~~, set a hearing on the petition, and provide for notice of the appointment of counsel and the date for hearing.

b. If the ~~proposed ward respondent~~ is either a minor or an adult under a standby petition, the court shall determine whether, under the circumstances of the case, the ~~proposed ward respondent~~ is entitled to representation. The determination regarding representation may be made with or without notice to the ~~proposed ward respondent~~, as the court deems necessary. If the court determines that the ~~proposed ward respondent~~ is entitled to representation, the court shall appoint an attorney to represent the ~~proposed ward respondent~~. After making the determination regarding representation, the court shall set a hearing on the petition, and provide for notice on the determination regarding representation and the date for hearing.

c. The court may take action under paragraph "a" or "b" prior to the service of the original notice upon the ~~proposed ward respondent~~.

d. The court may reconsider the determination regarding representation upon application by any interested person.

e. The court may discharge the attorney appointed by the court if it appears upon the application of the ~~proposed ward respondent~~ or any other interested person that the ~~ward respondent~~ has privately retained an attorney who has filed an appearance on behalf of the ~~proposed ward respondent~~.

2. The court shall ensure that all ~~proposed wards~~ respondents entitled to representation have been provided with notice of the right to representation and right to be personally present at all proceedings and shall make findings of fact in any order of disposition setting out the manner in which notification was provided.

3. If the ~~proposed ward respondent~~ is entitled to representation and is indigent or incapable of requesting counsel, the court shall appoint an attorney to represent the ~~proposed ward respondent~~. The cost of court appointed counsel for indigents shall be assessed against the county in which the proceedings are pending. For the purposes of this subsection, the court shall find a person is indigent if the person's income and resources do not exceed one hundred fifty percent of the federal poverty level or the person would be unable to pay such costs without prejudicing the person's financial ability to provide economic necessities for the person or the person's dependents.

4. An attorney appointed pursuant to this section shall:

a. Ensure that the ~~proposed ward respondent~~ has been properly advised of the nature and purpose of the proceeding.

b. Advocate for the wishes of the respondent to the extent those wishes are reasonably ascertainable. If the respondent's wishes are not reasonably ascertainable, the attorney shall advocate for the least restrictive alternative consistent with the respondent's best interests.

b. c. Ensure that the ~~proposed ward respondent~~ has been properly advised of the ~~ward's respondent's~~ rights in a guardianship proceeding.

~~e. d.~~ Personally interview the ~~proposed ward~~ respondent.

~~d. e.~~ File a written report stating whether there is a return on file showing that proper service on the ~~proposed ward~~ respondent has been made and also stating that specific compliance with paragraphs “a” through “e” “d” has been made or stating the inability to comply by reason of the ~~proposed ward’s~~ respondent’s condition.

~~e.~~ Represent the ~~proposed ward~~.

f. Ensure that the guardianship procedures conform to the statutory and due process requirements of Iowa law.

5. In the event that an order of appointment is entered, the attorney appointed pursuant to this section, to the extent possible, shall:

a. Inform the ~~proposed ward~~ respondent of the effects of the order entered for appointment of guardian.

b. Advise the ward respondent of the ward’s respondent’s rights to petition for modification or termination of the guardianship.

c. Advise the ward respondent of the rights retained by the ward respondent.

6. If the court determines that it would be in the ward’s respondent’s best interest to have legal representation with respect to any proceedings in a guardianship or conservatorship, the court may appoint an attorney to represent the ward respondent at the expense of the ward respondent or the ward’s respondent’s estate, or if the ward respondent is indigent the cost of the court appointed attorney shall be assessed against the county in which the proceedings are pending.

7. If the court determines upon application that it is appropriate or necessary, the court may order that the attorney appointed pursuant to this section be given copies of and access to the ~~proposed ward’s~~ respondent’s health information by describing with reasonable specificity the health information to be disclosed or accessed, for the purpose of fulfilling the attorney’s responsibilities pursuant to this section.

**Sec. 21. NEW SECTION. 633.562 Appointment and role of court visitor.**

1. If the court determines that the appointment of a court visitor would be in the best interest of the respondent, the court shall appoint a court visitor at the expense of the respondent or the respondent’s estate, or, if the respondent is indigent, the cost of the court visitor shall be assessed against the county in which the proceedings are pending. The court may appoint any qualified person as a court visitor in a guardianship or conservatorship proceeding.

2. The same person shall not serve both as the attorney representing the respondent and as court visitor.

3. Unless otherwise enlarged or circumscribed by the court, the duties of a court visitor with respect to the respondent shall include all of the following:

a. Conducting an initial in-person interview with the respondent.

b. Explaining to the respondent the substance of the petition, the purpose and effect of the guardianship or conservatorship proceeding, the rights of the respondent at the hearing, and the general powers and duties of a guardian or conservator.

c. Determining the views of the respondent regarding the proposed guardian or conservator, the proposed guardian’s or conservator’s powers and duties, and the scope and duration of the proposed guardianship or conservatorship.

4. In addition, if directed by the court, the court visitor shall:

a. Interview the petitioner, and if the petitioner is not the proposed guardian or conservator, interview the proposed guardian or conservator.

b. Visit, to the extent feasible, the residence where it is reasonably believed that the respondent will live if the appointment of a guardian or conservator is made.

c. Make any other investigation the court directs including but not limited to interviewing any persons providing medical, mental health, educational, social, and other services to the respondent.

5. The court visitor shall submit a written report to the court that shall contain all of the following:

a. A recommendation regarding the appropriateness of a limited guardianship for the respondent, including whether less restrictive alternatives are available.

b. A statement of the qualifications of the guardian together with a statement of whether the respondent has expressed agreement with the appointment of the proposed guardian or conservator.

c. Any other matters the court visitor deems relevant to the petition for guardianship or conservatorship and the best interests of the respondent.

d. Any other matters the court directs.

6. The report of the court visitor shall be made part of the court record unless otherwise ordered by the court.

**Sec. 22. NEW SECTION. 633.563 Court-ordered professional evaluation.**

1. At or before a hearing on petition for the appointment of a guardian or conservator or the modification or termination of a guardianship or conservatorship, the court shall order a professional evaluation of the respondent unless one of the following criteria are met:

a. The court finds it has sufficient information to determine whether the criteria for a guardianship or conservatorship are met.

b. The petitioner or respondent has filed a professional evaluation.

2. Notwithstanding subsection 1, if the respondent has filed a professional evaluation and the court determines an additional professional evaluation will assist the court in understanding the decision-making capacity and functional abilities and limitations of the respondent, the court may order a professional evaluation of the respondent.

3. If the court orders an evaluation, the evaluation shall be conducted by a licensed physician, psychologist, social worker, or other individual who is qualified to conduct an evaluation appropriate for the respondent being assessed.

4. Unless otherwise directed by the court, the report must contain all of the following:

a. A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitation.

b. An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills.

c. A prognosis for improvement and recommendation for the appropriate treatment, support, or habilitation plan.

d. The evaluator's qualifications to evaluate the respondent's cognitive and functional abilities limitations and lack of conflict of interest.

e. The date of examination on which the report is based.

5. The cost of the professional evaluation shall be paid by the respondent unless the respondent is indigent as defined in section 633.561, subsection 3, in which case the costs shall be paid by the county in which the proceedings are pending or unless the court orders otherwise.

6. At the request of the respondent, the court shall seal the record of the results of the evaluation ordered by the court subject to the exceptions in subsection 7.

7. The results of the evaluation ordered by the court shall be made available to the court and the following:

a. The respondent and the respondent's attorney.

b. The petitioner and the petitioner's attorney.

c. A court visitor as described in section 633.562.

d. Other persons for good cause shown for such purposes as the court may order.

**Sec. 23. NEW SECTION. 633.564 Background check of proposed guardian or conservator.**

1. The court shall request criminal record checks and checks of the child abuse, dependent adult abuse, and sexual offender registries in this state for all proposed guardians and conservators, other than financial institutions with Iowa trust powers.

2. The court shall review the results of background checks in determining the suitability of a proposed guardian or conservator for appointment.

3. The judicial branch, in conjunction with the department of public safety, the department of human services, and the state chief information officer, shall establish procedures for electronic access to the single contact repository established pursuant to section 135C.33 necessary to conduct background checks requested under subsection 1.

4. The person who files a petition for appointment of guardian or conservator shall be responsible for paying the fee for the background check conducted through the single contact repository established pursuant to section 135C.33.

**Sec. 24. NEW SECTION. 633.565 Qualifications and selection of guardian or conservator for an adult.**

The court shall appoint as guardian or conservator any qualified and suitable person who is willing to serve as guardian or conservator.

**Sec. 25. NEW SECTION. 633.567 Appointment of guardian or conservator for minor approaching majority on a standby basis.**

Any adult with an interest in the welfare of a minor who is at least seventeen years and six months of age may file a verified petition pursuant to section 633.552 or section 633.553 to initiate a proceeding to appoint a guardian or conservator for the minor to take effect on the minor's eighteenth birthday.

**Sec. 26. NEW SECTION. 633.569 Emergency appointment of temporary guardian or conservator.**

1. A person authorized to file a petition under section 633.552, 633.553, or 633.554 may file an application for the emergency appointment of a temporary guardian or conservator.

2. Such application shall state all of the following:

a. The name and address of the respondent.

b. The name and address of the proposed guardian or conservator and the reason the proposed guardian or conservator should be selected.

c. The reason the emergency appointment of a temporary guardian is sought.

3. The court may enter an ex parte order appointing a temporary guardian on an emergency basis under this section if the court finds that all of the following conditions are met:

a. There is not sufficient time to file a petition and hold a hearing pursuant to section 633.552, 633.553, or 633.554.

b. The appointment of a temporary guardian or conservator is necessary to avoid immediate or irreparable harm to the respondent.

c. There is reason to believe that the basis for appointment of guardian or conservator exists under section 633.552, 633.553, or 633.554.

4. Notice of a petition for the appointment of a temporary guardian or conservator and the issuance of an ex parte order appointing a temporary guardian or conservator shall be provided to the respondent, the respondent's attorney, and any other person the court determines should receive notice.

5. Upon the issuance of an ex parte order, if the respondent is an adult, the respondent may file a request for a hearing. If the respondent is a minor, the respondent, a parent having legal custody of the respondent, or any other person having legal custody of the respondent may file a written request for a hearing. Such hearing shall be held no later than seven days after the filing of a written request.

6. The powers of the temporary guardian or conservator set forth in the order of the court shall be limited to those necessary to address the emergency situation requiring the appointment of a temporary guardian or conservator.

7. The temporary guardianship or conservatorship shall terminate within thirty days after the order is issued.

**Sec. 27. NEW SECTION. 633.570 Notification of guardianship and conservatorship powers.**

1. In a proceeding for the appointment of a guardian, the respondent shall be given written notice which advises the respondent of the powers that a guardian may exercise without court approval pursuant to section 633.635, subsection 2, and the powers that the guardian may exercise only with court approval pursuant to section 633.635, subsection 3.

2. In a proceeding for the appointment of a conservator, the respondent shall be given written notice which advises the respondent of the powers that a conservator may exercise without court approval pursuant to section 633.646 and the powers that the guardian may exercise only with court approval pursuant to section 633.647.

3. If the respondent is an adult, the notice shall clearly advise the respondent of the respondent's rights to representation by an attorney and the potential deprivation of the respondent's civil rights. The notice shall also state that the respondent may be represented by the respondent's own attorney rather than an attorney appointed by the court. If the respondent is an adult, notice shall be served upon the respondent with the notice of the filing of the petition as provided in section 633.558. If the respondent is a minor, notice shall be served upon the respondent with the notice of the filing of a petition as provided in section 633.559.

Sec. 28. Section 633.574, Code 2019, is amended to read as follows:

**633.574 Procedure in lieu of conservatorship for a minor.**

If a conservator has not been appointed for a minor, money due a minor or other property to which a minor is entitled, not exceeding in the aggregate twenty-five thousand dollars in value, shall be paid or delivered to a custodian under any uniform transfers to minors Act. The written receipt of the custodian constitutes an acquittance of the person making the payment of money or delivery of property.

Sec. 29. Section 633.591, Code 2019, is amended to read as follows:

**633.591 Voluntary petition for appointment of conservator — standby basis.**

Any person of full age and sound mind may execute a verified petition for the voluntary appointment of a conservator of the person's property upon the express condition that such petition shall be acted upon by the court only upon the occurrence of an event specified or the existence of a described condition of the mental or physical health of the petitioner, the occurrence of which event, or the existence of which condition, shall be established in the manner directed in the petition. The petition, if executed on or after January 1, 1991, shall advise the proposed ward respondent of a conservator's powers as provided in section ~~633.576~~ 633.570.

Sec. 30. Section 633.634, Code 2019, is amended to read as follows:

**633.634 Combination of voluntary and standby petitions with involuntary petition for hearing.**

If prior to the time of hearing on a petition for the appointment of a guardian or a conservator, a petition is filed under the provisions of section 633.556, 633.557, ~~633.572~~ or 633.591, the court shall combine the hearing on such petitions and determine who shall be appointed guardian or conservator, and such petition shall be triable to the court.

Sec. 31. Section 633.635, Code 2019, is amended to read as follows:

**633.635 Responsibilities of guardian.**

1. The order by the court appointing a guardian shall state the basis for the guardianship pursuant to section 633.552.

1. 2. Based upon the evidence produced at the hearing, the court may grant a guardian the following powers and duties with respect to a protected person which may be exercised without prior court approval:

a. Providing for the care, comfort and maintenance of the ward, including the appropriate training and education to maximize the ward's potential Making decisions regarding the care, maintenance, health, education, welfare, and safety of the protected person except as otherwise limited by the court.

b. Establishing the protected person's permanent residence except as limited by subsection 3.

b. c. Taking reasonable care of the ward's protected person's clothing, furniture, vehicle, and other personal effects, and companion animals, assistive animals, assistance animals, and service animals.

e. d. Assisting the ward protected person in developing maximum self-reliance and independence.

d. Ensuring the ward receives necessary emergency medical services.

e. Ensuring the ward receives professional care, counseling, treatment, or services as needed. If necessitated by the physical or mental disability of the ward, the provision of professional care, counseling, treatment, or services limited to the provision of routine

~~physical and dental examinations and procedures under anesthesia is included, if the anesthesia is provided within the scope of the health care practitioner's scope of practice~~ Consenting to and arranging for medical, dental, and other health care treatment and services for the protected person except as otherwise limited by subsection 3.

f. Consenting to and arranging for other needed professional services for the protected person.

g. Consenting to and arranging for appropriate training, educational, and vocational services for the protected person.

h. Maintaining contact, including through regular visitation with the protected person if the protected person does not reside with the guardian.

f. i. Placing Making reasonable efforts to identify and facilitate supportive relationships and interactions of the protected person with family members and significant other persons. The guardian may place reasonable time, place, or manner restrictions on communication, visitation, or interaction between the adult ward protected person and another person except as otherwise limited by subsection 3.

g. j. Any other powers or duties the court may specify.

2. 3. A guardian may be granted the following powers which may only be exercised upon court approval:

a. Changing, at the guardian's request, the ward's permanent residence if the proposed new residence is more restrictive of the ward's liberties than the current residence the protected person's permanent residence to a nursing home, other secure facility, or secure portion of a facility that restricts the protected person's ability to leave or have visitors, unless advance notice of the change was included in the guardian's initial care plan that was approved by the court. In an emergency situation, the court shall review the request for approval on an expedited basis.

~~b. Arranging the provision of major elective surgery or any other nonemergency major medical procedure. For the purposes of this paragraph, "major elective surgery" and "nonemergency major medical procedure" do not include the provision to the ward of professional care, counseling, treatment, or services limited to the provision of routine physical and dental examinations and procedures under anesthesia, if the use of anesthesia is necessitated by the physical or mental disability of the ward, and if the anesthesia is provided within the scope of the health care practitioner's scope of practice.~~

Consenting to the following:

(1) The withholding or withdrawal of life-sustaining procedures from the protected person in accordance with chapter 144A or 144D.

(2) The performance of an abortion on the protected person.

(3) The sterilization of the protected person.

~~e. Consent to the withholding or withdrawal of life-sustaining procedures in accordance with chapter 144A.~~

~~d. c. Denying all communication, visitation, or interaction by an adult ward a protected person with a person with whom the adult ward protected person has expressed a desire to communicate, visit, or interact or with a person who seeks to communicate, visit, or interact with the adult ward protected person. A court shall approve the denial of all communication, visitation, or interaction with another person only upon a showing of good cause by the guardian.~~

3. For the purposes of this section:

a. "Routine dental examinations and procedures" includes preventive services, diagnostic services, restorative services, periodontal services, endodontic services, oral surgery, prosthetic services, and orthodontic procedures.

b. "Routine physical examinations and procedures" includes examinations and procedures performed for the purpose of general treatment or diagnosis or for the purpose of treatment or diagnosis related to a specific illness, symptom, complaint, or injury.

4. The court may take into account all available information concerning the capabilities of the ward respondent or the protected person and any additional evaluation deemed necessary, including the availability of third-party assistance to meet the needs of the ward or proposed ward respondent or the protected person, and may direct that the guardian have only a specially limited responsibility for the ward protected person. In that event, the

court shall state those areas of responsibility which shall be supervised by the guardian and all others shall be retained by the ward protected person. The court may make a finding that the ward protected person lacks the capacity to contract a valid marriage.

5. From time to time, upon a proper showing, the court may modify the respective responsibilities of the guardian and the ward protected person, after notice to the ward protected person and an opportunity to be heard. Any modification that would be more restrictive or burdensome for the ward protected person shall be based on clear and convincing evidence that the ward protected person continues to fall within the categories of meet the basis for the appointment of a guardian pursuant to section 633.552, subsection 2, paragraph "a" or "b", and that the facts justify a modification of the guardianship. Section 633.551 applies to the modification proceedings. Any modification that would be less restrictive for the ward protected person shall be based upon proof in accordance with the requirements of section 633.675.

Sec. 32. Section 633.641, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

**633.641 Duties of conservator.**

1. A conservator is a fiduciary and has duties of prudence and loyalty to the protected person.

2. In investing and selecting specific property for distribution, a conservator shall consider any estate plan or other donative, nominative, or appointive instrument of the protected person, known to the conservator.

3. If a protected person has executed a valid power of attorney under chapter 633B, the conservator shall act in accordance with the applicable provisions of chapter 633B.

4. The conservator shall report to the department of human services the protected person's assets and income, if the protected person is receiving medical assistance under chapter 249A. Such reports shall be made upon establishment of a conservatorship for an individual applying for or receiving medical assistance, upon application for benefits on behalf of the protected person, upon annual or semiannual review of continued medical assistance eligibility, when any significant change in the protected person's assets or income occurs, or as otherwise requested by the department of human services. Written reports shall be provided to the department of human services office for the county in which the protected person resides or the office in which the protected person's medical assistance is administered.

Sec. 33. **NEW SECTION. 633.642 Responsibilities of conservator.**

Except as otherwise ordered by the court, a conservator must give notice to persons entitled to notice and receive specific prior authorization by the court before the conservator may take any other action on behalf of the protected person. These other powers requiring court approval include the authority of the conservator to:

1. Invest the protected person's assets consistent with section 633.123.

2. Make gifts on the protected person's behalf from conservatorship assets to persons or religious, educational, scientific, charitable, or other nonprofit organizations to whom or to which such gifts were regularly made prior to the conservator's appointment; or on a showing that such gifts would benefit the protected person from the perspective of gift, estate, inheritance, or other taxes. No gift shall be allowed which would foreseeably prevent adequate provision for the protected person's best interest.

3. Make payments consistent with the conservator's plan described above directly to the protected person or to others for the protected person's education and training needs.

4. Use the protected person's income or assets to provide for any person that the protected person is legally obligated to support.

5. Compromise, adjust, arbitrate, or settle any claim by or against the protected person or the conservator.

6. Make elections for a protected person who is the surviving spouse as provided in sections 633.236 and 633.240.

7. Exercise the right to disclaim on behalf of the protected person as provided in section 633E.5.



8. Sell, mortgage, exchange, pledge, or lease the protected person's real and personal property consistent with subchapter VII, part 6 of this chapter regarding sale of property from a decedent's estate.

Sec. 34. Section 633.648, Code 2019, is amended to read as follows:

**633.648 Appointment of attorney in compromise of personal injury settlements.**

Notwithstanding the provisions of section ~~633.647~~ 633.642 prior to authorizing a compromise of a claim for damages on account of personal injuries to the ward,<sup>1</sup> the court may order an independent investigation by an attorney other than by the attorney for the conservator. The cost of such investigation, including a reasonable attorney fee, shall be taxed as part of the cost of the conservatorship.

Sec. 35. Section 633.669, Code 2019, is amended to read as follows:

**633.669 Reporting requirements — assistance by clerk.**

1. A guardian appointed by the court under this chapter shall file with the court the following written verified reports which shall not be waived by the court:

a. An initial report within sixty days of the guardian's appointment care plan filed within sixty days of appointment. The information in the initial care plan shall include but not be limited to the following information:

(1) The current residence of the protected person and the guardian's plan for the protected person's living arrangements.

(2) The guardian's plan for payment of the protected person's living expenses and other expenses.

(3) The protected person's health status and health care needs, and the guardian's plan for meeting the protected person's needs for medical, dental, and other health care needs.

(4) If applicable, the guardian's plan for other professional services needed by the protected person.

(5) If applicable, the guardian's plan for meeting the educational, training, and vocational needs of the protected person.

(6) If applicable, the guardian's plan for facilitating the participation of the protected person in social activities.

(7) The guardian's plan for facilitating contacts between the protected person and the protected person's family members and other significant persons.

(8) The guardian's plan for contact with, and activities on behalf of, the protected person.

b. An annual report, filed within ~~ninety~~ sixty days of the close of the reporting period, unless the court otherwise orders on good cause shown. The information in the annual report shall include but not be limited to the following information:

(1) The current living arrangements of the protected person.

(2) The sources of payment for the protected person's living expenses and other expenses.

(3) A description, if applicable, of the following:

(a) The protected person's physical and mental health status and the medical, dental, and other professional services provided to the protected person.

(b) If applicable, the protected person's employment status and the educational, training, and vocational services provided to the protected person.

(c) The contact of the protected person with family members and other significant persons.

(d) The nature and extent of the guardian's visits with, and activities on behalf of, the protected person.

(4) The guardian's recommendation as to the need for continuation of the guardianship.

(5) The ability of the guardian to continue as guardian.

(6) The need of the guardian for assistance in providing or arranging for the provision of the care and protection of the protected person.

c. A final report within thirty days of the termination of the guardianship under section 633.675 unless that time is extended by the court.

2. Reports required by this section must include:

a. The current mental and physical condition of the ward.

<sup>1</sup> See chapter 89, §19 herein

~~b. The present living arrangement of the ward, including a description of each residence where the ward has resided during the reporting period.~~

~~c. A summary of the medical, educational, vocational and technical, and other professional services provided for the ward.~~

~~d. A description of the guardian's visits with and activities on behalf of the ward.~~

~~e. A recommendation as to the need for continued guardianship.~~

~~f. Other information requested by the court or useful in the opinion of the guardian.~~

3. 2. The court shall develop a simplified uniform reporting form for use in filing the required reports.

4. 3. The clerk of the court shall notify the guardian in writing of the reporting requirements and shall provide information and assistance to the guardian in filing the reports.

5. 4. Reports of guardians shall be reviewed and approved by a district court judge or referee.

6. ~~Reports required by this section shall, if requested, be served on the attorney appointed to represent the ward in the guardianship proceeding and all other parties appearing in the proceeding.~~

Sec. 36. Section 633.670, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

**633.670 Reports by conservators.**

1. A conservator shall file an initial plan for protecting, managing, investing, expending, and distributing the assets of the conservatorship estate within ninety days after appointment. The plan must be based on the needs of the protected person and take into account the best interest of the protected person as well as the protected person's preference, values, and prior directions to the extent known to, or reasonably ascertainable by, the conservator.

a. The initial plan shall include all of the following:

(1) A budget containing projected expenses and resources, including an estimate of the total amount of fees the conservator anticipates charging per year and a statement or list of the amount the conservator proposes to charge for each service the conservator anticipates providing to the protected person.

(2) A statement as to how the conservator will involve the protected person in decisions about management of the conservatorship estate.

(3) If ordered by the court, any step the conservator plans to take to develop or restore the ability of the protected person to manage the conservatorship estate.

(4) An estimate of the duration of the conservatorship.

b. Within two days after filing the initial plan, the conservator shall give notice of the filing of the initial plan with a copy of the plan to the protected person, the protected person's attorney and court advisor, if any, and others as directed by the court. The notice must state that any person entitled to a copy of the plan must file any objections to the plan not later than fifteen days after it is filed.

c. At least twenty days after the plan has been filed, the court shall review and determine whether the plan should be approved or revised, after considering objections filed and whether the plan is consistent with the conservator's powers and duties.

d. After approval by the court, the conservator shall provide a copy of the approved plan and order approving the plan to the protected person, the protected person's attorney and court advisor, if any, and others as directed by the court.

e. The conservator shall file an amended plan when there has been a significant change in circumstances or the conservator seeks to deviate significantly from the plan. Before the amended plan is implemented, the provisions for court approval of the plan shall be followed as provided in paragraphs "b", "c", and "d".

2. A conservator shall file an inventory of the protected person's assets within ninety days after appointment which includes an oath or affirmation that the inventory is believed to be complete and accurate as far as information permits. Copies of the inventory shall be provided to the protected person, the protected person's attorney and court advisor, if any, and others as directed by the court. When the conservator receives additional property of the

protected person, or becomes aware of its existence, a description of the property shall be included in the conservator's next annual report.

3. A conservator shall file a written and verified report for the period since the end of the preceding report period. The court shall not waive these reports.

a. These reports shall include all of the following:

- (1) Balance of funds on hand at the beginning and end of the period.
- (2) Disbursements made.
- (3) Changes in the conservator's plan.
- (4) List of assets as of the end of the period.
- (5) Bond amount and surety's name.
- (6) Residence and physical location of the protected person.
- (7) General physical and mental condition of the protected person.
- (8) Other information reflecting the condition of the conservatorship estate.

b. These reports shall be filed:

(1) On an annual basis within sixty days of the end of the reporting period unless the court orders an extension for good cause shown in accordance with the rules of probate procedure.

(2) Within thirty days following removal of the conservator.

(3) Upon the conservator's filing of a resignation and before the resignation is accepted by the court.

(4) Within sixty days following the termination of the conservatorship.

(5) At other times as ordered by the court.

c. Reports required by this section shall be served on the protected person's attorney and court advisor, if any, and the veterans administration if the protected person is receiving veterans benefits.

Sec. 37. Section 633.675, Code 2019, is amended to read as follows:

**633.675 Cause for termination.**

1. A guardianship shall cease, and a conservatorship shall terminate, upon the occurrence of any of the following circumstances:

a. If the ward protected person is a minor, when the ward protected person reaches full age.

b. The death of the ward protected person.

~~c. A determination by the court that the ward is no longer a person whose decision-making capacity is so impaired as to bring the ward within the categories of section 633.552, subsection 2, paragraph "a", or section 633.566, subsection 2, paragraph "a". In a proceeding to terminate a guardianship or a conservatorship, the ward shall make a prima facie showing that the ward has some decision-making capacity. Once the ward has made that showing, the guardian or conservator has the burden to prove by clear and convincing evidence that the ward's decision-making capacity is so impaired, as provided in section 633.552, subsection 2, paragraph "a", or section 633.566, subsection 2, paragraph "a", that the guardianship or conservatorship should not be terminated.~~

~~d. c.~~ Upon determination by the court that the conservatorship or guardianship is no longer necessary for any other reason.

~~2. Notwithstanding subsection 1, paragraphs "a" through "d", if the court appointed a guardian for a minor child for whom the court's jurisdiction over the child's guardianship was established pursuant to transfer of the child's case in accordance with section 232.101A or 232.104, the court shall not enter an order terminating the guardianship before the child becomes age eighteen unless the court finds by clear and convincing evidence that the best interests of the child warrant a return of custody to the child's parent. The court shall terminate a guardianship if it finds by clear and convincing evidence that the basis for appointing a guardian pursuant to section 633.552 is not satisfied.~~

~~3. The court shall terminate a conservatorship if the court finds by clear and convincing evidence that the basis for appointing a conservator pursuant to section 633.553 or 633.554 is not satisfied.~~

~~4. The standard of proof and the burden of proof to be applied in a termination proceeding shall be the same as set forth in section 633.551, subsection 2.~~

Sec. 38. Section 633.717, subsection 8, Code 2019, is amended to read as follows:

8. The denial by a court of this state of a petition to accept a guardianship or conservatorship transferred from another state does not affect the ability of the guardian or conservator to seek appointment as guardian or conservator in this state under section 633.551, ~~633.552~~, or ~~633.566~~ 633.556, if the court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.

Sec. 39. Section 633B.102, subsections 2 and 6, Code 2019, are amended to read as follows:

2. “*Conservator*” or “*conservatorship*” means a conservator appointed or conservatorship established pursuant to ~~sections 633.570 and 633.572~~ section 633.553, 633.554, or 633.567 or a similar provision of the laws of another state.

6. “*Guardian*” or “*guardianship*” means a guardian appointed or a guardianship established pursuant to ~~sections 633.556 633.552 and 633.560 633.568~~ or a similar provision of the laws of another state.

Sec. 40. Section 633B.108, subsection 1, Code 2019, is amended to read as follows:

1. Under a power of attorney, a principal may nominate a conservator of the principal’s estate or guardian of the principal’s person for consideration by the court if proceedings for the principal’s estate or person are begun after the principal executes the power of attorney. Except for good cause shown or disqualification, the court shall make its appointment in accordance with the principal’s most recent nomination. This section does not prohibit an individual from executing a petition for the voluntary appointment of a guardian or conservator on a standby basis pursuant to ~~sections 633.560 633.568~~ and 633.591.

Sec. 41. REPEAL. Sections 633.552, 633.554, 633.555, 633.556, 633.557, 633.558, 633.559, 633.562, 633.566, 633.568, 633.569, 633.570, 633.572, 633.573, 633.575, 633.576, 633.646, 633.647, 633.649, 633.650, and 633.652, Code 2019, are repealed.

Sec. 42. CODE EDITOR’S DIRECTIVE.

The Code editor is directed to make the following transfers:

1. Section 633.560 to 633.568.
2. Section 633.571 to 633.566.
3. Section 633.574 to 633.555.

Sec. 43. EFFECTIVE DATE. This Act takes effect January 1, 2020.

Sec. 44. APPLICABILITY. This Act applies to guardianships and guardianship proceedings for adults and conservatorships and conservatorship proceedings for adults and minors established or pending before, on, or after January 1, 2020.

Approved May 1, 2019

## CHAPTER 58

### MEDICATION-ASSISTED TREATMENT — MEDICAID — PRIOR AUTHORIZATION

*H.F. 623*

**AN ACT** relating to prior authorization for medication-assisted treatment under the Medicaid program.

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

Section 1. MEDICATION-ASSISTED TREATMENT — MEDICAID — PRIOR AUTHORIZATION.

1. The department of human services shall adopt rules pursuant to chapter 17A to require that under both Medicaid fee-for-service and managed care administration, at least one form of medication-assisted treatment approved by the United States food and drug administration for treatment of substance use disorder, in each of the following categories, is available to Medicaid members without prior authorization:

- a. Methadone.
- b. Buprenorphine.
- c. Naloxone.
- d. Buprenorphine and naloxone combination.
- e. Naltrexone.

2. For the purpose of this section, “medication-assisted treatment” means the medically monitored use of certain substance use disorder medications in combination with treatment services.

Approved May 1, 2019

## CHAPTER 59

### SUBSTANTIVE CODE CORRECTIONS

*H.F. 679*

**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:*

#### DIVISION I

#### MISCELLANEOUS CHANGES

Section 1. Section 1.14, Code 2019, 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, 1.13, this section, and 1.15.

Sec. 2. Section 8.33, Code 2019, is amended to read as follows:

**8.33 Time limit on obligations — reversion.**

1. No obligation of any kind shall be incurred or created subsequent to the last day of the fiscal year for which an appropriation is made, except when specific provision otherwise is made in the Act making the appropriation. On August 31, or as otherwise provided in an appropriation Act, following the close of each fiscal year, all unencumbered or unobligated balances of appropriations made for that fiscal term revert to the state treasury and to the credit of the funds from which the appropriations were made, except that capital expenditures for the purchase of land or the erection of buildings or new construction continue in force until the attainment of the object or the completion of the work for which the appropriations were made unless the Act making an appropriation for the capital expenditure contains a specific provision relating to a time limit for incurring an obligation or reversion of funds. This section does not repeal sections 7D.11 through 7D.14.

2. ~~No~~ A payment of an obligation for goods and services shall not be charged to an appropriation subsequent to the last day of the fiscal year for which the appropriation is

made unless the goods or services are received on or before the last day of the fiscal year, except that repair projects, purchase of specialized equipment and furnishings, and other contracts for services and capital expenditures for the purchase of land or the erection of buildings or new construction or remodeling, which were committed and in progress prior to the end of the fiscal year are excluded from this ~~provision~~ subsection.

Sec. 3. Section 8.35A, subsection 2, Code 2019, is amended to read as follows:

2. Commencing October 1, the director shall provide weekly budget ~~tapes~~ data files in the form and level of detail requested by the legislative services agency reflecting finalized agency budget requests for the following fiscal year as submitted to the governor. The director shall transmit all agency requests in final form to the legislative services agency by November 15. Final budget records containing the governor's recommendation and final agency requests shall be transmitted to the legislative services agency by January 1 or no later than the date the governor's budget document is delivered to the printer. The governor's recommendation included on this record shall be considered confidential by the legislative services agency until it is made public by the governor. The legislative services agency shall use this data in the preparation of information for the legislative appropriation process.

Sec. 4. Section 8.38, Code 2019, is amended to read as follows:

**8.38 Misuse of appropriations.**

~~No~~ A state department, institution, or agency, or any board member, commissioner, director, manager, or other person connected with any such department, institution, or agency, shall not expend funds or approve claims in excess of the appropriations made thereto, nor expend funds for any purpose other than that for which the money was appropriated, except as otherwise provided by law. A violation of ~~the foregoing provision~~ this section shall make any person ~~violating same,~~ committing or consenting to the violation of ~~same~~ liable to the state for ~~such~~ the sum so expended together with interest and costs, which shall be recoverable in an action to be instituted by the attorney general for the use of the state, ~~which.~~ The action may be brought in any county of the state.

Sec. 5. Section 8.46, subsection 4, Code 2019, is amended to read as follows:

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 and is a lease-purchase arrangement for purposes of this section. 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. 6. Section 8.57B, subsection 1, Code 2019, is amended to read as follows:

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~~ deposited in the fund pursuant to section 8.57, subsection 5, paragraph "f", subparagraph (1), subparagraph division (c), 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.

Sec. 7. Section 8A.315, subsection 5, Code 2019, is amended to read as follows:

5. Information on recycled content shall be requested on all bids for paper products other than printing and writing paper issued by the state and on other bids for products which could have recycled content such as oil, plastic products, ~~including but not limited to~~ compost materials, aggregate, solvents, soybean-based inks, and rubber products. Except for purchases of printing and writing paper made pursuant to subsection 2, paragraphs "c", "d", and "e", the department shall require persons submitting bids for printing and writing paper to certify that the printing and writing paper proposed complies with the requirements referred to in subsection 2, paragraph "a".

Sec. 8. Section 9A.105, subsections 2, 3, and 4, Code 2019, are amended to read as follows:

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 all of 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 all of 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 all of 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. 9. Section 9A.106, subsections 2 and 3, Code 2019, are amended to read as follows:

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 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 any of the following:

a. 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.

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 registration as an athlete agent suspended, revoked, or denied in any state.

f. Been refused renewal of registration as an athlete agent in any state.

g. Engaged in conduct resulting in 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.

h. Engaged in conduct that adversely reflects on the applicant's credibility, honesty, or integrity.

3. In making a determination under subsection 2, the secretary of state shall consider all of the following:

a. How recently the conduct occurred.

b. The nature of the conduct and the context in which it occurred.

c. Other relevant conduct of the applicant.

Sec. 10. Section 9A.110, subsection 2, Code 2019, is amended to read as follows:

2. An agency contract shall contain all of 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.

b. The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the agent under the contract and any other consideration the

agent has received or will receive from any other source for entering into the contract or providing the services.

- c. The name of any person not listed in the agent's application for registration or renewal of registration which will be compensated because the athlete signed the contract.
- d. A description of any expenses the athlete agrees to reimburse.
- e. A description of the services to be provided to the athlete.
- f. The duration of the contract.
- g. The date of execution.

Sec. 11. Section 9A.113, subsection 1, Code 2019, is amended to read as follows:

1. An athlete agent shall create and retain for five years records of all of the following:
  - a. The name and address of each individual represented by the agent.
  - b. Each agency contract entered into by the agent.
  - c. The direct costs incurred by the agent in the recruitment or solicitation of each student athlete to enter into an agency contract.

Sec. 12. Section 16.134A, subsection 3, unnumbered paragraph 1, Code 2019, is amended to read as follows:

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:

Sec. 13. Section 16.154, subsection 1, unnumbered paragraph 1, Code 2019, is amended to read as follows:

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

Sec. 14. Section 16.154, subsection 3, Code 2019, is amended to read as follows:

3. ~~An~~ If an application by an eligible entity is approved, the eligible entity shall ~~may~~ 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. 15. Section 17A.4B, subsection 1, paragraph c, Code 2019, is amended by striking the paragraph.

Sec. 16. Section 24.27, Code 2019, is amended to read as follows:

**24.27 Protest to budget.**

1. Not later than March 25, or April 25 if the municipality is a school district, a number of persons in any municipality equal to one-fourth of one percent of those voting for the office of governor, at the last general election in the municipality, but the number shall not be less than ten, and the number need not be more than one hundred persons, who are affected by any proposed budget, expenditure or tax levy, or by any item thereof, may appeal from any decision of the certifying board or the levying board by filing with the county auditor of the county in which the municipal corporation is located, a written protest setting forth their objections to the budget, expenditure or tax levy, or to one or more items thereof, and the grounds for their objections. If a budget is certified after March 15, or April 15 in the case of a school district, all appeal time limits shall be extended to correspond to allowances for a timely filing.

2. Upon the filing of a protest, the county auditor shall immediately prepare a true and complete copy of the written protest, together with the budget, proposed tax levy or expenditure to which objections are made, and shall transmit them forthwith to the state board, and shall also send a copy of the protest to the certifying board or to the levying board, as the case may be.



Sec. 17. Section 26.2, subsection 3, Code 2019, is amended to read as follows:

3. a. “Public improvement” means a building or construction work ~~which~~ that is constructed under the control of a governmental entity and for which either of the following applies:

(1) Has been paid for in whole or in part with funds of the governmental entity.

(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 ~~excludes urban~~ all of the following:

(1) Urban renewal demolition and low-rent housing projects, ~~industrial~~.

(2) Industrial aid projects authorized under chapter 419, ~~emergency~~.

(3) Emergency work or repair or maintenance work performed by employees of a governmental entity, ~~and excludes a~~.

(4) A highway, bridge, or culvert project, ~~and excludes construction~~.

(5) 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. 18. Section 29A.12A, subsection 3, Code 2019, is amended to read as follows:

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~~ personally or individually liable for any action taken by them under this chapter.

Sec. 19. Section 29A.57, subsection 7, Code 2019, is amended to read as follows:

7. There is no liability to the state of Iowa under this section. Members of the armory board and of the state executive council shall not be held ~~to any personal or individual liability~~ personally or individually liable for any action taken by them under this chapter.

Sec. 20. Section 43.20, subsection 1, paragraphs a, b, and c, Code 2019, are amended to read as follows:

a. If for governor, or United States senator, by at least one percent of the voters of the candidate’s party, in each of at least ten counties of the state, and in the aggregate by not less than one-half of one percent of the total vote of the candidate’s party in the state, as shown by the last general election.

b. If for any other state office, by at least fifty signatures in each of at least ten counties of the state, and in the aggregate by not less than one thousand signatures.

c. If for a representative in Congress, in districts composed of more than one county, by at least two percent of the voters of the candidate’s party, as shown by the last general election, in each of at least one-half of the counties of the district, and in the aggregate by not less than one percent of the total vote of the candidate’s party in such district, as shown by the last general election. If for a representative in the general assembly, by not less than fifty voters of the representative district; and if for a senator in the general assembly, by not less than one hundred voters of the senatorial district.

Sec. 21. Section 44.9, subsection 3, Code 2019, is amended to read as follows:

3. In the office of the ~~proper~~ appropriate school board secretary, at least thirty-five days before the day of a regularly scheduled school election.

Sec. 22. Section 49.58, subsection 2, Code 2019, is amended to read as follows:

2. Each candidate for that office whose name appeared on the general election ballot shall also be a candidate for the office in the special election, except that the deceased candidate’s political party may designate another candidate in substantially the manner provided by section 43.78 for filling vacancies on the general election ballot. However, a political party which did not have a candidate on the general election ballot for the office in question may similarly designate a candidate for that office in the special election. The name of any replacement or additional candidate so designated shall be submitted in writing to the state commissioner, or the commissioner in the case of a candidate for county supervisor, not later

than 5:00 p.m. on the first Tuesday after the date of the general election. ~~No other candidate whose~~ The name of a candidate that did not appear on the general election ballot as a candidate for the office in question shall not be placed on the ballot for the special election, in any manner. The special election shall be held and canvassed in the manner prescribed by law for the general election.

Sec. 23. Section 49.102, Code 2019, is amended to read as follows:

**49.102 Defective ballots.**

~~Said defective ballots~~ Ballots containing a defect described in section 49.101 shall be counted for the candidate or candidates for such offices named in the nomination papers, certificate of nomination, or certified abstract.

Sec. 24. Section 49.103, Code 2019, is amended to read as follows:

**49.103 Wrong ballots.**

~~Said wrong ballots~~ Ballots containing an error described in section 49.101 shall be counted as cast for all candidates for whom the voter had the right to vote, and for whom the voter did vote.

Sec. 25. Section 53.26, Code 2019, is amended to read as follows:

**53.26 Rejected ballots — how handled.**

1. Every ballot not counted shall be endorsed on the back ~~thereof~~ with the following:  
~~“Rejected because (giving reason therefor)” therefor.~~

2. 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 signed by the precinct election officials regarding the precinct in which and the date of the election at which they were cast, and be signed by the precinct election officials and. The envelope shall be 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. 26. Section 59.5, Code 2019, is amended to read as follows:

**59.5 Statement and depositions — notice.**

The secretary shall deliver the ~~same~~ unopened papers described in section 59.4 to the presiding officer of the house in which the contest is to be tried, on or before the second day of the session, regular or special, of the general assembly next after taking the depositions, ~~and the~~. The presiding officer shall immediately give notice to that officer’s house that such papers are in the officer’s possession.

Sec. 27. Section 66.10, Code 2019, is amended to read as follows:

**66.10 Governor to direct filing.**

The governor shall direct the attorney general to file ~~such a~~ petition for removal against any ~~of said officers~~ public officer whenever the governor has reasonable grounds for such direction. The attorney general shall comply with such direction and prosecute ~~such the~~ action.

Sec. 28. Section 66.15, Code 2019, is amended to read as follows:

**66.15 Order by appointed judge.**

Upon the receipt of ~~such a~~ commission issued pursuant to section 66.14, said the judge shall immediately make an order fixing a time and place of hearing in the county in which the petition is filed. ~~Said time~~ The hearing date shall not be not less than ten days nor more than twenty days from the date of the order.

Sec. 29. Section 66.16, Code 2019, is amended to read as follows:

**66.16 Filing order — effect.**

~~Said~~ The order for hearing issued pursuant to section 66.15 shall be forwarded to the clerk of the district court of the county in which the hearing is to be had. Said The time and place for the hearing specified in the order shall supersede the time and place specified in any notice already served.

Sec. 30. Section 66.17, Code 2019, is amended to read as follows:

**66.17 Notice to accused.**

The clerk shall file said the order issued pursuant to section 66.15, and forthwith give the defendant, by mail, notice of the time and place of hearing.

Sec. 31. Section 66.30, Code 2019, is amended to read as follows:

**66.30 Ordinance.**

The council may, by ordinance, provide as to the manner of preferring and hearing ~~such~~ charges filed pursuant to section 66.29. ~~No A~~ person shall ~~not~~ be ~~twice~~ removed ~~twice~~ by the council from the same office for the same offense. Proceedings before the council shall not be a bar to proceedings in the district court as provided in this chapter ~~provided~~.

Sec. 32. Section 69.16, subsection 2, Code 2019, is amended to read as follows:

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 number of legislative members of the other political party who may be appointed by more than one.

Sec. 33. Section 76.2, subsection 1, paragraph b, Code 2019, is amended to read as follows:

b. If the resolution is filed prior to April 1, or May 1, if the political subdivision is a school district, the annual levy shall begin with the tax levy for collection commencing July 1 of that year. If the resolution is filed after April 1, or May 1, in the case of a school district, the annual levy shall begin with the tax levy for collection in the next succeeding fiscal year. However, the governing authority of a political subdivision may adjust a levy of taxes made under this section for the purpose of adjusting the annual levies and collections for property severed from the political subdivision, subject to the approval of the director of the department of management.

Sec. 34. Section 84A.2, subsection 12, paragraph b, Code 2019, is amended to read as follows:

b. "*Industry or sector partnership*" may include representatives of state or local government, state or local economic development agencies, 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.

Sec. 35. Section 85.37, subsection 1, Code 2019, is amended to read as follows:

1. If an employee receives a personal injury causing temporary total disability, or causing a permanent partial disability for which compensation is payable during a healing period, compensation for the temporary total disability or for the healing period shall be upon the basis provided in this section. The weekly benefit amount payable to any employee for any one week shall be upon the basis of eighty percent of the employee's weekly spendable earnings, but shall not exceed an amount, rounded to the nearest dollar, equal to sixty-six and two-thirds percent of the statewide average weekly wage paid employees as determined by the department of workforce development under section 96.19, subsection 36, and in effect at the time of the injury. However, as of ~~July 1, 1975; July 1, 1977; July 1, 1979; and July 1, 1981~~, the maximum weekly benefit amount rounded to the nearest dollar shall be increased so that it equals ~~one hundred percent, one hundred thirty-three and one-third percent, one hundred sixty-six and two-thirds percent, and two hundred percent, respectively~~, of the statewide average weekly wage as determined above in this section. Total weekly compensation for any employee shall not exceed eighty percent per week of the employee's weekly spendable earnings. The minimum weekly benefit amount shall be equal to the weekly benefit amount

of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage, or to the spendable weekly earnings of the employee, whichever are less.

Sec. 36. Section 85A.26, Code 2019, is amended to read as follows:

**85A.26 Insurance contracts.**

No policy of insurance in effect ~~at the time of the enactment of this chapter on October 1, 1947,~~ covering the liability of an employer under the workers' compensation law, shall be construed to cover the liability of such employer under this chapter for any occupational disease unless such liability is expressly accepted by the insurance carrier issuing such policy and is endorsed ~~thereon~~ on the policy. The insurance or security in force to cover compensation liability under this chapter shall be separate and distinct from the insurance or security under the workers' compensation law and any insurance contract covering liability under either this chapter or the workers' compensation law need not cover any liability under the other.

Sec. 37. Section 86.11, Code 2019, is amended to read as follows:

**86.11 Reports of injuries.**

Every employer shall hereafter keep a record of all injuries, fatal or otherwise, alleged by an employee to have been sustained in the course of the employee's employment and resulting in incapacity for a longer period than one day. If the injury results only in temporary disability, causing incapacity for a longer period than three days, then within four days thereafter, not counting Sundays and legal holidays, the employer or insurance carrier having had notice or knowledge of the occurrence of such injury and resulting disability shall file a report with the workers' compensation commissioner in the form and manner required by the commissioner. If such injury to the employee results in permanent total disability, permanent partial disability, or death, then the employer or insurance carrier, upon notice or knowledge of the occurrence of the employment injury, shall file a report with the workers' compensation commissioner within four days after having notice or knowledge of the permanent injury to the employee or the employee's death. The report to the workers' compensation commissioner of injury shall be without prejudice to the employer or insurance carrier and shall not be admitted in evidence or used in any trial or hearing before any court, the workers' compensation commissioner, or a deputy workers' compensation commissioner except as to the notice under section 85.23.

Sec. 38. Section 88.1, subsection 3, Code 2019, is amended to read as follows:

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

Sec. 39. Section 96.7, subsection 2, paragraph d, subparagraph (1), Code 2019, is amended to read as follows:

(1) The current reserve fund ratio is computed by dividing the total funds available for payment of benefits, on the computation date or on August 15 following the computation date if the total funds available for payment of benefits is a higher amount on August 15, by the total wages paid in covered employment excluding reimbursable employment wages during the first four calendar quarters of the five calendar quarters immediately preceding the computation date. However, in computing the current reserve fund ratio ~~the following amounts, beginning July 1, 2007, one hundred fifty million dollars shall be added to the total funds available for payment of benefits on the following computation dates:~~

~~(a) Twenty million dollars on July 1, 2004.~~

~~(b) Seventy million dollars on July 1, 2005.~~

~~(c) One hundred twenty million dollars on July 1, 2006.~~

~~(d) One hundred fifty million dollars on July 1, 2007, and on each subsequent computation date.~~

Sec. 40. Section 96.16, subsections 1 and 2, Code 2019, are amended to read as follows:

1. *Penalties.* An individual who makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this chapter, either for the individual or for any other individual, is guilty of a fraudulent practice as defined in sections 714.8 ~~to~~ through 714.14. The total amount of benefits or payments involved in the completion of or in the attempt to complete a fraudulent practice shall be used in determining the value involved under section 714.14.

2. *False statement.* Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining subject hereto, or to avoid or reduce any contribution or other payment required from an employing unit under this chapter, or who willfully fails or refuses to make any such contributions or other payment or to furnish any reports required hereunder or to produce or permit the inspection or copying of records as required hereunder, is guilty of a fraudulent practice as defined in sections 714.8 ~~to~~ through 714.14. The total amount of benefits, contributions, or payments involved in the completion of or in the attempt to complete a fraudulent practice shall be used in determining the value involved under section 714.14.

Sec. 41. Section 100.52, Code 2019, is amended to read as follows:

**100.52 Grounds for issuance.**

1. The judicial officer shall review the application and may take sworn testimony or receive affidavits to supplement ~~it~~ the application.

2. If the judicial officer is satisfied that there are legal grounds under the circumstances specified in the application and any supplementary testimony taken sufficient to justify the issuance of an inspection warrant, ~~it~~ an inspection warrant shall be issued.

Sec. 42. Section 123.38, subsection 1, Code 2019, is amended to read as follows:

1. A 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 the estate 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.

Sec. 43. Section 123.38, subsection 2, paragraph a, unnumbered paragraph 1, Code 2019, is amended to read as follows:

Any licensee or permittee, or the ~~licensee's or permittee's~~ executor or administrator of the estate of a licensee or permittee, 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:

Sec. 44. Section 123.91, unnumbered paragraph 1, Code 2019, is amended to read as follows:

Any ~~Unless otherwise provided by law, a 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 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 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 123.99, Code 2019, is amended to read as follows:

**123.99 False statements.**

~~If any~~ A person commits a simple misdemeanor if the person, for the purpose of procuring the shipment, transportation, or conveyance of any alcoholic liquor, wine, or beer within this state in violation of this chapter, shall make ~~does any of the following:~~

1. Makes 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.~~

2. Refuses 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.~~

3. Falsely labels, brands, or marks a box, barrel, or other vessel or package in order to conceal the fact that the same contains alcoholic liquor, wine, or beer; ~~or shall by.~~

4. By any device or concealment procure procures or attempt attempts 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.~~

Sec. 46. Section 123.107, subsection 2, Code 2019, is amended to read as follows:

2. ~~But proof~~ Proof of the violation by the accused of any provision of this chapter, the substance of which violation is briefly set forth, within the time mentioned in said the indictment or information, shall be sufficient to convict such person.

Sec. 47. Section 124.302, subsection 1, Code 2019, is amended to read as follows:

1. Every person who manufactures, distributes, ~~or dispenses,~~ or conducts research with any controlled substance in this state or who proposes to engage in the manufacture, distribution, or dispensing of or conducting research with any controlled substance within this state, shall obtain and maintain a registration issued by the board in accordance with its the board's rules.

Sec. 48. Section 124.308, subsection 1, Code 2019, is amended to read as follows:

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.~~ The prescription is ~~must be~~ authorized by a practitioner and ~~complies must comply~~ with this section, section 155A.27, applicable federal law and regulation, and rules of the board.

Sec. 49. Section 124.409, Code 2019, is amended to read as follows:

**124.409 Conditional discharge, commitment for treatment, and probation.**

Whenever the court finds that a person who is charged with a violation of section 124.401 and who consents thereto, or who has entered a plea of guilty to or been found guilty of a violation of that section, is addicted to, dependent upon, or a chronic abuser of any controlled substance and that such person will be aided by proper medical treatment and rehabilitative services, it may order that the person be committed as an in-patient or out-patient to a facility licensed by the Iowa department of public health for medical treatment and rehabilitative services. A person committed under this ~~subsection~~ section who is not possessed of sufficient income or estate to enable the person to make payment of the costs of such treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44. The determination of ability to pay shall be made by the court. The court shall require the patient, or the patient's parent, guardian, or custodian to complete under oath a detailed financial statement. The court may enter appropriate orders requiring the patient or those legally liable for the patient's support to reimburse the state with the costs, or any part thereof. In order to obtain the most effective results from such medical treatment and rehabilitative services, the court may commit the person to the custody of a public or private agency or any other responsible person and impose other conditions upon the commitment as is necessary to insure compliance with the court's order and to insure that the person will not, during the period of treatment and rehabilitation, again violate a provision of this chapter. If it is established thereafter to the satisfaction of the court that the person has again violated a provision of this chapter, the person may be returned to custody

or sentenced upon conviction as provided by law. The public or private agency or responsible person to whom the accused person was committed by the court shall immediately report to the court when the person has received maximum benefit from the program or has recovered from addiction, dependency, or tendency to chronically abuse any controlled substance. The person shall then be returned to the court for disposition of the case. If the person has been charged or indicted, but not convicted, such charge shall proceed to trial or final disposition. If the person has been convicted or is thereafter convicted, the court shall sentence the person as provided by law but may remit all or any part of the sentence and place the person on probation upon terms and conditions as the court may prescribe.

Sec. 50. Section 139A.18, Code 2019, 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 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~~ residence 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. 51. Section 139A.30, Code 2019, is amended to read as follows:

**139A.30 Confidential reports.**

1. Reports to the department which include the identity of persons infected with a sexually transmitted disease or infection, and all such related information, records, and reports concerning the person, shall be confidential and shall not be accessible to the public.

2. ~~However Notwithstanding subsection 1, such reports to the department and related reports, information, and records shall be confidential only to the extent necessary to prevent identification of persons named in such reports, information, and records; the. The other parts of such reports, information, and records shall be public records. The preceding sentence~~ This subsection shall prevail over any inconsistent provision of this subchapter.

Sec. 52. Section 154D.4, subsection 3, paragraph a, Code 2019, is amended to read as follows:

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, and the person does not represent that the person is a licensed behavior analyst or licensed assistant behavior analyst unless also licensed as one.~~

Sec. 53. Section 155A.27, subsection 1, Code 2019, is amended to read as follows:

1. Except when dispensed directly by a prescriber to an ultimate user, a prescription drug shall not be dispensed without a prescription, that is authorized by a prescriber, and based on a valid patient-prescriber relationship.

Sec. 54. Section 156.2, unnumbered paragraph 1, Code 2019, is amended to read as follows:

~~Section~~ The terms defined in section 156.1 shall not be construed to include the following classes of persons:

Sec. 55. Section 159A.14, subsection 5, paragraph b, subparagraph (1), Code 2019, is amended to read as follows:

(1) Upgrade or replace a dispenser which is part of gasoline storage and dispensing infrastructure used to store and dispense E-85 gasoline as provided in section 455G.31. The participating person is only eligible to be awarded the supplemental financial incentives if the person installed the dispenser not later than sixty days after ~~the date of the publication in the Iowa administrative bulletin of the state fire marshal's order providing that a commercially available dispenser is listed as compatible for use with E-85 gasoline by an independent testing laboratory as provided in section 455G.31 July 27, 2011.~~ The supplemental financial

incentives awarded to the participating person shall not exceed seventy-five percent of the actual cost of making the improvement or thirty thousand dollars, whichever is less.

Sec. 56. Section 166D.2, subsection 1, Code 2019, is amended by striking the subsection.

Sec. 57. Section 166D.3, Code 2019, is amended to read as follows:

**166D.3 State pseudorabies advisory committee.**

1. A state pseudorabies advisory committee is established. The committee shall consist of not more than seven members who shall be appointed by the Iowa pork producers association. At least four members of the committee must be actively engaged in swine production. The members shall serve staggered terms of two years, except that the initial ~~board~~ committee members shall serve unequal terms. A person appointed to fill a vacancy for a member shall serve only for the unexpired portion of the term. A member is eligible for reappointment for three successive terms. A majority of the ~~board~~ committee constitutes a quorum and an affirmative vote of the majority of members is necessary for substantive action taken by the ~~board~~ committee. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the ~~board~~ committee.

2. The advisory committee shall:

1. a. Inform and educate interested persons in the state, including persons involved in producing, processing, or marketing swine, regarding eradication activities under this chapter.

2. b. Review eradication activities under this chapter including the pseudorabies eradication programs. The committee shall make recommendations to the department and the inspection service and may consult with state officials regarding any matter relating to pseudorabies control and eradication, including departmental rules, other state or federal regulations, program areas, the use of vaccine, testing procedures, the progress of pseudorabies eradication programs, and state and federal program standards. The committee in cooperation with the department shall report to the governor and general assembly not later than January 15 the progress of pseudorabies eradication, including recommendations.

3. c. Maintain communication with other states and with the national pork producers council, the livestock conservation institute, and the inspection service.

Sec. 58. Section 206.7A, subsection 2, Code 2019, is amended to read as follows:

2. This section does not apply to ~~an operator~~ a commercial, public, or private applicator who is certified pursuant to this chapter.

Sec. 59. Section 206.22, subsection 2, Code 2019, 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", or section 206.7A, 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.

Sec. 60. Section 216.5, subsection 10, Code 2019, is amended to read as follows:

10. To adopt, publish, amend, and rescind ~~regulations~~ commission rules pursuant to chapter 17A consistent with and necessary for the enforcement of this chapter.

Sec. 61. Section 218.9, Code 2019, 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 of a superintendent shall be at the pleasure of the ~~appointing authority~~ administrator. The ~~appointing authority~~ administrator 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.

Sec. 62. Section 218.40, Code 2019, is amended to read as follows:

**218.40 Services required.**

Residents of ~~said~~ the institutions who are subject to the provisions ~~hereinafter provided, of this chapter~~ may be required to render any proper and reasonable service either in the institutions proper or in the industries established in connection ~~therewith~~ with the institutions.

Sec. 63. Section 218.56, Code 2019, is amended to read as follows:

**218.56 Purchase of supplies — vendor warrants.**

1. The administrators shall, from time to time, adopt and make of record, rules and regulations governing the purchase of all articles and supplies needed at the various institutions under their control, and the form and verification of vouchers for such purchases.

2. The department of human services shall mail vendor warrants for the department of corrections.

Sec. 64. Section 222.63, Code 2019, is amended to read as follows:

**222.63 Finding of residency — objection.**

A certification through the regional administrator for a county that a person's residency is in another county shall be sent to the regional administrator for the county of residence. The certification shall be accompanied by a copy of the evidence supporting the determination. The regional administrator for the county of residence shall submit the certification to the ~~regional administrator for the county~~ region's governing board and it shall be conclusively presumed that the patient has residency in that a county in the notified region unless ~~the~~ that regional administrator for that county disputes the determination of residency as provided in section 331.394.

Sec. 65. Section 226.41, Code 2019, is amended to read as follows:

**226.41 Charge permitted.**

The hospital is authorized to make a charge for ~~these~~ patients admitted under section 226.40, in the manner ~~now~~ provided by law and subject to the changes ~~hereinafter~~ provided in section 226.42.

Sec. 66. Section 229A.8, subsection 5, paragraph e, subparagraph (2), subparagraph division (b), Code 2019, is amended to read as follows:

(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 the requirement by filing a demand that the final hearing be held within sixty days from the date of the filing of the demand with the clerk of court.

Sec. 67. Section 230.25, subsection 1, Code 2019, 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, 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 ~~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. 68. Section 231.64, subsection 1, paragraph b, Code 2019, is amended to read as follows:

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 living and community support services designed to meet their specific needs and circumstances. The plan for long-term 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.

Sec. 69. Section 232.127, subsection 5, Code 2019, is amended to read as follows:

5. The court may adjudicate the family to be a family in need of assistance and enter an appropriate dispositional order if the court finds all of the following:

a. There has been a breakdown in the relationship between the child and the child's parent, guardian, or custodian; and.

b. The child or the child's parent, guardian, or custodian has sought services from public or private agencies to maintain and improve the familial relationship; and.

c. The court has at its disposal services for this purpose which can be made available to the family.

Sec. 70. Section 232.150, subsection 3, Code 2019, is amended to read as follows:

3. Notice and copies of a sealing order shall be sent to each agency or person having custody or the records named ~~therein~~ in the sealing order.

Sec. 71. Section 233.2, subsections 3 and 6, Code 2019, are amended to read as follows:

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 or first responder 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 or first responder may provide testimony at the hearing.

Sec. 72. Section 233.6, subsection 1, Code 2019, is amended to read as follows:

1. An information card or other publication for distribution by an institutional health facility or a first responder to a parent who releases custody of a newborn infant in accordance with this chapter. The publication shall inform the parent of a parent's rights under section 233.4, explain the request for medical history information under section 233.2, subsection 2, and provide other information deemed pertinent by the departments.

Sec. 73. Section 237A.5, subsection 2, paragraph i, subparagraph (1), subparagraph division (c), unnumbered paragraph 1, Code 2019, is amended to read as follows:

~~If the~~ The person has committed any of the following felony-level offenses:

Sec. 74. Section 260C.22, subsection 1, paragraphs b, d, and e, Code 2019, are amended to read as follows:

b. In order to make immediately available to the merged area the proceeds of the voted tax authorized to be levied under this section, the board of directors of any such merged area is hereby authorized, without the necessity for any further election, to borrow money and enter into loan agreements in anticipation of the collection of such tax, and such board shall, by resolution, provide for the levy of an annual tax, within the limits of the special voted tax authorized under this section, sufficient to pay the amount of any such loan and the interest thereon to maturity as the same becomes due. A certified copy of this resolution shall be filed with the county auditors of the counties in which such merged area is located, and the filing thereof shall make it a duty of such auditors to enter annually this levy for collection until funds are realized to repay the loan and interest thereon in full. Said loan shall bear interest at a rate or rates not exceeding that permitted by chapter 74A. Any loan agreement entered into pursuant to authority ~~herein~~ contained in this section shall be in such form as the board of directors shall by resolution provide and the loan shall be payable as to both principal and interest from the proceeds of the annual levy of the voted tax authorized under this section, or so much thereof as will be sufficient to pay the loan and interest thereon. In furtherance of the foregoing the board of directors of such merged area may, with or without notice, negotiate and enter into a loan agreement or agreements with any bank, investment banker, trust company, insurance company or group thereof, whereunder the borrowing of the necessary funds may be assured and consummated. The proceeds of such loan shall be deposited in a special fund, to be kept separate and apart from all other funds of the merged area, and shall be paid out upon warrants drawn by the president and secretary of the board of directors to pay the cost of acquiring the school facilities for which the tax was authorized.

d. Nothing ~~herein~~ contained in this section shall be construed to limit the authority of the board of directors to levy the full amount of the voted tax, but if and to whatever extent said tax is levied in any year in excess of the amount of principal and interest falling due in such year under any loan agreement, the first available proceeds thereof, to an amount sufficient to meet maturing installments of principal and interest under the loan agreement, shall be paid into the sinking fund for such loan before any of such taxes are otherwise made available to the merged area for other school purposes, and the amount required to be annually set aside to pay the principal of and interest on the money borrowed under such loan agreement shall constitute a first charge upon all of the proceeds of such annual special voted tax, which tax shall be pledged to pay said loan and the interest thereon.

e. This 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 the authority herein contained in this section 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. 75. Section 262.57, subsection 1, Code 2019, is amended to read as follows:

1. To pay all or any part of the cost of carrying out any project at any institution the board is authorized to borrow money and to issue and sell negotiable bonds or notes and to refund and refinance bonds or notes ~~heretofore issued or as may be hereafter~~ issued for any project or for refunding purposes at a lower rate, the same rate, or a higher rate or rates of interest and from time to time as often as the board shall find it to be advisable and necessary so to do. Such bonds or notes may be sold by ~~said the~~ board at public sale in the manner prescribed by chapter 75, but if the board ~~shall find~~ finds it to be advantageous and in the public interest to do so, such bonds or notes may be sold by the board at private sale without published notice of any kind and without regard to the requirements of chapter 75 in such manner and upon such

terms as may be prescribed by the resolution authorizing the same. Bonds or notes issued to refund other bonds or notes ~~heretofore or hereafter~~ issued by the board for residence hall or dormitory purposes at any institution, including dining or other facilities and additions, or ~~heretofore or hereafter~~ issued for refunding purposes, may either be sold in the manner ~~hereinbefore~~ specified in this subchapter and the proceeds thereof applied to the payment of the obligations being refunded, or the refunding bonds or notes may be exchanged for and in payment and discharge of the obligations being refunded, and a finding by the board in the resolution authorizing the issuance of such refunding bonds or notes that the bonds or notes being refunded were issued for a purpose specified in this subchapter and constitute binding obligations of the board shall be conclusive and may be relied upon by any holder of any refunding bond or note issued under the provisions of this subchapter. The refunding bonds or notes may be sold or exchanged in installments at different times or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds or notes may be exchanged in part or sold in parts in installments at different times or at one time. The refunding bonds or notes may be sold or exchanged at any time on, before, or after the maturity of any of the outstanding notes, bonds, or other obligations to be refinanced thereby and may be issued for the purpose of refunding a like or greater principal amount of bonds or notes, except that the principal amount of the refunding bonds or notes may exceed the principal amount of the bonds or notes to be refunded to the extent necessary to pay any premium due on the call of the bonds or notes to be refunded or to fund interest in arrears or about to become due.

Sec. 76. Section 262.66, Code 2019, is amended to read as follows:

**262.66 Prior action legalized.**

All rights ~~heretofore~~ acquired prior to April 29, 1963, in connection with the financing of any project at any institution are hereby preserved and all acts and proceedings taken by the board preliminary to and in connection with the authorization and issuance of any previously notes or other obligations for any project issued and outstanding ~~notes or other obligations for any project~~ prior to April 29, 1963, are hereby legalized, validated and confirmed and said notes or obligations are hereby declared to be legal and to constitute valid and binding obligations of the board according to their terms and payable solely and only from the sources referred to ~~therein~~ in the notes or obligations.

Sec. 77. Section 266.46, Code 2019, is amended to read as follows:

**266.46 Information reporting.**

1. In accordance with section 266.42, Iowa state university of science and technology is the custodian of all information including but not limited to reports and records obtained, submitted, and maintained in connection with the research projects conducted on the site of a livestock operation as provided in this subchapter, and all information submitted by or gathered from or deduced from a livestock producer or livestock operation pursuant to a livestock odor mitigation evaluation under section 266.49 or section 459.303, subsection 3. The public shall have a right to examine and copy the information as provided in chapter 22, subject to the exceptions of section 22.7. ~~In addition,~~

2. Notwithstanding subsection 1, the university or an agent or employee of the university shall not release the name or location, or any other information sufficient to identify the name or location of any livestock producer or livestock operation participating in a research project or participating in a livestock odor mitigation evaluation pursuant to section 266.49 or section 459.303, subsection 3, and such information shall not be subject to release pursuant to subpoena or discovery in any civil proceeding, unless such confidentiality is waived in writing by the livestock producer. In addition, the university or an employee or agent of the university shall release no other information submitted by or gathered from or deduced from a livestock producer or livestock operation pursuant to a livestock odor mitigation evaluation under section 266.49 or section 459.303, subsection 3, unless such information is used in a research project, which in turn shall not occur without the written consent of the livestock producer.

3. Any information provided by, gathered from, or deduced from a livestock producer or livestock operation in connection with a research project or odor mitigation evaluation that

is in the possession of the livestock producer or livestock operation shall not be subject to subpoena or discovery in any civil action against the producer.

Sec. 78. Section 273.8, subsection 8, paragraph b, Code 2019, is amended to read as follows:

b. Where feasible, boundary lines of director districts shall coincide with the boundary lines of school districts and the boundary lines of election precincts established pursuant to sections 49.3 ~~to~~ through 49.6.

Sec. 79. Section 274.44, Code 2019, is amended to read as follows:

**274.44 Determination final.**

The determination of the director of the department of education in ~~such matters~~ sections 274.42 and 274.43 shall be final.

Sec. 80. Section 274.45, Code 2019, is amended to read as follows:

**274.45 Expense audited and paid.**

The expense of the director of the department of education in respect to the carrying out of the provisions of sections 274.42 ~~to~~ through 274.44, shall be paid from funds appropriated to the department of education.

Sec. 81. Section 275.9, subsection 2, Code 2019, is amended to read as follows:

2. The provisions of sections 275.1 ~~to~~ through 275.5, relating to studies, surveys, hearings and adoption of plans shall constitute a mandatory prerequisite to the effectuation of any proposal for district boundary change. It shall be the mandatory duty of the area education agency board to dismiss the petition if the above provisions are not complied with fully.

Sec. 82. Section 279.36, subsection 2, Code 2019, is amended to read as follows:

2. 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~~ section 618.11.

Sec. 83. Section 297.31, Code 2019, is amended to read as follows:

**297.31 Improvements.**

If there are improvements on ~~said a school site~~, the same improvements may at the request of either party be appraised and sold separately.

Sec. 84. Section 303.34, unnumbered paragraph 1, Code 2019, is amended to read as follows:

The provisions of sections 303.20 ~~to~~ through 303.33 do not apply within the limits of a city. However, in order for a city to designate an area which is deemed to merit preservation as an area of historical significance, the following shall apply:

Sec. 85. Section 306.42, subsection 6, Code 2019, is amended to read as follows:

6. Notwithstanding any other provision of the Code, for transfers of roads and streets made after May 1, 1987, neither the transferring jurisdiction or the receiving jurisdiction shall be held liable for any claim or damage for any act or omission relating to the design, construction, or maintenance of the road or street that occurred prior to the effective date of the transfer. This ~~paragraph~~ subsection shall apply to all transfers pursuant to this chapter or section 313.2.

Sec. 86. Section 308A.2, Code 2019, is amended to read as follows:

**308A.2 Funds.**

The department of natural resources may accept in the name of the state funds contributed by ~~such the groups;~~ specified in section 308A.1 and ~~such the~~ the funds shall be used exclusively in the establishment of bikeways as ~~herein provided in this chapter~~. Additional funds as may be necessary in purchasing signs and otherwise carrying out the provisions of this chapter may be expended by the department of natural resources if authorized by the general assembly pursuant to appropriations for such purposes; ~~and the~~. The department shall be

authorized to accept and expend federal funds made available for the purposes of aiding in the implementation of this chapter.

Sec. 87. Section 312.3, subsection 2, paragraph c, Code 2019, is amended by striking the paragraph.

Sec. 88. Section 313.4, subsection 6, Code 2019, is amended by striking the subsection.

Sec. 89. Section 317.9, Code 2019, is amended to read as follows:

**317.9 Duty of board to enforce.**

~~The~~ Unless otherwise provided, responsibility for the enforcement of the provisions of this chapter shall be vested in the board of supervisors as to all ~~farm~~ of the following:

1. Farm lands, railroad.
2. Railroad lands, abandoned.
3. Abandoned cemeteries, state.
4. State lands and state parks, primary.
5. Primary and secondary roads, roads.
6. Roads, streets, and other lands within cities unless otherwise provided.

Sec. 90. Section 321.1, subsection 11, paragraph f, subparagraphs (1) and (2), Code 2019, are amended to read as follows:

(1) The combination of vehicles has a gross combination weight rating or combined gross ~~combination~~ weight, whichever is greater, of twenty-six thousand one or more pounds, including a towed vehicle or vehicles having a gross vehicle weight rating or gross ~~vehiele~~ weight, whichever is greater, of ten thousand one or more pounds.

(2) The motor vehicle has a gross vehicle weight rating or gross ~~vehiele~~ weight, whichever is greater, of twenty-six thousand one or more pounds.

Sec. 91. Section 321.228, subsection 2, Code 2019, is amended to read as follows:

2. The provisions of sections 321.261 ~~to through~~ 321.273, and sections 321.277 and 321.280 shall apply upon highways and elsewhere throughout the state.

Sec. 92. Section 321.277, Code 2019, is amended to read as follows:

**321.277 Reckless driving.**

1. Any A person who drives any vehicle in such manner as to indicate either a willful or a wanton disregard for the safety of persons or property is guilty of reckless driving.

2. Every A person who is convicted of reckless driving shall be guilty of a simple misdemeanor.

Sec. 93. Section 321.319, Code 2019, is amended to read as follows:

**321.319 Entering intersections from different highways.**

1. When two vehicles enter an intersection from different highways or public streets at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

2. The ~~foregoing~~ rule contained in subsection 1 is modified at through highways and as otherwise as hereinafter stated in this chapter.

Sec. 94. Section 321.325, Code 2019, is amended to read as follows:

**321.325 Pedestrians subject to signals.**

Pedestrians shall be subject to traffic-control signals at intersections as ~~heretofore declared provided~~ in this chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in sections 321.327 ~~to through~~ 321.331.

Sec. 95. Section 321.334, Code 2019, is amended to read as follows:

**321.334 Penalties.**

Any A person ~~who~~ shall ~~carry~~ be fined not less than one dollar nor more than one hundred dollars for each offense, if the person does any of the following:

1. Carries a cane or walking stick such as is prescribed in section 321.332, but contrary to the provisions hereof, or who shall fail of this chapter.

2. Fails to heed the approach of a person lawfully so carrying a cane or walking stick that is white in color or white tipped with red, or who is being led by a guide dog, or who shall fail.

3. Fails to immediately come to a complete stop, and take such precautions against accident or injury to such a person, ~~shall be fined not less than one dollar nor more than one hundred dollars for each offense~~ described in subsection 2.

Sec. 96. Section 321.347, Code 2019, is amended to read as follows:

**321.347 Exceptions.**

~~Provided that Notwithstanding section 321.345,~~ at intersections of ~~such~~ through highways with boulevards or heavy traffic streets in cities, the city council, subject to the approval of the department, may determine that the through highway traffic shall come to a stop, ~~or~~ may erect traffic-control signals, or may adopt such other means of handling the traffic as may be deemed practical and proper.

Sec. 97. Section 321.384, Code 2019, is amended to read as follows:

**321.384 When lighted lamps required.**

1. Every motor vehicle upon a highway within the state, at any time from sunset to sunrise, and at such other times when conditions such as fog, snow, sleet, or rain provide insufficient lighting to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead, shall display lighted headlamps as provided in section 321.415, subject to exceptions with respect to parked vehicles as ~~hereinafter stated~~ provided in this chapter.

2. Whenever a requirement is ~~hereinafter declared~~ established in this chapter as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, ~~said provisions~~ that requirement shall apply during the times stated in subsection 1 of this section upon a straight level unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

Sec. 98. Section 322.20, Code 2019, is amended to read as follows:

**322.20 Extension of time.**

Sections 537.2503 and 537.3402 notwithstanding, if the holder of a retail installment contract in connection with the purchase or sale of a vehicle, at the request of the buyer, renews the loan or extends the scheduled due date of all or any part of an installment or installments, the holder may restate the amount of installments and the time schedule for paying installments and collect for installments, subject to the renewal or extension, a finance charge on the outstanding declining balance of the amount financed for the period of the extension or renewal. The finance charge on a renewal or extension under this ~~subsection~~ section shall not exceed the rate on the original retail installment contract as limited by section 322.19.

Sec. 99. Section 322G.7, unnumbered paragraph 1, Code 2019, is amended to read as follows:

To facilitate uniform application, interpretation, and enforcement of this section and section 322G.6, and in implementing rules adopted pursuant to section 322G.14, the attorney general may cooperate with agencies that perform similar functions in any other states that enact these or similar sections. The cooperation authorized by this ~~subsection~~ section may include any of the following:

Sec. 100. Section 325A.13, subsections 3 and 6, Code 2019, are amended to read as follows:

3. 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 an area governed by 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.

6. A person operating a motor vehicle in a car pool or van pool is exempt from the ~~requirement~~ requirements of this chapter.

Sec. 101. Section 327F.31, Code 2019, is amended to read as follows:

**327F.31 Political subdivision ordinances.**

An ordinance or resolution adopted by a political subdivision of this state which relates to the speed of a train in an area within the jurisdiction of the political subdivision is subject to approval by the state department of transportation. Any speed ordinance or resolution adopted by a political subdivision of the state prior to July 1, 1988, which has not been approved by the department shall be referred to the department by the political subdivision and shall be in full force and effect upon approval of the ordinance or resolution by the department. This ~~subsection~~ section does not abrogate, modify, or alter any historical or contractual agreement between a political subdivision of the state and a railroad corporation in existence on July 1, 1975.

Sec. 102. Section 329.12, subsection 1, Code 2019, is amended to read as follows:

1. The governing body of any municipality seeking to exercise powers under this chapter shall by ordinance provide for the appointment of a board of adjustment, as provided in section 414.7 for a city, or as provided in section 335.10 for a county. The board of adjustment has the same powers and duties, and its procedure and appeals are subject to the same provisions as established in sections 414.9 ~~to 414.19~~ through 414.18 for a city, or sections 335.12 ~~to~~ through 335.21 for a county.

Sec. 103. Section 331.238, subsection 2, paragraph a, subparagraph (7), Code 2019, is amended to read as follows:

(7) The organization of county departments, agencies, or boards. The organization plan may provide for the abolition or consolidation of a board or a commission and the assumption of its powers and duties by the board of supervisors or another officer. ~~This paragraph does not apply to the board of trustees of a county hospital.~~

Sec. 104. Section 331.362, subsection 6, Code 2019, is amended to read as follows:

6. The board shall provide for the control or eradication of noxious weeds in accordance with chapter 317.

Sec. 105. Section 331.437, Code 2019, is amended to read as follows:

**331.437 Expenditures exceeding appropriations.**

1. It is unlawful for a county official, the expenditures of whose office come under this part, to authorize the expenditure of a sum for the official's department larger than the amount which has been appropriated for that department by the board.

2. A county official in charge of a department or office who violates this ~~law~~ section is guilty of a simple misdemeanor. The penalty in this section is in addition to the liability imposed in section 331.476.

Sec. 106. Section 349.16, Code 2019, is amended to read as follows:

**349.16 What published.**

There shall be published in each of ~~said~~ the official newspapers at the expense of the county during the ensuing year:

1. The proceedings of the board of supervisors, as furnished by the county auditor, excluding from the publication of ~~said those~~ proceedings, ~~its~~ the 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; and witness fees of witnesses before the grand jury and in the district court in criminal cases.

2. The schedule of bills allowed by ~~said~~ the board of supervisors.

3. The reports of the county treasurer, including a schedule of the receipts and expenditures of the county and the current cash balance in each fund in the treasurer's office together with



the total of warrants outstanding against each of the funds as shown by the warrant register in the auditor's office. A listing of warrants outstanding is not required if the county issues checks in lieu of warrants, and there are no remaining outstanding warrants issued by the county.

4. A synopsis of the expenditures of township trustees for road purposes as provided by law.

Sec. 107. Section 351.29, Code 2019, is amended to read as follows:

**351.29 Construction clause.**

A holding that one or more sections ~~hereof~~ of this chapter are unconstitutional shall not be held to invalidate the remaining sections.

Sec. 108. Section 355.19, Code 2019, is amended to read as follows:

**355.19 Application of terms.**

The use of the term "Iowa plane coordinate system north zone" or "Iowa plane coordinate system south zone" on a map, report of survey, or other document shall be limited to coordinates based on the Iowa plane coordinate system as defined in this ~~chapter~~ subchapter.

Sec. 109. Section 357.33, Code 2019, is amended to read as follows:

**357.33 Appeal procedure.**

Any person aggrieved, may appeal from any final action of the board of supervisors in relation to any matter involving the person's rights, to the district court of the county in which the district is located. The procedure in such appeals shall be governed by the provisions of sections 468.84 to 468.99 ~~through~~ 468.98 provided that whenever in the above sections the words "drainage district" occur, the words "benefited water district" shall be substituted.

Sec. 110. Section 358.3, Code 2019, is amended to read as follows:

**358.3 Jurisdiction — decisions — records.**

The board of supervisors of the county in which the proposed sanitary district, or the major portion ~~thereof~~ of the proposed sanitary district, is located shall have jurisdiction of the proceedings on ~~said~~ the petition as herein provided in this chapter, and the decision of a majority of the members of ~~said~~ the board shall be necessary for adoption. All orders of the board made ~~hereunder~~ under this chapter shall be spread at length upon the records of the proceedings of the board of supervisors, but need not be published under section 349.16.

Sec. 111. Section 358.15, Code 2019, is amended to read as follows:

**358.15 Personal interest in contracts.**

~~No~~ A trustee of such district shall not be directly or indirectly interested in any contract, work, or business of the district, or in the sale of any article the expense, price, or consideration of which is paid by such district; nor in the purchase of any real estate or other property belonging to the district, or which ~~shall is~~ is to be sold for taxes or assessments, or by virtue of legal process at the suit of ~~said the~~ said district; ~~provided, that nothing herein.~~ However, this section shall not be construed as prohibiting the selection of any person as trustee because of the person's ownership of real estate in the district or because the person is a taxpayer in the district.

Sec. 112. Section 359.12, Code 2019, is amended to read as follows:

**359.12 Order for election.**

The county commissioner of elections shall issue an order for ~~such the~~ the first election, stating the time and place of the ~~same~~ election, the officers to be elected, and any other business to be transacted; ~~and no business.~~ Business not named in ~~such the~~ the order shall not be transacted at ~~such the~~ the election.

Sec. 113. Section 372.1, subsection 3, Code 2019, is amended to read as follows:

3. ~~Within thirty days of the date that this section becomes effective, a~~ A city shall adopt by ordinance a charter embodying its existing form of government, which must be one of the forms provided in this subchapter, and shall file a copy of its charter with the secretary of state, and maintain copies available for public inspection.

Sec. 114. Section 388.7, Code 2019, is amended to read as follows:

**388.7 Prior utility board.**

1. A utility board functioning on ~~the effective date of the city code July 1, 1975,~~ shall continue to function until discontinued as provided in this chapter, and has all the powers granted in this chapter.

2. Nothing in the city code shall be construed to allow the abrogation of any franchise.

Sec. 115. Section 390.5, Code 2019, is amended to read as follows:

**390.5 Financing.**

A city may finance its share of the cost of a joint facility by the use of any method of financing available for city utilities under the statutes of this state, for the financing of electric generation or transmission facilities to be owned by a city in their entirety, including but not limited to the provisions of chapters 397 and 407, Code 1973, and sections 384.23 ~~to through~~ 384.36 and sections 384.80 ~~to through~~ 384.94 as applicable. Revenues derived by a city utility from its share of ownership or operation of a joint facility shall be deemed to be revenues of the city utility for all purposes including the issuance and payment of bonds secured by or payable from the revenues of a city utility. A joint agreement shall be deemed payable from revenues or revenue bonds of a city utility in the absence of provision to the contrary or a referendum approving the issuance of general obligation bonds.

Sec. 116. Section 400.11, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. The commission, within one hundred eighty days after the beginning of each competitive examination for original appointment, shall certify to the city council a list of the names of forty persons, or a lesser number as determined by the commission, who qualify with the highest standing as a result of each examination for the position they seek to fill, or the number which have qualified if less than forty, in the order of their standing, and all newly created offices or other vacancies in positions under civil service which occur before the beginning of the next examination for the positions shall be filled from the lists, or from the preferred list existing as if provided for in case of diminution of employees, within thirty days. If a tie occurs in the examination scores which would qualify persons for the last position on the list, the list of the names of the persons who qualify with the highest standing as a result of each examination shall include all persons who qualify for the last position. Preference for temporary service in civil service positions shall be given those on the lists. However, the commission may certify a list of names eligible for appointment subject to successfully completing a medical examination. The medical examination shall be provided pursuant to commission rules adopted under section 400.8.

Sec. 117. Section 400.11, subsection 2, paragraph a, Code 2019, is amended to read as follows:

a. The commission, within ninety days after the beginning of each competitive examination for promotion, shall certify to the city council a list of names of the ten persons who qualify with the highest standing as a result of each examination for the position the persons seek to fill, or the number which have qualified if less than ten, in the order of their standing and all newly created offices or other vacancies in positions under civil service which occur before the beginning of the next examination for the positions shall be filled from the lists, or from the preferred list existing as if provided for in the case of diminution of employees, within thirty days. If a tie occurs in the examination scores which would qualify persons for the tenth position on the list, the list of names of the persons who qualify with the highest standing as a result of each examination shall include all persons who qualify for the tenth position.

Sec. 118. Section 414.7, Code 2019, is amended to read as follows:

**414.7 Board of adjustment — review by council.**

1. The council shall provide for the appointment of a board of adjustment ~~and in.~~ In the regulations and restrictions adopted pursuant to the authority of this chapter, the council shall provide that the ~~said~~ board of adjustment may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of the ordinances in harmony with its general purpose and intent and in accordance with general or specific rules ~~therein~~

contained in the ordinance and provide that any property owner aggrieved by the action of the council in the adoption of such regulations and restrictions may petition the said board of adjustment direct to modify regulations and restrictions as applied to such property owners.

2. The council may provide for its review of variances granted by the board of adjustment by the council before their the effective date of the variances. The council may remand a decision to grant a variance to the board of adjustment for further study. The effective date of the variance is delayed for thirty days from the date of the remand.

Sec. 119. Section 414.18, Code 2019, is amended to read as follows:

**414.18 Trial — judgment — costs.**

1. If upon the hearing, which shall be tried de novo, it shall appear to the court that testimony is necessary for the proper disposition of the matter, ~~it the court~~ may take evidence or appoint a referee to take such evidence as it may direct ~~and. The referee shall report the same evidence~~ to the court with the referee's findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

2. Costs shall not be allowed against the board, unless it shall appear to the court that ~~it the board~~ acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Sec. 120. Section 420.286, Code 2019, is amended to read as follows:

**420.286 Procedure.**

On the presentation of a petition signed by one-fourth of the electors, as shown by the vote at the next preceding city election, of any city acting under a special charter or act of incorporation, to the governing body ~~thereof of the city~~, asking that the question of the amendment of ~~such the~~ special charter or act of incorporation be submitted to the electors of such city, ~~such the~~ governing body shall immediately propose sections ~~amendatory of said to amend the~~ charter or act of incorporation, and shall submit the ~~same amendment~~, as requested, at the first ensuing city election. At least ten days before ~~such the~~ election, the mayor of ~~such the~~ city shall issue a proclamation setting forth the nature and character of ~~such the~~ amendment, and shall cause ~~such the~~ proclamation to be published in a newspaper published ~~therein in the city~~, or, if there be none, the mayor shall cause the ~~same amendment~~ to be posted in five public places in ~~such the~~ city. On the day specified, the proposition to adopt the amendment shall be submitted to the electors ~~thereof of the city~~ for adoption or rejection, in the manner provided by the general election laws.

Sec. 121. Section 420.288, Code 2019, is amended to read as follows:

**420.288 Submission at special election.**

The legislative body of ~~said the~~ city may submit any amendment to the vote of the people ~~as aforesaid~~ at any special election, provided one-half of the electors ~~as aforesaid~~ petition for that purpose, and the proceedings shall be the same as at the general election.

Sec. 122. Section 421B.4, Code 2019, is amended to read as follows:

**421B.4 Combination sales.**

In all offers for sale or sales involving cigarettes and any other item at a combined price, and in all offers for sale, or sales, involving the giving of any gift or concession of any kind ~~whatsoever (whether whatsoever, whether it be coupons or otherwise) otherwise~~, the wholesaler's or retailer's combined selling price shall not be below the cost to the wholesaler or the cost to the retailer, respectively, of the total of all articles, products, commodities, gifts and concessions included in such ~~transactions; transactions~~. If any such articles, products, commodities, gifts, or concessions, ~~shall are not be~~ cigarettes, the basic cost thereof shall be determined in ~~like the same~~ manner as provided in section 421B.2, subsection 8.

Sec. 123. Section 422.33, subsection 5, paragraph f, subparagraph (1), Code 2019, is amended to read as follows:

(1) For purposes of this ~~section subsection~~, "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. 124. Section 423.2A, subsection 2, paragraph g, Code 2019, is amended to read as follows:

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 (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 (4), whichever is earliest.

Sec. 125. Section 423.3, subsection 46, Code 2019, is amended to read as follows:

46. The sales price from sales or rentals to a printer or publisher of the following: acetate; anti-halation backing; antistatic spray; back lining; base material used as a carrier for light sensitive emulsions; blankets; blow-ups; bronze powder; carbon tissue; codas; color filters; color separations; contacts; continuous tone separations; creative art; custom dies and die cutting materials; dampener sleeves; dampening solution; design and styling; diazo coating; dot etching; dot etching solutions; drawings; drawsheets; driers; duplicate films or prints; electronically digitized images; electrotypes; end product of image modulation; engravings; etch solutions; film; finished art or final art; fix; fixative spray; flats; flying pasters; foils; goldenrod paper; gum; halftones; illustrations; ink; ink paste; keylines; lacquer; lasering images; layouts; lettering; line negatives and positives; linotypes; lithographic offset plates; magnesium and zinc etchings; masking paper; masks; masters; mats; mat service; metal toner; models and modeling; mylar; negatives; nonoffset spray; opaque film process paper; opaquing; padding compound; paper stock; photographic materials: acids, plastic film, desensitizer emulsion, exposure chemicals, fix, developers, and paper; photography, day rate; photopolymer coating; photographs; photostats; photo-display tape; phototypesetter materials; ~~ph-indicator~~ pH-indicator sticks; positives; press pack; printing cylinders; printing plates, all types; process lettering; proof paper; proofs and proof processes, all types; pumice powder; purchased author alterations; purchased composition; purchased phototypesetting; purchased stripping and pasteups; red litho tape; reducers; roller covering; screen tints; sketches; stepped plates; stereotypes; strip types; substrate; tints; tissue overlays; toners; transparencies; tympan; typesetting; typography; varnishes; veloxes; wood mounts; and any other items used in a like capacity to any of the above enumerated items by the printer or publisher to complete a finished product for sale at retail. Expendable tools and supplies which are not enumerated in this subsection are excluded from the exemption. “Printer” means that portion of a person’s business engaged in printing that completes a finished product for ultimate sale at retail or means that portion of a person’s business used to complete a finished printed packaging material used to package a product for ultimate sale at retail. “Printer” does not mean an in-house printer who prints or copyrights its own materials.

Sec. 126. Section 423.34, Code 2019, 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 tangible personal property, specified digital products, 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. 127. Section 427.1, subsection 13, Code 2019, is amended to read as follows:

13. *Public airports.* Any lands, the use of which ~~(without, without~~ charge by or compensation to the holder of the legal title ~~thereto)~~ to the lands, has been granted to and accepted by the state or any political subdivision thereof for airport or aircraft landing area purposes.

Sec. 128. Section 427.9, Code 2019, is amended to read as follows:

**427.9 Suspension of taxes, assessments, and rates or charges, including interest, fees, and costs.**

If a person is a recipient of federal supplementary security income or state supplementary assistance, as defined in section 249.1, or is a resident of a health care facility, as defined by section 135C.1, which is receiving payment from the department of human services for the person's care, the person shall be deemed to be unable to contribute to the public revenue. The director of human services shall notify a person receiving such assistance of the tax suspension provision and shall provide the person with evidence to present to the appropriate county board of supervisors which shows the person's eligibility for tax suspension on parcels owned, possessed, or upon which the person is paying taxes as a purchaser under contract. The board of supervisors so notified, without the filing of a petition and statement as specified in section 427.8, shall order the county treasurer to suspend the collection of all the taxes, special assessments, and rates or charges, including interest, fees, and costs, assessed against the parcels and remaining unpaid by the person or contractually payable by the person, for such time as the person remains the owner or contractually prospective owner of the parcels, and during the period the person receives assistance as described in this section. The county board of supervisors shall annually send to the department of human services the names and social security numbers of persons receiving a tax suspension pursuant to this section. The department shall verify the continued eligibility for tax suspension of each name on the list and shall return the list to the board of supervisors. The director of human services shall advise the person that the person may apply for an additional property tax credit pursuant to sections 425.16 ~~to 425.39~~ through 425.37 which shall be credited against the amount of the taxes suspended.

Sec. 129. Section 428.35, subsections 2 and 3, Code 2019, are amended to read as follows:

2. *Tax imposed.* An annual excise tax is hereby levied on such handling of grain in the amount ~~hereinafter~~ provided in this section. All grain so handled shall be exempt from all taxation as property under the laws of this state. The amount of such excise tax shall be a sum equal to one-fourth mill per bushel upon all grain as ~~herein~~ defined in this section that is so handled.

3. *Statement filing form.* Every person engaged in handling grain shall, on the first day of January of each year and not later than sixty days thereafter, make and file with the assessor a statement of the number of bushels of grain handled by the person in that district during the year immediately preceding, or the part thereof, during which the person was engaged in handling grain; ~~and on~~ Upon demand, the assessor shall have the right to inspect all such person's records thereof. A form for making ~~such~~ the statement shall be included in the blanks prescribed by the director of revenue. If ~~such a~~ such a statement is not furnished as ~~herein~~ required in this subsection, section 441.24 shall ~~be applicable~~ apply.

Sec. 130. Section 434.2, unnumbered paragraph 1, Code 2019, is amended to read as follows:

On or before October 31 each year, the department of revenue shall assess all of the property of each railway corporation in the state, ~~excepting the lands, lots, and other real estate belonging thereto to the railway corporation and not used in the operation of any railway, and excepting railway bridges across the Mississippi and Missouri rivers, and excepting grain elevators; and for~~ For the purpose of making such the assessment its, the president, vice president, general manager, general superintendent, receiver, or such other officer of the railway corporation as the department of revenue may designate, shall, on or

before the first day of April in each year, furnish to the department of revenue a verified statement showing in detail for the year ended December 31 next preceding:

Sec. 131. Section 435.33, Code 2019, is amended to read as follows:

**435.33 Rent reimbursement.**

A home owner who qualifies for a reduced tax rate provided in section 435.22 and who rents a space upon which to set the home shall be entitled to the protections provided in sections 425.33 to ~~through~~ 425.36 and if the home owner who qualifies for a reduced tax rate believes that a landlord has increased the home owner's rent because the home owner is eligible for a reduced tax rate, the provisions of sections 425.33 and 425.36 shall be applicable.

Sec. 132. Section 441.9, Code 2019, is amended to read as follows:

**441.9 Removal of assessor.**

The assessor may be removed by a majority vote of the conference board, after charges of misconduct, nonfeasance, malfeasance, or misfeasance in office ~~shall have been~~ are substantiated at a public hearing, if ~~same~~ a hearing is demanded by the assessor by written notice served upon the chairperson of the conference board. For purposes of this section, "misconduct" includes but is not limited to knowingly engaging in assessment methods, practices, or conduct that contravene any applicable law, administrative rule, or order of any court or other government authority.

Sec. 133. Section 441.37, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. (1) Any property owner or aggrieved taxpayer who is dissatisfied with the owner's or taxpayer's assessment may file a protest against such assessment with the board of review on or after April 2, to and including April 30, of the year of the assessment. In any county which has been declared to be a disaster area by proper federal authorities after March 1 and prior to May 20 of said year of assessment, the board of review shall be authorized to remain in session until June 15 and the time for filing a protest shall be extended to and include the period from May 25 to June 5 of such year. The protest shall be in writing on forms prescribed by the director of revenue and, except as provided in subsection 3, signed by the one protesting or by the protester's duly authorized agent. The taxpayer may have an oral hearing on the protest if the request for the oral hearing is made in writing at the time of filing the protest. The protest must be confined to one or more of the following grounds:

~~(1)~~ (a) That said assessment is not equitable as compared with assessments of other like property in the taxing district.

~~(2)~~ (b) That the property is assessed for more than the value authorized by law.

~~(3)~~ (c) That the property is not assessable, is exempt from taxes, or is misclassified.

~~(4)~~ (d) That there is an error in the assessment.

~~(5)~~ (e) That there is fraud or misconduct in the assessment which shall be specifically stated. ~~For purposes of this section, "misconduct" means the same as defined in section 441.9. If the local board of review, property assessment appeal board, or district court decides in favor of the property owner or aggrieved taxpayer and finds that there was fraud or misconduct in the assessment, the property owner's or aggrieved taxpayer's reasonable costs incurred in bringing the protest or appeal shall be paid from the assessment expense fund under section 441.16. For purposes of this section, costs include but are not limited to legal fees, appraisal fees, and witness fees.~~

(2) If the local board of review, property assessment appeal board, or district court decides in favor of the property owner or aggrieved taxpayer and finds that there was fraud or misconduct in the assessment, the property owner's or aggrieved taxpayer's reasonable costs incurred in bringing the protest or appeal shall be paid from the assessment expense fund under section 441.16.

(3) For purposes of this section, "costs" include but are not limited to legal fees, appraisal fees, and witness fees.

(4) For purposes of this section, "misconduct" means the same as defined in section 441.9.

Sec. 134. Section 441.40, Code 2019, is amended to read as follows:

**441.40 Costs, fees, and expenses apportioned.**

The clerk of the court shall likewise certify to the county treasurer the costs assessed by the court on any appeal from a board of review to the district court, in all cases where the costs are taxed against the board of review or any taxing district. Thereupon the county treasurer shall compute and apportion the costs between the various taxing districts participating in the proceeds of the collection of the taxes involved in any such appeal, and the treasurer shall so compute and apportion the various amounts which the taxing districts are required to pay in proportion to the amount of taxes each of the taxing districts is entitled to receive from the whole amount of taxes involved in each of such appeals. The county treasurer shall deduct from the proceeds of all general taxes collected the amount of costs so computed and apportioned by the treasurer from the moneys due to each taxing district from general taxes collected. The amount deducted shall be certified to each taxing district in lieu of moneys collected. The county treasurer shall pay to the clerk of the district court the amount of the costs so computed, apportioned, and collected by the treasurer in all cases ~~now on file or hereafter filed~~ in which the costs have not been paid.

Sec. 135. Section 450.3, unnumbered paragraph 1, Code 2019, is amended to read as follows:

The tax hereby imposed under this chapter shall be collected upon the net market value, and shall go into the general fund of the state, to be determined as ~~herein~~ provided in this chapter, of any property passing as follows:

Sec. 136. Section 450.48, subsection 1, Code 2019, is amended to read as follows:

1. 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 this chapter~~ in other cases, ~~such~~. The bond to shall be renewed every two years until the tax upon such the deferred estate is paid. If at the end of any two-year period the bond is not promptly renewed as herein provided in this section and the tax has not been paid, the bond shall be declared forfeited, and the amount thereof of the bond forthwith collected.

Sec. 137. Section 452A.54, subsection 3, Code 2019, is amended to read as follows:

3. Application for a refund of fuel tax under this subchapter must be made for each quarter in which the excess payment was reported, and will not be allowed unless the amount of fuel tax paid on the fuel purchased in this state, in excess of that consumed for highway operation in this state in the quarter applied for, is in an amount exceeding ten dollars. An application for a refund of excess Iowa fuel tax paid under this subchapter which is filed for any period or in any manner other than ~~herein~~ as set out in this section shall not be allowed.

Sec. 138. Section 455C.6, subsection 3, Code 2019, is amended to read as follows:

3. The department shall approve a redemption center if it finds that the redemption center will provide a convenient service to consumers for the return of empty beverage containers. The order of the department approving a redemption center shall state the dealers to be served by the redemption center and the kind and brand names of empty beverage containers which the redemption center must accept. The order may contain such other provisions to ~~insure~~ ensure that the redemption center will provide a convenient service to the public as the director may determine.

Sec. 139. Section 455D.4A, subsection 2, unnumbered paragraph 1, Code 2019, is amended to read as follows:

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, a recycling facilities facility must establish all of the following:

Sec. 140. Section 455D.4A, subsection 2, paragraph b, Code 2019, is amended to read as follows:

b. The material is being managed as a valuable commodity while under ~~their~~ the facility's control.

Sec. 141. Section 455D.4A, subsections 6 and 9, Code 2019, are amended to read as follows:

6. To establish that a material is being managed as a valuable commodity while under ~~their~~ the facility's 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.

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

Sec. 142. Section 455D.16, subsection 7, paragraph a, Code 2019, is amended to read as follows:

a. Review and grant approval of, deny, or approve with modifications a manufacturer plan required under this section. The department shall not approve a plan unless all elements of subsection 4, paragraph "a", are adequately addressed and the program outlined in the plan will assure a maximum rate of collection of mercury-added thermostats. In reviewing a plan the department may consider consistency of the plan with collection requirements in other states and consider consistency between thermostat manufacturer collection programs. In reviewing plans, ~~the agency~~ department shall ensure that education and outreach programs are uniform and consistent to ensure ease of implementation by thermostat wholesalers and thermostat retailers.

Sec. 143. Section 455G.3, subsection 6, Code 2019, is amended by striking the subsection.

Sec. 144. Section 461A.9, Code 2019, is amended to read as follows:

**461A.9 Condemnation statutes.**

All the provisions of the law relating to the condemnation of lands for public state purposes shall apply to the provisions ~~hereof~~ of this chapter in and so far as applicable.

Sec. 145. Section 461A.10, Code 2019, is amended to read as follows:

**461A.10 Title to lands.**

The title to all lands purchased, condemned, or donated, ~~hereunder~~ under this chapter, for park or highway purposes, shall be taken in the name of the state and if thereafter it shall be deemed advisable to sell any portion of the land so purchased or condemned, the proceeds of ~~such~~ the sale shall be placed to the credit of the ~~said~~ public state parks fund to be used for such park purposes.

Sec. 146. Section 461A.16, Code 2019, is amended to read as follows:

**461A.16 Landscape architect.**

The commission may call upon the Iowa state university of science and technology for the services of at least one competent landscape architect, engineer, or gardener, who shall, under the direction of the commission, proceed to work with ~~it~~ the commission in the improvement of the state property under the control of ~~said~~ the commission. The president of ~~said~~ the Iowa state university of science and technology shall, when called upon, designate the landscape architect, engineer, or gardener, as the case may be, who shall work with ~~said~~ the commission.

Sec. 147. Section 461A.20, Code 2019, is amended to read as follows:

**461A.20 State department of transportation — duties.**

The commission may call upon the state department of transportation for the services of at least one competent engineer, who shall, under the direction of the commission, proceed to work in conjunction with ~~it~~ the commission in carrying out the true spirit and purpose of this chapter.



Sec. 148. Section 462A.2, subsection 43, Code 2019, is amended to read as follows:

43. “*Watercraft*” means any vessel which through the ~~buoyance~~ buoyant force of water floats upon the water and is capable of carrying one or more persons.

Sec. 149. Section 462A.39, Code 2019, is amended to read as follows:

**462A.39 Expiration date.**

Each special certificate issued ~~hereunder~~ under this chapter shall expire at midnight on April 30 of the last calendar year of the registration period, and a new special certificate for the ensuing registration period may be obtained upon application to the commission and payment of the fee provided by law.

Sec. 150. Section 468.11, Code 2019, is amended to read as follows:

**468.11 Survey.**

1. The engineer shall examine the lands described in the petition and any other lands which would be benefited by said improvement or necessary in carrying out the ~~same~~ purposes of the petition.

2. The engineer shall locate and survey such ditches, drains, levees, settling basins, pumping stations, and other improvements as will be necessary, practicable, and feasible in carrying out the purposes of the petition and which will be of public benefit or utility, or conducive to public health, convenience, or welfare.

Sec. 151. Section 468.16, Code 2019, is amended to read as follows:

**468.16 Service on agent.**

1. If any person, corporation, or company owning or having interest in any land or other property affected by any proposed improvement under this chapter ~~shall file with the auditor~~ files an instrument in writing with the auditor designating the name and post office address of the agent of the person, corporation, or company upon whom service of notice of ~~said the~~ proceeding shall be made, the auditor shall, not less than twenty days prior to the date set for hearing upon ~~said the~~ petition, send a copy of ~~said the~~ notice by certified mail addressed to the agent so designated. Proof of ~~such~~ service shall be made by affidavit of the auditor filed in ~~said the~~ proceeding at or before the date of the hearing upon the petition, and such service shall be in lieu of all other service of notice to such persons, corporations, or companies.

2. This designation when filed shall be in force for a period of five years thereafter and shall apply to all proceedings under ~~said chapters~~ this chapter during such period. The person, company, or corporation making such designation shall have the right to change the agent appointed ~~therein in the designation~~ or to amend ~~it~~ the designation in any other particular.

Sec. 152. Section 468.27, Code 2019, is amended to read as follows:

**468.27 Dismissal or establishment — permanent easement.**

1. The board shall at the meeting, or at an adjourned session of the meeting, consider the costs of construction of the improvement as shown by the reports of the engineer and the amount of damages and compensation awarded to all claimants, ~~and if~~. If, in its the board's opinion, the costs of construction and amount of damages awarded create a greater burden than should justly be borne by the lands benefited by the improvement, ~~it the board~~ shall then dismiss the petition and assess the costs and expenses to the petitioners and their sureties, ~~but if it~~. However, if the board finds that the cost and expense is not a greater burden than should be justly borne by the land benefited by the improvement, it then the board shall finally and permanently locate and establish the district and improvement.

2. Following ~~its the~~ the establishment of the district, the drainage district is deemed to have acquired by permanent easement all ~~right-of-way~~ rights-of-way for drainage district ditches, tile lines, settling basins and other improvements, unless ~~they the~~ the rights-of-way are acquired by fee simple, in the dimensions shown on the survey and report made in compliance with sections 468.11 and 468.12 or as shown on the permanent survey, plat, and profile, if one is made. Upon the establishment of the district, the petitioners shall file with the county auditor the survey and report or permanent survey, plat, and profile, as set forth in sections 468.172 and 468.173. This filing constitutes constructive notice to all persons of the rights conferred by this section. The permanent easement includes the right of ingress and egress across adjoining land and the right of access for maintenance, repair, improvement, and inspection.

The owner or lessee shall be reimbursed for any crop damages incurred in the maintenance, repair, improvement, and inspection except within the right-of-way of the drainage district.

Sec. 153. Section 468.70, Code 2019, is amended to read as follows:

**468.70 Installment assessments — interest-bearing warrants — improvement certificates.**

1. The board may provide by resolution for the payment of assessments in not more than twenty annual installments with interest at a rate determined by the board, notwithstanding chapter 74A. The board may issue warrants bearing interest at the same rate, which warrants shall be numbered and state a maturity date, in which event ~~they~~ the warrants shall bear interest from the date of issuance without being presented for payment and marked unpaid for want of funds. The warrants may be sold by the board for cash in an amount not less than their face value, together with any accrued interest.

2. The board may provide by resolution for the issuance of improvement certificates payable to bearer or to the contractors, naming them, who have constructed the said improvement or completed any part ~~thereof~~ of the improvement, in payment or part payment of such work.

Sec. 154. Section 468.74, Code 2019, is amended to read as follows:

**468.74 Drainage bonds.**

1. When a drainage district has been established or the making of any subsequent repair or improvement determined upon, if the board of supervisors shall find that the cost of such improvement will create assessments against the land included ~~therein~~ in the district that are greater than should be levied in a single year upon the lands benefited by ~~such~~ the improvement, then, instead of issuing improvement certificates, as provided in sections 468.70 through 468.73, the board may fix the amount that shall be levied and collected each year until such cost and expenses are paid, and may issue drainage bonds of the county covering all assessments exclusive of assessments of one hundred dollars and less.

2. Before ~~such~~ drainage bonds shall be issued, the governing body of the district shall cause an action for declaratory judgment to be brought in the district court of the county in which the bonds are to be issued, asking that their legality be confirmed. The court shall fix a date for hearing ~~thereon~~ on the legality of the bonds and notice ~~thereof~~ of hearing shall be given to the owners of each lot or tract of land within the district, which shall be affected by an assessment to pay the proposed bonds, as shown by the transfer books in the auditor's office; ~~also~~. Notice shall also be given to the holders of liens of record upon ~~said~~ the affected lands; and to all persons to whom it may concern without naming them specifically. ~~Such~~ The notice shall be given by publication and by mailing for the same time in advance of hearing and in the same manner prescribed in section 468.15. After the entry of the declaratory judgment adjudicating the validity of such bonds, the approval of the district court shall be endorsed on the bonds before ~~their~~ issuance.

Sec. 155. Section 468.108, Code 2019, is amended to read as follows:

**468.108 Bridges.**

1. When a levee, ditch, drain, or change of any natural watercourse crosses a public highway, necessitating moving or building or rebuilding any secondary road bridge upon, or ditch or drain crossing the road, the board of supervisors shall move, build, or rebuild ~~it~~ the bridge, ditch, or drain, paying the costs and expenses, including construction, maintenance, repair and improvement costs, from county funds.

2. If the bridge or crossing ~~be~~ is upon or across a primary or interstate road, the moving, building, or rebuilding work ~~aforsaid~~ shall be done by the state department of transportation and paid for out of the primary road fund.

Sec. 156. Section 468.118, Code 2019, is amended to read as follows:

**468.118 Abandoned right-of-way.**

1. If a railroad or other utility has abandoned the use of its right-of-way for the purpose it was originally acquired or has sold its right-of-way to a person who will use ~~it~~ the right-of-way for a purpose other than for which it was originally acquired, the prior right or privilege of the drainage district to pass through the right-of-way of the railroad or utility

shall become a permanent easement in favor of the drainage district for drainage purposes including the right of ingress and egress through adjacent property and the right of access for maintenance, repair, improvement and inspection. The permanent easement has the same dimensions as originally specified in the engineer's report and survey, or as acquired by use or as subsequently acquired.

2. If a railroad or other utility has abandoned the use of its right-of-way for the purpose it was originally acquired or has sold its right-of-way to a person who will use ~~it~~ the right-of-way for a purpose other than for which it was originally acquired in segments, each segment shall be assessed for benefits in the same proportion as the area of the segment bears to the area of the right-of-way through the forty-acre tract.

Sec. 157. Section 468.127, Code 2019, is amended to read as follows:

**468.127 Payment.**

1. The costs of the repair or improvements provided for in section 468.126 shall be paid for out of the funds of the levee or drainage district. If the funds on hand are not sufficient to pay such expenses, the board within two years shall levy an assessment sufficient to pay the outstanding indebtedness and leave the balance which the board determines is desirable as a sinking fund to pay maintenance and repair expenses. Any assessment made under this section on any tract, parcel or lot within the district which is computed at less than five dollars shall be fixed at the sum of five dollars.

2. If the board deems that the costs of the repairs or improvements will create assessments against the lands in the district greater than should be borne in one year, ~~it~~ the board may levy the same assessment at one time and provide for the payment of said the costs and assessments in the manner provided in sections 468.57 through 468.61; provided that assessments may be collected in not more than twenty installments as the board may determine.

Sec. 158. Section 468.133, Code 2019, is amended to read as follows:

**468.133 Commissioners to apportion benefits — interest prohibited.**

1. For the purpose of ascertaining the proportionate benefits, the board shall appoint commissioners having the qualifications of benefit commissioners, one of whom shall be an engineer. ~~Such~~ The commissioners who are appointed shall not be residents of any of the districts affected, nor shall any member ~~thereof~~ of the commission have any interest in land in any districts affected by the contemplated work. ~~Such~~ The commission shall determine the percentage of benefits and the sum total to be assessed to each district for the improvement.

2. In the event that one of the districts to be assessed under this ~~statute~~ section shall have any improvement such as a settling basin which reduces the quality and quantity of flow or sediment, such commission may give consideration to the existence of such an improvement when they determine the percentage of benefits and the sum total to be assessed to each district for the improvement.

Sec. 159. Section 468.135, Code 2019, is amended to read as follows:

**468.135 Report and review — appeal.**

1. The commissioners shall file with the board a detailed report of their findings. ~~Said~~ The board shall review ~~said the~~ report and may, by proper order, increase or decrease the amount which shall be charged to each district. After the final order of the board ~~herein~~ has been made, ~~said the~~ board shall notify the county auditor, in the time and manner as provided in sections 468.133 and 468.134, of ~~said the~~ order, ~~and said.~~ The county auditor shall notify by certified mail the board of supervisors, and ~~said the~~ board or boards of trustees, of ~~said the~~ final order. ~~Said~~ The board of supervisors and ~~said the~~ board or boards of trustees, if aggrieved by ~~said the~~ final order, may appeal ~~therefrom~~ from the order to the district court of the county in which any of the improvement proposed or done is located.

2. Any such appeal shall be taken, perfected, and conducted in the time and manner provided in section 468.83, subsection 1, and sections 468.84 through 468.88, for appeals contemplated by ~~said~~ those sections.

Sec. 160. Section 468.151, Code 2019, is amended to read as follows:

**468.151 Actions — settlement — counsel.**

1. Levee or drainage districts through their governing bodies are authorized to maintain actions in law or equity for the purposes of preventing or recovering damages that may accrue to ~~such the~~ districts on account of the impairment of their functions, or the increase in the cost of maintenance or operation of ~~such the~~ districts, or on account of damages to property owned by ~~such the~~ districts, resulting from the construction or operation of locks, dams, and pools in the Mississippi or Missouri rivers; ~~they river.~~ Levee or drainage districts may make settlements and adjustments of such damages and written contracts with relation ~~thereto~~ to such damages, and receive any appropriations that may be made by the Congress of the United States for the increased cost to drainage or levee districts and may agree to the construction and maintenance of present equipment and of new or remedial works, improvements and equipment as a part of such damages, or as a means of lessening the damages which will be suffered by the said districts. ~~Said The~~ districts are further authorized to employ legal and engineering counsel for such purposes and to pay for the ~~same cost of employing legal and engineering counsel~~ out of the award of damages or out of the maintenance funds of the district.

2. If a lump sum settlement is made between the United States and the district to provide an annual payment of income ~~therefrom from the lump sum settlement~~, the county treasurer of the county in which the greater portion of the district is situated shall be custodian of ~~such the~~ principal fund. The governing body of the district shall apply to the district court for authority to invest ~~said the~~ fund as provided by section 636.23, and, in addition to the investments ~~therein approved~~, the court may authorize investment of ~~said the~~ fund in interest-bearing bonds or warrants of ~~said the~~ district. The income from ~~said the~~ fund shall be disbursed by direction of the governing body of the district.

Sec. 161. Section 468.159, subsection 2, Code 2019, is amended to read as follows:

2. The board of trustees may also lease or sell and convey such other property of the district, both real and personal, as is no longer needed for the purposes for which the district was established, and any such leases, or sales and conveyances prior to July 1, 1970, are hereby legalized and declared to be valid and binding.

Sec. 162. Section 468.356, Code 2019, is amended to read as follows:

**468.356 Petition — procedure — emergency pumping station.**

1. ~~Such A~~ pumping station shall not be established or maintained unless a petition ~~therefor~~ shall be presented to the board signed by not less than one-third of the owners of lands benefited ~~thereby by the establishment of a pumping station~~. The lands benefited by ~~such a~~ pumping station shall be determined by the board on ~~said the~~ petition and report of the engineer, and such other evidence as ~~it the board~~ may hear. No additional land shall be taken into any such drainage district after the improvements ~~therein in the district~~ have been substantially completed, unless one-third of the owners of the land proposed to be annexed have petitioned ~~therefor~~ or consented in writing ~~thereto to the annexation~~.

2. However, the board of supervisors may install a temporary portable pumping station to remove flood waters in an emergency. The board of supervisors shall levy and collect the cost of the purchase, operation, and maintenance of the pumping station from the lands in the district benefited by the pumping station in the same manner as provided for in the construction and maintenance of a drainage or levee district. For the purpose of this ~~paragraph~~ subsection, an emergency occurs when ponded or standing water does not freely flow to the outlet ditch and the capacity of the outlet ditch is not fully used.

Sec. 163. Section 468.376, Code 2019, is amended to read as follows:

**468.376 Funds available to pay bonds.**

1. When refunding bonds shall be issued to pay for drainage improvements under the provisions of this part, all special assessments, taxes, and sinking funds applicable to the payment of such bonds previously issued shall be applicable in the same manner and the same extent to the payment of the refunding bonds issued ~~hereunder~~ under this part, and all the powers and duties to levy and collect special assessments and taxes or create liens upon property shall continue until all refunding bonds shall be paid.

2. The drainage district shall collect the special assessments out of which the said bonds are payable and hold the ~~same special assessments~~ separate and apart in trust for the payment of ~~said the~~ refunding bonds but the provisions of this part shall not apply to assessments or bonds adjudicated to be void.

Sec. 164. Section 468.533, Code 2019, is amended to read as follows:

**468.533 Petition — canvass.**

1. ~~For such purposes a~~ A petition requesting that a district placed under the management of trustees be placed back under the management of a board or boards of supervisors, that is signed by a majority of persons, including corporations, owning land within the district assessed for benefits and who in the aggregate own more than one-half the acreage of such lands, may be filed in the office of the auditor and, if the district is situated in more than one county, then a duplicate shall be filed in the office of the auditor of each county.

2. The trustees shall fix a date not less than ten nor more than thirty days from the date ~~such the~~ petition is filed for the canvass of such petition, and the trustees and auditor or auditors shall canvass ~~said the~~ petition and certify and record in the drainage record the result.

Sec. 165. Section 468.543, Code 2019, is amended to read as follows:

**468.543 Notice.**

The board shall give ten days' notice of ~~said the~~ meeting described under section 468.542 in the same manner as required in relation to the issuance of bonds under chapter 73A.

Sec. 166. Section 468.559, Code 2019, is amended to read as follows:

**468.559 Applicability of funds.**

All special assessments, taxes, and sinking funds applicable to the payment of the indebtedness refunded by ~~said~~ drainage bonds shall be applicable in the same manner and to the same extent to the payment of ~~such~~ refunding bonds issued ~~hereunder~~ under this part, and the powers, rights, and duties to levy and collect special assessments or taxes, or create liens upon property shall continue until all refunding bonds shall be paid.

Sec. 167. Section 468.561, Code 2019, is amended to read as follows:

**468.561 Liens unimpaired.**

When drainage refunding bonds are issued ~~hereunder~~, nothing in this part shall be construed as impairing the lien of any unpaid drainage assessments or installments in ~~such the~~ drainage district, the time of payment of which is not extended, nor shall this part be construed as impairing the priority of the lien ~~thereof~~ of any unpaid drainage assessments or installments nor the right, duty, and power of the officers authorized by law to levy, collect, and apply the proceeds ~~thereof~~ of the assessments or installments to the payment of outstanding drainage bonds issued in anticipation of the collection ~~thereof~~ of the assessments or installments.

Sec. 168. Section 468.566, Code 2019, is amended to read as follows:

**468.566 Refinancing powers.**

1. In order to effect ~~such a~~ loan under section 468.565, the governing body of ~~such a~~ district, or board of supervisors, is authorized to execute such agreements and contracts, and to fulfill such requirements of the loaning agency as are not inconsistent with this part; and to issue, and pledge or sell ~~such the~~ bonds at their face value to the ~~said~~ reconstruction finance corporation, or other loaning agency, furnishing the funds for ~~such the~~ debt readjustment, in the amount required for ~~such the~~ adjustment.

2. The governing body, or board of supervisors, shall also have the authority as a part of ~~such the~~ plan of refinancing, adjusting, composing, and refunding ~~its~~ of the district's indebtedness, to cancel the old assessments collectible against the land within the district, pledged to the payment of ~~its the~~ district's outstanding indebtedness and proportionately and equitably to relevy the ~~same~~ assessments, with interest, over the period covered by the new bonds, in an amount sufficient to pay ~~said the~~ new bonds and interest ~~thereon, provided, however, that on the bonds. However,~~ the new assessments ~~thereby~~ created against any tract of land within the district shall not be in excess of the unpaid assessments against ~~such the~~

tract before the readjustment or composition is made, and ~~provided further, that such the~~ new and extended assessment against ~~such the~~ tract shall fully replace the old assessment.

Sec. 169. Section 468.579, Code 2019, is amended to read as follows:

**468.579 Lien.**

When conservator's drainage district bonds are issued ~~hereunder~~ under this part, nothing ~~herein in this part~~ shall be construed as impairing the lien of all unpaid assessments upon the real estate within ~~said the~~ drainage district, nor shall this part be construed as impairing the priority of the lien ~~thereof of the unpaid assessments~~, nor the right, duty and power of the officer authorized by law, to levy, collect and apply the proceeds ~~thereof of the assessments~~, to the payment of outstanding drainage bonds issued in anticipation of the collection ~~thereof of the assessments~~.

Sec. 170. Section 468.622, Code 2019, is amended to read as follows:

**468.622 Drainage connection with highway.**

1. When the course of natural drainage of any land runs to a public highway, the owner of such land shall have the right to enter upon ~~such the~~ highway for the purpose of connecting the owner's drain or ditch with any drain or ditch constructed along or across the ~~said~~ highway, ~~but in~~. In making such the connections, the owner shall do so in accordance with specifications furnished by the highway authorities having jurisdiction ~~thereof over the highway~~, which specifications shall be furnished to the owner on application. The owner shall leave the highway in as good condition in every way as it was before the ~~said~~ work was done.

2. If a tile line or drainage ditch must be projected across the right-of-way to a suitable outlet, the expense of both material and labor used in installing the tile line or drainage ditch across the highway and any subsequent repair ~~thereof of the tile line or drainage ditch~~ shall be paid from funds available for the highways affected.

Sec. 171. Section 476.15, Code 2019, is amended to read as follows:

**476.15 Extent of jurisdiction.**

The jurisdiction and powers of the board shall extend as ~~hereinbefore~~ provided in this chapter to the utility business of public utilities operating within this state to the full extent permitted by the Constitution and laws of the United States.

Sec. 172. Section 476.19, Code 2019, is amended to read as follows:

**476.19 Construction of statutes.**

Nothing ~~herein~~ contained in this chapter shall be construed to invalidate any proceedings under statutes existing prior to the enactment of this chapter; nor shall any action, litigation or appeal pending prior to the effective date of rate regulation of this chapter be affected ~~hereby~~.

Sec. 173. Section 476.46, subsection 2, paragraph b, Code 2019, is amended to read as follows:

~~b. The fund shall include moneys remitted to the fund pursuant to subsection 3 and any other moneys appropriated or otherwise directed to the fund.~~

Sec. 174. Section 490.803, subsection 3, paragraph b, subparagraph (2), Code 2019, is amended to read as follows:

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

Sec. 175. Section 502.202, subsection 2, paragraph c, Code 2019, is amended to read as follows:

c. The security does not constitute the whole or part of an unsold allotment to, or a subscription or participation by, the broker-dealer as an underwriter of the security, or a redistribution.

Sec. 176. Section 502.406, subsection 5, Code 2019, 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~~ A rule adopted or order 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.

Sec. 177. Section 505.27, subsection 3, Code 2019, is amended to read as follows:

3. The commissioner shall compile annually the data included in reports filed by insurers pursuant to this section into an aggregate form by insurer, except that such data shall not include information that directly or indirectly identifies any individual, including a patient, an insured, or a health care provider. The commissioner shall submit a written report summarizing such data along with any recommendations to the general assembly and the governor annually by December 1, ~~2007, with subsequent reports submitted to the general assembly and the governor annually thereafter.~~

Sec. 178. Section 506.10, subsection 4, Code 2019, is amended to read as follows:

4. Nothing ~~herein~~ contained in this section shall impair or affect in any manner any such contracts issued or made as an inducement to insurance prior to ~~the enactment of this section~~ April 16, 1921, or prevent the payment of the dividends or returns therein stipulated to be paid.

Sec. 179. Section 507A.2, Code 2019, is amended to read as follows:

**507A.2 Purpose.**

1. The purpose of this chapter is to subject certain persons and insurers to the jurisdiction of the insurance commissioner and the courts of this state in suits by or on behalf of the state and insureds or beneficiaries under insurance contracts. The general assembly hereby declares that it is a subject of concern that many residents of this state hold policies of insurance issued by persons and insurers not authorized to do insurance business in this state, thus presenting to such residents the often insuperable obstacle of asserting their legal rights under such policies in forums foreign to them under laws and rules of practice with which they are not familiar. The general assembly further declares that it is also concerned with the protection of residents of this state against acts by persons and insurers not authorized to do an insurance business in this state, by the maintenance of fair and honest insurance markets, by protecting the premium tax revenues of this state, by protecting authorized persons and insurers which are subject to regulation from unfair competition by unauthorized persons and insurers, and by protecting against the evasion of the insurance regulatory laws of this state.

2. In furtherance of such state interest, in this chapter the general assembly ~~herein~~ provides methods for substituted service of process upon such persons or insurers in any proceeding, suit or action in any court and substitute service of any notice, order, pleading, or process upon such persons or insurers in any proceeding before the commissioner of insurance to enforce or effect full compliance with the insurance and tax laws of this state. In so doing, the state exercises its powers to protect residents of this state and to define what constitutes doing an insurance business in this state, and also exercises powers and privileges available to this state by virtue of Pub. L. No. 79-15, 79th Congress of the United States, Ch. 20, 1st Sess., S. 340, 59 Stat. 33, codified at 15 U.S.C. §1011 – 1015, which declares that the business of insurance and every person engaged therein shall be subject to the laws of the several states.

Sec. 180. Section 507A.3, subsection 1, unnumbered paragraph 1, Code 2019, is amended to read as follows:

Unless otherwise indicated, “insurer” as used in this section chapter includes all corporations, associations, partnerships and individuals engaged in the business of insurance. Any of the following acts in this state, effected by mail or otherwise, by an unauthorized insurer is defined to be doing an insurance business in this state:

Sec. 181. Section 508.4, subsection 1, Code 2019, is amended to read as follows:

1. All amendments to the articles of incorporation of companies already organized under the laws of this state shall be approved in ~~like the same~~ manner as provided in section 508.2.

Sec. 182. Section 511.23, Code 2019, is amended to read as follows:

**511.23 Penalties.**

Any person, firm, or corporation violating any of the provisions of section 511.22, or sections 515.8 ~~to through~~ 515.10 and section 515.23 or failing to comply with any of the provisions ~~therein in those sections~~, shall be subjected to the penalties provided in sections 507.10 and 507.12.

Sec. 183. Section 513D.1, Code 2019, is amended to read as follows:

**513D.1 Association health plans.**

The commissioner of insurance 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. 184. Section 513D.2, Code 2019, is amended to read as follows:

**513D.2 Rules and enforcement.**

1. The commissioner of insurance shall adopt rules, as necessary, pursuant to chapter 17A to administer this chapter.

2. The commissioner ~~or~~<sup>1</sup> insurance may take any enforcement action under the commissioner's authority to enforce compliance with this chapter.

Sec. 185. Section 514A.4, subsection 1, Code 2019, is amended to read as follows:

1. *Other policy provisions.* ~~No A~~ policy provision which is not subject to section 514A.3 shall ~~not~~ make a policy, or any portion ~~thereof of a policy~~, less favorable in any respect to the insured or the beneficiary than the provisions ~~thereof of the policy~~ which are subject to this chapter.

Sec. 186. Section 514B.13, subsection 1, Code 2019, is amended to read as follows:

1. After a health maintenance organization has been in operation twenty-four months, it shall have an annual open enrollment period of at least one month during which it accepts enrollees up to the limits of its capacity, as determined by the health maintenance organization, in the order in which ~~they~~ the prospective enrollees apply for enrollment. A health maintenance organization may apply to the commissioner for authorization to impose such underwriting restrictions upon enrollment as are necessary to preserve its financial stability, to prevent excessive adverse selection by prospective enrollees, or to avoid unreasonably high or unmarketable charges for enrollee coverage for health care services. The commissioner shall approve or deny the application made pursuant to this section within a reasonable period of time from the receipt of the application.

Sec. 187. Section 515.32, Code 2019, is amended to read as follows:

**515.32 Bylaws.**

~~If~~ The company may adopt such bylaws and regulations not inconsistent with law as shall appear to ~~them~~ it to be necessary for the regulation and conduct of the business.

Sec. 188. Section 515.109, subsection 6, paragraph a, Code 2019, is amended to read as follows:

a. The form of the standard policy (with permission to substitute for the word "company" a more accurate descriptive term for the type of insurer) shall be as follows:

<sup>1</sup> See chapter 89, §16 herein



FIRST PAGE OF STANDARD FIRE POLICY

No. ....

(Space for insertion of name of company or companies issuing the policy and other matter permitted to be stated at the head of the policy.)

(Space for listing amounts of insurance, rates and premiums for the basic coverages insured under the standard form of policy and for additional coverages or perils insured under endorsements attached.)

IN CONSIDERATION OF THE PROVISIONS AND STIPULATIONS HEREIN OR ADDED HERETO AND OF ..... DOLLARS PREMIUM this company, for the term of ..... from the ..... day of ..... (month), ..... (year), to the ..... day of ..... (month), ..... (year), at noon, Standard Time, at location of property involved, to an amount not exceeding ..... Dollars, does insure ..... and legal representatives, to the extent of the actual cash value of the property at the time of loss, but not exceeding the amount which it would cost to repair or replace the property with material of like kind and quality within a reasonable time after such loss, without allowance for any increased cost of repair or reconstruction by reason of any ordinance or law regulating construction or repair, and without compensation for loss resulting from interruption of business or manufacture, nor in any event for more than the interest of the insured, against all DIRECT LOSS BY FIRE, LIGHTNING AND BY REMOVAL FROM PREMISES ENDANGERED BY THE PERILS INSURED AGAINST IN THIS POLICY, EXCEPT AS HEREINAFTER PROVIDED, to the property described hereinafter while located or contained as described in this policy, or pro rata for five days at each proper place to which any of the property shall necessarily be removed for preservation from the perils insured against in this policy, but not elsewhere.

Assignment of this policy shall not be valid except with the written consent of this company. This policy is made and accepted subject to the foregoing provisions and stipulations and those hereinafter stated, which are hereby made a part of this policy, together with such other provisions, stipulations and agreements as may be added hereto, as provided in this policy.

IN WITNESS WHEREOF, this company has executed and attested these presents; ~~but this policy shall not be valid unless countersigned by the duly authorized agent of this company at~~

.....

Secretary. President.

Countersigned this .....

day of ..... (month), ..... (year).

..... Agent.

SECOND PAGE OF STANDARD FIRE POLICY

Concealment — fraud. This entire policy shall be void if, whether before or after a loss, an insured has willfully concealed or misrepresented any material fact or circumstance concerning this insurance or the subject thereof, or the interest of an insured therein, or in case of any fraud or false swearing by an insured relating thereto.

Uninsurable and excepted property. This policy shall not cover

accounts, bills, currency, deeds, evidences of debt, money or securities; nor, unless specifically named hereon in writing, bullion or manuscripts.

*Perils not included.* This company shall not be liable for loss by fire or other perils insured against in this policy caused, directly or indirectly, by: (a) Enemy attack by armed forces, including action taken by military, naval or air forces in resisting an actual or an immediately impending enemy attack; (b) invasion; (c) insurrection; (d) rebellion; (e) revolution; (f) civil war; (g) usurped power; (h) order of any civil authority except acts of destruction at the time of and for the purpose of preventing the spread of fire, provided that such fire did not originate from any of the perils excluded by this policy; (i) neglect of an insured to use all reasonable means to save and preserve the property at and after a loss, or when the property is endangered by fire in neighboring premises; (j) nor shall this company be liable for loss by theft.

*Other insurance.* Other insurance may be prohibited or the amount of insurance may be limited by endorsement attached hereto.

*Conditions suspending or restricting insurance.* Unless otherwise provided in writing added hereto this company shall not be liable for loss occurring under any of the following circumstances:

[a] While the hazard is created or increased by any means within the control or knowledge of an insured.

[b] While a described building, whether intended for occupancy by owner or tenant, is vacant or unoccupied beyond a period of sixty consecutive days.

[c] As a result of explosion or riot, unless fire ensue, and in that event for loss by fire only.

*Other perils or subjects.* Any other peril to be insured against or subject of insurance to be covered in this policy shall be by endorsement in writing hereon or added hereto.

*Added provisions.* The extent of the application of insurance under this policy and of the contribution to be made by this company in case of loss, and any other provision or agreement not inconsistent with the provisions of this policy, may be provided for in writing added hereto, but no provision may be waived except such as by the terms of this policy is subject to change.

*Waiver provisions.* No permission affecting this insurance shall exist, or waiver of any provision be valid, unless granted herein or expressed in writing added hereto. No provision, stipulation or forfeiture shall be held to be waived by any requirement or proceeding on the part of this company relating to appraisal or to any examination provided for herein.

*Cancellation of policy.* This policy shall be canceled at any time at the request of the insured, in which case this company shall, upon demand and surrender of this policy, refund the excess of paid premium above the customary short rates for the expired time. This policy may be canceled at any time by this company by giving to the insured a five days' written notice of cancellation with or without tender of the excess of paid premium above the pro rata premium for the expired time, which excess, if not tendered, shall be refunded on demand. Notice of cancellation shall state that said excess premium (if not tendered) will be refunded on demand.

*Mortgagee interests and obligations.* If loss hereunder is made payable, in whole or in part, to a designated mortgagee not named

herein as the insured, such interest in this policy may be canceled by giving to such mortgagee a ten days' written notice of cancellation.

If the insured fails to render proof of loss such mortgagee, upon notice, shall render proof of loss in the form herein specified within sixty days thereafter and shall be subject to the provisions hereof relating to appraisal and time of payment and of bringing suit. If this company shall claim that no liability existed as to the mortgagor or owner, it shall, to the extent of payment of loss to the mortgagee, be subrogated to all the mortgagee's rights of recovery, but without impairing mortgagee's right to sue; or it may pay off the mortgage debt and require an assignment thereof and of the mortgage. Other provisions relating to the interests and obligations of such mortgagee may be added hereto by agreement in writing.

*Pro rata liability.* This company shall not be liable for a greater proportion of any loss than the amount hereby insured shall bear to the whole insurance covering the property against the peril involved, whether collectible or not.

*Requirements in case loss occurs.* The insured shall give immediate written notice to this company of any loss, protect the property from further damage, forthwith separate the damaged and undamaged personal property, put it in the best possible order, furnish a complete inventory of the destroyed, damaged and undamaged property, showing in detail quantities, costs, actual cash value and amounts of loss claimed; AND WITHIN SIXTY DAYS AFTER THE LOSS, UNLESS SUCH TIME IS EXTENDED IN WRITING BY THIS COMPANY, THE INSURED SHALL RENDER TO THIS COMPANY A PROOF OF LOSS, signed and sworn to by the insured, stating the knowledge and belief of the insured as to the following: The time and origin of the loss, the interest of the insured and of all others in the property, the actual cash value of each item thereof and the amount of loss thereto, all encumbrances thereon, all other contracts of insurance, whether valid or not, covering any of said property, any changes in the title, use, occupation, location, possession or exposures of said property since the issuing of this policy, by whom and for what purpose any building herein described and the several parts thereof were occupied at the time of loss and whether or not it then stood on leased ground, and shall furnish a copy of all the descriptions and schedules in all policies and, if required, verified plans and specifications of any building, fixtures or machinery destroyed or damaged. The insured, as often as may be reasonably required, shall exhibit to any person designated by this company all that remains of any property herein described, and submit to examinations under oath by any person named by this company, and subscribe the same; and, as often as may be reasonably required, shall produce for examination all books of account, bills, invoices and other vouchers, or certified copies thereof if originals be lost, at such reasonable time and place as may be designated by this company or its representative, and shall permit extracts and copies thereof to be made.

*Appraisal.* In case the insured and this company shall fail to agree as to the actual cash value or the amount of loss, then, on the written demand of either, each shall select a competent and disinterested appraiser and notify the other of the appraiser selected within twenty days of such demand. The appraisers shall first select a competent and disinterested umpire; and failing for fifteen days to agree upon such umpire, then, on request of the insured or

this company, such umpire shall be selected by a judge of a court of record in the state in which the property covered is located. The appraisers shall then appraise the loss, stating separately actual cash value and loss to each item; and, failing to agree, shall submit their differences, only, to the umpire. An award in writing, so itemized, of any two when filed with this company shall determine the amount of actual cash value and loss. Each appraiser shall be paid by the party selecting the appraiser and the expenses of appraisal and umpire shall be paid by the parties equally.

*Company's options.* It shall be optional with this company to take all, or any part, of the property at the agreed or appraised value, and also to repair, rebuild or replace the property destroyed or damaged with other of like kind and quality within a reasonable time, on giving notice of its intention so to do within thirty days after the receipt of the proof of loss herein required.

*Abandonment.* There can be no abandonment to this company of any property.

*When loss payable.* The amount of loss for which this company may be liable shall be payable sixty days after proof of loss, as herein provided, is received by this company and ascertainment of the loss is made either by agreement between the insured and this company expressed in writing or by the filing with this company of an award as herein provided.

*Suit.* No suit or action on this policy for the recovery of any claim shall be sustainable in any court of law or equity unless all the requirements of this policy shall have been complied with, and unless commenced within twelve months next after inception of the loss.

*Subrogation.* This company may require from the insured an assignment of all right of recovery against any party for loss to the extent that payment therefor is made by this company.

THIRD PAGE OF STANDARD FIRE POLICY  
ATTACH FORM BELOW THIS LINE  
FOURTH PAGE OF STANDARD FIRE POLICY  
STANDARD FIRE INSURANCE POLICY

Expires .....	
Property .....	
Amount \$ .....	Total
	Premium \$ .....
Insured .....	

---

SEE INSIDE OF POLICY FOR PERILS COVERED  
NO.

(Space of approximately two (2) inches for use of Agent or Insurer.)  
(Space of approximately two (2) inches for use of Agent or Insurer.)

Sec. 189. Section 515G.9, Code 2019, is amended to read as follows:

**515G.9 Act of conversion — continuation of company.**

1. When the commissioner and the policyholders approve the conversion plan as provided in this chapter, the commissioner shall issue a new certificate of authority to the successor stock company effective on the date specified in the plan. The successor stock company is a continuation of the mutual insurer and the conversion does not annul or modify any of the mutual insurer's existing suits, contracts, or liabilities except as provided in the approved conversion plan. All rights, franchises, and interests of the mutual insurer in and to property, assets, and other interests shall be transferred to and shall vest in the successor stock company and the successor stock company shall assume all obligations and liabilities of the mutual insurer.

2. The successor stock company shall exercise all rights and powers and perform all duties conferred or imposed by law on insurance companies writing the classes of insurance written by ~~it~~ the company, and shall retain the rights and contracts existing before conversion, subject to provisions of the plan.

Sec. 190. Section 520.7, Code 2019, is amended to read as follows:

**520.7 Judgment — satisfaction.**

A judgment rendered in any such case where service of process has been ~~so had~~ made under section 520.6 upon the commissioner of insurance, shall be valid and binding against any and all such subscribers as their interests appear and such judgment may be satisfied out of the funds in the possession of the attorney belonging to such subscribers.

Sec. 191. Section 533.106, subsection 5, Code 2019, is amended to read as follows:

5. A person who violates ~~this section~~ subsections 1 through 4 shall be permanently disqualified from acting as an officer, director, or employee of a state credit union and permanently disqualified from acting as superintendent or an employee of the credit union division.

Sec. 192. Section 537.2301, subsection 2, Code 2019, is amended to read as follows:

2. A person who is not authorized to make supervised loans as provided ~~herein~~ in this section shall not engage in the business of making supervised loans or undertaking direct collection of payments from or enforcement of rights against consumers arising from supervised loans, but the person may collect and enforce for three months without a license if the person promptly applies for a license and the person's application has not been denied.

Sec. 193. Section 543B.40, Code 2019, is amended to read as follows:

**543B.40 Depositions.**

The testimony may be taken by deposition as in civil cases, and any person may be compelled to appear and depose in the same manner as witnesses may be compelled to appear and testify as ~~hereinbefore~~ provided in this chapter.

Sec. 194. Section 543C.6, Code 2019, is amended to read as follows:

**543C.6 Sales by brokers.**

It shall be unlawful for any subdivider to sell or lease, or offer for sale or lease, any subdivided land located without this state except through a real estate broker or salesperson duly licensed in this state. The provision of section 543B.7, subsection 1, exempting regular employees of the owner of real estate from the licensing requirements of chapter 543B, shall not in any way apply to the sale of any subdivided land regulated by this chapter and subdividers covered by this chapter may not avail themselves of the provisions of section 543B.7, subsection 1, but must pursuant to this ~~subsection~~ section sell only through licensed Iowa brokers and licensed salespersons.

Sec. 195. Section 546.10, subsection 10, Code 2019, is amended to read as follows:

10. Notwithstanding section 17A.6, subsection 2, the licensing boards included within the bureau pursuant to subsection 1 may adopt standards by reference to another publication without providing a copy of the publication to the ~~administrative rules coordinator~~ code editor if the publication containing the standards is readily accessible on the internet at no cost and the internet site at which the publication may be found is included in the administrative rules that adopt the standard.

Sec. 196. Section 573.1, subsection 4, Code 2019, is amended to read as follows:

4. "*Public improvement*" is ~~one~~ an improvement, the cost of which is payable from taxes or other funds under the control of the public corporation, except that in cases of public improvement for drainage or levee purposes the provisions of the drainage law in cases of conflict shall govern.

Sec. 197. Section 573.8, Code 2019, is amended to read as follows:

**573.8 Highway improvements.**

1. In case of highway improvements by the county, claims shall be filed with the county auditor of the county letting the contract. In case of contracts for improvements on the farm-to-market highway system paid from farm-to-market funds, claims shall be filed with the auditor of the state department of transportation.

2. ~~But no claims~~ Claims filed for credit extended for the personal expenses or personal purchases of employees for their individual use shall not cause any part of the unpaid funds of the contractor to be withheld.

Sec. 198. Section 602.9110, Code 2019, is amended to read as follows:

**602.9110 Other public employment prohibited.**

No An annuity shall not be paid to any person, except a survivor, entitled to receive an annuity ~~hereunder~~ under this article while the person is serving as a state officer or employee. However, this section does not prohibit the payment of an annuity to a senior judge while serving as provided in section 602.9206.

~~However, this section does not prohibit the payment of an annuity to a senior judge while serving as provided in section 602.9206.~~

Sec. 199. Section 613.8, Code 2019, is amended to read as follows:

**613.8 Actions against state.**

Upon the conditions ~~herein~~ provided in this chapter for the protection of the state, the consent of the state be and it is hereby given, to be made a party in any suit or action ~~which is now pending or which may hereafter be brought~~ in any of the district courts of Iowa, any of the United States district courts within the state or in any other court of or in Iowa having jurisdiction of the subject matter, involving the title to real estate, the partition of real estate, the foreclosure of liens or mortgages against real estate, or the determination of the priorities of liens or claims against real estate, for the purpose of obtaining an adjudication touching or pertaining to any mortgage or other lien or claim which the state may have or claim to the real estate involved. The petition in ~~such~~ the action shall specifically allege the interest or apparent interest of the state and the specific facts upon which the claim against the state is based and it shall be legally insufficient to allege ~~said~~ the claim in general terms.

Sec. 200. Section 614.1, unnumbered paragraph 1, Code 2019, is amended to read as follows:

Actions may be brought within the times ~~herein~~ limited as follows, respectively, after their causes accrue, and not afterwards, except when otherwise specially declared:

Sec. 201. Section 614.9, Code 2019, is amended to read as follows:

**614.9 Exception in case of death.**

If the person having a cause of action dies within one year next previous to the expiration of the limitation ~~above~~ provided for, ~~such~~ the limitation shall not apply until one year after ~~such~~ the person's death.

Sec. 202. Section 622.2, Code 2019, is amended to read as follows:

**622.2 Credibility.**

Facts which have ~~heretofore~~ caused the exclusion of testimony may still be shown for the purpose of lessening its the credibility of the testimony.

Sec. 203. Section 622.80, Code 2019, is amended to read as follows:

**622.80 Pleading taken true.**

~~Or if~~ If the delinquent party shows by the party's own testimony, or otherwise, that the party could not have a full personal knowledge of the transaction, the court may order the party's pleading to be taken as true; subject to be reconsidered by the court within a reasonable time thereafter, upon satisfactory reasons being shown for the delinquency.

Sec. 204. Section 622.86, Code 2019, is amended to read as follows:

**622.86 Foreign affidavits.**

These An affidavit taken out of the state before any judge or clerk of a court of record, or before a notarial officer as provided in chapter 9B, or a commissioner appointed by the

governor of this state to take acknowledgment of deeds in the state where ~~such~~ the affidavit is taken, are of the same credibility as if taken within ~~the~~ this state.

Sec. 205. Section 628.2, Code 2019, is amended to read as follows:

**628.2 When sale absolute.**

When real property has been levied upon, if the estate is less than a leasehold having two years of an unexpired term, the sale is absolute, but if of a larger amount, it is redeemable as ~~hereinafter~~ prescribed in this chapter.

Sec. 206. Section 628.5, Code 2019, is amended to read as follows:

**628.5 Redemption by creditors.**

If ~~no~~ redemption is not made by the debtor as ~~above~~ provided in section 628.3, thereafter, and at any time within nine months from the day of sale, ~~said~~ redemption may be made by a mortgagee before or after the debt secured by the mortgage falls due, or by any creditor whose claim becomes a lien prior to the expiration of the time allowed for ~~such~~ redemption.

Sec. 207. Section 628.8, Code 2019, is amended to read as follows:

**628.8 Redemption by creditors from each other.**

Creditors having the right of redemption may redeem from each other within the time ~~above~~ limited, and in the manner ~~herein~~ provided in this chapter.

Sec. 208. Section 628.13, Code 2019, is amended to read as follows:

**628.13 By holder of title.**

1. The terms of redemption, when made by the titleholder, shall be the payment into the clerk's office of the amount of the certificate, and all sums paid by the holder thereof in effecting redemptions, added to the amount of the holder's own lien, or the amount the holder has credited ~~thereon~~ on the lien, if less than the whole, with interest at contract rate on the certificate of sale from its date, and upon sums so paid by way of redemption from date of payment, and upon the amount credited on the holder's own judgment from the time of ~~said~~ the credit, in each case including costs.

2. Redemption may also be made by the titleholder presenting to the clerk of the district court the sheriff's certificate of sale properly assigned to the titleholder, whereupon the clerk of the district court shall cancel the certificate.

Sec. 209. Section 628.15, Code 2019, is amended to read as follows:

**628.15 After nine months.**

After the expiration of nine months from the day of sale, the creditors can no longer redeem from each other, except as ~~hereinafter~~ provided in the chapter.

Sec. 210. Section 628.16, Code 2019, is amended to read as follows:

**628.16 Who gets property.**

Unless the defendant redeems, the purchaser, or the creditor who has last redeemed prior to the expiration of the nine months ~~aforsaid~~ from the day of sale, will hold the property absolutely.

Sec. 211. Section 628.17, Code 2019, is amended to read as follows:

**628.17 Claim extinguished.**

~~In case it~~ If the property is thus held by a redeeming creditor, the redeeming creditor's lien, and the claim out of which ~~it~~ the lien arose, will be held to be extinguished, unless the redeeming creditor pursues the course pointed out in sections 628.18 ~~to~~ through 628.20, inclusive.

Sec. 212. Section 628.22, Code 2019, is amended to read as follows:

**628.22 Assignment of certificate.**

A creditor redeeming ~~as above contemplated~~ pursuant to this chapter is entitled to receive an assignment of the certificate issued by the sheriff to the original purchaser ~~as hereinbefore~~ directed.

Sec. 213. Section 631.12, Code 2019, is amended to read as follows:

**631.12 Entry of judgment — setting aside default judgment.**

1. The clerk shall immediately enter the judgment in the small claims docket and district court lien book, without recording. ~~Such relief~~ Relief shall be granted as is appropriate. Upon entering judgment, the court may provide for installment payments to be made directly by the party obligated to the party entitled thereto; ~~and in such event. If installment payments are ordered,~~ execution shall not issue as long as ~~such~~ the payments are made, but execution shall issue for the full unpaid balance of the judgment upon the filing of an affidavit of default. When entered on the small claims docket and district court lien book, a small claims judgment shall constitute a lien to the same extent as regular judgments entered on the district court judgment docket and lien book; ~~but.~~ However, if a small claims judgment requires installment payments, ~~if the judgment~~ shall not be enforceable until an affidavit of default is filed.

2. A defendant may move to set aside a default judgment in the manner provided for doing so in district court by rule of civil procedure 1.977.

Sec. 214. Section 633.25, Code 2019, is amended to read as follows:

**633.25 Validity of clerk's orders.**

~~The records~~ Records, orders, and judgments made and entered by the clerk ~~under section 633.22, as hereinbefore provided, and which have not been~~ reversed, set aside, or modified by the court, shall stand, and shall be of the same force, validity, and effect, and be entitled to the same faith and credit, as if they had been made by the court.

Sec. 215. Section 633.417, Code 2019, is amended to read as follows:

**633.417 Separate action in lieu of proceeding on claims.**

The provisions of sections 633.438 ~~to~~ through 633.448 are not applicable to actions continued or commenced under section 633.415.

Sec. 216. Section 633.432, subsection 2, Code 2019, is amended to read as follows:

2. Unless the court allows the claim, the claim shall be disposed of as a contested claim in accordance with the provisions of sections 633.439 ~~to~~ through 633.448.

Sec. 217. Section 633.447, Code 2019, is amended to read as follows:

**633.447 Trial and hearing.**

The trial of a claim and the offsets or counterclaims, if any, shall be to the court without a jury; ~~provided, however. However,~~ that the court may, in its discretion, either on its own motion or upon the motion of any party, submit the ~~same~~ matter to a jury; ~~and provided further, that in.~~ In the event that the amount of the claim or a counterclaim exceeds the sum of three hundred dollars, either party shall be entitled to a jury trial, if a written demand ~~therefor~~ is made as provided in the rules of civil procedure in relation to the trial of ordinary actions.

Sec. 218. Section 633.469, Code 2019, is amended to read as follows:

**633.469 Interlocutory report.**

1. The personal representative may at any time file an interlocutory accounting to the court showing the condition of the estate, ~~its~~ the estate's debts and property, the amount of money received, and the disposition made of any of the assets of the estate.

2. The court may on application of any interested party, or on its own motion, order ~~such an~~ interlocutory accounting at any time. Such an accounting shall embrace all matters directed by the court. The court may order such further accountings from time to time as ~~if~~ the court may determine to be to the best interests of the estate.

Sec. 219. Section 633.479, Code 2019, is amended to read as follows:

**633.479 Discharge.**

1. Upon final settlement of an estate, an order shall be entered discharging the personal representative from further duties and responsibilities. The order approving the final report shall constitute a waiver of the omission from the final report of any of the recitals required in section 633.477.

2. a. An order approving the final report and discharging the personal representative shall not be required if all of the following apply:



~~(1) All distributees otherwise entitled to notice are adults, and are under no legal disability, have.~~

~~(2) All distributees have signed waivers of notice as provided in section 633.478, have.~~

~~(3) All distributees have signed statements of consent agreeing that the prayer of the final report shall constitute an order approving the final report and discharging the personal representative, and if the.~~

~~(4) All of the statements of consent are dated not more than thirty days prior to the date of the final report, and if compliance.~~

~~(5) Compliance with sections 422.27 and 450.58 have been fulfilled and receipts.~~

~~(6) Any required receipts, sworn statements, and certificates, as any of these that are required, are on file. In those instances~~

~~b. If the requirements of paragraph "a" have been met, final order shall not be required and the prayer of the final report shall be considered as granted and shall have the same force and effect as an order of discharge of the personal representative and an order approving the final report.~~

Sec. 220. Section 633.641, Code 2019, is amended to read as follows:

**633.641 Duties of conservator.**

1. It is the duty of the conservator of the estate to protect and preserve ~~it the estate~~, to invest ~~it the assets~~ prudently, to account for ~~it the assets, receipts, and disbursements as herein provided in this chapter~~, and to perform all other duties required of the conservator by law, and at the termination of the conservatorship, to deliver the assets of the ward to the person entitled thereto.

2. The conservator shall report to the department of human services the assets and income of any ward receiving medical assistance under chapter 249A. Reports shall be made upon establishment of a conservatorship for an individual applying for or receiving medical assistance, upon application for benefits on behalf of the ward, upon annual or semiannual review of continued medical assistance eligibility, when any significant change in principal or income occurs in the conservatorship account, or as otherwise requested by the department of human services. Written reports shall be provided to the department of human services county office for the county in which the ward resides or the county office in which the ward's medical assistance is administered.

Sec. 221. Section 633.666, Code 2019, is amended to read as follows:

**633.666 Denial and contest of claims.**

The provisions of sections 633.438 ~~to through~~ 633.448 shall be applicable to the denial and contest of claims against conservatorships, but shall not be applicable to actions continued or commenced under section 633.665.

Sec. 222. Section 636.18, Code 2019, is amended to read as follows:

**636.18 Criminal bonds.**

Nothing contained in sections 636.14 ~~to through~~ 636.17 shall apply to bonds in criminal cases.

Sec. 223. Section 657.6, Code 2019, is amended to read as follows:

**657.6 Stay of execution.**

Instead of issuing ~~such a~~ warrant, the court may order the ~~same~~ warrant to be stayed upon motion of the defendant, ~~and upon the defendant's entering if the defendant enters into an undertaking to the state, in such sum and with such surety as the court may direct, conditioned under the condition that either that the defendant will discontinue said the nuisance, or that, within a time limited by the court, and not exceeding six months, the defendant will cause the same nuisance to be abated and removed, as either is directed by the court; and, upon.~~ Upon the defendant's failure to perform the condition of the defendant's undertaking, the ~~same~~ surety shall be forfeited, and the court, upon being satisfied of ~~such a~~ default, may order ~~such the~~ warrant forthwith to issue, and action may be brought on ~~such the~~ undertaking.

Sec. 224. Section 669.14, unnumbered paragraph 1, Code 2019, is amended to read as follows:

The provisions of this chapter shall not apply, with respect to any claim against the state, to:

Sec. 225. Section 709.15, subsection 2, paragraph a, subparagraph (2), unnumbered paragraph 1, Code 2019, is amended to read as follows:

Any sexual conduct with an emotionally dependent patient or client or emotionally dependent former patient or client for the purpose of arousing or satisfying the sexual desires of the counselor or therapist or the emotionally dependent patient or client or emotionally dependent former patient or client, ~~which~~. Sexual conduct includes but is not limited to the following:

Sec. 226. Section 709.15, subsection 2, paragraph a, subparagraph (3), unnumbered paragraph 1, Code 2019, is amended to read as follows:

Any sexual conduct with a patient or client or former patient or client within one year of the termination of the provision of mental health services by the counselor or therapist for the purpose of arousing or satisfying the sexual desires of the counselor or therapist or the patient or client or former patient or client, ~~which~~. Sexual conduct includes but is not limited to the following:

Sec. 227. Section 715A.10, subsection 4, paragraph b, Code 2019, is amended to read as follows:

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 includes an establishing financial institution referred to in section 527.5, or 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.

Sec. 228. Section 716.7, subsection 2, paragraph a, subparagraph (2), unnumbered paragraph 1, Code 2019, 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 been notified or requested 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. 229. Section 726.5, Code 2019, is amended to read as follows:

**726.5 Nonsupport.**

1. a. A person, who being able to do so, fails or refuses to provide support for the person’s child or ward under the age of eighteen years for a period longer than one year or in an amount greater than five thousand dollars commits the offense of nonsupport; ~~provided that no~~.

b. A person shall ~~not~~ be held to have violated this section ~~who~~ if the person fails to support any child or ward under the age of eighteen who has left the home of the parent or other person having legal custody of the child or ward without the consent of that parent or person having legal custody of the child or ward.

2. “*Support*”, for the purposes of this section, means any support which has been fixed by court order, or, in the absence of any such order or decree, the minimal requirements of food, clothing or shelter.

3. Nonsupport is a class “D” felony.

Sec. 230. Section 809A.3, subsection 2, Code 2019, is amended to read as follows:

2. Notwithstanding subsection 1, violations of chapter 321 or 321J shall not be considered conduct giving rise to forfeiture, except for violations of the following:

a. Section 321.232.

~~b. A second or subsequent violation of section 321J.4B, subsection 2, paragraph "a", subparagraph (2).~~

~~e. b. Section 321J.4B, subsection 6, 9, or 10.~~

Sec. 231. Section 901A.2, subsection 1, Code 2019, is amended to read as follows:

1. A person convicted of a sexually predatory offense which is a serious or aggravated misdemeanor, who has a prior conviction for a sexually predatory offense, shall be sentenced to and shall serve twice the maximum period of incarceration for the offense, notwithstanding any other provision of the Code to the contrary, prior to being eligible for parole or work release. ~~However, a~~ A person sentenced under this subsection shall not have the person's sentence reduced under chapter 903A or otherwise by more than fifteen percent.

Sec. 232. Section 910.2, Code 2019, is amended to read as follows:

**910.2 Restitution or community service to be ordered by sentencing court.**

1. a. In all criminal cases in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that restitution be made by each offender to the victims of the offender's criminal activities, to the clerk of court for fines, penalties, surcharges, and, to the extent that the offender is reasonably able to pay, for ~~crime~~ the following:

(1) Crime victim assistance reimbursement, ~~restitution.~~

(2) Restitution to public agencies pursuant to section 321J.2, subsection 13, paragraph "b", ~~court.~~

(3) Court costs including correctional fees approved pursuant to section 356.7, ~~court-appointed.~~

(4) Court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, when applicable, ~~contribution.~~

(5) Contribution to a local anticrime organization, ~~or restitution.~~

(6) Restitution to the medical assistance program pursuant to chapter 249A.

b. However, victims shall be paid in full before fines, penalties, and surcharges, crime victim compensation program reimbursement, public agencies, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including the expenses of a public defender, contributions to a local anticrime organization, or the medical assistance program are paid.

c. In structuring a plan of restitution, the court shall provide for payments in the following order of priority: ~~victim, fines,~~

(1) Victim.

(2) Fines, penalties, and surcharges, ~~crime.~~

(3) Crime victim compensation program reimbursement, ~~public.~~

(4) Public agencies, ~~court.~~

(5) Court costs including correctional fees approved pursuant to section 356.7, ~~court-appointed.~~

(6) Court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, ~~contribution.~~

(7) Contribution to a local anticrime organization, ~~and the.~~

(8) The medical assistance program.

2. a. When the offender is not reasonably able to pay all or a part of the crime victim compensation program reimbursement, public agency restitution, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, contribution to a local anticrime organization, or medical assistance program restitution, the court may require the offender in lieu of that portion of the crime victim compensation program reimbursement, public agency restitution, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including

the expense of a public defender, contribution to a local anticrime organization, or medical assistance program restitution for which the offender is not reasonably able to pay, to perform a needed public service for a governmental agency or for a private nonprofit agency which provides a service to the youth, elderly, or poor of the community.

b. When community service is ordered, the court shall set a specific number of hours of service to be performed by the offender which, for payment of court-appointed attorney fees ordered pursuant to section 815.9, including the expenses of a public defender, shall be approximately equivalent in value to those costs. The judicial district department of correctional services shall provide for the assignment of the offender to a public agency or private nonprofit agency to perform the required service.

Sec. 233. Section 915.86, subsection 14, Code 2019, is amended to read as follows:

14. Reasonable crime-related expenses incurred by a victim, the victim's parent or caretaker, or a survivor of a deceased victim to replace inadequate or damaged ~~or install new locks, windows, and other residential security items~~ or install new locks, windows, and other residential security items, not to exceed five hundred dollars per residence.

Sec. 234. 2018 Iowa Acts, chapter 1158, section 11, is amended to read as follows:

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 section of this Act. "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. 235. Section 514C.32, subsection 3, as enacted by 2018 Iowa Acts, chapter 1165, section 137, is amended to read as follows:

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 division of this Act, 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.

Sec. 236. Section 514C.33, subsection 3, as enacted by 2018 Iowa Acts, chapter 1165, section 138, is amended to read as follows:

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 division of this Act, 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.

Sec. 237. 2018 Iowa Acts, chapter 1172, section 89,<sup>2</sup> is amended to read as follows:  
NEW SUBSECTION. 3. The parent or guardian of a child who meets the requirements of subsection 2, paragraph “b”, ~~paragraph~~ 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.

Sec. 238. REPEAL. Sections 13.20, 13.21, 13.22, 13.23, 13.24, 126.26, 325A.25, and 453B.16, Code 2019, are repealed.

## DIVISION II APPLICABILITY PROVISIONS

Sec. 239. RETROACTIVE APPLICABILITY. The following apply retroactively to July 1, 2018:

1. The section of this Act amending 2018 Iowa Acts, chapter 1158, section 11.
2. The section of this Act amending 2018 Iowa Acts, chapter 1172, section 89.

Sec. 240. RETROACTIVE APPLICABILITY. The following apply retroactively to June 1, 2018:

1. The section of this Act amending 2018 Iowa Acts, chapter 1165, section 137.
2. The section of this Act amending 2018 Iowa Acts, chapter 1165, section 138.

Approved May 1, 2019

## CHAPTER 60 CRIMINAL HISTORY CHECKS OF CARE PROVIDERS *H.F. 681*

**AN ACT** permitting qualified entities to request national criminal history checks of certain covered individuals.

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

Section 1. NEW SECTION. **692C.1 National criminal history record checks — persons providing child care, elder care, and care for individuals with disabilities.**

1. For purposes of this section:

a. “Covered individual” means an individual who has, seeks to have, or may have access to children, the elderly, or individuals with disabilities served by a qualified entity and who is employed by<sup>1</sup> volunteers with, or seeks to volunteer with a qualified entity; or owns or operates or seeks to own or operate, a qualified entity.

b. “Department” means the department of public safety.

c. “Qualified entity” means a business or organization, whether public, private, for-profit, nonprofit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services.

2. A qualified entity may request a national criminal history record check by the federal bureau of investigation on covered individuals through the department of public safety.

3. The qualified entity shall submit fingerprints and other identifying information to the division of criminal investigation of the department on a form and in a manner as prescribed

<sup>2</sup> According to Act, “enacting section 282.1, subsection 3” probably intended

<sup>1</sup> See chapter 89, §20 herein

by the department. The department shall submit the information through the state criminal history repository to the federal bureau of investigation.

4. The department may use authority conferred under the National Child Protection Act, as codified in 34 U.S.C. §40104, in conducting national criminal history record checks on covered individuals.

5. The department may require a qualified entity to pay a fee associated with a national criminal history record check. The fee shall not exceed the actual cost of the national criminal history record check.

6. The results of national criminal history record checks are a confidential record under section 22.7.

7. The department shall adopt rules as necessary for the administration of this section pursuant to chapter 17A.

Approved May 1, 2019

## CHAPTER 61

### CHILDREN'S BEHAVIORAL HEALTH SYSTEM

H.F. 690

**AN ACT** relating to mental health and disability services, including the establishment of a children's behavioral health system and a children's behavioral health system state board, and requiring certain children's behavioral health core services.

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

Section 1. Section 225C.2, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "Child" or "children" means a person or persons under eighteen years of age.

NEW SUBSECTION. 1B. "Children's behavioral health services" means services for children with a serious emotional disturbance.

NEW SUBSECTION. 1C. "Children's behavioral health system" or "children's system" means the behavioral health service system for children implemented pursuant to this subchapter.

NEW SUBSECTION. 11. "Serious emotional disturbance" means a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the most current diagnostic and statistical manual of mental disorders published by the American psychiatric association that results in a functional impairment. "Serious emotional disturbance" does not include substance use and developmental disorders unless such disorders co-occur with such a diagnosable mental, behavioral, or emotional disorder.

NEW SUBSECTION. 12. "State board" means the children's behavioral health system state board created in section 225C.51.

Sec. 2. Section 225C.2, subsection 9, Code 2019, is amended by striking the subsection.

Sec. 3. Section 225C.4, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0c. Assist the state board in planning for community-based children's behavioral health services.

Sec. 4. Section 225C.4, subsection 1, paragraphs d and j, Code 2019, are amended to read as follows:

d. Encourage and facilitate coordination of mental health and disability services with the objective of developing and maintaining in the state a mental health and disability service delivery system to provide ~~disability~~ services to all persons in this state who need the services, regardless of the place of residence or economic circumstances of those persons. The administrator shall work with the commission and other state agencies, including but not limited to the departments of corrections, education, and public health and the state board of regents, to develop and implement a strategic plan to expand access to qualified mental health workers across the state.

j. Establish and maintain a data collection and management information system oriented to the needs of patients, providers, the department, and other programs or facilities in accordance with section 225C.6A. The system shall be used to identify, collect, and analyze service outcome and performance measures data in order to assess the effects of the services on the persons utilizing the services. The administrator shall annually submit to the commission information collected by the department indicating the changes and trends in the mental health and disability services system. The administrator shall make the outcome data available to the public.

Sec. 5. Section 225C.4, subsection 1, Code 2019, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0k. Encourage and facilitate coordination of children's behavioral health services with the objective of developing and maintaining in the state a children's behavioral health system to provide behavioral health services to all children in this state who need the services, regardless of the place of residence or economic circumstances of those children. The administrator shall work with the state board and other state agencies including but not limited to the department of education and the department of public health to develop and implement a strategic plan to expand access to qualified mental health workers across the state.

NEW PARAGRAPH. 00k. Establish and maintain a data collection and management information system oriented to the needs of children utilizing the children's behavioral health system, providers, the department, and other programs or facilities in accordance with section 225C.6A. The system shall be used to identify, collect, and analyze service outcome and performance measures data in order to assess the effects of the services on the children utilizing the services. The administrator shall annually submit to the state board information collected by the department indicating the changes and trends in the children's behavioral health system. The administrator shall make the outcome data available to the public.

Sec. 6. Section 225C.4, subsection 1, paragraph u, Code 2019, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) School attendance.

Sec. 7. Section 225C.6B, subsection 3, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Children's behavioral health services provided to eligible children that are not covered under the medical assistance program or other third-party payor are the responsibility of the county-based regional service system.

Sec. 8. NEW SECTION. **225C.51 Children's behavioral health system state board.**

1. A children's behavioral health system state board is created as the state body to provide guidance on the implementation and management of a children's behavioral health system for the provision of services to children with a serious emotional disturbance. The state board's public voting members shall be appointed to four-year staggered terms by the governor and are subject to confirmation by the senate. All other state board voting members shall be appointed to four-year staggered terms and are not subject to confirmation by the senate. State board members shall be appointed on the basis of interest and experience in the fields of children's behavioral health to ensure adequate representation from persons with life experiences and from persons knowledgeable about children's behavioral health

services. The department shall provide support to the state board, and the board may utilize staff support and other assistance provided to the state board by other persons. The state board shall meet at least four times per year. The membership of the state board shall consist of the following persons who, at the time of appointment to the state board, are active members of the indicated groups:

- a. The director of the department<sup>1</sup> or the director's designee.
- b. The director of the department of education or the director's designee.
- c. The director of the department of public health or the director's designee.
- d. The director of workforce development or the director's designee.
- e. One member shall be selected from nominees submitted by the state court administrator.
- f. One member shall be selected from nominees submitted by the early childhood Iowa office in the department of management.
- g. One member shall be a member of the mental health and disability services commission.
- h. One member shall be a board member or an employee of a provider of mental health services to children.
- i. One member shall be a board member or an employee of a provider of child welfare services.
- j. One member shall be an administrator of an area education agency.
- k. One member shall be an educator, counselor, or administrator of a school district.
- l. One member shall be a representative of an established advocacy organization whose mission or purpose it is, in part, to further goals related to children's mental health.
- m. One member shall be a parent or guardian of a child currently utilizing or who has utilized behavioral health services.
- n. One member shall be a sheriff.
- o. One member shall be a pediatrician.
- p. One member shall be a representative from a health care system.
- q. One member shall be a chief executive officer of a mental health and disability services region.
- r. In addition to the voting members, the membership shall include four members of the general assembly with one member designated 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. A legislative member serves for a term as provided in section 69.16B in a nonvoting, ex officio capacity and is not eligible for per diem and expenses as provided in section 2.10.

2. The four-year terms shall begin and end as provided in section 69.19. Vacancies on the state board shall be filled as provided in section 2.32. A member shall not be appointed for more than two consecutive four-year terms.

3. The director<sup>2</sup> and the director of the department of education, or their designees, shall serve as co-chairpersons of the state board. Board members shall not be entitled to a per diem as specified in section 7E.6 and shall not be entitled to actual and necessary expenses incurred while engaged in their official duties.<sup>3</sup>

**Sec. 9. NEW SECTION. 225C.52 Children's behavioral health system state board — duties.**

To the extent funding is available, the state board shall perform the following duties:

1. Advise the administrator on the administration of the children's behavioral health system.
2. Provide consultation services to agencies regarding the development of administrative rules for the children's behavioral health system.
3. Identify behavioral health outcomes and indicators for eligible children with a serious emotional disturbance to promote children living with their own families and in the community.
4. Submit a written report on or before December 1 of each year to the governor and the general assembly. At a minimum, the report shall include a summary of all activities

<sup>1</sup> See chapter 89, §10 herein

<sup>2</sup> See chapter 89, §11 herein

<sup>3</sup> See chapter 85, §110 herein



undertaken by the state board, a summary of state board activities, and results from identified behavioral health outcomes and indicators for the children's behavioral health system.

Sec. 10. Section 331.388, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 01. "*Children's behavioral health services*" means the same as defined in section 225C.2.

NEW SUBSECTION. 4A. "*Serious emotional disturbance*" means the same as defined in section 225C.2.

NEW SUBSECTION. 4B. "*State board*" means the children's system state board created in section 225C.51.

Sec. 11. Section 331.390, subsection 2, Code 2019, is amended by striking the subsection and inserting in lieu thereof the following:

2. The governing board shall comply with all of the following requirements:

a. The voting membership of the governing board shall consist of at least one board of supervisors member from each county comprising the region or their designees.

b. The membership of the governing board shall also include one adult person who utilizes mental health and disability services or is an actively involved relative of such an adult person. This member shall be designated by the regional advisory committee formed by the governing board pursuant to paragraph "h".

c. The membership of the governing board shall not include employees of the department of human services or an unelected employee of a county.

d. The membership of the governing board shall also consist of one member representing adult service providers in the region. This member shall be designated by the regional advisory committee formed by the governing board pursuant to paragraph "h". The member designated in accordance with this paragraph shall serve in a nonvoting, ex officio capacity.

e. The membership of the governing board shall also consist of one member representing children's behavioral health services providers in the region. This member shall be designated by the regional children's advisory committee formed by the governing board pursuant to paragraph "i". The member designated in accordance with this paragraph shall serve in a nonvoting, ex officio capacity.

f. The membership of the governing board shall also consist of one member representing the education system in the region. This member shall be designated by the regional children's advisory committee formed by the governing board pursuant to paragraph "i".

g. The membership of the governing board shall also consist of one member who is a parent of a child who utilizes children's behavioral health services or actively involved relatives of such children. This member shall be designated by the regional children's advisory committee formed by the governing board pursuant to paragraph "i".

h. The governing board shall have a regional advisory committee consisting of adults who utilize services or actively involved relatives of such adults, service providers, and regional governing board members.

i. The governing board shall have a regional children's advisory committee consisting of parents of children who utilize services or actively involved relatives of such children, a member of the education system, an early childhood advocate, a child welfare advocate, a children's behavioral health service provider, a member of the juvenile court, a pediatrician, a child care provider, a local law enforcement representative, and regional governing board members.

Sec. 12. Section 331.390, subsection 3, paragraph b, Code 2019, is amended to read as follows:

b. The regional administrator staff shall include one or more coordinators of mental health and disability services and one or more coordinators of children's behavioral health services. A coordinator shall possess a bachelor's or higher level degree in a human services-related or administration-related field, including but not limited to social work, psychology, nursing, or public or business administration, from an accredited college or university. However, in lieu of a degree in public or business administration, a coordinator may provide documentation

of relevant management experience. An action of a coordinator involving a clinical decision shall be made in conjunction with a professional who is trained in the delivery of the mental health or disability service or children's behavioral health service addressed by the clinical decision. The regional administrator shall determine whether referral to a coordinator of mental health and disability services or children's behavioral health services is required for a person or child seeking to access a service through a local access point of the regional service system or the children's behavioral health system.

Sec. 13. Section 331.393, subsection 2, Code 2019, is amended by adding the following new paragraphs:

NEW PARAGRAPH. i. The scope of children's behavioral health core services. Each service included shall be described and a projection of need shall be included.

NEW PARAGRAPH. j. The eligibility requirements for children's behavioral health core services under the children's behavioral health system.

Sec. 14. Section 331.393, subsection 4, paragraph g, subparagraph (1), Code 2019, is amended to read as follows:

(1) Performance and outcome measures relating to the health, safety, education, work performance, and community residency of the persons receiving the services.

Sec. 15. Section 331.396, subsection 1, paragraph b, Code 2019, is amended to read as follows:

~~b. The person is at least eighteen years of age and is a resident of this state. However, a person who is seventeen years of age, is a resident of this state, and is receiving publicly funded children's services may be considered eligible for services through the regional service system during the three month period preceding the person's eighteenth birthday in order to provide a smooth transition from children's to adult services.~~

Sec. 16. Section 331.396, subsection 1, paragraph d, Code 2019, is amended by striking the paragraph.

Sec. 17. NEW SECTION. 331.396A Eligibility requirements — children's behavioral health services.

A child shall be eligible for behavioral health services under the regional service system if all of the following conditions are met:

1. The child is under eighteen years of age and is a resident of this state.

2. The child has been diagnosed with a serious emotional disturbance.

3. *a.* The child's family has a family income equal to or less than five hundred 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.

*b.* Notwithstanding paragraph "a", a child's family whose household income is between one hundred fifty percent but not more than five hundred percent of the federal poverty level shall be eligible for behavioral health services subject to a copayment, a single statewide sliding fee scale, or other cost-sharing requirements approved by the department.

Sec. 18. NEW SECTION. 331.397A Children's behavioral health core services.

1. For the purposes of this section, unless the context otherwise requires, "domain" means a set of similar behavioral health services that can be provided depending on a child's service needs.

2. *a.* (1) A region shall work with children's behavioral health service providers to ensure that services in the required behavioral health core service domains in subsection 4 are available to children who are residents of the region, regardless of any potential payment source for the services.

(2) Subject to the available appropriations, the director of human services shall ensure the behavioral health core service domains listed in subsection 4 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 subsection 4 when the services are medically

necessary, the Medicaid enrolled provider submits an appropriate claim for such services, and no other third-party payor is responsible for reimbursement of such services. Within the funds available, the region shall pay for such services for eligible children when payment through the medical assistance program or another third-party payment is not available, unless the child is on a waiting list for such payment or it has been determined that the child does not meet the eligibility criteria for any such service.

b. Until funding is designed for other service populations, eligibility for the service domains listed in this section shall be limited to such children who are in need of behavioral health services.

3. Pursuant to recommendations made by the state board, the department of human services shall adopt rules to define the services included in the core 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.

4. The children's behavioral health core service domains shall include all of the following:

a. Treatment designed to ameliorate a child's serious emotional disturbance, including but not limited to all of the following:

- (1) Prevention, early identification, early intervention, and education.
- (2) Assessment and evaluation relating to eligibility for services.
- (3) Medication prescribing and management.
- (4) Behavioral health outpatient therapy.

b. Comprehensive facility and community-based crisis services regardless of a diagnosis of a serious emotional disturbance, including all of the following:

- (1) Mobile response.
- (2) Crisis stabilization community-based services.
- (3) Crisis stabilization residential services.
- (4) Behavioral health inpatient treatment.

5. A region shall ensure that services within the following additional core service domains are available to children 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. Treatment designed to ameliorate a child's serious emotional disturbance including but not limited to behavioral health school-based therapy.

b. Support for community living including but not limited to all of the following:

- (1) Family support.
- (2) Peer support.
- (3) Therapeutic foster care.
- (4) Respite care.

c. Transition services for children to the adult mental health system providing an appropriate match with a child'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.
- (5) Educational services.

d. Service coordination including physical health and primary care that follow the principles of the system of care including but not limited to all of the following:

- (1) Care coordination.
- (2) Health homes.

Sec. 19. DEPARTMENT OF HUMAN SERVICES AND DEPARTMENT OF PUBLIC HEALTH — CRISIS HOTLINE. The department of human services and the department of public health shall provide a single, statewide twenty-four-hour crisis hotline that incorporates information for families of children with a serious emotional disturbance which may be provided through expansion of the YourLifeIowa platform.

Sec. 20. MENTAL HEALTH AND DISABILITY SERVICES REGION — CHILDREN'S BEHAVIORAL HEALTH SERVICES IMPLEMENTATION PLAN. Each mental health and disability services region shall submit to the department of human services an implementation plan to implement children's behavioral health services described under section 331.397A, as enacted in this Act, no later than April 1, 2020.

Sec. 21. DEPARTMENT OF HUMAN SERVICES — RULES. 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 January 1, 2020, for the adoption of rules to implement this Act.

Sec. 22. REPEAL. Sections 225C.51, 225C.52, 225C.53, and 225C.54, Code 2019, are repealed.

Sec. 23. CODE EDITOR'S DIRECTIVES. The Code editor may change the current subchapter title of chapter 225C, subchapter VI, to "CHILDREN'S BEHAVIORAL HEALTH SYSTEM".

The Code editor may change the current subchapter title of chapter 331, part 6, to "MENTAL HEALTH AND DISABILITY SERVICES — REGIONAL SERVICE SYSTEM — CHILDREN'S BEHAVIORAL HEALTH SYSTEM".

Approved May 1, 2019

## CHAPTER 62

### COUNTY MENTAL HEALTH AND DISABILITY SERVICES — CASH FLOW AMOUNT RESTRICTIONS

*H.F. 691*

**AN ACT** relating to funding of county mental health and disability services by modifying provisions relating to the use of specified excess cash flow funds, and including effective date and retroactive applicability provisions.

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

Section 1. Section 331.391, subsection 4, Code 2019, is amended to read as follows:

4. *a.* If a region is meeting the financial obligations for implementation of its regional service system management plan for a fiscal year and residual funding is anticipated, the regional administrator shall reserve an adequate amount of unobligated and unencumbered funds for cash flow of expenditure obligations in the next fiscal year.

~~*b.* For fiscal years beginning July 1, 2017, July 1, 2018, and July 1, 2019, that portion of each region's cash flow amount either reserved in the combined account or reserved among all separate county accounts under the control of the governing board that exceeds twenty-five percent of the gross expenditures from the combined account or from all separate county accounts under control of the governing board in the fiscal year preceding the fiscal year in progress shall be used in whole or in part to fund the payment of services provided under the regional service system management plan under section 331.393.~~

*e. b.* Each region shall certify to the department of management on or before December 1, ~~2020~~ 2022, and each December 1 thereafter, the amount of the region's cash flow amount in the combined account that is attributable to each county within the region based upon each county's proportionate amount of funding and contributions to the region or other methodology specified in the regional governance agreement or certify the cash flow amount for each separate county account that is under the control of the governing board at the conclusion of the most recently completed fiscal year.

~~d. (1) c.~~ For fiscal years beginning on or after July 1, ~~2021~~ 2023, for each region having a population of one hundred thousand or over, the region's cash flow amount, either reserved in the region's combined account or reserved among all separate county accounts under the control of the governing board, shall not exceed ~~twenty~~ forty percent of the gross expenditures from the combined account or from all separate county accounts under control of the governing board for the fiscal year preceding the fiscal year in progress.

~~(2)~~ For fiscal years beginning on or after July 1, ~~2021~~, for each region having a population of less than one hundred thousand, the region's cash flow amount shall not exceed ~~twenty-five~~ percent of the gross expenditures from the combined account or from all separate county accounts under control of the governing board for the fiscal year preceding the fiscal year in progress.

Sec. 2. Section 331.424A, subsection 1, paragraph b, Code 2019, is amended to read as follows:

b. "Cash flow reduction amount" means the amount calculated under subsection 4 and used to reduce a county budgeted amount under subsection 9 for fiscal years beginning on or after July 1, ~~2021~~ 2023.

Sec. 3. Section 331.424A, subsection 4, Code 2019, is amended to read as follows:

4. a. An amount of unobligated and unencumbered funds, as specified in the regional governance agreement entered into by the county under section 331.392, shall be reserved in the county services fund to address cash flow obligations in the next fiscal year, subject to the limitations of this subsection.

b. For fiscal years beginning July 1, 2017, July 1, 2018, and July 1, 2019, that portion of each county's cash flow amount reserved in the county services fund that exceeds an amount equal to twenty-five percent of the gross expenditures from the county services fund in the fiscal year preceding the fiscal year in progress shall be used in whole or in part to fund the county's financial obligations for the payment of services provided under the regional service system management plan under section 331.393.

e. b. Each county shall, as part of the financial report required under section 331.403, certify the county's cash flow amount in the county services fund at the conclusion of the most recently completed fiscal year.

d. c. For each fiscal year beginning on or after July 1, ~~2021~~ 2023, of a county's cash flow amount maintained in the county services fund or of the region's cash flow amount attributable to the county under section 331.391, subsection 4, paragraph "e" "b", an amount equal to the county's cash flow reduction amount shall be used to fund the county's financial obligations for the payment of services provided under the regional service system management plan under section 331.393.

e. d. (1) For each fiscal year beginning on or after July 1, ~~2021~~ 2023, each county's cash flow reduction amount shall be determined as follows and shall result in a reduction of the county budgeted amount determined pursuant to subsection 9:

~~(1)~~ For each county located in a region having a population of one hundred thousand or over, the county's cash flow reduction amount equals equal to the sum of the county's cash flow amount in the county services fund plus the most recent amount certified by the region for the county under section 331.391, subsection 4, paragraph "e" "b", minus ~~twenty~~ forty percent of the gross expenditures from the county services fund in the fiscal year preceding the fiscal year in progress. However, the cash flow reduction amount shall not be less than zero and shall not exceed the county budgeted amount determined under subsection 9 prior to any reduction resulting from the cash flow reduction amount.

~~(2)~~ For each county located in a region having a population of less than one hundred thousand, the county's cash flow reduction amount equals the sum of the county's cash flow amount in the county services fund plus the most recent amount certified by the region for the county under section 331.391, subsection 4, paragraph "e", minus ~~twenty-five~~ percent of the gross expenditures budgeted from the county services fund for the fiscal year in progress. However, the cash flow reduction amount shall not be less than zero and shall not exceed the county budgeted amount determined under subsection 9 prior to any reduction resulting from the cash flow reduction amount. For the applicable fiscal years, each county's

cash flow reduction amount calculated pursuant to this paragraph shall result in a reduction of the county budgeted amount determined pursuant to subsection 9.

Sec. 4. Section 331.424A, subsection 9, Code 2019, 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~~ 2023, 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~~ 2023, reduced by the amount of the county's cash flow reduction amount for the fiscal year calculated under subsection 4, if applicable.

Sec. 5. COUNTY BUDGET AMENDMENT AND RECERTIFICATION — REGIONAL SERVICE SYSTEM MANAGEMENT PLAN AMENDMENT.

1. To the extent necessary to implement the provisions of this Act, a county may amend that portion of the county's budget related to cash flow amounts in the county mental health and disability services fund for the fiscal year beginning July 1, 2018.

2. If this Act takes effect on or after March 15, 2019, notwithstanding section 24.17, for the fiscal year beginning July 1, 2019, a county may recertify the county's budget as necessary to implement the provisions of this Act. A budget recertified pursuant to this section must be recertified in duplicate to the county auditor not later than thirty days after the effective date of this Act, and protests to the budget shall be filed not later than ten days after the county's budget is recertified.

3. To the extent necessary to implement the provisions of this division of this Act, a mental health and disability services region may amend the region's regional service system management plan or annual service and budget plan approved under section 331.393 for the fiscal year beginning July 1, 2018, or for the fiscal year beginning July 1, 2019.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 7. RETROACTIVE APPLICABILITY. This Act applies retroactively to July 1, 2018, for fiscal years beginning on or after that date.

Approved May 1, 2019

## CHAPTER 63

### DISSOLUTION OF MARRIAGE — COURT-ORDERED CONCILIATION

*H.F. 719*

**AN ACT** relating to participation in conciliation related to a dissolution of marriage.

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

Section 1. Section 598.16, Code 2019, is amended to read as follows:

**598.16 Conciliation — domestic relations divisions.**

1. A majority of the judges in any judicial district, with the cooperation of any county board of supervisors in the district, may establish a domestic relations division of the district court of the county where the board is located. The division shall offer counseling and related services to persons before the court.

2. ~~Except as provided in subsection 7, upon the application of the petitioner in the petition or by the respondent in the responsive pleading to the petition, or within twenty days of appointment of an attorney appointed under section 598.12A, the~~ The court shall may on its own motion or upon the motion of a party require the parties to participate in conciliation efforts for a period of sixty days from or less following the issuance of an order setting forth the conciliation procedure and the conciliator. In making a determination under this section, the court shall consider all relevant factors including but not limited to whether a history of abuse or violence exists.

~~3. At any time upon its own motion or upon the application of a party the court may require the parties to participate in conciliation efforts for sixty days or less following the issuance of such an order.~~

4. ~~3.~~ Every order for conciliation shall require the conciliator to file a written report by a date certain which shall state the conciliation procedures undertaken and such other matters as may have been required by the court. The report shall be a part of the record unless otherwise ordered by the court. Such conciliation procedure may include but is not limited to referrals to the domestic relations division of the court, if established, public or private marriage counselors, family service agencies, community health centers, physicians and clergy.

5. ~~4.~~ The costs of conciliation procedures shall be paid in full or in part by the parties and taxed as court costs; however, if the court determines that the parties will be unable to pay the costs without prejudicing their financial ability to provide themselves and any minor children with economic necessities, the costs may be paid in full or in part by the county.

6. ~~5.~~ Persons providing counseling and other services pursuant to this section are not court employees, but are subject to court supervision.

7. Upon application, the court shall grant a waiver from the requirements of this section if a party demonstrates that a history of elder abuse, as defined in section 235F.1, or domestic abuse, as defined in section 236.2, exists.

~~a. In determining whether a history of elder abuse exists, the court's consideration shall include but is not limited to commencement of an action pursuant to section 235F.2, the issuance of a court order or consent agreement pursuant to section 235F.6, the issuance of an emergency order pursuant to section 235F.7, the holding of a party in contempt pursuant to section 664A.7, the response of a peace officer to the scene of alleged elder abuse, or the arrest of a party following response to a report of alleged elder abuse.~~

~~b. In determining whether a history of domestic abuse exists, the court's consideration shall include but is not limited to commencement of an action pursuant to section 236.3, the issuance of a protective order against a party or the issuance of a court order or consent agreement pursuant to section 236.5, the issuance of an emergency order pursuant to section 236.6, the holding of a party in contempt pursuant to section 664A.7, the response of a peace officer to the scene of alleged domestic abuse or the arrest of a party following response to a report of alleged domestic abuse, or a conviction for domestic abuse assault pursuant to section 708.2A.~~

Sec. 2. Section 598.19, Code 2019, is amended to read as follows:

**598.19 Waiting period before decree.**

No decree dissolving a marriage shall be granted in any proceeding before ninety days shall have elapsed from the day the original notice is served, or from the last day of publication of notice, or from the date that waiver or acceptance of original notice is filed or until after any court-ordered conciliation is completed, whichever period shall be longer. However, the court may in its discretion, on written motion supported by affidavit setting forth grounds of emergency or necessity and facts which satisfy the court that immediate action is warranted or required to protect the substantive rights or interests of any party or person who might be

affected by the decree, hold a hearing and grant a decree dissolving the marriage prior to the expiration of the applicable period, provided that requirements of notice have been complied with. In such case the grounds of emergency or necessity and the facts with respect thereto shall be recited in the decree unless otherwise ordered by the court. The court may enter an order finding the respondent in default and waiving any court-ordered conciliation when the respondent has failed to file an appearance within the time set forth in the original notice.

Approved May 1, 2019

## CHAPTER 64

### COUNTY AGRICULTURAL EXTENSION COUNCILS — VACANCIES — PUBLICATION DUTIES

*S.F. 170*

**AN ACT** relating to the publication duties of and the filling of vacancies on county agricultural extension councils and including effective date and applicability provisions.

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

Section 1. Section 176A.8, subsections 9 and 14, Code 2019, are amended to read as follows:

9. To fill all vacancies in its membership to serve for the unexpired term of the member creating the vacancy by appointing a resident registered voter of the extension district. However, if an unexpired term in which the vacancy occurs has more than seventy days to run after the date of the next pending general election and the vacancy occurs seventy-four or more days before the election, the vacancy shall be filled at the next pending general election.

14. To file with the county auditor and to publish in two newspapers of general circulation in the district before ~~August~~ September 1 full and detailed reports under oath of all receipts, from whatever source derived, and expenditures of such county agricultural extension education fund showing from whom received, to whom paid and for what purpose for the last fiscal year.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 3. APPLICABILITY. The provision of this Act amending section 176.8, subsection 9,<sup>1</sup> applies to all vacancies occurring on or after the effective date of this Act.

Approved May 2, 2019

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<sup>1</sup> According to Act; a reference to "section 176A.8, subsection 9" probably intended



**CHAPTER 65****ASSISTANCE ANIMALS AND SERVICE ANIMALS***S.F. 341*

**AN ACT** relating to assistance animals and service animals in housing, service animals and service-animals-in-training in public accommodations, and misrepresentation of an animal as a service animal or a service-animal-in-training, providing penalties, and including effective date and applicability provisions.

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

Section 1. Section 216.2, subsection 15, Code 2019, is amended to read as follows:

15. “*Unfair practice*” or “*discriminatory practice*” means those practices specified as unfair or discriminatory in sections 216.6, 216.6A, 216.7, 216.8, 216.8A, 216.8B, 216.9, 216.10, 216.11, and 216.11A.

Sec. 2. NEW SECTION. 216.8B Assistance animals and service animals in housing — penalty.

1. For purposes of this section, unless the context otherwise requires:

a. “*Assistance animal*” means an animal that qualifies as a reasonable accommodation under the federal Fair Housing Act, 42 U.S.C. §3601 et seq., as amended, or section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. §794, as amended.

b. “*Service animal*” means a dog or miniature horse as set forth in the implementing regulations of Tit. II and Tit. III of the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.

2. A landlord shall waive lease restrictions and additional payments normally required for pets on the keeping of animals for the assistance animal or service animal of a person with a disability.

3. A renter is liable for damage done to any dwelling by an assistance animal or service animal.

4. A person who knowingly denies or interferes with the right of a person with a disability under this section is, upon conviction, guilty of a simple misdemeanor.

Sec. 3. NEW SECTION. 216.8C Finding of disability and need for an assistance animal or service animal in housing.

1. A licensee under chapter 148, 148C, 152, 154B, 154C, or 154D whose assistance is requested by a patient or client seeking a finding that an assistance animal or service animal as defined in section 216.8B, subsection 1, is a reasonable accommodation in housing shall make a written finding regarding whether the patient or client has a disability and, if a disability is found, a separate written finding regarding whether the need for an assistance animal or service animal is related to the disability.

2. A licensee under chapter 148, 148C, 152, 154B, 154C, or 154D shall not make a finding under subsection 1 unless all of the following circumstances are present:

a. The licensee has met with the patient or client in person or by telemedicine.

b. The licensee is sufficiently familiar with the patient or client and the disability.

c. The licensee is legally and professionally qualified to make the finding.

3. The commission, in consultation with the consumer protection division of the office of the attorney general, shall adopt rules regarding the making of a written finding by licensees under this section. The rules shall include a form for licensees to document the licensees’ written finding. The form shall recite this section’s requirements and comply with the federal Fair Housing Act, 42 U.S.C. §3601 et seq., as amended, and section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. §794, as amended. The form must contain only two questions regarding the qualifications of the patient or client, which shall be whether a person has a disability and whether the need for an assistance animal or service animal is related to the disability. The form must indicate that the responses must be limited to “yes” or “no”. The form must not allow for additional detail.

4. A person who, in the course of employment, is asked to make a finding of disability and disability-related need for an assistance animal or service animal shall utilize the form created by the commission to document the person's written finding.

5. A landlord may deny a request for an exception to a pet policy if a person, who does not have a readily apparent disability, or a disability known to the landlord, fails to provide documentation indicating that the person has a disability and the person has a disability-related need for an assistance animal or service animal.

6. This section does not limit the means by which a person with a disability may demonstrate, pursuant to state or federal law, that the person has a disability or that the person has a disability-related need for an assistance animal or service animal.

**Sec. 4. NEW SECTION. 216C.1A Definitions.**

For purposes of this chapter, unless the context otherwise requires:

1. "*Disability*" means the physical or mental condition of a person which constitutes a substantial disability, and the condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome, a diagnosis of acquired immune deficiency syndrome-related complex, or any other condition related to acquired immune deficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of "disability" under the provisions of this chapter does not preclude the application of the provisions of this chapter to conditions resulting from other contagious or infectious diseases.

2. "*Service animal*" means a dog or miniature horse as set forth in the implementing regulations of Tit. II and Tit. III of the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.

3. "*Service-animal-in-training*" means a dog or miniature horse that is undergoing a course of development and training to do work or perform tasks for the benefit of an individual that directly relate to the disability of the individual.

Sec. 5. Section 216C.11, Code 2019, is amended to read as follows:

**216C.11 Service dogs and assistive animals Service animals and service-animals-in-training — penalty.**

1. For purposes of this section, "*service dog*" means a dog specially trained to assist a person with a disability, whether described as a service dog, a support dog, an independence dog, or otherwise. "*Assistive animal*" means a simian or other animal specially trained or in the process of being trained to assist a person with a disability.

2. 1. A person with a disability, a person assisting a person with a disability by controlling a service dog or an assistive animal or a service-animal-in-training, or a person training a service dog or an assistive animal has the right to be accompanied by a service dog or an assistive animal or service-animal-in-training, under control, in any of the places listed in sections 216C.3 and 216C.4 without being required to make additional payment for the service dog or assistive animal or service-animal-in-training. A landlord shall waive lease restrictions on the keeping of animals for the service dog or assistive animal of a person with a disability. The person is liable for damage done to any premises or facility by a service dog or assistive animal or a service-animal-in-training.

3. 2. A person who knowingly denies or interferes with the right of a person under this section is, upon conviction, guilty of a simple misdemeanor.

3. a. A person who intentionally misrepresents an animal as a service animal or a service-animal-in-training is, upon conviction, guilty of a simple misdemeanor.

b. A person commits the offense of intentional misrepresentation of an animal as a service animal or a service-animal-in-training if all of the following elements are established:

(1) For the purpose of obtaining any of the rights or privileges set forth in state or federal law, the person intentionally misrepresents an animal in one's possession as one's service animal or service-animal-in-training or a person with a disability's service animal or service-animal-in-training whom the person is assisting by controlling.

(2) The person was previously given a written or verbal warning regarding the fact that it is illegal to intentionally misrepresent an animal as a service animal or a service-animal-in-training.

(3) The person knows that the animal in question is not a service animal or a service-animal-in-training.

**Sec. 6. NEW SECTION. 216C.12 Immunity from liability for injury or damage caused by service animals and service-animals-in-training.**

1. For purposes of this section, unless the context otherwise requires:

a. “Owner” means the owner of real property, a contract for deed vendee, receiver, personal representative, trustee, lessor, lessee, agent, or other person directly or indirectly in control of the real property.

b. “Real property” includes any physical location or portion of real property that federal or state law or local ordinance requires to be accessible to a person with a disability who is using a service animal or a service-animal-in-training, a person assisting a person with a disability by controlling a service animal or a service-animal-in-training, or a person training a service animal.

2. An owner is not liable for any injury or damage caused by a service animal or service-animal-in-training if all of the following criteria are met:

a. The owner believes in good faith that the animal is a service animal or a service-animal-in-training and the person using the animal is a person with a disability, a person assisting a person with a disability by controlling a service animal or a service-animal-in-training, or a person training a service-animal-in-training.

b. The injury or damage is not caused by the owner’s negligence, recklessness, or willful misconduct.

Sec. 7. Section 717F.1, subsection 2, Code 2019, is amended to read as follows:

2. “Assistive animal” means ~~the same as defined in section 216C.11~~ a simian or other animal specially trained or in the process of being trained to assist a person with a disability.

Sec. 8. EMERGENCY RULES. The Iowa civil rights commission may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to implement the section of this Act enacting section 216.8C and the rules shall be effective immediately upon filing. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 9. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this Act enacting section 216.8C.

Sec. 10. APPLICABILITY. The section of this Act enacting section 216.8C applies once rules are adopted. Prior to the adoption of the rules and creation of a licensee’s written finding form, a renter seeking an assistance animal or a service animal as a reasonable accommodation in housing shall otherwise demonstrate pursuant to state or federal law that the person has a disability and that the person has a disability-related need for an assistance animal or service animal.

Approved May 2, 2019

## CHAPTER 66

### SOBRIETY AND DRUG MONITORING PROGRAM — MISCELLANEOUS CHANGES

S.F. 364

**AN ACT** relating to the Iowa sobriety and drug monitoring program.

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

Section 1. Section 321J.20, subsection 9, Code 2019, is amended to read as follows:

9. Notwithstanding any other provision of law to the contrary, in any circumstance in which this chapter requires the installation of an ignition interlock device in all vehicles owned or operated by a person as a condition of the person's license or privilege to operate noncommercial motor vehicles, the department shall require the person to be a participant in and in compliance with a sobriety and drug monitoring program established pursuant to chapter 901D if the person's offense under this chapter qualifies as an eligible offense as defined in section 901D.2, and the person's offense occurred in a participating jurisdiction, as defined in section 901D.2. The requirement to participate in and comply with a sobriety and drug monitoring program shall continue for the time period required pursuant to section 901D.7. The participating law enforcement agency shall notify the department when the person has completed participation in the sobriety and drug monitoring program. This subsection shall not apply if the court enters an order finding the person is not required to participate in a sobriety and drug monitoring program. The department, in consultation with the department of public safety, may adopt rules for issuing and accepting a certification of participation in and compliance with a program established pursuant to chapter 901D. This subsection shall be construed and implemented to comply with 23 U.S.C. §164(a), as amended by the federal Fixing America's Surface Transportation Act, Pub. L. No. 114-94, §1414, and shall not apply if such application results in a finding of noncompliance with 23 U.S.C. §164 that results or will result in a reservation or transfer of funds pursuant to 23 U.S.C. §164(b). This subsection shall not authorize the operation of a motor vehicle for any purpose not otherwise authorized by this chapter.

Sec. 2. Section 901D.7, subsection 2, Code 2019, is amended to read as follows:

2. An order or directive placing a participant in the program shall include the type of testing required to be administered in the program and the length of time that the participant is required to remain in the program which shall be for no less than ninety days. The order or directive shall additionally require that the participant not have failed a test result or have missed a required testing during the thirty-day period immediately preceding the end of participation in the program. The person issuing the order or directive shall send a copy of the order or directive to the law enforcement agency of the participating jurisdiction.

Sec. 3. Section 901D.10, Code 2019, is amended to read as follows:

**901D.10 Report and repeal.**

1. The department, in consultation with the judicial branch and the department of transportation, shall by December 1, ~~2021~~ 2023, submit a report to the general assembly detailing the effectiveness of the program established pursuant to this chapter and shall make recommendations concerning the continued implementation of the program or the elimination of the program.

2. This chapter is repealed July 1, ~~2022~~ 2024.

Sec. 4. 2017 Iowa Acts, chapter 76, section 17, is amended to read as follows:

SEC. 17. FUTURE REPEAL. This division of this Act is repealed July 1, ~~2022~~ 2024.

Approved May 2, 2019

## CHAPTER 67

### TOWABLE RECREATIONAL VEHICLES, TRAVEL TRAILERS, AND FIFTH-WHEEL TRAVEL TRAILERS

S.F. 435

**AN ACT** relating to towable recreational vehicles, travel trailers, and fifth-wheel travel trailers, making penalties applicable, and including applicability provisions.

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

Section 1. Section 321.1, subsection 36C, paragraph b, Code 2019, is amended to read as follows:

b. “Travel trailer” means a vehicle without motive power used, manufactured, or constructed to permit its use as a conveyance upon the public streets and highways and designed to permit its use as a place of human habitation by one or more persons. The vehicle may be up to eight feet six inches in width and its overall length shall not exceed forty-five feet. The vehicle shall be customarily or ordinarily used for vacation or recreational purposes and not used as a place of permanent habitation. If the vehicle is used in this state as a place of human habitation for more than ~~ninety~~ one hundred eighty consecutive days in one location it shall be classed as a manufactured or mobile home regardless of the size limitations provided in this paragraph.

Sec. 2. Section 322C.2, Code 2019, is amended to read as follows:

#### **322C.2 Definitions.**

As used in this chapter unless the context otherwise requires:

1. To sell “at retail” means to sell a ~~travel trailer~~ towable recreational vehicle to a person who will devote it to a consumer use.

2. “Community” means a towable recreational vehicle dealer’s area of responsibility as stipulated in the manufacturer-dealer agreement.

~~2.~~ 3. “Department” means the state department of transportation.

~~3.~~ 4. “Distributor” means a person who sells or distributes ~~travel trailers~~ towable recreational vehicles to ~~travel trailer~~ towable recreational vehicle dealers either directly or through a representative employed by a distributor.

5. “Factory campaign” means an effort by or on behalf of a warrantor to contact towable recreational vehicle dealers or owners to address an equipment or part issue.

6. “Family member” means a spouse, child, grandchild, parent, sibling, niece, or nephew, or the spouse of a child, grandchild, parent, sibling, niece, or nephew.

~~4.~~ 7. “Fifth-wheel travel trailer” means a ~~type of travel trailer which is towed by a motor vehicle by a connecting device known as a fifth wheel.~~ When used in this chapter, “travel trailer” includes a fifth-wheel travel trailer vehicle mounted on wheels that has an overall length of forty-five feet or less, is designed to provide temporary living quarters for recreational, camping, or travel use, is of such a size and weight as to not require a permit under chapter 321E when moved on a highway, and is designed to be towed by a motor vehicle equipped with a towing mechanism located above or forward of the motor vehicle’s rear axle. “Fifth-wheel travel trailer” includes a toy-hauler fifth-wheel travel trailer.

8. “Folding camping trailer” means a vehicle mounted on wheels and constructed with collapsible side walls designed to be folded when towed by a motor vehicle and unfolded to provide temporary living quarters for recreational, camping, or travel use.

9. “Line-make” means a specific series of towable recreational vehicles meeting all of the following criteria:

a. The vehicles are identified by a common series trade name or trademark.

b. The vehicles are targeted at a particular market segment, as determined by the vehicles’ decoration, features, equipment, size, weight, and price range.

c. The vehicles have lengths and interior floor plans distinguishable from other towable recreational vehicles with substantially similar decoration, features, equipment, weight, and price.

d. The vehicles belong to a single, distinct classification of a towable recreational vehicle product type having a substantial degree of commonality in the construction of the chassis, frame, and body.

e. A manufacturer-dealer agreement authorizes a dealer to sell the vehicles.

5. 10. "Manufacturer" means a person engaged in the business of fabricating or assembling travel trailers of a type required to be registered manufacture of towable recreational vehicles.

11. "Manufacturer-dealer agreement" means a written agreement or contract entered into between a manufacturer or distributor and a towable recreational vehicle dealer that specifies the rights and responsibilities of the parties and authorizes the dealer to sell and service new towable recreational vehicles.

6. 12. "New ~~travel trailer~~ towable recreational vehicle" means a travel trailer towable recreational vehicle that has not been sold at retail.

13. "Park model recreational vehicle" means a vehicle meeting all of the following criteria:

a. The vehicle is designed to provide, and marketed as providing, temporary living quarters for recreational, camping, travel, or seasonal use.

b. The vehicle is not permanently affixed to real property for use as a permanent dwelling.

c. The vehicle is built on a single chassis mounted on wheels with a gross trailer area not exceeding four hundred square feet in the vehicle's set-up mode.

d. The vehicle is certified by the manufacturer as in compliance with the American national standard for park model recreational vehicles, commonly cited as "ANSI A 119.5".

7. 14. "Person" includes any individual, partnership, corporation, association, fiduciary, or other legal entity engaged in business, other than a unit or agency of government or governmental subdivision.

8. 15. "Place of business" means a designated location where facilities are maintained for displaying, reconditioning, and repairing either new or used ~~travel trailers~~ towable recreational vehicles.

16. "Proprietary part" means any part manufactured by or for, and sold exclusively by, a manufacturer.

9. 17. "Sell" includes barter, exchange, and other methods of dealing.

18. "Supplier" means a person engaged in the manufacture of towable recreational vehicle parts, accessories, or components.

19. "Towable recreational vehicle" means a vehicle designed to be towed by a motor vehicle owned by a consumer and to provide temporary living quarters for recreational, camping, or travel use, that complies with all applicable federal regulations, and that is certified by the vehicle's manufacturer as in compliance with the national fire protection association standard on recreational vehicles, commonly cited as "NFPA 1192", or the American national standard for park model recreational vehicles, commonly cited as "ANSI A 119.5", as applicable. "Towable recreational vehicle" includes a travel trailer, toy-hauler travel trailer, fifth-wheel travel trailer, toy-hauler fifth-wheel travel trailer, folding camping trailer, truck camper, and park model recreational vehicle. For purposes of registration and titling under chapter 321, a towable recreational vehicle shall be considered a travel trailer or fifth-wheel travel trailer, as those terms are defined in section 321.1, as applicable.

20. "Towable recreational vehicle dealer" or "dealer" means a person required to be licensed under this chapter<sup>1</sup> authorized to sell and service towable recreational vehicles.

21. "Toy-hauler fifth-wheel travel trailer" means a fifth-wheel travel trailer equipped with a back wall capable of being lowered to form a ramp for loading and unloading a specialized rear compartment that can then be resecured for travel.

22. "Toy-hauler travel trailer" means a travel trailer equipped with a back wall capable of being lowered to form a ramp for loading and unloading a specialized rear compartment that can then be resecured for travel.

23. "Transient consumer" means a consumer who is temporarily traveling through a towable recreational vehicle dealer's community.

10. 24. "Travel trailer" means a vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and designed to permit the vehicle to be used as a place of human habitation by one or more

<sup>1</sup> See chapter 89, §13 herein

persons. ~~The vehicle may be up to eight feet six inches in width and its overall length shall not exceed forty-five feet mounted on wheels that has a width of eight feet six inches or less and an overall length of forty-five feet or less, is designed to provide temporary living quarters for recreational, camping, or travel use, and is of such a size and weight as to not require a permit under chapter 321E when towed by a motor vehicle on a highway. "Travel trailer" includes a toy-hauler travel trailer. "Travel trailer" does not include a vehicle that is so designed as to permit it to be towed exclusively by a motorcycle.~~

25. ~~"Truck camper" means a vehicle designed to be placed in the bed of a pickup truck to provide temporary living quarters for recreational, camping, or travel use.~~

11. 26. ~~"Used travel trailer" towable recreational vehicle" means a travel trailer towable recreational vehicle which has been sold at retail and previously registered in this or any other state.~~

27. ~~"Warrantor" means a person, including a manufacturer, distributor, or supplier, that provides a written warranty to a consumer in connection with a new towable recreational vehicle or any part, accessory, or component of a new towable recreational vehicle. "Warrantor" does not include a dealer, distributor, supplier, or other person that is not owned or controlled by a manufacturer that provides a service contract, mechanical or other insurance, or an extended warranty sold for separate consideration to a consumer.~~

Sec. 3. Section 322C.3, Code 2019, is amended to read as follows:

**322C.3 Prohibited acts — exception.**

1. A person shall not engage in this state in the business of selling at retail new ~~travel trailers towable recreational vehicles~~ of any ~~make line-make~~, or represent or advertise that the person is engaged ~~in~~ or intends to engage in such business in this state, unless the person is authorized by a ~~contract in writing manufacturer-dealer agreement~~ between that person and the manufacturer or distributor of that ~~make line-make~~ of new ~~travel trailers towable recreational vehicles~~ to sell the ~~trailers vehicles~~ in this state, and unless the department has issued to the person a license as a ~~travel trailer towable recreational vehicle~~ dealer for the same ~~make line-make~~ of ~~travel trailer towable recreational vehicle~~ which the dealer is authorized to sell under the ~~manufacturer-dealer agreement~~.

2. A person, other than a licensed ~~travel trailer~~ dealer in new ~~travel trailers towable recreational vehicles~~, shall not engage in the business of selling at retail used ~~travel trailers towable recreational vehicles~~ or represent or advertise that the person is engaged ~~in~~ or intends to engage in such business in this state unless the department has issued to the person a license as a used ~~travel trailer towable recreational vehicle~~ dealer.

3. A person is not required to obtain a license as a ~~travel trailer~~ dealer if the person is disposing of a ~~travel trailer towable recreational vehicle~~ acquired or repossessed, so long as the person is exercising a power or right granted by a lien, title-retention instrument, or security agreement given as security for a loan or a purchase money obligation.

4. A ~~travel trailer~~ dealer shall not enter into a contract, agreement, or understanding, expressed or implied, with a manufacturer or distributor that the dealer will sell, assign, or transfer an agreement or contract arising from the retail installment sale of a ~~travel trailer towable recreational vehicle~~ only to a designated person or class of persons. Any such condition, agreement, or understanding between a manufacturer or distributor and a ~~travel trailer~~ dealer is against the public policy of this state and is unlawful and void.

5. A manufacturer or distributor of ~~travel trailers towable recreational vehicles~~ or an agent or representative of the manufacturer or distributor, shall not refuse to renew a ~~contract manufacturer-dealer agreement~~ for a term of less than ~~five years~~ twelve months, and shall not terminate or threaten to terminate a contract, agreement, or understanding for the sale of new ~~travel trailers towable recreational vehicles~~ to a ~~travel trailer~~ dealer in this state without just, reasonable, and lawful cause or because the ~~travel trailer~~ dealer failed to sell, assign, or transfer a contract or agreement arising from the retail sale of a ~~travel trailer towable recreational vehicle~~ to only a person or a class of persons designated by the manufacturer or distributor.

6. A ~~travel trailer~~ dealer shall not make and enter into a security agreement or other contract unless the agreement or contract meets the following requirements:

a. The security agreement or contract is in writing, is signed by both the buyer and the seller and is complete as to all essential provisions prior to the signing of the agreement or contract by the buyer except that, if delivery of the ~~travel-trailer towable recreational vehicle~~ is not made at the time of the execution of the agreement or contract, the identifying numbers of the ~~travel-trailer towable recreational vehicle~~ or similar information and the due date of the first installment may be inserted in the agreement or contract after its execution.

b. The agreement or contract complies with the Iowa consumer credit code, chapter 537, where applicable.

7. A manufacturer or distributor of ~~travel-trailers towable recreational vehicles~~ or an agent or representative of a manufacturer or distributor shall not coerce or attempt to coerce a ~~travel-trailer dealer~~ to accept delivery of a ~~travel-trailer towable recreational vehicle~~, or ~~travel-trailer parts~~ or accessories thereof, or any other commodity which has not been ordered by the dealer.

8. Except as provided under subsection 9 of ~~this section~~, a person licensed under section 322C.4 shall not, either directly or through an agent, salesperson, or employee, engage or represent or advertise that the person is engaged in or intends to engage in this state, in the business of buying or selling new or used ~~travel-trailers towable recreational vehicles~~ on Sunday.

9. A ~~travel-trailer dealer~~ may display new ~~travel-trailers towable recreational vehicles~~ at fairs, shows, and exhibitions on any day of the week as provided in this subsection. ~~Travel-trailer dealers~~ Dealers, in addition to selling ~~travel-trailers towable recreational vehicles~~ at their principal place of business and lots, may, upon receipt of a temporary permit approved by the department, display and offer new ~~travel-trailers towable recreational vehicles~~ for sale and negotiate sales of new ~~travel-trailers towable recreational vehicles~~ at fairs, shows, and exhibitions. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten dollar permit fee. Temporary permits shall be issued for a period not to exceed fourteen days. The department may issue multiple consecutive temporary permits.

10. A person who has been convicted of a fraudulent practice, has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99, or has been convicted of any other indictable offense in connection with selling or other activity relating to vehicles, in this state or any other state, shall not for a period of five years from the date of conviction be an owner, salesperson, employee, officer of a corporation, or representative of a licensed ~~travel-trailer towable recreational vehicle dealer~~ or represent themselves as an owner, salesperson, employee, officer of a corporation, or representative of a licensed ~~travel-trailer towable recreational vehicle dealer~~.

Sec. 4. Section 322C.4, Code 2019, is amended to read as follows:

**322C.4 Dealer's license application and fees.**

1. Upon application and payment of a fee, a person may be licensed as a ~~travel-trailer towable recreational vehicle dealer~~. The license fee is seventy dollars for a two-year period or part thereof. The person shall pay an additional fee of twenty dollars for a two-year period or part thereof for each ~~travel-trailer towable recreational vehicle~~ lot in addition to the principal place of business unless the lot is adjacent to the principal place of business. For purposes of this subsection, "*adjacent*" means that the principal place of business and each additional lot are adjoining parcels of property. The applicant shall file in the office of the department a verified application for license as a ~~travel-trailer dealer~~ in the form the department prescribes, which shall include the following:

a. The name of the applicant and the applicant's principal place of business.

b. The name of the applicant's business and whether the applicant is an individual, partnership, corporation, or other legal entity.

(1) If the applicant is a partnership, the name under which the partnership intends to engage in business and the name and post office address of each partner.

(2) If the applicant is a corporation, the state of incorporation and the name and post office address of each officer and director.

c. The ~~make~~ line-make or ~~makes~~ line-makes of new ~~travel-trailers towable recreational vehicles~~, if any, which the applicant will offer for sale at retail in this state.



d. The location of each place of business within this state to be used by the applicant for the conduct of the business.

e. If the applicant is a party to a contract, agreement including a manufacturer-dealer agreement, or understanding with a manufacturer or distributor of travel trailers towable recreational vehicles or is about to become a party to a contract, agreement, or understanding, the applicant shall state the name of each manufacturer and distributor and the make line-make or makes line-makes of new travel trailers towable recreational vehicles, if any, which are the subject matter of the contract, agreement, or understanding.

f. Other information concerning the business of the applicant the department reasonably requires for administration of this chapter.

2. The license shall be granted or refused within thirty days after application. A license is valid for a two-year period and expires, unless revoked or suspended by the department, on December 31 of even-numbered years. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee. A separate license shall be obtained for each county in which an applicant does business as a travel trailer dealer.

3. A licensee shall file with the department a supplemental statement when there is a change in an item of information required under ~~paragraphs "a" to "e"~~ of subsection 1, paragraphs "a" through "e", within fifteen days after the change. Upon filing a supplemental statement, the licensee shall surrender its license to the department together with a thirty-five-dollar fee. The department shall issue a new license modified to reflect the changes on the supplemental statement.

4. Before the issuance of a travel trailer dealer's license, the applicant shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of twenty-five thousand dollars, and be conditioned upon the faithful compliance by the applicant as a dealer with all statutes of this state regulating or applicable to a travel trailer dealer, and shall indemnify any person dealing or transacting business with the dealer from loss or damage caused by the failure of the dealer to comply with the provisions of chapter 321 and this chapter, including the furnishing of a proper and valid certificate of title to a travel trailer, ~~and that the~~ towable recreational vehicle. The bond shall be filed with the department prior to the issuance of the license. ~~A person licensed under chapter 322, with the same name and location or locations, is not subject to the provisions of this subsection.~~

Sec. 5. Section 322C.6, subsections 2 and 7, Code 2019, are amended to read as follows:

2. Made a material misrepresentation to the department in connection with an application for a license, certificate of title, or registration of a travel trailer towable recreational vehicle or other vehicle.

7. Knowingly made misleading, deceptive, untrue, or fraudulent representations in the business as a distributor of travel trailers towable recreational vehicles or engaged in unethical conduct or practice harmful or detrimental to the public.

Sec. 6. Section 322C.7, Code 2019, is amended to read as follows:

**322C.7 Manufacturer's or distributor's license.**

A manufacturer or distributor of travel trailers towable recreational vehicles shall not engage in business in this state without a license pursuant to this chapter.

Sec. 7. NEW SECTION. 322C.8 Applicability to agreements.

If a towable recreational vehicle dealer also sells and services motorized recreational vehicles or other motor vehicles, the provisions of this chapter relating to manufacturer-dealer agreements apply only to such agreements, or those provisions of such agreements, applicable to towable recreational vehicles.

Sec. 8. Section 322C.9, Code 2019, is amended to read as follows:

**322C.9 License application and fees.**

Upon application and payment of a seventy dollar fee for a two-year period or part thereof, a person may be licensed as a manufacturer or distributor of travel trailers towable recreational

vehicles. The application shall be in the form and shall contain information as the department prescribes. The license shall be granted or refused within thirty days after application. The license expires, unless sooner revoked or suspended by the department, on December 31 of even-numbered years. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

Sec. 9. Section 322C.12, Code 2019, is amended to read as follows:

**322C.12 ~~Semitrailer or travel-trailer towable recreational vehicle~~ retail installment contract — finance charges.**

1. A retail installment contract or agreement for the sale of a semitrailer or ~~travel-trailer towable recreational vehicle~~ may include a finance charge not in excess of the following rates:

a. Class 1. Any new semitrailer or ~~travel-trailer towable recreational vehicle~~ designated by the manufacturer by a year model not earlier than the year in which the sale is made, an amount equivalent to one and three-fourths percent per month simple interest on the declining balance of the amount financed.

b. Class 2. Any new semitrailer or ~~travel-trailer towable recreational vehicle~~ not in class 1 and any used semitrailer designated by the manufacturer by a year model of the same or not more than two years prior to the year in which the sale is made, an amount equivalent to two percent per month simple interest on the declining balance of the amount financed.

c. Class 3. Any used semitrailer or ~~travel-trailer towable recreational vehicle~~ not in class 2 and designated by the manufacturer by a year model more than two years prior to the year in which the sale is made, an amount equivalent to two and one-fourth percent per month simple interest on the declining balance of the amount financed.

2. ~~Amount financed shall be~~ “Amount financed” means the same as defined in section 537.1301.

3. The limitations contained in this section do not apply in a transaction referred to in section 535.2, subsection 2. With respect to a consumer credit sale, as defined in section 537.1301, the limitations contained in this section supersede conflicting provisions of chapter 537, article 2, part 2.

Sec. 10. NEW SECTION. **322C.13 Manufacturer-dealer agreement required — community.**

1. A manufacturer or distributor shall not sell a new towable recreational vehicle in this state to or through a towable recreational vehicle dealer without first entering into a manufacturer-dealer agreement with the dealer that has been signed by both parties. A dealer shall not sell a new towable recreational vehicle in this state without first entering into a manufacturer-dealer agreement with a manufacturer or distributor that has been signed by both parties.

2. Except as provided in subsection 3, a manufacturer-dealer agreement shall designate the community exclusively assigned to a dealer by the manufacturer or distributor, and the manufacturer or distributor shall not change the community or contract with another dealer for the sale of the same line-make of towable recreational vehicle in the community for the duration of the agreement.

3. The community designated in a manufacturer-dealer agreement may be reviewed or changed with the consent of both parties not less than twelve months after execution of the agreement.

Sec. 11. NEW SECTION. **322C.14 Manufacturer-dealer agreement — termination, cancellation, nonrenewal, or alteration by manufacturer or distributor.**

1. Notwithstanding section 322C.3, subsection 5, a manufacturer or distributor may, either directly or through any authorized officer, agent, or employee, terminate, cancel, or fail to renew a manufacturer-dealer agreement with or without good cause. If the manufacturer or distributor terminates, cancels, or fails to renew a manufacturer-dealer agreement without good cause, the manufacturer or distributor shall comply with the repurchase requirements set forth in section 322C.16.

2. A manufacturer or distributor shall have the burden of proof to demonstrate good cause for terminating, canceling, or failing to renew a manufacturer-dealer agreement. For purposes of determining whether good cause exists for the manufacturer's or distributor's termination, cancellation, or failure to renew a manufacturer-dealer agreement, any of the following factors may be considered:

- a. The extent of the dealer's presence in the community.
- b. The nature and extent of the dealer's investment in the dealer's business.
- c. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel.
- d. The effect that the proposed termination, cancellation, or nonrenewal of the manufacturer-dealer agreement would have on the community.
- e. The extent and quality of the dealer's service under the warranties of the towable recreational vehicles sold by the dealer.
- f. The dealer's failure to follow procedures or standards related to the overall operation of the dealership that were agreed to by the dealer.
- g. The dealer's performance under the terms of the manufacturer-dealer agreement.

3. a. Except as otherwise provided in this subsection or subsection 4, a manufacturer or distributor shall provide to a dealer written notice of termination, cancellation, or nonrenewal of a manufacturer-dealer agreement for good cause at least ninety days prior to terminating, canceling, or failing to renew the manufacturer-dealer agreement.

b. (1) The notice shall state all of the reasons for the termination, cancellation, or nonrenewal and shall further state that if, within thirty days following receipt of the notice, the dealer provides to the manufacturer or distributor a written notice of intent to cure all claimed deficiencies, the dealer shall then have ninety days following receipt of the notice to cure the deficiencies.

(2) If the deficiencies are cured within ninety days, the manufacturer's or distributor's notice is voided. If the dealer fails to provide the notice of intent to cure the deficiencies within thirty days, or fails to cure the deficiencies within ninety days, the termination, cancellation, or nonrenewal takes effect as provided in the original notice. If the dealer has possession of new and untitled inventory, the inventory may be sold pursuant to section 322C.16.

c. The notice period for termination, cancellation, or nonrenewal of a manufacturer-dealer agreement for good cause may be reduced to thirty days if the grounds for termination, cancellation, or nonrenewal are due to any of the following factors:

(1) The dealer or one of the dealer's owners has been convicted of, or has entered a plea of guilty or nolo contendere to, a felony.

(2) The dealer has abandoned or closed the dealer's business operations for ten consecutive business days. This subparagraph does not apply if the closing is due to a normal seasonal closing and the dealer notifies the manufacturer or distributor of the planned closing, an act of God, a strike, a labor difficulty, or any other cause over which the dealer has no control.

(3) The dealer has made a significant misrepresentation that materially affects the business relationship of the manufacturer or distributor and the dealer.

(4) The dealer's license has been suspended, revoked, denied, or has not been renewed by the department.

(5) The dealer has committed a material violation of this chapter which is not cured within thirty days after receipt of written notice of the violation.

4. Subsection 3 does not apply if the manufacturer or distributor terminates, cancels, or fails to renew the manufacturer-dealer agreement because the dealer is insolvent, or has filed for bankruptcy, receivership, or assignment for the benefit of creditors.

**Sec. 12. NEW SECTION. 322C.15 Manufacturer-dealer agreement — termination, cancellation, nonrenewal, or alteration by dealer.**

1. A dealer may terminate, cancel, or fail to renew a manufacturer-dealer agreement with or without good cause. If the dealer terminates, cancels, or fails to renew a manufacturer-dealer agreement with good cause, the manufacturer or distributor shall comply with the repurchase requirements set forth in section 322C.16.

2. The dealer shall have the burden of proof to demonstrate good cause for terminating, canceling, or failing to renew a manufacturer-dealer agreement. For purposes of determining

whether good cause exists for the dealer's termination, cancellation, or failure to renew a manufacturer-dealer agreement, any of the following factors shall be deemed to be good cause:

a. The manufacturer or distributor has been convicted of, or has entered a plea of guilty or nolo contendere to, a felony.

b. The manufacturer's or distributor's business operations have been abandoned or caused the dealer's business operations to close for ten consecutive business days. This subparagraph<sup>2</sup> does not apply if the closing is due to a normal seasonal closing and the manufacturer or distributor notifies the dealer of the planned closing, an act of God, a strike, a labor difficulty, or any other cause over which the manufacturer or distributor has no control.

c. The manufacturer or distributor has made a significant misrepresentation that materially affects the business relationship of the manufacturer or distributor and the dealer.

d. The manufacturer or distributor has committed a material violation of this chapter which is not cured within thirty days after receipt of written notice of the violation.

e. The manufacturer or distributor is insolvent, or has filed for bankruptcy, receivership, or assignment for the benefit of creditors.

3. a. A dealer shall provide to a manufacturer or distributor written notice of termination, cancellation, or nonrenewal of a manufacturer-dealer agreement at least thirty days prior to terminating, canceling, or failing to renew the manufacturer-dealer agreement.

b. (1) If a termination or cancellation is for good cause, the notice shall state all of the reasons for the termination or cancellation and shall further state that if, within thirty days following receipt of the notice, the manufacturer or distributor provides to the dealer a written notice of intent to cure all claimed deficiencies, the manufacturer or distributor shall then have ninety days following receipt of the notice to cure the deficiencies.

(2) If the deficiencies are cured within ninety days, the dealer's notice is voided. If the manufacturer or distributor fails to provide the notice of intent to cure the deficiencies within thirty days, or fails to cure the deficiencies within ninety days, the termination or cancellation takes effect as provided in the original notice.

**Sec. 13. NEW SECTION. 322C.16 Repurchase or sale of inventory.**

1. If a manufacturer-dealer agreement is terminated, canceled, or not renewed by the manufacturer or distributor without good cause, or by a dealer with good cause and, in the case of termination or cancellation, the manufacturer or distributor fails to provide notice or cure the deficiencies claimed by the dealer, the manufacturer or distributor shall, at the dealer's option and within forty-five days after termination, cancellation, or nonrenewal, repurchase all of the following:

a. All new, untitled towable recreational vehicles that the dealer acquired from the manufacturer or distributor within twelve months prior to the effective date of the notice of termination, cancellation, or nonrenewal of the manufacturer-dealer agreement that have not been used other than for demonstration purposes, and that have not been altered or damaged, at one hundred percent of the net invoice cost, including transportation, less applicable rebates and discounts to the dealer. If any of the towable recreational vehicles repurchased pursuant to this paragraph are damaged, but do not require a disclosure under section 321.69A, the amount due to the dealer shall be reduced by the cost to repair the vehicle. Damage incurred by a vehicle prior to delivery to the dealer that was disclosed at the time of delivery shall not disqualify repurchase pursuant to this paragraph.

b. All undamaged proprietary parts for any line-make subject to the termination, cancellation, or nonrenewal that was sold to the dealer for resale within twelve months prior to the effective date of the termination, cancellation, or nonrenewal of the manufacturer-dealer agreement, if accompanied by the original invoice, at one hundred five percent of the original net price paid to the manufacturer or distributor.

c. All properly functioning diagnostic equipment, special tools, current signage, or other equipment and machinery that was purchased by the dealer upon the request of the manufacturer or distributor for any line-make subject to the termination, cancellation, or nonrenewal within five years prior to the effective date of the termination, cancellation, or

<sup>2</sup> See chapter 89, §14 herein

nonrenewal of the manufacturer-dealer agreement that can no longer be used in the normal course of the dealer's ongoing business.

2. If towable recreational vehicles of a particular line-make subject to a terminated, canceled, or nonrenewed manufacturer-dealer agreement are not repurchased or required to be repurchased pursuant to the agreement, the dealer may continue to sell such vehicles existing in the dealer's inventory until the vehicles are no longer in the dealer's inventory.

**Sec. 14. NEW SECTION. 322C.17 Transfer of ownership — family succession — objection.**

1. *a.* If a towable recreational vehicle dealer makes or intends to make a change in ownership of a dealership by sale of the business assets, a stock transfer, or in another manner, the dealer shall provide to a manufacturer or distributor that is a party to a manufacturer-dealer agreement with the dealer written notice of the proposed change at least fifteen business days before the change becomes effective. The notice shall include all supporting documentation that may be reasonably required by the manufacturer or distributor to determine whether to make an objection to the change.

*b.* In the absence of a breach by the dealer of the manufacturer-dealer agreement or a violation of this chapter, the manufacturer or distributor shall not object to the proposed change in ownership unless the objection is to the prospective transferee for any of the following reasons:

(1) The transferee has previously been a party to a manufacturer-dealer agreement with the manufacturer or distributor and the agreement was terminated, canceled, or not renewed by the manufacturer or distributor for good cause.

(2) The transferee has been convicted of a felony or any crime of fraud, deceit, or moral turpitude.

(3) The transferee lacks any license required by law.

(4) The transferee does not have an active line of credit sufficient to purchase the manufacturer's or distributor's products.

(5) The transferee is insolvent or has been within the previous ten years, or has filed for bankruptcy, receivership, or assignment for the benefit of creditors within the previous ten years.

*c.* If a manufacturer or distributor objects to a proposed change in ownership of a dealership, the manufacturer or distributor shall provide written notice of the reasons for the objection to the dealer within fifteen business days after receipt of the dealer's notification and supporting documentation about the proposed change. The manufacturer or distributor shall have the burden of proof to demonstrate that the objection complies with the requirements of this subsection. If the manufacturer or distributor does not provide the dealer with timely notice of the objection, the dealer's proposed change in ownership of the dealership shall be deemed approved.

2. *a.* A manufacturer or distributor shall provide to a dealer the opportunity to designate, in writing, a family member as a successor to ownership of a dealership in the event of the death, incapacity, or retirement of the dealer. If a dealer desires to designate a family member as a successor to ownership of a dealership, the dealer shall provide to the manufacturer or distributor that is a party to the manufacturer-dealer agreement with the dealer written notice of the proposed designation, or modification of a previous designation, at least fifteen business days before the designation or proposed modification of a designation becomes effective. The notice shall include all supporting documentation as may be reasonably required by the manufacturer or distributor to determine whether to make an objection to the succession plan.

*b.* In the absence of a breach by the dealer of the manufacturer-dealer agreement or a violation of this chapter, the manufacturer or distributor shall not object to the designation or proposed modification of a designation unless the objection is to the designated successor for any of the following reasons:

(1) The designated successor has previously been a party to a manufacturer-dealer agreement with the manufacturer or distributor and the agreement was terminated, canceled, or not renewed by the manufacturer or distributor for good cause.

(2) The designated successor has been convicted of a felony or any crime of fraud, deceit, or moral turpitude.

(3) The designated successor lacks any license required by law at the time of succession.

(4) The designated successor does not have an active line of credit sufficient to purchase the manufacturer's or distributor's products at the time of succession.

(5) The designated successor is insolvent or has been within the previous ten years, or has filed for bankruptcy, receivership, or assignment for the benefit of creditors within the previous ten years.

c. If a manufacturer or distributor objects to a succession plan, the manufacturer or distributor shall provide written notice of the reasons for the objection to the dealer within fifteen business days after receipt of the dealer's notification and supporting documentation about the proposed designation or proposed modification of a designation. The manufacturer or distributor shall have the burden of proof to demonstrate that the objection complies with the requirements of this subsection. If the manufacturer or distributor does not provide the dealer with timely notice of the objection, the dealer's proposed succession plan shall be deemed approved. A manufacturer or distributor shall allow the succession of ownership of a dealership to a designated family member when a dealer is deceased, incapacitated, or has retired, unless the manufacturer or distributor has provided to the dealer written notice of the manufacturer's or distributor's objections to the succession within fifteen days after receipt of notice of the succession. However, a family member of a dealer shall not succeed to ownership of a dealership if the succession involves, without the manufacturer's or distributor's consent, a relocation of the dealership or alteration of the terms and conditions of the manufacturer-dealer agreement.

**Sec. 15. NEW SECTION. 322C.18 Warranty obligations.**

1. A warrantor shall do all of the following:

a. Specify in writing to each dealer what obligations the dealer has, if any, for the preparation and delivery of, and warranty services on, the warrantor's products.

b. Compensate the dealer for warranty services the warrantor requires the dealer to perform.

c. Provide the dealer with a schedule of compensation and time allowances for the performance of warranty services. The schedule of compensation shall include reasonable compensation for warranty services performed by the dealer, including diagnostic services.

2. a. Time allowances for the performance of warranty services, including diagnostic services, shall be reasonable for the service to be performed.

b. In determining what constitutes reasonable compensation under this section, the principle factors to be given consideration shall be the actual wage rates being paid by the dealer and the actual retail wage rates being charged by other dealers in the community in which the dealer is doing business. The compensation of a dealer for warranty services shall not be less than the lowest actual retail wage rates charged by the dealer for similar nonwarranty services, as long as the actual retail wage rates are reasonable.

3. A warrantor shall reimburse a dealer for any warranty part, accessory, or complete component at actual wholesale cost to the dealer plus a minimum of a thirty percent handling charge, not to exceed one hundred fifty dollars, and plus the cost, if any, to the dealer to return such part, component, or accessory to the warrantor.

4. A warrantor may conduct a warrantor audit of a dealer's records within twelve months after the payment of a warranty claim. A warrantor shall not deny a dealer's claim for warranty compensation except for good cause, including performance of nonwarranty repairs, material noncompliance with the warrantor's published policies and procedures, lack of material documentation, fraud, or misrepresentation.

5. A dealer shall submit claims for compensation for the performance of warranty services to the warrantor within forty-five days after completion of the warranty services.

6. A dealer shall immediately notify a warrantor in writing if the dealer is unable to perform warranty services, including diagnostic services, within ten days of receipt of a written complaint from a consumer.

7. A warrantor shall deny a claim submitted by a dealer for compensation for the performance of warranty services, in writing, within thirty days after submission of the

claim in the manner and form prescribed by the warrantor. A claim not specifically denied as required by this subsection shall be deemed approved and shall be paid within sixty days of submission of the claim.

8. A warrantor shall not do any of the following:

a. Fail to perform any of the warrantor's obligations with respect to its warranted products.

b. Fail to include, in written notices of a factory campaign to towable recreational vehicle owners and dealers, the expected date by which necessary parts and equipment, including tires and chassis or chassis parts, will be available to dealers to perform the factory campaign work. The warrantor may ship parts to a dealer for purposes of factory campaign work, and, if such parts are in excess of the dealer's requirements, the dealer may return unused, undamaged parts to the warrantor for credit after completion of the factory campaign.

c. Fail to compensate the warrantor's dealers for authorized repairs performed by the dealer on merchandise damaged in manufacture or in transit to the dealer by a carrier designated by the warrantor, factory branch, distributor, or distributor branch.

d. Fail to compensate the warrantor's dealers in accordance with the schedule of compensation provided to the dealer pursuant to this section, if the warranty services for which compensation is claimed are performed by the dealer in a timely and competent manner as required in this section.

e. Intentionally misrepresent in any way to consumers that warranties with respect to the manufacture, performance, or design of towable recreational vehicles are made by the dealer as warrantor or co-warrantor.

f. Require the warrantor's dealers to make warranties to a consumer that are in any manner related to the manufacture of a towable recreational vehicle.

9. A dealer shall not do any of the following:

a. Fail to perform predelivery inspection functions, as specified by the warrantor, in a competent and timely manner.

b. Fail to perform warranty services, as authorized by the warrantor, in a competent and timely manner on any transient consumer's towable recreational vehicle of a line-make sold or serviced by the dealer.

c. Fail to accurately document the time spent completing each repair, the total number of repair attempts conducted on a single towable recreational vehicle, and the number of repair attempts for the same repair conducted on a single towable recreational vehicle.

d. Fail to notify the warrantor within ten days of a second repair attempt on a towable recreational vehicle which impairs the use, value, or safety of the vehicle.

e. Fail to maintain written records, including a consumer's written or electronic verification or signature, regarding the amount of time a towable recreational vehicle is stored for the consumer's convenience during a repair.

f. Make fraudulent warranty claims or misrepresent the terms of any warranty.

**Sec. 16. NEW SECTION. 322C.19 Indemnification — warrantor and dealer.**

1. a. Notwithstanding the terms of a manufacturer-dealer agreement, a warrantor shall indemnify and hold harmless the warrantor's dealer against any loss or damage, to the extent the loss or damage is caused by willful misconduct of the warrantor.

b. A warrantor shall not deny a dealer indemnification for failure to discover, disclose, or remedy a defect in the design or manufacture of a new towable recreational vehicle. A warrantor may deny a dealer indemnification if the dealer fails to remedy a known and announced defect in accordance with the written instructions of the warrantor for whom the dealer is obligated to perform warranty services.

c. A warrantor shall provide to the dealer a copy of any pending lawsuit in which allegations are made against the warrantor of willful misconduct. The warrantor shall provide the copy to the dealer within ten days after receiving notice of the lawsuit.

2. a. Notwithstanding the terms of a manufacturer-dealer agreement, a dealer shall indemnify and hold harmless the dealer's warrantor against any loss or damage, to the extent that the loss or damage is caused by willful misconduct of the dealer.

b. A dealer shall provide to the warrantor a copy of any pending lawsuit in which allegations are made against the dealer of willful misconduct. The dealer shall provide the copy to the warrantor within ten days after receiving notice of the lawsuit.

3. Notwithstanding any provision of law to the contrary, this section continues to apply after a new towable recreational vehicle is titled.

**Sec. 17. NEW SECTION. 322C.20 Inspection and rejection by dealer.**

1. Whenever a new towable recreational vehicle is damaged prior to transit or is damaged in transit to a dealer and the carrier or means of transportation has been selected by the manufacturer or distributor, the dealer shall notify the manufacturer or distributor of the damage within the time frame specified in the manufacturer-dealer agreement and shall do either of the following:

a. Request from the manufacturer or distributor authorization to replace the components, parts, or accessories damaged, or otherwise repair the vehicle to make it ready for sale at retail.

b. Reject the vehicle within the time frame set forth in the manufacturer-dealer agreement pursuant to subsection 4.

2. If the manufacturer or distributor refuses to authorize repair of the new towable recreational vehicle within ten days after receipt of a dealer's notification, or if the dealer rejects the new towable recreational vehicle because of damage to the vehicle, ownership of the vehicle shall revert to the manufacturer or distributor.

3. The dealer shall exercise due care when in custody of a damaged new towable recreational vehicle, but the dealer shall have no other obligations, financial or otherwise, with respect to the vehicle following rejection in accordance with the manufacturer-dealer agreement pursuant to subsection 4.

4. The time frame for inspection and rejection of a damaged new towable recreational vehicle by a dealer shall be specified in the manufacturer-dealer agreement, but shall not be less than two business days after the physical delivery of the vehicle to the dealer.

**Sec. 18. NEW SECTION. 322C.21 Civil action — mediation.**

1. A dealer, manufacturer, distributor, or warrantor injured by another party's violation of this chapter may bring a civil action in district court to recover actual damages resulting from the violation. The court shall award reasonable attorney fees and costs to the prevailing party in such an action. Venue for a civil action authorized by this section shall be exclusively in the county in which the dealer's business is located. In an action involving more than one dealer, venue may be in any county in which any dealer that is a party to the action is located.

2. a. Prior to bringing a civil action under this section, the party alleging a violation of this chapter shall serve a written demand for mediation upon the alleged offending party.

b. The demand for mediation shall be served upon the alleged offending party via certified mail at the address stated in the manufacturer-dealer agreement between the parties, if applicable.

c. The demand for mediation shall contain a statement of the dispute or violation alleged and the relief sought by the party serving the demand.

d. Within twenty days after service of a demand for mediation, the parties shall mutually select an independent certified mediator and shall meet with the mediator for the purpose of attempting to resolve the dispute or alleged violation. The meeting place for the mediation shall be in this state at a location selected by the mediator. The mediator may extend the date before which the parties are required to have the meeting for good cause shown by either party or upon a stipulation by both parties.

e. The service of a demand for mediation under this section shall toll the period during which a party is required to file any complaint, petition, protest, or other action under this chapter until representatives of both parties have met with the mutually agreed-upon mediator for the purpose of attempting to resolve the dispute or alleged violation. If a complaint, petition, protest, or other action has been filed before the mediation meeting, the court shall enter an order suspending any proceeding or action relating to such complaint, petition, protest, or other action until the mediation meeting has occurred and may, upon written stipulation by all parties to the proceeding or action that the parties wish to continue mediation under this section, enter an order suspending the proceeding or action for any period the court considers appropriate.



f. Each party to the mediation shall pay its own costs for attorney fees. The costs of the mediation services shall be equally allocated among each party.

3. In addition to the remedies provided in this section, and notwithstanding the existence of any additional remedy at law, a manufacturer, distributor, warrantor, or dealer may petition the district court, upon a hearing and for cause shown, for a temporary or permanent injunction, or both, restraining any person from acting as a dealer without being properly licensed, from violating or continuing to violate any of the provisions of this chapter, or from failing or refusing to comply with the requirements of this chapter. Such injunction shall be issued without bond. A single act in violation of this chapter shall be considered sufficient cause to authorize the issuance of an injunction pursuant to this subsection.

Sec. 19. Section 435.23, subsection 1, Code 2019, is amended to read as follows:

1. The manufacturer's and retailer's inventory of mobile homes, manufactured homes, or modular homes not in use as a place of human habitation shall be exempt from the annual tax. All travel trailers, fifth-wheel travel trailers, and towable recreational vehicles shall be exempt from this tax. The homes, ~~and travel trailers, fifth-wheel travel trailers, and towable recreational vehicles~~ in the inventory of manufacturers and retailers shall be exempt from personal property tax.

Sec. 20. APPLICABILITY. This Act applies to manufacturer-dealer agreements pertaining to the sale of new towable recreational vehicles entered into or renewed on or after January 1, 2020.

Approved May 2, 2019

## CHAPTER 68

### CITY ZONING AUTHORITY — RESIDENTIAL PROPERTY RENTAL PERMIT CAPS

S.F. 447

**AN ACT** relating to the power of cities to regulate certain building restrictions, and including effective date provisions.

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

Section 1. Section 414.1, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A city shall not adopt or enforce any regulation, restriction, or other ordinance related to residential property rental permit caps on single-family homes or duplexes.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 2, 2019

**CHAPTER 69****DEPENDENT ADULT ABUSE REPORTS — DISPOSITION OF REPORTS OF MINOR ACTS OR OMISSIONS***H.F. 304*

**AN ACT** relating to reports of personal degradation by caretakers of dependent adults in facilities and programs regulated by the department of inspections and appeals.

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

Section 1. Section 235E.2, subsection 1, paragraph c, Code 2019, is amended to read as follows:

c. A report of dependent adult abuse that meets the definition of dependent adult abuse under section 235E.1, subsection 5, paragraph “a”, subparagraph (1), subparagraph division (a) or (d), or section 235E.1, subsection 5, paragraph “a”, subparagraph (3), which the department determines is minor, isolated, and unlikely to reoccur shall be collected and maintained by the department of human services as an assessment only for a five-year period and shall not be included in the central registry and shall not be considered to be founded dependent adult abuse. A subsequent report of dependent adult abuse that meets the definition of dependent adult abuse under section 235E.1, subsection 5, paragraph “a”, subparagraph (1), subparagraph division (a) or (d), or section 235E.1, subsection 5, paragraph “a”, subparagraph (3), that occurs within the five-year period, and that is committed by the caretaker responsible for the act or omission which was the subject of the previous report of dependent adult abuse which the department determined was minor, isolated, and unlikely to reoccur, may be considered minor, isolated, and unlikely to reoccur depending on the circumstances of the report.

Approved May 2, 2019

**CHAPTER 70****WEAPONS REQUIREMENTS FOR NONAMBULATORY HUNTERS***H.F. 325*

**AN ACT** relating to weapons requirements for nonambulatory hunters.

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

Section 1. Section 483A.8C, subsection 1, Code 2019, is amended to read as follows:

1. A nonambulatory person who is a resident may be issued one any sex deer hunting license ~~which is valid and may be used to hunt deer with a shotgun or a muzzleloading rifle during any established deer hunting season~~ 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. A person who applies for a license pursuant to this section shall complete a form, as required by rule, that is signed by a physician who verifies that the person is nonambulatory.

Approved May 2, 2019

**CHAPTER 71**

## JOINT 911 SERVICE BOARDS — VOTING MEMBERSHIP

H.F. 516

**AN ACT** relating to voting membership on joint 911 service boards.

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

Section 1. Section 34A.3, subsection 1, paragraph a, Code 2019, is amended by adding the following new subparagraphs:

**NEW SUBPARAGRAPH.** (3) The sheriff of each county, or the sheriff's designee, is entitled to voting membership on the joint 911 service board.

**NEW SUBPARAGRAPH.** (4) The chief of police of each city operating a public safety answering point, or the chief of police's designee, is entitled to voting membership on the joint 911 service board of the county where the city is located.

Approved May 2, 2019

**CHAPTER 72**

## PUBLIC ELEMENTARY SCHOOL CLASSROOM ASSIGNMENTS — SIBLINGS AT SAME GRADE LEVEL

H.F. 598

**AN ACT** relating to the assignment of pupils who are siblings to classrooms by school districts.

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

Section 1. Section 279.11, Code 2019, is amended to read as follows:

**279.11 Number of schools — attendance — terms — classroom assignment.**

1. The board of directors shall determine the number of schools to be taught, divide the corporation into such wards or other divisions for school purposes as may be proper, determine the particular school which each child shall attend, and designate the period each school shall be held beyond the time required by law.

2. a. A parent or guardian of siblings may request of a school principal, that the children be placed in the same classroom or in separate classrooms if the children are in the same grade level academically for kindergarten through grade five. The school principal in consultation with the siblings' classroom teachers for the prior school year, may recommend classroom placement to the parent or guardian. The school principal shall provide the placement requested by the parent or guardian, unless the school principal makes a classroom placement determination as provided under paragraph "b" or if the placement would require the school district to add an additional class at the siblings' grade level. A request made by a parent or guardian under this paragraph must be submitted to the school principal at the time of registration for classes or, if the children are enrolled in the school district after the school year commences, within fourteen days after the children's first day of attendance during the school year.

b. At the end of the initial grading period following the siblings' placement in the same classroom in accordance with paragraph "a", if the school principal, in consultation with the siblings' classroom teacher and parent or guardian, determines that placement in the same classroom is disruptive to the class, the school principal may assign one or more of the siblings to a different classroom.

c. For purposes of this subsection, “disruptive to the class” includes classroom placement of the siblings where it is determined that a sibling’s behavior or actions are detrimental to other students’ academic achievement or substantially interferes with other students’ abilities to participate in or benefit from the services, activities, or privileges provided by the school.

d. A parent or guardian may appeal the assignment of siblings made by a school principal under this subsection to the board of directors of the school district.

Approved May 2, 2019

## CHAPTER 73

### MUSHROOM SALES AT FARMERS MARKETS

S.F. 265

**AN ACT** providing for the sale of certain mushrooms at farmers markets, and providing an effective date.

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

Section 1. Section 137F.2, Code 2019, is amended to read as follows:

**137F.2 Adoption by rule.**

1. The department shall, in accordance with chapter 17A, adopt rules setting minimum standards for entities covered under this chapter to protect consumers from foodborne illness. In so doing, the department may adopt by reference, with or without amendment, the United States food and drug administration food code, which shall be specified by title and edition, date of publication, or similar information. The rules and standards shall be formulated in consultation with municipal corporations under agreement with the department, affected state agencies, and industry, professional, and consumer groups.

2. In establishing minimum standards as described in subsection 1, the department shall adopt rules for the sale at a farmers market of culinary mushrooms commonly referred to as a variety of wild golden oyster and classified as pleurotus ostreatus, pleurotus populinus, or pleurotus pulmonarius.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 3, 2019

## CHAPTER 74

### ETHICS — CONFLICTS OF INTEREST IN GOVERNMENT CONTRACTS

S.F. 283

**AN ACT** relating to conflicts of interest in certain government public contracts.

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

Section 1. Section 279.7A, Code 2019, is amended to read as follows:

**279.7A Interest in public contracts prohibited — exceptions.**

1. A member of the board of directors of a school corporation shall not have an interest, direct or indirect, in a contract for the purchase of goods, including materials and profits, and the performance of services for the director's school corporation. A contract entered into in violation of this section is void.

2. This section does not apply to contracts for the purchase of goods or services which benefit a director, or to compensation for part-time or temporary employment which benefits a director, if the benefit to the director does not exceed ~~two~~ six thousand ~~five hundred~~ dollars in a fiscal year, and contracts made by a school board, upon competitive bid in writing, publicly invited and opened.

3. This section does not apply to a contract that is a bond, note, or other obligation of a school corporation if the contract is not acquired directly from the school corporation, but is acquired in a transaction with a third party, who may or may not be the original underwriter, purchaser, or obligee of the contract, or to a contract in which a director has an interest solely by reason of employment if the contract is made by competitive bid in writing, publicly invited and opened, or if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract.

4. The competitive bid qualification of this section does not apply to a contract for professional services not customarily awarded by competitive bid.

Sec. 2. Section 331.342, subsection 2, paragraph j, Code 2019, is amended to read as follows:

j. Contracts not otherwise permitted by this section, for the purchase of goods or services by a county, which benefit a county officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of ~~one~~ six thousand ~~five hundred~~ dollars in a fiscal year.

Sec. 3. Section 362.5, subsection 3, paragraph j, Code 2019, is amended to read as follows:

j. Contracts not otherwise permitted by this section, for the purchase of goods or services by a city ~~having a population of more than two thousand five hundred~~, which benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of ~~one~~ six thousand ~~five hundred~~ dollars in a fiscal year.

Sec. 4. Section 362.5, subsection 3, paragraph k, Code 2019, is amended by striking the paragraph.

Approved May 3, 2019

## CHAPTER 75

### OPERATION OF MOTOR VEHICLES — AUTOMATED DRIVING SYSTEMS

#### S.F. 302

**AN ACT** relating to motor vehicles operated by an automated driving system, and making penalties applicable.

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

#### Section 1. NEW SECTION. **321.514 Definitions.**

As used in this section and sections 321.515 through 321.519, unless the context otherwise requires:

1. "Automated driving system" means the hardware and software collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether the system is limited to a specific operational design domain, if any.

2. “*Conventional human driver*” means a natural person who manually controls the in-vehicle accelerating, braking, steering, and transmission gear selection input devices in order to operate a motor vehicle.

3. “*Driverless-capable vehicle*” means a system-equipped vehicle capable of performing the entire dynamic driving task within the automated driving system’s operational design domain, if any, including but not limited to achievement of a minimal risk condition without intervention or supervision by a conventional human driver.

4. “*Dynamic driving task*” means all real-time operational and tactical functions required to operate a motor vehicle on a highway in traffic within an automated driving system’s specific operational design domain, if any. “*Dynamic driving task*” does not include any strategic function such as trip scheduling or the selection of destinations and waypoints.

5. “*Minimal risk condition*” means a reasonably safe state to which an automated driving system brings a system-equipped vehicle upon experiencing a performance-relevant failure of the system that renders the system unable to perform the entire dynamic driving task, including but not limited to removing the vehicle to the nearest shoulder if the vehicle is capable of doing so, bringing the vehicle to a complete stop, and activating the vehicle’s emergency signal lamps.

6. “*On-demand driverless-capable vehicle network*” means a transportation service network that uses a software application or other digital means to dispatch driverless-capable vehicles for the purposes of transporting persons or goods, including transportation for hire as defined in section 325A.1, and public transportation.

7. “*Operational design domain*” means a set of constraints used to define the domain under which an automated driving system is designed to properly operate, including but not limited to types of highways, speed ranges, environmental conditions such as weather or time of day, and other constraints.

8. “*System-equipped vehicle*” means a motor vehicle equipped with an automated driving system.

Sec. 2. NEW SECTION. 321.515 Operation.

1. A driverless-capable vehicle may operate on the public highways of this state without a conventional human driver physically present in the vehicle, if the vehicle meets all of the following conditions:

a. The vehicle is capable of achieving a minimal risk condition if a malfunction of the automated driving system occurs that renders the system unable to perform the entire dynamic driving task within the system’s intended operational design domain, if any.

b. While in driverless operation, the vehicle is capable of operating in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state that govern the performance of the dynamic driving task, unless an exemption has been granted to the vehicle by the department.

c. The vehicle has been certified by the vehicle’s manufacturer to be in compliance with all applicable federal motor vehicle safety standards, except to the extent an exemption has been granted for the vehicle under applicable federal law or by the national highway traffic safety administration.

2. a. The operation of a system-equipped vehicle capable of performing the entire dynamic driving task within the automated driving system’s operational design domain on the public highways of this state while a conventional human driver is present in the vehicle shall be lawful. During such operation, the conventional human driver shall possess a valid driver’s license pursuant to section 321.174 and shall be subject to the financial liability coverage requirements and penalties set forth under section 321.20B. The conventional human driver shall operate the system-equipped vehicle according to the manufacturer’s requirements and specifications, and shall regain manual control of the vehicle when prompted by the automated driving system.

b. An automated driving system, while engaged, shall be designed to operate within the system’s operational design domain in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state that govern the performance of the dynamic driving task, unless an exemption has been granted to the vehicle by the department.

3. Except as provided in this section, the motor vehicle laws of this state shall not be construed to require a conventional human driver to operate a driverless-capable vehicle that is being operated by an automated driving system. The automated driving system, while engaged, shall be deemed to fulfill any physical acts required of a conventional human driver to perform the dynamic driving task.

**Sec. 3. NEW SECTION. 321.516 Insurance.**

Before a system-equipped vehicle is allowed to operate on the public highways of this state, the owner shall obtain financial liability coverage for the vehicle. A system-equipped vehicle shall not operate on the highways of this state unless financial liability coverage is in effect for the vehicle and unless proof of financial liability coverage is carried in the vehicle pursuant to section 321.20B.

**Sec. 4. NEW SECTION. 321.517 Accidents.**

In the event of an accident in which a system-equipped vehicle is involved, the vehicle shall remain at the scene of the accident and the operation of the vehicle shall otherwise comply with sections 321.261 through 321.273 where applicable and to the extent possible, and the vehicle's owner or a person on behalf of the vehicle's owner shall promptly report the accident to law enforcement authorities. If a system-equipped vehicle fails to remain at the scene of an accident or the operation of the vehicle fails to otherwise comply with sections 321.261 through 321.273 where applicable and to the extent possible as required by this section, the vehicle's failure shall be imputed to the vehicle's owner, and the vehicle's owner may be charged and convicted of a violation of sections 321.261 through 321.273, as applicable.

**Sec. 5. NEW SECTION. 321.518 On-demand driverless-capable vehicle network.**

A person may operate an on-demand driverless-capable vehicle network. An on-demand driverless-capable vehicle network may be used to facilitate the transportation of persons or goods, including transportation for hire as defined in section 325A.1, and public transportation. An on-demand driverless-capable vehicle network may connect passengers to driverless-capable vehicles either exclusively or as part of a digital network that also connects passengers to conventional human drivers who provide transportation services, consistent with chapter 321N or any other applicable laws, in vehicles that are not driverless-capable vehicles.

**Sec. 6. NEW SECTION. 321.519 Authority.**

1. Automated driving systems and system-equipped vehicles shall be governed by sections 321.514 through 321.518, this section, and all applicable traffic and motor vehicle safety laws and regulations of this state. Automated driving systems and system-equipped vehicles shall be regulated exclusively by the department. The department may adopt rules pursuant to chapter 17A to administer sections 321.514 through 321.518, and this section.

2. A political subdivision of the state shall not impose requirements, including but not limited to performance standards, specific to the operation of system-equipped vehicles, automated driving systems, or on-demand driverless-capable vehicle networks that are in addition to the requirements set forth under sections 321.514 through 321.518. A political subdivision of the state shall not impose a tax on system-equipped vehicles, automated driving systems, or on-demand driverless-capable vehicle networks where such tax relates specifically to the operation of system-equipped vehicles, automated driving systems, or on-demand driverless-capable vehicle networks.

Approved May 3, 2019

**CHAPTER 76****REPLACEMENT OF DRIVER'S LICENSES OR NONOPERATOR'S IDENTIFICATION CARDS — PERSONS ATTAINING AGE TWENTY-ONE**

S.F. 303

**AN ACT** relating to the replacement of a person's driver's license or nonoperator's identification card on the person's twenty-first birthday anniversary.

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

Section 1. Section 321.189, subsection 6, Code 2019, is amended to read as follows:

6. *Licenses issued to persons under age twenty-one.* A driver's license issued to a person under eighteen years of age shall contain the same information as any other driver's license except that the words "under eighteen" shall appear prominently on the face of the license. A driver's license issued to a person eighteen years of age or older but less than twenty-one years of age shall contain the same information as any other driver's license except that the words "under twenty-one" shall appear prominently on the face of the license. Upon attaining the age of eighteen or upon attaining the age of twenty-one, and upon payment of a ten dollar fee, the person shall be entitled to a new driver's license or nonoperator's identification card for the unexpired months of the driver's license or card. Upon attaining the age of twenty-one, a person who is otherwise eligible to be issued a driver's license or nonoperator's identification card shall be eligible to apply electronically for issuance of a replacement license or card for the unexpired months of the license or card, regardless of whether the most recent previous issuance of the license or card occurred electronically. The department shall, within a reasonable time period prior to a person's twenty-first birthday anniversary, notify the person of the person's eligibility to apply for a replacement driver's license or nonoperator's identification card electronically upon attaining the age of twenty-one. The department shall develop educational media to raise awareness of a person's eligibility to apply for a replacement driver's license or nonoperator's identification card electronically upon attaining the age of twenty-one. An instruction permit or intermediate license issued under section 321.180B, subsection 1 or 2, shall include a distinctive color bar. An intermediate license issued under section 321.180B, subsection 2, shall include the words "intermediate license" printed prominently on the face of the license.

Approved May 3, 2019

**CHAPTER 77****DRIVER EDUCATION INSTRUCTORS — PEACE OFFICERS AND RETIRED PEACE OFFICERS**

S.F. 319

**AN ACT** relating to peace officers and retired peace officers who provide street or highway driving instruction.

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

Section 1. Section 321.178, subsection 1, paragraph b, subparagraph (2), subparagraph division (a), Code 2019, is amended to read as follows:

(a) To be qualified to provide street or highway driving instruction, a person shall be certified by the department and authorized by the board of educational examiners. However, if the person is a peace officer, as defined in section 801.4, subsection 11, paragraph "a", "b", "c", or "h", with five or more years of experience as a peace officer, or a retired peace officer



who holds a driver's license that is valid for more than two years from the date of issuance, the person shall not be required to be authorized by the board of educational examiners. A person shall not be required to hold a current Iowa teacher or administrator license at the elementary or secondary level or to have satisfied the educational requirements for an Iowa teacher license at the elementary or secondary level in order to be certified by the department or authorized by the board of educational examiners to provide street or highway driving instruction. For purposes of this subparagraph division, "retired peace officer" means a person retired under chapter 97A or 411, or section 97B.49B or 97B.49C, after service as a peace officer, as defined in section 801.4, subsection 11, paragraph "a", "b", "c", or "h".

Approved May 3, 2019

## CHAPTER 78

### PEDIATRIC CONGENITAL HEART SURGERY — DATA REPORTING — PATIENT EDUCATION

S.F. 531

**AN ACT** relating to pediatric congenital heart surgery including data reporting and the provision of patient education by hospitals.

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

Section 1. **NEW SECTION. 135B.35 Pediatric congenital heart surgery — public reporting of data — patient education.**

A hospital licensed under this chapter that provides pediatric congenital heart surgery shall do all of the following:

1. Participate in a qualified clinical data registry for thoracic surgery by providing all pediatric congenital heart surgery data required and consenting to public reporting of the data shared.

2. Provide information regarding how to access the national information provided in the qualified clinical data registry for thoracic surgery during an educational consultation with a parent or legal guardian of a pediatric patient for whom a congenital heart surgery procedure is recommended.

Approved May 3, 2019

## CHAPTER 79

### TOWED VEHICLES — DISTANCE REQUIREMENTS

H.F. 387

**AN ACT** relating to distance requirements for certain motor vehicles following other vehicles.

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

Section 1. Section 321.309, Code 2019, is amended to read as follows:

**321.309 Towing — ~~convoys.~~**

1. A person shall not pull or tow by motor vehicle, for hire, another motor vehicle over any highway outside the limits of any incorporated city, except in case of temporary movement

of a disabled motor vehicle to the place where repairs will be made, unless the person has complied with the provisions of sections 321.57 and 321.58. Provided, however, if the person is a nonresident of the state of Iowa and has complied with the laws of the state of that person's residence governing licensing and registration as a transporter of motor vehicles, the person shall not be required to pay the fee provided in section 321.58 but only to submit proof of the person's status as a bona fide manufacturer or transporter as may reasonably be required by the department.

~~2. A person pulling or towing by motor vehicle another motor vehicle in convoy or caravan shall maintain a distance of at least five hundred feet between the units of the convoy or caravan.~~

Sec. 2. Section 321.482A, unnumbered paragraph 1, Code 2019, 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, section~~ 321.311, 321.319, 321.320, 321.321, 321.322, 321.323, 321.324, 321.324A, 321.327, 321.329, 321.333, 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. 3. Section 805.8A, subsection 7, paragraph d, Code 2019, is amended by striking the paragraph.

Sec. 4. REPEAL. Section 321.308, Code 2019, is repealed.

Approved May 3, 2019

## CHAPTER 80

### REGISTRATION AND TITLING OF VESSELS, SNOWMOBILES, AND ALL-TERRAIN VEHICLES

H.F. 389

**AN ACT** relating to the process and fees associated with the registration and title of vessels, snowmobiles, and all-terrain vehicles.

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

Section 1. Section 321G.29, subsection 6, Code 2019, is amended to read as follows:

6. A dealer transferring ownership of a snowmobile under this chapter shall assign the title to the new owner, or in the case of a new snowmobile, assign the certificate of origin. Within ~~fifteen~~ thirty days the dealer shall forward all moneys and applications to the county recorder.

Sec. 2. Section 321I.31, subsection 6, Code 2019, is amended to read as follows:

6. A dealer transferring ownership of an all-terrain vehicle under this chapter shall assign the title to the new owner, or in the case of a new all-terrain vehicle, assign the certificate of origin. Within ~~fifteen~~ thirty days the dealer shall forward all moneys and applications to the county recorder.

Sec. 3. Section 462A.5, subsection 1, unnumbered paragraph 1, Code 2019, is amended to read as follows:

The owner of each vessel required to be numbered by this state shall initially register it ~~every three years~~ with the commission through the county recorder of the county in which the owner resides, or, if the owner is a nonresident, the owner shall register it in the county in which such vessel is principally used. Both residents and nonresidents shall subsequently renew registration every three years with any county recorder. The commission shall develop and maintain an electronic system for the registration of vessels pursuant to this chapter. The commission shall establish forms and procedures as necessary for the registration of all vessels.

Sec. 4. Section 462A.5, subsection 3, paragraph c, Code 2019, is amended to read as follows:

c. ~~If a timely an~~ application for renewal is made, ~~the applicant shall receive the same registration number allocated to the applicant for the previous registration period. If the application for registration for the three-year registration period is not made before May 1 July 1~~ of the last calendar year of the registration period, the applicant shall be charged a penalty of five dollars.

Sec. 5. Section 462A.5, subsection 4, paragraphs a, b, c, and d, Code 2019, are amended to read as follows:

a. If a person, after registering a vessel, moves from the address shown on the registration certificate, the person shall, within ten days, notify ~~the any~~ county recorder ~~in writing~~ of the old and new address. ~~If appropriate, the county recorder shall forward all past records of the vessel to the recorder of the county in which the owner resides.~~

b. If the name of a person, who has registered a vessel, is changed, the person shall, within ten days, notify ~~the any~~ county recorder of the former and new name.

c. No fee shall be paid to ~~the any~~ county recorder for making the changes mentioned in this subsection, unless the owner requests a new registration certificate showing the change, in which case a fee of one dollar plus a writing fee shall be paid to the recorder.

d. If a registration certificate is lost, mutilated or becomes illegible, the owner shall immediately make application for and obtain a duplicate registration certificate by furnishing information satisfactory to ~~the any~~ county recorder. A fee of one dollar plus a writing fee shall be paid to the county recorder for a duplicate registration certificate.

Sec. 6. Section 462A.43, Code 2019, is amended to read as follows:

**462A.43 Transfer of ownership.**

Upon the transfer of ownership of any vessel, the owner, ~~except as otherwise provided by this chapter, shall complete shall,~~ at the time of delivering the vessel, provide the purchaser or transferee with either the title of the vessel assigned in the purchaser's or transferee's name or, if there is no title, the registration certificate with the form on the back of the registration certificate and shall deliver it to the purchaser or transferee at the time of delivering the vessel completely filled in. Once a vessel has been titled, a person shall not sell or transfer ownership without assigning and delivering the title to the purchaser or transferee. If a vessel has an expired registration at the time of transfer, the transferee shall pay all applicable fees for the current registration period, the appropriate writing fee, and a penalty of five dollars, ~~and a transfer of number shall be awarded in the same manner as provided for in an original registration.~~ All penalties collected pursuant to this section shall be forwarded by the commission to the treasurer of state, who shall place the money in the state fish and game protection fund. The money so collected is appropriated to the commission solely for the administration and enforcement of navigation laws and water safety.

Sec. 7. Section 462A.52, subsection 1, Code 2019, is amended to read as follows:

1. ~~Within ten days after the end of each month, a A~~ county recorder shall remit to the commission all fees collected by the recorder ~~during the previous month. Before May 10~~ of the registration period beginning May 1 of that year, a county recorder shall remit to the commission all unused license blanks for the previous registration period through a process determined by the department. All fees collected for the registration of vessels shall

be forwarded by the commission to the treasurer of the state, who shall place the money in the state fish and game protection fund. The money so collected is appropriated to the commission solely for the administration and enforcement of navigation laws and water safety.

Sec. 8. Section 462A.77, subsections 4, 5, and 6, Code 2019, are amended to read as follows:

4. Every owner of a vessel subject to titling under this chapter shall apply to the county recorder for issuance of a certificate of title for the vessel within thirty days after acquisition. The application shall be on forms the department prescribes, and accompanied by the required fee. The application shall be signed and sworn to before a notarial officer as provided in chapter 9B or shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the vessel or the fair market value if no sale immediately preceded the transfer, and any additional information the department requires. If the application is made for a vessel last previously registered or titled in another state or foreign country, it shall contain this information and any other information the department requires.

5. If a dealer buys or acquires a used vessel for resale, ~~the dealer shall report the acquisition to the county recorder on the forms the department provides, or the dealer may apply for and obtain a certificate of title as provided in this chapter. If a dealer buys or acquires a used unnumbered vessel, the dealer shall apply for a certificate of title in the dealer's name within fifteen days.~~ If a dealer buys or acquires a new vessel for resale, the dealer may apply for a certificate of title in the dealer's name.

6. Every dealer transferring a vessel requiring titling under this chapter shall assign the title to the new owner, or in the case of a new vessel assign the certificate of origin. Within ~~fifteen~~ thirty days the dealer shall forward all moneys and applications to the county recorder.

Sec. 9. Section 462A.78, subsection 2, Code 2019, is amended to read as follows:

2. If a certificate of title is lost, stolen, mutilated, destroyed, or becomes illegible, the first lienholder or, if there is none, the owner named in the certificate, as shown by the county recorder's records, shall within thirty days obtain a duplicate by applying ~~to the~~ with any county recorder. The applicant shall furnish information the department requires concerning the original certificate and the circumstances of its loss, mutilation, or destruction. Mutilated or illegible certificates shall be returned to the department with the application for a duplicate.

Approved May 3, 2019

## CHAPTER 81

### MEDICAL ASSISTANCE — SUSPENSION — INMATES OF PUBLIC INSTITUTIONS

#### H.F. 423

**AN ACT** relating to the suspension of Medicaid coverage for an inmate of a public institution.

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

Section 1. Section 249A.38, subsection 1, Code 2019, is amended to read as follows:

1. Following the first thirty days of commitment, the department shall suspend, but not terminate, 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, during the entire period of the individual's commitment to the public institution.

Approved May 3, 2019

## CHAPTER 82

### MEDICAID HOME AND COMMUNITY-BASED SERVICES BRAIN INJURY WAIVER MAXIMUM

*H.F. 570*

**AN ACT** relating to the brain injury home and community-based services waiver monthly budget maximum.

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

Section 1. MEDICAID HOME AND COMMUNITY-BASED SERVICES BRAIN INJURY WAIVER MAXIMUM. The department of human services shall eliminate the monthly budget maximum or cap for individuals eligible for the Medicaid home and community-based services brain injury waiver. The department shall track the average amount expended per waiver recipient each fiscal year beginning July 1, 2019, and shall report the information annually to the governor and the general assembly by October 1.

Approved May 3, 2019

## CHAPTER 83

### SOCIAL WORK, MARITAL AND FAMILY THERAPY, AND MENTAL HEALTH COUNSELING — CONTINUING EDUCATION — ONLINE CREDITS

*H.F. 606*

**AN ACT** relating to continuing education requirements for certain professions.

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

Section 1. Section 154C.3, subsection 3, Code 2019, is amended to read as follows:

3. *License renewal and continuing education.* Licenses shall be renewed biennially, and licensees shall pay a fee for renewal as determined by the board and shall present evidence satisfactory to the board that the licensee has satisfied continuing education requirements as determined by the board. The board shall not limit the number of continuing education credits that may be obtained online in satisfying continuing education requirements, provided that any program providing continuing education credits online shall comply with standards set by the board.

Sec. 2. Section 154D.3, subsection 1, paragraph e, Code 2019, is amended to read as follows:

e. Educational activities which fulfill continuing education requirements for license renewals. The board shall not limit the number of continuing education credits that may be obtained online by marital and family therapists or mental health counselors in fulfilling

continuing education requirements, provided that any program providing continuing education credits online shall comply with standards set by the board.

Approved May 3, 2019

## CHAPTER 84

### DRIVER'S LICENSES AND NONOPERATOR'S IDENTIFICATION CARDS — DEAF OR HARD-OF-HEARING STATUS NOTATIONS

*H.F. 643*

**AN ACT** relating to driver's licenses and nonoperator's identification cards marked to reflect deaf or hard-of-hearing status.

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

Section 1. Section 321.189, Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION.** 9. *Deaf or hard-of-hearing status.* A licensee who is a deaf person or a hard-of-hearing person, as those terms are defined in section 622B.1, may request that the license be marked to reflect the licensee's deaf or hard-of-hearing status on the face of the license when the licensee applies for the issuance or renewal of a license. The department may adopt rules pursuant to chapter 17A establishing criteria under which a license may be marked, including requiring the licensee to submit medical proof of the licensee's deaf or hard-of-hearing status. When a driver's license is so marked, the licensee's deaf or hard-of-hearing status shall be noted in the electronic database used by the department and law enforcement to access registration, titling, and driver's license information. The department, in consultation with the commission of deaf services, shall develop educational media to raise awareness of a licensee's ability to request the license be marked to reflect the licensee's deaf or hard-of-hearing status.

Sec. 2. Section 321.190, subsection 1, paragraph b, Code 2019, is amended by adding the following new subparagraph:

**NEW SUBPARAGRAPH.** (5) An applicant for a nonoperator's identification card who is a deaf person or a hard-of-hearing person, as those terms are defined in section 622B.1, may request that the card be marked to reflect the applicant's deaf or hard-of-hearing status on the face of the card when the applicant applies for the issuance or renewal of a card. The department may adopt rules pursuant to chapter 17A establishing criteria under which a card may be marked, including requiring the applicant to submit medical proof of the applicant's deaf or hard-of-hearing status. The department, in consultation with the commission of deaf services, shall develop educational media to raise awareness of an applicant's ability to request the card be marked to reflect the applicant's deaf or hard-of-hearing status.

Approved May 3, 2019

**CHAPTER 85**

**APPROPRIATIONS — HEALTH AND HUMAN SERVICES**

*H.F. 766*

**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 2019-2020

Section 1. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2019, and ending June 30, 2020, 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:  
..... \$ 11,191,441  
..... FTEs 27.00

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. Of the funds appropriated in this section, \$279,000 is transferred to the economic development authority for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

3. a. The department on aging shall establish and enforce procedures relating to expenditure of state and federal funds by area agencies on aging that require compliance with both state and federal laws, rules, and regulations, including but not limited to all of the following:

(1) Requiring that expenditures are incurred only for goods or services received or performed prior to the end of the fiscal period designated for use of the funds.

(2) Prohibiting prepayment for goods or services not received or performed prior to the end of the fiscal period designated for use of the funds.

(3) Prohibiting prepayment for goods or services not defined specifically by good or service, time period, or recipient.

(4) Prohibiting the establishment of accounts from which future goods or services which are not defined specifically by good or service, time period, or recipient, may be purchased.

b. The procedures shall provide that if any funds are expended in a manner that is not in compliance with the procedures and applicable federal and state laws, rules, and regulations, and are subsequently subject to repayment, the area agency on aging expending such funds in contravention of such procedures, laws, rules and regulations, not the state, shall be liable for such repayment.

4. Of the funds appropriated in this section, at least \$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.

5. Of the funds appropriated in this section, \$812,000 shall be used for the purposes of chapter 231E and 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.

6. Of the funds appropriated in this section, \$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.

7. Of the funds appropriated in this section, \$250,000 shall be used by the department on aging, in collaboration with the department of human services and affected stakeholders, to expand the 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 a report regarding the outcomes of the pilot initiative to the governor and the general assembly by December 15, 2019.

DIVISION II

OFFICE OF LONG-TERM CARE OMBUDSMAN — FY 2019-2020

Sec. 2. 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, 2019, and ending June 30, 2020, 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:

.....	\$	1,149,821
.....	FTEs	16.00

DIVISION III

DEPARTMENT OF PUBLIC HEALTH — FY 2019-2020

Sec. 3. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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:

.....	\$	25,110,000
.....	FTEs	12.00

a. (1) Of the funds appropriated in this subsection, \$4,021,000 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, 2019, and ending June 30, 2020, 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. (1) Of the funds appropriated in this subsection, \$21,089,000 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.

(2) Of the amount allocated under this paragraph, \$306,000 shall be utilized by the department of public health, in collaboration with the department of human services, to support establishment and maintenance of a single statewide 24-hour crisis hotline for the Iowa children’s behavioral health system that incorporates warmline services which may be provided through expansion of existing capabilities maintained by the department of public health as required pursuant to 2018 Iowa Acts, chapter 1056, section 16.

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, 2019.

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children and adolescents from birth through 21 years of age, and families, and for not more than the following full-time equivalent positions:

.....	\$	5,817,057
.....	FTEs	14.00

a. Of the funds appropriated in this subsection, not more than \$734,000 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. However, the department shall issue a request for proposals and distribute grants to the grantees selected to operate the program no later than January 1, 2020. The department shall not retain any portion of the allocation under this paragraph for administrative costs.

b. In order to implement the legislative intent stated in sections 135.106 and 256I.9, priority for home visitation program funding shall be given to programs using evidence-based or promising models for home visitation.

c. Of the funds appropriated in this subsection, \$3,075,000 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, \$64,000 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 dental lifeline network to provide dental services to indigent individuals who are elderly or with disabilities.

e. Of the funds appropriated in this subsection, \$156,000 shall be used to provide audiological services and hearing aids for children.

f. Of the funds appropriated in this subsection, \$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, oral and health delivery system bureau, to provide dental care to underserved populations throughout the state.

g. Of the funds appropriated in this subsection, \$50,000 shall be used to address youth suicide prevention.

h. Of the funds appropriated in this subsection, \$40,000 shall be used to support the Iowa effort to address the survey of children who experience adverse childhood experiences known as ACEs.

i. Of the funds appropriated in this subsection, up to \$494,000 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:

.....	\$	4,223,519
.....	FTEs	9.00

a. Of the funds appropriated in this subsection, \$153,000 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, \$1,055,000 shall be used for the brain injury services program pursuant to section 135.22B, including \$861,000 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, \$95,000 shall be used to fund 1.00 full-time equivalent position to serve as the state brain injury services program manager.

c. Of the funds appropriated in this subsection, \$144,000 shall be used for the public purpose of continuing to contract with an existing nationally 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 shall be matched dollar-for-dollar by the organization specified. Funds allocated under this paragraph shall be distributed in their entirety for the purpose specified on July 1, 2019.

d. Of the funds appropriated in this subsection, \$809,000 shall be used for child health specialty clinics.

e. Of the funds appropriated in this subsection, \$384,000 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, \$577,000 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”, \$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, \$97,000 shall be used for cervical and colon cancer screening, and \$177,000 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, \$506,000 shall be used for the center for congenital and inherited disorders.

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:

.....	\$	5,594,677
.....	FTEs	13.00

a. Of the funds appropriated in this subsection, \$95,000 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 department 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, \$48,000 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. For the purposes of this paragraph “b”, “mental health professional shortage area” means a geographic area in this state that has been designated by the United States department of health and human services, health resources and services administration, bureau of health professionals, as having a shortage of mental health professionals.

c. Of the funds appropriated in this subsection, the following amounts are allocated to be used as follows to support the goals of increased access, health system integration, and engagement:

(1) Not less than \$600,000 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. Funds allocated under this subparagraph shall be distributed in their entirety for the purpose specified on July 1, 2019.

(2) Not less than \$334,000 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. Funds allocated under this subparagraph shall be distributed in their entirety for the purpose specified on July 1, 2019.

(3) Not less than \$25,000 is allocated to the Iowa association of rural health clinics for necessary infrastructure and service delivery transformation. Funds allocated under this subparagraph shall be distributed in their entirety for the purpose specified on July 1, 2019.

(4) Not less than \$225,000 is allocated to the Polk county medical society for continuation of the safety net provider patient access to specialty health care initiative as described in 2007 Iowa Acts, chapter 218, section 109. Funds allocated under this subparagraph shall be distributed in their entirety for the purpose specified on July 1, 2019.

d. Of the funds appropriated in this subsection, \$191,000 is allocated for the purposes of health care and public health workforce initiatives.

e. Of the funds appropriated in this subsection, \$96,000 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.

f. Of the funds appropriated in this subsection, \$100,000 shall be used for the purposes of the Iowa donor registry as specified in section 142C.18.

g. Of the funds appropriated in this subsection, \$96,000 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 contractor shall submit a report to the individuals identified in this Act for submission of reports regarding the use of funds allocated under this paragraph "g". 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, grade level if appropriate, 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.

h. Of the funds appropriated in this subsection, \$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.

i. Of the funds appropriated in this subsection, \$250,000 shall be used for the public purpose of providing funding to Des Moines university to continue a provider education project to provide primary care physicians with the training and skills necessary to recognize the signs of mental illness in patients.

j. Of the funds appropriated in this subsection, \$400,000 shall be used for rural psychiatric residencies to support the annual creation and training of four psychiatric residents who will provide mental health services in underserved areas of the state.

k. Of the funds appropriated in this subsection, \$150,000 shall be used for psychiatric training to increase access to mental health care services by expanding the mental health workforce via training of additional physician assistants and nurse practitioners.

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:

..... \$ 7,662,464

6. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

..... \$ 1,796,426  
..... 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:

..... \$ 4,093,383  
..... FTEs 142.00

a. Of the funds appropriated in this subsection, not more than \$304,000 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 \$243,000 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. However, the department shall issue a request for proposals and execute a contract with the contractor selected to provide the programming and training as specified in this paragraph no later than January 1, 2020. The amount allocated in this paragraph "b" shall not be used to supplant funding administered for other sexual violence

prevention or victims assistance programs. The department shall not retain any portion of the allocation under this paragraph for administrative costs.

c. Of the funds appropriated in this subsection, up to \$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 \$504,000 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:

.....	\$	971,215
.....	FTEs	4.00

9. MISCELLANEOUS PROVISIONS

a. The university of Iowa hospitals and clinics under the control of the state board of regents shall not receive indirect costs from the funds appropriated in this section. The university of Iowa hospitals and clinics billings to the department shall be on at least a quarterly basis.

b. The department of public health shall collaborate with applicable stakeholders to review the allocations, grants, and other distributions of funds appropriated under this division of this Act and shall submit a report to the individuals identified in this Act for submission of reports by December 15, 2019, regarding a proposal for the distribution of funds that more clearly reflects the department’s stated priorities and goals, provides increased flexibility in the distribution of funds to meet these priorities and goals, and ensures stakeholder accountability and a discernable return on investment.

Sec. 4. CONTRACTED SERVICES — PROHIBITED USE OF GENERAL FUND MONEYS FOR LOBBYING.

1. The department shall submit a report to the individuals identified in this Act for submission of reports by January 1, 2020, regarding the outcomes of any program or activity for which funding is appropriated or allocated from the general fund of the state to the department under this division of this Act, and for which a request for proposals process is specifically required.

2. The department shall incorporate into the general conditions applicable to all award documents involving funding appropriated or allocated from the general fund of the state to the department under this division of this Act, a prohibition against the use of such funding for the compensation of a lobbyist. For the purposes of this section, “lobbyist” means the same as defined in section 68B.2; however, “lobbyist” does not include a person employed by a state agency of the executive branch of state government who represents the agency relative to the passage, defeat, approval, or modification of legislation that is being considered by the general assembly.

DIVISION IV  
DEPARTMENT OF VETERANS AFFAIRS — FY 2019-2020

Sec. 5. 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, 2019, and ending June 30, 2020, 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:

.....	\$	1,225,500
.....	FTEs	15.00

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 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.

c. The Iowa veterans home expenditure report shall be submitted monthly to the legislative services agency.

d. The Iowa veterans home shall continue to include in the annual discharge report applicant information 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:

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

Sec. 6. 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, 2019, and ending June 30, 2020, 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:

..... \$ 990,000

DIVISION V
DEPARTMENT OF HUMAN SERVICES — FY 2019-2020

Sec. 7. 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, 2019, and ending June 30, 2020, 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:

..... \$ 4,524,006

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:

..... \$ 5,412,060

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 2,898,980

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, 2020, the moneys shall revert.

4. For field operations:

..... \$ 31,296,232

5. For general administration: ..... \$ 3,744,000
6. For state child care assistance: ..... \$ 47,166,826
- a. Of the funds appropriated in this subsection, \$26,205,412 is transferred to the child care and development block grant appropriation made by the Eighty-eighth General Assembly, 2019 session, for the federal fiscal year beginning October 1, 2019, and ending September 30, 2020. 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
8. For child abuse prevention grants: ..... \$ 125,000
9. For pregnancy prevention grants on the condition that family planning services are funded: ..... \$ 1,913,203
- Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2019, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2019, 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
11. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2018 Iowa Acts or 2019 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, 2019, 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 for eligibility determination 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 state 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, 2019, 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:

..... \$ 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 used in the same fiscal year for any other purpose for which funds are allocated in this section or in section 8 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 in accordance with chapter 239B, followed by state child care assistance program payments for families who are employed, followed by other priorities as specified by the department.

Sec. 8. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2019, and ending June 30, 2020, shall be used to provide assistance in accordance with chapter 239B.

2. The department may use a portion of the moneys credited to the FIP account under this section as necessary for salaries, support, maintenance, and miscellaneous purposes.

3. The department may transfer funds allocated in subsection 4, excluding the allocation under subsection 4, paragraph "b", 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 appropriations made in section 7 for the temporary assistance for needy families block grant and in section 9 for the family investment program from the general fund of the state in this division of this Act for the same fiscal year.

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2019, and ending June 30, 2020, 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 clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:

..... \$ 20,000

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:

..... \$ 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 2019-2020.

(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:

..... \$ 815,000

A portion of the moneys allocated for the diversion 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:

..... \$ 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:

..... \$ 12,018,258

5. Of the child support collections assigned under FIP, an amount equal to the federal share of support collections shall be credited to the child support recovery appropriation made in this division of this Act. Of the remainder of the assigned child support collections received by the child support recovery unit, a portion shall be credited to the FIP account, a portion may be used to increase recoveries, and a portion may be used to sustain cash flow in the child support payments account. If as a consequence of the appropriations and allocations made in this section the resulting amounts are insufficient to sustain cash assistance payments and meet federal maintenance of effort requirements, the department shall seek supplemental funding. If child support collections assigned under FIP are greater than estimated or are otherwise determined not to be required for maintenance of effort, the state share of either amount may be transferred to or retained in the child support payments account.

6. The department may adopt emergency rules for the family investment, JOBS, food assistance, and medical assistance programs if necessary to comply with federal requirements.

Sec. 9. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B:

..... \$ 40,365,037

1. Of the funds appropriated in this section, \$6,606,198 is allocated for the JOBS program.

2. Of the funds appropriated in this section, \$3,313,854 is allocated for the family development and self-sufficiency grant program.

3. a. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2019, if necessary to meet federal maintenance of effort requirements or to transfer federal temporary assistance for needy families block grant funding to be used for purposes of the federal social services block grant or to meet cash flow needs resulting from delays in receiving federal funding or to implement, in accordance with this division of this Act, activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys; to comply with federal requirements; or to maximize the use of federal funds; the department of human services may transfer funds within or between any of the appropriations made in this division of this Act and appropriations in law for the federal social services block grant to the department for the following purposes, provided that the

combined amount of state and federal temporary assistance for needy families block grant funding for each appropriation remains the same before and after the transfer:

- (1) For the family investment program.
- (2) For state child care assistance.
- (3) For child and family services.
- (4) For field operations.
- (5) For general administration.

b. This subsection shall not be construed to prohibit the use of existing state transfer authority for other purposes. The department shall report any transfers made pursuant to this subsection to the legislative services agency.

4. Of the funds appropriated in this section, \$195,000 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. However, the department shall issue a request for proposals and execute a contract with the contractor selected to administer the program no later than January 1, 2020. The department shall not retain any portion of the allocation under this subsection for administrative costs.

5. Of the funds appropriated in this section, \$70,000 shall be used for the continuation of the parenting program, as specified in 441 IAC ch. 100, 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 parenthood initiative that promotes payment of child support obligations, improved family relationships, and full-time employment.

6. The department may transfer funds appropriated in this section, excluding the allocation in subsection 2 for the family development and self-sufficiency grant program, to the appropriations made in this division of this Act for general administration and field operations as necessary to administer this section, section 7 for the temporary assistance for needy families block grant, and section 8 for the family investment program account.

Sec. 10. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For child support recovery, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	14,749,368
.....	FTEs	459.00

1. The department shall expend up to \$24,000, including federal financial participation, for the fiscal year beginning July 1, 2019, 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.

2. Federal access and visitation grant moneys shall be issued directly to private not-for-profit agencies that provide services designed to increase compliance with the child access provisions of court orders, including but not limited to neutral visitation sites and mediation services.

3. The appropriation made to the department for child support recovery may be used throughout the fiscal year in the manner necessary for purposes of cash flow management, and for cash flow management purposes the department may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year.

Sec. 11. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE — FY 2019-2020. Any funds remaining in the health care trust fund created in section 453A.35A for the fiscal year beginning July 1, 2019, and ending June 30, 2020, are appropriated to the department of human services to supplement the medical assistance program appropriations made in this division of this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with program implementation.

Sec. 12. MEDICAID FRAUD FUND — MEDICAL ASSISTANCE — FY 2019-2020. Any funds remaining in the Medicaid fraud fund created in section 249A.50 for the fiscal year beginning July 1, 2019, and ending June 30, 2020, are appropriated to the department of human services to supplement the medical assistance appropriations made in this division of this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with program implementation.

Sec. 13. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance program reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2019, 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:

..... \$ 1,427,379,707

1. Iowans support reducing the number of abortions performed in our state. Funds appropriated under this section shall not be used for abortions, unless otherwise authorized under this section.

2. The provisions of this section relating to abortions shall also apply to the Iowa health and wellness plan created pursuant to chapter 249N.

3. The department shall utilize not more than \$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 \$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, \$950,000 for the fiscal year beginning July 1, 2019, 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, \$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 \$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 \$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.

9. The department shall continue to implement the recommendations of the assuring better child health and development initiative II (ABCDII) clinical panel to the Iowa early and periodic screening, diagnostic, and treatment services healthy mental development collaborative board regarding changes to billing procedures, codes, and eligible service providers.

10. Of the funds appropriated in this section, a sufficient amount is allocated to supplement the incomes of residents of nursing facilities, intermediate care facilities for persons with mental illness, and intermediate care facilities for persons with an intellectual disability, with incomes of less than \$50 in the amount necessary for the residents to receive a personal needs allowance of \$50 per month pursuant to section 249A.30A.

11. a. Hospitals that meet the conditions specified in subparagraphs (1) and (2) shall either certify public expenditures or transfer to the medical assistance program an amount equal to provide the nonfederal share for a disproportionate share hospital payment in an amount up to the hospital-specific limit as approved in the Medicaid state plan. The hospitals that meet the conditions specified shall receive and retain 100 percent of the total disproportionate share hospital payment in an amount up to the hospital-specific limit as approved in the Medicaid state plan.

(1) The hospital qualifies for disproportionate share and graduate medical education payments.

(2) The hospital is an Iowa state-owned hospital with more than 500 beds and eight or more distinct residency specialty or subspecialty programs recognized by the American college of graduate medical education.

b. Distribution of the disproportionate share payments shall be made on a monthly basis. The total amount of disproportionate share payments including graduate medical education, enhanced disproportionate share, and Iowa state-owned teaching hospital payments shall not exceed the amount of the state's allotment under Pub. L. No. 102-234. In addition, the total amount of all disproportionate share payments shall not exceed the hospital-specific disproportionate share limits under Pub. L. No. 103-66.

12. One hundred percent of the nonfederal share of payments to area education agencies that are medical assistance providers for medical assistance-covered services provided to medical assistance-covered children, shall be made from the appropriation made in this section.

13. A portion of the funds appropriated in this section may be transferred to the appropriation in this division of this Act for medical contracts to be used for administrative activities associated with the money follows the person demonstration project.

14. Of the funds appropriated in this section, \$349,011 shall be used for the administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes.

15. a. The department may increase the amounts allocated for salaries, support, maintenance, and miscellaneous purposes associated with the medical assistance program,

as necessary, to sustain cost management efforts. The department shall report any such increase to the legislative services agency and the department of management.

b. If the savings to the medical assistance program from ongoing cost management efforts exceed the associated cost for the fiscal year beginning July 1, 2019, the department may transfer any savings generated for the fiscal year due to medical assistance program cost management efforts to the appropriation made in this division of this Act for medical contracts or general administration to defray the costs associated with implementing the efforts.

16. For the fiscal year beginning July 1, 2019, and ending June 30, 2020, the replacement generation tax revenues required to be deposited in the property tax relief fund pursuant to section 437A.8, subsection 4, paragraph “d”, and section 437A.15, subsection 3, paragraph “f”, shall instead be credited to and supplement the appropriation made in this section and used for the allocations made in this section.

17. a. Of the funds appropriated in this section, up to \$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 1.00 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 \$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 \$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, \$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 \$3,383,880 shall be used for administration of the state family planning services program pursuant to section 217.41B, and of this amount, the department may use up to \$200,000 for administrative expenses.

20. 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.

21. The department shall continue to implement and administer the provisions of 2018 Iowa Acts, chapter 1056. Of the funds appropriated in this section, up to \$39,069 may be transferred to the department of inspections and appeals for inspection costs related to such implementation and administration.

22. Of the funds appropriated in this section, up to \$1,200,000 shall be used to implement reductions in the waiting list for the children’s mental health home and community-based services waiver.

23. Of the funds appropriated in this section, \$1,500,000 shall be used to provide reimbursement to critical access hospitals for inpatient and outpatient services based on a critical access hospital adjustment factor methodology developed by the department as provided in this division of this Act.

24. The department of human services shall utilize \$1,000,000 of the funds appropriated under this section to increase the current supported community living provider daily rates for all tiers under the tiered rate reimbursement methodology effective with dates of service

beginning July 1, 2019. The funding amount shall be divided equally among all tiers and applied within each tier in accordance with the recommendations of the actuary. However, no resulting rates shall be lower than the rates in effect on June 30, 2019.

Sec. 14. 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, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

..... \$ 17,992,530

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, \$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 \$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 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, \$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. a. Of the funds appropriated in this section, \$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 amount of this allocation which shall be used as follows:

b. Of the funds allocated in this subsection, \$25,000 shall be used for the public purpose of continuation of a grant to 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 between 200,000 and 220,000 according to the most recent federal decennial census, is licensed as a psychiatric medical institution for children, and provides school-based programming, to be used for support services for children with autism spectrum disorder and their families.

Sec. 15. STATE SUPPLEMENTARY ASSISTANCE.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

..... \$ 7,812,909

2. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement this subsection.

3. If during the fiscal year beginning July 1, 2019, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-through requirement specified in Tit. XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. §1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates prescribed in this division of this Act to ensure that federal requirements are met. In addition, the department may make other programmatic and rate adjustments necessary to remain within the amount appropriated

in this section while ensuring compliance with federal requirements. The department may adopt emergency rules to implement the provisions of this 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. 16. 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, 2019, and ending June 30, 2020, 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:

..... \$ 19,361,112

2. Of the funds appropriated in this section, \$79,486 is allocated for continuation of the contract for outreach with the department of public health.

3. A portion of the funds appropriated in this section may be transferred to the appropriations made in this division of this Act for field operations or medical contracts to be used for the integration of hawk-i program eligibility, payment, and administrative functions under the purview of the department of human services, including for the Medicaid management information system upgrade.

Sec. 17. CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

..... \$ 40,816,931

1. Of the funds appropriated in this section, \$34,966,931 shall be used for state child care assistance in accordance with section 237A.13.

2. Nothing in this section shall be construed or is intended as or shall imply a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the waiting list requirements of section 237A.13. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

3. A list of the registered and licensed child care facilities operating in the area served by a child care resource and referral service shall be made available to the families receiving state child care assistance in that area.

4. Of the funds appropriated in this section, \$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.

5. The department may use any of the funds appropriated in this section as a match to obtain federal funds for use in expanding child care assistance and related programs. For the purpose of expenditures of state and federal child care funding, funds shall be considered obligated at the time expenditures are projected or are allocated to the department’s service areas. Projections shall be based on current and projected caseload growth, current and projected provider rates, staffing requirements for eligibility determination and management of program requirements including data systems management, staffing requirements for administration of the program, contractual and grant obligations and any transfers to other state agencies, and obligations for decategorization or innovation projects.

6. A portion of the state match for the federal child care and development block grant shall be provided as necessary to meet federal matching funds requirements through the state

general fund appropriation made for child development grants and other programs for at-risk children in section 279.51.

7. If a uniform reduction ordered by the governor under section 8.31 or other operation of law, transfer, or federal funding reduction reduces the appropriation made in this section for the fiscal year, the percentage reduction in the amount paid out to or on behalf of the families participating in the state child care assistance program shall be equal to or less than the percentage reduction made for any other purpose payable from the appropriation made in this section and the federal funding relating to it. The percentage reduction to the other allocations made in this section shall be the same as the uniform reduction ordered by the governor or the percentage change of the federal funding reduction, as applicable. If there is an unanticipated increase in federal funding provided for state child care services, the entire amount of the increase, except as necessary to meet federal requirements including quality set asides, shall be used for state child care assistance payments. If the appropriations made for purposes of the state child care assistance program for the fiscal year are determined to be insufficient, it is the intent of the general assembly to appropriate sufficient funding for the fiscal year in order to avoid establishment of waiting list requirements.

8. Notwithstanding section 8.33, moneys advanced for purposes of the programs developed by early childhood Iowa areas, advanced for purposes of wraparound child care, or received from the federal appropriations made for the purposes of this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 18. 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, 2019, and ending June 30, 2020, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. a. 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:

.....	\$	13,920,757
.....	FTEs	207.00

b. Of the funds appropriated in this subsection, \$91,000 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.

c. The additional full-time equivalent positions authorized in paragraph "a" shall include 1.00 youth services technician, 1.00 clinical supervisor, and 1.00 registered nurse, or comparable additional, full-time equivalent positions.

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, 2019.

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 for the fiscal year beginning July 1, 2019.

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. 19. 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, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

.....	\$	89,071,761
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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 \$34,536,000 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 family foster care, independent living, family safety, risk and permanency services, shelter care, or the child welfare emergency services addressed with the allocation for shelter care.

b. If at any time after September 30, 2019, 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 2019-2020. Of the funds appropriated in this section, \$1,717,000 is allocated specifically for expenditure for fiscal year 2019-2020 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. Of the funds appropriated in this section, a sufficient amount is allocated for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care.

7. Federal funds received by the state during the fiscal year beginning July 1, 2019, 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 \$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 \$1,556,000 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than \$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 \$748,000 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, 2019.

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 \$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, \$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, \$12,253,000 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, \$1,658,000 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 \$245,000, and so that the remaining funds are awarded through a funding formula based upon the volume of children served. To increase access to child protection center services for children in rural areas, the funding formula for the awarding of the remaining funds shall provide for the awarding of an enhanced amount to eligible grantees to develop and maintain satellite centers in underserved regions of the state.

11. Of the funds appropriated in this section, \$4,025,000 is allocated for the preparation for adult living program pursuant to section 234.46.

12. Of the funds appropriated in this section, \$227,000 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.

13. Of the funds appropriated in this section, \$300,000 is allocated for the foster care youth council approach of providing a support network to children placed in foster care.

14. Of the funds appropriated in this section, \$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.

15. Of the funds appropriated in this section, \$630,000 is allocated for the community partnership for child protection sites.

16. Of the funds appropriated in this section, \$371,000 is allocated for the department's minority youth and family projects under the redesign of the child welfare system.

17. Of the funds appropriated in this section, \$851,000 is allocated for funding of the community circle of care collaboration for children and youth in northeast Iowa.

18. Of the funds appropriated in this section, at least \$147,000 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.

19. Of the funds appropriated in this section, \$211,000 shall be used for continuation of the central Iowa system of care program grant through June 30, 2020.

20. Of the funds appropriated in this section, \$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.

21. Of the funds appropriated in this section, at least \$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.

22. Of the funds appropriated in this section, \$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, 2019.

23. If a separate funding source is identified that reduces the need for state funds within an allocation under this section, the allocated state funds may be redistributed to other allocations under this section for the same fiscal year.

Sec. 20. ADOPTION SUBSIDY.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

a. For adoption subsidy payments and services:

..... \$ 40,596,007

b. (1) The funds appropriated in this section shall be used as authorized or allowed by federal law or regulation for any of the following purposes:

(a) For adoption subsidy payments and related costs.

(b) For post-adoption services and for other purposes under Tit. IV-B or Tit. IV-E of the federal Social Security Act.

(2) The department of human services may transfer funds appropriated in this subsection to the appropriation for child and family services in this Act for the purposes of post-adoption services as specified in this paragraph “b”.

c. Notwithstanding section 8.33, moneys corresponding to the state savings resulting from implementation of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. No. 110-351, and successor legislation, as determined in accordance with 42 U.S.C. §673(a)(8), 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 in this subsection until expended. The amount of such savings and any corresponding funds remaining at the close of the fiscal year shall be determined separately and any changes in either amount between fiscal years shall not result in an unfunded need.

2. The department may transfer funds appropriated in this section to the appropriation made in this division of this Act for general administration for costs paid from the appropriation relating to adoption subsidy.

3. Federal funds received by the state during the fiscal year beginning July 1, 2019, as the result of the expenditure of state funds 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 the services and activities funded 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 expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 21. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2019, and ending June 30, 2020, are appropriated to the department of human services for the fiscal year beginning July 1, 2019, and ending June 30, 2020, for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2018. Moneys appropriated for distribution in accordance with this section shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2018. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2019, shall be limited to the amount appropriated for the purposes of this section.

Sec. 22. 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, 2019, and ending June 30, 2020, 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:

..... \$ 949,282

2. At least \$819,275 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. 23. 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, 2019, and ending June 30, 2020, 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):

..... \$ 33,632

Sec. 24. MENTAL HEALTH INSTITUTES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. (1) 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:

..... \$ 14,216,149

..... FTEs 169.00

(2) The additional full-time equivalent positions authorized in this paragraph "a" shall include 3.50 security staff and 3.00 support staff, or comparable additional, full-time equivalent positions.

b. (1) 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:

..... \$ 19,165,110

..... FTEs 208.00  
 (2) The additional full-time equivalent positions authorized in this paragraph “b” shall include 3.50 security staff, or comparable additional, full-time equivalent positions.

2. Notwithstanding sections 218.78 and 249A.11, any revenue received from the state mental health institute at Cherokee or the state mental health institute at Independence pursuant to 42 C.F.R §438.6(e) may be retained and expended by the mental health institute.

3. Notwithstanding any provision of law to the contrary, a Medicaid member residing at the state mental health institute at Cherokee or the state mental health institute at Independence shall retain Medicaid eligibility during the period of the Medicaid member’s stay for which federal financial participation is available.

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. 25. STATE RESOURCE CENTERS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2019, and ending June 30, 2020, 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:

..... \$ 16,048,348

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 10,872,356

2. The department may continue to bill for state resource center services utilizing a scope of services approach used for private providers of intermediate care facilities for persons with an intellectual disability services, in a manner which does not shift costs between the medical assistance program, counties, or other sources of funding for the state resource centers.

3. The state resource centers may expand the time-limited assessment and respite services during the fiscal year.

4. If the department’s administration and the department of management concur with a finding by a state resource center’s superintendent that projected revenues can reasonably be expected to pay the salary and support costs for a new employee position, or that such costs for adding a particular number of new positions for the fiscal year would be less than the overtime costs if new positions would not be added, the superintendent may add the new position or positions. If the vacant positions available to a resource center do not include the position classification desired to be filled, the state resource center’s superintendent may reclassify any vacant position as necessary to fill the desired position. The superintendents of the state resource centers may, by mutual agreement, pool vacant positions and position classifications during the course of the fiscal year in order to assist one another in filling necessary positions.

5. If existing capacity limitations are reached in operating units, a waiting list is in effect for a service or a special need for which a payment source or other funding is available for the service or to address the special need, and facilities for the service or to address the special need can be provided within the available payment source or other funding, the superintendent of a state resource center may authorize opening not more than two units or other facilities and begin implementing the service or addressing the special need during fiscal year 2019-2020.

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.

Sec. 26. SEXUALLY VIOLENT PREDATORS.

1. a. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2019, and ending June 30, 2020, 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:  
..... \$ 12,053,093  
..... FTEs 139.00

b. The additional full-time equivalent positions authorized in paragraph “a” shall include 7.00 clinical and support staff, or comparable additional, full-time equivalent positions.

2. Unless specifically prohibited by law, if the amount charged provides for recoupment of at least the entire amount of direct and indirect costs, the department of human services may contract with other states to provide care and treatment of persons placed by the other states at the unit for sexually violent predators at Cherokee. The moneys received under such a contract shall be considered to be repayment receipts and used for the purposes of the appropriation made in this section.

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. 27. FIELD OPERATIONS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2019, and ending June 30, 2020, 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:  
..... \$ 55,396,906  
..... FTEs 1,539.00

2. The additional full-time equivalent positions authorized in subsection 1 shall include 29.00 full-time equivalent staff positions to relieve caseloads and 6.00 full-time equivalent positions related to the eligibility integrated application solution (ELIAS) system.

3. 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. 28. 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, 2019, and ending June 30, 2020, 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:  
..... \$ 13,833,040  
..... FTEs 294.00

1. The department shall report at least monthly to the legislative services agency concerning the department’s operational and program expenditures.

2. Of the funds appropriated in this section, \$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, \$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, \$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, \$200,000 is transferred to the economic development authority for the Iowa commission on volunteer services to continue to be used for the 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.

6. Of the funds appropriated in this section, up to \$300,000 shall be used as follows:

a. To fund not more than one full-time equivalent position to address the department’s responsibility to support the work of the children’s system state board and implementation of the services required pursuant to 2018 Iowa Acts, chapter 1056, section 13.

b. To support the cost of establishing and implementing new or additional services required pursuant to 2018 Iowa Acts, chapter 1056, and any legislation enacted by the 2019 general assembly establishing a children’s behavioral health system.

c. Of the amount allocated, \$32,000 shall be transferred to the department of public health to support the costs of establishing and implementing new or additional services required pursuant to 2018 Iowa Acts, chapter 1056, and any legislation enacted by the 2019 general assembly establishing a children’s behavioral health system.

Sec. 29. 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, 2019, and ending June 30, 2020, 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:

..... \$ 2,879,274

Sec. 30. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:

..... \$ 84,686

Sec. 31. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. (1) (a) For the fiscal year beginning July 1, 2019, the department shall rebase case-mix nursing facility rates effective July 1, 2019, to the extent possible within the state funding, including the \$23,401,942, appropriated for this purpose.

(b) For the fiscal year beginning July 1, 2019, non-case-mix and special population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30 of the prior fiscal year.

(c) For managed care claims, the department of human services shall adjust the payment rate floor for nursing facilities, annually, to maintain a rate floor that is no lower than the Medicaid fee-for-service case-mix adjusted rate calculated in accordance with subparagraph division (a) and 441 IAC 81.6. The department shall then calculate adjusted reimbursement rates, including but not limited to add-on-payments, annually, and shall notify Medicaid managed care organizations of the adjusted reimbursement rates within 30 days of determining the adjusted reimbursement rates. Any adjustment of reimbursement rates under this subparagraph division shall be budget neutral to the state budget.

(d) For the fiscal year beginning July 1, 2019, Medicaid managed care long-term services and supports capitation rates shall be adjusted to reflect the rebasing pursuant to subparagraph division (a) for the patient populations residing in Medicaid-certified nursing facilities.

(2) Medicaid managed care organizations shall adjust facility-specific rates based upon payment rate listings issued by the department. The rate adjustments shall be applied prospectively from the effective date of the rate letter issued by the department.

b. (1) For the fiscal year beginning July 1, 2019, the department shall establish the pharmacy dispensing fee reimbursement at \$10.07 per prescription, until a cost of dispensing survey is completed. The actual dispensing fee shall be determined by a cost of dispensing survey performed by the department and required to be completed by all medical assistance program participating pharmacies every two years, adjusted as necessary to maintain expenditures within the amount appropriated to the department for this purpose for the fiscal year.

(2) The department shall utilize an average acquisition cost reimbursement methodology for all drugs covered under the medical assistance program in accordance with 2012 Iowa Acts, chapter 1133, section 33.

c. (1) For the fiscal year beginning July 1, 2019, reimbursement rates for outpatient hospital services shall remain at the rates in effect on June 30, 2019, subject to Medicaid program upper payment limit rules, and adjusted as necessary to maintain expenditures within the amount appropriated to the department for this purpose for the fiscal year.

(2) For the fiscal year beginning July 1, 2019, reimbursement rates for inpatient hospital services shall remain at the rates in effect on June 30, 2019, subject to Medicaid program upper payment limit rules, and adjusted as necessary to maintain expenditures within the amount appropriated to the department for this purpose for the fiscal year.

(3) For the fiscal year beginning July 1, 2019, under both fee-for-service and managed care administration of the Medicaid program, critical access hospitals shall be reimbursed for inpatient and outpatient services based on a critical access hospital adjustment factor methodology developed by the department. The adjustment factor methodology shall be hospital-specific, shall be based on the most recent and complete cost reporting period, and shall be applied prospectively within the funds appropriated for such purpose for the fiscal year. Implementation of the critical access hospital adjustment factor methodology shall be contingent on the department's receipt of approval from the centers for Medicare and Medicaid services of the United States department of health and human services.

(4) For the fiscal year beginning July 1, 2019, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2019, 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.

(5) In order to ensure the efficient use of limited state funds in procuring health care services for low-income Iowans, funds appropriated in this Act for hospital services shall not be used for activities which would be excluded from a determination of reasonable costs under the federal Medicare program pursuant to 42 U.S.C. §1395x(v)(1)(N).

d. For the fiscal year beginning July 1, 2019, reimbursement rates for hospices and acute psychiatric hospitals shall be increased in accordance with increases under the federal Medicare program or as supported by their Medicare audited costs.

e. For the fiscal year beginning July 1, 2019, independent laboratories and rehabilitation agencies shall be reimbursed using the same methodology in effect on June 30, 2019.

f. (1) For the fiscal year beginning July 1, 2019, 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. 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.

(2) For the fiscal year beginning July 1, 2019, rates for private duty nursing and personal care services under the early and periodic screening, diagnostic, and treatment program benefit shall be calculated based on the methodology in effect on June 30, 2019.

g. For the fiscal year beginning July 1, 2019, federally qualified health centers and rural health clinics shall receive cost-based reimbursement for 100 percent of the reasonable costs for the provision of services to recipients of medical assistance.

h. For the fiscal year beginning July 1, 2019, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2019.

i. (1) For the fiscal year beginning July 1, 2019, reimbursement rates for non-state-owned psychiatric medical institutions for children shall be based on the reimbursement methodology in effect on June 30, 2019.



(2) As a condition of participation in the medical assistance program, enrolled providers shall accept the medical assistance reimbursement rate for any covered goods or services provided to recipients of medical assistance who are children under the custody of a psychiatric medical institution for children.

j. For the fiscal year beginning July 1, 2019, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2019, 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, 2019, the reimbursement rate for anesthesiologists shall remain at the rates in effect on June 30, 2019, and updated on January 1, 2020, to align with the most current Iowa Medicare anesthesia rate.

l. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2019, the average reimbursement rate for health care providers eligible for use of the federal Medicare resource-based relative value scale reimbursement methodology under section 249A.20 shall remain at the rate in effect on June 30, 2019; however, this rate shall not exceed the maximum level authorized by the federal government.

m. For the fiscal year beginning July 1, 2019, the reimbursement rate for residential care facilities shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement. The flat reimbursement rate for facilities electing not to file annual cost reports shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

n. For the fiscal year beginning July 1, 2019, the reimbursement rates for inpatient mental health services provided at hospitals shall remain at the rates in effect on June 30, 2019, subject to Medicaid program upper payment limit rules; and psychiatrists shall be reimbursed at the medical assistance program fee-for-service rate in effect on June 30, 2019.

o. For the fiscal year beginning July 1, 2019, community mental health centers may choose to be reimbursed for the services provided to recipients of medical assistance through either of the following options:

(1) For 100 percent of the reasonable costs of the services.

(2) In accordance with the alternative reimbursement rate methodology approved by the department of human services in effect on June 30, 2019.

p. For the fiscal year beginning July 1, 2019, the reimbursement rate for providers of family planning services that are eligible to receive a 90 percent federal match shall remain at the rates in effect on June 30, 2019.

q. Unless otherwise subject to a tiered rate methodology, for the fiscal year beginning July 1, 2019, the upper limits and reimbursement rates for providers of home and community-based services waiver services shall be reimbursed using the reimbursement methodology in effect on June 30, 2019.

r. For the fiscal year beginning July 1, 2019, the reimbursement rates for emergency medical service providers shall remain at the rates in effect on June 30, 2019, or as approved by the centers for Medicare and Medicaid services of the United States department of health and human services.

s. For the fiscal year beginning July 1, 2019, reimbursement rates for substance-related disorder treatment programs licensed under section 125.13 shall remain at the rates in effect on June 30, 2019.

t. For the fiscal year beginning July 1, 2019, assertive community treatment per diem rates shall be adjusted to reflect an actual average per diem cost within the additional \$211,332 appropriated for this purpose.

2. For the fiscal year beginning July 1, 2019, the reimbursement rate for providers reimbursed under the in-home-related care program shall not be less than the minimum

payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

3. Unless otherwise directed in this section, when the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 2002.

4. Notwithstanding section 234.38, for the fiscal year beginning July 1, 2019, the foster family basic daily maintenance rate and the maximum adoption subsidy rate for children ages 0 through 5 years shall be \$16.78, the rate for children ages 6 through 11 years shall be \$17.45, the rate for children ages 12 through 15 years shall be \$19.10, and the rate for children and young adults ages 16 and older shall be \$19.35. For youth ages 18 to 21 who have exited foster care, the preparation for adult living program maintenance rate shall be \$602.70 per month. The maximum payment for adoption subsidy nonrecurring expenses shall be limited to \$500 and the disallowance of additional amounts for court costs and other related legal expenses implemented pursuant to 2010 Iowa Acts, chapter 1031, section 408, shall be continued.

5. For the fiscal year beginning July 1, 2019, the maximum reimbursement rates for social services providers under contract shall remain at the rates in effect on June 30, 2019, or the provider's actual and allowable cost plus inflation for each service, whichever is less. However, if a new service or service provider is added after June 30, 2019, the initial reimbursement rate for the service or provider shall be based upon a weighted average of provider rates for similar services.

6. a. For the fiscal year beginning July 1, 2019, the reimbursement rates for resource family recruitment and retention contractors shall be established by contract.

b. For the fiscal year beginning July 1, 2019, the reimbursement rates for supervised apartment living foster care providers shall be established by contract.

7. For the fiscal year beginning July 1, 2019, the reimbursement rate for group foster care providers shall be the combined service and maintenance reimbursement rate established by contract.

8. The group foster care reimbursement rates paid for placement of children out of state shall be calculated according to the same rate-setting principles as those used for in-state providers, unless the director of human services or the director's designee determines that appropriate care cannot be provided within the state. The payment of the daily rate shall be based on the number of days in the calendar month in which service is provided.

9. a. For the fiscal year beginning July 1, 2019, the reimbursement rate paid for shelter care and the child welfare emergency services implemented to provide or prevent the need for shelter care shall be established by contract.

b. For the fiscal year beginning July 1, 2019, the combined service and maintenance components of the reimbursement rate paid for shelter care services shall be based on the financial and statistical report submitted to the department. The maximum reimbursement rate shall be \$101.83 per day. The department shall reimburse a shelter care provider at the provider's actual and allowable unit cost, plus inflation, not to exceed the maximum reimbursement rate.

c. Notwithstanding section 232.141, subsection 8, for the fiscal year beginning July 1, 2019, the amount of the statewide average of the actual and allowable rates for reimbursement of juvenile shelter care homes that is utilized for the limitation on recovery of unpaid costs shall remain at the amount in effect for this purpose in the fiscal year beginning July 1, 2018.

10. For the fiscal year beginning July 1, 2019, the department shall calculate reimbursement rates for intermediate care facilities for persons with an intellectual disability at the 80th percentile. Beginning July 1, 2019, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2019.

11. Effective July 1, 2019, the child care provider reimbursement rates shall remain at the rates in effect on June 30, 2019. The department shall set rates in a manner so as to provide incentives for a nonregistered provider to become registered by applying any increase only to registered and licensed providers.

12. The department may adopt emergency rules to implement this section.

**Sec. 32. CONTRACTED SERVICES — PROHIBITED USE OF STATE FUNDING FOR LOBBYING.**

1. The department shall submit a report to the individuals identified in this Act for submission of reports by December 15, 2019, regarding the outcomes of any program or activity for which funding is appropriated or allocated from the general fund of the state to the department under this division of this Act, and for which a request for proposals process is required.

2. The department shall incorporate into the general conditions applicable to all award documents involving funding appropriated or allocated from the general fund of the state to the department under this division of this Act, a prohibition against the use of such funding for the compensation of a lobbyist. For the purposes of this section, “lobbyist” means the same as defined in section 68B.2; however, “lobbyist” does not include a person employed by a state agency of the executive branch of state government who represents the agency relative to the passage, defeat, approval, or modification of legislation that is being considered by the general assembly.

**Sec. 33. EMERGENCY RULES.**

1. If specifically authorized by a provision of this division of this Act, the department of human services or the mental health and disability services commission may adopt administrative rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to implement the provisions of this division of this Act and the rules shall become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date of the rules is delayed or the applicability of the rules is suspended by the administrative rules review committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 7, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this section, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph “b”. Any rules adopted in accordance with the provisions of this section shall also be published as a notice of intended action as provided in section 17A.4.

2. If during a fiscal year, the department of human services is adopting rules in accordance with this section or as otherwise directed or authorized by state law, and the rules will result in an expenditure increase beyond the amount anticipated in the budget process or if the expenditure was not addressed in the budget process for the fiscal year, the department shall notify the persons designated by this division of this Act for submission of reports, the chairpersons and ranking members of the committees on appropriations, and the department of management concerning the rules and the expenditure increase. The notification shall be provided at least 30 calendar days prior to the date notice of the rules is submitted to the administrative rules coordinator and the administrative code editor.

**Sec. 34. REPORTS.** Any reports or other information required to be compiled and submitted under this Act during the fiscal year beginning July 1, 2019, shall be submitted 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 the dates specified for submission of the reports or information.

**Sec. 35. EFFECTIVE UPON ENACTMENT.** The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The provision relating to section 232.141 and directing the state court administrator and the division administrator of the department of human services division of child and family services to make the determination, by June 15, 2019, of the distribution of funds allocated for the payment of the expenses of court-ordered services provided to juveniles which are a charge upon the state.

DIVISION VI  
HEALTH CARE ACCOUNTS AND FUNDS — FY 2019-2020

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, 2019, and ending June 30, 2020, 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, 2019, and ending June 30, 2020:

..... \$ 234,193

Sec. 37. 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, 2019, and ending June 30, 2020, 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:

..... \$ 58,570,397

Sec. 38. 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, 2019, and ending June 30, 2020, 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:

..... \$ 33,920,554

Sec. 39. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2019-2020. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2019, and ending June 30, 2020, from the general fund of the state, the quality assurance trust fund, and the hospital health care access trust fund, are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at the close of the fiscal year, the excess moneys shall not revert but shall remain available for expenditure for the purposes of the medical assistance program until the close of the succeeding fiscal year.

DIVISION VII  
GRADUATED SANCTION, COURT-ORDERED, AND GROUP FOSTER CARE SERVICES  
AND FUNDING WORK GROUP

Sec. 40. GRADUATED SANCTION, COURT-ORDERED, AND GROUP FOSTER CARE SERVICES AND FUNDING WORK GROUP.

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

a. “Court-ordered services” means the defined or specific care and treatment that is ordered by the court for an eligible child and for which no other payment source is available to cover the cost.

b. “Department” means the department of human services.

c. “Eligible child” means a child who has been adjudicated delinquent, is at risk, or has been certified by the chief juvenile court officer as eligible for court-ordered services.

d. “Graduated sanction services” includes community-based interventions, school-based supervision, and supportive enhancements provided in community-based settings to an eligible child who is adjudicated delinquent or who is at risk of adjudication.

2. The division of criminal and juvenile justice planning of the department of human rights shall convene and provide administrative support to a work group to review and develop a plan to transfer the administration of graduated sanctions and court-ordered services and funding and the oversight of group foster care placements for eligible children from the department to the office of the state court administrator. The plan shall ensure that the office of the state court administrator has the capacity, resources, and expertise to manage the funding and services effectively.

3. a. In addition to a representative of the division of criminal and juvenile justice planning of the department of human rights, the membership of the work group shall include but is not limited to representatives of all of the following:

(1) The judicial branch, including the state court administrator or the state court administrator's designee, a juvenile court judge, at least one chief juvenile court officer, and a representative with fiscal and contract experience.

(2) The department of human services, including representatives with experience managing graduated sanctions funding and group foster care placements.

(3) The department of justice.

(4) The juvenile justice advisory committee.

(5) Member and nonmember agencies of the coalition for family and children's services in Iowa.

(6) Providers of community-based services for eligible children.

(7) Providers of group foster care.

(8) Attorneys who represent children in juvenile justice proceedings.

(9) County attorneys.

(10) Federal Title IV-E funding and services subject matter experts.

(11) Individuals who formerly received services as eligible children or their parents.

b. In addition, the work group membership shall include four members of the general assembly. The legislative members shall serve as ex officio, nonvoting members of the work group, 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.

c. In addition to the members specified, the division of criminal and juvenile justice planning may include other stakeholders with interest or expertise on the work group.

d. Any expenses incurred by a member of the work group shall be the responsibility of the individual member or the respective entity represented by the member.

4. The work group shall do all of the following:

a. Develop an action plan to transfer the administration of juvenile court graduated sanction services, court-ordered services, and associated funding from the department to the office of the state court administrator or other appropriate state entity.

b. Develop an action plan to transfer the oversight of group foster care services for eligible children from the department to the office of the state court administrator or other appropriate state entity with the necessary expertise to provide such services.

c. Develop an action plan to transfer administration of the juvenile detention home fund created in section 232.142 from the department to the office of the state court administrator or other appropriate state entity.

d. Evaluate current resources to determine the most efficient means of suitably equipping the office of the state court administrator or other appropriate state entity with the policies and legal authority; staffing; contracting, procurement, data, and quality assurance capabilities; and other resources necessary to manage such funds and associated services effectively. The evaluation shall require collaboration with the department to manage transition activities.

e. Recommend statutory and administrative policies and court rules to promote collaborative case planning and quality assurance between the department and juvenile court services for youth who may be involved in both the child welfare and juvenile justice systems or who may utilize the same providers or services.

f. Determine the impact and role of the federal Family First Prevention Services Act relative to the various funding streams and services under the purview of the work group, and recommend statutory and administrative policies and rules to coordinate the duties of the work group with implementation and administration of the federal Act.

g. Determine the role of the decategorization of child welfare and juvenile justice funding initiative pursuant to section 232.188 relative to the other funding streams and services under the purview of the work group, and make recommendations regarding the future of the initiative including the potential transfer of administration of the initiative from the department to the office of the state court administrator or other appropriate state entity.

h. Consult with other state juvenile court systems and subject matter experts to review administration of similar programs, to glean information on lessons learned and best practices, and to determine the types of community and residential services that have demonstrated effectiveness for eligible children.

5. The division of criminal and juvenile justice planning of the department of human rights shall submit a report of the findings and recommendations of the work group, including a plan to implement the recommendations by July 1, 2021, to the governor and the general assembly by December 15, 2019.

#### DIVISION VIII

##### CO-OCCURRING CONDITIONS — ENHANCED DELIVERY OF SERVICES REVIEW

Sec. 41. REVIEW TO PROVIDE ENHANCED DELIVERY OF SERVICES FOR CO-OCCURRING CONDITIONS. The director of the department of public health and the director of the department of human services shall develop recommendations for the enhanced delivery of co-occurring conditions services. The directors shall examine the current service delivery system to identify opportunities for reducing the administrative burden on the departments and providers, evaluate the use of an integrated helpline and website and improvements in data collection and sharing of outcomes, and create a structure for ongoing collaboration. The directors shall submit a report including findings, a five-year plan to address co-occurring conditions across provider types and payors, and other recommendations to the governor and general assembly by December 15, 2019.

#### DIVISION IX

##### MEDICAID MANAGED CARE CONTRACTS

Sec. 42. MEDICAID MANAGED CARE CONTRACTS — NOTIFICATION TO GENERAL ASSEMBLY. The department of human services shall notify the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs as follows:

1. Within thirty days of the execution of a Medicaid managed care contract or amendment to a Medicaid managed care contract.

2. Within thirty days of the determination by the department during each measurement year whether to return the incentive payment withhold amount to the Medicaid managed care organization based upon performance and the criteria used in making the determination.

#### DIVISION X

##### IOWA DEPARTMENT ON AGING — MEDICAID CLAIMING

Sec. 43. IOWA DEPARTMENT ON AGING — MEDICAID CLAIMING. The department on aging and the department of human services shall continue to 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, 2021, 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 any interagency agreement with the department on aging to implement this section.

DIVISION XI  
DECATEGORIZATION FY 2017 CARRYOVER FUNDING

Sec. 44. DECATEGORIZATION CARRYOVER FUNDING FY 2017 — 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, 2016, 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, 2018, shall not revert but shall be transferred to the medical assistance program for the fiscal year beginning July 1, 2019.

Sec. 45. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 46. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2018.

DIVISION XII  
PRIOR APPROPRIATIONS AND OTHER PROVISIONS  
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

Sec. 47. 2017 Iowa Acts, chapter 174, section 45, as amended by 2018 Iowa Acts, chapter 1165, section 10, 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:

..... \$ 4,539,006  
4,025,108

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:

..... \$ 5,412,060  
5,192,060

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 2,883,980  
2,898,980

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:  
..... \$ 31,296,232  
32,465,681

5. For general administration:  
..... \$ 3,744,000

6. For state child care assistance:  
..... \$ 47,166,826

a. Of the funds appropriated in this subsection, \$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, \$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
- 8. For child abuse prevention grants: ..... \$ 125,000
- 9. For pregnancy prevention grants on the condition that family planning services are funded: ..... \$ 1,913,203  
1,890,203

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: ..... \$ 1,037,186  
862,186

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 for eligibility determination 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, \$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: ..... \$ 14,236



13,000

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 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 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, followed by state child care assistance program payments for families who are employed, followed by other priorities as specified by the department.

FAMILY INVESTMENT PROGRAM ADJUSTMENTS

Sec. 48. 2017 Iowa Acts, chapter 174, section 46, subsection 4, as amended by 2018 Iowa Acts, chapter 1165, section 11, 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 clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:

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

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:

..... \$ 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:

..... \$ 749,694  
815,000

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:

..... \$ 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 are 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:

.....	\$	12,139,821
		<u>11,919,821</u>

MEDICAL ASSISTANCE PROGRAM ADJUSTMENT

Sec. 49. 2017 Iowa Acts, chapter 174, section 51, unnumbered paragraph 2, as amended by 2018 Iowa Acts, chapter 1165, section 18, 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:

.....	\$	1,337,841,375
		<u>1,488,141,375</u>

GROUP FOSTER CARE REALLOCATION

Sec. 50. 2017 Iowa Acts, chapter 174, section 57, subsection 3, paragraph a, as amended by 2018 Iowa Acts, chapter 1165, section 28, is amended to read as follows:

a. Of the funds appropriated in this section, up to \$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 family foster care, independent living, family safety, risk and permanency services, shelter care, or the child welfare emergency services addressed with the allocation for shelter care.

SHELTER CARE ALLOCATION

Sec. 51. 2017 Iowa Acts, chapter 174, section 57, subsection 6, as amended by 2018 Iowa Acts, chapter 1165, section 28, is amended to read as follows:

6. ~~Notwithstanding section 234.35 or any other provision of law to the contrary, state funding~~ Of the funds appropriated in this section, a sufficient amount is allocated 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 \$8,096,158.~~

OTHER FUNDING FOR CHILD WELFARE SERVICES

Sec. 52. 2017 Iowa Acts, chapter 174, section 57, as amended by 2018 Iowa Acts, chapter 1165, section 28, is amended by adding the following new subsection:

NEW SUBSECTION. 24. If a separate funding source is identified that reduces the need for state funds within an allocation under this section, the allocated state funds may be redistributed to other allocations under this section for the same fiscal year.

Sec. 53. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 54. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2018.

DIVISION XIII  
HOSPITAL HEALTH CARE ACCESS ASSESSMENT PROGRAM FUTURE REPEAL

Sec. 55. Section 249M.5, Code 2019, is amended to read as follows:  
**249M.5 Future repeal.**

This chapter is repealed July 1, ~~2019~~ 2021.

Sec. 56. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIV  
MENTAL HEALTH AND DISABILITY SERVICES — TRANSFER OF FUNDS

Sec. 57. 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, 2019, and ending June 30, 2020. The county shall submit a report to the governor and the general assembly by September 1, 2020, 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.

DIVISION XV  
OPERATION OF BOARD OF MEDICINE, BOARD OF NURSING, BOARD OF PHARMACY,  
AND THE DENTAL BOARD

Sec. 58. Section 135.11A, subsection 1, Code 2019, is amended to read as follows:

1. There shall be a professional licensure division within the department of public health. Each board under chapter 147 or under the administrative authority of the department, except the board of nursing, board of medicine, dental board, and board of pharmacy, shall receive administrative and clerical support from the division and may not employ its own support staff for administrative and clerical duties. The executive director of the board of nursing, board of medicine, dental board, and board of pharmacy shall be appointed pursuant to section 135.11B.

Sec. 59. **NEW SECTION. 135.11B Appointment of certain executive directors.**

1. The director shall appoint and supervise a full-time executive director for each of the following boards:

- a. The board of medicine.
- b. The board of nursing.
- c. The dental board.
- d. The board of pharmacy.

2. Each board listed in subsection 1 shall advise the director in evaluating potential candidates for the position of executive director, consult with the director in the hiring of the executive director, and review and advise the director on the performance of the executive director in the discharge of the executive director's duties.

3. Each board listed in subsection 1 shall retain sole discretion and authority to execute the core functions of the board including but not limited to policymaking, advocating for and against legislation, rulemaking, licensing, licensee investigations, licensee disciplinary proceedings, and oversight of professional health programs. The director's supervision of the executive director shall not interfere with the board's discretion and authority in executing the core functions of the board.

Sec. 60. Section 147.80, subsection 3, Code 2019, is amended to read as follows:

3. The board of medicine, the board of pharmacy, the dental board, and the board of nursing shall retain individual executive officers pursuant to section 135.11B, but shall make every effort to share administrative, clerical, and investigative staff to the greatest extent possible.

Sec. 61. Section 152.2, Code 2019, is amended to read as follows:

**152.2 Executive director.**

The board shall ~~appoint~~ retain a full-time executive director, who shall be appointed pursuant to section 135B.11. The executive director shall be a registered nurse ~~and shall not be a member of the board~~. The governor, with the approval of the executive council pursuant to section 8A.413, subsection 3, under the pay plan for exempt positions in the executive branch of government, shall set the salary of the executive director.

Sec. 62. Section 153.33, subsection 2, Code 2019, is amended to read as follows:

2. All employees needed to administer this chapter except the executive director shall be appointed pursuant to the merit system. The executive director shall ~~serve at the pleasure of the board~~ be appointed pursuant to section 135.11B and shall be exempt from the merit system provisions of chapter 8A, subchapter IV.

DIVISION XVI

MEDICAID MEDICAL PRIOR AUTHORIZATION — UNIFORM PROCESS — CENTRAL PORTAL

Sec. 63. MEDICAID — MEDICAL PRIOR AUTHORIZATION UNIFORM PROCESS. The department of human services shall adopt rules pursuant to chapter 17A by October 1, 2019, to require that both managed care and fee-for-service payment and delivery systems utilize a uniform process, including but not limited to uniform forms, information requirements, and time frames, to request medical prior authorization under the Medicaid program. The rules shall require the managed care organizations, by contract, to implement the uniform process by a date as determined by the department.

Sec. 64. MEDICAID MANAGEMENT INFORMATION SYSTEM — CENTRAL PORTAL — REVIEW. The department shall review the costs associated with expanding the medical assistance management information system to integrate a single, statewide system to serve as a central portal for submission of all medical prior authorization requests for the Medicaid program. The portal shall not be designed to make or review final determinations of managed care organization medical prior authorization requests, but shall only serve as a conduit to deliver medical prior authorization requests to the appropriate managed care organization. The results of the study shall be submitted to the governor and the general assembly no later than March 31, 2020.

Sec. 65. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVII

HEALTH AND HUMAN SERVICES EXECUTIVE BRANCH ENTITIES — REFORM

IOWA COLLABORATIVE SAFETY NET PROVIDER NETWORK

Sec. 66. Section 135.24, subsection 7, paragraph e, Code 2019, is amended to read as follows:

e. “*Specialty health care provider office*” means the private office or clinic of an individual specialty health care provider or group of specialty health care providers ~~as referred by the Iowa collaborative safety net provider network established in section 135.153~~, but does not include a field dental clinic, a free clinic, or a hospital.

Sec. 67. Section 135.159, subsection 1, paragraph h, Code 2019, is amended by striking the paragraph.

Sec. 68. REPEAL. Section 135.153, Code 2019, is repealed.

#### HOSPITAL HEALTH CARE ACCESS TRUST FUND BOARD

Sec. 69. Section 249M.4, Code 2019, is amended to read as follows:

**249M.4 Hospital health care access trust fund — board.**

1. A hospital health care access trust fund is created in the state treasury under the authority of the department. Moneys received through the collection of the hospital health care access assessment imposed under this chapter and any other moneys specified for deposit in the trust fund shall be deposited in the trust fund.

2. Moneys in the trust fund shall be used, subject to their appropriation by the general assembly, by the department to reimburse participating hospitals the medical assistance program upper payment limit for inpatient and outpatient hospital services as calculated in this section. Following payment of such upper payment limit to participating hospitals, any remaining funds in the trust fund on an annual basis may be used for any of the following purposes:

- a. To support medical assistance program utilization shortfalls.
- b. To maintain the state's capacity to provide access to and delivery of services for vulnerable Iowans.
- c. To fund the health care workforce support initiative created pursuant to section 135.175.
- d. To support access to health care services for uninsured Iowans.
- e. To support Iowa hospital programs and services which expand access to health care services for Iowans.

3. The trust fund shall be separate from the general fund of the state and shall not be considered part of the general fund. The moneys in the trust fund shall not be considered revenue of the state, but rather shall be funds of the hospital health care access assessment program. The moneys deposited in the trust fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this chapter. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the trust fund shall be credited to the trust fund.

4. The department shall adopt rules pursuant to chapter 17A to administer the trust fund and reimbursements and expenditures as specified in this chapter made from the trust fund.

5. a. Beginning July 1, 2010, or the implementation date of the hospital health care access assessment program as determined by receipt of approval from the centers for Medicare and Medicaid services of the United States department of health and human services, whichever is later, the department shall increase the diagnostic related groups and ambulatory patient classifications base rates to provide payments to participating hospitals at the Medicare upper payment limit for the fiscal year beginning July 1, 2010, calculated as of July 31, 2010. Each participating hospital shall receive the same percentage increase, but the percentage may differ depending on whether the basis for the base rate increase is the diagnostic related groups or ambulatory patient classifications.

b. The percentage increase shall be calculated by dividing the amount calculated under subparagraph (1) by the amount calculated under subparagraph (2) as follows:

(1) The amount under the Medicare upper payment limit for the fiscal year beginning July 1, 2010, for participating hospitals.

(2) The projected expenditures for participating hospitals for the fiscal year beginning July 1, 2010, as determined by the fiscal management division of the department, plus the amount calculated under subparagraph (1).

6. For the fiscal year beginning July 1, 2011, and for each fiscal year beginning July 1, thereafter, the payments to participating hospitals shall continue to be calculated based on the upper payment limit as calculated for the fiscal year beginning July 1, 2010.

7. Reimbursement of participating hospitals shall incorporate the rebasing process for inpatient and outpatient services for state fiscal year 2012. However, the total amount of increased funding available for reimbursement attributable to rebasing shall not exceed four million five hundred thousand dollars for state fiscal year 2012 and six million dollars for state fiscal year 2013.

8. Any payments to participating hospitals under this section shall result in budget neutrality to the general fund of the state.

~~9. a. A hospital health care access trust fund board is established consisting of the following members:~~

~~(1) The co-chairpersons and the ranking members of the joint appropriations subcommittee on health and human services.~~

~~(2) The Iowa medical assistance program director.~~

~~(3) Two hospital executives representing the two largest private health care systems in the state.~~

~~(4) The president of the Iowa hospital association.~~

~~(5) A representative of a consumer advocacy group, involved in both state and national initiatives, that provides data on key indicators of well-being for children and families in order to inform policymakers to help children and families succeed.~~

~~b. The board shall do all of the following:~~

~~(1) Provide oversight of the trust fund.~~

~~(2) Make recommendations regarding the hospital health care access assessment program, including recommendations regarding the assessment calculation, assessment amounts, payments to participating hospitals, and use of the moneys in the trust fund.~~

~~(3) Submit an annual report to the governor and the general assembly regarding the use and expenditure of moneys deposited in the trust fund.~~

~~e. The department shall provide administrative assistance to the board.~~

#### ADVISORY COMMITTEE TO THE CENTER FOR RURAL HEALTH AND PRIMARY CARE

Sec. 70. Section 135.107, subsection 5, Code 2019, is amended by striking the subsection.

Sec. 71. Section 262.78, subsection 3, Code 2019, is amended to read as follows:

3. The president of the university of Iowa, in consultation with the president of Iowa state university of science and technology, shall employ a full-time director of the center. The center may employ staff to carry out the center's purpose. The director shall coordinate the agricultural health and safety programs of the center. The director shall regularly meet and consult with the ~~advisory committee to the center for rural health and primary care~~. The director shall provide the board of regents with relevant information regarding the center.

#### GOVERNMENTAL PUBLIC HEALTH ADVISORY COUNCIL

Sec. 72. Section 135A.2, subsection 2, Code 2019, is amended by striking the subsection.

Sec. 73. Section 135A.9, subsection 1, Code 2019, is amended by striking the subsection.

Sec. 74. REPEAL. Section 135A.4, Code 2019, is repealed.

#### PATIENT-CENTERED HEALTH ADVISORY COUNCIL

Sec. 75. REPEAL. Section 135.159, Code 2019, is repealed.

#### COMBINING STATE MEDICAL EXAMINER ADVISORY COUNCIL WITH THE INTERAGENCY COORDINATING COUNCIL

Sec. 76. Section 691.6B, Code 2019, is amended to read as follows:

##### **691.6B Interagency coordinating council.**

1. An interagency coordinating council is created to advise do all of the following:

a. Advise and consult with the state medical examiner on a range of issues affecting the organization and functions of the office of the state medical examiner and the effectiveness of the medical examiner system in the state.

b. Advise the state medical examiner concerning the assurance of effective coordination of the functions and operations of the office of the state medical examiner with the needs and interests of the departments of public safety and public health.

2. Members of the interagency coordinating council shall include ~~the~~ all of the following:

a. The state medical examiner, or when the state medical examiner is not available, the deputy state medical examiner; the.

b. The commissioner of public safety or the commissioner's designee; the.

c. The director of public health or the director's designee; and the.

d. The governor or the governor's designee.

e. Representatives from the office of the attorney general, the Iowa county attorneys association, the Iowa medical society, the Iowa association of pathologists, the Iowa association of county medical examiners, the statewide emergency medical system, and the Iowa funeral directors association.

3. The interagency coordinating council shall meet on a regular basis, and shall be organized and function as established by the state medical examiner by rule.

Sec. 77. REPEAL. Section 691.6C, Code 2019, is repealed.

#### TRAUMA SYSTEM ADVISORY COUNCIL

Sec. 78. Section 147A.24, subsection 2, Code 2019, is amended to read as follows:

2. The council shall consist of seven members to be appointed by the director from the recommendations of the organizations in subsection 1 for terms of two years. Vacancies on the council shall be filled for the remainder of the term of the original appointment. Members whose terms expire may be reappointed.

Sec. 79. TRANSITION PROVISIONS. Notwithstanding any provision of section 147A.24, subsection 2, to the contrary, a member of the trauma system advisory council on July 1, 2019, shall continue serving until the expiration of that member's term or until a vacancy occurs prior to the expiration of the applicable term, and such vacancy shall only be filled to the extent consistent with and necessary to maintain the total number of members of the council specified in section 147A.24, subsection 2, as amended in this Act.

#### TELECONFERENCE OPTION FOR STATE ENTITIES

Sec. 80. **NEW SECTION. 135.11B Statutory board, commission, committee, or council of committee — teleconference option.**

Any statutorily established board, commission, committee, or council established under the purview of the department shall provide for a teleconference option for board, commission, committee, or council members to participate in official meetings.

#### ELIMINATION OF PAYMENT OF EXPENSES FOR PUBLIC MEMBERS OF CERTAIN STATE ENTITIES

Sec. 81. Section 105.3, subsection 6, Code 2019, is amended by striking the subsection.

Sec. 82. Section 135.43, subsection 2, unnumbered paragraph 1, Code 2019, is amended to read as follows:

The membership of the review team is subject to the provisions of sections 69.16 and 69.16A, relating to political affiliation and gender balance. Review team members who are not designated by another appointing authority shall be appointed by the state medical examiner. Membership terms shall be for three years. A membership vacancy shall be filled in the same manner as the original appointment. The review team shall elect a chairperson and other officers as deemed necessary by the review team. The review team shall meet upon the call of the state medical examiner or as determined by the review team. ~~The members of the team are eligible for reimbursement of actual and necessary expenses incurred in the performance of their official duties.~~ The review team shall include the following:

Sec. 83. Section 135.62, subsection 2, paragraph e, Code 2019, is amended by striking the paragraph.

Sec. 84. Section 147A.3, Code 2019, is amended to read as follows:

**147A.3 Meetings of the council — quorum — expenses.**

Membership, terms of office, ~~and quorum, and expenses~~ shall be determined by the director pursuant to chapter 135.

Sec. 85. Section 256I.3, subsection 3, Code 2019, is amended by striking the subsection.

ELIMINATION OF CHILD WELFARE ADVISORY COMMITTEE, CHILD SUPPORT  
ADVISORY COMMITTEE, CHILDREN'S MENTAL HEALTH WAIVER IMPLEMENTATION  
COMMITTEE, AND PROPERTY TAX RELIEF FUND RISK POOL

Sec. 86. Section 217.3A, subsection 1, Code 2019, is amended to read as follows:

1. *General.* The council on human services shall establish and utilize the advisory ~~committees~~ committee identified in this section and may establish and utilize other advisory committees. The council shall establish appointment provisions, membership terms, operating guidelines, and other operational requirements for committees established pursuant to this section.

Sec. 87. Section 217.3A, subsections 3 and 4, Code 2019, are amended by striking the subsections.

Sec. 88. Section 426B.5, subsection 1, Code 2019, is amended by striking the subsection.

Sec. 89. 2005 Iowa Acts, chapter 117, section 4, subsection 3, is amended by striking the subsection.

DIVISION XVIII  
MEDICAL ASSISTANCE ADVISORY COUNCIL

Sec. 90. Section 217.3, subsection 4, Code 2019, is amended to read as follows:

4. Approve the budget of the department of human services prior to submission to the governor. Prior to approval of the budget, the council shall publicize and hold a public hearing to provide explanations and hear questions, opinions, and suggestions regarding the budget. Invitations to the hearing shall be extended to the governor, the governor-elect, the director of the department of management, and other persons deemed by the council as integral to the budget process. The budget materials submitted to the governor shall include a review of options for revising the medical assistance program made available by federal action or by actions implemented by other states as identified by the department, the medical assistance advisory council ~~and the executive committee of the medical assistance advisory council~~ created in section 249A.4B, and by county representatives. The review shall address what potential revisions could be made in this state and how the changes would be beneficial to Iowans.

Sec. 91. Section 249A.4B, Code 2019, is amended to read as follows:

**249A.4B Medical assistance advisory council.**

1. A medical assistance advisory council is created to comply with 42 C.F.R. §431.12 based on section 1902(a)(4) of the federal Social Security Act and to advise the director about health and medical care services under the medical assistance program. The council shall meet no more than quarterly. The director of public health and a public member of the council selected by the public members of the council ~~specified in subsection 2, paragraph "b"~~, shall serve as co-chairpersons of the council.

2. *a.* The council shall consist of the following voting members:

(1) Five professional or business entity members selected by the entities specified pursuant to subsection 3, paragraph "a".

(2) Five public members appointed pursuant to subsection 3, paragraph "b". Of the five public members, at least one member shall be a recipient of medical assistance.

*b.* The council shall include all of the following nonvoting members:

(1) The director of public health, or the director's designee.

(2) The director of the department on aging, or the director's designee.

(3) The long-term care ombudsman, or the long-term care ombudsman's designee.



(4) The dean of Des Moines university — osteopathic medical center, or the dean's designee.

(5) The dean of the university of Iowa college of medicine, or the dean's designee.

(6) A member of the hawk-i board created in section 514I.5, selected by the members of the hawk-i board.

(7) The following members of the general assembly, each for a term of two years as provided in section 69.16B:

(a) Two members of the house of representatives, one appointed by the speaker of the house of representatives and one appointed by the minority leader of the house of representatives from their respective parties.

(b) Two members of the senate, one appointed by the president of the senate after consultation with the majority leader of the senate and one appointed by the minority leader of the senate.

2. 3. The voting membership of the council shall include all of the following voting members be selected or appointed as follows:

a. The five professional or business entity members shall be selected by the entities specified under this paragraph "a". The five professional or business entity members selected shall be the president, or the president's representative, of each of the following professional or business entities entity, or a member of each of the following professional or business entities, selected entity, designated by the entity.:

(1) The Iowa medical society.

(2) The Iowa osteopathic medical association.

(3) The Iowa academy of family physicians.

(4) The Iowa chapter of the American academy of pediatrics.

(5) The Iowa physical therapy association.

(6) The Iowa dental association.

(7) The Iowa nurses association.

(8) The Iowa pharmacy association.

(9) The Iowa podiatric medical society.

(10) The Iowa optometric association.

(11) The Iowa association of community providers.

(12) The Iowa psychological association.

(13) The Iowa psychiatric society.

(14) The Iowa chapter of the national association of social workers.

(15) The coalition for family and children's services in Iowa.

(16) The Iowa hospital association.

(17) The Iowa association of rural health clinics.

(18) The Iowa primary care association.

(19) Free clinics of Iowa.

(20) The opticians' association of Iowa, inc.

(21) The Iowa association of hearing health professionals.

(22) The Iowa speech and hearing association.

(23) The Iowa health care association.

(24) The Iowa association of area agencies on aging.

(25) AARP.

(26) The Iowa caregivers association.

(27) Leading age Iowa.

(28) The Iowa association for home care.

(29) The Iowa council of health care centers.

(30) The Iowa physician assistant society.

(31) The Iowa association of nurse practitioners.

(32) The Iowa nurse practitioner society.

(33) The Iowa occupational therapy association.

(34) The ARC of Iowa, formerly known as the association for retarded citizens of Iowa.

(35) The national alliance on mental illness.

(36) The Iowa state association of counties.

(37) The Iowa developmental disabilities council.

- (38) The Iowa chiropractic society.
- (39) The Iowa academy of nutrition and dietetics.
- (40) The Iowa behavioral health association.

(41) The midwest association for medical equipment services or an affiliated Iowa organization.

~~b. Ten~~ The five public members shall be public representatives which may include members of consumer groups, including recipients of medical assistance or their families, consumer organizations, and others, appointed by the governor for staggered terms of two years each, none of whom shall be members of, or practitioners of, or have a pecuniary interest in any of the professional or business entities specifically represented under paragraph "a", ~~and a majority of whom shall be current or former recipients of medical assistance or members of the families of current or former recipients.~~

~~c. A member of the hawk-i board created in section 514I.5, selected by the members of the hawk-i board.~~

~~3. The council shall include all of the following nonvoting members:~~

~~a. The director of public health, or the director's designee.~~

~~b. The director of the department on aging, or the director's designee.~~

~~c. The long-term care ombudsman, or the long-term care ombudsman's designee.~~

~~d. The dean of Des Moines university — osteopathic medical center, or the dean's designee.~~

~~e. The dean of the university of Iowa college of medicine, or the dean's designee.~~

~~f. The following members of the general assembly, each for a term of two years as provided in section 69.16B:~~

~~(1) Two members of the house of representatives, one appointed by the speaker of the house of representatives and one appointed by the minority leader of the house of representatives from their respective parties.~~

~~(2) Two members of the senate, one appointed by the president of the senate after consultation with the majority leader of the senate and one appointed by the minority leader of the senate.~~

~~4. a. An executive committee of the council is created and shall consist of the following members of the council:~~

~~(1) Five of the professional or business entity members designated pursuant to subsection 2, paragraph "a", and selected by the members specified under that paragraph, as voting members.~~

~~(2) Five of the public members appointed pursuant to subsection 2, paragraph "b", and selected by the members specified under that paragraph, as voting members. Of the five public members, at least one member shall be a recipient of medical assistance.~~

~~(3) The director of public health, or the director's designee, as a nonvoting member.~~

~~b. The executive committee shall meet on a monthly basis. The director of public health and the public member serving as co-chairperson of the council shall serve as co-chairpersons of the executive committee.~~

~~c. 4. Based upon the deliberations of the council and the executive committee, the executive committee council shall make recommendations to the director regarding the budget, policy, and administration of the medical assistance program.~~

~~5. For each council meeting, other than those held during the time the general assembly is in session, each legislative member of the council shall be reimbursed for actual travel and other necessary expenses and shall receive a per diem as specified in section 7E.6 for each day in attendance, as shall the members of the council or the executive committee who are recipients or the family members of recipients of medical assistance, regardless of whether the general assembly is in session.~~

~~6. The department shall provide staff support and independent technical assistance to the council and the executive committee.~~

~~7. The director shall consider the recommendations offered by the council and the executive committee in the director's preparation of medical assistance budget recommendations to the council on human services pursuant to section 217.3 and in implementation of medical assistance program policies.~~

DIVISION XIX  
MEDICAID COVERAGE — PREGNANT WOMEN LAWFULLY ADMITTED FOR  
PERMANENT RESIDENCE

Sec. 92. MEDICAID COVERAGE — PREGNANT WOMEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES WITHOUT APPLICATION OF FIVE-YEAR WAITING PERIOD.

1. The department of human services shall seek a waiver from the centers for Medicare and Medicaid services of the United States department of health and human services to provide coverage under the Medicaid program for pregnant women lawfully admitted for permanent residence in the United States, without application of the five-year waiting period.

2. If federal approval is received by the department, the department shall provide Medicaid coverage for pregnant women lawfully admitted for permanent residence in the United States, without application of the five-year waiting period, effective the first day of the month following the department's receipt of federal approval.

DIVISION XX  
PROVISION OF CERTAIN SURGERIES OR PROCEDURES — EXEMPTION FROM  
REQUIRED ACCOMMODATIONS OR SERVICES

Sec. 93. Section 216.7, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 3. This section shall not require any state or local government unit or tax-supported district to provide for sex reassignment surgery or any other cosmetic, reconstructive, or plastic surgery procedure related to transsexualism, hermaphroditism, gender identity disorder, or body dysmorphic disorder.

Sec. 94. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXI  
REVISION OF MEDICAID MANAGED CARE CONTRACTS — LIQUIDATED DAMAGES

Sec. 95. REVISION OF MEDICAID MANAGED CARE CONTRACTS — LIQUIDATED DAMAGES. The department shall revise the Medicaid managed care contracts to include all of the following provisions:

1. The assessment of liquidated damages for prior authorization and claims payment system issues that were reported by the managed care organization to the department as corrected, but reoccurred within 60 days of the reported correction.

2. The assessment of liquidated damages for the failure of a managed care organization to complete provider credentialing or to accurately load provider rosters as required in the contract.

DIVISION XXII  
HEALTH DATA COLLECTION AND USE

Sec. 96. Section 135.166, subsection 1, Code 2019, is amended to read as follows:

1. *a.* The department of public health shall enter into a memorandum of understanding ~~to utilize the Iowa hospital association with the contractor selected through a request for proposals process~~ to act as the department's intermediary in collecting, maintaining, and disseminating hospital inpatient, outpatient, and ambulatory data, as initially authorized in 1996 Iowa Acts, ch. 1212, §5, subsection 1, paragraph "a", subparagraph (4), and 641 IAC 177.3.

*b.* The memorandum of understanding shall include but is not limited to provisions that address the duties of the department and the ~~Iowa hospital association~~ contractor regarding the collection, reporting, disclosure, storage, and confidentiality of the data.

Sec. 97. REQUEST FOR PROPOSALS PROCESS — TRANSITION. The department of public health shall continue the memorandum of understanding with the entity acting as intermediary on June 30, 2019, pursuant to section 135.166, until the contractor selected through a request for proposals process assumes the duties of intermediary on January 1, 2021, as specified under this division of this Act.

DIVISION XXIII  
DISTRIBUTION OF FEDERAL FUNDS — RESTRICTIONS — ABORTION

Sec. 98. DISTRIBUTION OF FEDERAL PUBLIC HEALTH SERVICES ACT FUNDS FOR FAMILY PLANNING.

1. The department of public health shall annually apply to the United States department of health and human services for grant funding under Tit. X of the federal Public Health Services Act, 42 U.S.C. §300 et seq. The department shall distribute all grant funding received to applicants in the following order of priority:

a. Public entities that provide family planning services including state, county, or local community health clinics, federally qualified health centers, and community action organizations.

b. Nonpublic entities that, in addition to family planning services, provide required primary health services as described in 42 U.S.C. §254b(b)(1)(A).

c. Nonpublic entities that provide family planning services but do not provide required primary health services as described in 42 U.S.C. §254b(b)(1)(A).

2. Distribution of funds under this section shall be made in a manner that continues access to family planning services.

3. a. (1) Distribution of funds under this section shall not be made to any entity that performs abortions, promotes abortions, maintains or operates a facility where abortions are performed or promoted, contracts or subcontracts with an entity that performs or promotes abortions, becomes or continues to be an affiliate of any entity that performs or promotes abortions, or regularly makes referrals to an entity that provides or promotes abortions or maintains or operates a facility where abortions are performed. However, the prohibition specified in this subparagraph (1) 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 public health shall adopt rules pursuant to chapter 17A to require that as a condition of eligibility as an applicant under this section, each distinct location of a nonprofit health care delivery system shall be assigned a distinct provider identification number and complete an attestation that abortions are not performed at the distinct location.

b. 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.

c. For the purposes of this section, “abortion” does not include any of the following:

(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.

(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.

4. Funds distributed in accordance with this section shall not be used for direct or indirect costs, including but not limited to administrative costs or expenses, overhead, employee salaries, rent, and telephone and other utility costs, related to providing or promoting abortions as specified in this section.

5. The department of public health shall submit a report to the governor and the general assembly, annually by January 1, listing any entities that received funds pursuant to subsection 1, paragraph “c”, and the amount and type of funds received by such entities during the preceding calendar year. The report shall provide a detailed explanation of how the department determined that distribution of funds to such an entity, instead of to an entity

described in subsection 1, paragraph “a” or “b”, was necessary to prevent severe limitation or elimination of access to family planning services in the region of the state where the entity is located.

**Sec. 99. ADMINISTRATION OF PERSONAL RESPONSIBILITY EDUCATION PROGRAM AND SEXUAL RISK AVOIDANCE EDUCATION GRANT PROGRAM FUNDS.**

1. Any contract entered into on or after July 1, 2019, by the department of public health to administer the personal responsibility education program as specified in 42 U.S.C. §713 or to administer the sexual risk avoidance education grant program authorized pursuant to section 510 of Tit. V of the federal Social Security Act, 42 U.S.C. §710, as amended by section 50502 of the federal Bipartisan Budget Act of 2018, Pub. L. No. 115-123, and as further amended by division S, Title VII, section 701 of the federal Consolidated Appropriations Act of 2018, Pub. L. No. 115-141, shall exclude as an eligible applicant, any applicant entity that performs abortions, promotes abortions, maintains or operates a facility where abortions are performed or promoted, contracts or subcontracts with an entity that performs or promotes abortions, becomes or continues to be an affiliate of any entity that performs or promotes abortions, or regularly makes referrals to an entity that provides or promotes abortions or maintains or operates a facility where abortions are performed. However, the prohibition specified in this section 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 personal responsibility education program or sexual risk avoidance education grant program services but does not perform abortions or maintain or operate as a facility where abortions are performed.

2. The department of public health shall adopt rules pursuant to chapter 17A to require that as a condition of eligibility as an applicant, grantee, grantee contractor, or grantee subcontractor under the personal responsibility education program or sexual risk avoidance education grant program, each distinct location of a nonprofit health care delivery system shall be assigned a distinct 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.

4. For the purposes of this section, “abortion” does not include any of the following:

a. 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. 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.

**Sec. 100. AWARD OF COMMUNITY ADOLESCENT PREGNANCY PREVENTION AND SERVICES PROGRAM GRANT FUNDS.**

1. Any contract entered into on or after July 1, 2019, by the department of human services to award a community adolescent pregnancy prevention and services program grant using federal temporary assistance for needy families block grant funds appropriated to the department shall exclude from eligibility any applicant, grantee, grantee contractor, or grantee subcontractor that performs abortions, promotes abortions, maintains or operates a facility where abortions are performed or promoted, contracts or subcontracts with an entity that performs or promotes abortions, becomes or continues to be an affiliate of any entity that performs or promotes abortions, or regularly makes referrals to an entity that provides or promotes abortions or maintains or operates a facility where abortions are performed.

2. The eligibility exclusion specified in subsection 1 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 community adolescent pregnancy prevention program services but does not perform abortions or maintain or operate as a facility where abortions are performed.

3. The department of human services shall adopt rules pursuant to chapter 17A to require that as a condition of eligibility as an applicant, grantee, grantee contractor, or grantee

subcontractor under the adolescent pregnancy prevention and services program, each distinct location of a nonprofit health care delivery system shall be assigned a distinct identification number and complete an attestation that abortions are not performed at the distinct location.

4. 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.

5. For the purposes of this section, “abortion” does not include any of the following:

a. 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. 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.

Sec. 101. SEVERABILITY. If any provision of this division of this Act or the application of this division of this Act to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this division of this Act which can be given effect without the invalid provisions or application and, to this end, the provisions of this division of this Act are severable.

Sec. 102. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

#### DIVISION XXIV

#### NON-STATE GOVERNMENT-OWNED NURSING FACILITY QUALITY OF CARE RATE ADD-ON PROGRAM

Sec. 103. Section 249L.2, subsections 7 and 8, Code 2019, are amended to read as follows:

7. “*Non-state government-owned nursing facility*” means a nursing facility that is owned or operated by a non-state governmental entity and for which a non-state governmental entity holds the nursing facility’s license and is party to the nursing facility’s Medicaid contract.

8. “*Nursing facility*” means a licensed nursing facility as defined in section 135C.1 that is a freestanding facility or a nursing facility operated by a hospital licensed pursuant to chapter 135B, but does not include a distinct-part skilled nursing unit or a swing-bed unit operated by a hospital, or a nursing facility owned by the state or federal government or other governmental unit. “*Nursing facility*” includes a non-state government-owned nursing facility if the nursing facility participates in the non-state government-owned nursing facility upper payment limit alternative payment quality of care rate add-on program.

Sec. 104. NON-STATE GOVERNMENT-OWNED NURSING FACILITY QUALITY OF CARE RATE ADD-ON PROGRAM.

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

a. “Department” means the department of human services.

b. “Intergovernmental transfer” means a transfer of state share funds from a non-state governmental entity to the department of human services.

c. “Non-state governmental entity” or “NSGE” means a hospital authority, hospital district, health care district, city, or county.

d. “Non-state government-owned nursing facility” or “NSGO nursing facility” means a nursing facility that is owned or operated by a non-state governmental entity and for which a non-state governmental entity holds the nursing facility’s license and is party to the nursing facility’s Medicaid contract.

e. “Program” means the non-state government-owned nursing facility quality of care rate add-on program described in this section.

f. “Quality of care rate add-on calculation period” means the fiscal year for which quality of care rate add-on amounts are calculated based on adjudicated claims for days of service provided.

g. "Upper payment limit" means a reasonable estimate of the amount that would be paid for the services furnished by a facility under Medicare payment principles.

2. 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 (CMS), a Medicaid state plan amendment to allow a qualifying NSGE to receive a quality of care rate add-on in accordance with the upper payment limit requirements pursuant to 42 C.F.R. §447.272 and managed care requirements pursuant to 42 C.F.R. §438.6.

3. The Medicaid state plan amendment submitted shall provide for all of the following:

a. Purpose. The NSGO nursing facility quality of care rate add-on shall be made to a qualified NSGE to promote, maintain, and improve resident quality of care and health outcomes.

b. Non-state government-owned nursing facility qualifications. An NSGO nursing facility shall qualify for participation in the program if all of the following conditions are met:

(1) The NSGE for the NSGO nursing facility has executed a participation agreement with the department.

(2) The NSGE for the NSGO nursing facility has provided proof that the entity holds the NSGO nursing facility's license and has complete operational responsibility for the NSGO nursing facility.

(3) The NSGE for the NSGO nursing facility has filed a certification of eligibility application for the quality of care rate add-on program with the department and has received approval from the department for participation in the program.

(4) The NSGO nursing facility is an active participant in established Medicaid managed care value-based purchasing programs and initiatives in the state.

(5) The NSGO nursing facility and the NSGE for the NSGO nursing facility are in compliance with care criteria requirements.

c. NSGE participation requirements. An NSGE shall qualify for participation in the program if all of the following conditions are met:

(1) The NSGE has executed a nursing facility provider contract with an NSGO nursing facility.

(2) The NSGE has provided, and identified the source of, state share dollars for the intergovernmental transfer.

(3) The NSGE has provided proof of ownership, if applicable, as the licensed operator of the NSGO nursing facility.

(4) The NSGE has provided, to the department, an executed management agreement between the NSGE and the NSGO nursing facility manager.

d. Care criteria requirements. A participating NSGO nursing facility shall comply with all of the following care criteria quality metrics, shall adhere to all of the following performance measures to improve the quality of care delivered to residents and to improve efficiency and care avoidance costs for the overall Medicaid program, and shall do all of the following:

(1) Develop a written action plan that includes satisfaction survey results, an analysis of the satisfaction survey results with identification of areas in need of improvement, and a process for addressing areas in need of improvement.

(2) Develop and implement, within six months of commencement of participation in the program, a written plan for the mitigation of unnecessary inpatient admissions within 30 days of a nursing facility discharge. The written plan shall include or address all of the following:

(a) The inpatient admission management tool which identifies those residents at high risk for the potential return to acute care.

(b) The tools to support effective communications.

(c) Advance directive planning and implementation.

(d) Application of a quality assurance and program integrity methodology to provide a root cause analysis and identify teaching needs.

(3) Develop and implement a written plan providing for a proactive pneumonia and influenza vaccination program which shall improve vaccination scores above the national average, as measured using CMS quality metrics. The written plan shall include all of the following:

(a) The latest available three-quarter average of both the CMS measure for the percent of long-stay residents assessed and appropriately given the seasonal influenza vaccine and of

the CMS measure for the percentage of long-stay residents assessed and appropriately given the pneumococcal vaccine, to establish a baseline.

(b) The current measure code score for the CMS measures described in subparagraph division (a).

(c) A written plan for an influenza and pneumonia vaccination program to address new admissions and current residents.

(4) Elevate healthy aging in the state by implementing a plan that accomplishes at least one of the following strategies:

(a) Prevention and reduction of falls.

(b) Improved nutrition.

(c) Increased physical activity.

(d) Reduction in the incidence of depression.

(5) Demonstrate improvement above the facility-specific baseline in the CMS five-star quality measures composite scoring. Metrics shall be determined based upon the CMS nursing home compare composite score over the preceding twelve-month period.

(a) A participating NSGO nursing facility shall provide the most recent three-quarter average of the CMS quality measure star rating to establish a baseline.

(b) A participating NSGO nursing facility shall have a star rating of three or better or must demonstrate improvement over the previous quarter with no two quarters below three stars to participate in the program.

(c) A participating NSGO nursing facility with a quality measure star rating of three or better for the most recent quarter or that demonstrates improvement in composite scoring with no two quarters consistently below a three-star rating, shall be deemed to have met the care criteria.

e. Quality of care rate add-on.

(1) The nursing facility quality of care rate add-on provided to a participating NSGE under the program shall not exceed Medicare payment principles pursuant to 42 C.F.R. §447.272 and shall be calculated pursuant to 42 C.F.R. §438.6. The quality of care rate add-on shall be calculated and paid as follows:

(a) The methodology utilized to calculate the upper payment limit shall be based on the data available during the calculation period.

(b) The eligible amount used in determining the quality of care rate add-on shall be the difference between the state Medicaid payment and the Medicare upper payment limit as determined, based on compliance with the care criteria metrics, on an annual basis.

(c) The difference calculated under subparagraph division (b) shall be divided by total patient days as determined under subparagraph division (b).

(d) The quality of care rate add-on shall be paid prospectively.

(2) The amount of the quality of care rate add-on shall be associated with improvement in care of Medicaid nursing facility residents in the state as demonstrated through the specified care criteria. A participating NSGE shall receive payment under the program based on earned percentages related to the care criteria. A participating NSGE shall meet or exceed at least two of the five established care criteria metrics to be eligible for the rate add-on payment for each quarter. After at least two of the five metrics have been met, the participating NSGE shall be eligible for seventy percent of the total eligible quality of care rate add-on amount for a participating NSGO nursing facility. The participating NSGE may qualify for the remaining thirty percent of the total eligible quality of care rate add-on amount, by attribution in ten percent increments, for each additional care criterion that is met up to the full one hundred percent of the eligible quality of care rate add-on amount.

f. Change of ownership.

(1) A participating NSGO nursing facility shall notify the department of any change of ownership that may affect the participating NSGO nursing facility's continued eligibility for the program, within thirty days after such change.

(2) If a participating NSGO nursing facility changes ownership on or after the first day of the quality of care rate add-on calculation period, the data used for calculations shall include data from the participating NSGO nursing facility for the entire quality of care rate add-on calculation period relating to payments for days of service provided under the prior owner,



prorated to reflect only the number of calendar days during the calculation period that the participating NSGO nursing facility is owned by the new owner.

g. Payment to participating NSGO nursing facilities. A participating NSGO nursing facility shall secure allowable intergovernmental transfer funds from a participating NSGE to provide the state share amount. The process for the intergovernmental transfer shall comply with the following:

(1) The department, or the department's designee, shall notify the participating NSGE of the state share amount to be transferred in the form of an intergovernmental transfer for purposes of seeking federal financial participation for the rate add-on payment, within twenty-five business days after the end of a quarter. The amount shall reflect the percentage of metrics achieved under the care criteria requirement. The participating NSGE shall have five business days from the date of receipt of the departmental notification to sign the participation agreement and remit payment of the state share amount in the form of an intergovernmental transfer to the department or the department's designee.

(2) If the total intergovernmental transfer amount is received by the department or the department's designee within the five business days as specified, the quality of care rate add-on shall be included in the current quarter per diem rate calculation for the participating NSGO nursing facility.

h. Penalties and adjustments. Failure by a participating NSGE to remit the full intergovernmental transfer amount or the correct amount as indicated by the department or the department's designee within the following defined time frames indicates the participating NSGE has voluntarily elected to withdraw from program participation for that current quarter and must reapply for participation in the program in any subsequent quarter. All of the following shall apply when determining the application of penalties and adjustments:

(1) The total amount of the intergovernmental transfer must be received from the participating NSGE by the department or the department's designee within five business days from receipt by the participating NSGE of notification from the department or the department's designee of the state share amount.

(a) Receipt of the total intergovernmental transfer amount by the department or the department's designee within five business days is not subject to penalty.

(b) The date of receipt of notification of the state share amount by the participating NSGE from the department or the department's designee is the official reference date in measuring the commencement of the five business days.

(2) Any intergovernmental transfer amount received by the department or the department's designee after the fifth business day as specified, but with a date stamp or mailing postal mark indicating a date on or prior to five business days from the date of notification by the department or the department's designee of the state share amount, shall not be subject to penalty.

(3) (a) Any intergovernmental transfer amount received by the department or the department's designee after the fifth business day as specified, but with a date stamp or postal mark indicating a date after five business days but not exceeding eight business days from the date of notification by the department or the department's designee of the state share amount, shall be deemed late and the participating NSGE shall receive the quality of care rate add-on, including an assessed penalty of five percent, based on the total intergovernmental transfer payments received during the late period. The five percent penalty shall be applied to the quality of care rate add-on for the quarter in which the intergovernmental transfer amount is late.

(b) The department shall notify the participating NSGE of the assessed penalty in writing. If the participating NSGE fails to pay the department or the department's designee the assessed penalty within the time frame noted on the written notice to the participating NSGE, the assessed penalty shall be deducted in accordance with the state Medicaid fee-for-service recoupment process. The penalty shall be paid regardless of any appeal requested by the participating NSGE. If an appeal results in a decision to disallow a portion of or the entire assessed penalty, reimbursement to the participating NSGE shall be made as part of future Medicaid payments to the participating NSGO nursing facility.

(4) If a participating NSGO nursing facility fails to achieve, at a minimum, two of the required care criteria metrics for two consecutive quarters, the participating NSGO nursing facility shall be suspended from participation in the program for two subsequent quarters. An NSGO nursing facility that has been suspended for a total of four quarters within a two-year period due to noncompliance with the required care criteria shall be terminated from the program, and shall be required to reapply for approval to participate at a subsequent time. Readmittance into the program is at the sole discretion of the department, taking into consideration input from stakeholders. If the NSGO nursing facility is subsequently readmitted to the program, terms of participation may include a probationary period with defined requirements related to care.

4. The quality of care rate add-on shall only be implemented upon receipt by the department of approval of the Medicaid state plan amendment by CMS, and if such approval is received, the rate add-on is applicable no earlier than the first day of the calendar quarter following the date of receipt of such approval.

Sec. 105. REPEAL. 2016 Iowa Acts, chapter 1139, sections 80, 81, 82, 83, and 84, are repealed.

Sec. 106. REPEAL. 2017 Iowa Acts, chapter 174, sections 113, 114, 115, and 116, are repealed.

Sec. 107. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 108. IMPLEMENTATION PROVISIONS.

1. The section of this division of this Act directing the department of human services to submit a Medicaid state plan amendment to CMS shall be implemented as soon as possible following enactment, consistent with all applicable federal requirements.

2. The section of this division of this Act amending section 249L.2, shall only be implemented upon receipt by the department of human services of approval of the Medicaid state plan amendment by CMS, and if such approval is received, is applicable no earlier than the first day of the calendar quarter following the date of receipt of such approval.

DIVISION XXV  
PREPARATION FOR ADULT LIVING PROGRAM

Sec. 109. Section 234.46, subsection 1, paragraph b, Code 2019, is amended to read as follows:

b. The person is age eighteen, nineteen, ~~or twenty~~, twenty-one, or twenty-two.

DIVISION XXVI  
CHILDREN'S BEHAVIORAL HEALTH SYSTEM STATE BOARD

Sec. 110. Section 225C.51, if enacted by 2019 Iowa Acts, House File 690,<sup>1</sup> section 8, is amended to read as follows:

**SEC. 8. NEW SECTION. 225C.51 Children's behavioral health system state board.**

1. A children's behavioral health system state board is created as the state body to provide guidance on the implementation and management of a children's behavioral health system for the provision of services to children with a serious emotional disturbance. ~~The state board's public voting members shall be appointed to four-year staggered terms by the governor and are subject to confirmation by the senate. All other state board voting members shall be appointed to four-year staggered terms and are not subject to confirmation by the senate.~~ State board members shall be appointed on the basis of interest and experience in the fields of children's behavioral health to ensure adequate representation from persons with life experiences and from persons knowledgeable about children's behavioral health services. The department shall provide support to the state board, and the board may utilize

<sup>1</sup> Chapter 61 herein

staff support and other assistance provided to the state board by other persons. The state board shall meet at least four times per year. The membership of the state board shall consist of the following persons ~~who, at the time of appointment to the state board, are active members of the indicated groups:~~

- a. The director of the department of human services or the director's designee.
- b. The director of the department of education or the director's designee.
- c. The director of the department of public health or the director's designee.
- d. The director of workforce development or the director's designee.
- e. A member of the mental health and disability services commission.
- ~~e. f. Members appointed by the governor who are active members of each of the indicated groups:~~

~~(1) One member shall be selected from nominees submitted by the state court administrator.~~

~~f. (2) One member shall be selected from nominees submitted by the early childhood Iowa office in the department of management.~~

~~g. One member shall be a member of the mental health and disability services commission.~~

~~h. (3) One member shall be a board member or an employee of a provider of mental health services to children.~~

~~i. (4) One member shall be a board member or an employee of a provider of child welfare services.~~

~~j. (5) One member shall be an administrator of an area education agency.~~

~~k. (6) One member shall be an educator, counselor, or administrator of a school district.~~

~~l. (7) One member shall be a representative of an established advocacy organization whose mission or purpose it is, in part, to further goals related to children's mental health.~~

~~m. (8) One member shall be a parent or guardian of a child currently utilizing or who has utilized behavioral health services.~~

~~n. (9) One member shall be a sheriff.~~

~~o. (10) One member shall be a pediatrician.~~

~~p. (11) One member shall be a representative from a health care system.~~

~~q. (12) One member shall be a chief executive officer of a mental health and disability services region.~~

~~r. f. In addition to the voting members, the membership shall include four members of the general assembly with one member designated 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. A legislative member serves for a term as provided in section 69.16B in a nonvoting, ex officio capacity and is not eligible for per diem and expenses as provided in section 2.10.~~

~~2. Members appointed by the governor shall serve four-year staggered terms and are subject to confirmation by the senate. The four-year terms shall begin and end as provided in section 69.19. Vacancies on the state board shall be filled as provided in section 2.32. A member shall not be appointed for more than two consecutive four-year terms.~~

~~3. The director of the department of human services and the director of the department of education, or their designees, shall serve as co-chairpersons of the state board. Board members shall not be entitled to a per diem as specified in section 7E.6 and shall not be entitled to actual and necessary expenses incurred while engaged in their official duties.~~

## DIVISION XXVII PRIOR YEAR CARRYFORWARD PROVISIONS

### FAMILY INVESTMENT PROGRAM GENERAL FUND ACCOUNT

Sec. 111. 2017 Iowa Acts, chapter 174, section 47, is amended by adding the following new subsection:

NEW SUBSECTION. 7. 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, and may be transferred to the appropriations made in this division of this Act for general administration and field

operations for technology needs including the eligibility integrated applications solutions (ELIAS) project, or may be transferred to the appropriations made in this division of this Act for the juvenile institution, the mental health institutes, or the state resource centers, to be used for the purposes of those appropriations, until the close of the succeeding fiscal year.

STATE RESOURCE CENTERS

Sec. 112. 2017 Iowa Acts, chapter 174, section 63, 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, including year-end purchases and technology needs, and may be transferred to the appropriations made in this division of this Act for the juvenile institution or the mental health institutes, to be used for the purposes of those appropriations, until the close of the succeeding fiscal year.

FIELD OPERATIONS

Sec. 113. 2017 Iowa Acts, chapter 174, section 65, as amended by 2018 Iowa Acts, chapter 1165, section 35, 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:

.....	\$	49,074,517
.....	FTEs	1,539.00

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.

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, including for technology needs, personal computer replacements, and accelerated hiring, and may be transferred to the appropriations made in this division of this Act for the juvenile institution, the mental health institutes, or the state resource centers, to be used for the purposes of those appropriations, until the close of the succeeding fiscal year.

GENERAL ADMINISTRATION

Sec. 114. 2017 Iowa Acts, chapter 174, section 66, as amended by 2018 Iowa Acts, chapter 1165, section 36, is amended to read as follows:

SEC. 66. GENERAL ADMINISTRATION.

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 general administration, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	13,833,040
.....	FTEs	294.00

2. Of the funds appropriated in this section, \$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, \$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, \$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, \$200,000 is transferred to the economic development authority for the Iowa commission on volunteer services to continue to be used for the 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 Two<sup>2</sup> issued April 23, 2018, to the general assembly by November 15, 2018.

9. 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, including for technology needs and the relocation of the Iowa Medicaid enterprise, and may be transferred to the appropriations made in this division of this Act for the juvenile institution, the mental health institutes, or the state resource centers, to be used for the purposes of those appropriations, until the close of the succeeding fiscal year.

#### STATE SUPPLEMENTARY ASSISTANCE

Sec. 115. 2018 Iowa Acts, chapter 1165, section 53, subsection 4, is amended to read as follows:

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, including for technology needs, and may be transferred to the appropriations made in this division of this Act for general administration, field operations, the juvenile institution, the mental health institutes, or the state resource centers, to be used for the purposes of those appropriations, until the close of the succeeding fiscal year.

Sec. 116. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 117. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2017.

#### DIVISION XXVIII

#### VACCINE AND IMMUNIZATION ADMINISTRATION — FUTURE REPEAL

Sec. 118. 2018 Iowa Acts, chapter 1142, section 8, is amended to read as follows:

SEC. 8. FUTURE REPEAL. Section 155A.44, Code 2018, is repealed effective July 1, ~~2019~~ 2020.

<sup>2</sup> Published in IAB XL, No. 23 (5/9/18) p. 2899

Sec. 119. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 3, 2019

## CHAPTER 86

### LICENSES ISSUED BY DEPARTMENT OF NATURAL RESOURCES — ORGAN DONOR STATUS

S.F. 86

**AN ACT** requiring the department of natural resources to include anatomical donor symbols on certain licenses.

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

Section 1. SHORT TITLE. This Act shall be known as “Logan’s Law”.

Sec. 2. Section 142C.2, subsection 6, Code 2019, is amended to read as follows:

6. “*Document of gift*” means a donor card or other record used to make an anatomical gift, including a statement or symbol on a driver’s license, ~~or~~ identification card, or hunting, fishing, or fur harvester license, or an entry in a donor registry.

Sec. 3. Section 142C.2, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 13A. “*Hunting, fishing, or fur harvester license*” means a license issued by the department of natural resources or an authorized license agent pursuant to chapter 483A.

Sec. 4. Section 142C.3, subsection 1, paragraph a, Code 2019, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) A minor, if the minor is authorized under state law to apply for a hunting, fishing, or fur harvester license, the minor is at least 14 years of age, and the minor authorizes a symbol indicating an anatomical gift on a hunting, fishing, or fur harvester license with the signed approval of a parent or guardian.

Sec. 5. Section 142C.3, subsection 2, paragraph a, Code 2019, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (02) By authorizing a symbol indicating that the donor has made an anatomical gift to be imprinted on the donor’s hunting, fishing, or fur harvester license.

Sec. 6. Section 142C.3, subsection 2, paragraph c, Code 2019, is amended to read as follows:

c. Revocation, suspension, expiration, or cancellation of a driver’s license, ~~or~~ identification card, or hunting, fishing, or fur harvester license upon which an anatomical gift is indicated shall not invalidate the gift.

Sec. 7. Section 142C.8, subsections 1 and 2, Code 2019, are amended to read as follows:

1. When a hospital refers an individual at or near death to a procurement organization, the procurement organization shall make a reasonable search of the records of the state department of transportation, department of natural resources, and any donor registry that the hospital knows exists for the geographical area in which the individual resides to ascertain whether the individual has made an anatomical gift.

2. A procurement organization shall be allowed reasonable access to information in the records of the state department of transportation and the department of natural resources to ascertain whether an individual at or near death is a donor.

Sec. 8. Section 142C.18, Code 2019, is amended by adding the following new subsection: NEW SUBSECTION. 2A. The department of natural resources shall cooperate with a person that administers the Iowa donor registry for the purpose of transferring to the donor registry all relevant information regarding a donor's making of an anatomical gift.

Sec. 9. Section 142C.18, subsection 3, paragraph d, Code 2019, is amended to read as follows:

d. Provide a centralized, automated system to compile donation information received by the state department of transportation, department of natural resources, county treasurers, and the Iowa donor network.

Sec. 10. Section 483A.10, Code 2019, is amended by adding the following new subsection: NEW SUBSECTION. 3. An application for a hunting, fishing, or fur harvester license shall include a section where an applicant may request that the applicant's license include a symbol that indicates that the applicant is a donor under the revised uniform anatomical gift Act as provided in chapter 142C.

Sec. 11. Section 483A.18, Code 2019, is amended to read as follows:

**483A.18 Form of licenses.**

1. All hunting, fishing, and fur harvester licenses shall contain a general description of the licensee. Such licenses shall be upon such forms as the commission shall adopt. The address and the signature of the applicant and all signatures and other required information shall be in writing. All licenses shall clearly indicate the nature of the privilege granted.

2. Upon request of an applicant pursuant to section 483A.10, the department shall indicate on the license that the applicant is a donor under the revised uniform anatomical gift Act as provided in chapter 142C.

Sec. 12. Section 483A.27, subsection 2, paragraph a, Code 2019, is amended to read as follows:

a. A certificate of completion shall not be issued to a person who has not satisfactorily completed an approved hunter education course. The department shall establish the curriculum based on the standards adopted by the international hunter education association — United States of America for the approved hunter education course. The curriculum shall include instruction relating to making an anatomical gift, including of an organ, an eye, or tissue, under the revised uniform anatomical gift Act as provided in chapter 142C. Upon completion of the course, each person shall pass an individual oral test or a written test provided by the department. The department shall establish the criteria for successfully passing the tests. Based on the results of the test and demonstrated safe handling of a firearm, the instructor shall determine the persons who shall be issued a certificate of completion.

Approved May 6, 2019

## CHAPTER 87

### SCHOOL EMPLOYEE MISCONDUCT — REPORTS TO BOARD OF EDUCATIONAL EXAMINERS

H.F. 637

**AN ACT** relating to reports relating to misconduct of certain school employees required to be submitted to the board of educational examiners.

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

Section 1. Section 272.15, Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION. 2A.** Information required to be reported to the board under this section shall be reported within thirty days of the date action was taken which necessitated the report, including the date of disciplinary action taken, nonrenewal or termination of a contract for reasons of alleged or actual misconduct, or resignation of a person following an incident or allegation of misconduct as required under subsection 1; or awareness of alleged misconduct as required under subsection 2.

Approved May 6, 2019

## CHAPTER 88

### MANAGEMENT OF PRESCRIPTION DRUG BENEFITS — REPORTS ON FEES AND REBATES

S.F. 563

**AN ACT** relating to pharmacy benefit managers and information related to the management of prescription drug benefits, and including applicability provisions.

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

#### Section 1. **NEW SECTION. 510C.1 Definitions.**

As used in this chapter unless the context otherwise requires:

1. “*Administrative fees*” means a fee or payment, other than a rebate, under a contract between a pharmacy benefit manager and a pharmaceutical drug manufacturer in connection with the pharmacy benefit manager’s management of a health carrier’s prescription drug benefit, that is paid by a pharmaceutical drug manufacturer to a pharmacy benefit manager or is retained by the pharmacy benefit manager.

2. “*Aggregate retained rebate percentage*” means the percentage of all rebates received by a pharmacy benefit manager that is not passed on to the pharmacy benefit manager’s health carrier clients.

3. “*Commissioner*” means the commissioner of insurance.

4. “*Covered person*” means the same as defined in section 514J.102.

5. “*Formulary*” means a complete list of prescription drugs eligible for coverage under a health benefit plan.

6. “*Health benefit plan*” means the same as defined in section 514J.102.

7. “*Health carrier*” means the same as defined in section 514J.102.

8. “*Health carrier administrative service fee*” means a fee or payment under a contract between a pharmacy benefit manager and a health carrier in connection with the pharmacy benefit manager’s administration of the health carrier’s prescription drug benefit that is paid by a health carrier to a pharmacy benefit manager or is otherwise retained by a pharmacy benefit manager.

9. “*Pharmacy benefit manager*” means a person who, pursuant to a contract or other relationship with a health carrier, either directly or through an intermediary, manages a prescription drug benefit provided by the health carrier.

10. “*Prescription drug benefit*” means a health benefit plan providing for third-party payment or prepayment for prescription drugs.

11. “*Rebate*” means all discounts and other negotiated price concessions paid directly or indirectly by a pharmaceutical manufacturer or other entity, other than a covered person, in the prescription drug supply chain to a pharmacy benefit manager, and which may be based on any of the following:

a. A pharmaceutical manufacturer’s list price for a prescription drug.



b. Utilization.

c. To maintain a net price for a prescription drug for a specified period of time for the pharmacy benefit manager in the event the pharmaceutical manufacturer's list price increases.

d. Reasonable estimates of the volume of a prescribed drug that will be dispensed by a pharmacy to covered persons.

**Sec. 2. NEW SECTION. 510C.2 Annual report to the commissioner.**

1. Each pharmacy benefit manager shall provide a report annually by February 15 to the commissioner that contains all of the following information regarding prescription drug benefits provided to covered persons of each health carrier with whom the pharmacy manager has contracted during the prior calendar year:

a. The aggregate dollar amount of all rebates received by the pharmacy benefit manager.

b. The aggregate dollar amount of all administrative fees received by the pharmacy benefit manager.

c. The aggregate dollar amount of all health carrier administrative service fees received by the pharmacy benefit manager.

d. The aggregate dollar amount of all rebates received by the pharmacy benefit manager that the pharmacy benefit manager did not pass through to the health carrier.

e. The aggregate amount of all administrative fees received by the pharmacy benefit manager that the pharmacy benefit manager did not pass through to the health carrier.

f. The aggregate retained rebate percentage as calculated by dividing the dollar amount in paragraph "d" by the dollar amount in paragraph "a".

g. Across all health carrier clients with whom the pharmacy manager was contracted, the highest and the lowest aggregate retained rebate percentages.

2. a. A pharmacy benefit manager shall provide the information pursuant to subsection 1 to the commissioner in a format approved by the commissioner that does not directly or indirectly disclose any of the following:

(1) The identity of a specific health carrier.

(2) The price charged by a specific pharmaceutical manufacturer for a specific prescription drug or for a class of prescription drugs.

(3) The amount of rebates provided for a specific prescription drug or class of prescription drugs.

b. Information provided under this section by a pharmacy benefit manager to the commissioner that may reveal the identity of a specific health carrier, the price charged by a specific pharmaceutical manufacturer for a specific prescription drug or class of prescription drugs, or the amount of rebates provided for a specific prescription drug or class of prescription drugs shall be considered a confidential record and be recognized and protected as a trade secret pursuant to section 22.7, subsection 3.

3. The commissioner shall publish, within sixty calendar days of receipt, the nonconfidential information received by the commissioner on a publicly accessible internet site. The information shall be made available to the public in a format that complies with subsection 2, paragraph "a".

**Sec. 3. NEW SECTION. 510C.3 Rules.**

The commissioner of insurance shall adopt rules pursuant to chapter 17A as necessary to administer this chapter.

**Sec. 4. NEW SECTION. 510C.4 Enforcement.**

The commissioner may take any action within the commissioner's authority to enforce compliance with this chapter.

**Sec. 5. NEW SECTION. 510C.5 Applicability.**

This chapter is applicable to a health benefit plan that is delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2019.

**CHAPTER 89**

**STATE AND LOCAL GOVERNMENT AND REGULATORY MATTERS — APPROPRIATIONS AND MISCELLANEOUS CHANGES**

**S.F. 638**

**AN ACT** relating to state and local finances by making appropriations, providing for legal and regulatory responsibilities, providing for other properly related matters, and including 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. **LIMITATIONS OF STANDING APPROPRIATIONS — FY 2019-2020.** Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the amount appropriated from the general fund of the state pursuant to that section for the following designated purpose shall not exceed the following amount:

For payment of claims for nonpublic school transportation under section 285.2:  
..... \$ 8,197,091

If total approved claims for reimbursement for nonpublic school pupil transportation exceed the amount appropriated in accordance with this section, the department of education shall prorate the amount of each approved claim.

Sec. 2. **INSTRUCTIONAL SUPPORT STATE AID — FY 2019-2020.** In lieu of the appropriation provided in section 257.20, subsection 2, the appropriation for the fiscal year beginning July 1, 2019, and ending June 30, 2020, for paying instructional support state aid under section 257.20 for such fiscal year is zero.

Sec. 3. Section 257.35, Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION. 13A.** 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, 2019, and ending June 30, 2020, 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. 4. **SPECIAL FUNDS — SALARY ADJUSTMENTS — UNAPPROPRIATED MONEYS — FY 2019-2020 — FY 2020-2021.** For the fiscal year beginning July 1, 2019, and ending June 30, 2020, and for the fiscal year beginning July 1, 2020, and ending June 30, 2021, salary adjustments otherwise provided may be funded as determined by the department of management, subject to any applicable constitutional limitation, using unappropriated moneys remaining in the department of commerce revolving fund, the gaming enforcement revolving fund, the gaming regulatory revolving fund, the primary road fund, the road use tax fund, the fish and game protection fund, and the Iowa public employees' retirement fund, and in other departmental revolving, trust, or special funds for which the general assembly has not made an operating budget appropriation.

**DIVISION II**

**MISCELLANEOUS APPROPRIATIONS**

Sec. 5. **DEPARTMENT OF PUBLIC SAFETY.**

1. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For costs associated with the training and equipment needs of volunteer fire fighters:  
..... \$ 50,000

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 for expenditure only for the purpose designated in this section until the close of the succeeding fiscal year.

3. Notwithstanding section 8.39, the department of public safety may reallocate moneys appropriated in this section and moneys appropriated in 2019 Iowa Acts, Senate File 615,<sup>1</sup> section 15, if enacted, 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 and moneys appropriated in 2019 Iowa Acts, Senate File 615,<sup>2</sup> section 15, if enacted, 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 and moneys appropriated in 2019 Iowa Acts, Senate File 615,<sup>3</sup> section 15, if enacted, for the purpose of eliminating any program.

#### DIVISION III MISCELLANEOUS PROVISIONS

Sec. 6. Section 2C.18, Code 2019, is amended to read as follows:

**2C.18 Report to general assembly.**

The ombudsman shall by ~~April 1~~ December 31 of each year submit an economically designed and reproduced report to the general assembly and to the governor concerning the exercise of the ombudsman's functions during the preceding ~~calendar~~ fiscal year. In discussing matters with which the ombudsman has been concerned, the ombudsman shall not identify specific persons if to do so would cause needless hardship. If the annual report criticizes a named agency or official, it shall also include unedited replies made by the agency or official to the criticism, unless excused by the agency or official affected.

Sec. 7. Section 558.69, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Notwithstanding section 331.604 or any other provision of law to the contrary, the county recorder shall not charge or collect a fee for the submission or filing of a groundwater hazard statement.

#### DIVISION IV CORRECTIVE PROVISIONS

Sec. 8. Section 29C.20C, if enacted by 2019 Iowa Acts, Senate File 570,<sup>4</sup> section 1, is amended to read as follows:

**29C.20C Immunity — licensed architects and professional engineers.**

An architect licensed pursuant to chapter 544A or a professional engineer licensed pursuant to chapter 542B who, during a disaster emergency as proclaimed by the governor or a major disaster as declared by the president of the United States, in good faith and at the request of or with the approval of a national, state, or local public official, law enforcement official, public safety official, or building inspection official believed by the licensed architect or professional engineer to be acting in an official capacity, voluntarily and without compensation provides architectural, engineering, structural, electrical, mechanical, or other design professional services related to the disaster emergency or major disaster shall not be liable for civil damages for any acts or omissions resulting from the services provided, unless such acts or omissions constitute recklessness or willful and wanton misconduct. A licensed architect or professional engineer who receives expense reimbursement for the performance of services described in this section shall not be considered to have received compensation for such services.

<sup>1</sup> Chapter 163 herein

<sup>2</sup> Chapter 163 herein

<sup>3</sup> Chapter 163 herein

<sup>4</sup> Chapter 111 herein

Sec. 9. Section 216A.133, subsection 3, paragraph 1, if enacted by 2019 Iowa Acts, House File 634,<sup>5</sup> section 5, is amended to read as follows:

l. Recommending to the ~~board~~ department the adoption of rules pursuant to chapter 17A as it deems necessary for the board and division.

Sec. 10. Section 225C.51, subsection 1, paragraph a, if enacted by 2019 Iowa Acts, House File 690,<sup>6</sup> section 8, is amended to read as follows:

a. The director of the department of human services or the director's designee.

Sec. 11. Section 225C.51, subsection 3, if enacted by 2019 Iowa Acts, House File 690,<sup>7</sup> section 8, is amended to read as follows:

3. The director of the department of human services and the director of the department of education, or their designees, shall serve as co-chairpersons of the state board. Board members shall not be entitled to a per diem as specified in section 7E.6 and shall not be entitled to actual and necessary expenses incurred while engaged in their official duties.

Sec. 12. Section 261H.3, subsections 1 and 2, as enacted by 2019 Iowa Acts, Senate File 274,<sup>8</sup> section 3, are amended to read as follows:

1. Noncommercial expressive activities protected under the provisions of this chapter include but are not limited to any lawful oral or written means by which members of the campus community may communicate ideas to one another, including but not limited to all forms of peaceful assembly, protests, speeches including by invited speakers, distribution of literature, circulating petitions, and publishing, including publishing or streaming on an internet site, or audio or video recorded in outdoor areas of campus.

2. A member of the campus community who wishes to engage in noncommercial expressive activity in outdoor areas of campus shall be permitted to do so freely, subject to reasonable time, place, and manner restrictions, and as long as the member's conduct is not unlawful, does not impede others' access to a facility or use of walkways, and does not disrupt the functioning of the public institution of higher education, subject to the protections of subsection 1. The public institution of higher education may designate other areas of campus available for use by the campus community according to institutional policy, but in all cases access to designated areas of campus must be granted on a viewpoint-neutral basis within the bounds of established principles of the first amendment ~~principles to the Constitution of the United States~~.

Sec. 13. Section 322C.2, subsection 20, if enacted by 2019 Iowa Acts, Senate File 435,<sup>9</sup> section 2, is amended to read as follows:

20. "*Towable recreational vehicle dealer*" or "*dealer*" means a person required to be licensed under this chapter who is authorized to sell and service towable recreational vehicles.

Sec. 14. Section 322C.15, subsection 2, paragraph b, if enacted by 2019 Iowa Acts, Senate File 435,<sup>10</sup> section 12, is amended to read as follows:

b. The manufacturer's or distributor's business operations have been abandoned or caused the dealer's business operations to close for ten consecutive business days. This ~~subparagraph~~ paragraph does not apply if the closing is due to a normal seasonal closing and the manufacturer or distributor notifies the dealer of the planned closing, an act of God, a strike, a labor difficulty, or any other cause over which the manufacturer or distributor has no control.

<sup>5</sup> Chapter 156 herein

<sup>6</sup> Chapter 61 herein

<sup>7</sup> Chapter 61 herein

<sup>8</sup> Chapter 11 herein

<sup>9</sup> Chapter 67 herein

<sup>10</sup> Chapter 67 herein

Sec. 15. Section 456A.33C, subsection 1, unnumbered paragraph 1, if enacted by 2019 Iowa Acts, House File 765,<sup>11</sup> section 18, is amended to read as follows:

For purposes of this section, unless the context otherwise requires, “eligible water body” means a body of water that ~~meet~~ meets all of the following criteria:

Sec. 16. Section 513D.2, subsection 2, Code 2019, as amended by 2019 Iowa Acts, House File 679,<sup>12</sup> section 184, if enacted, is amended to read as follows:

2. The commissioner ~~of~~ of insurance may take any enforcement action under the commissioner’s authority to enforce compliance with this chapter.

Sec. 17. Section 515I.4A, subsection 1, paragraph c, as enacted by 2019 Iowa Acts, Senate File 558,<sup>13</sup> section 4, is amended to read as follows:

c. The board of directors of the insurer has passed a resolution seeking approval as a domestic surplus lines insurer in this state and stating that the insurer shall only write surplus ~~line~~ lines business. The resolution shall not be amended without approval of the commissioner.

Sec. 18. Section 522E.13, subsection 6, Code 2019, as amended by 2019 Iowa Acts, Senate File 559,<sup>14</sup> section 6, is amended to read as follows:

6. Whenever notice or correspondence with respect to a policy of portable electronics insurance is required pursuant to this section, it shall be in writing and sent within the notice period required pursuant to this section. Notices and correspondence shall be sent to the licensed portable electronics vendor that is the policyholder at the portable electronics vendor’s mailing or electronic mail address specified for that purpose and to its affected enrolled consumers’ last known mailing or electronic mail addresses on file with the insurer or the portable electronics vendor. All notices and documents that are delivered by electronic means shall comply with section 505B.1, except for the provisions in section 505B.1, subsection 4. The insurer or portable electronics vendor shall maintain proof that the notice or correspondence was sent for not less than three years after that notice or correspondence was sent.

Sec. 19. Section 633.648, Code 2019, as amended by 2019 Iowa Acts, House File 610,<sup>15</sup> section 34, if enacted, is amended to read as follows:

**633.648 Appointment of attorney in compromise of personal injury settlements.**

Notwithstanding the provisions of section 633.642 prior to authorizing a compromise of a claim for damages on account of personal injuries to the ~~ward~~ protected person, the court may order an independent investigation by an attorney other than by the attorney for the conservator. The cost of such investigation, including a reasonable attorney fee, shall be taxed as part of the cost of the conservatorship.

Sec. 20. Section 692C.1, subsection 1, paragraph a, if enacted by 2019 Iowa Acts, House File 681,<sup>16</sup> section 1, is amended to read as follows:

a. “Covered individual” means an individual who has, seeks to have, or may have access to children, the elderly, or individuals with disabilities served by a qualified entity and who is employed by, volunteers with, or seeks to volunteer with a qualified entity; or owns or operates or seeks to own or operate, a qualified entity.

Sec. 21. 2019 Iowa Acts, Senate File 333,<sup>17</sup> section 104, subsection 6, is amended to read as follows:

6. Sections 15E.206, subsection 3, paragraph “a”; 15E.207, subsection 2, paragraph “b”, subparagraph (2), subparagraph division (c); 15E.208, subsection 5, paragraph “g”, subparagraphs (1) and (2); 15E.208, subsection 6, paragraph “d”, subparagraph

<sup>11</sup> Chapter 137 herein

<sup>12</sup> Chapter 59 herein

<sup>13</sup> Chapter 19 herein

<sup>14</sup> Chapter 16 herein

<sup>15</sup> Chapter 57 herein

<sup>16</sup> Chapter 60 herein

<sup>17</sup> Chapter 24 herein

(1), subparagraph division (a); 135.61, unnumbered paragraph 1; 135.61, subsection 1, paragraph “d”; 135.61, subsection 4; 135.62, subsection 1; 135.62, subsection 2, paragraph “f”, subparagraphs (2), (4), and (5); 135.63, subsection 1; 135.63, subsection 2, unnumbered paragraph 1; 135.63, subsection 2, paragraph “f”; 135.63, subsection 2, paragraph “g”, subparagraph (1); 135.63, subsection 2, paragraph “h”, subparagraph (1), unnumbered paragraph 1; 135.63, subsection 2, paragraph “j”; 135.63, subsection 2, paragraph “k”, subparagraph (1), unnumbered paragraph 1; 135.63, subsection 2, paragraph “l”, unnumbered paragraph 1; 135.63, subsection 2, paragraphs “m” and “n”; 135.63, subsection 2, paragraph “p”, unnumbered paragraph 1; 135.63, subsection 3; 135.64, subsection 3; 135.72, unnumbered paragraph 1; 135.73, subsection 1; 135.73, subsection 2, unnumbered paragraph 1; 135.73, subsection 3; 135.74, subsections 1 and 3; 135.75, subsection 2; 135.76, subsection 1; 135.100, unnumbered paragraph 1; 135.105A, subsection 5; 135.108, unnumbered paragraph 1; 135.140, unnumbered paragraph 1; 249K.2, subsection 6; 490.120, subsection 12, paragraph “c”, subparagraph (1); 490.140, subsection 29; 490.640, subsection 8; 490.809, subsection 2; 490.858, subsection 2; 490.1101, unnumbered paragraph 1; 490.1105, subsection 3; 490.1107, subsection 1, paragraph “h”; 490.1107, subsection 2; 490.1107, subsection 4, paragraph “b”; 490.1108, subsection 1; 490.1114, subsection 1; 490.1114, subsection 2, paragraph “g”; 490.1202, subsection 7; 490.1301, unnumbered paragraph 1; 490.1320, subsection 1; 490.1320, subsection 3, paragraphs “a” and “b”; 490.1322, subsection 2, paragraph “c”; 490.1323, subsection 3; 490.1331, subsection 1; 490.1340, subsection 2, paragraph “a”, subparagraph (1); 490.1403, subsection 3; 490.1405, subsection 2, paragraph “c”; 499.69A, subsection 6; 524.1309, subsection 8; 524.1406, subsection 1; 524.1417, subsection 1; and 524.1805, subsection 6, Code 2019, are amended by striking the word “division” and inserting in lieu thereof the word “subchapter”.

Sec. 22. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act amending section 29C.20.<sup>18</sup>
2. The section of this division of this Act amending section 261H.3, subsections 1 and 2.

Sec. 23. EFFECTIVE DATE. The following takes effect January 1, 2020:  
The section of this division of this Act amending section 633.648.

Sec. 24. RETROACTIVE APPLICABILITY. The following applies retroactively to the effective date of 2019 Iowa Acts, Senate File 570,<sup>19</sup> if enacted:  
The section of this division of this Act amending section 29C.20.<sup>20</sup>

Sec. 25. RETROACTIVE APPLICABILITY. The following applies retroactively to March 27, 2019:  
The section of this division of this Act amending section 261H.3, subsections 1 and 2.

Sec. 26. APPLICABILITY. The following applies to guardianships and guardianship proceedings for adults and conservatorships and conservatorship proceedings for adults and minors established or pending before, on, or after January 1, 2020:  
The section of this division of this Act amending section 633.648.

#### DIVISION V FLOOD RECOVERY

Sec. 27. NEW SECTION. **418.16 Flood recovery fund.**

1. A flood recovery fund is established in the state treasury under the control of the board. The fund shall consist of moneys appropriated to the fund by the general assembly and any other moneys available to, obtained by, or accepted by the board for deposit in the fund. Moneys in the fund are appropriated to the department and shall be used for the purposes

<sup>18</sup> According to Act; a reference to section 29C.20C probably intended

<sup>19</sup> Chapter 111 herein

<sup>20</sup> According to Act; a reference to section 29C.20C probably intended

designated in this section. Moneys in the fund shall not supplant any federal disaster recovery moneys.

2. The board may award moneys from the fund to eligible political subdivisions of the state. A political subdivision of the state is eligible to receive moneys from the fund if the political subdivision is located in a county designated under presidential disaster declaration DR-4421-IA and is also located in a county where the federal emergency management agency’s individual assistance program has been activated.

3. In order to be awarded moneys from the fund, a political subdivision of the state shall submit a project application to the department for consideration by the board. The board shall prescribe application forms and application instructions. Project applications shall include all of the following:

a. A description of the project and the manner in which the project supports flood response, flood recovery, or flood mitigation activities.

b. A description of the financial assistance needed from the fund.

c. Details on any additional moneys to be applied to the project.

4. a. The board shall review all project applications. During the review of a project application, the board shall consider, at a minimum, all of the following:

(1) Whether the project supports flood response, flood recovery, or flood mitigation activities.

(2) Whether moneys from the fund are essential to meet the necessary expenses or serious needs of the political subdivision related to flood response, flood recovery, or flood mitigation.

b. Upon review of a project application, the board shall approve, defer, or deny the application. If a project application is approved, the board shall specify the amount of moneys from the fund awarded to the political subdivision. The board shall negotiate and execute on behalf of the department all necessary agreements to provide the moneys. If a project application is deferred or denied, the board shall state the reasons for such deferral or denial.

5. 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 in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

Sec. 28. FLOOD RECOVERY APPROPRIATION. 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 amount, or so much thereof as is necessary, to be credited to the flood recovery fund created in section 418.16, as enacted by this Act, and used for the purposes designated in section 418.16, as enacted by this Act:

..... \$ 15,000,000

Sec. 29. EMERGENCY RULES. The department of homeland security and emergency management may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to implement the provisions of this division of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 30. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VI  
STATE BUDGET PROCESS

Sec. 31. Section 8.6, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 16. *Salary model administrator.* To designate a position within the department to serve as the salary model administrator.

a. 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.

b. The department of revenue, the department of administrative services, the institutions governed by the state board of regents pursuant to section 262.7, each judicial district's department 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.

c. The information shall be used in collective bargaining processes under chapter 20 and in calculating the funding needs contained within any 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.

Sec. 32. Section 8.23, subsection 1, unnumbered paragraph 1, Code 2019, is amended to read as follows:

On or before October 1, prior to each legislative session, all departments and establishments of the government shall transmit to the director, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, ~~classified so as to distinguish between expenditures estimated for administration, operation, and maintenance, and the cost of each project involving the purchase of land or the making of a public improvement or capital outlay of a permanent character,~~ together with supporting data and explanations as called for by the director after consultation with the legislative services agency.

Sec. 33. Section 8.23, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. The estimates of expenditure requirements shall be ~~based upon seventy-five percent of the funding provided for the current fiscal year accounted for by program reduced by the historical employee vacancy factor in a form specified by the director, and the remainder of the estimate of expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved.~~ The estimates shall be accompanied with by performance measures for evaluating the effectiveness of the ~~program~~ programs or results.

Sec. 34. Section 602.1301, subsection 2, paragraph a, unnumbered paragraph 1, Code 2019, is amended to read as follows:

As early as possible, but not later than December 1, the supreme court shall submit to the legislative services agency the annual budget request and detailed supporting information for the judicial branch. The submission shall be designed to assist the legislative services agency in its preparation for legislative consideration of the budget request. The information submitted shall contain and be arranged in a format substantially similar to the format specified by the director of the department of management and used by all departments and establishments in transmitting to the director estimates of their expenditure requirements pursuant to section 8.23, ~~except the estimates of expenditure requirements shall be based upon one hundred percent of funding for the current fiscal year accounted for by program, and using the same line item definitions of expenditures as used for the current fiscal year's budget request, and the remainder of the estimate of expenditure requirements prioritized by program.~~ The supreme court shall also make use of the department of management's automated budget system when submitting information to the director of the department of management to assist the director in the transmittal of information as required under section 8.35A. The supreme court shall budget and track expenditures by the following separate organization codes:



DIVISION VII  
BLACKOUT SPECIAL REGISTRATION PLATES

Sec. 35. Section 321.34, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 11C. Blackout plates.

a. Upon application and payment of the proper fees, the director may issue blackout plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer.

b. Blackout plates shall be designed by the department. A blackout plate's background shall be black, and the plate's letters and numbers shall be white.

c. The special blackout fee for letter-number designated blackout plates is thirty-five dollars. An applicant may obtain personalized blackout plates upon payment of the fee for personalized plates as provided in subsection 5, which is in addition to the special blackout fee. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund.

d. Upon receipt of the special registration plates, the applicant shall surrender the current registration plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special blackout fee for letter-number designated plates is ten dollars which shall be paid in addition to the regular annual registration fee. The annual fee for personalized blackout plates is five dollars which shall be paid in addition to the annual special blackout fee and the regular annual registration fee. The annual special blackout fee shall be credited as provided under paragraph "c".

e. The department shall not condition the issuance of blackout plates on the receipt of any number of orders for blackout plates.

Sec. 36. Section 321.166, subsection 9, Code 2019, is amended to read as follows:

9. Special registration plates issued pursuant to section 321.34, other than gold star, medal of honor, collegiate, fire fighter, ~~and natural resources,~~ and blackout registration plates, shall be consistent with the design and color of regular registration plates but shall provide a space on a portion of the plate for the purpose of allowing the placement of a distinguishing processed emblem or an organization decal. Special registration plates shall also comply with the requirements for regular registration plates as provided in this section to the extent the requirements are consistent with the section authorizing a particular special vehicle registration plate.

DIVISION VIII  
GAMBLING REGULATION

Sec. 37. Section 99F.7A, subsection 3, if enacted by 2019 Iowa Acts, Senate File 617,<sup>21</sup> section 10, is amended to read as follows:

3. A licensee under this section may enter into operating agreements with one or two entities to have up to a total of two individually branded internet sites to conduct advance deposit sports wagering for the licensee, unless one additional operating agreement or individually branded internet site is authorized by the commission. However, a person shall not sell, grant, assign, or turn over to another person the operation of an individually branded internet site to conduct advance deposit wagering for the licensee without the approval of the commission. This section does not prohibit an agreement entered into between a licensee under this section and an advanced deposit sports wagering operator as approved by the commission.

Sec. 38. Section 99F.13, Code 2019, is amended to read as follows:

**99F.13 Annual audit of licensee operations.**

Within ninety days after the end of the licensee's fiscal year, the licensee shall transmit to the commission an audit of the licensee's total gambling operations, including an itemization

<sup>21</sup> Chapter 132 herein

of all expenses and subsidies. For a licensed subsidiary of a parent company, an audit of the parent company meets the requirements of this section. All audits shall be conducted by certified public accountants authorized to practice in the state of Iowa under chapter 542 ~~who are selected by the board of supervisors of the county in which the licensee operates.~~

#### DIVISION IX PUBLIC UTILITIES

Sec. 39. Section 476.6, subsection 15, paragraph c, subparagraphs (2) and (4), Code 2019, are amended to read as follows:

(2) Notwithstanding the goals developed pursuant to paragraph “b”, the board shall not require or allow 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 or allow 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 or allow 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.

(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 May 4, 2018, shall be terminated. The board shall not require or allow a gas or electric utility to implement an energy efficiency plan or demand response plan that does not meet the requirements of this subsection.

#### DIVISION X BOARD OF REGENTS CAPITAL PROJECTS

##### Sec. 40. BOARD OF REGENTS CAPITAL PROJECTS REPORT.

1. The state board of regents shall submit a written report, including such information and recommendations as required by this section, to the general assembly by December 13, 2019, regarding the financing of capital projects at institutions under the control of the state board of regents.

2. The written report shall include a list of all capital projects initiated by an institution under the control of the state board of regents since January 1, 2004, in which the state provided at least a part of the financing for the project from an appropriation from the rebuild Iowa infrastructure fund created in section 8.57. For each project listed, the report shall include all of the following information:

- a. Total cost of each project.
- b. The amount and percentage of each project financed through donations and gifts from private sources.
- c. The amount and percentage of each project financed through funding from the federal government.
- d. The amount and percentage of each project financed through institution sources.
- e. The amount and percentage of each project financed through state dollars.
- f. The amount and percentage of each project financed through other sources.
- g. Whether each project was considered a renovation or new construction.

3. The written report shall include, for each year since January 1, 2004, the percentage of capital project costs that were covered by donations and gifts from private sources for capital projects that did not receive state funding.

4. The written report shall include information regarding how the state board of regents defines new construction and renovations, a list of capital projects initiated due to extraordinary circumstances, and the current method used by the state board of regents and institutions under the control of the state board of regents to develop financing plans for capital projects.

5. The written report shall also include recommendations to the general assembly regarding the following:

- a. The type of capital projects that should be eligible for state funding.
- b. The share of state-funded capital projects that should be funded with non-state dollars.
- c. How the fundraising plan will be developed for state-funded projects.

Sec. 41. REPEAL. Section 262.67, if enacted by 2019 Iowa Acts, House File 765,<sup>22</sup> section 16, is repealed.

#### DIVISION XI WATERSHED MANAGEMENT AUTHORITIES

Sec. 42. Section 466B.22, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 5. If a portion of a United States geological survey hydrologic unit code 8 watershed is located outside of this state, any political subdivision in such a watershed may participate in any watershed management authority which includes the county in which the political subdivision is located.

#### DIVISION XII ELECTIONS

Sec. 43. 2019 Iowa Acts, House File 692,<sup>23</sup> section 33, if enacted, is amended to read as follows:

##### SEC. 33. EFFECTIVE DATE.

1. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

2. Notwithstanding subsection 1, the section of this division of this Act amending section 39.2 takes effect July 1, 2019.

Sec. 44. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 45. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to the date of enactment of 2019 Iowa Acts, House File 692,<sup>24</sup> if enacted.

#### DIVISION XIII JUDICIAL NOMINATING COMMISSION MODERNIZATION

Sec. 46. Section 46.1, Code 2019, is amended to read as follows:

##### **46.1 Appointment of state judicial nominating commissioners.**

1. The governor shall appoint, subject to confirmation by the senate, ~~one eligible elector of each congressional district~~ nine eligible electors to the state judicial nominating commission for a ~~six-year term beginning and ending as provided in section 69.19.~~

2. The appointments made by the governor shall be staggered terms of six years each and shall begin and end in even-numbered years as provided in section 69.19. The terms of no more than three nor less than two of the ~~members~~ commissioners shall expire within the same two-year period.

3. No more than a simple majority of the ~~members~~ commissioners appointed by the governor shall be of the same gender.

4. All commissioners shall be chosen without reference to political affiliation.

<sup>22</sup> Chapter 137 herein

<sup>23</sup> Chapter 148 herein

<sup>24</sup> Chapter 148 herein

5. There shall be at least one commissioner appointed by the governor from each congressional district and there shall not be more than two commissioners appointed by the governor from a single congressional district unless each congressional district has at least two commissioners appointed by the governor.

6. A commissioner who has served a full six-year term on the state judicial nominating commission, whether the commissioner was appointed or elected, shall be ineligible to be appointed to a second six-year term.

7. No person may be appointed who holds an office of profit of the United States or of the state at the time of appointment.

Sec. 47. Section 46.2, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

**46.2 Election of state judicial nominating commissioners.**

1. The resident members of the bar of each congressional district shall elect two eligible electors of different genders to the state judicial nominating commission.

2. The commissioners elected by the bar shall serve staggered terms of six years each and shall be elected in the month of January for terms commencing July 1 of odd-numbered years. The terms of no more than three of the commissioners shall expire within the same two-year period.

3. All of the commissioners elected by the bar shall be chosen without reference to political affiliation.

4. A commissioner who has served a full six-year term on the state judicial nominating commission, whether the commissioner was appointed or elected, shall be ineligible to be elected to a second six-year term.

5. No person may be elected who holds an office of profit of the United States or of the state at the time of election.

Sec. 48. Section 46.2A, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

**46.2A Special appointment of state judicial nominating commissioners and transition provisions.**

1. The initial term of the ninth commissioner appointed by the governor shall begin on the effective date of this division of this Act and shall expire on April 30, 2024.

2. After the initial term is served pursuant to subsection 1, a new commissioner shall be appointed by the governor to a six-year term as provided in section 46.1.

3. The terms of any commissioner currently serving on the state judicial nominating commission or any commissioner already elected to begin serving on July 1, 2019, shall not be affected by this Act.

Sec. 49. Section 46.5, Code 2019, is amended to read as follows:

**46.5 Vacancies.**

1. When a vacancy occurs in the office of an appointive judicial nominating commissioner, the chairperson of the particular commission shall promptly notify the governor in writing of such fact or the governor may take note of such a vacancy. Vacancies in the office of an appointive judicial nominating commissioner shall be filled by appointment by the governor, consistent with eligibility requirements. The term of state judicial nominating commissioners so appointed shall commence upon their appointment pending confirmation by the senate at the then session of the general assembly or at its next session if it is not then in session. The term of district judicial nominating commissioners so appointed shall commence upon their appointment.

~~2. Except where the term has less than ninety days remaining, vacancies in the office of elective member of the state judicial nominating commission shall be filled consistent with eligibility requirements by a special election within the congressional district where the vacancy occurs, such election to be conducted as provided in sections 46.9 and 46.10. An appointive commissioner shall be deemed to have submitted a resignation if the commissioner fails to attend a meeting of the commission that is properly noticed under section 46.13 and at which the commission conducts interviews or selects nominees~~

for judicial office. The governor, in the governor's discretion, may accept or reject the resignation. If the governor accepts the resignation, the governor shall notify the commissioner and the chairperson of the commission in writing and shall then make another appointment.

3. Vacancies in the office of elective judicial nominating commissioner of district judicial nominating commissions shall be filled consistent with eligibility requirements and by majority vote of the authorized number of elective members of the particular commission, at a meeting of such members called in the manner provided in section 46.13. The term of judicial nominating commissioners so chosen shall commence upon their selection by a special election within the judicial election district or congressional district where the vacancy occurs unless the term has less than ninety days remaining, in which case the office shall remain vacant. The special election shall be completed within ninety days of the vacancy arising and shall be conducted as provided in sections 46.9, 46.9A, and 46.10.

4. If a vacancy occurs in the office of chairperson of a the state judicial nominating commission, or in the members of the commission shall elect a new chairperson as provided in section 46.6. If a vacancy occurs in the office of chairperson of a district judicial nominating commission or in the absence of the chairperson, the members of the particular commission shall elect a temporary chairperson from their own number.

5. When a vacancy in an office of an elective judicial nominating commissioner occurs, the state court administrator shall cause to be mailed to each member of the bar whose name appears on the certified list prepared pursuant to section 46.8 for the district or districts affected, a notice stating the existence of the vacancy, the requirements for eligibility, and the manner in which the vacancy will be filled. Other items may be included in the same mailing if they are on sheets separate from the notice. The election of a district judicial nominating commissioner or the close of nominations for a state judicial nominating commissioner shall not occur until thirty days after the mailing of the notice. Notwithstanding section 69.1A, appointed and elected commissioners on the state and district judicial nominating commissions shall not hold over until their successor is elected and qualified.

6. All judicial nominating commissioners, including those elected by the bar, shall be subject to removal by the executive council in the same manner as appointive state officers under section 66.26. When the status of a judicial nominating commissioner is in question, the governor shall be the officer responsible for deciding whether a vacancy exists under section 69.2.

Sec. 50. Section 46.6, Code 2019, is amended to read as follows:

**46.6 Equal seniority Chairperson.**

If the judges of longest service, other than the chief justice, of the supreme court or of the district court in a district are of equal service, the eldest of such judges shall be chairperson of the particular judicial nominating commission.

1. The commissioners of the state judicial nominating commission shall elect a chairperson from their own number. The chairperson shall serve a two-year term that expires on April 30 of even-numbered years. A commissioner may be reelected for a second or third term as chairperson. If a chairperson of a judicial nominating commission desires to be relieved of the duties of chairperson while retaining the status of commissioner, the chairperson shall notify the governor and the other commissioners of the commission. At the next meeting of the commission, the commissioners shall elect a new chairperson for the remainder of the two-year term.

2. The judge of longest service in the district shall serve as the chair of a particular district judicial nominating commission. If the judges of longest service in the district are of equal service, the eldest of such judges shall be chairperson of the particular judicial nominating commission.

Sec. 51. Section 46.7, Code 2019, is amended to read as follows:

**46.7 Eligibility to vote.**

To be eligible to vote in elections of judicial nominating commissioners, a member of the bar must be eligible to practice and must be a resident of the state of Iowa and of the appropriate congressional district or judicial election district as shown by the member's

~~most recent filing with the supreme court for the purposes of showing compliance with the court's continuing legal education requirements, or for members of the bar eligible to practice who are not required to file such compliance, any paper on file by July 1 with the state court administrator, for the purpose of establishing eligibility to vote under this section, which the court determines to show the requisite residency requirements at the time the member votes in the election. The member's residency shall be determined by the home address shown on the member's most recent electronic or paper submission to the commission on continuing education and the client security commission or on the member's bar admission records.~~ A judge who has been admitted to the bar of the state of Iowa shall be considered a member of the bar.

Sec. 52. Section 46.8, Code 2019, is amended to read as follows:

**46.8 Certified list.**

~~1. Each year the~~ The state court administrator shall ~~certify a~~ maintain a certified list of the names, addresses, ~~electronic mail addresses,~~ and years of admission of members of the bar who are eligible to vote for state and district judicial nominating commissioners.

~~2. Upon request, the state court administrator shall provide the certified list in electronic form and without charge to any properly qualified nominee for state or district judicial nominating commissioner.~~

Sec. 53. Section 46.9, Code 2019, is amended to read as follows:

**46.9 Conduct of elections.**

~~1. When an election of judicial nominating commissioners is to be held, the state court administrator shall administer the voting. The state court administrator may administer the voting by electronic notification and voting or by paper ballot mailed to each eligible attorney. The state court administrator shall mail paper ballots to eligible attorneys or electronically notify and enable eligible attorneys to vote. The elector receiving the most votes shall be elected. When more than one commissioner is to be elected, the electors receiving the most votes shall be elected, in the same number as the offices to be filled.~~

~~2. The state court administrator shall provide a voting period of at least twenty-one days from when the electronic voting notification is sent or the paper ballots are mailed during which eligible attorneys may vote electronically or submit a paper ballot.~~

~~3. In an election to elect a single commissioner, each eligible attorney may cast a single vote, and the qualified eligible elector receiving the most votes shall be elected.~~

~~4. In an election to elect one male commissioner and one female commissioner, each eligible attorney may cast one vote for male commissioner and one vote for female commissioner, and the qualified eligible elector of each gender receiving the most votes shall each be elected.~~

~~5. The election results, including the number of votes cast for each elector and the total number of the members of the bar eligible to vote in each election, shall be made publicly available on the judicial branch internet site and shall be reported to the governor and to the general assembly within ten days after the conclusion of the election.~~

Sec. 54. Section 46.9A, Code 2019, is amended to read as follows:

**46.9A Notice preceding nomination of elective nominating commissioners.**

~~At least sixty days prior to the expiration of the term of an elective state or district judicial nominating commissioner or the expiration of the period within which a special election must be held, the state court administrator shall mail paper ballots to eligible attorneys or electronically notify and enable eligible attorneys to vote. An eligible attorney is a member of the bar whose name appears on the certified list prepared pursuant to section 46.8 for the district or districts affected provide notice of the current or upcoming vacancy and the nomination and election process by making the notice publicly available on the judicial branch internet site, issuing a press release, and electronically notifying members of the bar. The election shall not commence until at least thirty days after the issuance of the notice required by this section.~~

Sec. 55. Section 46.10, Code 2019, is amended to read as follows:

**46.10 Nomination of elective judicial nominating commissioners.**

1. In order to have an eligible elector's name printed on the ballot for state or district judicial nominating commissioner, the eligible elector must file in the office of the state court administrator at least thirty days prior to expiration of the period within which the election must be held a nominating petition signed by at least ~~fifty resident members of the bar~~ ten eligible electors of the congressional district in case of a candidate for state judicial nominating commissioner, or at least ten ~~resident members of the bar~~ eligible electors of the judicial district in case of a candidate for district judicial nominating commissioner. ~~No member of the bar may sign more nominating petitions for state or district judicial nominating commissioner than there are such commissioners to be elected.~~

2. Ballots or electronic voting forms for state and district judicial nominating commissioners shall contain blank lines equal to the number of such commissioners to be elected, where names may be written in. Any electronic voting form must permit a voter to write in the name of any eligible elector.

Sec. 56. Section 46.11, Code 2019, is amended to read as follows:

**46.11 Certification of commissioners.**

~~The Upon making an appointment, the governor and the state court administrator respectively shall promptly certify the names and addresses of appointive and elective judicial nominating commissioners to the state commissioner of elections and the chairperson of the respective nominating commissions. Upon the completion of an election, the state court administrator shall certify the names and addresses of the elected judicial nominating commissioners to the state commissioner of elections and the governor.~~

Sec. 57. Section 46.12, subsection 1, Code 2019, is amended to read as follows:

1. When a vacancy occurs or will occur within one hundred twenty days in the supreme court, the court of appeals, or district court, the state commissioner of elections shall forthwith so notify the ~~chairperson of the proper judicial nominating commission~~ governor. ~~The chairperson~~ governor shall call a meeting of the proper judicial nominating commission within ten days after such notice; if the ~~chairperson~~ governor fails to do so, the chief justice shall call such meeting.

Sec. 58. Section 46.13, Code 2019, is amended to read as follows:

**46.13 Notice of meetings and application process.**

1. The governor or chairperson of each judicial nominating commission shall give the members of the commission at least five days' written notice by mail or electronic mail of the time and place of every meeting, except as to members who execute written waivers of notice at or before the meeting or unless the commission at its next previous meeting designated the time and place of the meeting.

2. Each commission, with the technical support of the judicial branch, shall publish all of the following on the judicial branch internet site:

a. Notice that the commission is accepting applications for judge or justice along with a copy of the application form at least two weeks before applications are required to be submitted to the commission.

b. Copies of nonconfidential application materials submitted by applicants.

c. The schedule of applicant interviews before the commission.

d. The list of nominees submitted by the commission to the governor and the chief justice.

3. Commissioners shall be permitted to conduct individual interviews with applicants in advance of the commission's meetings to choose the nominees.

4. The state judicial nominating commission shall adopt uniform rules for the state and district judicial nominating commissions that shall be consistent with this chapter and shall provide for a uniform and fair process for the commissions to consider applicants and select nominees. The state judicial nominating commission shall provide for a public comment period of at least thirty days on its proposed uniform rules prior to adopting the rules and shall adopt the rules within six months of the effective date of this division of this Act. Such rules shall be made publicly available on the judicial branch internet site.

Sec. 59. NEW SECTION. 46.15A Severability and judicial review.

1. If any provision or clause of this chapter or any application of this chapter to any person or circumstances is held invalid, such invalidity shall not affect other provisions, clauses, or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions and clauses of this chapter are declared to be severable.

2. Notwithstanding any provision of law to the contrary, if any provision of this chapter is preliminarily enjoined, no judicial nominating commission shall meet to nominate persons to serve as a judge or justice while the preliminary injunction is in effect or while any appeal of the preliminary injunction or a related permanent injunction is pending unless the injunction is subsequently stayed or otherwise lifted.

Sec. 60. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

#### DIVISION XIV CHIEF JUSTICE SELECTION

Sec. 61. Section 602.4103, Code 2019, is amended to read as follows:

**602.4103 Chief justice.**

~~The justices of the supreme court shall select one justice as chief justice, to serve during that justice's term of office.~~

1. At the first meeting in each odd-numbered year, the justices of the supreme court by majority vote shall designate one justice as chief justice, to serve for a two-year term. A vacancy in the office of chief justice shall be filled for the remainder of the unexpired term by majority vote of the justices of the supreme court, after any vacancy on the court has been filled.

2. If the chief justice desires to be relieved of the duties of chief justice while retaining the status of justice of the supreme court, the chief justice shall notify the governor and the other justices of the supreme court. The office of chief justice shall be deemed vacant, and shall be filled as provided in this section.

3. The chief justice is eligible for reselection.

4. The chief justice shall appoint one of the other justices to act during the absence or inability of the chief justice to act, and when so acting the appointee has all the rights, duties, and powers of the chief justice.

Sec. 62. NEW SECTION. **602.4103A Transition provisions.**

1. The term of the chief justice serving on the effective date of this division of this Act shall expire on January 15, 2021, or upon the conclusion of the first meeting of the justices of the supreme court in January 2021, whichever occurs earlier.

2. If the office of chief justice becomes vacant prior to the expiration of the term in January 2021, the office shall be filled for the remainder of the unexpired term as provided for in section 602.4103.

3. This section is repealed July 1, 2021.

Approved May 8, 2019

## CHAPTER 90

EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT

H.F. 694

**AN ACT** establishing an emergency medical services personnel licensure interstate compact.

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



## DIVISION I

## EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT

**Section 1. NEW SECTION. 147D.1 Emergency medical services personnel licensure interstate compact.**

1. *Purpose.* In order to protect the public through verification of competency and ensure accountability for patient care related activities all states license emergency medical services personnel, such as emergency medical technicians, advanced emergency medical technicians, and paramedics. This compact is intended to facilitate the day-to-day movement of emergency medical services personnel across state boundaries in the performance of their emergency medical services duties as assigned by an appropriate authority and authorize state emergency medical services offices to afford immediate legal recognition to emergency medical services personnel licensed in a member state. This compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of emergency medical services personnel and that such state regulation shared among the member states will best protect public health and safety. This compact is designed to achieve the following purposes and objectives:

- a. Increase public access to emergency medical services personnel.
- b. Enhance the states' ability to protect the public's health and safety, especially patient safety.
- c. Encourage the cooperation of member states in the areas of emergency medical services personnel licensure and regulation.
- d. Support licensing of military members who are separating from an active duty tour and their spouses.
- e. Facilitate the exchange of information between member states regarding emergency medical services personnel licensure, adverse action, and significant investigatory information.
- f. Promote compliance with the laws governing emergency medical services personnel practice in each member state.
- g. Invest all member states with the authority to hold emergency medical services personnel accountable through the mutual recognition of member state licenses.

2. *Definitions.* In this compact:

- a. "*Advanced emergency medical technician*" or "*AEMT*" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the national emergency medical services education standards and national emergency medical services scope of practice model.
- b. "*Adverse action*" means any administrative, civil, equitable, or criminal action permitted by a state's laws which may be imposed against licensed emergency medical services personnel by a state emergency medical services authority or state court, including but not limited to actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring, or other limitation or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions, and state court judgments enforcing adverse actions by the state emergency medical services authority.
- c. "*Alternative program*" means a voluntary, nondisciplinary substance abuse recovery program approved by a state emergency medical services authority.
- d. "*Certification*" means the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated, and legally defensible examination.
- e. "*Commission*" means the national administrative body of which all states that have enacted the compact are members.
- f. "*Emergency medical technician*" or "*EMT*" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the national emergency medical services education standards and national emergency medical services scope of practice model.
- g. "*Home state*" means a member state where an individual is licensed to practice emergency medical services.
- h. "*License*" means the authorization by a state for an individual to practice as an EMT, AEMT, paramedic, or a level between EMT and paramedic.

i. “*Medical director*” means a physician licensed in a member state who is accountable for the care delivered by emergency medical services personnel.

j. “*Member state*” means a state that has enacted this compact.

k. “*Paramedic*” means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the national emergency medical services education standards and national emergency medical services scope of practice model.

l. “*Privilege to practice*” means an individual’s authority to deliver emergency medical services in remote states as authorized under this compact.

m. “*Remote state*” means a member state in which an individual is not licensed.

n. “*Restricted*” means the outcome of an adverse action that limits a license or the privilege to practice.

o. “*Rule*” means a written statement by the interstate commission promulgated pursuant to subsection 12 of this compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the compact; or is an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule.

p. “*Scope of practice*” means defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute, or court decision, it tends to represent the limits of services an individual may perform.

q. “*Significant investigatory information*” means:

(1) Investigative information that a state emergency medical services authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proved true, would result in the imposition of an adverse action on a license or privilege to practice; or

(2) Investigative information that indicates that the individual represents an immediate threat to public health and safety regardless of whether the individual has been notified and had an opportunity to respond.

r. “*State*” means any state, commonwealth, district, or territory of the United States.

s. “*State emergency medical services authority*” means the board, office, or other agency with the legislative mandate to license emergency medical services personnel.

3. *Home state licensure.*

a. Any member state in which an individual holds a current license shall be deemed a home state for purposes of this compact.

b. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact.

c. A home state’s license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:

(1) Currently requires the use of the national registry of emergency medical technicians examination as a condition of issuing initial licenses at the EMT and paramedic levels;

(2) Has a mechanism in place for receiving and investigating complaints about individuals;

(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual;

(4) No later than five years after activation of the compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the federal bureau of investigation with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. §731.202 and submit documentation of such as promulgated in the rules of the commission; and

(5) Complies with the rules of the commission.

4. *Compact privilege to practice.*

a. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with subsection 3.

b. To exercise the privilege to practice under the terms and provisions of this compact, an individual must:

(1) Be at least eighteen years of age;

(2) Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic, or state-recognized and licensed level with a scope of practice and authority between EMT and paramedic; and

(3) Practice under the supervision of a medical director.

c. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state as may be defined in the rules of the commission.

d. Except as provided in paragraph “c” of this subsection, an individual practicing in a remote state will be subject to the remote state’s authority and laws. A remote state may, in accordance with due process and that state’s laws, restrict, suspend, or revoke an individual’s privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action it shall promptly notify the home state and the commission.

e. If an individual’s license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual’s home state license is restored.

f. If an individual’s privilege to practice in any remote state is restricted, suspended, or revoked the individual shall not be eligible to practice in any remote state until the individual’s privilege to practice is restored.

5. *Conditions of practice in a remote state.* An individual may practice in a remote state under a privilege to practice only in the performance of the individual’s emergency medical services duties as assigned by an appropriate authority, as defined in the rules of the commission, and under the following circumstances:

a. The individual originates a patient transport in a home state and transports the patient to a remote state;

b. The individual originates in the home state and enters a remote state to pick up a patient and provide care and transport of the patient to the home state;

c. The individual enters a remote state to provide patient care and/or transport within that remote state;

d. The individual enters a remote state to pick up a patient and provide care and transport to a third member state;

e. Other conditions as determined by rules promulgated by the commission.

6. *Relationship to emergency management assistance compact.* Upon a member state’s governor’s declaration of a state of emergency or disaster that activates the emergency management assistance compact, all relevant terms and provisions of the emergency management assistance compact shall apply and to the extent any terms or provisions of this compact conflict with the emergency management assistance compact, the terms of the emergency management assistance compact shall prevail with respect to any individual practicing in the remote state in response to such declaration.

7. *Veterans, service members separating from active duty military, and their spouses.*

a. Member states shall consider a veteran, active military service member, and member of the national guard and reserves separating from an active duty tour, and a spouse thereof, who holds a current, valid, unrestricted national registry of emergency medical technicians certification at or above the level of the state license being sought as satisfying the minimum training and examination requirements for such licensure.

b. Member states shall expedite the processing of licensure applications submitted by veterans, active military service members, and members of the national guard and reserves separating from an active duty tour, and their spouses.

c. All individuals functioning with a privilege to practice under this section remain subject to the adverse actions provisions of subsection 8.

8. *Adverse actions.*

a. A home state shall have exclusive power to impose adverse action against an individual’s license issued by the home state.

b. If an individual’s license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual’s home state license is restored.

(1) All home state adverse action orders shall include a statement that the individual's compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state's and remote state's emergency medical services authority.

(2) An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state's and remote state's emergency medical services authority.

c. A member state shall report adverse actions and any occurrences that the individual's compact privileges are restricted, suspended, or revoked to the commission in accordance with the rules of the commission.

d. A remote state may take adverse action on an individual's privilege to practice within that state.

e. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action.

f. A home state's emergency medical services authority shall investigate and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.

g. 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 individuals who enter any alternative programs 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.

9. *Additional powers invested in a member state's emergency medical services authority.* A member state's emergency medical services authority, in addition to any other powers granted under state law, is authorized under this compact to:

a. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a member state's emergency medical services authority for the attendance and testimony of witnesses, and/or the production of evidence from another member state, shall be enforced in the remote state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state emergency medical services authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

b. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to practice in the state.

10. *Establishment of the interstate commission for emergency medical services personnel practice.*

a. The compact states hereby create and establish a joint public agency known as the interstate commission for emergency medical services personnel practice.

(1) The commission is a body politic and 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. The responsible official of the state emergency medical services authority or his designee shall be the delegate to this compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one board, office, or other agency with the legislative mandate to license emergency medical services personnel at and above the level

of EMT exists, the governor of the state will determine which entity will be responsible for assigning the delegate.

(2) 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. 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.

(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(4) 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 subsection 12.

(5) The commission may convene in a closed, nonpublic meeting if the commission must discuss:

(a) Noncompliance of a member state with its obligations under the compact;

(b) The employment, compensation, discipline or other personnel 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 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 investigatory records compiled for law enforcement purposes;

(i) Disclosure of information related to any investigatory 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; or

(j) Matters specifically exempted from disclosure by federal or member state statute.

(6) 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. 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 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.

c. The commission shall, by a majority vote of the delegates, prescribe bylaws and rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

(1) Establishing the fiscal year of the commission;

(2) Providing reasonable standards and procedures:

(a) For the establishment and meetings of other committees; and

(b) Governing any general or specific delegation of any authority or function of the commission;

(3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed;

(4) Establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the commission;

(5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar

laws of any member state, the bylaws shall exclusively govern the personnel policies and programs of the commission;

(6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;

(7) Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment and/or reserving of all of its debts and obligations;

(8) The commission shall publish its bylaws and file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the member states, if any;

(9) The commission shall maintain its financial records in accordance with the bylaws; and

(10) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

d. The commission shall have the following powers:

(1) The authority to 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;

(2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state emergency medical services authority or other regulatory body responsible for emergency medical services personnel licensure to sue or be sued under applicable law shall not be affected;

(3) To purchase and maintain insurance and bonds;

(4) To borrow, accept, or contract for services of personnel, including but not limited to employees of a member state;

(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(6) To 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 strive to avoid any appearance of impropriety and/or conflict of interest;

(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, real, personal, or mixed, provided that at all times the commission shall strive to avoid any appearance of impropriety;

(8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(9) To establish a budget and make expenditures;

(10) To borrow money;

(11) To appoint committees, including advisory 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;

(12) To provide and receive information from, and to cooperate with, law enforcement agencies;

(13) To adopt and use an official seal; and

(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of emergency medical services personnel licensure and practice.

e. 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 public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

*f.* 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 shall be construed to protect any such person from suit and/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 his or her own counsel, and provided further that the actual or alleged act, error, or omission did not result from that person's intentional or 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 or willful or wanton misconduct of that person.

11. *Coordinated database.*

*a.* The commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action, and significant investigatory 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 coordinated database on all individuals to whom this compact is applicable as required by the rules of the commission, including:

- (1) Identifying information;
- (2) Licensure data;
- (3) Significant investigatory information;
- (4) Adverse actions against an individual's license;
- (5) An indicator that an individual's privilege to practice is restricted, suspended, or revoked;
- (6) Nonconfidential information related to alternative program participation;
- (7) Any denial of application for licensure, and the reason(s) for such denial; and
- (8) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

c. The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state.

d. Member states contributing information to the coordinated database may designate information that may not be shared with the public without the express permission of the contributing state.

e. Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.

#### 12. *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, 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 sixty 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:

(1) On the internet site of the commission; and

(2) On the internet site of each member state emergency medical services authority or the publication in which each state would otherwise publish proposed rules.

e. The notice of proposed rulemaking shall include:

(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; and

(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:

(1) At least twenty-five persons;

(2) A governmental subdivision or agency; or

(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.

(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) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

(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. 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.

k. 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.

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:

(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; or

(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 website 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.

### 13. *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:

(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 and/or any other action to be taken by the commission; and

(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's 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's 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.

14. *Date of implementation of the interstate commission for emergency medical services personnel 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 emergency medical services authority 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 emergency medical services personnel 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.

15. *Construction and severability.* This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of emergency medical services agencies.

DIVISION II  
IMPLEMENTING CHANGES

Sec. 2. Section 147A.1, subsection 4, Code 2019, is amended to read as follows:

4. “*Emergency medical care provider*” means an individual trained to provide emergency and nonemergency medical care at the emergency medical responder, emergency medical technician, advanced emergency medical technician, paramedic, or other certification levels adopted by rule by the department, who has been issued a certificate by the department, or a person practicing pursuant to chapter 147D.

Sec. 3. Section 147A.1A, Code 2019, is amended to read as follows:

**147A.1A Lead agency.**

The department is designated as the lead agency for coordinating and implementing the provision of emergency medical services in this state. The department shall be the state EMS authority for the purposes of chapter 147D.

Sec. 4. Section 147A.4, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The department shall recognize the practice requirements of recognition of the emergency medical services personnel licensure interstate compact, chapter 147D, and shall adopt rules necessary for the implementation of the compact.

Sec. 5. Section 147A.6, Code 2019, is amended to read as follows:

**147A.6 Emergency medical care provider certificates — fees and renewal.**

1. The department, upon initial application and receipt of the prescribed initial application fee, shall issue a certificate to an individual who has met all of the requirements for emergency medical care provider certification established by the rules adopted under section 147A.4, subsection 2. All fees received pursuant to this section shall be deposited in the emergency medical services fund established in section 135.25 retained by the department. The moneys retained by the department 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. Revenues retained by the department pursuant to this section shall be considered repayment receipts as defined in section 8.2. Notwithstanding section 8.33, moneys retained by the department pursuant to this section are not subject to reversion to the general fund of the state.

2. The department, upon renewal application and receipt of the prescribed renewal application fee, shall issue a certificate to an individual who has met all of the requirements for emergency medical care provider certification established by the rules adopted under section 147A.4, subsection 2. All fees collected pursuant to this section shall be deposited in the emergency medical services fund established in section 135.25.

2. 3. Emergency medical care provider certificates are valid for the multiyear period determined by the department, unless sooner suspended or revoked. The certificate shall be renewed upon application of the holder and receipt of the prescribed fee if the holder has satisfactorily completed continuing medical education programs as required by rule.

Approved May 8, 2019

**CHAPTER 91****MANDATORY CHILD ABUSE AND DEPENDENT ADULT ABUSE REPORTER TRAINING REQUIREMENTS***H.F. 731*

**AN ACT** relating to mandatory child abuse and dependent adult abuse reporter training requirements.

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

Section 1. Section 135.11, subsection 24, Code 2019, is amended by striking the subsection.

Sec. 2. Section 232.69, subsection 3, paragraph b, Code 2019, is amended to read as follows:

b. A person required to make a report under subsection 1, other than a physician whose professional practice does not regularly involve providing primary health care to children, shall complete two hours of training relating to the identification and reporting of child abuse within six months of initial employment or self-employment involving the examination, attending, counseling, or treatment of children on a regular basis. Within one month of initial employment or self-employment, the person shall obtain a statement of the abuse reporting requirements from the person's employer or, if self-employed, from the department. The person shall complete at least two hours of additional child abuse identification and reporting training every ~~five~~ three years. If the person completes at least one hour of additional child abuse identification and reporting training prior to the three-year expiration period, the person shall be deemed in compliance with the training requirements of this section for an additional three years.

Sec. 3. Section 232.69, subsection 3, paragraphs c and d, Code 2019, are amended by striking the paragraphs and inserting in lieu thereof the following:

c. The core training curriculum relating to the identification and reporting of child abuse, as provided in paragraph "b", shall be developed and provided by the department.

d. An employer of a person required to make a report under subsection 1 may provide supplemental training, specific to identification and reporting of child abuse as it relates to the person's professional practice, in addition to the core training provided by the department.

Sec. 4. Section 235B.16, subsection 5, paragraph b, Code 2019, is amended to read as follows:

b. A person required to report cases of dependent adult abuse pursuant to sections 235B.3 and 235E.2, other than a physician whose professional practice does not regularly involve providing primary health care to adults, shall complete two hours of training relating to the identification and reporting of dependent adult abuse within six months of initial employment or self-employment which involves the examination, attending, counseling, or treatment of adults on a regular basis. Within one month of initial employment or self-employment, the person shall obtain a statement of the abuse reporting requirements from the person's employer or, if self-employed, from the department. The person shall complete at least two hours of additional dependent adult abuse identification and reporting training every ~~five~~ three years. If the person completes at least one hour of additional dependent adult abuse identification and reporting training prior to the three-year expiration period, the person shall be deemed in compliance with the training requirements of this section for an additional three years.

Sec. 5. Section 235B.16, subsection 5, paragraphs c and d, Code 2019, are amended by striking the paragraphs and inserting in lieu thereof the following:

c. The core training curriculum relating to the identification and reporting of dependent adult abuse, as provided in paragraph "b", shall be developed by the department pursuant to subsection 2 and provided by the department.

d. An employer of a person required to report cases of dependent adult abuse pursuant to sections 235B.3 and 235E.2 may provide supplemental training, specific to the identification and reporting of dependent adult abuse as it relates to the person's professional practice, in addition to the core training provided by the department.

Sec. 6. Section 235B.16, subsection 5, paragraph e, Code 2019, is amended by striking the paragraph.

Sec. 7. TRANSITION PROVISIONS. A child abuse or dependent adult abuse training certificate relating to the identification and reporting of child abuse or dependent adult abuse issued prior to July 1, 2019, remains effective and continues in effect as issued for the five-year period following its issuance.

Approved May 8, 2019

## CHAPTER 92

### UNIFORM ELECTRONIC LEGAL MATERIAL ACT

H.F. 743

**AN ACT** requiring that the general assembly provide for the publication of certain material and associated electronic records pertaining to official legal publications.

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

#### DIVISION I PRINCIPAL PROVISIONS

Section 1. NEW SECTION. **2B.31 Short title.**

This subchapter may be cited as the "*Uniform Electronic Legal Material Act*".

Sec. 2. NEW SECTION. **2B.32 Definitions.**

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

1. "*Electronic*" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

2. "*Legal material*" means an edition, including any part of that edition of the following legal publications as cited in section 2B.17, whether or not in effect:

a. The Constitution of the State of Iowa.

b. The Iowa Acts.

c. The Iowa Code.

d. The Iowa Administrative Bulletin.

e. The Iowa Administrative Code.

3. "*Publish*" means to display, present, or release to the public, or cause to be displayed, presented, or released to the public by the legislative services agency.

4. "*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, including printed and electronic versions of legal publications.

5. "*State*" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

Sec. 3. NEW SECTION. **2B.33 Applicability.**

1. This subchapter applies to all legal material in an electronic record that is designated as official under the applicable provisions of section 2.42, chapter 2A, and this chapter and which is first published electronically on or after the implementation date of this Act.

2. This subchapter applies to electronic records that are publicly available by accessing the general assembly's internet site.

**Sec. 4. NEW SECTION. 2B.34 Legal material in official electronic record.**

1. If the legislative services agency publishes legal material only in an electronic record, the legislative services agency shall do all of the following:

- a. Designate the electronic record as official.
- b. Comply with the applicable provisions of section 2.42, chapter 2A, and this chapter.

2. If the legislative services agency publishes legal material in an electronic record and also publishes the legal material in a record other than an electronic record, the legislative services agency may designate the electronic record as official if the electronic record complies with the applicable provisions of section 2.42, chapter 2A, and this chapter.

3. Except as provided in subsection 1, the legislative services agency may designate an electronic record as unofficial.

**Sec. 5. NEW SECTION. 2B.35 Authentication of official electronic record.**

1. The legislative services agency in publishing legal material in an electronic record that is designated as official under the applicable provisions of section 2.42, chapter 2A, and this chapter shall authenticate the electronic record. To authenticate an electronic record, the legislative services agency shall provide a method for a user to determine that the record received by the user from the legislative services agency is unaltered from the official record published by the legislative services agency.

2. Subsection 1 does not affect any other process to authenticate legal material under section 2B.18 or any other authentication process adopted by the legislative council or the legislative services agency.

**Sec. 6. NEW SECTION. 2B.36 Effect of authentication.**

1. Legal material in an electronic record that is authenticated under section 2B.35 is presumed to be an accurate copy of the legal material.

2. If another state has adopted a law substantially similar to this subchapter, legal material in an electronic record that is designated as official and authenticated by the official publisher in that state is presumed to be an accurate copy of the legal material.

3. A party contesting the authentication of legal material in an electronic record authenticated under section 2B.35 has the burden of proving by a preponderance of the evidence that the electronic record is not authentic.

**Sec. 7. NEW SECTION. 2B.37 Preservation and security of legal material in official electronic record.**

1. The legislative services agency in maintaining custodial information as provided in subchapter I and that is or was designated as official under the applicable provisions of section 2.42, chapter 2A, and this chapter shall provide for the preservation and security of the record in an electronic form or a form that is not electronic.

2. If legal material is preserved under subsection 1 in an electronic record, the legislative services agency shall do all of the following:

- a. Ensure the integrity of the record.
- b. Provide for backup and disaster recovery of the record.
- c. Ensure the continuing usability of the legal material.

**Sec. 8. NEW SECTION. 2B.38 Public access to legal material in official electronic record.**

The legislative services agency, in preserving legal material in an electronic record as required under section 2B.37, shall ensure that the legal material is reasonably available for use by the public on a permanent basis.

**Sec. 9. NEW SECTION. 2B.39 Standards.**

1. In implementing this subchapter, the legislative services agency may consider any of the following:

a. The most recent standards regarding authentication of, preservation and security of, and public access to, legal material in an electronic record and other electronic records, as promulgated by national standard-setting bodies.

b. The needs of users of legal material in an electronic record.

c. The views of governmental officials and entities and other interested persons.

d. To the extent practicable, methods and technologies for the authentication of, preservation and security of, and public access to, legal material which are compatible with the methods and technologies used by other official publishers in other states that have adopted a law substantially similar to this Act.

2. The provisions of this subchapter shall be implemented when the legislative council approves a plan presented by the legislative services agency. The plan shall provide for the implementation of this subchapter in a manner that best benefits users of the general assembly's internet site on a reliable, long-term, and cost-effective basis, and which may include a budget estimate necessary to complete implementation. The legislative services agency may request the legislative council to approve a policy for the use of an account in which receipts from the revenue from distributions of publications credited to the account may be expended by the legislative services agency on a multiyear revolving basis, so long as such revenue is used exclusively to pay for costs associated with implementing the provisions of this subchapter as well as ordinary expenditures associated with producing and distributing printed and electronic versions of publications including as provided in section 2.43, chapter 2A, and this chapter. However, if the legislative services agency determines that it may fully implement this subchapter without preparing a detailed plan for approval by the legislative council, it shall prepare and submit a report to the legislative council describing the implementation.

3. This section shall be implemented on the effective date of this Act.

**Sec. 10. NEW SECTION. 2B.40 Relation to electronic signatures in global and national commerce Act.**

This subchapter 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).

DIVISION II

CORRESPONDING AND MISCELLANEOUS AMENDMENTS

Sec. 11. Section 2B.5, Code 2019, is amended to read as follows:

**2B.5 Duties of administrative code editor.**

The administrative code editor shall do all of the following:

1. ~~Publish~~ Supervise the publication of the Iowa administrative bulletin and the Iowa administrative code as provided in section 2B.5A.

2. ~~Publish the Iowa court rules as provided in section 2B.5B.~~

3. ~~2.~~ Notify the administrative rules coordinator if a rule is not in proper style or form.

4. ~~3.~~ Perform other duties as directed by the director of the legislative services agency, the legislative council, or the administrative rules review committee and as provided by law.

Sec. 12. Section 2B.5B, subsection 2, Code 2019, is amended to read as follows:

2. The ~~administrative code editor~~ legislative services agency, upon direction by the Iowa supreme court and in accordance with the policies of the legislative council pursuant to section 2.42 ~~and the legislative services agency pursuant to section 2A.1~~, shall prescribe a uniform style and form required for filing a document for publication in the Iowa court rules. The ~~administrative code editor~~ legislative services agency shall provide for the publication of an electronic version of the Iowa court rules. The ~~administrative code editor~~ legislative services agency shall review all submitted documents for style and form and notify the Iowa supreme

court if a rulemaking document is not in proper style or form, and may return or revise a document which is not in proper style and form.

Sec. 13. Section 2B.5B, subsection 3, paragraph a, Code 2019, is amended to read as follows:

a. The ~~administrative code editor~~ legislative services agency shall publish the Iowa court rules in accordance with section 2.42. However, the legislative services agency may publish supplements in lieu of the Iowa court rules. The ~~administrative code editor~~ legislative services agency shall provide for arrangement of the Iowa court rules in consultation with the Iowa supreme court.

Sec. 14. Section 2B.13, subsection 7, Code 2019, is amended by striking the subsection.

Sec. 15. Section 2B.17, subsection 1, Code 2019, is amended to read as follows:

1. ~~An official~~ A legal publication designated as ~~such~~ official by the legislative services agency as provided in sections 2.42 and 2A.1, is the ~~authoritative and official and authoritative electronic or print version of the statutes, administrative rules, or court rules of the state of Iowa.~~

Sec. 16. Section 2B.17, subsection 2, paragraphs a and d, Code 2019, are amended to read as follows:

a. The ~~codified version of the state's~~ state constitution shall be known as the Constitution of the State of Iowa.

d. For court rules, the ~~official version of the~~ legal publication shall be known as the Iowa Court Rules.

Sec. 17. NEW SECTION. 2B.17A Official legal publications — publication dates.

1. An edition of an official legal publication becomes effective on its publication date. A publication date is the date that an edition of a legal publication is conclusively presumed to be complete, incorporating all revisions or editorial changes. Nothing in this section affects an effective date of a codified or uncodified provision of law, including but not limited to as provided in Article III, section 26, of the Constitution of the State of Iowa, or section 3.7.

2. If not otherwise established by statute or a policy of the legislative council pursuant to section 2.42, the legislative services agency shall establish a publication date for each edition of a print or electronic version of an official legal publication as cited in section 2B.17. The publication date may be based on the date that the edition of an official legal publication is first made available to the public accessing the general assembly's internet site. The publication date may also be the first date that an edition of a print version of an official legal publication is first made available for public distribution. If the legislative services agency does not provide a publication date for the Iowa Code, the publication date shall be the first day of the next regular session of the general assembly convened pursuant to Article III, section 2, of the Constitution of the State of Iowa. Otherwise, the legislative services agency shall provide public notice of a publication date for each edition of an official legal publication on the general assembly's internet site.

3. A legal publication designated by the legislative services agency as unofficial shall not be used to establish a publication date for an official legal publication.

Sec. 18. Section 2B.18, subsection 2, Code 2019, is amended to read as follows:

2. The administrative code editor is the custodian of the official legal publications known as the Iowa administrative bulletin, ~~and the Iowa administrative code, and the Iowa court rules.~~ The administrative code editor may attest to and authenticate any portion of such official legal publication for purposes of admitting a portion of the official legal publication in any court or office of any state, territory, or possession of the United States or in a foreign jurisdiction.

Sec. 19. Section 2B.18, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The legislative services agency, upon direction by the Iowa supreme court and in accordance with the policies of the legislative council pursuant to



section 2.42 and the legislative services agency pursuant to section 2A.1, shall provide a process to attest to and authenticate any portion of Iowa court rules.

Approved May 8, 2019

## CHAPTER 93

### EDUCATIONAL STANDARDS — FINANCIAL LITERACY

S.F. 139

**AN ACT** relating to a financial literacy requirement under the state's educational standards.

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

Section 1. Section 256.11, subsection 5, paragraph k, unnumbered paragraph 1, as enacted by 2018 Iowa Acts, chapter 1119, section 20, as amended by 2018 Iowa Acts, chapter 1163, section 10, is amended to read as follows:

One-half unit of personal finance literacy. All students, beginning with the students in the 2020-2021 school year graduating class, shall complete at least one-half unit of personal finance literacy as a condition of graduation.

Approved May 9, 2019

## CHAPTER 94

### CARRYING WEAPONS PRODUCING NONPROJECTILE HIGH-VOLTAGE PULSES AT COMMUNITY COLLEGES OR REGENTS UNIVERSITIES

S.F. 188

**AN ACT** prohibiting a governing board of a public college or university from adopting or enforcing any policy or rule that prohibits a person from carrying, transporting, or possessing a dangerous weapon producing a nonprojectile high-voltage pulse designed to immobilize a person in the buildings or on the grounds of such a college or university.

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

Section 1. **NEW SECTION. 260C.14A Limitation on authority — nonprojectile high-voltage pulse weapons designed to immobilize.**

The board of directors of a community college shall comply with the requirements of section 724.8A regarding policies and rules relating to the carrying, transportation, or possession of a dangerous weapon that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the buildings or on the grounds of the community college, 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. **NEW SECTION. 262.9D Limitation on authority — nonprojectile high-voltage pulse weapons designed to immobilize.**

The state board of regents shall comply with the requirements of section 724.8A regarding policies and rules relating to the carrying, transportation, or possession of a dangerous weapon that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the buildings or on the grounds of a university under the control of the state board of regents, 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. 3. **NEW SECTION. 724.8A Limitation on authority — nonprojectile high-voltage pulse weapons designed to immobilize — public universities and community colleges.**

1. Notwithstanding subsections 2 and 3, the governing board of a university under the control of the state board of regents as provided in chapter 262 or a community college under the jurisdiction of a board of directors for a merged area as provided in chapter 260C shall not adopt or enforce any policy or rule that prohibits the carrying, transportation, or possession of a dangerous weapon that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the buildings or on the grounds of such a college or university, 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.

2. This section shall not apply to any policy or rule adopted or enforced by the governing board of a university under the control of the state board of regents as provided in chapter 262 or a community college under the jurisdiction of a board of directors for a merged area as provided in chapter 260C that prohibits persons who have been convicted of a felony from carrying, transporting, or possessing a dangerous weapon that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the buildings or on the grounds of such a university or community college.

3. This section shall not apply to any policy or rule adopted or enforced by the governing board of a university under the control of the state board of regents as provided in chapter 262 that prohibits the carrying, transportation, or possession of a dangerous weapon that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person inside the buildings or physical structures of any stadium or hospital associated with an institution governed by the state board of regents.

Approved May 9, 2019

## CHAPTER 95

### LAKE MANAWA STATE PARK AND WAUBONSIE STATE PARK USER FEE PILOT PROGRAMS

S.F. 306

**AN ACT** establishing a lake Manawa state park user fee pilot program and a Waubonsie state park user fee pilot program.

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

Section 1. **NEW SECTION. 455A.14A Lake Manawa state park user fee pilot program.**

1. A lake Manawa state park user fee pilot program is established within the department. Notwithstanding section 461A.35A, the department shall develop and administer the pilot program at lake Manawa state park as follows:

a. The department shall charge an entrance fee of five dollars per vehicle for a nonresident of the state.

b. A nonresident may pay a fee of forty dollars for an annual pass that grants daily entrance into the state park through one year after the date of purchase. The nonresident may purchase a second annual pass for use for a different vehicle for fifteen dollars.

c. The department has the authority to charge separate fees to a resident and nonresident for campsite and shelter reservations and for beach access.

d. The department shall determine the most effective and efficient way to collect fees and provide proof of payment.

2. This section is repealed July 1, 2022.

Sec. 2. NEW SECTION. **455A.14B Waubonsie state park user fee pilot program.**

1. A Waubonsie state park user fee pilot program is established within the department. Notwithstanding section 461A.35A, the department shall develop and administer the pilot program at Waubonsie state park as follows:

a. The department shall charge an entrance fee of five dollars per vehicle for a nonresident of the state.

b. A nonresident may pay a fee of forty dollars for an annual pass that grants daily entrance into the state park through one year after the date of purchase. The nonresident may purchase a second annual pass for use for a different vehicle for fifteen dollars.

c. The department has the authority to charge separate fees to a resident and nonresident for campsite and shelter reservations and for beach access.

d. The department shall determine the most effective and efficient way to collect fees and provide proof of payment.

2. This section is repealed July 1, 2022.

Approved May 9, 2019

## CHAPTER 96

### EDUCATIONAL STANDARDS — ONLINE LEARNING ALTERNATIVES

S.F. 394

**AN ACT** relating to requirements school districts and accredited nonpublic schools must meet to provide distance learning classes that meet the requirements of Iowa's education program.

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

Section 1. Section 256.42, subsection 7, paragraph c, Code 2019, is amended to read as follows:

c. ~~Any specified subject course to which~~ If the provisions of section 256.11, subsection 5, does not apply under ~~are made inapplicable under paragraph "a", or are waived under paragraph "b" shall,~~ the specified subject 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 or ~~by the school district or accredited nonpublic school if an online alternative satisfying the requirements of subparagraph (1) or (2) can be made available by the school district or accredited nonpublic school. Any course not required under section 256.11, subsection 5, may also be provided by the initiative or by the school district or accredited nonpublic school. However, in either case, if offered by the school district or accredited nonpublic school, the specified subject or course shall be offered through~~ either of the following applies means:

(1) ~~Through an~~ An online learning platform if the course is developed by the school district or accredited nonpublic school itself or is developed by a partnership or consortium of schools that have developed the course individually or cooperatively, provided the 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. A partnership or consortium of schools may include two or more school districts or accredited nonpublic schools, or any combination thereof.

(2) ~~Through a~~ A private provider utilized to provide the course that meets the standards of this section 256.42 and is approved in accordance with section 256.9, subsection 55.

Approved May 9, 2019

## CHAPTER 97

### DEPARTMENT OF NATURAL RESOURCES — ADMINISTRATIVE PROCEDURES

#### S.F. 409

**AN ACT** relating to administrative procedures within the department of natural resources.

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

#### DIVISION I

#### ADMINISTRATIVE APPEALS TIMELINE

Section 1. NEW SECTION. **455B.110 Administrative appeal orders — deadline.**

1. An order issued by the director or the department pursuant to authority granted in this chapter may be appealed, resulting in the scheduling of a contested case hearing as provided for in chapter 17A. The appeal must be received by the director within the applicable timeframe established in this section. If the appeal is not received within the applicable timeframe, the appeal is not timely and the order is final agency action.

2. For a person that holds a permit issued by the department, an appeal must be received by the director within sixty days of the issuance of the order to the address of the person identified in the permit and the address of the responsible party listed in the permit, if any.

3. For a person that is required to maintain a registered agent or a registered office in the state and does not hold a permit issued by the department, an appeal must be received by the director within sixty days of the issuance of the order to the official registered agent address on file with the secretary of state.

4. For any other person, an appeal must be received by the director within sixty days of issuance to the last known address.

5. The director or the department shall provide a copy of the order by ordinary mail or electronic mail to the person's attorney if the attorney has been identified to the department as representing the person.

6. *a.* For the purposes of this section, the date of issuance of an order by the director or the department is the postmarked date that the order is sent by the department to the registered agent or party by certified mail. For the purposes of this section, the date of receipt by the director is the postmarked date that the appeal was sent to the director.

Sec. 2. Section 455B.138, subsection 1, Code 2019, is amended to read as follows:

1. When the director has evidence that a violation of any provision of division II of this chapter or chapter 459, subchapter II, or rule, standard or permit established or issued under division II or chapter 459, subchapter II, has occurred, the director shall notify the alleged violator and, by informal negotiation, attempt to resolve the problem. If the negotiations fail to resolve the problem within a reasonable period of time, the director shall issue an order directing the violator to prevent, abate or control the emissions or air pollution involved. The order shall prescribe the date by which the violation shall cease and may prescribe timetables for necessary action to prevent, abate or control the emissions of air pollution. The order may be appealed to the commission. The applicable timeframes for the issuance and appeal of the order are defined in section 455B.110.

Sec. 3. Section 455B.175, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. The director may issue an order directing the person to desist in the practice which constitutes the violation or to take such corrective action as may be necessary to ensure that the violation will cease. The person to whom such order is issued may cause to be commenced a contested case within the meaning of the Iowa administrative procedure Act, chapter 17A, by filing with the director ~~within thirty days~~ a notice of appeal to the commission. The applicable timeframes for the issuance and appeal of the order are defined in section 455B.110. On appeal the commission may affirm, modify or vacate the order of the director; or

Sec. 4. Section 455B.183, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 9. A rural water association organized under chapter 357A or chapter 504 that employs or retains a licensed engineer shall be considered to have met the permitting requirements of this section for the purposes of sewer extensions and water supply distribution system extensions. The department shall not disqualify a rural water system if the system's hydraulic modeling complies with standards for water supply distribution systems adopted by the commission pursuant to this chapter.

Sec. 5. Section 455B.279, subsection 1, Code 2019, is amended to read as follows:

1. The director may issue any order necessary to secure compliance with or prevent a violation of this part or the rules adopted pursuant to this part. ~~Within thirty days of issuance, the~~ The order may be appealed to the commission by filing a notice of appeal with the director. The appeal shall be conducted as a contested case pursuant to chapter 17A and the commission may affirm, modify, or revoke the order. The department may request legal services as required from the attorney general, including any legal proceeding necessary to obtain compliance with this part and rules and orders issued under this part. The applicable timeframes for the issuance and appeal of an order are defined in section 455B.110.

Sec. 6. Section 455B.308, Code 2019, is amended to read as follows:

**455B.308 Appeal from order.**

Any person aggrieved by an order of the director may appeal the order by filing a written notice of appeal with the director ~~within thirty days of the issuance of the order~~ in accordance with section 455B.110. The director shall schedule a hearing for the purpose of hearing the arguments of the aggrieved person within thirty days of the filing of the notice of appeal. The hearing may be held before the commission or its designee. A complete record shall be made of the proceedings. The director shall issue the findings in writing to the aggrieved person within thirty days of the conclusion of the hearing. Judicial review may be sought of actions of the commission in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of the Act, petitions for judicial review may be filed in the district court of the county where the acts in issue occurred.

Sec. 7. Section 455B.476, subsection 1, Code 2019, is amended to read as follows:

1. If there is substantial evidence that a person has violated or is violating a provision of this part or a rule adopted under this part the director may issue an order directing the person to desist in the practice which constitutes the violation, and to take corrective action as necessary to ensure that the violation will cease, and may impose appropriate administrative penalties pursuant to section 455B.109. The person to whom the order is issued may appeal the order to the commission as provided in chapter 17A. On appeal, the commission may affirm, modify or vacate the order of the director. The applicable timeframes for the issuance and appeal of the order are defined in section 455B.110.

Sec. 8. Section 455D.23, Code 2019, is amended to read as follows:

**455D.23 Administrative enforcement — compliance orders.**

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. The applicable timeframes for the issuance and appeal of the order are defined in section 455B.110.

Sec. 9. Section 458A.11, subsection 2, Code 2019, is amended to read as follows:

2. An order or amendment of an order, except in an emergency, shall not be made by the department without a public hearing upon at least ten days' notice. The public hearing shall be held at the time and place prescribed by the department, and any interested person is entitled to be heard. The applicable timeframes for the issuance and appeal of the order are defined in section 455B.110.

## DIVISION II

### ADMINISTRATIVE CHANGES FOR WASTE DISPOSAL SYSTEMS AND PUBLIC WATER SUPPLY SYSTEMS

Sec. 10. Section 455B.183, subsection 1, paragraph c, Code 2019, is amended to read as follows:

c. The operation of any waste disposal system or public water supply system or any part of or extension or addition to the system. ~~This provision paragraph~~ does not apply to a pretreatment system, the effluent of which is to be discharged directly to another disposal system for final treatment and disposal; a semipublic sewage disposal system, the construction of which has been approved by the department and ~~which that~~ does not discharge into a water of the state; or a private sewage disposal system ~~which that~~ does not discharge into a water of the state. The commission may adopt additional exemptions for a class of disposal systems that do not discharge into a water of the state or the director may waive the permit requirement for an individual system that does not discharge into a water of the state. The commission or director shall consider the volume, location, frequency, and nature of disposal from a system or class of systems before granting a waiver or exemption. Sludge from a semipublic or private sewage disposal system shall be disposed of in accordance with the rules adopted by the department pursuant to chapter 17A. ~~The exemption of this paragraph shall not apply to any industrial waste discharges.~~

Sec. 11. Section 455B.265, subsection 5, Code 2019, is amended to read as follows:

5. Prior to the issuance of a new permit or modification of a permit under this section to a community public water supply, the department shall publish a notice of recommendation to grant a permit. The notice shall include a brief summary of the proposed permit ~~and shall be published in a newspaper of general circulation within the county of the proposed water source as provided in section 618.3. If the newspaper of general circulation is not the newspaper of the nearest locality to the proposed water source that publishes a newspaper, the notice shall also be published in the newspaper of the nearest locality to the proposed water source that publishes a newspaper and the department may charge the applicant for the expenses associated with publishing the notice in the second newspaper.~~

Sec. 12. Section 455B.265, subsection 6, paragraphs a and c, Code 2019, are amended to read as follows:

a. The amount of a fee shall be based on the department's reasonable cost of reviewing applications, issuing permits, ensuring compliance with the terms of the permits, and resolving water interference complaints. The commission shall calculate the fees to produce total revenues of not more than five hundred thousand dollars for each fiscal year, ~~commencing with the fiscal year beginning July 1, 2009, and ending June 30, 2010.~~

c. The commission shall annually review the amount of moneys generated by the fees, the balance in the water use permit fund, and the anticipated expenses for ~~the succeeding fiscal year years.~~

**CHAPTER 98****WATER POLLUTION CONTROL PROJECTS — REAL PROPERTY ACQUISITION BY  
PRIVATE ENTITIES FOR SALE OR DONATION TO GOVERNMENT ENTITIES —  
FUNDING RESTRICTED**

S.F. 548

**AN ACT** relating to the acquisition, donation, or sale of real property for specified purposes.

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

Section 1. Section 455B.291, Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION. 7A.** “*Private entity*” means a corporation, limited liability company, trust, estate, partnership, association, or any other legal entity or a legal representative, agent, officer, employee, or assignee of such entity. “*Private entity*” does not include an individual, municipality, city utility as defined in section 362.2, public water supply system as defined in 455B.171, or a qualified entity as defined in section 384.84.

Sec. 2. Section 455B.291, subsection 9, paragraph a, Code 2019, is amended to read as follows:

a. (1) In the context of water pollution control facilities, the acquisition, construction, reconstruction, extension, equipping, improvement, or rehabilitation of any works and facilities useful for the collection, treatment, and disposal of sewage and industrial waste in a sanitary manner including treatment works as defined in section 212 of the Clean Water Act, or the implementation and development of management programs established under sections 319 and 320 of the Clean Water Act, including construction and undertaking of nonpoint source water pollution control projects and related development activities authorized under those sections.

(2) On and after July 1, 2019, nonpoint source water pollution control projects for purposes of subparagraph (1), shall not include the acquisition of real property by a private entity for future donation or sale to a political subdivision, the department, or the federal government except as included in subparagraph (3).

(3) Subparagraph (2) does not apply to the acquisition of land by a private entity intended for such future donation when the private entity acquires any of the following:

(a) Only that portion of land on which an edge-of-field practice consistent with the Iowa nutrient reduction strategy is installed to provide water quality benefits beyond the geographic footprint of the practice.

(b) Any necessary setbacks to a portion of land included in subparagraph division (a) as authorized by the department.

Sec. 3. Section 455B.295, subsection 2, Code 2019, is amended to read as follows:

2. a. Each of the revolving loan funds shall include sums appropriated to the revolving loan funds by the general assembly, sums transferred by action of the governor under section 455B.296, subsection 3, sums allocated to the state expressly for the purposes of establishing each of the revolving loan funds under the Clean Water Act and the Safe Drinking Water Act, all receipts by the revolving loan funds, and any other sums designated for deposit to the revolving loan funds from any public or private source. All moneys appropriated to and deposited in the revolving loan funds are appropriated and shall be used for the sole purpose of making loans to eligible entities to finance all or part of the cost of projects, including sponsor projects under the water resource restoration sponsor program established in section 455B.199. The moneys appropriated to and deposited in the water pollution control works revolving loan fund shall not be used to pay the nonfederal share of the cost of projects receiving grants under the Clean Water Act. On and after July 1, 2019, moneys in the revolving loan funds shall not be used to finance, subsidize, or enable the acquisition of real property by a private entity except that moneys in the revolving loan funds may be used to finance or subsidize an acquisition of real property by a private entity that occurred prior to July 1, 2019, or to finance, subsidize, or acquire an edge-of-field practice or setback

included in section 455B.291, subsection 9, paragraph “a”, subparagraph (3). The moneys in the revolving loan funds are not 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 revolving loan funds to be used for their respective purposes. The revolving loan funds are separate dedicated funds under the administration and control of the authority and subject to section 16.31. Moneys on deposit in the revolving loan funds shall be invested by the treasurer of state in cooperation with the authority, and the income from the investments shall be credited to and deposited in the appropriate revolving loan funds.

*b.* For purposes of this subsection, “*edge-of-field practice*” means a bioreactor, saturated buffer, wetland, or buffer.

Approved May 9, 2019

## CHAPTER 99

### PROFESSIONAL LICENSURE — ELIGIBILITY — CRIMINAL CONVICTIONS

S.F. 567

**AN ACT** relating to disqualifications from holding certain professional licenses for persons convicted of certain crimes.

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

Section 1. Section 103.6, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* Grant an exception for a person who would otherwise be denied a license due to a criminal conviction under specified circumstances. When considering such an exception, the board shall consider the following: the nature and seriousness of any offense of which the person was convicted, all circumstances relative to the offense, including mitigating circumstances or social conditions surrounding the commission of the offense, the age of the person at the time the offense was committed, the length of time that has elapsed since the offense was committed, letters of reference, and all other relevant evidence of rehabilitation and present fitness presented. A person holding a license prior to July 1, 2019, shall not be required to obtain an exception to maintain a license.

Sec. 2. Section 103.9, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Conviction of a felony in Iowa that is sexual abuse in violation of 709.4, a sexually violent offense as defined in section 229A.2, the offense of dependent adult abuse in violation of section 235B.20, a forcible felony as defined in section 702.11, or the offense of domestic abuse assault in violation of section 708.2A, shall be grounds for denial, revocation, or suspension of a license. Conviction for any other felony shall not be grounds for denial, revocation, or suspension. A conviction of a crime in violation of federal law or in violation of the law of another state shall be given the same effect as it would if such conviction had been under Iowa law. If federal law or the laws of another state do not provide for offenses or violations denominated or described in precisely the same words as Iowa law, the department shall determine whether those offenses or violations are substantially similar in nature to Iowa law and apply those offenses or violations accordingly.

Sec. 3. Section 103.10, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Conviction of a felony in Iowa that is sexual abuse in violation of section 709.4, a sexually violent offense as defined in section 229A.2, the offense of dependent adult abuse in violation of section 235B.20, a forcible felony as defined in section 702.11, or the offense of domestic abuse assault in violation of section 708.2A, shall be grounds for



denial, revocation, or suspension of a license. Conviction for any other felony shall not be grounds for denial, revocation, or suspension. A conviction of a crime in violation of federal law or in violation of the law of another state shall be given the same effect as it would if such conviction had been under Iowa law. If federal law or the laws of another state do not provide for offenses or violations denominated or described in precisely the same words as Iowa law, the department shall determine whether those offenses or violations are substantially similar in nature to Iowa law and apply those offenses or violations accordingly.

Sec. 4. Section 103.12, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Conviction of a felony in Iowa that is sexual abuse in violation of section 709.4, a sexually violent offense as defined in section 229A.2, the offense of dependent adult abuse in violation of section 235B.20, a forcible felony as defined in section 702.11, or the offense of domestic abuse assault in violation of section 708.2A, shall be grounds for denial, revocation, or suspension of a license. Conviction for any other felony shall not be grounds for denial, revocation, or suspension. A conviction of a crime in violation of federal law or in violation of the law of another state shall be given the same effect as it would if such conviction had been under Iowa law. If federal law or the laws of another state do not provide for offenses or violations denominated or described in precisely the same words as Iowa law, the department shall determine whether those offenses or violations are substantially similar in nature to Iowa law and apply those offenses or violations accordingly.

Sec. 5. Section 103.12A, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Conviction of a felony in Iowa that is sexual abuse in violation of section 709.4, a sexually violent offense as defined in section 229A.2, the offense of dependent adult abuse in violation of section 235B.20, a forcible felony as defined in 702.11, or the offense of domestic abuse assault in violation of section 708.2A, shall be grounds for denial, revocation, or suspension of a license. Conviction for any other felony shall not be grounds for denial, revocation, or suspension. A conviction of a crime in violation of federal law or in violation of the law of another state shall be given the same effect as it would if such conviction had been under Iowa law. If federal law or the laws of another state do not provide for offenses or violations denominated or described in precisely the same words as Iowa law, the department shall determine whether those offenses or violations are substantially similar in nature to Iowa law and apply those offenses or violations accordingly.

Sec. 6. Section 103.13, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Conviction of a felony in Iowa that is sexual abuse in violation of section 709.4, a sexually violent offense as defined in section 229A.2, the offense of dependent adult abuse in violation of section 235B.20, a forcible felony as defined in section 702.11, or the offense of domestic abuse assault in violation of section 708.2A, shall be grounds for denial, revocation, or suspension of a license. Conviction for any other felony shall not be grounds for denial, revocation, or suspension. A conviction of a crime in violation of federal law or in violation of the law of another state shall be given the same effect as it would if such conviction had been under Iowa law. If federal law or the laws of another state do not provide for offenses or violations denominated or described in precisely the same words as Iowa law, the department shall determine whether those offenses or violations are substantially similar in nature to Iowa law and apply those offenses or violations accordingly.

Sec. 7. Section 103.15, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Conviction of a felony in Iowa that is sexual abuse in violation of section 709.4, a sexually violent offense as defined in section 229A.2, the offense of dependent adult abuse in violation of section 235B.20, a forcible felony as defined in section 702.11, or the offense of domestic abuse assault in violation of section 708.2A, shall be grounds for denial, revocation, or suspension of a license. Conviction for any other felony shall not be grounds for denial, revocation, or suspension. A conviction of a crime in violation of federal law or in violation of the law of another state shall be given the same effect as it would if such conviction had been under Iowa law. If federal law or the laws of another state do not provide for offenses or violations denominated or described in precisely the same words as Iowa law,

the department shall determine whether those offenses or violations are substantially similar in nature to Iowa law and apply those offenses or violations accordingly.

Sec. 8. Section 103.35, subsection 5, Code 2019, is amended by striking the subsection.

Sec. 9. Section 105.10, Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION.** 5. The board may grant an exception for a person who would otherwise be denied a license due to a criminal conviction under specified circumstances. When considering such an exception, the board shall consider the following: the nature and seriousness of any offense of which the person was convicted, all circumstances relative to the offense, including mitigating circumstances or social conditions surrounding the commission of the offense, the age of the person at the time the offense was committed, the length of time that has elapsed since the offense was committed, letters of reference, and all other relevant evidence of rehabilitation and present fitness presented. A person holding a license prior to July 1, 2019, shall not be required to obtain an exception to maintain a license.

Sec. 10. Section 105.18, subsection 1, Code 2019, is amended to read as follows:

1. *General qualifications.* The board shall adopt, by rule, general qualifications for licensure. ~~The board may consider the past felony record of an applicant only if the felony conviction relates to the practice of the profession for which the applicant requests to be licensed.~~ References may be required as part of the licensing process.

Sec. 11. Section 105.22, subsection 4, Code 2019, is amended by striking the subsection and inserting in lieu thereof the following:

4. Conviction of a felony in Iowa that is sexual abuse in violation of section 709.4, a sexually violent offense as defined in section 229A.2, the offense of dependent adult abuse in violation of section 235B.20, a forcible felony as defined in section 702.11, or the offense of domestic abuse assault in violation of section 708.2A, shall be grounds for denial, revocation, or suspension of a license. Conviction for any other felony shall not be grounds for denial, revocation, or suspension. A conviction of a crime in violation of federal law or in violation of the law of another state shall be given the same effect as it would if such conviction had been under Iowa law. If federal law or the laws of another state do not provide for offenses or violations denominated or described in precisely the same words as Iowa law, the department shall determine whether those offenses or violations are substantially similar in nature to Iowa law and apply those offenses or violations accordingly. A copy of the record of conviction or plea of guilty shall be conclusive evidence of such conviction.

Sec. 12. Section 158.3, Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION.** 3. Notwithstanding the provisions of subsection 1, any person who completes the application form prescribed by the board and who completes a barbering apprenticeship training program registered by the office of apprenticeship of the United States department of labor while committed to the custody of the director of the Iowa department of corrections shall be allowed to take the examination for a license to practice barbering.

Sec. 13. **NEW SECTION. 904.707 Apprenticeship programs — limitations.**

An inmate shall not be enrolled in an apprenticeship program if the inmate would be unable to obtain a necessary license to practice the profession to which the apprenticeship relates due to the inmate's conviction of a felony. Prior to enrolling an inmate in an apprenticeship program, the department of corrections shall receive written confirmation from the appropriate licensing board that the inmate would be able to receive a necessary license to practice the profession to which the apprenticeship relates if it appears to the department that the inmate may be disqualified from receiving such a license.

**CHAPTER 100****DEPARTMENT OF HUMAN SERVICES INSTITUTIONS AND TRANSFER OF PERSONS  
WITH MENTAL ILLNESS***H.F. 421*

**AN ACT** relating to institutions under the control of the department of human services, including providing for the transfer of dangerous persons with mental illness from a hospital for persons with mental illness to the Iowa medical and classification center.

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

Section 1. Section 218.1, Code 2019, is amended to read as follows:

**218.1 Institutions controlled.**

The director of human services shall have the general and full authority given under statute to control, manage, direct, and operate the following institutions under the director's jurisdiction, and may at the director's discretion assign the powers and authorities given the director by statute to any one of the deputy directors, division administrators, or officers or employees of the divisions of the department of human services:

1. Glenwood state resource center.
2. Woodward state resource center.
3. Mental health institute, Cherokee, Iowa.
4. ~~Mental health institute, Clarinda, Iowa.~~
5. 4. Mental health institute, Independence, Iowa.
6. ~~Mental health institute, Mount Pleasant, Iowa.~~
7. 5. State training school.
8. 6. Iowa juvenile home.
9. 7. Other facilities not attached to the campus of the main institution as program developments require.

Sec. 2. Section 226.1, subsection 1, Code 2019, is amended to read as follows:

1. The state hospitals for persons with mental illness shall be designated as follows:

- ~~a. Mental Health Institute, Mount Pleasant, Iowa.~~
- ~~b. a.~~ a. Mental Health Institute, Independence, Iowa.
- ~~c. Mental Health Institute, Clarinda, Iowa.~~
- ~~d. b.~~ b. Mental Health Institute, Cherokee, Iowa.

Sec. 3. Section 226.30, Code 2019, is amended to read as follows:

**226.30 Transfer of dangerous patients.**

When a patient of any hospital for persons with mental illness becomes incorrigible, and unmanageable to such an extent that the patient is dangerous to the safety of others in the hospital, the administrator, with the consent of the director of the Iowa department of corrections, may apply in writing to the district court or to any judge thereof, of the county in which the hospital is situated, for an order to transfer the patient to the Iowa medical and classification center and if the order is granted the patient shall be so transferred. The county attorney of the county shall appear in support of the application on behalf of the administrator.

Sec. 4. Section 232.102, subsections 4 and 5, Code 2019, are amended by striking the subsections.

Sec. 5. Section 232.103, subsection 7, Code 2019, is amended by striking the subsection.

Sec. 6. Section 257.11, subsection 4, paragraph e, subparagraph (3), Code 2019, is amended to read as follows:

(3) The pupil is not in the state training school ~~or the Iowa juvenile home~~ pursuant to a court order entered under chapter 232 under the care and custody of the department of human services.

Sec. 7. Section 257.41, subsection 4, paragraph c, Code 2019, is amended to read as follows:

c. The student is not in the state training school ~~or the Iowa juvenile home~~ pursuant to a court order entered under chapter 232 under the care and custody of the department of human services.

Sec. 8. Section 259A.6, Code 2019, is amended to read as follows:

**259A.6 Residents of juvenile institutions and juvenile probationers.**

Notwithstanding the provisions of section 259A.2 a minor who is a resident of a state training school ~~or the Iowa juvenile home~~ or a minor who is placed under the supervision of a juvenile probation office may make application for a high school equivalency diploma and upon successful completion of the program receive a high school equivalency diploma.

Sec. 9. Section 331.424, subsection 1, paragraph a, subparagraph (1), subparagraph division (b), Code 2019, is amended by striking the subparagraph division.

Sec. 10. Section 331.756, subsection 51, Code 2019, is amended by striking the subsection.

Sec. 11. Section 331.802, subsection 3, paragraph k, Code 2019, is amended to read as follows:

k. Death of a person committed or admitted to a state mental health institute, a state resource center, or the state training school, ~~or the Iowa juvenile home~~.

Sec. 12. REPEAL. Chapter 233B, Code 2019, is repealed.

Approved May 9, 2019

## CHAPTER 101

### SCHOOL DISTRICTS — WHOLE GRADE SHARING, REORGANIZATION, OR DISSOLUTION INCENTIVES

*H.F. 596*

**AN ACT** relating to incentives for whole grade sharing and school district reorganization or dissolution.

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

Section 1. Section 257.3, subsection 2, paragraph d, Code 2019, is amended to read as follows:

d. For purposes of this section, a reorganized school district is one which absorbs at least thirty percent of the enrollment of the school district affected by a reorganization or dissolved during a dissolution and in which action to bring about a reorganization or dissolution is initiated by a vote of the board of directors or jointly by the affected boards of directors to take effect on or after July 1, 2007, and on or before July 1, ~~2019~~ 2024. Each district which initiated, by a vote of the board of directors or jointly by the affected boards, action to bring about a reorganization or dissolution to take effect on or after July 1, 2007, and on or before July 1, ~~2019~~ 2024, shall certify the date and the nature of the action taken to the department of education by January 1 of the year in which the reorganization or dissolution takes effect.

Sec. 2. Section 257.11, subsection 2, paragraph c, Code 2019, is amended to read as follows:

c. Pupils attending class for all or a substantial portion of a school day pursuant to a whole grade sharing agreement executed under sections 282.10 through 282.12 shall be eligible

for supplementary weighting pursuant to this subsection. A school district which executes a whole grade sharing agreement and which adopts a resolution jointly with other affected boards to study the question of undergoing a reorganization or dissolution to take effect on or before July 1, ~~2019~~ 2024, shall receive a weighting of one-tenth of the percentage of the pupil's school day during which the pupil attends classes in another district, attends classes taught by a teacher who is jointly employed under section 280.15, or attends classes taught by a teacher who is employed by another school district. A district shall be eligible for supplementary weighting pursuant to this paragraph for a maximum of three years. Receipt of supplementary weighting for a second and third year shall be conditioned upon submission of information resulting from the study to the school budget review committee indicating progress toward the objective of reorganization on or before July 1, ~~2019~~ 2024.

Sec. 3. Section 257.11A, subsections 1 and 2, Code 2019, are amended to read as follows:

1. In determining weighted enrollment under section 257.6, if the board of directors of a school district has approved a contract for sharing pursuant to section 257.11 and the school district has approved an action to bring about a reorganization to take effect on and after July 1, 2007, and on or before July 1, ~~2019~~ 2024, the reorganized school district shall include, for a period of three years following the effective date of the reorganization, additional pupils added by the application of the supplementary weighting plan, equal to the pupils added by the application of the supplementary weighting plan in the year preceding the reorganization. For the purposes of this subsection, the weighted enrollment for the period of three years following the effective date of reorganization shall include the supplementary weighting in the base year used for determining the combined district cost for the first year of the reorganization. However, the weighting shall be reduced by the supplementary weighting added for a pupil whose residency is not within the reorganized district.

2. For purposes of this section, a reorganized district is one in which the reorganization was approved in an election pursuant to sections 275.18 and 275.20 and takes effect on or after July 1, 2007, and on or before July 1, ~~2019~~ 2024. Each district which initiates, by a vote of the board of directors or jointly by the affected boards, action to bring about a reorganization or dissolution to take effect on or after July 1, 2007, and on or before July 1, ~~2019~~ 2024, shall certify the date and the nature of the action taken to the department of education by January 1 of the year in which the reorganization or dissolution takes effect.

Approved May 9, 2019

## CHAPTER 102

### COMMERCIAL FISHING — REMOVAL OF UNDERUSED, UNDESIRABLE, AND INJURIOUS ORGANISMS — LICENSING REQUIREMENTS

*H.F. 604*

**AN ACT** relating to commercial fishing to remove underused, undesirable, and injurious organisms from waters of the state, and including applicability provisions.

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

Section 1. Section 482.1, subsection 2, paragraph c, Code 2019, is amended to read as follows:

c. Authorize the director to enter into written contracts for the removal of underused, undesirable, or injurious organisms from the waters of the state. The contracts shall specify all terms and conditions desired. ~~Sections 482.4, 482.6, and 482.14 do not apply to these contracts.~~ A person who enters into such a contract with the director, and any subcontractor under such a contract, shall have an appropriate valid commercial license under section

482.4. However, other persons assisting with performance of the contract or subcontract may be unlicensed.

Sec. 2. APPLICABILITY. This Act applies to contracts becoming effective on and after January 1, 2020.

Approved May 9, 2019

## CHAPTER 103

### LEGALIZING ACT — BENNETT COMMUNITY SCHOOL DISTRICT INSTRUCTIONAL SUPPORT PROGRAM

*H.F. 609*

**AN ACT** to legalize the participation in the instructional support program by the Bennett community school district, and providing an effective date.

WHEREAS, section 257.18 authorizes a school district to participate in the instructional support program, if the board of directors of the school district takes action by adopting a resolution to participate in the program and after twenty-eight days following the board's action, the secretary of the board does not receive a petition asking that the question to approve or disapprove the board's action be submitted to the voters of the school district; and

WHEREAS, on April 9, 2018, the board of directors of the Bennett community school district duly adopted a resolution to participate in the instructional support program in compliance with section 257.18; and

WHEREAS, on April 12, 2018, the action of the board of directors of the Bennett community school district was certified to the department of management; and

WHEREAS, the certification of the board's action was in error since it did not comply with the twenty-eight-day requirement; and

WHEREAS, the secretary of the board has not received a petition asking that the question to approve or disapprove the board's action be submitted to the voters of the school district; NOW THEREFORE,

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

Section 1. The Bennett community school district's actions to participate in the instructional support program as described in this Act, and as authorized pursuant to chapter 257, including but not limited to section 257.18, is valid and legal, in the same manner as if that school district had complied with the twenty-eight-day requirement, and the certification of the board's action had not been in error, notwithstanding<sup>1</sup> any provision in that chapter to the contrary.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 9, 2019

<sup>1</sup> According to Act; the word "notwithstanding" probably intended

**CHAPTER 104**

## REMOVAL OF COUNTY VETERANS SERVICE OFFICERS

H.F. 689

**AN ACT** relating to the removal of county veterans service officers.

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

Section 1. Section 35B.6, subsection 1, Code 2019, is amended by adding the following new paragraph:

**NEW PARAGRAPH.** *f.* An executive director or administrator shall only be removed from office by the commission, subject to the approval of the board of supervisors.

Approved May 9, 2019

**CHAPTER 105**

## ABANDONED BUILDINGS — ABATEMENT PROCESS

S.F. 93

**AN ACT** relating to abandoned structures and abatement of public nuisances.

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

Section 1. Section 631.1, Code 2019, is amended by adding the following new subsection:  
**NEW SUBSECTION.** 10. The district court sitting in small claims has concurrent jurisdiction for administrative warrant applications pursuant to section 657A.1A, subsection 2.

Sec. 2. Section 655A.6, Code 2019, is amended to read as follows:

**655A.6 Rejection of notice.**

1. If either the mortgagor, or successor in interest of record including a contract purchaser, within thirty days of service of the notice pursuant to section 655A.3, files with the recorder of the county where the mortgaged property is located, a rejection of the notice reasonably identifying the notice which is rejected together with proofs of service required under section 655A.4 that the rejection has been served on the mortgagee, the notice served upon the mortgagor pursuant to section 655A.3 is of no force or effect.

2. Rejection of notice pursuant to subsection 1 shall not be available to a mortgagor, or successor in interest of record including a contract purchaser, of a mortgaged property that a court of competent jurisdiction determined has been abandoned pursuant to section 657A.2, on or after the date as determined in section 657A.2, subsection 5.

Sec. 3. Section 657A.1, subsections 1 and 3, Code 2019, are amended to read as follows:

1. "Abandoned" or "abandonment" means that a building has remained is vacant, or is occupied only by trespassers, and has been in violation of the housing code or building code of the city in which the property is located or the housing code or building code applicable in the county in which the property is located if outside the limits of a city for a period of six consecutive months.

3. "Building" means a building or structure, excluding a mobile home, a modular home, and a manufactured home as defined in section 435.1, unless the mobile home or manufactured home has been converted to real estate pursuant to section 435.26, located in a city or outside the limits of a city in a county, which is used or intended to be used for commercial or industrial purposes or which is used or intended to be used for residential purposes and includes a building or structure in which some floors may be used for retail

stores, shops, salesrooms, markets, or similar commercial uses, or for offices, banks, civic administration activities, professional services, or similar business or civic uses, and other floors are used, designed, or intended to be used for residential purposes.

Sec. 4. Section 657A.1, Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION. 8.** “*Responsible building official*” or “*official*” means the person appointed by the city or, if the building is outside the limits of a city, the county, to enforce its building codes and regulations in general or to enforce this chapter in particular.

Sec. 5. **NEW SECTION. 657A.1A Preliminary inspection of building.**

1. No sooner than one hundred thirty-five days after a property has become vacant, a person, other than a governmental entity, may request that the responsible building official inspect the property and certify that a property is both abandoned and in need of abatement. The responsible building official may also initiate an inspection on the official’s own initiative at any time.

2. If the responsible building official finds from an exterior view of the property, in addition to any other credible information that the official may have, that there is reasonable cause to believe that the property is abandoned and in need of abatement, the official shall schedule a date and time for an inspection of the property by the official. The person requesting the inspection shall provide written notice of the scheduled inspection by first class mail and certified mail to the owner and all interested persons at least twenty days before the inspection. The notice must state the date, time, and place of the inspection and state that unless the owner appears at the inspection to allow the responsible building official access to the interior of the property, the official, accompanied by the person serving notice and any interested persons appearing for the inspection, may enter the property to determine whether the property is abandoned and in need of abatement and, if so, to estimate the costs of abatement. The official may enter the property for an inspection, along with the person serving notice and any interested persons, if the owner is not present for the inspection. Upon request, the inspection may be rescheduled as needed. The responsible building official must obtain an administrative search warrant pursuant to section 808.14 to enter any building to conduct an inspection pursuant to this section.

3. The responsible building official’s findings shall be in writing with copies provided to the person requesting the inspection, the owner, and all interested parties. The governmental entity employing the responsible building official may establish and charge a fee to cover the reasonable costs of the inspection, which shall be added to costs in an action under this chapter.

4. Evidence that financial obligations in respect to a building, including but not limited to payments of a mortgage, bills, or property taxes, are currently met does not rebut a finding of abandonment if the property is substantially in need of abatement in an action filed under section 657A.2.

Sec. 6. Section 657A.2, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

**657A.2 Petition.**

1. No sooner than the latter of thirty days after provision of the responsible building official’s findings under section 657A.1A and six months after a building has become abandoned, a petition for abatement under this chapter may be filed in the district court of the county in which the property is located by the city in which the property is located, by the county if the property is located outside the limits of a city, by a neighboring landowner, or by a duly organized nonprofit corporation which has as one of its goals the improvement of housing conditions in the county or city in which the property in question is located. The petition shall not demand a personal judgment against any party, but shall concern only the interests in the property. A petition for abatement filed under this chapter shall include the legal description of the real property upon which the public nuisance is located unless the public nuisance is not situated on or confined to a parcel of real property, or is portable or capable of being removed from the real property. Service shall be made on all interested persons by personal service or, if personal service cannot be made, by certified mail and



first class mail to the last known address of record of the interested person and by posting the notice in a conspicuous place on the building, or by publication. The last known address of record for the property owner shall be the address of record with the county treasurer of the county where the property is located. Service may also be made as provided in section 654.4A.

2. If entering judgment, the court shall determine any issues at law, including issues relating to title, raised by the plaintiff or by a party in interest who has filed a motion or answer.

3. In any evidentiary hearing or motion in a proceeding under this chapter, the written findings of the responsible building official relating to the condition of the building and other matters within the scope of this chapter, if provided at least ten days before the hearing to all persons not in default, shall be accepted as evidence without prejudice to the right of any party to require the personal testimony of the responsible building official at the hearing.

4. If the court finds at a hearing pursuant to this section that the building is abandoned or is a public nuisance, the court may issue an injunction requiring the owner to correct any conditions that make such building a public nuisance, or issue another order that the court deems appropriate to address the public nuisance.

5. If the court finds at a hearing pursuant to this section that the building is abandoned, unless the court order establishes otherwise, the property shall be deemed continuously abandoned from the date the action is indexed pursuant to section 617.10, subsection 1.

6. A property shall not be claimed as homestead pursuant to chapter 561 on or after the date determined in subsection 5.

7. In a proceeding under this section, if the court determines the building is not abandoned, the court shall dismiss the petition and may require the petitioner to pay an interested party's reasonable attorney fees. An owner of the property who failed to appear for an inspection pursuant to section 657A.1A shall not be awarded attorney fees under this section.

8. If a party to the action holds an interest in the property as a nominee, a fiduciary, or another representative capacity for a third party, or an underlying loan on the property is guaranteed by a third party, the party to the action may apply to the court for a stay of action, as it affects the party's interest, for a reasonable time to allow the party to obtain the appropriate authority, information, or instructions from or on behalf of the beneficiary or guarantor as related to the property interest or underlying loan.

Sec. 7. Section 657A.3, Code 2019, is amended to read as follows:

**657A.3 Interested persons — opportunity to abate public nuisance.**

1. Before appointing a receiver to perform work or to furnish material to abate a public nuisance under this chapter, the court shall ~~conduct a hearing at which the court shall offer mortgagees of record, lienholders of record, or other known interested persons in the order of priority of interest in title, the opportunity to undertake the work and to furnish the materials necessary to abate the public nuisance. The~~ establish a date before which interested persons may file with the court shall require the person selected to demonstrate the written proof of intent and ability to promptly undertake promptly the work required and to post security for the performance of the work. If no such written proof is filed by that date, the court may appoint a receiver pursuant to subsection 3.

2. ~~All amounts expended by the person toward abating the public nuisance are a lien on the property if the expenditures were approved in advance by the a judge and if the person desires the lien. The Unless an interested person has a contract with the owner providing for a different interest rate, the lien shall bear interest at the rate provided for judgments pursuant to section 535.3, and shall be payable upon terms approved by the judge. If a certified copy of the a court order that approved approving the expenses and the terms of payment for the lien, and a description of the property in question, are filed for of record within thirty days of the date of issuance of the order in the office of the county recorder of the county in which the property is located, the lien has the same priority as the mortgage of a receiver as provided in section 657A.7.~~

3. ~~If the court determines by the date established in subsection 1 or at the a hearing conducted pursuant to subsection 1, on the sufficiency of a timely filed rehabilitation plan that no interested person can undertake the work and furnish the materials required to abate~~

the public nuisance, or if the court determines at any time after the hearing that an interested person who is undertaking corrective work pursuant to this section cannot or will not proceed, or has not proceeded with due diligence, the court may appoint a receiver to take possession and control of the property. The receiver shall be appointed in the manner provided in section 657A.4.

4. If the building is a historic building or is located in a designated historic district, the court shall give preference to an economically feasible rehabilitation plan that preserves the historical nature of the building.

5. Unless a receiver's mortgage provides for periodic payments, a notice, in lieu of the notice pursuant to section 654.2D, shall also be served by ordinary or electronic mail informing all interested persons of the date certain for the maturity of the mortgage note, or the event triggering maturity of the mortgage note, and that on maturity the receiver's mortgage loan will be payable in full and the mortgagee may then commence foreclosure without further notice. A notice pursuant to section 654.4B shall also be served by ordinary or electronic mail on the owner of record of the property. The mortgagee shall not commence foreclosure of the mortgage until sixty calendar days have passed since the date of service of a notice under this subsection.

Sec. 8. Section 657A.4, Code 2019, is amended to read as follows:

**657A.4 Appointment of receiver.**

~~After conducting~~ If after expiration of a date established pursuant to section 657A.3, subsection 1, or a hearing pursuant to section 657A.3, the court may appoint a receiver to take possession and control of the property in question. A person shall not be appointed as a receiver unless the person has first provided the court with a viable financial and construction plan for the rehabilitation of the property in question and has demonstrated the capacity and expertise to perform the required work in a satisfactory manner. The appointed receiver may be a financial institution that possesses an interest of record in the property, a nonprofit corporation that is duly organized and exists for the primary purpose of improving housing conditions in the county or city in which the property in question is located, or any person deemed qualified by the court. No part of the net earnings of a nonprofit corporation serving as a receiver under this section shall benefit a private shareholder or individual. Membership on the board of trustees of a nonprofit corporation does not constitute the holding of a public office or employment and is not an interest, either direct or indirect, in a contract or expenditure of money by a city or county. No member of a board of trustees of a nonprofit corporation appointed as receiver is disqualified from holding public office or employment, nor is a member required to forfeit public office or employment by reason of the membership on the board of trustees.

Sec. 9. Section 657A.6, subsection 9, Code 2019, is amended to read as follows:

9. Issue notes and secure the notes by mortgages bearing interest at the rate provided for judgments pursuant to section 535.3, and any terms and conditions as approved by the court. The court may provide for a higher interest rate if the receiver has established to the satisfaction of the court that the receiver has sought financing from individuals and institutions willing to lend money for rehabilitation of property and that the terms proposed by the receiver are reasonable. When transferred by the receiver in return for valuable consideration ~~in~~ including money, material, labor, or services, the notes issued by the receiver are freely transferable. If the receiver has notice that the mortgagee of the receiver's mortgage is contemplating a transfer of the mortgage, the receiver shall disclose such to the court in the application for approval of the mortgage.

**Sec. 10. NEW SECTION. 657A.6A Receiver — prohibited acts.**

Notwithstanding section 657A.10, it shall be unlawful, and a receiver may be held liable for actual damages as determined by a court, for entering a residential property that is not abandoned for the purpose of forcing, intimidating, harassing, or coercing a lawful occupant of the property to vacate in order to render the property vacant and abandoned, and it shall be unlawful to otherwise force, intimidate, harass, or coerce a lawful occupant of a residential property to vacate so the property may be deemed vacant and abandoned. A receiver who

peacefully enters a property for the purpose of rendering the property vacant and abandoned shall be immune from liability if the receiver makes a good-faith effort to comply with this chapter and all terms of any applicable mortgage, lease, or other agreement related to the occupancy of the building.

Sec. 11. Section 657A.7, subsection 1, Code 2019, is amended to read as follows:

1. If the receiver's mortgage is filed ~~for~~ of record in the office of the county recorder of the county in which the property is located within sixty days of the issuance of a secured note, the receiver's mortgage is a first lien upon the property and is superior to claims of the receiver and to all prior or subsequent liens and encumbrances except taxes and assessments, including taxes and assessments advanced by any mortgagee in the twelve-month period immediately preceding the date a petition is filed pursuant to section 657A.2. Priority among the receiver's mortgages is determined by the order in which the mortgages are recorded.

Sec. 12. Section 657A.7, Code 2019, is amended by adding the following new subsection: NEW SUBSECTION. 3. If a mortgagee of the receiver's mortgage begins foreclosure procedures pursuant to chapter 655A and an interested party desires to pay off the mortgage loan, the interested party shall also pay the mortgagee's reasonable costs and attorney fees.

Sec. 13. Section 657A.8, Code 2019, is amended to read as follows:

**657A.8 Assessment of costs.**

The court may assess the costs and expenses set out in section 657A.6, subsection 2, and may approve receiver's fees to the extent that the fees are not covered by the income from the property. The receiver shall pay the costs and reasonable attorney fees of a plaintiff who requested an inspection pursuant to section 657A.1A unless an interested party not in default who appeared for the inspection objects to the fees and costs in whole or in part. The court shall determine the merits of such objection. If the court finds that a neighboring landowner has pursued an action pursuant to this chapter in bad faith, the court may assess attorney fees against the neighboring landowner and may bar such neighboring landowner from filing future actions under this chapter. If a foreclosure of the receiver's mortgage pursuant to chapter 655A is contemplated, the court may retain jurisdiction to determine the amount of attorney fees payable under section 657A.7, subsection 3.

Sec. 14. Section 657A.10A, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. In lieu of the procedures in sections ~~657A.2~~ 657A.1A through 657A.10 and 657A.10B, a city in which ~~an abandoned~~ a building that has been abandoned for at least six consecutive months is located may petition the court to enter judgment awarding title to the abandoned property to the city. A petition filed under this section shall include the legal description of the abandoned property. If more than one abandoned building is located on a parcel of real estate, the city may combine the actions into one petition. The owner of the building and grounds, mortgagees of record, lienholders of record, or other known persons who hold an interest in the property shall be named as respondents on the petition.

Sec. 15. NEW SECTION. **657A.10B Applicability.**

1. The provisions of sections 657A.1A through 657A.10 shall only apply to cities and counties that have, by ordinance, provided that the provisions shall apply.

2. The provisions of sections 657A.1A through 657A.10 shall not apply to a house, barn, outbuilding, or other building or structure located on agricultural land. For purposes of this subsection, "agricultural land" means land suitable for use in farming. For purposes of this subsection, "farming" means the cultivation of land for the production of agricultural crops, the production of fruit or other horticultural crops, grazing, or the production of livestock.

Sec. 16. NEW SECTION. **657A.10C Petition for injunction.**

1. As an alternative to the remedies under this chapter, a city, or a county if a property that is alleged to be a public nuisance is located outside the limits of a city, may petition the court for an injunction that requires the owner of the property to correct or eliminate the

condition or violation causing the public nuisance. Service of the original notice shall be made as provided in section 657A.2, subsection 1.

2. This section shall not apply to a house, barn, outbuilding, or other building or structure located on agricultural land. For purposes of this subsection, “*agricultural land*” means land suitable for use in farming. For purposes of this subsection, “*farming*” means the cultivation of land for the production of agricultural crops, the production of fruit or other horticultural crops, grazing, or the production of livestock.

Sec. 17. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to renumber section 657A.10B, as enacted in this Act, as section 657A.10A, and to renumber section 657A.10A as section 657A.10B.

2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

Approved May 10, 2019

## CHAPTER 106

### MESSAGE THERAPY — UNLAWFUL PRACTICES — AFFIRMATIVE DEFENSES

S.F. 267

**AN ACT** relating to the practice of massage therapy, and providing penalties.

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

Section 1. Section 152C.5, Code 2019, is amended to read as follows:

**152C.5 Practice or use of title — license required.**

1. The practice of massage therapy as defined in section 152C.1 is strictly prohibited by unlicensed individuals. It is ~~unlawful~~ a serious misdemeanor for a person to engage in or offer to engage in the practice of massage therapy, or use in connection with the person’s name, the initials “L. M. T.” or the words “licensed massage therapist”, “massage therapist”, “masseur”, “masseuse”, or any other word or title that implies or represents that the person practices massage therapy, unless the person possesses a license issued under the provisions of section 152C.3.

2. It shall be an affirmative defense to a prosecution for a violation of subsection 1, in addition to any other affirmative defenses for which the defendant might be eligible, that the defendant is a victim of a crime that is a violation of section 710A.2.

Approved May 10, 2019

## CHAPTER 107

### ALCOHOLIC BEVERAGE REGULATION — CANNED COCKTAILS

S.F. 323

**AN ACT** relating to canned cocktails and including effective date provisions.

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

Section 1. Section 123.3, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 10A. “*Canned cocktail*” means a mixed drink or cocktail that is premixed and packaged in a metal can and contains more than six and twenty-five hundredths percent of alcohol by volume but not more than fifteen percent of alcohol by volume.

NEW SUBSECTION. 28A. “*Mixed drink or cocktail*” means an alcoholic beverage, composed in whole or in part of alcoholic liquor, that is combined with other alcoholic beverages or nonalcoholic beverages or ingredients including but not limited to ice, water, soft drinks, or flavorings.

Sec. 2. Section 123.3, subsection 5, Code 2019, is amended to read as follows:

5. “*Alcoholic liquor*” means the varieties of liquor defined in subsections 3 and 44 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 48, ~~or~~ high alcoholic content beer as defined in subsection 20, or canned cocktails as defined in subsection 10A, and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the process described in subsection 48 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. NEW SECTION. 123.126A Canned cocktails — applicability.

Unless otherwise provided by this chapter, the provisions of this chapter applicable to beer shall also apply to canned cocktails.

Sec. 4. Section 123A.2, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. “*Canned cocktail*” means as defined in section 123.3.

Sec. 5. NEW SECTION. 123A.13 Canned cocktails — applicability of chapter.

The provisions of this chapter that apply to a brewer and wholesaler of beer shall apply to a manufacturer and wholesaler of canned cocktails.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 10, 2019

## CHAPTER 108

### CHILD LABOR PROHIBITIONS — EXCEPTIONS

S.F. 337

**AN ACT** providing for exceptions to the state child labor law.

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

Section 1. Section 92.17, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 6. A child from willfully volunteering as defined by 29 C.F.R. §553.101 for a charitable or public purpose. Section 92.8 applies to volunteering by a child pursuant to this subsection.

NEW SUBSECTION. 7. A child twelve years of age or older from being employed by a charitable organization or unit of state or local government as a referee for a sport program sponsored by that charitable organization or unit of state or local government or by an organization of referees sponsored by an organization recognized by the United States olympic committee under 36 U.S.C. §220522. Section 92.8 applies to employment of a child pursuant to this subsection.

NEW SUBSECTION. 8. A child under age sixteen from serving in the Iowa summer youth corps program in accordance with section 15H.5 or a child over fourteen years of age from serving in any other recognized program of the Iowa national service corps program in accordance with section 15H.9. Section 92.8 applies to service by a child pursuant to this subsection.

Approved May 10, 2019

## CHAPTER 109

### PUBLIC EMPLOYEE WHISTLEBLOWER PROTECTION

#### S.F. 502

**AN ACT** relating to disclosures of certain information, including reprisals with respect to employees of the state and a political subdivision of the state and providing information to employees concerning the office of ombudsman.

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

Section 1. Section 70A.28, subsections 2 and 5, Code 2019, are amended to read as follows:

2. A person shall not discharge an employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in a state employment system administered by, or subject to approval of, a state agency as a reprisal for a failure by that employee to inform the person that the employee made a disclosure of information permitted by this section, or for a disclosure of any information by that employee to a member or employee of the general assembly, a disclosure of information to the office of ombudsman, a disclosure of information to a person providing human resource management for the state, or a disclosure of information to any other public official or law enforcement agency if the employee, in good faith, reasonably believes the information evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. However, an employee may be required to inform the person that the employee made a disclosure of information permitted by this section if the employee represented that the disclosure was the official position of the employee's immediate supervisor or employer.

5. Subsection 2 may be enforced through a civil action.

a. A person who violates subsection 2 is liable to an aggrieved employee for affirmative relief including reinstatement, with or without back pay, ~~or civil damages in an amount not to exceed three times the annual wages and benefits received by the aggrieved employee prior to the violation of subsection 2, and~~ any other equitable relief the court deems appropriate, including attorney fees and costs.

b. When a person commits, is committing, or proposes to commit an act in violation of subsection 2, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee, ~~or the attorney general,~~ or a person providing human resource management for the state.

Sec. 2. Section 70A.29, subsection 1, Code 2019, is amended to read as follows:

1. A person shall not discharge an employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in employment by a political subdivision of this state as a reprisal for a disclosure of any information by that employee to a member or employee of the general assembly, ~~or an official of that political subdivision,~~ a person providing human resource management for that political subdivision, or a state official, or for a disclosure of information to any other public official or law enforcement agency if the employee, in good faith, reasonably believes the information evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. This section does not apply if the disclosure of the information is prohibited by statute.

Sec. 3. Section 70A.29, subsection 3, Code 2019, is amended to read as follows:

3. Subsection 1 may be enforced through a civil action.

a. A person who violates subsection 1 is liable to an aggrieved employee for affirmative relief including reinstatement, with or without back pay, ~~or civil damages in an amount not to exceed three times the annual wages and benefits received by the aggrieved employee prior to the violation of subsection 1,~~ and any other equitable relief the court deems appropriate, including attorney fees and costs.

b. When a person commits, is committing, or proposes to commit an act in violation of subsection 1, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee, ~~or the county attorney,~~ or the person providing human resource management for the political subdivision.

Sec. 4. Section 70A.29, Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION.** 4. Each political subdivision of this state subject to the requirements of this section shall provide procedures for notifying new employees of the authority of the office of ombudsman to investigate complaints under chapter 2C and shall provide information to all employees of the political subdivision, including the toll-free telephone number of the ombudsman.

Approved May 10, 2019

## CHAPTER 110

### REGULATION OF LANDSCAPE ARCHITECTS

#### S.F. 505

**AN ACT** modifying provisions relating to the licensure of professional landscape architects.

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

Section 1. Section 544B.3, subsection 1, Code 2019, is amended to read as follows:

1. A landscape architectural examining board is created within the professional licensing and regulation bureau of the banking division of the department of commerce. The board consists of five members who are professional landscape architects and two members

who are not professional landscape architects and who shall represent the general public. Members shall be appointed by the governor, subject to confirmation by the senate. Four of the five professional member members shall be actively engaged in the practice of landscape architecture or the teaching of landscape architecture in an accredited college or university, and shall have been so engaged for five years preceding appointment, the last two of which shall have been in Iowa. One of the five professional members shall be actively engaged in the practice of landscape architecture or the teaching of landscape architecture in an accredited college or university, and may have been so engaged for fewer than five years preceding appointment but at least one year preceding appointment. Associations or societies composed of professional landscape architects may recommend the names of potential board members 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 landscape architects.

Sec. 2. Section 544B.5, Code 2019, is amended to read as follows:

**544B.5 Duties.**

The board shall enforce this chapter; and shall make rules for the examination of applicants for licensure, and, after public notice, shall conduct examinations of applicants for licensure. The board shall keep a record of its proceedings. The board shall adopt an official seal which shall be affixed to all certificates of licensure granted. The board may make other rules, not inconsistent with law, as necessary for the proper performance of its duties. The board shall maintain a roster showing the name, place of business, and residence, and the date and number of the certificate of licensure of every professional landscape architect in this state. 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 in implementing this chapter.

Sec. 3. Section 544B.8, subsection 1, Code 2019, is amended to read as follows:

~~1. The board shall conduct examinations of applicants for certificates of licensure as professional landscape architects at least once each year, or, if there are sufficient applications, at such additional times as the board may deem necessary. The examination shall determine the ability of the applicant to use and understand the theory and practice of landscape architecture and may be divided into such subjects as the board deems necessary. The board shall determine the annual cost of administering the examinations and shall set the fees accordingly. A person applying for a certificate of licensure as a professional landscape architect shall satisfactorily pass an examination in technical and professional subjects prescribed by the board. The board may adopt the uniform standardized examination and grading procedures of a national certification body recognized by the board. The examination may be conducted by representatives of the board. The identity of a person taking the examination shall be concealed until after the examination is graded. The fee for examination shall be based on the annual cost of administering the examinations. The public members of the board shall be allowed to participate in administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.~~

Sec. 4. Section 544B.9, subsection 1, unnumbered paragraph 1, Code 2019, is amended to read as follows:

Any person may apply for a certificate of licensure or may apply to take an examination for such certification. Applications for licensure shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detail summary of the applicant's pertinent practical landscape architectural work and experience. The board shall not require that a recent photograph of the applicant be attached to the application form. An applicant shall not be ineligible for licensure because of age, citizenship, sex, race, religion, marital status, or national origin on the basis of membership in any protected class under chapter 216. The board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of landscape architecture. Character references may be required but shall not be obtained from



professional landscape architects. ~~An application for examination shall be accompanied by an examination fee in the amount determined by the board.~~ Each applicant for licensure as a professional landscape architect shall meet one of the following requirements:

Sec. 5. Section 544B.10, Code 2019, is amended to read as follows:

**544B.10 Foreign licensees.**

Any applicant who holds a license or certificate to practice landscape architecture issued to the applicant upon examination by a national certification body recognized by the board as prescribed by rule, or by a board of examiners in any other state, territory, or possession of the United States, the District of Columbia, or of any foreign country, if the requirements for such license or certificate were, at the time it was issued, in the opinion of the board, equal to or higher than the requirements of this state, may be licensed without further examination.

Sec. 6. Section 544B.11, Code 2019, is amended to read as follows:

**544B.11 Licensure.**

When an applicant has complied with the application requirements of this chapter and has passed the examination ~~to the satisfaction of a majority of the licensed members of~~ prescribed by the board, or is a foreign registrant and has qualified for licensure under this chapter, and has paid the required licensure fee, the secretary shall enroll the applicant's name and address in the roster of professional landscape architects and issue to the applicant a certificate of licensure, ~~signed by the officers of the board.~~

Sec. 7. Section 544B.12, Code 2019, is amended to read as follows:

**544B.12 Seal.**

Every professional landscape architect shall have a seal, ~~approved by the board,~~ which shall contain the name of the landscape architect and the words "Professional Landscape Architect, State of Iowa", and such other words or figures as the board may deem necessary. All landscape architectural plans and specifications, prepared by such professional landscape architect or under the supervision of such professional landscape architect, shall be dated and bear the legible seal of such professional landscape architect. Nothing contained in this section shall be construed to permit the seal of a professional landscape architect to serve as a substitute for the seal of a licensed architect, a licensed professional engineer, or a licensed professional land surveyor whenever the seal of an architect, engineer, or land surveyor is required under the laws of this state.

Sec. 8. Section 544B.16, Code 2019, is amended to read as follows:

**544B.16 Procedure.**

A person may file ~~charges a complaint~~ with the board against a professional landscape architect or the board may initiate ~~charges a complaint.~~ The charges shall be in writing, sworn to if by a complainant other than the board, and filed with the board. Unless the ~~charges are~~ complaint is dismissed by the board as unfounded or trivial, the board may request the ~~department of inspections and appeals to conduct an investigation into the charges complaint.~~ The department of inspections and appeals shall report its findings to the board, and the board shall hold a hearing within sixty days after the date on which the ~~charges are~~ complaint is filed. The board shall fix the time and place for such hearing and shall cause a copy of the ~~charges complaint,~~ together with a notice of the time and place fixed for the hearing, to be served on the accused at least thirty days before the date fixed for the hearing. Where personal service cannot be effected, service may be effected by publication. At such hearing, the accused shall have the right to appear personally or by counsel, to cross-examine witnesses against the accused, and to produce evidence and witnesses in defense. After the hearing, the board may suspend or revoke the certificate of licensure. The board may restore the certificate of licensure to any person whose certificate of licensure has been revoked. Application for the restoration of a certificate of licensure shall be made in such manner, form, and content as the board may prescribe.

**CHAPTER 111****DISASTER EMERGENCY ASSISTANCE BY LICENSED ARCHITECTS AND  
PROFESSIONAL ENGINEERS — IMMUNITY***S.F. 570*

**AN ACT** providing for immunity from civil liability for licensed architects and professional engineers providing disaster emergency assistance under specified circumstances and including effective date provisions.

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

Section 1. NEW SECTION. **29C.20C Immunity — licensed architects and professional engineers.**

An architect licensed pursuant to chapter 544A or a professional engineer licensed pursuant to chapter 542B who, during a disaster emergency as proclaimed by the governor or a major disaster as declared by the president of the United States, in good faith and at the request of or with the approval of a national, state, or local public official, law enforcement official, public safety official, or building inspection official believed by the licensed architect or professional engineer to be acting in an official capacity, voluntarily and without compensation provides architectural, engineering, structural, electrical, mechanical, or other design professional services related to the disaster emergency<sup>1</sup> shall not be liable for civil damages for any acts or omissions resulting from the services provided, unless such acts or omissions constitute recklessness or willful and wanton misconduct. A licensed architect or professional engineer who receives expense reimbursement for the performance of services described in this section shall not be considered to have received compensation for such services.

Sec. 2. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 10, 2019

**CHAPTER 112****CHILD SUPPORT — NONASSISTANCE — FEES***S.F. 605*

**AN ACT** relating to the application fee and annual fee imposed for nonassistance child support cases.

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

Section 1. Section 252B.4, Code 2019, is amended to read as follows:

**252B.4 Nonassistance cases.**

1. The child support and paternity determination services established by the department pursuant to this chapter and other appropriate services provided by law including but not limited to the provisions of chapters 239B, 252A, 252C, 252D, 252E, 252F, 598, and 600B shall be made available by the unit to an individual not otherwise eligible as a public assistance recipient upon application by the individual for the services or upon referral as described in subsection 5 4. The application shall be filed with the department.

1. The director shall require an application fee of twenty-five dollars.

<sup>1</sup> See chapter 89, §8 herein

2. The director may collect a fee to cover the costs incurred by the department for service of process, genetic testing and court costs if the entity providing the service charges a fee for the services.

3. Fees collected pursuant to this section shall be considered repayment receipts, as defined in section 8.2, and shall be used for the purposes of the unit. The director or a designee shall keep an accurate record of the fees collected and expended.

4. ~~An application fee paid by a recipient of services pursuant to subsection 1 may be recovered by the unit from the person responsible for payment of support and if recovered shall be used to reimburse the recipient of services.~~

~~a. The fee shall be an automatic judgment against the person responsible to pay support.~~

~~b. This subsection shall serve as constructive notice that the fee is a debt due and owing, is an automatic judgment against the person responsible for support, and is assessed as the fee is paid by a recipient of services. The fee may be collected in addition to any support payments or support judgment ordered, and no further notice or hearing is required prior to collecting the fee.~~

~~c. Notwithstanding any provision to the contrary, the unit may collect the fee through any legal means by which support payments may be collected, including but not limited to income withholding under chapter 252D or income tax refund offsets, unless prohibited under federal law.~~

~~d. The unit is not required to file these judgments with the clerk of the district court, but shall maintain an accurate accounting of the fee assessed, the amount of the fee, and the recovery of the fee.~~

~~e. Support payments collected shall not be applied to the recovery of the fee until all other support obligations under the support order being enforced, which have accrued through the end of the current calendar month, have been paid or satisfied in full.~~

~~f. This subsection applies to fees that become due on or after July 1, 1992.~~

5. 4. The unit shall also provide child support and paternity determination services and shall respond as provided in federal law for an individual not otherwise eligible as a public assistance recipient if the unit receives a request from any of the following:

a. A child support agency.

b. A foreign country as defined in chapter 252K.

Sec. 2. Section 252B.5, subsection 13, paragraph a, Code 2019, is amended to read as follows:

~~a. Beginning October 1, 2007, implement the provision of the federal Deficit Reduction Act of 2005, Pub. L. No. 109-171, §7310, requiring an annual collections fee of twenty-five dollars in child support cases in which the family has never received assistance under Tit. IV-A of the federal Social Security Act for whom the unit has disbursed at least five hundred dollars. When the first five hundred dollars in support is disbursed in each federal fiscal year for a family, the fee shall be collected from the obligee by retaining twenty-five dollars from disbursements to the obligee. If five hundred dollars but less than five hundred twenty-five dollars is disbursed in any federal fiscal year, any unpaid portion of the annual fee shall not accumulate and is not due. Impose an annual fee, which shall be retained from support collected on behalf of the obligee, in accordance with 42 U.S.C. §654(6)(B)(ii). The unit shall send information regarding the requirements of this subsection by regular mail to the last known address of an affected obligee, or may include the information for an obligee in an application for services signed by the obligee. In addition, the unit shall take steps necessary regarding the fee to qualify for federal funds in conformity with the provisions of Tit. IV-D of the federal Social Security Act, including receiving and accounting for fee payments, as appropriate, through the collection services center created in section 252B.13A.~~

Sec. 3. Section 252H.5, subsections 1 and 4, Code 2019, are amended to read as follows:

1. ~~A Unless the unit is already providing support enforcement service pursuant to chapter 252B, a parent ordered to provide support, who requests a review of a support order under subchapter II, shall file an application for services and pay an application fee pursuant to section 252B.4.~~

4. The unit shall, consistent with applicable federal law, recover administrative costs in excess of any fees collected pursuant to subsections 1, 2, and 3 for providing services under this chapter and shall adopt rules providing for collection of fees for administrative costs.

Sec. 4. ADMINISTRATIVE RULES — TRANSITION. Until such time as the department of human services adopts administrative rules pursuant to chapter 17A as necessary to administer this Act, the child support recovery unit may accept applications for child support services in accordance with chapter 252B, as amended in this Act.

Approved May 10, 2019

## CHAPTER 113

### ALCOHOLIC BEVERAGE REGULATION AND CONTROL

S.F. 618

**AN ACT** relating to alcoholic beverage control and matters under the purview of the alcoholic beverages division of the department of commerce and including effective date provisions.

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

#### DIVISION I

#### ALCOHOLIC BEVERAGE CONTROL

Section 1. Section 123.3, subsections 5, 6, 7, 20, 26, 34, and 48, Code 2019, are amended to read as follows:

5. “*Alcoholic liquor*” means the varieties of liquor defined in subsections 3 and 44 which contain more than ~~five~~ ~~six~~ and twenty-five hundredths percent of alcohol by ~~weight~~ ~~volume~~, 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 48 or high alcoholic content beer as defined in subsection 20, and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the process described in subsection 48 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*”.

6. “*Application*” means a written request for the issuance of a permit, ~~or~~ license, ~~or~~ certificate that is supported by a verified statement of facts and submitted electronically, or in a manner prescribed by the administrator.

7. “*Beer*” means any liquid capable of being used for beverage purposes made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains or made by the fermentation of or by distillation of the fermented products of fruit, fruit extracts, or other agricultural products, containing more than one-half of one percent of alcohol by volume but not more than ~~five percent of alcohol by weight~~ or six and twenty-five hundredths percent of alcohol by volume ~~but not including mixed drinks or cocktails mixed on the premises.~~

20. “*High alcoholic content beer*” means beer which contains more than ~~five percent of alcohol by weight~~ or six and twenty-five hundredths percent of alcohol by volume, but not more than ~~twelve percent of alcohol by weight~~ or fifteen percent of alcohol by volume, that is made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains. Not more than one and

five-tenths percent of the volume of a “*high alcoholic content beer*” may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol. The added flavors and other nonbeverage ingredients may not include added caffeine or other added stimulants including but not limited to guarana, ginseng, and taurine.

26. “*Licensed premises*” or “*premises*” means all rooms, enclosures, contiguous areas, or places susceptible of precise description satisfactory to the administrator where alcoholic beverages, wine, or beer is sold or consumed under authority of a liquor control license, wine permit, or beer permit. A single licensed premises may consist of multiple rooms, enclosures, areas, or places if they are wholly within the confines of a single building or contiguous grounds, ~~or areas or places susceptible of precise description satisfactory to the administrator.~~

34. “*Person*” means any individual, association, or partnership, any corporation, limited liability company, or other similar legal entity, any club, hotel or motel, or any municipal corporation owning or operating a bona fide airport, marina, park, coliseum, auditorium, or recreational facility in or at which the sale of alcoholic liquor, wine, or beer is only an incidental part of the ownership or operation.

48. “*Wine*” means any beverage containing more than ~~five six and twenty-five hundredths~~ percent of alcohol by ~~weight~~ volume but not more than ~~seventeen percent of alcohol by weight or~~ twenty-one and twenty-five hundredths percent of alcohol by volume obtained by the fermentation of the natural sugar contents of fruits or other agricultural products but excluding any product containing alcohol derived from malt or by the distillation process from grain, cereal, molasses, or cactus.

Sec. 2. Section 123.3, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 14A. “Completed application” means an application where all necessary fees have been paid in full, any required bonds have been submitted, the applicant has provided all information requested by the division, and the application meets the requirements of section 123.92, subsection 2, if applicable.

NEW SUBSECTION. 28A. “Mixed drink or cocktail” means an alcoholic beverage, composed in whole or in part of alcoholic liquor, that is combined with other alcoholic beverages or nonalcoholic beverages or ingredients including but not limited to ice, water, soft drinks, or flavorings.

NEW SUBSECTION. 28B. “Native brewery” means a business which manufactures beer or high alcoholic content beer and is operated by a person who holds a class “A” beer permit that authorizes the holder to manufacture and sell beer pursuant to this chapter.

NEW SUBSECTION. 36A. “Private place” means a location which, at the time alcoholic beverages are kept, dispensed, or consumed, meets all of the following criteria:

- a. The general public does not have access to the location and attendees are limited to bona fide social hosts and invited guests.
- b. The location is not of a commercial nature.
- c. Goods or services are neither sold nor purchased at the location.
- d. The location is not a licensed premises.
- e. Admission fees or other kinds of entrance fees, fare, ticket, donation or charges are not made or are required of the invited guests to enter the location.

Sec. 3. Section 123.10, subsection 13, Code 2019, is amended to read as follows:

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~~ 123.122, 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. 4. Section 123.10, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 14. Prescribing the uniform fee to be assessed against a class “B” beer permittee, class “C” native wine permittee, or liquor control licensee, except a class “E” liquor control licensee, to cover the administrative costs incurred by the division resulting

from the failure of the licensee or permittee to maintain dramshop liability insurance coverage pursuant to section 123.92, subsection 2, paragraph "a".

NEW SUBSECTION. 15. Prescribing the uniform fee, not to exceed one hundred dollars, to be assessed against a licensee or permittee for a contested case hearing conducted by the division or by an administrative law judge from the department of inspections and appeals which results in administrative action taken against the licensee or permittee by the division.

Sec. 5. Section 123.23, subsections 1 and 4, Code 2019, are amended to read as follows:

1. Any manufacturer, distiller, or importer of alcoholic liquors shipping, selling, or having alcoholic 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 completed 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.

4. Any violation of the requirements of this section, ~~except subsection 3, chapter or rules adopted pursuant to this chapter shall subject the violator holder of a distiller's certificate of compliance to the general penalties provided in this chapter and in addition to the general penalties, is shall constitute grounds for imposition of a civil penalty, suspension of the certificate, or revocation of the certificate of compliance, after notice and opportunity for a hearing before the administrator pursuant to section 123.39 and chapter 17A. Willful~~ However, willful failure to comply with requirements which may be imposed under subsection 3 is grounds for suspension or revocation of the certificate of compliance only.

Sec. 6. Section 123.24, subsection 1, Code 2019, is amended to read as follows:

1. The division shall sell alcoholic liquor at wholesale only. The division shall sell alcoholic liquor to class "E" liquor control licensees only. The division shall offer the same price on alcoholic liquor to all class "E" liquor control licensees without regard for the quantity of purchase or the distance for delivery. ~~However, the division may assess a split-case charge when liquor is sold in quantities which require a case to be split.~~

Sec. 7. Section 123.24, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The price of alcoholic liquor sold by the division shall consist of the following:

a. The manufacturer's price.

b. A markup of up to fifty percent of the wholesale price paid by the division for the alcoholic liquor. The division may increase the markup on selected kinds of alcoholic liquor sold by the division if the average return to the division on all sales of alcoholic liquor does not exceed the wholesale price paid by the division and the fifty percent markup.

c. A split case charge in an amount determined by the division when alcoholic liquor is sold in quantities which require a case to be split.

d. A bottle surcharge in an amount sufficient, when added to the amount not refunded to class "E" liquor control licensees pursuant to section 455C.2, to pay the costs incurred by the division for collecting and properly disposing of the liquor containers. The amount collected pursuant to this paragraph, in addition to any amounts not refunded to class "E" liquor control licensees pursuant to section 455C.2, shall be deposited in the beer and liquor control fund established under section 123.17.

Sec. 8. Section 123.24, subsections 4 and 5, Code 2019, are amended by striking the subsections.

Sec. 9. Section 123.27, subsection 3, Code 2019, is amended by striking the subsection.

Sec. 10. Section 123.28, subsection 2, Code 2019, is 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", class "B", class "C", class "C" native distilled spirits, or class "D" liquor control licensees, and class "A", class "B", class "C", class "C" native distilled spirits, or class "D" liquor control licensees may transport alcoholic liquor purchased from class "E" liquor control licensees.

Sec. 11. Section 123.30, subsection 2, Code 2019, is amended to read as follows:

2. A liquor control license shall not be issued for premises which do not constitute a safe and proper place or building and which do not conform to all applicable laws, ordinances, resolutions, and health and fire regulations. A licensee shall not have or maintain any interior access to residential or sleeping quarters unless permission is granted by the administrator in the form of a living quarters permit.

Sec. 12. Section 123.30, subsection 4, Code 2019, 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 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 the~~ person's licensed premises into another immediately adjacent licensed premises, temporary that is covered by a license or permit that authorizes the consumption of wine, a temporarily closed public right-of-way, or a private property place.

Sec. 13. Section 123.30, subsection 5, Code 2019, is amended by striking the subsection.

Sec. 14. Section 123.31, subsection 3, Code 2019, is amended to read as follows:

3. The names and addresses of all persons or, in the case of a corporation, limited liability company, or any other similar legal entity, the officers, directors, and persons owning or controlling ten percent or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise, in the business.

Sec. 15. Section 123.32, subsections 1, 2, 3, and 6, Code 2019, are amended to read as follows:

1. *Filing of application.*

~~a. An~~ A completed application for a class "A", class "B", class "C", special class "C", class "C" native distilled spirits, or class "E" liquor control license as provided in section 123.31, 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 123.175, 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.

~~b. An~~ A completed application for a class "D" liquor control license and for a class "A" beer or class "A" wine permit, accompanied by the necessary fee and bond, if required, any of the following certificates, licenses, or permits 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.:

(1) A certificate of compliance as provided in sections 123.23, 123.135, and 123.180.

- (2) A class “D” liquor control license as provided in section 123.31.
- (3) A manufacturer’s license as provided in section 123.41.
- (4) A broker’s permit as provided in section 123.42.
- (5) A class “A” native distilled spirits license as provided in section 123.43.
- (6) A class “A” or special class “A” beer permit as provided in section 123.127.
- (7) A charity beer, spirits, and wine auction permit as provided in section 123.173A.
- (8) A class “A” wine permit as provided in section 123.175.
- (9) A wine direct shipper’s permit as provided in section 123.187.
- (10) A wine carrier permit as provided in section 123.188.

2. *Action by local authorities.* The local authority shall either approve or disapprove the issuance of a liquor control license, a retail wine permit, or a retail beer permit, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the division. There is no limit upon the number of liquor control licenses, retail wine permits, or retail beer permits which may be approved for issuance by local authorities.

3. *Licensed premises for local events.* A local authority may define, by motion of the local authority, licensed premises which shall be used by holders of liquor control licenses, beer permits, and wine permits at festivals, fairs, or celebrations which are sponsored or authorized by the local authority. The licensed premises defined by motion of the local authority shall be used by the holders of five-day or fourteen-day class “A”, class “B”, class “C”, special class “C”, or class “D” liquor control licenses, or five-day or fourteen-day class “B” or class “C” native wine permits, or class “B” beer permits only.

6. *Action by administrator.*

a. Upon receipt of an application having been disapproved by the local authority, the administrator shall notify the applicant that the applicant may appeal the disapproval of the application to the administrator. The applicant shall be notified by certified mail or personal service, and the application, the fee, and any bond shall be returned to the applicant.

b. Upon receipt of an application having been approved by the local authority, the division shall make an investigation as the administrator deems necessary to determine that the applicant complies with all requirements for holding a license or permit, and may require the applicant to appear to be examined under oath to demonstrate that the applicant complies with all of the requirements to hold a license or permit. If the administrator requires the applicant to appear and to testify under oath, a record shall be made of all testimony or evidence and the record shall become a part of the application. The administrator may appoint a member of the division or may request an administrative law judge of the department of inspections and appeals to receive the testimony under oath and evidence, and to issue a proposed decision to approve or disapprove the application for a license or permit. The administrator may affirm, reverse, or modify the proposed decision to approve or disapprove the application for the license or permit. If the application is approved by the administrator, the license or permit shall be issued. If the application is disapproved by the administrator, the applicant shall be so notified by certified mail or personal service and the appropriate local authority shall be notified electronically, or in a manner prescribed by the administrator.

Sec. 16. Section 123.34, Code 2019, is amended to read as follows:

**123.34 Expiration of licenses, and permits, and certificates of compliance — seasonal, five-day, and fourteen-day, and five-day licenses and permits — fees.**

1. Liquor control All licenses, wine permits, and beer permits, and certificates of compliance, unless sooner suspended or revoked, expire one year from date of issuance. The administrator shall notify a license, or permit, or certificate holder electronically, or in a manner prescribed by the administrator, sixty days prior to the expiration of each license, or permit, or certificate.

2. a. However, the The administrator may issue six-month or eight-month seasonal class “A”, class “B”, class “C”, special class “C”, and class “D” liquor control licenses, class “B” wine permits, class “B” or class “C” native 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.



~~b. 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. The fee for a six-month or eight-month seasonal license or permit issued pursuant to this subsection shall be for a proportionate part of the license or permit fee for that class of license or permit. However, the fee for a seasonal class "B" native wine permit shall be the permit fee provided in section 123.179, subsection 3, and the fee for a seasonal class "C" native wine permit shall be the permit fee provided in section 123.179, subsection 4.~~

~~2. 3. a. The administrator may issue fourteen-day class "A", class "B", class "C", special class "C", and class "D" liquor control licenses, and fourteen-day class "B" beer permits, class "B" native wine permits, and class "C" native wine permits.~~

~~b. A fourteen-day license or permit, if granted, is valid for fourteen consecutive days, but the holder shall not sell on the two Sundays in the fourteen-day period unless the holder qualifies for and obtains the privilege to sell on Sundays contained in section 123.36, subsection 6, and section 123.134, subsection 4.~~

~~3. c. (1) The fee for a fourteen-day liquor control license or beer permit is one quarter of the annual fee for that class of liquor control license or beer permit. The fee for the privilege to sell on the two Sundays in the fourteen-day period is twenty percent of the price of the fourteen-day liquor control license or beer permit.~~

~~(2) The fee for a fourteen-day class "B" native wine permit shall be the permit fee provided in section 123.179, subsection 3, and the fee for a fourteen-day class "C" native wine permit is the permit fee provided in section 123.179, subsection 4.~~

~~4. a. The administrator may issue five-day class "A", class "B", class "C", special class "C", and class "D" liquor control licenses, and five-day class "B" beer permits, class "B" native wine permits, and class "C" native wine permits.~~

~~b. A five-day license or permit is valid for five consecutive days, but the holder shall not sell alcoholic beverages on Sunday in the five-day period unless the holder qualifies for and obtains the privilege to sell on Sunday pursuant to sections section 123.36, subsection 6, and section 123.134, subsection 4.~~

~~5. c. (1) The fee for the five-day liquor control license or beer permit is one-eighth of the annual fee for that class of license or permit. The fee for the privilege to sell on a Sunday in the five-day period is ten percent of the price of the five-day liquor control license or beer permit.~~

~~(2) The fee for a five-day class "B" native wine permit shall be the permit fee provided in section 123.179, subsection 3, and the fee for a five-day class "C" native wine permit is the permit fee provided in section 123.179, subsection 4.~~

~~5. A refund of fees paid shall not be made for seasonal licenses or permits, or for fourteen-day or five-day liquor control licenses, native wine permits, or beer permits. In addition, a seasonal, fourteen-day, or five-day license or permit shall not be renewed.~~

Sec. 17. Section 123.36, subsection 5, paragraph c, Code 2019, is amended to read as follows:

c. For air common carriers, each company shall pay a base annual fee of five hundred dollars and, in addition, shall quarterly remit to the division an amount equal to seven dollars for each gallon of alcoholic liquor sold, given away, or dispensed in or over this state during the preceding calendar quarter. The class "D" license fee and tax for air common carriers is in lieu of any other fee or tax collected from the carriers in this state for the possession and sale of alcoholic liquor, wine, and beer.

Sec. 18. Section 123.36, subsection 6, Code 2019, is amended to read as follows:

6. Any club, hotel, motel, native distillery, passenger-carrying boat or ship, railway corporation, air common carrier, 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 beverages as authorized by section 123.30 to patrons 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. 19. Section 123.36, subsection 10, Code 2019, is amended to read as follows:

10. There is imposed a surcharge on the fee for each class "A", class "B", class "C", class "C" native distilled spirits, or special class "C" liquor control license equal to thirty percent of the scheduled license fee. The surcharges collected under this subsection shall be deposited in the beer and liquor control fund, and notwithstanding subsection 8, no portion of the surcharges collected under this subsection shall be remitted to the local authority.

Sec. 20. **NEW SECTION. 123.38A Confidential investigative records.**

In order to assure a free flow of information for accomplishing the purposes of section 123.4 and section 123.9, subsection 6, all complaint information, investigation files, audit files, and inspection files, other investigation reports, and other investigative information in the possession of the division or employees acting under the authority of the administrator are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release before administrative or criminal charges are filed. However, investigative information in the possession of division employees may be disclosed to the licensing authorities of a city or county within this state, in another state, the District of Columbia, or territory or county in which the licensee or permittee is licensed or permitted or has applied for a license or permit. In addition, the investigative information can be shared with any law enforcement agency or other state agency that also has investigative, regulatory, or enforcement jurisdiction authorized by law. Records received by the division from other agencies which would be confidential if created by the division are considered confidential.

Sec. 21. Section 123.39, subsection 1, Code 2019, is amended to read as follows:

1. a. (1) The administrator or the local authority may suspend a license or permit issued pursuant to this chapter class "A", class "B", class "C", special class "C", class "C" native distilled spirits, or class "E" liquor control license or retail wine or beer permit for a period not to exceed one year, revoke the license or permit, or impose a civil penalty not to exceed one thousand dollars per violation. Before suspension, revocation, or imposition of a civil penalty, the license or permit holder shall be given written notice and an opportunity for a hearing. The administrator may appoint a member of the division or may request an administrative law judge from the department of inspections and appeals to conduct the hearing and issue a proposed decision. Upon the motion of a party to the hearing or upon the administrator's own motion, the administrator may review the proposed decision in accordance with chapter 17A. Upon review of the proposed decision, the administrator may affirm, reverse, or modify the proposed decision. A licensee or permittee aggrieved by a decision of the administrator may seek judicial review of the administrator's decision in accordance with chapter 17A.

(2) The administrator may suspend a certificate of compliance, a class "D" liquor control license, a manufacturer's license, a broker's permit, a class "A" native distilled spirits license, a class "A" or special class "A" beer permit, a charity beer, spirits, and wine auction permit, a class "A" wine permit, a wine direct shipper's permit, or a wine carrier permit for a period not to exceed one year, revoke the license, permit, or certificate, or impose a civil penalty not to exceed one thousand dollars per violation.

b. A license, or permit, or certificate of compliance issued under this chapter may be suspended or revoked, or a civil penalty may be imposed on the license or permit holder by the local authority or the administrator for any of the following causes:

(1) Misrepresentation of any material fact in the application for the license, or permit, or certificate.

(2) Violation of any of the provisions of this chapter.

(3) Any change in the ownership or interest in the business operated under a liquor control license, or any wine or beer permit, which change was not previously reported in a manner prescribed by the administrator within thirty days of the change and subsequently approved by the local authority, when applicable, and the division.

(4) An event which would have resulted in disqualification from receiving the license, ~~or permit, or certificate~~ when originally issued.

(5) Any sale, hypothecation, or transfer of the license, ~~or permit, or certificate~~.

(6) The failure or refusal on the part of any ~~licensee or permittee~~ license, permit, or certificate holder to render any report or remit any taxes to the division under this chapter when due.

c. A criminal conviction is not a prerequisite to suspension, revocation, or imposition of a civil penalty pursuant to this section.

d. A local authority which acts pursuant to this section, section 123.32, or section 123.50 shall notify the division in writing of the action taken, and shall notify the ~~licensee~~ license or permit holder of the right to appeal a suspension, revocation, or imposition of a civil penalty to the division.

e. Before suspension, revocation, or imposition of a civil penalty by the administrator, the license, permit, or certificate holder shall be given written notice and an opportunity for a hearing. The administrator may appoint a member of the division or may request an administrative law judge from the department of inspections and appeals to conduct the hearing and issue a proposed decision. Upon the motion of a party to the hearing or upon the administrator's own motion, the administrator may review the proposed decision in accordance with chapter 17A. Upon review of the proposed decision, the administrator may affirm, reverse, or modify the proposed decision. A license, permit, or certificate holder aggrieved by a decision of the administrator may seek judicial review of the administrator's decision in accordance with chapter 17A.

f. 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~~ credited to the general fund of the state pursuant to section 123.17, subsection 7.

Sec. 22. Section 123.39, subsection 4, Code 2019, is amended to read as follows:

4. If the cause for suspension is a first offense violation of section 123.49, subsection 2, paragraph "h", the administrator or local authority shall impose a civil penalty in the amount of five hundred dollars in lieu of suspension of the license or permit. ~~Local authorities shall retain civil penalties collected under this paragraph if the proceeding to impose the penalty is conducted by the local authority. The division shall retain civil penalties collected under this paragraph if the proceeding to impose the penalty is conducted by the administrator of the division.~~

Sec. 23. Section 123.41, subsection 1, Code 2019, is amended to read as follows:

1. Each completed application to obtain or renew a manufacturer's license shall be submitted to the division electronically, or in a manner prescribed by the administrator, and shall be accompanied by a fee of three hundred fifty dollars payable to the division. The administrator may in accordance with this chapter grant and issue to a manufacturer a manufacturer's license, valid for a one-year period after date of issuance, which shall allow the manufacture, storage, and wholesale disposition and sale of alcoholic liquors to the division and to customers outside of the state.

Sec. 24. Section 123.41, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. A person who holds a manufacturer's license shall file with the division, on or before the fifteenth day of each calendar month, all documents filed by the manufacturer with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all production, storage, and processing reports.

Sec. 25. Section 123.41, subsection 4, Code 2019, is amended to read as follows:

4. A Any violation of the requirements of this section chapter or rules adopted pursuant to this chapter shall subject the licensee license holder to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty, or suspension of the license, or revocation of the license after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A.

Sec. 26. Section 123.42, subsection 1, Code 2019, is amended to read as follows:

1. Prior to representing or promoting alcoholic liquor products in the state, the broker shall submit ~~an~~ a completed 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.

Sec. 27. Section 123.42, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Any violation of the requirements of this chapter or the rules adopted pursuant to this chapter shall subject the permit holder to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty, suspension of the permit, or revocation of the permit after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A.

Sec. 28. Section 123.43, subsection 1, paragraph b, Code 2019, is amended to read as follows:

b. The names and addresses of all persons or, in the case of a corporation, limited liability company, or any other similar legal entity, the officers, directors, and persons owning or controlling ten percent or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise, in the business.

Sec. 29. Section 123.43A, subsection 5, Code 2019, is amended to read as follows:

~~5. The division shall issue no more than three class "A" native distilled spirits licenses to a person. In addition, a~~ A native distillery issued a class "A" native distilled spirits license shall file with the division, on or before the fifteenth day of each calendar month, all documents filed by the native distillery with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all production, storage, and processing reports.

Sec. 30. Section 123.49, subsection 2, unnumbered paragraph 1, Code 2019, is amended to read as follows:

~~A person or club~~ holding a liquor control license or retail wine or beer permit under this chapter, and the person's ~~or club's~~ agents or employees, shall not do any of the following:

Sec. 31. Section 123.49, subsection 2, paragraph g, Code 2019, is amended to read as follows:

g. Allow any person other than the licensee, permittee, or employees of the licensee or permittee, to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as permitted in section 123.95. This paragraph does not apply to the lodging quarters of a class "B" liquor control licensee or wine or beer permittee, or to ~~common carriers holding~~ holders of a class "D" liquor control license.

Sec. 32. Section 123.50, subsections 2 and 4, Code 2019, are amended to read as follows:

2. The conviction of any liquor control licensee or wine 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 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. However, the division shall retain only that portion of the bond equal to the amount the division determines the license or permit holder owes the division.

4. In addition to any other penalties imposed under this chapter, the division shall assess a civil penalty up to the amount of five thousand dollars upon a class "E" liquor control licensee when the class "E" liquor license is revoked for a violation of section 123.59. Failure to pay the civil penalty as required under this subsection shall result in forfeiture of the bond to the

division. However, the division shall retain only that portion of the bond equal to the amount the division determines the license or permit holder owes the division.

Sec. 33. Section 123.56, subsection 1, Code 2019, is amended to read as follows:

1. Subject to rules of the division, manufacturers of native wines from grapes, cherries, other fruits or other fruit juices, vegetables, vegetable juices, dandelions, clover, honey, or any combination of these ingredients, holding a class "A" wine permit as required by this chapter, may sell, keep, or offer for sale and deliver the wine. Notwithstanding section 123.24, subsection 4 1A, paragraph "b", or any other provision of this chapter, manufacturers of native wine may obtain and possess grape brandy from the division for the sole purpose of manufacturing wine.

Sec. 34. Section 123.56, subsection 4, Code 2019, is amended to read as follows:

4. ~~Notwithstanding section 123.179, subsection 1, a~~ A class "A" wine permit issued for a native wine manufacturer shall be issued and renewed annually upon payment of a fee of ~~twenty-five dollars which shall be in lieu of any other license fee required by this chapter.~~ The class "A" permit shall only allow the native wine manufacturer to sell, keep, or offer for sale and deliver the manufacturer's native wines as provided under this section.

Sec. 35. Section 123.56, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. A manufacturer of native wines shall file with the division, on or before the fifteenth day of each calendar month, all documents filed with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all wine premises operations and excise tax return reports.

Sec. 36. Section 123.95, subsections 1 and 2, Code 2019, are amended to read as follows:

1. A person shall not allow the dispensing or consumption of alcoholic liquor, except wines and beer, in any establishment unless the establishment is licensed under this chapter or except as otherwise provided in this section.

2. a. The holder of an annual class "B" liquor control license or an annual class "C" liquor control license may act as the agent of a private social host for the purpose of providing and serving alcoholic liquor, wine, and beer beverages as part of a food catering service for a private social gathering in a private place, provided the licensee has applied for and been granted a catering privilege by the division. The holder of an annual special class "C" liquor control license shall not act as the agent of a private social host for the purpose of providing and serving wine and beer as part of a food catering service for a private social gathering in a private place. An applicant for a class "B" or class "C" liquor control license shall state on the application for the license that the licensee intends to engage in catering food and alcoholic beverages for private social gatherings and the catering privilege shall be noted on the license.

b. The private social host or the licensee shall not solicit ~~donations in payment of any kind, including donations,~~ for the food or alcoholic beverages from the guests, and the alcoholic beverages and food shall be served without cost to the guests.

c. Section 123.92 does not apply to a liquor control licensee who acts in accordance with this section when the liquor control licensee is providing and serving food and alcoholic beverages as an agent of a private social host at a private social gathering in a private place which is not on the licensed premises.

2. An applicant for a class "B" liquor control license or class "C" liquor control license shall state on the application for the license that the licensee intends to engage in catering food and alcoholic beverages for private social gatherings and the catering privilege shall be noted on the license or permit.

d. A licensee who engages in catering food and alcoholic beverages for private social gatherings shall maintain a record on the licensed premises which includes the name and address of the host of the private social gathering, and the date for which catering was provided. The record maintained pursuant to this section shall be open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the licensee.

Sec. 37. Section 123.122, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

**123.122 Beer certificate, permit, or license required — exception for personal use.**

1. A person shall not cause the manufacture, importation, or sale of beer in this state unless a certificate or permit as provided in this subchapter, or a liquor control license as provided in subchapter 1 of this chapter, is first obtained which authorizes that manufacture, importation, or sale.

2. Any person of legal age may manufacture beer for personal use without a class “A” beer permit, subject to the requirements of this subsection. Such beer may be consumed on the premises or removed from the premises where it was manufactured 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.

3. Except as otherwise provided in this chapter, a person shall not import beer. However, an individual of legal age may import beer 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. 38. Section 123.127, subsection 1, unnumbered paragraph 1, Code 2019, is amended to read as follows:

A person applying for a class “A” or special class “A” beer permit shall submit ~~an~~ a completed application electronically, or in a manner prescribed by the administrator, which shall set forth under oath the following:

Sec. 39. Section 123.127, subsection 1, paragraph b, Code 2019, is amended to read as follows:

b. The names and addresses of all persons or, in the case of a corporation, limited liability company, or any other similar legal entity, the officers, directors, and persons owning or controlling ten percent or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise, in the business.

Sec. 40. Section 123.130, subsection 1, Code 2019, is amended to read as follows:

1. a. Any person holding a class “A” beer permit issued by the division shall be authorized to manufacture and sell, or sell at wholesale, beer for consumption off the premises, such sales within the state to be made only to persons holding subsisting class “A”, “B”, or “C” beer permits, both a class “C” native wine permit and a class “A” wine permit pursuant to section 123.178B, subsection 4, or liquor control licenses issued in accordance with the provisions of this chapter.

b. A person holding a class “A” beer permit may sell beer to distributors outside of the state that are authorized by the laws of that jurisdiction to sell beer at wholesale.

c. A class “A” or special class “A” beer permit does not grant authority to manufacture wine as defined in section 123.3, subsection 48.

Sec. 41. Section 123.130, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Pursuant to section 123.45, subsection 2, a native brewery may be granted not more than one class “B” beer permit as defined in section 123.124 for the purpose of selling beer at retail for consumption on or off the premises of the manufacturing facility.

Sec. 42. Section 123.130, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A manufacturer of beer issued a class “A” or special class “A” beer permit shall file with the division, on or before the fifteenth day of each calendar month,

all documents filed with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all brewer's operation and excise tax return reports.

Sec. 43. Section 123.131, subsection 2, unnumbered paragraph 1, Code 2019, 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 covered by a license or permit that authorizes the consumption of beer, temporarily temporarily~~ closed public right-of-way, or a private ~~property place~~, or if all of the following requirements are met:

Sec. 44. Section 123.135, subsection 1, Code 2019, is amended to read as follows:

1. A manufacturer, brewer, bottler, importer, or vendor of beer, or any agent thereof, desiring to ship or sell beer, or have beer brought into this state for resale by a class "A" beer permittee, shall first make application for and be issued a brewer's certificate of compliance by the administrator for that purpose. The certificate of compliance expires 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 revoked for cause. Each ~~completed~~ application for a certificate of compliance or renewal of a certificate shall be submitted electronically, or in a manner prescribed by the administrator, and shall be accompanied by a fee of five hundred dollars payable to the division. Each holder of a certificate of compliance shall furnish the information in a manner the administrator requires.

Sec. 45. Section 123.135, subsection 5, Code 2019, is amended by striking the subsection and inserting in lieu thereof the following:

5. Any violation of the requirements of this chapter or the rules adopted pursuant to this chapter shall subject the holder of a brewer's certificate of compliance or a class "A" beer permit holder to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty, suspension of the certificate or permit, or revocation of the certificate or permit after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A.

Sec. 46. Section 123.136, subsection 1, Code 2019, is amended to read as follows:

1. In addition to the annual permit fee to be paid by all class "A" beer permittees under this chapter there shall be levied and collected from the permittees on all beer manufactured for sale or sold in this state at wholesale and on all beer imported into this state for sale at wholesale and sold in this state at wholesale, and from special class "A" beer permittees on all beer manufactured for consumption on the premises and on all beer sold at retail at the manufacturing premises for consumption off the premises pursuant to section 123.130, subsection 3, a tax of five and eighty-nine hundredths dollars for every barrel containing thirty-one gallons, and at a like rate for any other quantity or for the fractional part of a barrel. However, no tax shall be levied or collected on beer shipped outside this state by a class "A" beer permittee ~~or special class "A" beer permittee or on beer sold to a class "A" beer permittee~~ by ~~one a special~~ class "A" beer permittee ~~to or~~ another class "A" beer permittee.

Sec. 47. Section 123.143, subsection 3, Code 2019, is amended to read as follows:

3. Barrel tax revenues collected on beer manufactured in this state from a class "A" beer permittee which owns and operates a ~~native~~ brewery ~~located in Iowa~~ shall be credited to the barrel tax fund hereby created in the office of the treasurer of state. Moneys deposited in the barrel tax fund shall not revert to the general fund of the state without a specific appropriation by the general assembly. Moneys in the barrel tax fund are appropriated to the economic development authority for purposes of section 15E.117.

Sec. 48. Section 123.173A, subsection 2, Code 2019, is amended to read as follows:

2. An authorized nonprofit entity may, upon application to the division and receipt of a charity beer, spirits, and wine auction permit from the division, conduct a charity auction which includes beer, spirits, and wine. The ~~completed~~ application shall specify the date and time when the charity beer, spirits, and wine auction is to be conducted and the premises in

this state where the charity beer, spirits, and wine auction is to be physically conducted. The applicant shall certify that the objective of the charity beer, spirits, and wine auction is to raise funds solely to be used for educational, religious, or charitable purposes and that the entire proceeds from the charity beer, spirits, and wine auction are to be expended for any of the purposes described in section 423.3, subsection 78.

Sec. 49. Section 123.173A, Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION.** 8. Any violation of the requirements of this chapter or the rules adopted pursuant to this chapter shall subject the permit holder to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty, suspension of the permit, or revocation of the permit after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A.

Sec. 50. Section 123.175, subsection 1, unnumbered paragraph 1, Code 2019, is amended to read as follows:

A person applying for a class “A” or retail wine permit shall submit an a completed application electronically, or in a manner prescribed by the administrator, which shall set forth under oath the following:

Sec. 51. Section 123.175, subsection 1, paragraph b, Code 2019, is amended to read as follows:

b. The names and addresses of all persons or, in the case of a corporation, limited liability company, or any other similar legal entity, the officers, directors, and persons owning or controlling ten percent or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise, in the business.

Sec. 52. Section 123.177, subsection 1, Code 2019, 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 person holding a class “A” wine permit may sell wine to distributors outside of the state that are authorized by the laws of that jurisdiction to sell wine at wholesale. 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. 53. Section 123.179, subsection 1, Code 2019, is amended to read as follows:

1. The annual permit fee for a class “A” wine permit that is not issued to a native wine manufacturer is seven hundred fifty dollars.

Sec. 54. Section 123.179, Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION.** 1A. The annual permit fee for a class “A” wine permit issued to a native wine manufacturer is twenty-five dollars.

Sec. 55. Section 123.180, subsection 1, Code 2019, is amended to read as follows:

1. A manufacturer, vintner, bottler, importer, or vendor of wine, or an agent thereof, desiring to ship, sell, or have wine brought into this state for sale at wholesale by a class “A” permittee shall first make application for and shall be issued a vintner’s certificate of compliance by the administrator for that purpose. The vintner’s 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 revoked for cause. Each completed application for a vintner’s certificate of compliance or renewal of a certificate shall be submitted electronically, or in a manner prescribed by the administrator, and shall be accompanied by a fee of one hundred dollars payable to the division. Each holder of a vintner’s certificate of compliance shall furnish the information required by the administrator in the form the administrator requires. A vintner or wine bottler whose plant is located in



Iowa and who otherwise holds a class “A” wine permit to sell wine at wholesale is exempt from the fee, but not the other terms and conditions. The holder of a vintner’s certificate of compliance may also hold a class “A” wine permit.

Sec. 56. Section 123.180, subsection 6, Code 2019, is amended by striking the subsection and inserting in lieu thereof the following:

6. Any violation of the requirements of this chapter or the rules adopted pursuant to this chapter shall subject the holder of a vintner’s certificate of compliance or a class “A” wine permit holder to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty, suspension of the certificate or permit, or revocation of the certificate or permit after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A.

Sec. 57. Section 123.183, subsection 1, Code 2019, is amended to read as follows:

1. In addition to the annual permit fee to be paid by each class “A” wine permittee, a wine gallonage tax shall be levied and collected from each class “A” wine permittee on all wine manufactured for sale and sold in this state at wholesale and on all wine imported into this state for sale at wholesale and sold in this state at wholesale. A wine gallonage tax shall also be levied and collected on the direct shipment of wine pursuant to section 123.187. The rate of the wine gallonage tax is one dollar and seventy-five cents for each wine gallon. The same rate shall apply for the fractional parts of a wine gallon. The wine gallonage tax shall not be levied or collected on wine sold by one class “A” wine permittee to another class “A” wine permittee or on wine that is sold by a class “A” wine permittee to a distributor outside of the state.

Sec. 58. Section 123.186, subsection 1, Code 2019, is amended to read as follows:

1. The division shall adopt as rules the substance of the federal regulations 27 C.F.R. pt. 6, 27 C.F.R. pt. 8, 27 C.F.R. pt. 10, and 27 C.F.R. pt. 11 ~~as they relate to transactions between wholesalers and retailers.~~

Sec. 59. Section 123.187, subsection 3, paragraph d, Code 2019, is amended to read as follows:

d. All containers of wine shipped directly to a resident of this state shall be shipped by a holder of a wine carrier permit as provided in ~~subsection 6~~ section 123.188.

Sec. 60. Section 123.187, subsection 6, Code 2019, is amended by striking the subsection.

Sec. 61. **NEW SECTION. 123.188 Wine carrier — permit and requirements.**

1. A person desiring to deliver wine subject to direct shipment within this state pursuant to section 123.187 shall submit an application for a wine carrier permit electronically, or in a manner prescribed by the administrator, and shall be accompanied by a fee in the amount of one hundred dollars.

2. The administrator may in accordance with this chapter issue a wine carrier 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.

3. A permit issued pursuant to this section may be renewed annually by submitting a renewal application with the administrator in a manner prescribed by the administrator, accompanied by the one hundred dollar permit fee.

4. The delivery of wine pursuant to this section shall be subject to the following requirements and restrictions:

a. A wine carrier 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.

b. A wine carrier 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.

c. A wine carrier permittee shall maintain records of wine shipped which include the 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.

5. A violation of this section shall subject the 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 permit pursuant to section 123.39.

Sec. 62. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfer:

Section 123.56 to section 123.176.

2. The Code editor is directed to correct internal references in the Code as necessary due to enactment of this section.

Sec. 63. REPEAL. Sections 123.144 and 123.146, Code 2019, are repealed.

## DIVISION II ALCOHOLIC BEVERAGE DELIVERIES

Sec. 64. Section 123.46A, subsection 1, Code 2019, is amended to read as follows:

1. Licensees and permittees authorized to sell alcoholic liquor, wine, or beer in original unopened containers for consumption off the licensed premises may deliver alcoholic liquor, wine, or beer to a home, another licensed premises if there is identical ownership of the premises by the licensee or permittee, or other designated location in this state. Deliveries shall be limited to alcoholic beverages authorized by the licensee's or permittee's license or permit.

Sec. 65. Section 123.46A, subsection 2, paragraph a, Code 2019, is amended to read as follows:

a. Payment for the alcoholic liquor, wine, or beer shall be received on the licensed premises by the licensee or permittee at the time of order.

Sec. 66. Section 123.46A, subsection 2, Code 2019, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0b.* Orders for deliveries may be taken by the licensee or permittee between the hours of 2:00 a.m. and 6:00 a.m. on a day other than Sunday, and orders for deliveries may be taken between the hours of 2:00 a.m. and 8:00 a.m. on a Sunday provided the licensee or permittee has been granted the privilege of selling alcoholic liquor, wine, or beer on Sunday, notwithstanding any provision of section 123.49, subsection 2, paragraph "b", to the contrary.

NEW PARAGRAPH. *k.* Orders delivered to another licensed premises shall contain only those alcoholic beverages authorized for sale by the liquor control license or retail wine or beer permit covering the premises to receive the delivery.

NEW PARAGRAPH. *l.* Orders delivered to another licensed premises shall be fulfilled using the alcoholic beverages inventory owned by the licensee or permittee who received the order for delivery. If the recipient refuses or fails to pick up the delivery, or is ineligible to receive the delivery, the alcoholic beverages shall be returned to the licensee or permittee who fulfilled the order.

Sec. 67. Section 123.49, subsection 2, paragraph d, subparagraph (1), Code 2019, is amended to read as follows:

(1) Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the division, and except mixed drinks or cocktails mixed on the premises for immediate consumption on the licensed premises or as otherwise provided by this paragraph "d". This prohibition does not apply to ~~common carriers holding~~ holders of a class "D" liquor control license or to alcoholic liquor delivered in accordance with section 123.46A.

Sec. 68. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 10, 2019

## CHAPTER 114

### LASCIVIOUS CONDUCT WITH A MINOR

H.F. 224

**AN ACT** relating to the criminal offense of lascivious conduct with a minor, and providing penalties.

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

Section 1. Section 709.14, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

**709.14 Lascivious conduct with a minor.**

1. *a.* It is unlawful for a person eighteen years of age or older who is in a position of authority over a minor to force, persuade, or coerce that minor, with or without consent, to disrobe or partially disrobe for the purpose of arousing or satisfying the sexual desires of either of them.

*b.* A violation of this subsection is a serious misdemeanor.

2. For purposes of subsections 3 and 4, “*minor*” means a person fourteen or fifteen years of age.

3. *a.* It is unlawful for a person eighteen years of age or older who is in a position of authority over a minor to perform any of the following acts with that minor, with or without consent, for the purpose of arousing or satisfying the sexual desires of either of them:

(1) Fondle or touch the inner thigh, groin, buttock, anus, or breast of the minor.

(2) Touch the clothing covering the immediate area of the inner thigh, groin, buttock, anus, or breast of the minor.

(3) Solicit or permit the minor to fondle or touch the inner thigh, groin, buttock, anus, or breast of the person.

(4) Solicit the minor to engage in any act prohibited under subsection 4, paragraph “*a*”, subparagraph (1), (2), or (3).

*b.* A violation of this subsection is a serious misdemeanor.

4. *a.* It is unlawful for a person eighteen years of age or older who is in a position of authority over a minor to perform any of the following acts with that minor, with or without consent, for the purpose of arousing or satisfying the sexual desires of either of them:

(1) Fondle or touch the pubes or genitals of the minor.

(2) Permit or cause the minor to fondle or touch the person’s genitals or pubes.

(3) Cause the touching of the person’s genitals to any part of the body of the minor.

(4) Solicit the minor to engage in a sex act or solicit a person to arrange a sex act with the minor.

(5) Inflict pain or discomfort upon the minor or permit the minor to inflict pain or discomfort on the person.

*b.* A violation of this subsection is an aggravated misdemeanor.

Approved May 10, 2019

**CHAPTER 115****CONSUMER LOAN APPLICATION FEES***H.F. 263*

**AN ACT** relating to application fees for certain consumer loans.

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

Section 1. Section 537.2501, subsection 1, paragraph j, Code 2019, is amended to read as follows:

j. For a consumer loan where the amount financed does not exceed three thousand dollars and the term of the loan does not exceed twelve months, a bank, credit union incorporated pursuant to state or federal law, or a federally chartered or out-of-state chartered savings bank or savings and loan association may charge an additional application fee not to exceed the lesser of ten percent of the amount financed or thirty dollars. ~~If the loan is not approved, the application fee shall not exceed the lesser of ten percent of the amount applied for by the applicant or thirty dollars.~~ The fee permitted pursuant to this paragraph may be charged solely to applicants who are approved or to all applicants. The fee permitted pursuant to this paragraph shall not be charged in connection with a loan used for the purchase of a motor vehicle, or for a loan where the borrower's dwelling is used as security.

Approved May 10, 2019

**CHAPTER 116****MEDICAID — COMMUNITY SPOUSE RESOURCE ALLOWANCE***H.F. 291*

**AN ACT** relating to the community spouse resource allowance under the Medicaid program.

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

Section 1. Section 249A.3, subsection 9, Code 2019, is amended to read as follows:

9. ~~Beginning October 1, 1990, in~~ In determining the eligibility of an institutionalized individual for assistance under this chapter, the department shall establish a minimum community spouse resource allowance in an amount which is the greater of twenty-four thousand dollars to be retained for the benefit of the institutionalized individual's community spouse in accordance with or the minimum required as a condition of receipt of federal funding pursuant to section 1924(f)(2)(A)(i) of the federal Social Security Act, as codified in 42 U.S.C. §1396r-5(f)(2)(A)(i)174, and as adjusted pursuant to section 1924(f) 1924(g) of the federal Social Security Act as codified in 42 U.S.C. §1396r-5(f) §1396r-5(g).

Approved May 10, 2019

**CHAPTER 117**

## STATEWIDE WELCOME CENTER PROGRAM

H.F. 303

**AN ACT** relating to a statewide welcome center program.

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

Section 1. Section 15.271, subsection 1, paragraph e, Code 2019, is amended to read as follows:

e. A program shall be established to ~~plan, acquire, develop, promote, operate, and maintain~~ a variety of welcome centers at strategic locations to meet the needs of travelers in the state. ~~The program is intended to be accomplished by 1992.~~

Sec. 2. Section 15.271, subsection 2, unnumbered paragraph 1, Code 2019, is amended to read as follows:

The primary goals of a statewide program for welcome centers are to provide travel-related services and tourism information to travelers ~~the following:~~.

Sec. 3. Section 15.271, subsection 2, paragraphs a, b, and c, Code 2019, are amended by striking the paragraphs.

Sec. 4. Section 15.272, unnumbered paragraph 1, Code 2019, is amended to read as follows:

1. The state agencies, as indicated in this section, authority shall undertake certain specific functions to implement the goals of a statewide program, including the pilot projects, for establish and administer a statewide welcome centers center program. The authority shall collaborate with other state agencies as necessary to coordinate the operation of such welcome centers and to provide information to travelers.

Sec. 5. Section 15.272, subsection 1, Code 2019, is amended by striking the subsection.

Sec. 6. Section 15.272, subsection 2, unnumbered paragraph 1, Code 2019, is amended to read as follows:

The responsibilities of the authority include the following: shall operate, manage, and maintain all state-owned and state-operated welcome centers, including the provision of travel-related services, and the collection and distribution of tourism information.

Sec. 7. Section 15.272, subsection 2, paragraphs a, b, c, d, and e, Code 2019, are amended by striking the paragraphs.

Approved May 10, 2019

**CHAPTER 118**

## VULNERABLE ELDER — DEFINITION CHANGES

H.F. 328

**AN ACT** relating to the definition of vulnerable elder.

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

Section 1. Section 235F.1, subsection 17, Code 2019, is amended to read as follows:

17. “Vulnerable elder” means a person sixty years of age or older who is unable to protect himself or herself from elder abuse as a result of age or a mental or physical condition or because of a personal circumstance which results in an increased risk of harm to the person.

Approved May 10, 2019

## CHAPTER 119

### CIVIL COMMITMENT UNIT FOR SEXUAL OFFENDERS — TELEHEALTH

H.F. 422

**AN ACT** relating to the provision of health care services via telehealth for the civil commitment unit for sexual offenders.

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

Section 1. CIVIL COMMITMENT UNIT FOR SEXUAL OFFENDERS — TELEHEALTH. The university of Iowa hospitals and clinics when providing health care services to patients at the civil commitment unit for sexual offenders shall utilize telehealth instead of in-person delivery of health care services, to the greatest extent medically appropriate, to reduce transportation, staffing, and other costs to the civil commitment unit for sexual offenders, which would otherwise be incurred through the provision of in-person delivery of health care services. The civil commitment unit for sexual offenders shall document the use of telehealth under this section and any resulting savings in costs and staffing.

Approved May 10, 2019

## CHAPTER 120

### COMMUNITY CATALYST BUILDING REMEDIATION GRANTS — EMERGENCY PROJECTS

H.F. 486

**AN ACT** relating to community catalyst building remediation grants for emergency projects.

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

Section 1. Section 15.231, subsection 2, Code 2019, is amended to read as follows:

2. a. The authority shall use moneys in the fund to provide grants to cities for the remediation of underutilized buildings. The authority may provide grants under this section using a competitive scoring process. Notwithstanding subsection 3, an emergency project shall be eligible for a grant under this section.

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

(1) “Emergency project” means remediation of an underutilized building that may present a unique and immediate opportunity, or a unique and immediate threat.

(2) “Unique and immediate opportunity” means remediation of an underutilized building is time-sensitive and remediation is reasonably expected to result in economic growth for the city in which the underutilized building is located.

(3) “Unique and immediate threat” means remediation of an underutilized building may involve an unforeseen challenge or problem that has the potential to result in a catastrophic failure of the building’s integrity and structural system. An unforeseen challenge or problem may include an act of nature such as a fire, flood, or storm, or an unexpected structural deficiency such as a compromised load-bearing wall. A challenge or problem caused by deferred maintenance on the underutilized building does not qualify as a unique and immediate threat.

Approved May 10, 2019

## CHAPTER 121

### PUBLIC UTILITIES — FEES FOR USE OF PUBLIC RIGHTS-OF-WAY

*H.F. 537*

**AN ACT** relating to the imposition of certain fees on public utilities for the use of public rights-of-way.

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

Section 1. Section 480A.2, subsection 2, Code 2019, is amended to read as follows:

2. “Management costs” means the reasonable, direct, and fully documented costs a local government actually incurs ~~in managing~~ to manage public rights-of-way.

Sec. 2. Section 480A.3, Code 2019, is amended to read as follows:

#### **480A.3 Fees.**

1. A local government shall not recover any fee from a public utility for the use of its available right-of-way, other than a permit fee for its management costs attributable to the public utility’s requested use of the local government’s right-of-way. ~~A local government may recover from a public utility only those management costs caused by the public utility’s activity in the public right-of-way.~~ A fee or other obligation under this section shall be imposed on a competitively neutral basis. When a local government’s management costs cannot be attributed to only one entity, those costs shall be allocated among all users of the public rights-of-way, including the local government itself. The allocation shall reflect proportionately the costs incurred by the local government as a result of the various types of uses of the public rights-of-way.

2. This section does not prohibit:

a. Prohibit the collection of a franchise fee as permitted in section 480A.6.

b. Prohibit voluntary agreements between a public utility and local government to share services for the purpose of reducing costs and preserving public rights-of-way for future public safety purposes.

Sec. 3. Section 480A.4, Code 2019, is amended to read as follows:

#### **480A.4 In-kind services.**

A local government, in lieu of a fee imposed under this chapter, shall not require in-kind services by a public utility right-of-way user, or require in-kind services as a condition of the use of the local government’s public right-of-way, unless pursuant to a voluntary agreement between a public utility and local government to share services for the purpose of reducing costs and preserving public rights-of-way for future public safety purposes.

Approved May 10, 2019

**CHAPTER 122****DEPENDENT ADULT ABUSE — PERSONAL DEGRADATION BY CARETAKER***H.F. 569*

**AN ACT** relating to personal degradation of a dependent adult as a form of dependent adult abuse by a caretaker regulated by the department of human services, and making penalties applicable.

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

Section 1. Section 235B.2, subsection 5, paragraph a, Code 2019, is amended by adding the following new subparagraph:

**NEW SUBPARAGRAPH.** (4) (a) Personal degradation of a dependent adult by a caretaker.

(b) (i) “*Personal degradation*” means a willful act or statement by a caretaker intended to shame, degrade, humiliate, or otherwise harm the personal dignity of a dependent adult, or where the caretaker knew or reasonably should have known the act or statement would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person. “*Personal degradation*” includes the taking, transmission, or display of an electronic image of a dependent adult by a caretaker, where the caretaker’s actions constitute a willful act or statement intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the dependent adult, or where the caretaker knew or reasonably should have known the act would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person.

(ii) “*Personal degradation*” does not include any of the following:

(A) The taking, transmission, or display of an electronic image of a dependent adult for the purpose of reporting dependent adult abuse to law enforcement, the department, or any other regulatory agency that oversees caretakers or enforces abuse or neglect provisions, or for the purpose of treatment or diagnosis or as part of an ongoing investigation.

(B) The taking, transmission, or display of an electronic image by a caretaker who takes, transmits, or displays the electronic image in accordance with the confidentiality policy and release of information or consent policies of a contractor, employer, or facility or program not covered under section 235E.1, subsection 5, paragraph “a”, subparagraph (3).

(C) A statement by a caretaker who is the spouse of a dependent adult that is not intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the dependent adult spouse.

Sec. 2. Section 235B.3, subsection 1, paragraph c, Code 2019, is amended to read as follows:

c. A report of dependent adult abuse that meets the definition of dependent adult abuse under section 235B.2, subsection 5, paragraph “a”, subparagraph (1), subparagraph division (a) or (d), or section 235B.2, subsection 5, paragraph “a”, subparagraph (4), which the department determines is minor, isolated, and unlikely to reoccur shall be collected and maintained by the department as an assessment only for a five-year period and shall not be included in the central registry and shall not be considered to be founded dependent adult abuse. However, a subsequent report of dependent adult abuse that meets the definition of dependent adult abuse under section 235B.2, subsection 5, paragraph “a”, subparagraph (1), subparagraph division (a) or (d), or section 235B.2, subsection 5, paragraph “a”, subparagraph (4), that occurs within the five-year period and that is committed by the caretaker responsible for the act or omission which was the subject of the previous report of dependent adult abuse which the department determined was minor, isolated, and unlikely to reoccur shall not be considered minor, isolated, and unlikely to reoccur.

Approved May 10, 2019



**CHAPTER 123****SALARIES FOR DEPUTY COUNTY AUDITORS IN CHARGE OF ELECTION  
ADMINISTRATION***H.F. 595*

**AN ACT** related to allowable annual salaries for deputy county auditors in charge of elections administration.

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

Section 1. Section 331.904, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. The annual base salary of the first and second deputy officer of the office of auditor, treasurer, and recorder, the deputy in charge of elections administration, the deputy in charge of the motor vehicle registration and title division, and the deputy in charge of driver's license issuance shall each be an amount not to exceed eighty-five percent of the annual salary of the deputy's principal officer. In offices where more than two deputies are required, the annual base salary of each additional deputy shall be an amount not to exceed eighty percent of the principal officer's salary. The amount of the annual base salary of each deputy shall be certified by the principal officer to the board and, if a deputy's annual base salary does not exceed the limitations specified in this subsection, the board shall certify the annual base salary to the auditor. The board shall not certify a deputy's annual base salary which exceeds the limitations of this subsection.

Approved May 10, 2019

**CHAPTER 124****INTEGRATION OF MEDICAID AND HEALTHY AND WELL KIDS IN IOWA PROGRAM  
ADMINISTRATION***H.F. 625*

**AN ACT** relating to the integration of Medicaid and healthy and well kids in Iowa program eligibility, payment, and administrative functions under the department of human services.

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

Section 1. Section 514I.2, subsection 1, Code 2019, is amended by striking the subsection.

Sec. 2. Section 514I.4, subsection 3, Code 2019, is amended by striking the subsection.

Sec. 3. Section 514I.4, subsection 5, Code 2019, is amended to read as follows:

5. The department shall do or shall provide for all of the following:

a. Determine eligibility for program enrollment as prescribed by federal law and regulation, using policies and procedures adopted by rule of the department pursuant to chapter 17A. The department shall not enroll a child who has group health coverage unless expressly authorized by such rules.

b. Enroll qualifying children in the program with maintenance of a supporting eligibility file or database.

c. Utilize the department's eligibility system to maintain eligibility files with pertinent eligibility determination and ongoing enrollment information including but not limited to data regarding beneficiaries, enrollment dates, disenrollments, and annual financial redeterminations.

- d. Provide for administrative oversight and monitoring of federal requirements.
  - e. Perform annual financial reviews of eligibility for each beneficiary.
  - f. Collect and track monthly family premiums to assure that payments are current.
  - g. Notify each participating insurer of new program enrollees who are enrolled by the department in that participating insurer's plan.
  - h. Verify the number of program enrollees with each participating insurer for determination of the amount of premiums to be paid to each participating insurer.
  - i. Maintain data for the purpose of quality assurance reports as required by rule of the board.
- ~~α. j.~~ (1) Establish the family cost sharing amounts for children of families with incomes of one hundred fifty percent or more but not exceeding two hundred percent of the federal poverty level, of not less than ten dollars per individual and twenty dollars per family, if not otherwise prohibited by federal law, with the approval of the board.
- (2) Establish for children of families with incomes exceeding two hundred percent but not exceeding three hundred percent of the federal poverty level, family cost sharing amounts, and graduated premiums based on a rationally developed sliding fee schedule, in accordance with federal law, with the approval of the board.
- ~~b. k.~~ Perform annual, random reviews of enrollee applications to ensure compliance with program eligibility and enrollment policies. Quality assurance reports shall be made to the board ~~and the department~~ based upon the data maintained by the ~~administrative contractor department~~.
- ~~e. l.~~ Perform other duties as determined by ~~the department with the approval of the board~~.

Sec. 4. Section 514I.5, subsection 2, Code 2019, is amended by striking the subsection.

Sec. 5. Section 514I.5, subsection 7, paragraph a, Code 2019, is amended by striking the paragraph.

Sec. 6. Section 514I.5, subsection 8, paragraph b, Code 2019, is amended by striking the paragraph.

Sec. 7. Section 514I.5, subsection 8, paragraphs h and k, Code 2019, are amended to read as follows:

h. Conflict of interest provisions applicable to the ~~administrative contractor and participating insurers~~, and between public members of the board and ~~the administrative contractor and participating insurers~~.

k. The data to be maintained by the ~~administrative contractor~~ department including data to be collected for the purposes of quality assurance reports.

Sec. 8. Section 514I.6, subsection 4, unnumbered paragraph 1, Code 2019, is amended to read as follows:

Provide the ~~administrative contractor~~ department with all of the following information pertaining to the participating insurer's plan:

Sec. 9. REPEAL. Section 514I.7, Code 2019, is repealed.

Approved May 10, 2019

## CHAPTER 125

### DEPARTMENT OF HUMAN SERVICES RECORDS — CONFIDENTIALITY — DISCLOSURE

#### H.F. 642

**AN ACT** relating to the release of certain confidential information by the department of human services to multidisciplinary teams and making penalties applicable.

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

Section 1. Section 217.30, Code 2019, is amended to read as follows:

**217.30 Confidentiality of records — report of recipients.**

1. For purposes of this section unless the context otherwise requires, “person” means the same as defined in section 4.1.

~~1. 2.~~ The following information relative to individuals an individual receiving services or assistance from the department shall be held confidential except as otherwise provided in subsection 5:

~~a. Names and addresses of individuals~~ The name and address of an individual receiving services or assistance from the department, and the types type of services or amounts amount of assistance provided, except as otherwise provided in subsection 4.

~~b. Information concerning the social or economic conditions or circumstances of particular individuals~~ an individual who are is receiving or have has received services or assistance from the department.

~~c. Agency evaluations~~ An agency evaluation of information about a particular an individual.

~~d. Medical or psychiatric data, including diagnosis and past history of disease or disability, concerning a particular an individual.~~

~~2. 3.~~ Information described in subsection 1 2 shall not be disclosed to or used by any person or agency except for purposes of administration of the programs a program of services or assistance, and shall not in any case, except as otherwise provided in subsection 4 5, paragraph “b”, be disclosed to or used by persons or agencies a person outside the department unless they are the person is subject to standards of confidentiality comparable to those imposed on the department by this section.

~~3. 4.~~ Nothing in this section shall restrict the disclosure or use of information regarding the cost, purpose, number of persons individuals served or assisted by, and results of any program administered by the department, and other general and statistical information, so long as provided the information does not identify particular individuals any particular individual served or assisted.

~~4. 5. a.~~ The general assembly finds and determines that the use and disclosure of information as provided in this subsection are for purposes directly connected with the administration of the programs of services and assistance referred to in this section and are essential for their proper administration.

~~b. Confidential information described in subsection 1, paragraphs “a”, “b”, and “c”, shall be disclosed to public officials for use in connection with their official duties relating to law enforcement, audits and other purposes directly connected with the administration of such programs, upon written application to and with approval of the director or the director’s designee. Confidential information described in subsection 1, paragraphs “a”, “b”, and “c”, shall also be disclosed to public officials for use in connection with their official duties relating to the support and protection of children and families, upon written application to and with the approval of the director or the director’s designee. 2 shall only be disclosed under the following circumstances:~~

(1) Upon written application to and with the approval of the director or the director’s designee, confidential information described in subsection 2, paragraphs “a”, “b”, and “c”, shall be disclosed to a public official for use in connection with the public official’s duties relating to law enforcement, audits, the support and protection of children and families, and other purposes directly connected with the administration of the programs of services and assistance referred to in this section.

(2) If necessary for an individual to receive services, upon written application to and with the approval of the director or the director’s designee, confidential information described in

subsection 2 shall be disclosed to a state agency, or a person that is not subject to chapter 17A, and that is providing services to the individual pursuant to chapter 239B promoting independence and self-sufficiency through employment through the job opportunities and basic skills program.

(3) Information described in subsection 2, paragraphs “a”, “b”, and “c”, in accordance with section 235A.15, subsection 10.

(4) To a multidisciplinary team as defined in section 235A.13, subsection 8, if the department approves the composition of the multidisciplinary team and the team’s sole focus is identifying services for children who are victims of, and children at risk of becoming victims of, human trafficking as defined in section 710A.1. Confidential information shall only be shared if a fully executed multidisciplinary agreement is in place between the department and the multidisciplinary team certifying that all confidential information shared between the parties to the multidisciplinary agreement shall be used solely for identifying services for children who are victims of, and children at risk of becoming victims of, human trafficking.

c. It shall be unlawful for any person to solicit, disclose, receive, use, or to authorize or knowingly permit, participate in, or acquiesce in the use of any information obtained from any such report or record for commercial or political purposes.

d. If approved by the director of human services or the director’s designee pursuant to a written request, the department shall disclose information described in subsection 1 to other state agencies or to any other person who is not subject to the provisions of chapter 17A and is providing services to recipients under chapter 239B who are participating in the promoting independence and self-sufficiency through employment job opportunities and basic skills program, if necessary for the recipients to receive the services.

e. Information described in subsection 1, paragraphs “a”, “b”, and “c”, is subject to disclosure in accordance with section 235A.15, subsection 10.

5. 6. If it is definitely established the director or the director’s designee finds that any provision of this section would will cause any of the programs a program of services or assistance referred to in this section to be ineligible for federal funds, such provision shall be limited or restricted to the extent which is essential to make such program eligible for federal funds. The department shall adopt, pursuant to chapter 17A, any rules necessary to implement this subsection.

6. 7. The provisions of this This section shall apply to recipients of assistance under an individual receiving assistance pursuant to chapter 252. The reports Any report required to be prepared by the department under this section shall, with respect to such regarding assistance or services, provided pursuant to chapter 252 shall be prepared by the person or officer charged with the oversight of the poor individual appointed pursuant to section 252.26.

7. 8. Violation of An individual that violates this section shall constitute commits a serious misdemeanor.

8. 9. The provisions of this This section shall take precedence over section 17A.12, subsection 7.

Sec. 2. Section 217.31, subsection 1, Code 2019, is amended to read as follows:

1. Any person may institute a civil action for damages under chapter 669 or to restrain the dissemination of confidential records set out in section 217.30, subsection 1 2, paragraph “b”, “c”, or “d”, in violation of that section, and any person, agency or governmental body proven to have disseminated or to have requested and received confidential records in violation of section 217.30, subsection 1 2, paragraph “b”, “c”, or “d”, shall be liable for actual damages and exemplary damages for each violation and shall be liable for court costs, expenses, and reasonable attorney fees incurred by the party bringing the action. In no case shall the award for damages be less than one hundred dollars.

Sec. 3. Section 235A.17, subsection 3, paragraph b, subparagraph (1), Code 2019, is amended to read as follows:

(1) Department of human services information described in section 217.30, subsection 1 2.

Sec. 4. Section 239B.8, subsection 6, Code 2019, is amended to read as follows:

6. *Confidential information disclosure.* If approved by the director of human services or the director's designee pursuant to a written request, the department shall disclose confidential information described in section 217.30, subsection 1 ~~2~~, to other state agencies or to any other entity which is not subject to the provisions of chapter 17A and is providing services to a participant family who is subject to a family investment agreement, if necessary in order for the participant family to receive the services. The department shall adopt rules establishing standards for disclosure of confidential information if disclosure is necessary in order for a participant to receive services.

Approved May 10, 2019

## CHAPTER 126

### JUVENILE JUSTICE — FOSTER CARE PROVIDERS — PARENT VISITATION IN CHILD IN NEED OF ASSISTANCE PROCEEDINGS

*H.F. 644*

**AN ACT** relating to juvenile justice, including provisions relating to child foster care and parent visitation in child in need of assistance proceedings.

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

Section 1. Section 232.2, subsection 4, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Of.* Plans for retaining any suitable existing medical, dental, or mental health providers providing medical, dental, or mental health care to the child when the child entered foster care.

Sec. 2. Section 232.2, subsection 4, paragraph f, subparagraph (7), Code 2019, is amended to read as follows:

(7) ~~Provision~~ The transition plan shall include a provision for the department or a designee of the department on or before the date the child reaches age eighteen, unless the child has been placed in foster care for less than thirty days, to provide to the child written verification of the child's foster care status, and a certified copy of the child's birth certificate, social security card, and driver's license or government-issued nonoperator's identification card. The fee for the certified copy of the child's birth certificate that is otherwise chargeable under section 144.13A, 144.46, or 331.605 shall be waived by the state or county registrar.

Sec. 3. Section 232.107, Code 2019, is amended to read as follows:

#### **232.107 Parent visitation.**

If a child is removed from the child's home in accordance with an order entered under this division ~~based upon evidence indicating the presence of an illegal drug in the child's body,~~ unless the court finds that substantial evidence exists to believe that reasonable visitation or supervised visitation would cause an imminent risk to the child's life or health, the order shall allow the child's parent reasonable visitation or supervised visitation with the child.

Sec. 4. Section 237.1, subsection 4, paragraph f, Code 2019, is amended to read as follows:

*f.* Care furnished by a relative of a child ~~for more than twenty days in one calendar year,~~ or an individual person with a meaningful relationship with the child where the child is not under the placement, care, or supervision of the department.

Sec. 5. Section 237.8, subsection 2, paragraph a, subparagraphs (1) and (2), Code 2019, are amended to read as follows:

(1) If a person is being considered for licensure under this chapter, or for employment involving direct responsibility for a child or ~~with access to a child when the child is alone in a facility where children reside~~, by a licensee under this chapter, or if a person will reside in a facility utilized by a licensee, and if the person has been convicted of a crime or has a record of founded child abuse, the department and the licensee for an employee of the licensee shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, employment, or residence in the facility. The department shall conduct criminal and child abuse record checks in this state and may conduct these checks in other states. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

(2) ~~For an individual~~ If an individual is being considered for licensure under this chapter, or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under this chapter, or if an individual will reside in a facility utilized by a licensee, or if an individual is subject to licensure under this chapter as a foster parent, in addition to the record checks conducted under subparagraph (1), the individual's fingerprints shall be provided to the department of public safety for submission through the state criminal history repository to the United States department of justice, federal bureau of investigation for a national criminal history check. The cost of the criminal history check conducted under this subparagraph is the responsibility of the department of human services.

Sec. 6. Section 237.8, subsection 2, paragraph a, Code 2019, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (02) If the criminal and child abuse record checks conducted in this state under subparagraph (1) for an individual being considered for licensure under this chapter, or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under this chapter, or for an individual who will reside in a facility utilized by a licensee, have been completed and the individual either does not have a record of crime or founded child abuse or the department's evaluation of the record has determined that prohibition of the individual's licensure or employment is not warranted, the individual may be provisionally approved for licensure or employment pending the outcome of the fingerprint-based criminal history check conducted pursuant to subparagraph (2).

NEW SUBPARAGRAPH. (002) An individual being considered for licensure under this chapter, or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under this chapter, or for an individual who will reside in a facility utilized by a licensee, shall not be granted a license or be employed and an evaluation shall not be performed under this subsection if the individual has been convicted of any of the following felony offenses:

- (a) Within the five-year period preceding the application date, a drug-related offense.
- (b) Child endangerment or neglect or abandonment of a dependent person.
- (c) Domestic abuse.
- (d) A crime against a child, including but not limited to sexual exploitation of a minor.
- (e) A forcible felony.

Sec. 7. **DIRECTIVE TO DEPARTMENT OF HUMAN SERVICES — FOSTER CARE CASE PERMANENCY PLAN.** The department of human services shall amend its administrative rules pursuant to chapter 17A to provide that a case permanency plan for a child placed in foster care shall include information describing efforts to maintain suitable mental health care and medical health care for the child to avoid inappropriate diagnoses of mental illness, other emotional or behavioral disorders, medically fragile conditions, and developmental disabilities.

**CHAPTER 127****JUVENILE DELINQUENCY AND TERMINATION OF THE PARENT-CHILD  
RELATIONSHIP PROCEEDINGS — SERVICE OF PROCESS***H.F. 707*

**AN ACT** relating to service of process relating to juvenile delinquency proceedings and termination of the parent-child relationship proceedings.

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

Section 1. Section 232.37, subsection 4, Code 2019, is amended to read as follows:

4. Service of summons or notice shall be made personally by the sheriff by delivering a copy of the summons or notice to the person being served. If the court determines that personal service of a summons or notice is impracticable, the court may order service by certified mail addressed to the last known address, or by electronic mail or other electronic means with the consent of the party to be served. Service of summons or notice shall be made not less than five days before the time fixed for hearing. Service of summons, notice, subpoenas or other process, after an initial valid summons or notice, shall be made in accordance with the rules of the court governing such service in civil actions.

Sec. 2. Section 232.112, subsection 3, Code 2019, is amended to read as follows:

3. Notice under this section shall be served personally, ~~or shall be sent by restricted certified mail, or sent by electronic mail or other electronic means with the consent of the party to be served,~~ whichever is determined by the court to be the most effective means of notification. Such notice shall be made according to the rules of civil procedure relating to an original notice where not inconsistent with the provisions of this section. Notice by personal delivery and notice sent by electronic mail or other electronic means with the consent of the party to be served shall be served not less than seven days prior to the hearing on termination of parental rights. Notice by restricted certified mail shall be sent not less than fourteen days prior to the hearing on termination of parental rights. A notice by restricted certified mail which is refused by the necessary party given notice shall be sufficient notice to the party under this section.

Approved May 10, 2019

**CHAPTER 128****POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE AND LAND  
STEWARDSHIP***H.F. 750*

**AN ACT** relating to the powers and duties of the department of agriculture and land stewardship, by changing the name of the weather bureau, modifying provisions applicable to demonstration projects involving alternative fuels, transferring certain Code sections, providing for the use of certain appropriated moneys for surface water quality, and eliminating certain watershed demonstration pilot projects.

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

DIVISION I  
NAME CHANGE — WEATHER BUREAU TO CLIMATOLOGY BUREAU

Section 1. Section 159.5, subsection 4, Code 2019, is amended to read as follows:

4. Maintain a ~~weather~~ climatology bureau which shall, in cooperation with the national weather service, collect and disseminate weather and phenological statistics and meteorological data, and promote knowledge of meteorology, phenology, and climatology of the state. The bureau shall be headed by the state climatologist who shall be appointed by the secretary of agriculture, and shall be an officer of the national weather service, if one is detailed for that purpose by the federal government.

DIVISION II  
AGRICULTURAL PRODUCTION  
COMMERCIAL FEED — LICENSING

Sec. 2. Section 198.4, subsection 4, Code 2019, is amended to read as follows:

4. A person obtaining a license under this section shall pay to the secretary a license fee of twenty dollars. ~~The fee shall be paid by July 1 and the license shall expire two years after that on July 1 of the odd-numbered year following the date the license is issued.~~ A license may be renewed for a two-year period as provided by the department.

FERTILIZERS AND CROP CONDITIONERS — LICENSING

Sec. 3. Section 200.4, subsection 1, Code 2019, is amended to read as follows:

1. Any person who manufactures, mixes, blends, mixes to customer's order, offers for sale, sells, or distributes any fertilizer or soil conditioner in this state must first obtain a license issued by the secretary and pay a twenty dollar license fee for each place of manufacture or distribution from which fertilizer or soil conditioner products are sold or distributed in this state. ~~The license shall expire on the first day July 1 of the second July even-numbered year following the date of issue the license is issued.~~ A license may be renewed for a two-year period as provided by the department.

BULK DRY ANIMAL NUTRIENT PRODUCTS — LICENSING

Sec. 4. Section 200A.5, Code 2019, is amended to read as follows:

**200A.5 License.**

A person who distributes a bulk dry animal nutrient product in this state must first obtain a license from the department. A license application must be submitted to the department on a form furnished by the department according to procedures required by the department. A license shall expire on July 1 of ~~each the even-numbered year following the date the license is issued.~~ A license may be renewed for a two-year period as provided by the department.

Sec. 5. Section 200A.9, subsection 1, Code 2019, is amended to read as follows:

1. A person required to obtain a license as provided in section 200A.5 shall pay the department a ten-dollar fee equal to twenty dollars for each place from which the person distributes a bulk product is distributed in this state.

DIVISION III  
WEIGHTS AND MEASURES  
MOTOR FUEL

Sec. 6. Section 214A.1, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 9A. "Department" means the department of agriculture and land stewardship.

Sec. 7. Section 214A.19, subsection 1, unnumbered paragraph 1, Code 2019, is amended to read as follows:

The department of ~~natural resources~~, conditioned upon the availability of ~~funds~~ moneys, ~~is authorized to~~ may award demonstration grants to persons who purchase vehicles which



operate on alternative fuels, including but not limited to E-85 gasoline, biodiesel, compressed natural gas, electricity, solar energy, or hydrogen. A grant shall be for the purpose of conducting research connected with the fuel or the vehicle, and not for the purchase of the vehicle itself, except that the money may be used for the purchase of the vehicle if all of the following conditions are satisfied:

#### COMMERCIAL WEIGHING AND MEASURING DEVICES

##### Sec. 8. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:
  - a. Section 215.26 to section 215.1.
  - b. Section 215.1 to section 215.1A.
2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

#### DIVISION IV WATER QUALITY GROUNDWATER PROTECTION FUND

Sec. 9. Section 455E.11, subsection 2, paragraph b, subparagraph (3), subparagraph division (d), Code 2019, is amended to read as follows:

(d) (i) Thirteen percent of the moneys is appropriated annually to the department of agriculture and land stewardship for financial incentive programs related to agricultural drainage wells and sinkholes, for studies and administrative costs relating to sinkholes and agricultural drainage wells programs. Of the moneys allocated for financial incentive programs, the department may reimburse landowners for engineering costs associated with voluntarily closing agricultural drainage wells. The financial incentives allocated for voluntary closing of agricultural drainage wells shall be provided on a cost-share basis which shall not exceed fifty percent of the estimated cost or fifty percent of the actual cost, whichever is less. Engineering costs do not include construction costs, including costs associated with earth moving.

(ii) Notwithstanding subparagraph subdivision (i), the department of agriculture and land stewardship may use all or a portion of the moneys appropriated in that subparagraph subdivision to support programs, projects, and activities related to improving the quality of surface water as well as groundwater.

#### WATERSHED PLANNING

Sec. 10. REPEAL. Section 466B.32, Code 2019, is repealed.

Approved May 10, 2019

## CHAPTER 129

### CONSTITUTIONAL AMENDMENTS — PROCEDURE AND PUBLICATION REQUIREMENTS

*H.F. 764*

**AN ACT** relating to publication and procedural provisions relating to proposed constitutional amendments and including effective date provisions.

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

Section 1. Section 49A.1, Code 2019, is amended to read as follows:

**49A.1 Publication of proposed amendment.**

1. Whenever any proposition to amend the Constitution has passed the general assembly and been referred to the next succeeding legislature, the state commissioner of elections general assembly shall cause the same to be published as provided in this section, once each month, in two newspapers of general circulation in each congressional district in the state, for the time required by the Constitution.

2. For purposes of complying with the publication requirements of this section, the general assembly shall cause the proposition to amend the Constitution to be published, once each month, in two newspapers of general circulation in each congressional district in the state and published, during each month, on an internet site of the general assembly.

Sec. 2. Section 49A.3, Code 2019, is amended to read as follows:

**49A.3 Proof of publication — record — ~~report to legislature.~~**

1. Proof of the publication required by section 49A.1 shall be filed by the general assembly in the office of the state commissioner of elections, recorded in a book kept for that purpose, and preserved by the commissioner. Proof of publication required by this subsection shall be made by the general assembly as follows:

a. Proof of publication by newspaper shall be made by filing in the office of the state commissioner of elections affidavits of the publishers of the newspapers designated by the general assembly for publication and a certificate by the general assembly of the selection of such newspapers.

b. Proof of publication on an internet site of the general assembly shall be made by filing a certificate by the general assembly in the office of the state commissioner of elections that publication as described in this paragraph has been made as required by law.

2. Proof of the publication specified in sections 49A.1 and section 49A.2 shall be made by the affidavits of the publishers of the newspapers designated by the state commissioner of elections and such affidavits, with the certificate of the state commissioner of the selection of such newspapers, shall be filed in the commissioner's office, recorded in a book kept for that purpose, and preserved by the commissioner, ~~and in the case of constitutional amendments the commissioner shall report to the following legislature the action in the premises.~~

Sec. 3. Section 49A.5, Code 2019, is amended to read as follows:

**49A.5 Submission at special election.**

The general assembly may provide for the submission of a constitutional amendment to the people at a special election for that purpose, at such time as it may prescribe, ~~proclamation for which election shall be made by the governor,~~ and the same shall in all respects be governed and conducted as prescribed by law for the submission of a constitutional amendment at a general election.

Sec. 4. Section 49A.9, Code 2019, is amended to read as follows:

**49A.9 Expenses.**

Expenses incurred under the provisions of this chapter shall be audited and allowed by the director of the department of administrative services and paid out of ~~any money in the state treasury not otherwise~~ appropriated to the state commissioner of elections.

Sec. 5. Section 49A.10, Code 2019, is amended to read as follows:

**49A.10 Action to test legality.**

1. Whenever an amendment to the Constitution of the State of Iowa shall have been proposed and agreed to by the general assembly and shall have been agreed to by the succeeding general assembly, any taxpayer may file suit in equity in the district court at the seat of government of the state, challenging the validity, legality or constitutionality of such amendment, ~~or the procedure connected therewith,~~ and in such suit the district court shall have jurisdiction to determine the validity, legality or constitutionality of said amendment ~~or the procedure connected therewith,~~ and enter its decree accordingly, and may grant a writ of injunction enjoining the governor and state commissioner of elections from submitting such constitutional amendment, if it, ~~or the procedure connected therewith,~~ the proposed constitutional amendment shall have been found to be invalid, illegal or unconstitutional.

2. An amendment to the Constitution of the State of Iowa which has been proposed and agreed to by the general assembly and has been agreed to by the succeeding general

assembly shall not be determined invalid in any action challenging the validity, legality, or constitutionality of such amendment in the event of an error or omission occurring with one of the publication requirements of section 49A.1 and shall be submitted to the electorate for ratification at the next general or special election as determined by the general assembly.

Sec. 6. REPEAL. Section 49A.7, Code 2019, is repealed.

Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 10, 2019

## CHAPTER 130

### REGULATION OF HEMP

S.F. 599

**AN ACT** relating to hemp, including the regulation of hemp, providing for enforcement and the confiscation and destruction or disposal of certain property, providing for fees, including penalties, and providing implementation and effective date provisions.

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

#### DIVISION I IOWA HEMP ACT

Section 1. **NEW SECTION. 204.1 Short title.**

This chapter shall be known as the “*Iowa Hemp Act*”.

Sec. 2. **NEW SECTION. 204.2 Definitions.**

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

1. “*Controlled substance*” means the same as defined in section 124.101.
2. “*Conviction*” means a conviction for an indictable offense, in this state or another state, and includes a guilty plea, deferred judgment from the time of entry of the deferred judgment until the time the defendant is discharged by the court without entry of judgment, or other finding of guilt by a court of competent jurisdiction.
3. “*Crop site*” or “*site*” means a single contiguous parcel of agricultural land suitable for the planting, growing, or harvesting of hemp, if the parcel does not exceed forty acres.
4. “*Department*” means the department of agriculture and land stewardship.
5. “*Federal hemp law*” means that part of Tit. X of the Agriculture Improvement Act of 2018, Pub. L. No. 115-334, that authorizes hemp production according to a state plan approved by the United States department of agriculture, as provided in §10113 of that Act, amending the Agricultural Marketing Act of 1946, 7 U.S.C. §1621 et seq., including by adding §§297A through 297E.
6. *a.* “*Hemp*” means the plant *cannabis sativa* L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.
- b.* “*Hemp*” also means a plant of the genus *cannabis* other than *cannabis sativa* L., with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis, but only to the extent allowed by the department in accordance with applicable federal law, including the federal hemp law.
7. “*Hemp license*” or “*license*” means a hemp license issued pursuant to section 204.4.

8. *a. "Hemp product"* means an item derived from or made by processing hemp or parts of hemp, including but not limited to any item manufactured from hemp, including but not limited to cloth, cordage, fiber, food, fuel, paint, paper, particle board, plastic, hemp seed, seed meal, or seed oil.

*b. "Hemp product"* does not include any of the following:

(1) An item or part of an item with a maximum delta-9 tetrahydrocannabinol concentration that exceeds three-tenths of one percent on a dry weight basis.

(2) Hemp seed that is capable of germination.

9. *"Licensee"* means a person who obtains a hemp license from the department under this chapter.

10. *"Local law enforcement agency"* means an office of county sheriff or a municipal police department.

11. *"Negligent violation program"* or *"program"* means the program that may be established by the department to allow a licensee to correct certain violations of this chapter as provided in section 204.15.

12. *"Produce"* means to provide for the planting, raising, cultivating, managing, harvesting, and storing a crop.

### Sec. 3. NEW SECTION. 204.3 State plan — implementing rules.

1. The department shall prepare a state plan to be submitted to the United States secretary of agriculture under the federal hemp law.

2. Upon approval of the state plan, the department shall assume primary regulatory authority over the production of hemp in this state as provided in this chapter. However, nothing in this chapter affects the powers and duties of the department of public safety or local law enforcement agencies from enforcing any law within its purview or jurisdiction. The department of public safety shall be the chief criminal enforcement agency under this chapter.

3. The department may prepare any number of amended state plans or any number of amendments to an existing state plan to be submitted for approval by the United States secretary of agriculture.

4. The department may provide for the receipt, filing, processing, and return of documents described in this chapter in an electronic format, including but not limited to the transmission of documents by the internet. The department shall provide for the authentication of official forms in an electronic format that may include electronic signatures as provided in chapter 554D. An official form in an electronic format shall have the same validity and is discoverable and admissible in evidence if given under penalty of perjury in the same manner as an original printed form. The department shall provide for the issuance of certificates of crop inspection in an electronic format as provided in section 204.8.

5. *a.* The department shall prepare the state plan, any amended state plan, or amendment to an approved state plan, by adopting rules pursuant to chapter 17A.

*b.* The department may adopt the rules on an emergency basis as provided in section 17A.4, subsection 3, and section 17A.5, subsection 2, and the rules shall be effective immediately upon filing unless a later date is specified in the rules.

### Sec. 4. NEW SECTION. 204.4 Hemp license — requirements.

1. The department shall establish and administer a process to receive, evaluate, and approve or disapprove applications for a hemp license.

2. The department shall prepare and publish one or more hemp license application forms in cooperation with the department of public safety. A completed application form submitted to the department shall contain all of the following:

*a.* The applicant's full name and residence address.

*b.* A legal description and map of each crop site where the applicant proposes to produce the hemp including its global positioning system location.

*c.* The number of crop acres to be used for hemp production.

*d.* The name of the hemp variety.

*e.* The results of a national criminal history record check of an applicant as may be required by the department. The department shall inform an applicant if a national criminal history

record check will be conducted. If a national criminal history record check is conducted, the applicant shall provide the applicant's fingerprints to the department. The department shall provide the fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation. The applicant shall pay the actual cost of conducting any national criminal history record check to the department of agriculture and land stewardship. The department shall pay the actual cost of conducting the national criminal history record check to the department of public safety from moneys deposited in the hemp fund pursuant to section 204.6. The department of public safety shall treat such payments as repayment receipts as defined in section 8.2. The results of the national criminal history check shall not be considered a public record under chapter 22.

f. Any other information required in order to administer and enforce the provisions of this chapter.

3. As a condition for the issuance of a hemp license, the licensee consents to the department, the department of public safety, or a local law enforcement agency entering upon a crop site as provided in section 204.9.

4. The department may do all of the following:

a. Require that all or some licenses expire on the same date.

b. Provide a different application form and requirements relating to the submission, evaluation, and approval or disapproval of an application for a renewed hemp license consistent with federal law.

5. An applicant shall not be issued a hemp license unless the applicant agrees to comply with all terms and conditions relating to the regulation of a licensee as provided in this chapter.

6. A person may hold any number of licenses at the same time. However, the person shall not hold a legal or equitable interest in a licensed crop site, if the total number of acres of all licensed crop sites in which the person holds all such interests equals more than forty acres.

7. An initial hemp license expires one year from the date of issuance and may be issued on a renewal basis annually. The department may require that a licensee apply for an amended or new initial license if information contained in the existing application is no longer accurate or is incomplete.

8. The department and the department of public safety shall cooperate to develop procedures for the sharing of information regarding applicants, including information required to be completed on application forms. Upon request, the department or the department of public safety shall provide information regarding an applicant to a department of agriculture or law enforcement agency in another state.

9. Information received on an application form shall be maintained by the department for not less than three years.

10. The department shall disapprove the application of a person for good cause, which shall include, but is not limited to, any of the following:

a. A conviction for committing a criminal offense involving a controlled substance as described in section 204.7.

b. A third violation of a provision of this chapter in a five-year period. The department shall disapprove any application of a person for a five-year period following the date of the person's last violation in the same manner as provided in section 204.15.

c. The revocation of a hemp license under section 204.11, or the revocation of a license, permit, registration, or other authorization to produce hemp in any other state.

11. A hemp license shall be suspended or revoked as provided in section 204.11.

#### Sec. 5. NEW SECTION. 204.5 **Hemp fees.**

1. The department shall impose, assess, and collect the following hemp fees:

a. A license fee which shall be paid by a person being issued a hemp license as provided in section 204.4.

b. An inspection fee which shall be paid by a licensee for the inspection of the licensee's crop site, including obtaining samples of plants to conduct a test, as provided in section 204.8.

2. a. For each hemp license, the license fee shall be imposed on an interim basis until June 30, 2022. The amount of the license fee shall not be more than the following:

(1) Five hundred dollars plus five dollars per acre, for each crop site that is five acres or less.

(2) Seven hundred and fifty dollars, plus five dollars per acre, for each crop site that is more than five acres but not more than ten acres.

(3) One thousand dollars plus five dollars per acre, for each crop site that is more than ten acres.

b. For conducting an inspection and official test as provided in section 204.8, the department shall charge an inspection fee on an interim basis until June 30, 2022, as follows:

(1) In the case of an annual inspection and official test, a base fee of not more than one thousand dollars. The department may charge a supplemental fee in an amount determined by the department for conducting an inspection and official test of any additional variety of hemp produced on the same licensed crop site.

(2) In the case of any other inspection and official test, conducted at the request of the licensee, the department shall charge a base fee or supplemental fee in the same manner as provided in subparagraph (1).

c. This subsection is repealed on July 1, 2022.

3. a. The department shall adopt rules to establish hemp fees for the issuance of a hemp license pursuant to section 204.4.

b. The department shall adopt rules to establish hemp fees for conducting inspections and obtaining samples of plants to conduct tests, including but not limited to an annual inspection and official test, pursuant to section 204.8.

c. The department shall calculate the rates, or a range of rates, of the hemp fees to be effective for each successive twelve-month period. The total amount of hemp fees collected by the department pursuant to this subsection shall not be more than the department's estimate of the total amount of revenues necessary to administer and enforce the provisions of this chapter based on the expected revenue collected from the hemp fees and the costs to be incurred by the department in administering and enforcing the provisions of this chapter during that period. The department may adjust the rates within the range throughout the period as the department determines necessary to comply with this paragraph.

d. The department may establish different rates for any category of hemp fees based on criteria determined relevant by the department, which may include the number of acres of the licensee's crop site and the type of hemp license issued.

e. (1) The rules shall first take effect immediately after the repeal of subsection 2.

(2) This paragraph "e" is repealed immediately after the rules described in subparagraph (1) take effect.

4. The license fee and any annual inspection fee shall be collected by the department at the time the hemp license application is submitted.

5. Any hemp fee collected by the department under this section shall be deposited in the hemp fund established pursuant to section 204.6.

6. The department may refund all or any part of a hemp fee collected under this section to an applicant.

#### Sec. 6. NEW SECTION. 204.6 Hemp fund.

1. A hemp fund is established in the state treasury under the management and control of the department.

2. The hemp fund shall include moneys collected by the department from hemp fees imposed and assessed under section 204.5 and moneys appropriated by the general assembly for deposit in the hemp fund. The hemp fund may include other moneys available to and obtained or accepted by the department, including moneys from public or private sources.

3. Moneys in the hemp fund are appropriated to the department and shall be used exclusively to carry out the responsibilities conferred upon the department under this chapter as determined and directed by the department, and shall not require further special authorization by the general assembly.

4. a. Notwithstanding section 12C.7, interest or earnings on moneys in the hemp fund shall be credited to the hemp fund.

b. Notwithstanding section 8.33, moneys credited to the hemp fund that remain unexpended or unobligated at the end of a fiscal year shall not revert to any other fund.

Sec. 7. NEW SECTION. **204.7 Regulations — exemption for certain criminal offenses.**

1. The Iowa crop improvement association recognized in chapter 177 shall adopt procedures to certify hemp seed capable of germination. Hemp seed certified under this subsection shall be presumed to comply with the requirements for hemp produced under this chapter.

2. A person who materially falsifies any information contained in an application under section 204.4 shall be ineligible to produce hemp under this chapter.

3. *a.* A licensee convicted of an offense punishable as a felony, for producing, possessing, using, harvesting, handling, manufacturing, marketing, transporting, delivering, or distributing a controlled substance before, on, or after the implementation date of this chapter shall be ineligible to produce hemp under this chapter for a ten-year period following the date of conviction.

*b.* A licensee convicted in another state of an offense, punishable in that state as a felony, substantially corresponding to an offense described in paragraph “*a*”, before, on, or after the implementation date of this chapter, shall be ineligible to produce hemp under this chapter for a ten-year period following the date of conviction. The department shall recognize the statute of another state which defines such offense substantially equivalent to an offense described in paragraph “*a*” as a corresponding statute.

4. The department shall adopt rules regulating the production of hemp, including but not limited to inspection and testing requirements under section 204.8 or 204.9, and the issuance of a certificate of crop inspection under section 204.8. The department shall adopt rules as necessary to administer the negligent violation program. The department may adopt other rules as necessary or desirable to administer and enforce the provisions of this chapter relating to hemp or hemp products.

5. A licensee is not subject to a criminal offense under chapter 124 or 453B for producing, possessing, using, harvesting, handling, manufacturing, marketing, transporting, delivering, or distributing hemp, if all of the following apply:

*a.* The hemp is hemp seed delivered to the licensee for planting at the licensee’s crop site, or the hemp is or was produced at the licensee’s crop site.

*b.* The department, the department of public safety, or a local law enforcement agency is allowed to access the licensee’s crop site as part of an inspection as provided in sections 204.8 and 204.9, including by obtaining a sample of plants to conduct a test pursuant to section 204.8.

*c.* The department has issued a certificate of crop inspection to the licensee covering the harvested hemp as provided in section 204.8.

*d.* During any period that the licensee is transporting hemp, other than only on the licensee’s property, the licensee carries all of the following:

(1) The licensee’s hemp license issued pursuant to section 204.4, or a copy of that license.

(2) The licensee’s certificate of crop inspection covering the licensee’s harvested hemp as provided in section 204.8.

6. A person other than a licensee is not subject to a criminal offense under chapter 124 or 453B for producing, possessing, using, harvesting, handling, manufacturing, marketing, transporting, delivering, or distributing hemp, while on the licensee’s crop site, if all of the following applies:

*a.* The hemp is produced at the licensee’s crop site.

*b.* The person is authorized to be on the licensee’s crop site by the licensee.

7. A person other than a licensee is not subject to a criminal offense under chapter 124 or 453B for possessing, handling, using, manufacturing, marketing, transporting, delivering, or distributing hemp produced in this state, if all of the following applies:

*a.* The hemp is hemp seed delivered to the licensee for planting at the licensee’s crop site, or the hemp was produced at a licensee’s crop site.

*b.* During any period that the person is transporting hemp the person carries all of the following:

(1) If the hemp has been harvested, a certificate of crop inspection covering the harvested hemp as provided in section 204.8.

(2) A bill of lading that includes information required by the department, which must at least indicate the name of the owner of the hemp, the point of origin, and the point of delivery.

c. The person is acting in compliance with the federal hemp law and other applicable federal law.

8. A person is not subject to a criminal offense under chapter 124 or 453B for possessing, using, harvesting, handling, manufacturing, marketing, transporting, delivering, or distributing hemp produced in another state, if all of the following applies:

a. During any period that the person is transporting hemp, the person carries a bill of lading that includes information required by the department, which must at least indicate the name of the owner of the hemp, the point of origin, and the point of delivery.

b. The person is acting in compliance with the federal hemp law and other applicable federal law.

9. a. A person may engage in the retail sale of a hemp product if the hemp was produced in this state or another state in compliance with the federal hemp law or other applicable federal law. A person may engage in the retail sale of a hemp product if the hemp was produced in another jurisdiction in compliance with applicable federal law and the laws of the other jurisdiction, if such law is substantially the same as applicable federal law.

b. To the extent consistent with applicable federal law, a derivative of hemp, including hemp-derived cannabidiol, may be added to cosmetics, personal care products, and products intended for human or animal consumption. The addition of such a derivative shall not be considered an adulteration of the product, unless otherwise provided in applicable federal law.

c. A person may transport a hemp product within and through this state and may export a hemp product to any foreign nation, in accordance with applicable federal law and the law of the foreign nation.

d. A hemp product complying with this subsection is not a controlled substance under chapter 124 or 453B.

**Sec. 8. NEW SECTION. 204.8 Inspections and tests — certificate of crop inspection.**

1. a. The department shall conduct an annual inspection of a licensee's crop site to determine if the crop produced at the site qualifies as hemp under this section. The annual inspection shall include obtaining a sample of plants that are part of the crop and providing for an official test of that sample. The inspection shall be conducted as provided in section 204.9.

b. A licensee shall deliver a notice to the department stating the expected harvest date for the crop produced at the licensee's crop site. The department must receive the notice at least thirty days prior to the expected harvest date. The department shall conduct the annual inspection of the site within thirty days prior to the actual harvest date.

c. The department shall provide the department of public safety any official test results that indicate a sample exceeds the maximum concentration of delta-9 tetrahydrocannabinol in excess of two percent on a dry weight basis.

d. A licensee shall not harvest any portion of a crop produced at the licensee's crop site unless the department has issued the licensee a certificate of crop inspection. The department shall issue a verified copy of the certificate to any other person upon request of the licensee. The certificate shall be published by the department as an official form. To the extent allowed by the federal hemp law, the certificate shall be proof that the harvested crop described on the form qualifies as hemp pursuant to the results of an official test.

2. The department may conduct official tests for additional varieties of hemp located on the same licensed crop site. The department may conduct additional inspections and tests upon the request of a licensee.

3. The official test shall be a composite test of the plants obtained by the department from a licensee's crop site during the annual inspection and shall be conducted by a laboratory designated by the department. The sample must have a maximum concentration of delta-9 tetrahydrocannabinol that does not exceed three-tenths of one percent on a dry weight basis.

4. The department of public safety or a local law enforcement agency may conduct an inspection of a licensee's crop site in order to determine that the licensee is complying with the criminal provisions of this chapter as well as chapters 124 and 453B. The department of public safety or a local law enforcement agency may conduct a test of the plants obtained



by that department or local law enforcement agency from the licensee's crop site during the inspection according to procedures adopted by the department of public safety.

**Sec. 9. NEW SECTION. 204.9 Right of access.**

1. *a.* The department, including an authorized inspector, employee, or agent of the department, may enter onto a crop site during reasonable hours to determine whether a licensee is acting in compliance with the requirements under this chapter. The department may also enter into any structure if all of the following apply:

(1) The structure is not a dwelling.

(2) The structure is located on or in close proximity to the licensee's crop site, and the use of such structure is directly related to the production of hemp, including but not limited to a barn, machine shed, greenhouse, or storage crib.

*b.* The department may require the licensee to furnish business records, including books, accounts, records, files, and any other documents in print or electronic media that the department deems relevant to an inquiry conducted under this chapter.

*c.* The department may request the department of public safety or a local law enforcement agency accompany the department of agriculture and land stewardship when conducting an inspection.

2. *a.* The department of public safety or a local law enforcement agency may conduct an inspection of a licensee's crop site or enter into a structure located on or in close proximity to the crop site and may require a licensee to furnish business records, in the same manner and according to the same limitations as the department of agriculture and land stewardship pursuant to subsection 1.

*b.* The department of public safety or a law enforcement agency may obtain a sample of plants that are part of the crop and provide for a test of that sample as provided in section 204.8. The department of public safety or a local law enforcement agency shall not impose, assess, or collect a fee for conducting an inspection or test under this section.

4. A person shall not prevent the department, the department of public safety, or a local law enforcement agency from administering and enforcing the provisions of this section by any means, including but not limited to any act, including a refusal to allow entry, misrepresentation, omission, or concealment of facts.

5. A licensee shall not harvest any portion of a crop produced at the licensee's crop site if the department, the department of public safety, or a local law enforcement agency has been prevented from accessing the site under this section.

**Sec. 10. NEW SECTION. 204.10 Order of disposal.**

1. If a crop that is produced at a licensee's crop site does not qualify as hemp according to an official test conducted pursuant to section 204.8, the department, in consultation with the department of public safety, shall order the disposal of the crop by destruction at the site or if necessary require the crop to be removed to another location for destruction.

2. The department may request assistance from the department of public safety or a local law enforcement agency as necessary to carry out the provisions of this section. The department upon request shall deliver any sample of the crop to the department of public safety or a local law enforcement agency.

3. The licensee shall pay the department for all actual and reasonable costs of the destruction of the crop. If the department assumes any amount of the costs, it may charge that amount to the licensee. If the licensee fails to reimburse any of that amount to the department, the department may report the amount to the county treasurer. The amount shall be placed upon the tax books, and collected with interest and penalties after due, in the same manner as other unpaid property taxes. The county shall reimburse the department within thirty days from the collection of the property taxes.

4. To the extent allowed by applicable federal law, the department may provide for the disposal of the mature stalks of the crop confiscated by the department for the licensee's on-farm use and at the licensee's expense.

**Sec. 11. NEW SECTION. 204.11 Disciplinary action.**

1. The department may suspend or revoke a hemp license obtained under section 204.4 by a person who does any of the following:

a. Provides false or misleading information to the department under this chapter, including by submitting a false application.

b. Fails to comply with or violates any provision of this chapter, including a rule adopted by the department, the department of public safety, or a condition of an application for the issuance of a hemp license under section 204.4.

c. Fails to comply with an order issued by the department under this chapter.

2. The department shall revoke a license issued pursuant to section 204.4, if any of the following apply:

a. The department would disapprove a new application to that person for good cause as provided in section 204.4, subsection 10.

b. The person submits a materially false application to participate in the negligent violation program.

3. The suspension or revocation of a hemp license is in addition to an order of disposal under section 204.10; the imposition of a civil penalty under section 204.12, subject to the provisions of section 204.15; or the imposition of any other civil or criminal penalty authorized under state law.

**Sec. 12. NEW SECTION. 204.12 Civil penalties.**

1. A person who violates a provision of this chapter is subject to a civil penalty of not less than five hundred dollars and not more than two thousand five hundred dollars. The department shall impose, assess, and collect the civil penalty. Each day that a continuing violation occurs may be considered a separate offense.

2. Notwithstanding subsection 1, a civil penalty shall not be imposed, assessed, or collected against a licensee who is participating in or has successfully completed the negligent violation program pursuant to section 204.15.

3. All civil penalties collected under this section shall be deposited into the general fund of the state.

**Sec. 13. NEW SECTION. 204.13 Injunctive relief.**

The department, or the attorney general acting on behalf of the department, may apply to the district court for injunctive relief in order to restrain a person from acting in violation of this chapter. In order to obtain injunctive relief, the department, or attorney general, shall not be required to post a bond or prove the absence of an adequate remedy at law unless the court for good cause otherwise orders. The court may order any form of prohibitory or mandatory relief that is appropriate under principles of equity, including but not limited to issuing a temporary or permanent restraining order.

**Sec. 14. NEW SECTION. 204.14 Criminal offense — falsified certificate of crop inspection.**

A person is subject to criminal penalties provided under the applicable provisions in chapter 124 or 453B, if all of the following apply:

1. The person commits an offense under one of the applicable provisions of chapter 124 or 453B by possessing, handling, using, manufacturing, marketing, transporting, delivering, or distributing the plant cannabis, regardless of whether the plant was produced in compliance with the provisions of this chapter.

2. The person is required to hold a certificate of crop inspection under section 204.8 to possess, handle, use, manufacture, market, transport, deliver, or distribute hemp that has been harvested under this chapter.

3. The person knowingly or intentionally does any of the following:

a. Falsifies the certificate of crop inspection.

b. Acquires the certificate of crop inspection that the person knows has been falsified.

**Sec. 15. NEW SECTION. 204.15 Negligent violation — program.**

1. a. The department may find that a licensee has negligently violated a provision of this chapter by doing any of the following:

(1) Completing an application for a license without providing a legal description of the crop site pursuant to section 204.4.

(2) Failing to renew a hemp license for an existing crop site or obtain a hemp license for a new crop site pursuant to section 204.4.

(3) Producing a crop on the licensee's crop site with a maximum concentration of delta-9 tetrahydrocannabinol that exceeds three-tenths of one percent according to the results of an official test of a sample obtained from the licensed crop site pursuant to an inspection conducted under section 204.8.

b. It is conclusively presumed that a licensee acted with a culpable mental state greater than negligence, if the department obtains a sample of a crop produced on the licensee's crop site and the official test results of the sample conducted pursuant to section 204.8 indicate a maximum concentration of delta-9 tetrahydrocannabinol in excess of two percent on a dry weight basis.

c. If the department determines a licensee violated this chapter with a culpable mental state greater than negligence, the department shall immediately report the licensee's violation to the department of public safety, the county attorney, and the attorney general, who shall take action as the facts and circumstances warrant. The department shall also report the licensee to the United States attorney general to the extent required by the federal hemp law.

2. The department may establish a negligent violation program. The purpose of the program is to allow a participating licensee who has negligently violated a provision of this chapter as described in subsection 1 to comply with a corrective plan established by the department to correct each negligent violation, including by providing for all of the following:

a. A reasonable date, established by the department, for the licensee to correct each cause for the violation.

b. The filing of periodic reports to the department evidencing that the licensee is complying with the requirements of this chapter. The licensee shall submit the reports to the department according to a schedule required by the department. The licensee shall submit a report to the department for at least two years from the date that the licensee first participated in the program.

c. Any other requirement established by the department.

3. A licensee shall not participate in the negligent violation program, if a test of a sample of plants that are part of a crop produced on the licensee's crop site exceeds a maximum concentration of two percent delta-9 tetrahydrocannabinol on a dry weight basis.

4. A person who has violated a provision of this chapter three times in a five-year period shall be ineligible to participate in the negligent violation program, or produce hemp, for a period of five years beginning on the date of the third violation.

5. The department shall certify that a licensee has successfully completed the negligent violation program. The certification shall be published by the department as an official form. The department shall deliver the certification to the licensee which shall be proof of the licensee's compliance.

6. A licensee who is participating in or has successfully completed the negligent violation program shall not be subject to any of the following:

a. A civil penalty under section 204.12 for committing a violation of this chapter.

b. A criminal offense under chapter 124 or 453B arising out of a negligent violation of this chapter, if the licensee would otherwise be guilty of producing, possessing, using, harvesting, handling, or distributing the plant cannabis pursuant to the results of a test conducted pursuant to section 204.8.

#### Sec. 16. NEW SECTION. **204.16 Waivers or variances.**

If the department determines there is a conflict with a regulation or order promulgated by a federal agency and a provision of this chapter, the department may grant a variance or waiver from the provision of this chapter to the extent such variance or waiver is allowed under the federal hemp law and the United States department of agriculture. The waiver or variance shall expire not later than July 1 of the succeeding legislative session.

#### Sec. 17. NEW SECTION. **204.17 Statutory construction.**

1. Nothing in this chapter shall be construed or applied to be less stringent than required under the federal hemp law.

2. Nothing in this chapter shall be construed or applied to be in conflict with any of the following:

a. Applicable federal law and related regulations.

b. Other laws of this state, including any administrative rules, relating to product development, product manufacturing, consumer safety, or public health so long as the state law is compatible with applicable federal law.

c. Local law relating to product development, product manufacturing, consumer safety, or public health so long as the local law is consistent with federal and state law.

3. Except as provided in section 204.7, nothing in this chapter shall be construed or applied to prohibit a person from possessing, handling, using, manufacturing, marketing, transporting, delivering, or distributing a hemp product.

4. Nothing in this chapter shall be construed or applied to authorize a person to manufacture, recommend, possess, use, dispense, deliver, transport, or administer medical cannabidiol pursuant to chapter 124E.

5. Nothing in this chapter shall be construed or applied to infringe upon the ability of the department of public safety or a local law enforcement agency to obtain a search warrant issued by a court, or enter onto any premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.

6. Nothing in this chapter shall be construed or applied to affect a statute or rule which applies to hemp or a hemp product, if it would apply in the same manner as to other articles subject to the same general regulation.

#### Sec. 18. CONTINGENT IMPLEMENTATION.

1. Except as provided in subsection 2, the provisions of chapter 204, as enacted in this division of this Act, shall only be implemented, including administered and enforced, by the department of agriculture and land stewardship, the department of public safety, and local law enforcement agencies, beginning on the publication date of the edition of the Iowa administrative bulletin that includes a statement by the secretary of agriculture of the department of agriculture and land stewardship certifying that the United States department of agriculture has approved a state plan as described in section 204.3, as enacted in this division of this Act. The department shall forward a copy of the statement to the Iowa Code editor prior to publication.

2. Section 204.3 and this subsection shall be implemented on the effective date of this division of this Act.

Sec. 19. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

### DIVISION II COORDINATING AMENDMENTS

Sec. 20. Section 29B.107A, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding subsection 2, “*controlled substance*” does not include hemp or a hemp product excluded from schedule I of controlled substances as provided in section 124.204, subsection 7.

Sec. 21. Section 80.9, subsection 7, Code 2019, is amended to read as follows:

7. a. The department shall assist persons who are responsible for the care of private and public land in identifying growing marijuana plants when the plants are reported to the department. The department shall also provide education to the persons regarding methods of eradicating the plants.

b. Notwithstanding paragraph “a”, the department is not required to provide such assistance if the marijuana plants are hemp produced in accordance with the provisions of chapter 204.

c. The department shall adopt rules necessary to carry out this subsection.

Sec. 22. Section 124.204, subsection 4, paragraphs m and u, Code 2019, are amended to read as follows:

m. Marijuana, except as otherwise provided by rules of the board for medicinal purposes in subsection 7.

u. (1) Tetrahydrocannabinols, except as otherwise provided by rules of the board for medicinal purposes, meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (Cannabis plant) as well as synthetic equivalents of the substances contained in the Cannabis plant, or in the resinous extractives of such plant, and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:

(1) (a) 1 cis or trans tetrahydrocannabinol, and their optical isomers.

(2) (b) 6 cis or trans tetrahydrocannabinol, and their optical isomers.

(3) (c) 3,4 cis or trans tetrahydrocannabinol, and their optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

(2) Subparagraph (1) does not include tetrahydrocannabinol to the extent excluded in subsection 7.

Sec. 23. Section 124.204, subsection 7, Code 2019, is amended to read as follows:

7. Exclusions. This section does not apply to ~~marijuana~~, any of the following:

a. ~~Marijuana~~, tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinol, when utilized for medicinal purposes pursuant to rules of the board.

b. (1) Hemp as defined in section 204.2 that is or was produced in this state, or was produced in another state, in accordance with the provisions of chapter 204 with a maximum delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis.

(2) A hemp product as provided in chapter 204 with a maximum delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis.

Sec. 24. Section 124.401, Code 2019, is amended by adding the following new subsection: NEW SUBSECTION. 6. Notwithstanding any other provision in this section to the contrary, a person may produce, possess, use, harvest, handle, manufacture, market, transport, deliver, or distribute any of the following:

a. Hemp that is hemp seed delivered for planting at a licensed crop site, or hemp that is or was produced at the site, by a person operating under a hemp license issued by the department of agriculture and land stewardship in accordance with the provisions of chapter 204.

b. Hemp that was produced in another state in accordance with the federal hemp law and other applicable law.

c. A hemp product as provided in chapter 204.

Sec. 25. NEW SECTION. 124.401H Iowa hemp Act — negligent violation program.

Notwithstanding any provision of this chapter to the contrary, a person shall not be guilty of an offense under this chapter, including under section 124.401 or 124.410, for producing, possessing, using, harvesting, handling, manufacturing, marketing, transporting, delivering, or distributing the plant cannabis, if all of the following apply:

1. The person holds a valid hemp license issued by the department of agriculture and land stewardship as provided in chapter 204.

2. The plant is or was produced on the licensee's crop site as provided in chapter 204.

3. The offense arises out of a test of a sample of plants that are part of a crop produced on the licensee's crop site and the test indicates that the sample does not qualify as hemp under section 204.8 and does not exceed a maximum concentration of two percent delta-9 tetrahydrocannabinol on a dry weight basis.

4. The licensee is participating in or has successfully completed the negligent violation program that applies to the licensee's crop site described in subsection 3 if such program is established by the department of agriculture and land stewardship pursuant to section 204.15.

Sec. 26. Section 124.410, Code 2019, is amended to read as follows:

**124.410 Accommodation offense.**

1. In a prosecution for unlawful delivery or possession with intent to deliver marijuana, if the prosecution proves that the defendant violated the provisions of section 124.401, subsection 1, by proving that the defendant delivered or possessed with intent to deliver one-half ounce or less of marijuana which was not offered for sale, the defendant is guilty of an accommodation offense and rather than being sentenced as if convicted for a violation of section 124.401, subsection 1, paragraph "d", shall be sentenced as if convicted of a violation of section 124.401, subsection 5. An accommodation offense may be proved as an included offense under a charge of delivering or possessing with the intent to deliver marijuana in violation of section 124.401, subsection 1. ~~This section~~

2. Subsection 1 does not apply to ~~hashish~~, any of the following:

a. ~~Hashish~~, hashish oil, or other derivatives of marijuana as defined in section 124.101, subsection 20.

b. Hemp or a hemp product excluded from schedule I of controlled substances as provided in section 124.204, subsection 7.

Sec. 27. Section 124.411, subsection 3, Code 2019, is amended to read as follows:

3. This section does not apply to ~~offenses~~ any of the following:

a. ~~An offense~~ under section 124.401, subsection 5.

b. Hemp or a hemp product excluded from schedule I of controlled substances as provided in section 124.204, subsection 7.

Sec. 28. Section 124.506A, subsection 1, Code 2019, is amended to read as follows:

1. a. Notwithstanding the provisions of section 124.506, if more than ten pounds of marijuana or more than one pound of any other controlled substance is seized as a result of a violation of this chapter, the law enforcement agency responsible for retaining the seized controlled substance may destroy the seized controlled substance if the law enforcement agency retains at least ten pounds of the marijuana seized or at least one pound of any other controlled substance seized for evidence purposes.

b. Paragraph "a" does not apply to hemp or a hemp product excluded from schedule I of controlled substances as provided in section 124.204, subsection 7.

Sec. 29. Section 189.1, subsection 1, Code 2019, is amended to read as follows:

1. "Article" means food, commercial feed, agricultural seed, commercial fertilizer, drug, pesticide, hemp or a hemp product, and paint, in the sense in which they are defined in the various provisions of this subtitle.

Sec. 30. NEW SECTION. 317.1D Exemption — Iowa hemp Act.

This chapter does not apply to a plant or any part of the plant qualifying as hemp, if the hemp is produced on a crop site regulated under chapter 204.

Sec. 31. NEW SECTION. 453B.17 Exemption — Iowa hemp Act — hemp and hemp products.

This chapter does not apply to any of the following:

1. Hemp that is hemp seed delivered for planting at a licensed crop site, or hemp that is or was produced at the site, by a person operating under a hemp license issued by the department of agriculture and land stewardship in accordance with the provisions of chapter 204.

2. Hemp that was produced in another state in accordance with the federal hemp law and other applicable law.

3. A hemp product as provided in chapter 204.

Sec. 32. NEW SECTION. **453B.18 Exemption — Iowa hemp Act — negligent violation program.**

Notwithstanding any provision of this chapter to the contrary, a person shall not be guilty of an offense under this chapter for producing or possessing the plant cannabis, if all of the following apply:

1. The person holds a valid hemp license issued by the department of agriculture and land stewardship as provided in chapter 204.
2. The plant is or was produced on the licensee’s crop site as provided in chapter 204.
3. The offense arises out of a test of a sample of plants that are part of a crop produced on the licensee’s crop site and the test indicates that the sample does not qualify as hemp under section 204.8 and it does not exceed a maximum concentration of two percent delta-9 tetrahydrocannabinol on a dry weight basis.
4. The licensee is participating in or has successfully completed the negligent violation program that applies to the licensee’s crop site described in subsection 3 if such program is established by the department of agriculture and land stewardship pursuant to section 204.15.

Sec. 33. CONTINGENT EFFECTIVE DATE. The amendments to sections 29B.107A, 80.9, 124.204, 124.401, 124.410, 124.411, 124.506A, and 189.1, and new sections 124.401H, 317.1D, 453B.17, and 453B.18, as enacted in this division of this Act, shall become effective upon the date of implementation of chapter 204 as described in subsection 1 of the section providing for the contingent implementation of that chapter, as enacted in division I of this Act.

Approved May 13, 2019

**CHAPTER 131**

**APPROPRIATIONS — AGRICULTURE AND NATURAL RESOURCES**

*S.F. 609*

**AN ACT** relating to and making appropriations and related statutory changes involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

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

DIVISION I  
 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
 GENERAL APPROPRIATION

Section 1. 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, 2019, and ending June 30, 2020, 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:

.....	\$	18,327,339
.....	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:

.....	\$	288,000
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3. a. Of the amount appropriated in subsection 1, the following amount is transferred to Iowa state university of science and technology to be used for purposes of supporting the college of veterinary medicine for the operation of the veterinary diagnostic laboratory:

..... \$ 200,000

b. The amount transferred in paragraph “a” is contingent on the enactment of 2019 Iowa Acts, Senate File 601,<sup>1</sup> or successor legislation.

4. 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 FUNDS

Sec. 2. 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, 2019, and ending June 30, 2020, 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:

..... \$ 305,516

Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR FUEL INSPECTION. 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, 2019, and ending June 30, 2020, 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:

..... \$ 500,000

SPECIAL APPROPRIATIONS  
GENERAL FUND

Sec. 4. 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, 2019, and ending June 30, 2020, 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:

..... \$ 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. 5. 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, 2019, and ending June 30, 2020, 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:

..... \$ 75,000

<sup>1</sup> Not enacted



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. 6. 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, 2019, and ending June 30, 2020, 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:

..... \$ 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. 7. 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, 2019, and ending June 30, 2020, 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:

..... \$ 500,000

Sec. 8. 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, 2019, and ending June 30, 2020, 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:

..... \$ 180,000

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. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND — HUNGRY CANYONS ACCOUNT.

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, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the hungry canyons account of the loess hills development and conservation fund created pursuant to section 161D.2:

..... \$ 50,000

2. Not more than 10 percent of the moneys appropriated to the hungry canyons account as provided in subsection 1 may be used for administrative costs.

Sec. 10. AGRICULTURAL DRAINAGE WELL CLOSURES.

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, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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:

..... \$ 1,875,000

2. Not more than 10 percent of the moneys appropriated in subsection 1 may be used for costs of administration and implementation of soil conservation practices.

DIVISION II  
MONEYS CREDITED TO THE WATERSHED IMPROVEMENT FUND  
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Sec. 11. FARM MANAGEMENT DEMONSTRATION PROGRAM.

1. 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, including any of these moneys transferred to the department, the department shall expend the following amount, or so much thereof as is necessary, for the fiscal year beginning July 1, 2019, and ending June 30, 2020, for the purpose designated:

2. 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

3. 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.

Sec. 12. WATER QUALITY INITIATIVE.

1. 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, including any of those moneys transferred to the department, the department shall deposit the following amount in the water quality initiative fund created in section 466B.45 for the fiscal year beginning July 1, 2019, and ending June 30, 2020, to be used for the purposes designated:

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:

..... \$ 1,600,000

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 Iowa nutrient reduction strategy as defined in section 455B.171.

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  
GENERAL FUND  
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
WATER QUALITY INITIATIVE

Sec. 13. 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, 2019, and ending June 30, 2020, 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:

..... \$ 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 Iowa nutrient reduction strategy as defined in section 455B.171.

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 IV DEPARTMENT OF NATURAL RESOURCES

##### Sec. 14. 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, 2019, and ending June 30, 2020, 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:

.....	\$	11,920,987
.....	FTEs	1,145.95

2. Of the number of full-time equivalent positions authorized to the department pursuant to subsection 1, 50.00 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. 15. 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, 2019, and ending June 30, 2020, 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:

.....	\$	44,007,044
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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, 2019, and ending June 30, 2020, 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. 16. 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, 2019, and ending June 30, 2020, 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:

.....	\$	3,455,832
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DESIGNATED APPROPRIATIONS  
MISCELLANEOUS FUNDS

Sec. 17. 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, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

.....	\$	100,000
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Sec. 18. 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, 2019, and ending June 30, 2020, 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:  
 ..... \$ 200,000

SPECIAL APPROPRIATIONS  
 GENERAL FUND

Sec. 19. 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, 2019, and ending June 30, 2020, 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:  
 ..... \$ 1,510,000

2. Of the amount appropriated in subsection 1, up to \$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. 20. 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, 2019, and ending June 30, 2020, 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:  
 ..... \$ 500,000

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.

DIVISION V  
 IOWA STATE UNIVERSITY  
 SPECIAL GENERAL FUND APPROPRIATION  
 VETERINARY DIAGNOSTIC LABORATORY

Sec. 21. 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, 2019, and ending June 30, 2020, 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:  
 ..... \$ 4,400,000  
 ..... 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, 2020, 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 VI  
STATE UNIVERSITY OF IOWA  
SPECIAL GENERAL FUND APPROPRIATION  
AGRICULTURAL SAFETY AND HEALTH

Sec. 22. IOWA'S CENTER FOR AGRICULTURAL SAFETY AND HEALTH (I-CASH).

1. There is appropriated from the general fund of the state to the state university of Iowa for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For supporting the operations of Iowa's center for agricultural safety and health, as part of the university's college of public health, and in cooperation with the department of agriculture and land stewardship, to anticipate, recognize, and prevent occupational illness and injury among members of the agricultural community:

..... \$ 130,000

2. As a condition of the appropriation in subsection 1, the state university of Iowa shall retain the director of Iowa's center for agricultural safety and health employed on the effective date of this Act for at least the same number of hours for the fiscal year beginning July 1, 2019, as worked by the director during the fiscal year beginning July 1, 2018.

3. The state university of Iowa shall not reduce the amount allocated to support Iowa's center for agricultural safety from any other source due to the appropriation made in this division of this Act.

4. If by June 30, 2020, the state university of Iowa fails to use the moneys appropriated in subsection 1 in accordance with purposes and conditions of this section, any unencumbered and unobligated moneys appropriated in subsection 1 for the fiscal year beginning July 1, 2019, and ending June 30, 2020, shall revert to the general fund of the state. In addition, if moneys are required to be reverted pursuant to section 8.33, the state university of Iowa shall transfer to the general fund from any otherwise unencumbered and unobligated moneys from any other general fund appropriation or from any moneys available from other funding sources an amount equal to the amount appropriated in subsection 1 less any amount reverted to the general fund of the state pursuant to this subsection.

DIVISION VII  
ENVIRONMENT FIRST FUND  
GENERAL APPROPRIATIONS

Sec. 23. 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, 2019, and ending June 30, 2020, 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:

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

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.

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:

..... \$ 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. SOIL AND WATER CONSERVATION — ADMINISTRATION

a. For use by the department for costs of administration and implementation of soil and water conservation practices:

..... \$ 3,800,000

b. Of the moneys appropriated in paragraph “a”, \$150,000 is allocated to support field staff providing technical assistance.

4. 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:

..... \$ 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.

5. SOIL AND WATER CONSERVATION

a. For use by the department in providing for soil and water conservation:

..... \$ 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:

..... \$ 490,000

(2) (a) Of the amount transferred to the loess hills development and conservation fund in subparagraph (1), \$450,000 shall be allocated to the fund’s hungry canyons account.

(b) Not more than 10 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), \$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:

..... \$ 7,835,000

d. Of the amount appropriated in paragraph “c” that the department allocates to a soil and water conservation district, the first \$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. 24. 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, 2019, and ending June 30, 2020, 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:

..... \$ 6,235,000

b. Of the amount appropriated in paragraph “a”, up to \$100,000 shall be allocated for statewide coordination of volunteer efforts.

c. Of the amount appropriated in paragraph “a”, the department shall use \$250,000 to support up to 3.00 full-time equivalent positions as state park rangers.

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:

..... \$ 195,000

3. WATER QUALITY MONITORING

For continuing the establishment and operation of water quality monitoring stations:

..... \$ 2,955,000

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:

..... \$ 500,000

5. REGULATION OF ANIMAL FEEDING OPERATIONS

For the regulation of animal feeding operations, including as provided for in chapters 459, 459A, and 459B:

..... \$ 1,320,000

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:

..... \$ 425,000

7. FLOODPLAIN MANAGEMENT AND DAM SAFETY

For supporting floodplain management and dam safety:

..... \$ 375,000

Sec. 25. STATE UNIVERSITY OF IOWA — IOWA 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, 2019, and ending June 30, 2020, 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 survey of the state as created within the state university of Iowa pursuant to section 456.1, 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 Iowa geological 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:

..... \$ 495,000

Sec. 26. REVERSION.

1. a. Except as provided in paragraph “b”, and notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2019, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but instead shall

remain available to be used for the purposes designated until the close of the succeeding fiscal year, or until the project for which the appropriation was made is completed, whichever is earlier.

b. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2019, in this division of this Act to the department of agriculture and land stewardship to provide financial assistance for the establishment of permanent soil and water conservation practices that remain unencumbered or unobligated at the close of the fiscal year shall not revert but instead shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2022.

2. Subsection 1 does not apply to moneys transferred pursuant to this division to the loess hills development and conservation fund created in section 161D.2 which shall not revert as provided in that section.

DIVISION VIII  
ENVIRONMENT FIRST FUND  
SPECIAL APPROPRIATIONS

Sec. 27. 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, 2019, and ending June 30, 2020, 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:

..... \$ 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.

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 Iowa nutrient reduction strategy as defined in section 455B.171.

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 IX  
IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND

Sec. 28. 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, 2019, and ending June 30, 2020, the following amount, to be allocated as provided in section 455A.19:

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

Sec. 29. 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, 2019, and ending on June 30, 2020.

Sec. 30. REAP — OPEN SPACES ACCOUNT — FLOOD DAMAGE REPAIR, RESTORATION, OR REHABILITATION.

1. 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, any amount in that account that is unencumbered and unobligated on the effective date of this section, are appropriated to the department of natural resources for the repair, restoration, or rehabilitation of property under the jurisdiction or control of the department, including such property located in southwestern Iowa, that has been damaged by flood waters, for the fiscal year beginning July 1, 2018, and ending June 30, 2019.

2. Nothing in this section requires the department to expend any or a certain amount of moneys appropriated in subsection 1 for the purposes described in that subsection.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2018, and ending June 30, 2019, shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 31. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this division of this Act appropriating moneys to the department of natural resources from moneys allocated to the open spaces account of the Iowa resources enhancement and protection fund for purposes of the repair, restoration, or rehabilitation of property under the jurisdiction or control of the department, for the fiscal year beginning July 1, 2018, and ending June 30, 2019.

DIVISION X  
RELATED CODE CHANGES — DEPARTMENT OF AGRICULTURE AND LAND  
STEWARDSHIP — PROGRAMS TO AUDIT MOTOR FUEL

Sec. 32. **NEW SECTION. 214A.2C Auditing programs.**

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.

DIVISION XI  
RELATED CODE CHANGES — STATE UNIVERSITY OF IOWA — IOWA GEOLOGICAL  
SURVEY

Sec. 33. Section 352.4, subsection 4, Code 2019, is amended to read as follows:

4. The state department of agriculture and land stewardship, department of management, department of natural resources, Iowa geological survey, state agricultural extension service, and the economic development authority shall, upon request, provide to each county commission any pertinent land use information available to assist in the compiling of the county land use inventories.

Sec. 34. Section 456.1, Code 2019, is amended to read as follows:

**456.1 Geological Iowa geological survey created.**

A An Iowa 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. 35. Section 456.10, Code 2019, is amended to read as follows:

**456.10 Distribution of reports.**

All publications of the Iowa geological survey shall be made available electronically via an internet site maintained for that purpose.

Sec. 36. Section 456.13, Code 2019, is amended to read as follows:

**456.13 Maps property of state — custody — copies.**

The maps so delivered to the state geologist shall be the property of the state and shall remain in the custody of the state geologist. They shall be kept at the office of the Iowa geological survey and be open to examination by all persons interested in the maps; but such examination shall only be made in the presence of the state geologist or a designee, and the state geologist shall not permit any copies of the maps to be made without the written consent of the operator or the owner of the property, except as provided in section 456.11 or if the mine has been abandoned for at least five years.

DIVISION XII  
RELATED CODE CHANGES — FUTURE REPEAL OF MERCURY THERMOSTAT  
REGULATION

Sec. 37. Section 455D.16, Code 2019, is amended to read as follows:

**455D.16 Mercury — thermostats.**

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

a. (1) “Manufacturer” means any person, firm, association, partnership, corporation, governmental entity, organization, combination, or joint venture that owns or owned the brand name of the thermostat.

(2) This paragraph “a” is repealed on January 1, 2022.

b. “Mercury-added thermostat” means a product or device that uses a mercury switch to sense and control room temperature through communication with heating, ventilating, or air-conditioning equipment. “Mercury-added thermostat” includes thermostats used to sense and control room temperature in residential, commercial, industrial, and other buildings but does not include thermostats used to sense and control temperature as part of a manufacturing process.

c. (1) “Thermostat retailer” means a person who sells thermostats of any kind directly to homeowners or other nonprofessionals through any selling or distribution mechanism, including but not limited to sales using the internet or catalogues. A thermostat retailer may also be a thermostat wholesaler if it meets the definition of thermostat wholesaler.

(2) This paragraph “c” is repealed on January 1, 2022.

d. (1) “Thermostat wholesaler” means a person who is engaged in the distribution and wholesale selling of large quantities of heating, ventilation, and air-conditioning components, including thermostats, to contractors who install heating, ventilation, and air-conditioning components, including thermostats.

(2) This paragraph “d” is repealed on January 1, 2022.

2. ~~Beginning July 1, 2009, a~~ A person shall not sell, offer for sale, or install a mercury-added thermostat in this state.

3. ~~Beginning April 1, 2009, except~~ Except as otherwise provided, a person who generates a discarded mercury-added thermostat shall manage the mercury-added thermostat as a hazardous waste or universal hazardous waste, according to all applicable state and federal regulations. A contractor who replaces or removes mercury-added thermostats shall assure that any discarded mercury-added thermostat is subject to proper separation and management as hazardous waste or universal hazardous waste. A contractor who replaces a mercury-added thermostat in a residence shall deliver the mercury-added thermostat to an appropriate collection location for recycling.

4. a. Each thermostat manufacturer that has offered for final sale, sold at final sale, or distributed mercury-added thermostats in the state shall individually, or in conjunction with other thermostat manufacturers, do all of the following:

~~a.~~ (1) Not later than October 1, 2008, submit a plan to the department for approval describing a collection program for mercury-added thermostats. The program contained in the plan shall ensure that all the following take place:

(1) ~~(a)~~ That an education and outreach program is developed. The program shall be directed toward thermostat wholesalers, thermostat retailers, contractors, and homeowners and ensure a maximum rate of collection of mercury-added thermostats. There shall not be a cost to thermostat wholesalers or thermostat retailers for education and outreach materials.

(2) ~~(b)~~ That handling and recycling of mercury-added thermostats are accomplished in a manner that is consistent with the provisions of the universal waste rules.

(3) ~~(c)~~ That containers for mercury-added thermostat collection are provided to all thermostat wholesalers. The cost to thermostat wholesalers for such containers shall be limited to an initial, reasonable, one-time fee per container as specified in the plan.

(4) ~~(d)~~ That collection points will be established to serve homeowners. The collection points shall include but are not limited to regional collection centers permitted under 567 IAC ch. 123. Collection points may include but are not limited to thermostat retailers.

(5) ~~(e)~~ That collection systems are provided to all collection points. Collection systems may include individual product mail back or multiple collection containers. The costs of collection shall not be passed on to a collection point. The costs to a collection point shall be limited to an initial, reasonable, one-time fee per container as specified in the plan.

b. (2) ~~Not later than April 1, 2009, implement~~ Implement a mercury-added thermostat collection plan approved by the department.

~~e.~~ (3) Beginning in 2010, submit an annual report to the department by April 1 of each year that includes, at a minimum, all of the following:

(1) ~~(a)~~ The number of mercury-added thermostats collected and recycled by that manufacturer during the previous calendar year.

(2) ~~(b)~~ The estimated total amount of mercury contained in the thermostat components collected by that manufacturer during the previous calendar year.

~~(3)~~ (c) A list of all participating thermostat wholesalers and all collection points for homeowners.

(4) (d) An evaluation of the effectiveness of the manufacturer's collection program.

~~(5)~~ (e) An accounting of the administrative costs incurred in the course of administering the collection and recycling program.

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

5. a. ~~(1)~~ By April 1, 2009, a A thermostat wholesaler shall do ~~both~~ all of the following:

~~(1)~~ (a) Act as a collection site for mercury-added thermostats.

~~(2)~~ (b) Promote and utilize the collection containers provided by thermostat manufacturers to facilitate a contractor collection program.

~~b. (2)~~ By April 1, 2009, a A thermostat retailer shall participate in an education and outreach program to educate consumers on the collection program for mercury-added thermostats.

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

6. a. ~~Beginning April 1, 2009, all~~ All of the following sales prohibitions shall apply to thermostat manufacturers, thermostat wholesalers, and thermostat retailers:

~~a. (1)~~ A thermostat manufacturer not in compliance with this section is prohibited from offering any thermostat for final sale in the state. A thermostat manufacturer not in compliance with this section shall provide the necessary support to thermostat wholesalers and thermostat retailers to ensure the manufacturer's thermostats are not offered for final sale.

~~b. (2)~~ A thermostat wholesaler or thermostat retailer shall not offer for final sale any thermostat of a manufacturer that is not in compliance with this section.

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

7. a. The department shall do all of the following:

~~a. (1)~~ Review and grant approval of, deny, or approve with modifications a manufacturer plan required under this section. The department shall not approve a plan unless all elements of subsection 4, paragraph "a", subparagraph (1), are adequately addressed and the program outlined in the plan will assure a maximum rate of collection of mercury-added thermostats. In reviewing a plan the department may consider consistency of the plan with collection requirements in other states and consider consistency between thermostat manufacturer collection programs. In reviewing plans, the agency shall ensure that education and outreach programs are uniform and consistent to ensure ease of implementation by thermostat wholesalers and thermostat retailers.

~~b. (2)~~ The department shall establish a process for public review and comment on all plans submitted by thermostat manufacturers prior to plan approval. The department shall consult with interested persons, including representatives of thermostat manufacturers, environmental groups, thermostat wholesalers, thermostat retailers, contractors, and local government.

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

8. a. The goal of the collection and recycling efforts under this section is to collect and recycle as many mercury-added thermostats as reasonably practicable. By January 1, 2009, the department shall determine collection goals for the program in consultation with interested persons, including the national electrical manufacturers association and representatives of thermostat manufacturers, thermostat wholesalers, thermostat retailers, contractors, environmental groups, and local government. If collection efforts fail to meet the collection goals described in this subsection, the department shall, in consultation with the national electrical manufacturers association and other interested persons, consider modifications to collection programs in an attempt to improve collection rates in accordance with these goals.

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

DIVISION XIII  
AGRICULTURAL DRAINAGE WELL CLOSURES

Sec. 38. Section 460.304, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 4. A person is not eligible to participate in the program for a project described in this section that involves an agricultural drainage well that has not been registered with the department of natural resources pursuant to section 460.302 by January 1, 2019.

Approved May 13, 2019

**CHAPTER 132**  
SPORTS WAGERING AND FANTASY SPORTS CONTESTS  
S.F. 617

**AN ACT** relating to gambling regulation and wagering, by providing for sports wagering and fantasy sports contests, providing for taxes and fees, making penalties applicable, and including implementation and effective date provisions.

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

DIVISION I  
SPORTS WAGERING

Section 1. Section 99D.7, subsection 23, Code 2019, is amended to read as follows:

23. To establish a process to allow a person to be voluntarily excluded from advance deposit wagering as defined in section 99D.11, from an internet fantasy sports contest as defined in section 99E.1, from advance deposit sports wagering as defined in section 99F.9, from the wagering area of a racetrack enclosure and from the gaming floor and sports wagering area, 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, chapter 99E, 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. The state and any licensee under this chapter, chapter 99E, 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 as a result of wagers made by the person after the person has been voluntarily excluded shall be forfeited by the person and shall be credited to the general fund of the state.

Sec. 2. Section 99F.1, subsection 1, Code 2019, is amended to read as follows:

1. “Adjusted gross receipts” means the gross receipts less winnings paid to wagerers on gambling games. However, “adjusted gross receipts” does not include promotional play receipts received after the date in any fiscal year that the commission determines that the

wagering tax imposed pursuant to section 99F.11 on all licensees in that fiscal year on promotional play receipts exceeds twenty-five million eight hundred twenty thousand dollars.

Sec. 3. Section 99F.1, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. “*Authorized sporting event*” means a professional sporting event, collegiate sporting event, international sporting event, or professional motor race event. “*Authorized sporting event*” does not include a race as defined in section 99D.2, a fantasy sports contest as defined in section 99E.1, minor league sporting event, or any athletic event or competition of an interscholastic sport as defined in section 9A.102.

NEW SUBSECTION. 4A. “*Collegiate sporting event*” means an athletic event or competition of an intercollegiate sport as defined in section 9A.102.

NEW SUBSECTION. 16A. “*International sporting event*” means an international team or individual sporting event governed by an international sports federation or sports governing body, including sporting events governed by the international olympic committee and the international federation of association football.

NEW SUBSECTION. 18A. “*Minor league sporting event*” means a sporting event conducted by a sports league which is not regarded as the premier league in the sport as determined by the commission.

NEW SUBSECTION. 19A. “*Professional sporting event*” means an event, excluding a minor league sporting event, at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in such event.

NEW SUBSECTION. 23. “*Sports wagering*” means the acceptance of wagers on an authorized sporting event by any system of wagering as authorized by the commission. “*Sports wagering*” does not include placing a wager on the performance or nonperformance of any individual athlete participating in a single game or match of a collegiate sporting event in which a collegiate team from this state is a participant, or placing a wager on the performance of athletes in an individual international sporting event governed by the international olympic committee in which any participant in the international sporting event is under eighteen years of age.

NEW SUBSECTION. 24. “*Sports wagering area*” means an area, as designated by the commission, in which sports wagering is conducted.

NEW SUBSECTION. 25. “*Sports wagering net receipts*” means the gross receipts less winnings paid to wagerers on sports wagering.

Sec. 4. Section 99F.1, subsection 17, Code 2019, is amended to read as follows:

17. “*Licensee*” means any person licensed under section 99F.7 or 99F.7A.

Sec. 5. Section 99F.3, Code 2019, is amended to read as follows:

**99F.3 Gambling games and sports wagering authorized.**

The system of wagering on a gambling game and sports wagering as provided by this chapter is legal, when conducted ~~on an excursion gambling boat, gambling structure, or racetrack enclosure at authorized locations~~ by a licensee as provided in this chapter.

Sec. 6. Section 99F.4, subsections 3 and 22, Code 2019, are amended to read as follows:

3. To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held. The commission may authorize the operation of gambling games on an excursion gambling boat and sports wagering in a sports wagering area which is also licensed to sell or serve alcoholic beverages, wine, or beer as defined in section 123.3.

22. To establish a process to allow a person to be voluntarily excluded from advance deposit wagering as defined in section 99D.11, from an internet fantasy sports contest as defined in section 99E.1, from advance deposit sports wagering as defined in section 99F.9, from the gaming floor and sports wagering area of an excursion gambling boat, from the wagering area, as defined in section 99D.2, and from the gaming floor and sports wagering area 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, and chapter 99E~~. 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. The state and any licensee under this chapter, ~~or chapter 99D, or chapter 99E~~ 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 as a result of wagers made by the person after the person has been voluntarily excluded shall be forfeited by the person and shall be credited to the general fund of the state.

Sec. 7. Section 99F.4, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 27. To adopt standards under which all sports wagering is conducted, including the scope and type of wagers allowed, to identify occupations within sports wagering which require licensing, and to adopt standards for licensing and background qualifications for occupations including establishing fees for the occupational license. All revenue received by the commission under this chapter from license fees shall be deposited in the general fund of the state and shall be subject to the requirements of section 8.60. All revenue received by the commission from regulatory fees shall be deposited into the gaming regulatory revolving fund established in section 99F.20.

Sec. 8. Section 99F.5, subsection 1, Code 2019, is amended to read as follows:

1. A qualified sponsoring organization may apply to the commission for a license to conduct gambling games on an excursion gambling boat or gambling structure as provided in this chapter. A person may apply to the commission for a license to operate an excursion gambling boat. An operating agreement entered into on or after May 6, 2004, between a qualified sponsoring organization and an operator of an excursion gambling boat or gambling structure shall provide for a minimum distribution by the qualified sponsoring organization for educational, civic, public, charitable, patriotic, or religious uses as defined in section 99B.1, that averages at least three percent of the adjusted gross receipts for each license year and, if applicable, three-quarters of one percent of sports wagering net receipts for each license year. The application shall be filed with the administrator of the commission at least ninety days before the first day of the next excursion season as determined by the commission, shall identify the excursion gambling boat upon which gambling games will be authorized, shall specify the exact location where the excursion gambling boat will be docked, and shall be in a form and contain information as the commission prescribes. The minimum capacity of an excursion gambling boat or gambling structure is two hundred fifty persons.

Sec. 9. Section 99F.6, subsection 4, paragraph a, subparagraphs (2) and (3), Code 2019, are amended to read as follows:

(2) A qualified sponsoring organization licensed to operate gambling games under this chapter shall distribute the receipts of all gambling games, less reasonable expenses, charges, taxes, fees, and deductions allowed under this chapter, as winnings to players or participants or shall distribute the receipts for educational, civic, public, charitable, patriotic, or religious uses as defined in section 99B.1. However, a licensee to conduct gambling games under this chapter shall, unless an operating agreement for an excursion gambling boat otherwise provides, distribute at least three percent of the adjusted gross receipts and, if applicable, three-quarters of one percent of sports wagering net receipts for each license year for educational, civic, public, charitable, patriotic, or religious uses as defined in section 99B.1. However, if a licensee who is also licensed to conduct pari-mutuel wagering at a horse racetrack has unpaid debt from the pari-mutuel racetrack operations, the first receipts of the

gambling games operated within the racetrack enclosure less reasonable operating expenses, taxes, and fees allowed under this chapter shall be first used to pay the annual indebtedness.

(3) The commission shall authorize, subject to the debt payments for horse racetracks and the provisions of paragraph “b” for dog racetracks, a licensee who is also licensed to conduct pari-mutuel dog or horse racing to use receipts from gambling games and sports wagering within the racetrack enclosure to supplement purses for races particularly for Iowa-bred horses pursuant to an agreement which shall be negotiated between the licensee and representatives of the dog or horse owners. For agreements subject to commission approval concerning purses for horse racing beginning on or after January 1, 2006, the agreements shall provide that total annual purses for all horse racing shall be four percent of sports wagering net receipts and no less than eleven percent of the first two hundred million dollars of net receipts, and six percent of net receipts above two hundred million dollars. In addition, live standardbred horse racing shall not be conducted at the horse racetrack in Polk county, but the purse moneys designated for standardbred racing pursuant to section 99D.7, subsection 5, paragraph “b”, shall be included in calculating the total annual purses required to be paid pursuant to this subsection. Agreements that are subject to commission approval concerning horse purses for a period of time beginning on or after January 1, 2006, shall be jointly submitted to the commission for approval.

**Sec. 10. NEW SECTION. 99F.7A Sports wagering — license — terms and conditions — fees.**

1. The commission shall, upon payment of an initial license fee of forty-five thousand dollars and submission of an application to the commission consistent with the requirements of section 99F.6, issue a license to conduct sports wagering to a licensee authorized to conduct gambling games at a pari-mutuel racetrack enclosure or a licensee authorized to operate an excursion gambling boat or gambling structure, subject to the requirements of this chapter. The annual renewal fee for a license to conduct sports wagering shall be ten thousand dollars.

2. A licensee under this section shall do all of the following:

a. Include on the internet site or mobile application used by the licensee to conduct advance deposit sports wagering as authorized in section 99F.9 the statewide telephone number authorized by the Iowa department of public health to provide problem gambling information and extensive responsible gaming features in addition to those described in section 99F.4, subsection 22.

b. Establish, subject to commission approval, sports wagering rules that specify the amounts to be paid on winning sports wagers, the effect of changes in the scheduling of an authorized sporting event subject to sports wagering, and the source of the information used to determine the outcome of a sports wager. The sports wagering rules shall be displayed in the licensee’s sports wagering area, posted on the internet site or mobile application used by the licensee to conduct advance deposit sports wagering as authorized in section 99F.9, and included in the terms and conditions of the licensee’s advance deposit sports wagering system.

3. A licensee under this section may enter into operating agreements with one or two entities to have up to a total of two individually branded internet sites to conduct advance deposit sports wagering for the licensee, unless one additional operating agreement or individually branded internet site is authorized by the commission.<sup>1</sup>

4. A licensee issued a license to conduct sports wagering under this section shall employ reasonable steps to prohibit coaches, athletic trainers, officials, players, or other individuals who participate in an authorized sporting event that is the subject of sports wagering from sports wagering under this chapter. In addition, a licensee shall employ reasonable steps to prohibit persons who are employed in a position with direct involvement with coaches, players, athletic trainers, officials, players, or participants in an authorized sporting event that is the subject of sports wagering from sports wagering under this chapter.

<sup>1</sup> See chapter 89, §37 herein

Sec. 11. Section 99F.8, Code 2019, is amended to read as follows:

**99F.8 Bond of licensee.**

A licensee licensed under section 99F.7 shall post a bond to the state of Iowa before the license is issued in a sum as the commission shall fix, with sureties to be approved by the commission. The bond shall be used to guarantee that the licensee faithfully makes the payments, keeps its books and records and makes reports, and conducts its gambling games and sports wagering in conformity with this chapter and the rules adopted by the commission. The bond shall not be canceled by a surety on less than thirty days' notice in writing to the commission. If a bond is canceled and the licensee fails to file a new bond with the commission in the required amount on or before the effective date of cancellation, the licensee's license shall be revoked. The total and aggregate liability of the surety on the bond is limited to the amount specified in the bond.

Sec. 12. Section 99F.9, subsection 1, Code 2019, is amended to read as follows:

1. Except as permitted in this section, the licensee shall not permit ~~no~~ sports wagering or any form of wagering on gambling games.

Sec. 13. Section 99F.9, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. For the purposes of this section, unless the context otherwise requires:

(1) "*Advance deposit sports wagering*" means a method of sports wagering in which an eligible individual may, in an account established with a licensee under section 99F.7A, deposit moneys into the account and use the account balance to pay for sports wagering. Prior to January 1, 2021, an account must be established by an eligible individual in person with a licensee.

(2) "*Advance deposit sports wagering operator*" means an advance deposit sports wagering operator licensed by the commission who has entered into an agreement with a licensee under section 99F.7A to provide advance deposit sports wagering.

(3) "*Eligible individual*" means an individual who is at least twenty-one years of age or older who is located within this state.

b. The commission may authorize a licensee under section 99F.7A to conduct advance deposit sports wagering. An advance deposit sports wager may be placed in person in the sports wagering area, or from any other location via a telephone-type device or any other electronic means. The commission may also issue an advance deposit sports wagering operator license to an entity who complies with this subsection and section 99F.6 and may require the advance deposit sports wagering operator to conduct an audit consistent with the requirements of section 99F.13.

c. An unlicensed person taking or receiving sports wagers from residents of this state is guilty of a class "D" felony.

Sec. 14. Section 99F.9, subsection 4, Code 2019, is amended to read as follows:

4. A person under the age of twenty-one years shall not make or attempt to make a wager pursuant to subsection 3A or on an excursion gambling boat, gambling structure, or in a racetrack enclosure and shall not be allowed on the gaming floor of an excursion gambling boat or gambling structure or in the wagering area, as defined in section 99D.2, or on the gaming floor of a racetrack enclosure. However, a person eighteen years of age or older may be employed to work on the gaming floor of an excursion gambling boat or gambling structure or in the wagering area or on the gaming floor of a racetrack enclosure. A person who violates this subsection with respect to making or attempting to make a wager commits a scheduled violation under section 805.8C, subsection 5, paragraph "a".

Sec. 15. Section 99F.11, subsection 3, unnumbered paragraph 1, Code 2019, is amended to read as follows:

The taxes imposed by this section on adjusted gross receipts from gambling games authorized under this chapter shall be paid by the licensee to the treasurer of state within ten days after the close of the day when the wagers were made and shall be distributed as follows:

Sec. 16. Section 99F.11, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 4. a. A tax is imposed on the sports wagering net receipts received each fiscal year by a licensed operator from sports wagering authorized under this chapter at the rate of six and three-quarters percent.

b. The taxes imposed by this subsection for sports wagering authorized under this chapter shall be paid by the licensed operator to the treasurer of state as determined by the commission and shall be credited as provided in section 8.57, subsection 6.

Sec. 17. Section 99F.12, subsection 2, Code 2019, is amended to read as follows:

2. a. The licensee shall furnish to the commission reports and information as the commission may require with respect to the licensee's activities.

b. A licensee under section 99F.7A shall promptly report to the commission any criminal or disciplinary proceedings commenced against the licensee or its employees in connection with the licensee conducting sports wagering or advance deposit sports wagering, any abnormal wagering activity or patterns that may indicate a concern about the integrity of an authorized sporting event or events, and any other conduct with the potential to corrupt a wagering outcome of an authorized sporting event for purposes of financial gain, including but not limited to match fixing, and suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification. The commission is required to share any information received pursuant to this paragraph with the division of criminal investigation, any other law enforcement entity upon request, or any regulatory agency the commission deems appropriate. The commission shall promptly report any information received pursuant to this paragraph with any sports team or sports governing body as the commission deems appropriate, but shall not share any information that would interfere with an ongoing criminal investigation.

c. The gross receipts and adjusted gross receipts from gambling shall be separately handled and accounted for from all other moneys received from operation of an excursion gambling boat or from operation of a racetrack enclosure or gambling structure licensed to conduct gambling games. The commission may designate a representative to board a licensed excursion gambling boat or to enter a racetrack enclosure or gambling structure licensed to conduct gambling games. The representative shall have full access to all places within the enclosure of the boat, the gambling structure, or the racetrack enclosure and shall directly supervise the handling and accounting of all gross receipts and adjusted gross receipts from gambling. The representative shall supervise and check the admissions. The compensation of a representative shall be fixed by the commission but shall be paid by the licensee.

d. With the approval of the commission, a licensee under section 99F.7A shall cooperate with investigations conducted by sports governing bodies, including but not limited to providing or facilitating the provision of account-level betting information and audio or video files relating to persons placing wagers. However, a licensee shall not share information that would interfere with an ongoing criminal investigation.

Sec. 18. Section 99F.15, subsection 1, paragraph c, Code 2019, is amended to read as follows:

c. Acting, or employing a person to act, as a shill or decoy to encourage participation in a gambling game or sports wagering.

Sec. 19. Section 99F.15, subsection 4, paragraphs d, h, and i, Code 2019, are amended to read as follows:

d. Cheats at a gambling game, including but not limited to committing any act which alters the outcome of the game, or cheats at sports wagering.

h. Claims, collects, or takes, or attempts to claim, collect, or take, money or anything of value in or from the gambling games or sports wagering, with intent to defraud, without having made a wager contingent on winning a gambling game or sports wager, or claims, collects, or takes an amount of money or thing of value of greater value than the amount won.

i. Knowingly entices or induces a person to go to any place where a gambling game or sports wagering is being conducted or operated in violation of the provisions of this chapter with the intent that the other person plays or participates in that gambling game or sports wagering.

Sec. 20. Section 99F.20, subsection 1, Code 2019, is amended to read as follows:

1. A gaming regulatory revolving fund is created in the state treasury under the control of the department of inspections and appeals. The fund shall consist of fees collected and deposited into the fund paid by licensees pursuant to section 99D.14, subsection 2, paragraph "c", fees paid by licensees pursuant to section 99E.5, subsection 4, paragraph "c", regulatory fees paid by licensees pursuant to section 99F.4, subsection 27, and fees paid by licensees pursuant to section 99F.10, subsection 4, paragraph "c". All costs relating to racetrack, excursion boat, ~~and~~ gambling structure, internet fantasy sports contests as defined in section 99E.1, and sports wagering regulation shall be paid from the fund as provided in appropriations made for this purpose by the general assembly. The department shall provide quarterly reports to the department of management and the legislative services agency specifying revenues billed and collected and expenditures from the fund in a format as determined by the department of management in consultation with the legislative services agency.

Sec. 21. EMERGENCY RULES. The state racing and gaming commission created under section 99D.5 may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this division of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules but in no event earlier than July 4, 2019. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 22. IMPLEMENTATION. The racing and gaming commission shall not implement this division of this Act until the later of July 4, 2019, or the date the commission has adopted rules pursuant to chapter 17A providing for such implementation and such rules have become effective.

Sec. 23. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

## DIVISION II FANTASY SPORTS CONTESTS

Sec. 24. Section 80.25A, Code 2019, is amended to read as follows:

**~~80.25A Pari-mutuel and gambling game~~ Gaming operations investigation and enforcement.**

The commissioner of public safety shall direct the chief of the division of criminal investigation to establish a subdivision to be the primary criminal investigative and enforcement agency for the purpose of enforcement of chapters 99D, 99E, and 99F. The commissioner of public safety shall appoint or assign other agents to the division as necessary to enforce chapters 99D, 99E, and 99F. All enforcement officers, assistants, and agents of the division are subject to section 80.15 except clerical workers.

Sec. 25. Section 80.43, subsection 1, Code 2019, is amended to read as follows:

1. A gaming enforcement revolving fund is created in the state treasury under the control of the department. The fund shall consist of fees collected and deposited into the fund paid by licensees pursuant to section 99D.14, subsection 2, paragraph "b", fees and costs paid by applicants pursuant to section 99E.4, subsection 4, and fees paid by licensees pursuant to section 99F.10, subsection 4, paragraph "b". All costs for agents and officers plus any direct support costs for such agents and officers of the division of criminal investigation's racetrack, excursion boat, ~~or~~ gambling structure, and internet fantasy sports contests as defined in section 99E.1 enforcement activities shall be paid from the fund as provided in appropriations made for this purpose by the general assembly.

Sec. 26. **NEW SECTION. 99E.1 Definitions.**

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

1. “*Applicant*” means an internet fantasy sports contest service provider applying for a license to conduct internet fantasy sports contests under this chapter.

2. “*Commission*” means the state racing and gaming commission created under section 99D.5.

3. “*Fantasy sports contest*” includes any fantasy or simulated game or contest in which the fantasy sports contest operator is not a participant in the game or contest, the value of all prizes and awards offered to winning participants are established and made known to the participants in advance of the contest, all winning outcomes reflect the relative knowledge and skill of the participants and shall be determined by accumulated statistical results of the performance of individuals, including athletes in the case of sporting events, and no winning outcome is solely based on the score, point spread, or any performance or performances of any single actual team or solely on any single performance of an individual athlete or player in any single actual event. However, until May 1, 2020, “*fantasy sports contest*” does not include any fantasy or simulated game or contest in which any winning outcomes are based on statistical results from a collegiate sporting event as defined in section 99F.1.

4. “*Internet fantasy sports contest*” means a method of entering a fantasy sports contest by which a person may establish an account with an internet fantasy sports contest service provider, deposit money into the account, and use the account balance for entering a fantasy sports contest by utilizing electronic communication.

5. “*Internet fantasy sports contest adjusted revenues*” means, for each internet fantasy sports contest, the amount equal to the total charges and fees collected from all participants entering the internet fantasy sports contest less winnings paid to participants in the contest, multiplied by the location percentage.

6. “*Internet fantasy sports contest player*” means a person who is at least twenty-one years of age and participates in an internet fantasy sports contest operated by an internet fantasy sports contest service provider.

7. “*Internet fantasy sports contest service provider*” means a person, including a licensee under chapter 99D or 99F, who conducts an internet fantasy sports contest as authorized by this chapter.

8. “*Licensee*” means any person licensed under section 99E.5 to conduct internet fantasy sports contests.

9. “*Location percentage*” means, for each internet fantasy sports contest, the percentage, rounded to the nearest tenth of a percent, equal to the total charges and fees collected from all internet fantasy sports contest players located in this state divided by the total charges and fees collected from all participants in the internet fantasy sports contest.

Sec. 27. **NEW SECTION. 99E.2 Internet fantasy sports contests authorized.**

The system of entering an internet fantasy sports contest as provided by this chapter is legal when conducted by a licensed internet fantasy sports contest service provider as provided in this chapter.

Sec. 28. **NEW SECTION. 99E.3 Commission — powers.**

1. The commission shall have full jurisdiction over and shall supervise internet fantasy sports contests and internet fantasy sports contest service providers as governed by this chapter.

2. The commission shall have the following powers and shall adopt rules pursuant to chapter 17A to administer and implement this chapter:

a. To review and investigate applicants and determine the eligibility of applicants for a license to conduct internet fantasy sports contests, pursuant to rules adopted by the commission.

b. To license and regulate internet fantasy sports contest service providers subject to the requirements of this chapter.

c. To provide for the prevention of practices detrimental to the public and to provide for the best interests of internet fantasy sports contests.

d. To investigate alleged violations of this chapter or the commission rules, orders, or final decisions and to take appropriate disciplinary action against a licensee, or institute appropriate legal action for enforcement, or both. Information gathered during an investigation is confidential during the pendency of the investigation.

e. To assess fines and revoke or suspend licenses and to impose penalties for violations of this chapter.

f. To take any other action as may be reasonable or appropriate to enforce this chapter and the commission rules.

**Sec. 29. NEW SECTION. 99E.4 Requirements of applicant — fee.**

1. An applicant for a license to conduct internet fantasy sports contests shall complete and sign an application on the form prescribed and published by the commission. The application shall include such information of the applicant that the commission deems necessary for purposes of issuing a license pursuant to this chapter.

2. An applicant shall submit fingerprints and information that the commission deems necessary to the commission in the manner prescribed on the application forms. The fingerprints may be submitted to the federal bureau of investigation by the department of public safety through the state criminal history repository for the purpose of a national criminal history check. The results of a criminal history record check conducted pursuant to this subsection shall be considered a confidential record under chapter 22.

3. Before a license is granted, the division of criminal investigation of the department of public safety shall conduct a thorough background investigation of the applicant for a license to conduct internet fantasy sports contests. The applicant shall provide information on a form as required by the division of criminal investigation.

4. The commission shall charge the applicant a reasonable fee set by the division of criminal investigation of the department of public safety, to defray those costs associated with the fingerprint and national criminal history check requirements of subsection 2 and background investigations conducted by agents of the division of criminal investigation as provided in subsection 3. These fees and costs are in addition to any other license fees and costs charged by the commission. The fees and costs received by the commission shall be deposited in the gaming enforcement revolving fund established in section 80.43.

5. The commission shall not grant a license to an applicant if there is substantial evidence that any of the following apply:

a. A license issued to the applicant to conduct internet fantasy sports contests in another jurisdiction has been revoked, or a request for a license to conduct internet fantasy sports contests in another jurisdiction has been denied, by an entity licensing persons to conduct such contests in that jurisdiction.

b. The applicant has not demonstrated financial responsibility sufficient to adequately meet the requirements of the enterprise proposed.

c. The applicant does not adequately disclose the true owners of the enterprise proposed.

d. The applicant has knowingly made a false statement of a material fact to the commission.

e. The applicant has failed to meet a monetary obligation in connection with conducting an internet fantasy sports contest.

f. The applicant is not of good repute and moral character or the applicant has pled guilty to, or has been convicted of, a felony.

g. Any member of the board of directors of the applicant is not twenty-one years of age or older.

6. A person who knowingly makes a false statement on the application is guilty of an aggravated misdemeanor.

7. For the purposes of this section, “*applicant*” includes each member of the board of directors of an internet fantasy sports contest service provider.

**Sec. 30. NEW SECTION. 99E.5 Licenses — fees — terms and conditions — revocation.**

1. If the commission is satisfied that the requirements of this chapter and its rules adopted under this chapter applicable to licensees have been or will be complied with, the commission shall, upon payment of an initial license fee of five thousand dollars, issue a license for a

period of not more than three years to an applicant to conduct internet fantasy sports contests in this state.

2. A licensed internet fantasy sports contest service provider shall use reasonable methods to comply with all of the following requirements:

a. Prevent employees of the internet fantasy sports contest service provider and relatives living in the same household of such employees from competing in any internet fantasy sports contest on the service provider's digital platform in which the service provider offers a cash prize to the public.

b. Verify that an internet fantasy sports contest player located in this state is twenty-one years of age or older.

c. Ensure that coaches, officials, players, contestants, or other individuals who participate in a game or contest that is the subject of an internet fantasy sports contest are restricted from entering an internet fantasy sports contest in which the outcome is determined, in whole or in part, by the accumulated statistical results of a team of individuals in the game or contest in which they participate.

d. Include on the internet site or mobile application used by the licensee to conduct internet fantasy sports contests the statewide telephone number authorized by the Iowa department of public health to provide problem gambling information and extensive responsible gaming features in addition to those described in section 99F.4, subsection 22.

e. Allow individuals to establish an account with an internet fantasy sports contest service provider by utilizing electronic communication.

f. Disclose the number of entries a single internet fantasy sports contest player may submit to each internet fantasy sports contest and take reasonable steps to prevent players from submitting more than the allowable number of entries for that internet fantasy sports contest.

g. Segregate internet fantasy sports contest player funds from operational funds or maintain a reserve in the form of cash, cash equivalents, an irrevocable letter of credit, payment processor reserves and receivables, a bond, or a combination thereof in the amount of the deposits in internet fantasy sports contest player accounts for the benefit and protection of internet fantasy sports contest player funds held in internet fantasy sports contest accounts by the internet fantasy sports contest service provider.

h. Conduct an annual audit under section 99E.9.

i. Pay the tax as provided in section 99E.6.

3. The annual license fee to conduct internet fantasy sports contests shall be one thousand dollars or, for a licensed internet fantasy sports contest service provider with total annual internet fantasy sports contest adjusted revenues for the year prior to the annual license fee renewal date of one hundred fifty thousand dollars or greater, five thousand dollars. Moneys collected by the commission from the license fees paid under this section shall be considered repayment receipts as defined in section 8.2.

4. a. A licensed internet fantasy sports contest service provider shall pay a regulatory fee to the commission. The regulatory fee shall be established by the commission based on the costs of administering and enforcing this chapter.

b. A licensed internet fantasy sports contest service provider shall receive a credit for the amount of the regulatory fee paid by the provider against the taxes to be paid pursuant to section 99E.6.

c. Notwithstanding section 8.60, the portion of the fee paid pursuant to paragraph "a" relating to the costs of the commission shall be deposited into the gaming regulatory revolving fund established in section 99F.20.

5. Upon a violation of any of the conditions listed in section 99E.4 or this section by a licensee, the commission shall immediately revoke the license.

**Sec. 31. NEW SECTION. 99E.6 Internet fantasy sports contest tax — rate.**

1. A tax is imposed on internet fantasy sports contest adjusted revenues received each fiscal year by an internet fantasy sports contest service provider from internet fantasy sports contests authorized under this chapter at the rate of six and three-quarters percent.

2. The taxes imposed by this section for internet fantasy sports contests authorized under this chapter shall be paid by the internet fantasy sports contest service provider to the



treasurer of state as determined by the commission and shall be credited as provided in section 8.57, subsection 6.

**Sec. 32. NEW SECTION. 99E.7 Internet fantasy sports contests — age restrictions.**

A person under the age of twenty-one years shall not enter an internet fantasy sports contest. A person who violates this section with respect to entering an internet fantasy sports contest commits a scheduled violation under section 805.8C, subsection 12.

**Sec. 33. NEW SECTION. 99E.8 Licensees — records — reports — confidentiality.**

1. An internet fantasy sports contest service provider shall keep its books and records so as to clearly show the internet fantasy sports contest adjusted revenues for each internet fantasy sports contest subject to tax in this state.

2. a. The licensee shall furnish to the commission reports and information as the commission may require with respect to the licensee's activities.

b. A licensee shall promptly report to the commission any criminal or disciplinary proceedings commenced against the licensee or its employees in connection with the licensee conducting an internet fantasy sports contest, any abnormal contest activity or patterns that may indicate a concern about the integrity of an internet fantasy sports contest, and any other conduct with the potential to corrupt an outcome of an internet fantasy sports contest for purposes of financial gain, including but not limited to match fixing, and suspicious or illegal internet fantasy sports contest activities, including the use of funds derived from illegal activity, deposits of money to enter an internet fantasy sports contest to conceal or launder funds derived from illegal activity, use of agents to enter an internet fantasy sports contest, or use of false identification. The commission is required to share any information received pursuant to this paragraph with the division of criminal investigation, any other law enforcement entity upon request, or any regulatory agency the commission deems appropriate. The commission shall promptly report any information received pursuant to this paragraph with any sports team or sports governing body as the commission deems appropriate, but shall not share any information that would interfere with an ongoing criminal investigation.

3. Except as provided in subsection 4, the books and records kept by a licensee as provided by this section are public records and the examination, publication, and dissemination of the books and records are governed by the provisions of chapter 22.

4. The records of the commission shall be governed by the provisions of chapter 22, provided that, in addition to records that may be kept confidential pursuant to section 22.7, the following records provided by a licensee to the commission shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:

- a. Patron and customer records.
- b. Security reports and network audits.
- c. Internal control and compliance records.
- d. Employee records.
- e. Marketing expenses.

f. Supplemental schedules to the certified audit, except for those books and records as described in subsection 1 of this section, that are obtained by the commission in connection with the annual audit under section 99E.9.

g. Any information specifically requested for inspection by the commission or a representative of the commission.

**Sec. 34. NEW SECTION. 99E.9 Annual audit of licensee operations.**

Within one hundred eighty days after the end of the licensee's fiscal year, the licensee shall transmit to the commission an audit of the licensee's total internet fantasy sports contest operations, including an itemization of all expenses and subsidies. Each audit shall be conducted by a certified public accountant authorized to practice in the state of Iowa under chapter 542 who is selected by the licensee and approved by the commission.

**Sec. 35. NEW SECTION. 99E.10 Civil penalty.**

A person who willfully fails to comply with the requirements of this chapter and the rules adopted pursuant to chapter 17A under this chapter shall be liable for a civil penalty of not more than one thousand dollars for each violation, not to exceed ten thousand dollars for violations arising out of the same transaction or occurrence, which shall accrue to the state and may be recovered in a civil action.

Sec. 36. Section 99F.2, Code 2019, is amended to read as follows:

**99F.2 Scope of provisions.**

This chapter does not apply to the pari-mutuel system of wagering used or intended to be used in connection with the horse-race or dog-race meetings as authorized under chapter 99D, internet fantasy sports contests authorized under chapter 99E, lottery or lotto games authorized under chapter 99G, or bingo or games of skill or chance authorized under chapter 99B.

Sec. 37. Section 99F.4B, Code 2019, is amended to read as follows:

**99F.4B Rules.**

The department of inspections and appeals shall cooperate to the maximum extent possible with the division of criminal investigation in adopting rules relating to the gaming operations in this chapter and ~~chapter~~ chapters 99D and 99E.

Sec. 38. Section 232C.4, subsection 3, Code 2019, is amended to read as follows:

3. An emancipated minor shall remain subject to voting restrictions under chapter 48A, gambling restrictions under chapter 99B, 99D, 99F, 99G, or 725, internet fantasy sports contest restrictions under chapter 99E, alcohol restrictions under chapter 123, compulsory attendance requirements under chapter 299, and cigarette tobacco restrictions under chapter 453A.

Sec. 39. Section 714B.10, subsection 1, Code 2019, is amended to read as follows:

1. Advertising by sponsors registered pursuant to chapter 557B, licensed pursuant to chapter 99B, or regulated pursuant to chapter 99D, 99E, 99F, or 99G.

Sec. 40. Section 725.7, subsection 1, paragraph e, Code 2019, is amended to read as follows:

e. Engage in bookmaking, except as permitted in chapters 99E and 99F.

Sec. 41. Section 725.13, Code 2019, is amended to read as follows:

**725.13 Definition of bookmaking.**

“Bookmaking” means advancing gambling activity by accepting bets upon the outcome of future contingent events as a business other than as permitted in chapters 99B, 99D, 99E, and 99F. These events include, but are not limited to, the results of a trial or contest of skill, speed, power, or endurance of a person or beast or between persons, beasts, fowl, motor vehicles, or mechanical apparatus or upon the result of any chance, casualty, unknown, or contingent event.

Sec. 42. Section 725.15, Code 2019, is amended to read as follows:

**725.15 Exceptions for legal gambling.**

Sections 725.5 through 725.10 and 725.12 do not apply to a game, activity, ticket, or device when lawfully possessed, used, conducted, or participated in pursuant to chapter 99B, 99E, 99F, or 99G.

Sec. 43. Section 805.8C, Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION. 12. *Internet fantasy sports contest violations.*** For violations of legal age for entering an internet fantasy sports contest under section 99E.7, the scheduled fine is five hundred dollars. Failure to pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

Sec. 44. EMERGENCY RULES. The state racing and gaming commission created under section 99D.5 may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to implement the provisions of this division of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules but in no event earlier than July 4, 2019. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 45. IMPLEMENTATION. The racing and gaming commission shall not implement this division of this Act until the later of July 4, 2019, or the date the commission has adopted rules pursuant to chapter 17A providing for such implementation and such rules have become effective.

Sec. 46. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

### DIVISION III GAMBLING REGULATION

Sec. 47. Section 8.57, Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION.** 6. *a.* A sports wagering receipts fund is created under the authority of the department of management. The fund shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds or sources as provided by law. The sports wagering receipts fund shall be separate from the general fund of the state and the balance in the sports wagering receipts fund shall not be considered part of the balance of the general fund of the state. However, the sports wagering receipts fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

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

*c.* Moneys in the sports wagering receipts fund in a fiscal year shall be used as directed by the general assembly.

*d.* Annually, on or before January 15 of each year, a state agency that received an appropriation from the sports wagering receipts fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

*e.* Annually, on or before December 31 of each year, a recipient of moneys from the sports wagering receipts fund for any purpose shall report to the state agency to which the moneys are appropriated the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

Sec. 48. Section 15E.311, subsection 3, paragraph a, Code 2019, is amended to read as follows:

*a.* At the end of each fiscal year, moneys in the fund shall be transferred into separate accounts within the fund and designated for use by each county in which no licensee authorized to conduct gambling games under chapter 99F was located during that fiscal year. Moneys transferred to county accounts shall be divided equally among the counties. Moneys transferred into an account for a county shall be transferred by the department to an eligible county recipient for that county. Of the moneys transferred, an eligible county recipient shall distribute seventy-five percent of the moneys as grants to charitable

organizations for charitable purposes in that county and shall retain twenty-five percent of the moneys for use in establishing a permanent endowment fund for the benefit of charitable organizations for charitable purposes. In addition, of the moneys transferred from moneys appropriated to the fund from the sports wagering receipts fund created in section 8.57, subsection 6, and distributed, eligible county recipients shall give consideration for grants, upon application, to a charitable organization that operates a racetrack facility that conducts automobile races in that county. Of the amounts distributed, eligible county recipients shall give special consideration to grants for projects that include significant vertical infrastructure components designed to enhance quality of life aspects within local communities. In addition, as a condition of receiving a grant, the governing body of a charitable organization receiving a grant shall approve all expenditures of grant moneys and shall allow a state audit of expenditures of all grant moneys.

Sec. 49. Section 99B.41, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. “*Social fantasy sports contest*” means any fantasy or simulated game or contest in which the value of all prizes and awards offered to winning participants are established and made known to the participants in advance of the contest and do not exceed a total of one thousand dollars or equivalent consideration, all winning outcomes reflect the relative knowledge and skill of the participants and shall be determined by accumulated statistical results of the performance of individuals in events occurring over more than a twenty-four-hour period, including athletes in the case of sporting events, and no winning outcome is solely based on the score, point spread, or any performance or performances of any single actual team or solely on any single performance of an individual athlete or player in any single actual event. “*Social fantasy sports contest*” does not include an internet fantasy sports contest as defined in section 99E.1.

Sec. 50. Section 99B.45, subsection 2, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A social fantasy sports contest.

Sec. 51. Section 99F.6, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The board of directors of a qualified sponsoring organization licensed to operate gambling games under this chapter shall be residents of this state and shall include, as ex officio, nonvoting members of the board, a member of the county board of supervisors and a member of a city council for each county and city that has a licensed gambling games facility operated by the qualified sponsoring organization. The ex officio members shall serve terms of the same duration as voting members of the board. However, this subsection shall not apply to an agency, instrumentality, or political subdivision of the state that is licensed to conduct gambling games under this chapter.

Sec. 52. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this division of this Act amending section 8.57.

Approved May 13, 2019

**CHAPTER 133**

**APPROPRIATIONS — GAMBLING TREATMENT PROGRAM**

*S.F. 632*

**AN ACT** making appropriations to the department of public health for the gambling treatment program.

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

Section 1. DEPARTMENT OF PUBLIC HEALTH — GAMBLING TREATMENT PROGRAM. There is appropriated from the fund created in section 8.57, subsection 6, if enacted, to the Iowa department of public health for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of the gambling treatment program established in section 135.150:  
..... \$ 300,000

Approved May 13, 2019

**CHAPTER 134**

**FEDERAL BLOCK GRANT APPROPRIATIONS AND OTHER FEDERAL FUNDING**

*H.F. 756*

**AN ACT** appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

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

Section 1. SUBSTANCE ABUSE APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the department of public health for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2019-2020: ..... \$ 13,095,358  
FFY 2020-2021: ..... \$ 13,095,358

a. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 6A, subch. XVII, part B, subpart ii, which provides for the prevention and treatment of substance abuse block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

b. Of the funds appropriated for each federal fiscal year in this subsection, an amount not exceeding 5 percent shall be used by the department for administrative expenses.

c. (1) For the state fiscal year beginning July 1, 2019, the department shall expend no less than an amount equal to the amount expended for treatment services in the state fiscal year beginning July 1, 2018, for pregnant women and women with dependent children.

(2) For the state fiscal year beginning July 1, 2020, the department shall expend no less than an amount equal to the amount expended for treatment services in the state fiscal year beginning July 1, 2019, for pregnant women and women with dependent children.

2. At least 20 percent of the funds remaining from the appropriation made in subsection 1 for each federal fiscal year shall be allocated for prevention programs.

3. In implementing the federal prevention and treatment of substance abuse block grant under 42 U.S.C., ch. 6A, subch. XVII, and any other applicable provisions of the federal Public Health Service Act under 42 U.S.C., ch. 6A, the department shall apply the provisions of Pub. L. No. 106-310, §3305, as codified in 42 U.S.C. §300x-65, relating to services under such federal law being provided by religious and other nongovernmental organizations.

Sec. 2. COMMUNITY MENTAL HEALTH SERVICES APPROPRIATION.

1. a. There is appropriated from the fund created by section 8.41 to the department of human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2019-2020: .....	\$	5,377,612
FFY 2020-2021: .....	\$	5,377,612

b. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 6A, subch. XVII, part B, subpart i, which provides for the community mental health services block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

c. The department shall allocate not less than 95 percent of the amount of the block grant each federal fiscal year for eligible community mental health services for carrying out the plan submitted to and approved by the federal substance abuse and mental health services administration or required by the federal substance abuse and mental health services administration for the fiscal year involved.

d. Of the amount allocated to eligible services providers in paragraph “c”, 70 percent of the amount each federal fiscal year shall be distributed to the state’s accredited community mental health centers established in accordance with chapter 230A or applicable administrative rule. If a mental health services provider was designated as authorized in section 230A.107, subsection 2, the provider remains eligible to receive funding distributed pursuant to this paragraph as a community mental health center. The funding distributed shall be used by recipients of the funding for the purpose of staff training or services to adults with a serious mental illness and children with a serious emotional disturbance. The distribution amounts shall be announced at the beginning of the federal fiscal year and distributed on a quarterly basis. Recipients of the funding shall submit quarterly reports to the department of human services containing data consistent with the performance measures approved by the federal substance abuse and mental health services administration. The department shall compile the first quarterly reports received from recipients into a single report to be submitted to the governor and the general assembly by February 20, 2020.

2. An amount not exceeding 5 percent of the funds appropriated in subsection 1 for each federal fiscal year shall be used by the department of human services for administrative expenses. From the funds set aside by this subsection for administrative expenses, the department shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the funds appropriated in subsection 1. The auditor of state shall bill the department for the costs of the audits.

Sec. 3. MATERNAL AND CHILD HEALTH SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of public health for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2019-2020: .....	\$	6,508,785
FFY 2020-2021: .....	\$	6,508,785

a. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 7, subch. V, which provides for the maternal and child health services block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

b. Funds appropriated in this subsection shall not be used by the university of Iowa hospitals and clinics for indirect costs.

2. An amount not exceeding 10 percent of the funds appropriated in subsection 1 for each federal fiscal year shall be used by the department of public health for administrative expenses.

3. The departments of public health, human services, and education and the university of Iowa’s mobile and regional child health specialty clinics shall continue to pursue to the maximum extent feasible the coordination and integration of services to women and children.

4. a. Sixty-three percent of the amount remaining after the allocation made in subsection 2 for each federal fiscal year shall be allocated to supplement appropriations for maternal and child health programs within the department of public health. Of these funds, the following amounts shall be set aside for the statewide perinatal care program for the following federal fiscal years:

FFY 2019-2020: .....	\$	300,291
FFY 2020-2021: .....	\$	300,291

b. Thirty-seven percent of the amount remaining after the allocation made in subsection 2 for each federal fiscal year shall be allocated to the university of Iowa hospitals and clinics under the control of the state board of regents for mobile and regional child health specialty clinics. The university of Iowa hospitals and clinics shall not receive an allocation for indirect costs from the funds for this program. Priority shall be given to establishment and maintenance of a statewide system of mobile and regional child health specialty clinics.

5. The department of public health shall administer the statewide maternal and child health program and the disabled children’s program by conducting mobile and regional child health specialty clinics and conducting other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential handicapping conditions and chronic illnesses in accordance with the requirements of Tit. V of the federal Social Security Act.

Sec. 4. PREVENTIVE HEALTH AND HEALTH SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of public health for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2019-2020: .....	\$	1,848,877
FFY 2020-2021: .....	\$	1,848,877

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 6A, subch. XVII, part A, which provides for the preventive health and health services block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Of the funds appropriated in subsection 1 for each federal fiscal year, an amount not exceeding 10 percent shall be used by the department for administrative expenses.

3. Of the funds appropriated in subsection 1 for each federal fiscal year, the specific amount of funds stipulated by the notice of the block grant award shall be allocated for services to victims of sex offenses and for rape prevention education.

4. After deducting the funds allocated in subsections 2 and 3, the remaining funds appropriated in subsection 1 for each federal fiscal year may be used by the department for healthy people 2020 and Iowa’s health improvement plan 2012-2016 program objectives, preventive health advisory committee, and risk reduction services, including nutrition programs, health incentive programs, chronic disease services, emergency medical services, monitoring of the fluoridation program and start-up fluoridation grants, and acquired immune deficiency syndrome services. The moneys specified in this subsection shall not be used by the university of Iowa hospitals and clinics or by the state hygienic laboratory for the funding of indirect costs.

Sec. 5. STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the department of justice for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2019-2020: .....	\$	1,750,281
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FFY 2020-2021: ..... \$ 1,750,281

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated fiscal years under 42 U.S.C., ch. 46, subch. XII-H, which provides for grants to combat violent crimes against women. The department of justice shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding 10 percent of the funds appropriated in subsection 1 shall be used by the department of justice for administrative expenses. From the funds set aside by this subsection for administrative expenses, the department shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the funds appropriated in subsection 1.

Sec. 6. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS FORMULA GRANT PROGRAM. There is appropriated from the fund created by section 8.41 to the governor’s office of drug control policy for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2019-2020: ..... \$ 111,815  
 FFY 2020-2021: ..... \$ 247,561

The appropriations made in this section are the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 46, subch. XII-G, which provides grants for substance abuse treatment programs in state and local correctional facilities. The drug policy coordinator shall expend the funds appropriated in this section as provided in federal law making the funds available and in conformance with chapter 17A.

Sec. 7. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM APPROPRIATION. There is appropriated from the fund created by section 8.41 to the governor’s office of drug control policy for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2019-2020: ..... \$ 1,842,828  
 FFY 2020-2021: ..... \$ 1,827,803

The appropriations made in this section are in the amounts anticipated to be received from the federal government for the designated fiscal years under 42 U.S.C., ch. 46, subch. V, which provides for the Edward Byrne memorial justice assistance grant program. The drug policy coordinator shall expend the funds appropriated in this section as provided in the federal law making the funds available and in conformance with chapter 17A.

Sec. 8. COMMUNITY SERVICES APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the division of community action agencies of the department of human rights for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2019-2020: ..... \$ 7,740,152  
 FFY 2020-2021: ..... \$ 7,740,152

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 106, which provides for the community services block grant. The division of community action agencies of the department of human rights shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

b. Each federal fiscal year, the administrator of the division of community action agencies of the department of human rights shall allocate not less than 96 percent of the amount of the block grants to eligible community action agencies for programs benefiting low-income persons. Each eligible agency shall receive a minimum allocation of not less than \$100,000. The minimum allocation shall be achieved by redistributing increased funds from agencies experiencing a greater share of available funds. The funds shall be distributed on the basis of the poverty-level population in the area represented by the community action areas compared to the size of the poverty-level population in the state.



2. An amount not exceeding 4 percent of the funds appropriated in subsection 1 for each federal fiscal year shall be used by the division of community action agencies of the department of human rights for administrative expenses. From the funds set aside by this subsection for administrative expenses, the division of community action agencies of the department of human rights shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the funds appropriated in subsection 1. The auditor of state shall bill the division of community action agencies for the costs of the audits.

Sec. 9. COMMUNITY DEVELOPMENT APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the economic development authority for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2019-2020: .....	\$	25,000,000
FFY 2020-2021: .....	\$	25,000,000

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 69, which provides for community development block grants. The economic development authority shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. a. An amount not exceeding \$1,100,000 for the federal fiscal year beginning October 1, 2019, shall be used by the economic development authority for administrative expenses for the community development block grant. The total amount used for administrative expenses includes \$600,000 for the federal fiscal year beginning October 1, 2019, of funds appropriated in subsection 1 and a matching contribution from the state equal to \$500,000 from the appropriation of state funds for the community development block grant and state appropriations for related activities of the economic development authority. From the funds set aside for administrative expenses by this subsection, the economic development authority shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the funds appropriated in subsection 1. The auditor of state shall bill the authority for the costs of the audit.

b. An amount not exceeding \$1,100,000 for the federal fiscal year beginning October 1, 2020, shall be used by the economic development authority for administrative expenses for the community development block grant. The total amount used for administrative expenses includes \$600,000 for the federal fiscal year beginning October 1, 2020, of funds appropriated in subsection 1 and a matching contribution from the state equal to \$500,000 from the appropriation of state funds for the community development block grant and state appropriations for related activities of the economic development authority. From the funds set aside for administrative expenses by this subsection, the economic development authority shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the funds appropriated in subsection 1. The auditor of state shall bill the authority for the costs of the audit.

Sec. 10. SURFACE TRANSPORTATION BLOCK GRANT PROGRAM APPROPRIATION. There is appropriated from the fund created by section 8.41 to the department of transportation for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2019-2020: .....	\$	158,600,000
FFY 2020-2021: .....	\$	158,600,000

The appropriations made in this section are the amounts anticipated to be received from the federal government for the designated fiscal years under 23 U.S.C., ch. 23, §133, which provides funding allocated by the state transportation commission for state and local transportation projects. The department shall expend the moneys appropriated in this section as provided in the federal law making the funds available and in conformance with chapter 17A.

Sec. 11. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the division of community action agencies of the department of human rights for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2019-2020: .....	\$	54,554,297
FFY 2020-2021: .....	\$	54,554,297

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 94, subch. II, which provides for the low-income home energy assistance block grants. The division of community action agencies of the department of human rights shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Up to 15 percent, or up to 25 percent if a waiver is approved by the United States department of health and human services, of the amount appropriated in this section that is actually received for each federal fiscal year shall be used for residential weatherization or other related home repairs for low-income households. Of this allocation amount, not more than 10 percent may be used for administrative expenses.

3. After subtracting the allocation in subsection 2, up to 10 percent of the remaining moneys for each federal fiscal year are allocated for administrative expenses of the low-income home energy assistance program of which \$377,000 is allocated each federal fiscal year for administrative expenses of the division. The costs of auditing the use and administration of the portion of the appropriation in this section that is retained by the state shall be paid from the amount allocated in this subsection each federal fiscal year to the division. The auditor of state shall bill the division for the audit costs.

4. The remaining moneys of the appropriation made in this section for each federal fiscal year following the allocations made in subsections 2 and 3, shall be used to help eligible households as defined in 42 U.S.C., ch. 94, subch. II, to meet home energy costs.

5. Not more than 10 percent of the amount appropriated in this section each federal fiscal year that is actually received may be carried forward for use in the succeeding federal fiscal year.

6. Expenditures for assessment and resolution of energy problems shall be limited to not more than 5 percent of the amount appropriated in this section for each federal fiscal year that is actually received.

Sec. 12. SOCIAL SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2019-2020: .....	\$	15,314,187
FFY 2020-2021: .....	\$	15,314,187

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 7, subch. XX, which provides for the social services block grant. The department of human services shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Not more than the following amounts of the funds appropriated in subsection 1 for the following federal fiscal years shall be allocated by the department of human services for general administration:

a. FFY 2019-2020:		
.....	\$	910,649
b. FFY 2020-2021:		
.....	\$	910,649

From the funds set aside in this subsection for general administration for each federal fiscal year, the department of human services shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1.

3. In addition to the allocation for general administration in subsection 2, the remaining funds appropriated in subsection 1 for each federal fiscal year shall be allocated in the

following amounts to supplement appropriations for the following federal fiscal years for the following programs within the department of human services:

a. Field operations:	
FFY 2019-2020:	\$ 5,446,690
.....	
FFY 2020-2021:	\$ 5,446,690
.....	
b. Child and family services:	
FFY 2019-2020:	\$ 8,315,971
.....	
FFY 2020-2021:	\$ 8,315,971
.....	
c. Local administrative costs and other local services:	
FFY 2019-2020:	\$ 577,636
.....	
FFY 2020-2021:	\$ 577,636
.....	
d. Volunteers:	
FFY 2019-2020:	\$ 63,241
.....	
FFY 2020-2021:	\$ 63,241
.....	

Sec. 13. SOCIAL SERVICES BLOCK GRANT PLAN. The department of human services during each state fiscal year shall develop a plan for the use of federal social services block grant funds for the subsequent state fiscal year.

The proposed plan shall include all programs and services at the state level which the department proposes to fund with federal social services block grant funds, and shall identify state and other funds which the department proposes to use to fund the state programs and services.

The proposed plan shall also include all local programs and services which are eligible to be funded with federal social services block grant funds, the total amount of federal social services block grant funds available for the local programs and services, and the manner of distribution of the federal social services block grant funds to the counties. The proposed plan shall identify state and local funds which will be used to fund the local programs and services.

The proposed plan shall be submitted with the department's budget requests to the governor and the general assembly.

#### Sec. 14. PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS.

1. Upon receipt of the minimum formula grant from the federal substance abuse and mental health services administration to provide mental health services for the homeless, for the federal fiscal years beginning October 1, 2019, and October 1, 2020, the department of human services shall assure that a project which receives funds under the formula grant shall do all of the following:

a. Provide outreach and engagement to homeless individuals and individuals at risk of homelessness and assesses those individuals for serious mental illness.

b. Enroll those individuals with serious mental illness who are willing to accept services through the project.

c. Provide case management to homeless persons.

d. Provide appropriate training to persons who provide services to persons targeted by the grant.

e. Assure a local match share of 25 percent.

f. Refer homeless individuals and individuals at risk of homelessness to primary health care, job training, educational services, and relevant housing services.

2. A project may expend funds for community mental health services, diagnostic services, crisis intervention services, habilitation and rehabilitation services, substance-related disorder services, supportive and supervisory services to homeless persons living in

residential settings that are not otherwise supported, and housing services including minor renovation, expansion, and repair of housing, security deposits, planning of housing, technical assistance in applying for housing, improving the coordination of housing services, the costs associated with matching eligible homeless individuals with appropriate housing, and one-time rental payments to prevent eviction.

Sec. 15. CHILD CARE AND DEVELOPMENT APPROPRIATION. There is appropriated from the fund created by section 8.41 to the department of human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2019-2020: .....	\$	69,199,586
FFY 2020-2021: .....	\$	69,199,586

The appropriations made in this section are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 105, subch. II-B, which provides for the child care and development block grant. The department shall expend the funds appropriated in this section as provided in the federal law making the funds available and in conformance with chapter 17A.

Moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall revert to be available for appropriation for purposes of the child care and development block grant in the succeeding fiscal year.

#### Sec. 16. PROCEDURE FOR REDUCED FEDERAL FUNDS.

1. Unless otherwise necessary to meet federal requirements, if the funds received from the federal government for the block grants specified in this Act are less than the amounts appropriated, the funds actually received shall be prorated by the governor for the various programs, other than for the services to victims of sex offenses and for rape prevention education under section 4, subsection 3, of this Act, for which each block grant is available according to the percentages that each program is to receive as specified in this Act. However, if the governor determines that the funds allocated by the percentages will not be sufficient to accomplish the purposes of a particular program, or if the appropriation is not allocated by percentage, the governor may allocate the funds in a manner which will accomplish to the greatest extent possible the purposes of the various programs for which the block grants are available.

2. Before the governor implements the actions provided for in subsection 1, the following procedures shall be taken:

a. The chairpersons and ranking members of the senate and house standing committees on appropriations, the appropriate chairpersons and ranking members of subcommittees of those committees, and the director of the legislative services agency shall be notified of the proposed action.

b. The notice shall include the proposed allocations, and information on the reasons why particular percentages or amounts of funds are allocated to the individual programs, the departments and programs affected, and other information deemed useful. Chairpersons and ranking members notified shall be allowed at least two weeks to review and comment on the proposed action before the action is taken.

#### Sec. 17. PROCEDURE FOR INCREASED FEDERAL FUNDS.

1. Unless otherwise necessary to meet federal requirements, if funds received from the federal government in the form of block grants exceed the amounts appropriated in sections 1, 2, 3, 4, 7, 9, and 13<sup>1</sup> of this Act, the excess shall be prorated to the appropriate programs according to the percentages specified in those sections, except additional funds shall not be prorated for administrative expenses.

2. If actual funds received from the federal government from block grants exceed the amount appropriated in section 12<sup>2</sup> of this Act for the low-income home energy assistance program, not more than 15 percent of the excess may be allocated to the low-income residential weatherization program and not more than 10 percent of the excess may be used for administrative costs.

<sup>1</sup> According to Act; a reference to section 12 probably intended

<sup>2</sup> According to Act; a reference to section 11 probably intended

3. If funds received from the federal government from community services block grants exceed the amount appropriated in section 8 of this Act, 100 percent of the excess is allocated to the community services block grant program.

Sec. 18. PROCEDURE FOR EXPENDITURE OF ADDITIONAL FEDERAL FUNDS. If other federal grants, receipts, and funds and other nonstate grants, receipts, and funds become available or are awarded which are not available or awarded during the period in which the general assembly is in session, but which require expenditure by the applicable department or agency prior to March 15 of the fiscal years beginning July 1, 2019, and July 1, 2020, these grants, receipts, and funds are appropriated to the extent necessary, provided that the fiscal committee of the legislative council is notified within 30 days of receipt of the grants, receipts, or funds and the fiscal committee of the legislative council has an opportunity to comment on the expenditure of the grants, receipts, or funds.

Sec. 19. OTHER GRANTS, RECEIPTS, AND FUNDS. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part of the state fiscal years beginning July 1, 2019, and July 1, 2020, are appropriated to the following departments and agencies that are designated by and for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law:

1. Department of administrative services.
2. Department on aging.
3. Department of agriculture and land stewardship.
4. Office of auditor of state.
5. Department for the blind.
6. Iowa state civil rights commission.
7. College student aid commission.
8. Department of commerce.
9. Department of corrections.
10. Department of cultural affairs.
11. Economic development authority.
12. Department of education.
13. Iowa ethics and campaign disclosure board.
14. Iowa finance authority.
15. Offices of the governor and lieutenant governor.
16. Governor's office of drug control policy.
17. Department of human rights.
18. Department of human services.
19. Department of inspections and appeals.
20. Judicial branch.
21. Department of justice.
22. Iowa law enforcement academy.
23. Department of management.
24. Department of natural resources.
25. Board of parole.
26. Department of public defense.
27. Public employment relations board.
28. Department of public health.
29. Department of public safety.
30. State board of regents.
31. Department of revenue.
32. Office of secretary of state.
33. Iowa state fair authority.
34. Office for state-federal relations.
35. Iowa telecommunications and technology commission.
36. Office of treasurer of state.
37. Department of transportation.
38. Department of veterans affairs.

39. Department of workforce development.

Approved May 13, 2019

**CHAPTER 135**

**APPROPRIATIONS — EDUCATION**

*H.F. 758*

**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 including effective date provisions.

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

DIVISION I

FY 2019-2020 APPROPRIATIONS

DEPARTMENT FOR THE BLIND

Section 1. ADMINISTRATION. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2019, and ending June 30, 2020, 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:

.....	\$	2,247,499
.....	FTEs	79.00

COLLEGE STUDENT AID COMMISSION

Sec. 2. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION

a. For general administration salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	429,279
.....	FTEs	3.95

b. For the administration of the future ready Iowa skilled workforce last-dollar scholarship program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	130,254
.....	FTEs	1.00

2. HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

For the loan repayment program for health care professionals established pursuant to section 261.115:

.....	\$	400,973
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3. NATIONAL GUARD SERVICE SCHOLARSHIP PROGRAM

For purposes of providing national guard service scholarship under the program established in section 261.86:

.....	\$	4,700,000
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Moneys appropriated pursuant to 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, 2018, if the students continue to meet the requirements of section 261.86.

4. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

a. For purposes of the all Iowa opportunity scholarship program established pursuant to section 261.87:

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

b. For the fiscal year beginning July 1, 2019, if the moneys appropriated by the general assembly to the college student aid commission for purposes of the all Iowa opportunity scholarship program exceed \$500,000, "eligible institution" as defined in section 261.87 shall, during the fiscal year beginning July 1, 2019, include accredited private institutions as defined in section 261.9.

5. TEACH IOWA SCHOLAR PROGRAM

For purposes of the teach Iowa scholar program established pursuant to section 261.110:

..... \$ 400,000

6. RURAL IOWA PRIMARY CARE LOAN REPAYMENT PROGRAM

For purposes of the rural Iowa primary care loan repayment program established pursuant to section 261.113:

..... \$ 1,424,502

7. HEALTH CARE LOAN REPAYMENT PROGRAM

For purposes of the health care loan repayment program established pursuant to section 261.116:

..... \$ 250,000

8. FUTURE READY IOWA SKILLED WORKFORCE LAST-DOLLAR SCHOLARSHIP PROGRAM

For deposit in the future ready Iowa skilled workforce last-dollar scholarship fund established pursuant to section 261.131, as enacted by 2018 Iowa Acts, chapter 1067, section 12, as amended by 2018 Iowa Acts, chapter 1172, section 24:

..... \$ 13,004,744

Sec. 3. CHIROPRACTIC LOAN FUNDS. Notwithstanding section 261.72, the moneys deposited in the chiropractic loan revolving fund created pursuant to section 261.72, for the fiscal year beginning July 1, 2019, and ending June 30, 2020, may be used for purposes of the chiropractic loan forgiveness program established in section 261.73.

Sec. 4. WORK-STUDY APPROPRIATION. Notwithstanding section 261.85, for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the amount appropriated from the general fund of the state to the college student aid commission for the work-study program under section 261.85 shall be zero.

DEPARTMENT OF EDUCATION

Sec. 5. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2019, and ending June 30, 2020, 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:

..... \$ 5,949,047

..... FTEs 65.00

b. By January 15, 2020, 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, 2019.

2. CAREER AND TECHNICAL EDUCATION ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 598,197  
 ..... FTEs 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:

..... \$ 5,677,908  
 ..... FTEs 245.00

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, 2020, the division shall submit a written report to the general assembly regarding 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:

..... \$ 84,823  
 ..... FTEs 1.00

c. For the entrepreneurs with disabilities program established pursuant to section 259.4, subsection 9:

..... \$ 138,506

d. For costs associated with centers for independent living:

..... \$ 86,457

4. STATE LIBRARY

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,530,063  
 ..... FTEs 29.00

b. For the enrich Iowa program established under section 256.57:

..... \$ 2,464,823

5. PUBLIC BROADCASTING DIVISION

For salaries, support, maintenance, capital expenditures, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 7,739,415  
 ..... FTEs 60.35

6. CAREER AND TECHNICAL EDUCATION

For reimbursement for career and technical education expenditures made by regional career and technical education planning partnerships in accordance with section 258.14:

..... \$ 2,952,459

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:

..... \$ 2,176,797  
 ..... FTEs 23.65

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:

..... \$ 22,662,799

a. From the moneys deposited in the school ready children grants account for the fiscal year beginning July 1, 2019, and ending June 30, 2020, not more than \$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, \$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 \$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, \$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:

..... \$ 1,721,400

b. From the moneys appropriated in this subsection, \$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:

..... \$ 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:

..... \$ 652,000

b. Funding under this subsection is limited to \$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:

..... \$ 2,965,467

..... FTEs 5.90

13. STATEWIDE STUDENT ASSESSMENT

For distribution to the Iowa testing program by the department of education on behalf of school districts and accredited nonpublic schools to offset the costs associated with a statewide student assessment administered in accordance with section 256.7, subsection 21, paragraph “b”:

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

From the moneys appropriated in this subsection, not more than \$300,000 shall be distributed to the Iowa testing programs within the university of Iowa college of education to

offset the costs of administering the statewide student assessment at accredited nonpublic schools.

14. 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:

..... \$ 300,000

15. 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 through 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

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.

16. JOBS FOR AMERICA'S GRADUATES

For school districts to provide direct services to the most at-risk middle school or high school students enrolled in school districts through direct intervention by a jobs for America's graduates specialist:

..... \$ 2,666,188

17. 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:

..... \$ 250,000  
..... FTEs 1.95

18. ONLINE STATE JOB POSTING SYSTEM

For purposes of administering the online state job posting system in accordance with section 256.27:

..... \$ 230,000

19. 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:

..... \$ 7,824,782

20. 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:

..... \$ 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.

21. 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”:

..... \$ 1,300,176

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.

22. COMPUTER SCIENCE PROFESSIONAL DEVELOPMENT INCENTIVE FUND

For deposit in the computer science professional development incentive fund established under section 284.6A:

..... \$ 500,000

23. CHILDREN’S MENTAL HEALTH SCHOOL-BASED TRAINING AND SUPPORT

For establishment of school-based children’s mental health supports, including mental health awareness training for educators:

..... \$ 2,100,000

From moneys appropriated in this subsection, \$1,200,000 shall be allocated to the area education agencies to provide mental health awareness training for educators and schools, \$750,000 shall be allocated to the area education agencies in the manner determined by the area education agencies to be used to identify a range of approaches to best meet the mental health needs of students and to strengthen community support for students, and \$150,000 shall be allocated to the area education agencies to create a clearinghouse of mental health resources for use by schools and community providers.

24. BEST BUDDIES IOWA

For school districts to create opportunities for one-to-one friendships, integrated employment, and leadership development for students with intellectual and developmental disabilities:

..... \$ 25,000

The department of education shall establish criteria for the distribution of moneys appropriated under this subsection and shall require an organization receiving moneys under this subsection to annually report student identifying data for students participating in the program to the department in the manner prescribed by the department as a condition of receiving such moneys.

25. ADULT EDUCATION AND LITERACY PROGRAMS

For distribution as grants to community colleges for the purpose of adult basic education programs for students requiring instruction in English as a second language:

..... \$ 500,000

In issuing grants under this subsection, the department shall use the same application process and criteria as are used for purposes of awarding grants to community colleges for the purpose of adult basic education programs for students requiring instruction in English as a second language using moneys that are appropriated to the department from the Iowa skilled worker and job creation fund.

26. MIDWESTERN HIGHER EDUCATION COMPACT

a. For distribution to the midwestern higher education compact to pay Iowa’s member state annual obligation:

..... \$ 115,000

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.

27. NONPUBLIC SCHOOL CONCURRENT ENROLLMENT PAYMENTS TO COMMUNITY COLLEGES

For payments to community colleges for the concurrent enrollment of accredited nonpublic students under section 261E.8, subsection 2, paragraph “b”, if enacted by 2019 Iowa Acts, Senate File 603: <sup>1</sup>

<sup>1</sup> Chapter 164 herein

.....	\$	1,000,000
28. COMMUNITY COLLEGES		
For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C:		
.....	\$	208,690,889
Notwithstanding the allocation formula in section 260C.18C, the moneys appropriated in this subsection shall be allocated as follows:		
a. Merged Area I		
.....	\$	10,288,776
b. Merged Area II		
.....	\$	10,412,827
c. Merged Area III		
.....	\$	9,627,629
d. Merged Area IV		
.....	\$	4,747,988
e. Merged Area V		
.....	\$	11,826,186
f. Merged Area VI		
.....	\$	9,242,211
g. Merged Area VII		
.....	\$	14,064,146
h. Merged Area IX		
.....	\$	17,824,206
i. Merged Area X		
.....	\$	32,630,575
j. Merged Area XI		
.....	\$	35,062,314
k. Merged Area XII		
.....	\$	11,580,773
l. Merged Area XIII		
.....	\$	12,595,615
m. Merged Area XIV		
.....	\$	4,840,185
n. Merged Area XV		
.....	\$	15,175,939
o. Merged Area XVI		
.....	\$	8,771,520

Sec. 6. LIMITATIONS OF STANDING APPROPRIATION FOR AT-RISK CHILDREN. Notwithstanding the standing appropriation in section 279.51 for the fiscal year beginning July 1, 2019, and ending June 30, 2020, 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 \$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”.

Sec. 7. 2017 Iowa Acts, chapter 172, section 50, subsection 5, as amended by 2018 Iowa Acts, chapter 1163, section 4, is amended to read as follows:

5. PUBLIC BROADCASTING DIVISION

For salaries, support, maintenance, capital expenditures, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	7,589,415
.....		<u>7,689,415</u>
.....	FTEs	60.17

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.

Sec. 8. 2017 Iowa Acts, chapter 172, section 50, subsection 12C, as enacted by 2018 Iowa Acts, chapter 1163, section 4, is amended to read as follows:

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

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.

STATE BOARD OF REGENTS

Sec. 9. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2019, and ending June 30, 2020, 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:

..... \$ 775,655

..... FTEs 2.48

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 2019 shall include the five-year graduation rates for the regents universities.

b. For moneys to be allocated to the western Iowa regents resource center:

..... \$ 272,161

c. For moneys to be distributed to Iowa public radio for public radio operations:

..... \$ 350,648

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 needs caused by 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:

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

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:

..... \$ 214,710,793

..... 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:

..... \$ 2,134,120

..... 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:

..... \$ 4,297,032

..... FTEs 102.51

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:

.....	\$	1,745,379
.....	FTEs	2.71

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:

.....	\$	643,641
.....	FTEs	4.16

f. Statewide cancer registry

For the statewide cancer registry, and for not more than the following full-time equivalent positions:

.....	\$	145,476
.....	FTEs	0.08

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:

.....	\$	54,197
.....	FTEs	0.99

h. Center for biocatalysis

For the center for biocatalysis, and for not more than the following full-time equivalent positions:

.....	\$	706,371
.....	FTEs	1.67

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:

.....	\$	633,367
.....	FTEs	6.23

From the moneys appropriated in this lettered paragraph, \$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:

.....	\$	37,370
.....	FTEs	0.38

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:

.....	\$	158,641
.....	FTEs	1.88

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:

.....	\$	470,293
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m. Iowa flood center

For the Iowa flood center for use by the university's college of engineering pursuant to section 466C.1:

.....	\$	1,171,222
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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:

.....	\$	170,624,125
.....	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:

.....	\$	29,886,877
.....	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:

.....	\$	18,266,722
.....	FTEs	382.34

d. Livestock disease research

For deposit in and the use of the livestock disease research fund under section 267.8:

.....	\$	172,844
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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:

.....	\$	95,712,362
.....	FTEs	1,346.66

b. Recycling and reuse center

For purposes of the recycling and reuse center, and for not more than the following full-time equivalent positions:

.....	\$	175,256
.....	FTEs	1.93

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:

.....	\$	6,446,375
.....	FTEs	5.50

(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 \$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:

.....	\$	125,302
.....	FTEs	0.86

5. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	10,299,287
.....	FTEs	101.84

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:

.....	\$	4,334,759
.....	FTEs	58.00

Sec. 10. ENERGY COST-SAVINGS PROJECTS — FINANCING. For the fiscal year beginning July 1, 2019, and ending June 30, 2020, the state board of regents may use notes, bonds, or other evidences of indebtedness issued under section 262.48 to finance projects that will result in energy cost savings in an amount that will cause the state board to recover the cost of the projects within an average of six years.

Sec. 11. PRESCRIPTION DRUG COSTS. Notwithstanding section 270.7, the department of administrative services shall pay the state school for the deaf and the Iowa braille and sight saving school the moneys collected from the counties during the fiscal year beginning July 1, 2019, for expenses relating to prescription drug costs for students attending the state school for the deaf and the Iowa braille and sight saving school.

Sec. 12. Section 84A.1B, subsection 13A, as enacted by 2018 Iowa Acts, chapter 1067, section 7, is amended to read as follows:

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. The workforce development board may add to the list of high-demand jobs as it deems necessary. For purposes of this subsection, “high-demand job” means a job in the state ~~for which that~~ the board, or a community college in accordance with this subsection, ~~determines work opportunities are available and qualified applicants are lacking~~ has identified in accordance with this



subsection. In creating a list under this subsection, the following criteria, at a minimum, shall apply:

a. An entry-level wage of not less than fourteen dollars.

b. Educational attainment of a qualifying credential up to a bachelor's degree.

c. One or both of the following criteria:

(1) Projected annual job openings of at least two hundred fifty or more during the next five years.

(2) Annual job growth of at least one percent.

Sec. 13. Section 261.25, subsections 1 and 2, Code 2019, are amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~forty-six~~ forty-seven million ~~six~~ seven hundred ~~thirty three~~ thirty three thousand ~~nine~~ nine four hundred ~~fifty-one~~ sixty-three dollars for tuition grants to qualified students who are enrolled in accredited private institutions.

2. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~three~~ three four hundred ~~seventy-six~~ twenty-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, unnumbered paragraph 1, Code 2019, is amended to read as follows:

A national guard educational ~~assistance program~~ service scholarship is established to be administered by the college student aid commission for members of the Iowa national guard who are enrolled as undergraduate students in a community college, an institution of higher learning under the state board of regents, or an accredited private institution. The college student aid commission shall adopt rules pursuant to chapter 17A to administer this section. An individual is eligible for the national guard ~~educational assistance~~ service scholarship program if the individual meets all of the following conditions:

Sec. 15. Section 261.86, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. Is a resident of the state and a member of an Iowa army or air national guard unit while receiving ~~educational assistance~~ scholarship award payments issued pursuant to this section.

Sec. 16. Section 261.86, subsections 2, 3, 4, and 5, Code 2019, are amended to read as follows:

2. ~~Educational assistance~~ Scholarship awards paid pursuant to this section shall not exceed the resident tuition rate established for institutions of higher learning under the control of the state board of regents. If the amount appropriated in a fiscal year for purposes of this section is insufficient to provide ~~educational assistance~~ scholarships to all national guard members who apply for the program and who are determined by the adjutant general to be eligible for the program, the adjutant general shall, in coordination with the commission, determine the distribution of ~~educational assistance~~ scholarships. However, ~~educational assistance~~ scholarship awards paid pursuant to this section shall not be less than fifty percent of the resident tuition rate established for institutions of higher learning under the control of the state board of regents or fifty percent of the tuition rate at the institution attended by the national guard member, whichever is lower. Neither eligibility nor ~~educational assistance~~ scholarship award determinations shall be based upon a national guard member's unit, the location at which drills are attended, or whether the eligible individual is a member of the Iowa army or air national guard.

3. a. (1) ~~An~~ Except as provided in subparagraph (2), an eligible member of the national guard, attending an institution as provided in subsection 1, paragraph "d", shall not receive ~~educational assistance~~ scholarship awards under this section for more than one hundred twenty semester, or the equivalent, credit hours of undergraduate study.

(2) An eligible member of the national guard, attending an institution as provided in subsection 1, paragraph "d", who is enrolled in a program of education leading to a

postsecondary degree that meets the eligibility requirements for the federal Edith Nourse Rogers STEM scholarship established under 38 U.S.C. §3320, shall not receive scholarship awards issued under this section for more than one hundred thirty semester, or the equivalent, credit hours of undergraduate study.

(3) A national guard member who has met the educational requirements for a baccalaureate degree is ineligible for ~~educational assistance~~ a scholarship award under this section.

b. A member of the national guard who received educational assistance under this section prior to July 1, 2015, shall be deemed to have received educational assistance for the following number of credit hours for educational assistance received before that date:

(1) For each semester that the member received educational assistance while attending an institution as a full-time student, twelve credit hours.

(2) For each semester that the member received educational assistance while attending an institution as a part-time student, six credit hours.

(3) For each trimester or quarter that the member received educational assistance while attending an institution as a full-time or part-time student, the number of credit hours that are determined to be the semester equivalent by the college student aid commission.

4. The eligibility of applicants and scholarship award ~~amounts of educational assistance~~ to be paid shall be certified by the adjutant general of Iowa to the college student aid commission, and all amounts that are or become due to a community college, accredited private institution, or institution of higher learning under the control of the state board of regents under this section shall be paid to the college or institution by the college student aid commission upon receipt of certification by the president or governing board of the educational institution as to accuracy of charges made, and as to the attendance and academic progress of the individual at the educational institution. The college student aid commission shall maintain an annual record of the number of participants and the dollar value of the ~~educational assistance provided~~ awards issued.

5. ~~For purposes of this section, unless otherwise required, "educational assistance" means the same as Scholarships awarded under this section may be used by the recipient for the recipient's "cost of attendance" as defined in Tit. IV, pt. B, of the federal Higher Education Act of 1965 as amended.~~

Sec. 17. Section 284.13, subsection 1, paragraphs a, b, c, e, f, and g, Code 2019, are amended to read as follows:

a. For the fiscal year beginning July 1, ~~2018~~ 2019, and ending June 30, ~~2019~~ 2020, to the department, the amount of five hundred 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, ~~2018~~ 2019, and ending June 30, ~~2019~~ 2020, up to seven hundred twenty-eight thousand 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, ~~2018~~ 2019, and ending June 30, ~~2019~~ 2020, an amount up to one million seventy-seven thousand 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, ~~2018~~ 2019, and ending June 30, ~~2019~~ 2020, 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, ~~2018~~ 2019, and ending June 30, ~~2019~~ 2020, 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, 2019 2020, and for each subsequent fiscal year, to the department, 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. 18. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

1. The section of this Act amending 2017 Iowa Acts, chapter 172, section 50, subsection 5, as amended by 2018 Iowa Acts, chapter 1163, section 4.
2. The section of this Act amending 2017 Iowa Acts, chapter 172, section 50, subsection 12C, as enacted by 2018 Iowa Acts, chapter 1163, section 4.

DIVISION II  
WORKFORCE TRAINING PROGRAMS — APPROPRIATIONS FY 2019-2020

Sec. 19. 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, 2019, and ending June 30, 2020, 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:

..... \$ 15,100,000

From the moneys appropriated in this lettered paragraph “a”, not more than \$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:

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

(1) From the moneys appropriated in this lettered paragraph “b”, \$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 \$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 \$1,257,000 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”, \$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 capital projects at community colleges that meet the definition of the term “vertical infrastructure” in section 8.57, subsection 5, paragraph “c”:

..... \$ 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.

d. For deposit in the pathways for academic career and employment fund established pursuant to section 260H.2:

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

From the moneys appropriated in this lettered paragraph “d”, not more than \$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:

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

f. For deposit in the statewide work-based learning intermediary network fund created pursuant to section 256.40:

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

From the moneys appropriated in this lettered paragraph “f”, not more than \$50,000 shall be used by the department for expenses associated with the activities of the secondary career and technical programming task force convened pursuant to this Act.

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:

..... \$ 200,000

2. COLLEGE STUDENT AID COMMISSION

For purposes of providing skilled workforce shortage tuition grants in accordance with section 261.130:

..... \$ 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.

Sec. 20. IOWA INDUSTRIAL NEW JOBS TRAINING ACT — FY 2018-2019 DEFINITIONS. Notwithstanding section 260E.2, for the fiscal year beginning July 1, 2018, and ending June 30, 2019, “new job” includes a new, existing, or recalled job in an industry which, for purposes of this section, means a business existing on the effective date of this section and located in a county with a population between 40,500 and 41,000, as determined by the 2010 federal decennial census, that was declared a disaster area by the governor following a weather-related natural disaster which impacted the county on or about July 19, 2018.

Sec. 21. Section 260I.2, subsection 2, paragraph c, Code 2019, is amended to read as follows:

c. ~~Moneys~~ Except as provided in section 260I.10, subsection 4, moneys in the fund shall be allocated pursuant to the formula established in section 260C.18C. Notwithstanding section

8.33, moneys in the fund at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure for the purpose designated for subsequent fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

Sec. 22. Section 260I.3, subsection 1, Code 2019, is amended to read as follows:

1. The ~~department~~ state board of education, in consultation with the economic development authority, shall adopt rules pursuant to this chapter 17A defining eligibility criteria for persons applying to receive tuition assistance under this chapter.

Sec. 23. Section 260I.3, subsection 2, paragraph a, Code 2019, is amended to read as follows:

a. The applicant's family income for the ~~six~~ three months prior to the date of application or documentation of a life-changing event.

Sec. 24. Section 260I.3, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 6. The community college receiving the application may limit an applicant to one eligible certificate program or to eligible programs within one career pathway, based on the funding available to the community college for purposes of this program.

Sec. 25. Section 260I.4, subsection 4, Code 2019, is amended by striking the subsection.

Sec. 26. Section 260I.7, Code 2019, is amended to read as follows:

**260I.7 Initial assessment.**

An applicant for tuition assistance under this chapter shall complete an initial assessment administered by the community college receiving the application to determine the applicant's readiness to complete an eligible certificate program. The assessment shall include ~~assessments for completion of a national career readiness certificate, including the areas of reading for information, applied and mathematics, and locating information.~~ An applicant shall complete any additional assessments and occupational research required by an eligible certificate program.

Sec. 27. Section 260I.10, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 4. The department of education, in coordination with the community colleges, may adjust the allocations generated pursuant to section 260I,<sup>2</sup> subsection 2, paragraph "c", to ensure efficient delivery of services.

Sec. 28. Section 260I.11, Code 2019, is amended to read as follows:

**260I.11 Rules.**

The ~~department of~~ state board of education, in consultation with ~~the economic development authority and the community colleges,~~ shall adopt rules pursuant to chapter 17A and this chapter to implement the provisions of this chapter.

Sec. 29. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this division of this Act relating to FY 2018-2019 definitions under the Iowa industrial new jobs training Act.

Approved May 13, 2019

<sup>2</sup> According to Act; a reference to section 260I.2 probably intended

**CHAPTER 136**

**APPROPRIATIONS — ADMINISTRATION AND REGULATION**

*H.F. 759*

**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.

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

DIVISION I  
FY 2019-2020

Section 1. 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, 2019, and ending June 30, 2020, 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:

.....	\$	3,616,936
.....	FTEs	47.62

b. For the payment of utility costs, and for not more than the following full-time equivalent positions:

.....	\$	3,524,611
.....	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:

.....	\$	418,200
.....	FTEs	5.07

d. For establishing a listing of real property owned or leased by the state as required in the annual report submitted to the general assembly pursuant to section 8A.111, subsection 12, and for salaries, support, maintenance, and miscellaneous purposes:

.....	\$	50,000
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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.

3. The department shall conduct a study regarding the feasibility, timeline, and costs of developing and maintaining a searchable database available on the department's internet site containing a listing, updated annually, of real property owned or leased by the state. Real property listed in the searchable database shall be listed by location and searchable by county, address, and any other method deemed beneficial to the public. If real property listed in the searchable database is leased by the state, the searchable database shall also include the rental or lease costs of such real property. The department shall submit its findings and recommendations in a report to the general assembly and to the chairpersons and ranking members of the senate and house committees on appropriations by December 31, 2019.

Sec. 2. REVOLVING FUNDS. There is appropriated to the department of administrative services for the fiscal year beginning July 1, 2019, and ending June 30, 2020, from the revolving funds designated in chapter 8A and from internal service funds created by the

department such amounts as the department deems necessary for the operation of the department consistent with the requirements of chapter 8A.

Sec. 3. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION CHARGE. For the fiscal year beginning July 1, 2019, and ending June 30, 2020, the monthly per contract administrative charge which may be assessed by the department of administrative services shall be \$2 per contract on all health insurance plans administered by the department.

Sec. 4. 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, 2019, and ending June 30, 2020, 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:

.....	\$	986,193
.....	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. 5. 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, 2019, and ending June 30, 2020, 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:

.....	\$	666,001
.....	FTEs	7.00

Sec. 6. OFFICE OF THE CHIEF INFORMATION OFFICER.

1. There is appropriated from the general fund of the state to the office of the chief information officer for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the connecting Iowa farms, schools, and communities broadband grant fund established under section 8B.11 for a broadband grant program; and for salaries, support, maintenance, and miscellaneous purposes:

.....	\$	5,000,000
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2. There is appropriated to the office of the chief information officer for the fiscal year beginning July 1, 2019, and ending June 30, 2020, 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.

3. a. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the first \$750,000 collected 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. 7. 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, 2019, and ending June 30, 2020, 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:

.....	\$	1,019,556
.....	FTEs	17.25

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	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, 2019, and ending June 30, 2020, 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:

.....	\$	11,145,778
.....	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:

.....	\$	2,204,256
.....	FTEs	15.00

c. INSURANCE DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,705,889
.....	FTEs	119.50

(2) From the full-time equivalent positions authorized in this paragraph, the insurance division shall use 2.00 full-time equivalent positions to hire two fraud investigators.

(3) Except as provided in subparagraph (2), the insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements.

(4) 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:

.....	\$	8,732,098
.....	FTEs	70.00

(2) 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.

(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. 8. 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, 2019, and ending June 30, 2020, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	62,317
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Sec. 9. 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, 2019, and ending June 30, 2020, 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:

.....	\$	2,303,954
.....	FTEs	21.00

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:

.....	\$	140,070
.....	FTEs	1.93

Sec. 10. 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, 2019, and ending June 30, 2020, 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:

.....	\$	238,147
.....	FTEs	4.00

Sec. 11. 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, 2019, and ending June 30, 2020, 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:

.....	\$	210,075
.....	FTEs	5.50

2. COMMUNITY ADVOCACY AND SERVICES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	956,894
.....	FTEs	6.33

Sec. 12. 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, 2019, and ending June 30, 2020, 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:

.....	\$	511,580
.....	FTEs	10.65

2. ADMINISTRATIVE HEARINGS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	625,827
.....	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:

.....	\$	2,471,791
.....	FTEs	53.00

b. By December 1, 2019, 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, 2018, and ending June 30, 2019. 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:

.....	\$	4,734,682
.....	FTEs	112.00

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:

.....	\$	38,912
.....	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:

.....	\$	2,570,605
.....	FTEs	30.00

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:

.....	\$	574,819
.....	FTEs	32.40

8. APPROPRIATION REALLOCATION. 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 child advocacy board in this section.

Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS — LICENSE OR REGISTRATION FEES.

1. For the fiscal year beginning July 1, 2019, and ending June 30, 2020, 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 2, 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 \$800,000 into the general fund of the state prior to June 30, 2020.

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. 14. 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, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. 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, chapter 1099, and for not more than the following full-time equivalent positions:

.....	\$	6,492,010
.....	FTEs	50.70

2. In addition to the moneys appropriated and full-time equivalent positions authorized in subsection 1, and contingent on the enactment of 2019 Iowa Acts, Senate File 617,<sup>1</sup> the racing and gaming commission of the department of inspections and appeals is appropriated an additional \$275,000 and is authorized an additional 3.00 full-time equivalent positions to assist in implementing the provisions of 2019 Iowa Acts, Senate File 617,<sup>2</sup> if enacted.

Sec. 15. 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, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	1,623,897
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Sec. 16. 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, 2019, and ending June 30, 2020, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. 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:

.....	\$	2,652,389
.....	FTEs	21.00

2. a. For distribution of moneys to other governmental entities for the payment of rate adjustments established by the office of the chief information officer; and for salaries, support, maintenance, and miscellaneous purposes:

.....	\$	1,300,751
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b. Moneys appropriated in this subsection shall be separately accounted for in a distribution account and shall be distributed to other governmental entities to pay for rate adjustments established by the office of the chief information officer related to the overpayment of federal funds for information technology services. The department of management may reduce the amount of moneys to be distributed to another governmental entity for the payment of rate adjustments under this subsection if the amount to be distributed is less than the amount currently paid by the governmental entity for such rates. In addition to moneys appropriated in this subsection, rate adjustments may also be funded using unencumbered and unobligated moneys remaining in the department of commerce revolving fund created in section 546.12, the primary road fund created in section 313.3, the road use tax fund created in section 312.1, the fish and game protection fund created in section 456A.17, the Iowa public employees’ retirement fund created in section 97B.7, or any other departmental revolving, trust, or special fund for which the general assembly has not made an operating budget appropriation, as determined by the department of management.

<sup>1</sup> Chapter 132 herein

<sup>2</sup> Chapter 132 herein

The department of management shall transmit financial statements to the legislative services agency regarding distributions of moneys provided to other governmental entities for the payment of rate adjustments pursuant to this subsection. The statements shall indicate the amount of the distributions and the dates on which the distributions are provided.

Sec. 17. 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, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:
..... \$ 56,000

Sec. 18. 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, 2019, and ending June 30, 2020, 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:
..... \$ 339,343
..... FTEs 3.00

Sec. 19. 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, 2019, and ending June 30, 2020, 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:
..... \$ 15,474,482
..... FTEs 160.34

b. For technology upgrades to the department’s primary processing systems, and for salaries, support, maintenance, and miscellaneous purposes:
..... \$ 1,070,460

2. From the moneys appropriated in subsection 1, paragraph “a”, the department shall use \$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. 20. 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, 2019, and ending June 30, 2020, 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:
..... \$ 1,305,775

Sec. 21. 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, 2019, and ending June 30, 2020, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION AND ELECTIONS

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 2,109,755
..... FTEs 16.00

b. 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:

.....	\$	1,405,530
.....	FTEs	16.00

Sec. 22. 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, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	195,400
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Sec. 23. SECRETARY OF STATE FILING FEES REFUND. Notwithstanding the obligation to collect fees pursuant to the provisions of section 489.117, subsection 1, paragraphs “a” and “o”, section 490.122, subsection 1, paragraphs “a” and “s”, and section 504.113, subsection 1, paragraphs “a”, “c”, “d”, “j”, “k”, “l”, and “m”, for the fiscal year beginning July 1, 2019, the secretary of state may refund these fees to the filer pursuant to rules established by the secretary of state. The decision of the secretary of state not to issue a refund under rules established by the secretary of state is final and not subject to review pursuant to chapter 17A.

Sec. 24. 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, 2019, and ending June 30, 2020, 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:

.....	\$	1,017,442
.....	FTEs	28.80

2. The office of treasurer of state shall supply administrative support for the executive council.

Sec. 25. 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, 2019, and ending June 30, 2020, 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:

.....	\$	93,148
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Sec. 26. 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, 2019, and ending June 30, 2020, 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:

.....	\$	17,988,567
.....	FTEs	88.13

Sec. 27. IOWA PRODUCTS. As a condition of receiving an appropriation, any agency appropriated moneys pursuant to this Act shall give first preference when purchasing a product to an Iowa product or a product produced by an Iowa-based business. Second preference shall be given to a United States product or a product produced by a business based in the United States.

DIVISION II  
STANDING APPROPRIATIONS — LIMITATIONS

Sec. 28. LIMITATION OF STANDING APPROPRIATION — FY 2019-2020. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2019, and ending June 30, 2020, 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:

..... \$ 17,525

DIVISION III  
SUPPLEMENTAL APPROPRIATIONS

Sec. 29. 2017 Iowa Acts, chapter 171, section 28, subsection 1, paragraph b, as amended by 2018 Iowa Acts, chapter 1164, section 1, is amended to read as follows:

b. For the payment of utility costs, and for not more than the following full-time equivalent positions:

..... \$ 2,899,231  
3,356,210  
..... 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.

Sec. 30. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV  
IOWA CODE CHANGES

Sec. 31. Section 8A.111, Code 2019, is amended by adding the following new subsection: NEW SUBSECTION. 12. By December 31, 2019, and by the same date each year thereafter, an annual report submitted to the general assembly and to the chairpersons and ranking members of the senate and house committees on appropriations containing a listing of real property owned or leased by the state. The report shall be grouped by county and shall include identifying information for each real property listed, including but not limited to the physical address. If real property is leased by the state, the report shall also include the rental or lease costs of such real property.

Sec. 32. Section 8B.9, Code 2019, is amended by adding the following new subsection: NEW SUBSECTION. 6. Beginning October 1, 2019, a quarterly report regarding the status of technology upgrades or enhancements for state agencies, submitted to the general assembly and to the chairpersons and ranking members of the senate and house committees on appropriations. The quarterly report shall also include a listing of state agencies coordinating or working with the office and a listing of state agencies not coordinating or working with the office.

Sec. 33. Section 137C.9, subsection 1, paragraph c, Code 2019, is amended to read as follows:

c. For a hotel containing ~~more than~~ one hundred one guest rooms or more, one hundred fifty dollars.

Approved May 13, 2019

**CHAPTER 137**

**APPROPRIATIONS — INFRASTRUCTURE AND CAPITAL PROJECTS**

*H.F. 765*

**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 and applicability 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 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 2019-2020:

..... \$ 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 renewable fuels infrastructure fund created in section 159A.16 for renewable fuel infrastructure programs:

FY 2019-2020: ..... \$ 3,000,000

2. DEPARTMENT OF CORRECTIONS

For a fire suppression system for the sixth judicial district community-based corrections residential facility:

FY 2019-2020: ..... \$ 150,000

3. 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 2019-2020: ..... \$ 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 2019-2020: ..... \$ 250,000

4. ECONOMIC DEVELOPMENT AUTHORITY

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

FY 2019-2020: ..... \$ 5,000,000

b. For equal distribution to regional sports authority districts certified by the department<sup>1</sup> pursuant to section 15E.321, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2019-2020: ..... \$ 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 2019-2020: ..... \$ 300,000

d. For deposit in the vacant state buildings demolition fund created in section 15.261:

FY 2019-2020: ..... \$ 1,000,000

<sup>1</sup> According to Act, the word “authority” probably intended

FY 2020-2021:	\$	1,000,000
FY 2021-2022:	\$	1,000,000
e. For deposit in the vacant state buildings rehabilitation fund created in section 15.262, notwithstanding section 8.57, subsection 5, paragraph “c”:		
FY 2019-2020:	\$	1,000,000
FY 2020-2021:	\$	1,000,000
FY 2021-2022:	\$	1,000,000
f. For the building of an independent innovation center at a year-round camp for persons with disabilities that is located in a city with a population of more than 200,000 as determined by the 2010 federal decennial census:		
FY 2019-2020:	\$	200,000
FY 2020-2021:	\$	800,000
<b>5. DEPARTMENT OF HUMAN SERVICES</b>		
For the renovation and construction of certain nursing facilities, consistent with the provisions of chapter 249K:		
FY 2019-2020:	\$	500,000
<b>6. IOWA FINANCE AUTHORITY</b>		
For deposit in the housing trust fund created in section 16.181:		
FY 2019-2020:	\$	50,000
<b>7. DEPARTMENT OF NATURAL RESOURCES</b>		
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 2019-2020:	\$	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 2019-2020:	\$	500,000
c. For state park vertical infrastructure improvements:		
FY 2019-2020:	\$	2,000,000
<b>8. DEPARTMENT OF PUBLIC DEFENSE</b>		
a. For major maintenance projects at national guard armories and facilities:		
FY 2019-2020:	\$	1,000,000
b. For improvement projects for Iowa national guard installations and readiness centers to support operations and training requirements:		
FY 2019-2020:	\$	1,000,000
c. For construction improvement projects at the Camp Dodge facility:		
FY 2019-2020:	\$	250,000
d. The department of public defense shall report to the general assembly by December 15, 2019, regarding the projects the department has funded, or intends to fund, from moneys appropriated to the department pursuant to this subsection for the fiscal year beginning July 1, 2019.		

## 9. 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 2019-2020:

..... \$ 3,719,355

b. For the purchase of a liquid chromatograph, notwithstanding section 8.57, subsection 5, paragraph "c":

FY 2019-2020:

..... \$ 325,000

c. For the purchase of equipment that can detect the presence of explosive material, notwithstanding section 8.57, subsection 5, paragraph "c":

FY 2019-2020:

..... \$ 29,000

## 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 2019-2020:

..... \$ 28,098,870

b. For the renovation of long hall at the Iowa school for the deaf:

FY 2019-2020:

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

FY 2020-2021:

..... \$ 1,325,000

c. For the renovation and construction of an industrial technology center at the university of northern Iowa to include reimbursement of infrastructure costs incurred by the university for construction of the facility in the prior fiscal year, notwithstanding section 262.67, if enacted:

FY 2020-2021:

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

## 11. STATE FAIR AUTHORITY

a. For infrastructure costs associated with the remodeling of the 4-H building on the state fairgrounds, to include reimbursement of infrastructure costs incurred by the authority for remodel costs of the facility in the prior fiscal year:

FY 2019-2020:

..... \$ 500,000

FY 2020-2021:

..... \$ 4,500,000

b. For costs associated with the state historical building task force, notwithstanding section 8.57, subsection 5, paragraph "c":

FY 2019-2020:

..... \$ 500,000

## 12. DEPARTMENT OF TRANSPORTATION

a. For acquiring, constructing, and improving recreational trails within the state:

FY 2019-2020:

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

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 2019-2020:

..... \$ 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 2019-2020:

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

d. For vertical infrastructure improvements at the commercial service airports within the state:

FY 2019-2020: ..... \$ 1,900,000

e. For vertical infrastructure improvements at general aviation airports within the state:

FY 2019-2020: ..... \$ 1,000,000

13. TREASURER OF STATE

For distribution in accordance with chapter 174 to qualified fairs that belong to the association of Iowa fairs for county fair vertical infrastructure improvements:

FY 2019-2020: ..... \$ 1,060,000

14. IOWA VETERANS HOME

For replacement of the mechanical and electrical distribution systems in various buildings:

FY 2019-2020: ..... \$ 6,134,840

15. JUDICIAL BRANCH

For furniture and equipment for justice centers located in counties with a population of less than 400,000 as determined by the 2010 federal decennial census, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2019-2020: ..... \$ 193,620

Sec. 2. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys from an appropriation made 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 two 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 fiscal year beginning July 1, 2019, and ending June 30, 2020, 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 the license of software that provides an online, real-time performance dashboard that will serve as a single source of agency performance measures and results and for a single enterprise system to support enterprise content management:

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

2. DEPARTMENT OF CORRECTIONS

For computer switches upgrades, upgrades to various camera and phone systems and fiber lines, and building automated systems:

FY 2019-2020: ..... \$ 629,000

3. DEPARTMENT OF EDUCATION

a. For the continued development and implementation of an educational data warehouse to be utilized by teachers, parents, school district administrators, area education agency staff, department of education staff, and policymakers:

..... \$ 600,000

The department may allocate 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:	\$ 2,727,000
.....	
c. To the public broadcasting division for the replacement of equipment:	\$ 500,000
.....	
4. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT	
For the implementation of a statewide mass notification and emergency messaging system:	\$ 400,000
.....	
5. 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:	\$ 1,200,000
.....	
b. For the costs associated with the justice enterprise data warehouse:	\$ 157,980
.....	
6. DEPARTMENT OF HUMAN SERVICES	
For the replacement of the family and children services system:	\$ 5,525,660
.....	
7. STATE PUBLIC DEFENDER	
For technology projects:	\$ 50,000
.....	
8. IOWA LAW ENFORCEMENT ACADEMY	
For technology projects:	\$ 15,000
.....	
9. 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:	\$ 45,000
.....	
b. For the continued development and implementation of the comprehensive electronic grant management system:	\$ 50,000
.....	
c. For the upgrade of the local government budget and property tax system:	\$ 120,000
.....	
10. DEPARTMENT OF PUBLIC HEALTH	
For the consolidation of the AMANDA database management system:	\$ 796,800
.....	
11. DEPARTMENT OF PUBLIC SAFETY	
a. For replacement of a server storage system:	\$ 290,000
.....	
b. For technology upgrades at Iowa state patrol district 16:	\$ 250,000
.....	
c. For replacement of the lab management system:	\$ 300,000
.....	
d. For evidence management and comparison software:	\$ 80,000
.....	
12. DEPARTMENT OF VETERANS AFFAIRS	
For technology projects:	\$ 5,000
.....	

Sec. 4. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys from an appropriation made 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 two 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. 2014 Iowa Acts, chapter 1136, section 2, as amended by 2018 Iowa Acts, chapter 1162, section 8, is amended to read as follows:

SEC. 2. REVERSION.

1. 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 ~~2020~~, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 6. 2015 Iowa Acts, chapter 139, section 1, subsection 10, paragraph b, as amended by 2017 Iowa Acts, chapter 173, section 11, and 2018 Iowa Acts, chapter 1162, section 9, 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:	\$	6,000,000
.....		
FY 2019-2020:	\$	<del>10,000,000</del>
.....		<u>7,000,000</u>
FY 2020-2021:	\$	10,000,000
.....		
FY 2021-2022:	\$	<del>7,000,000</del>
.....		<u>10,000,000</u>

Sec. 7. 2016 Iowa Acts, chapter 1133, section 2, is amended to read as follows:

SEC. 2. REVERSION.

1. ~~For~~ 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 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, unless specifically provided otherwise, unencumbered or unobligated moneys appropriated and allocated for the costs of major maintenance of monuments without dedicated funds available for maintenance and restoration, in section 1, subsection 1, in this division of this 2016 Act, shall not revert but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2023.

Sec. 8. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV  
DEPARTMENT OF ADMINISTRATIVE SERVICES

Sec. 9. Section 8A.321, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 15. Prepare an annual report listing any state building, as defined in section 8A.318, that is vacant and submit the annual report to the legislative services agency and the department of management on or before January 15 of each year.

Sec. 10. Section 8A.330, subsection 3, Code 2019, is amended to read as follows:

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~~ state buildings and facilities, ~~excluding buildings and facilities under the control of the state board of regents, state department of transportation, department of natural resources, and department of public defense.~~ 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.

DIVISION V  
MISCELLANEOUS PROVISIONS

Sec. 11. Section 8.57C, subsection 3, paragraph a, subparagraph (2), Code 2019, is amended to read as follows:

(2) The fiscal year beginning July 1, ~~2019~~ 2020, and for each subsequent fiscal year thereafter.

Sec. 12. Section 8.57C, subsection 3, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *h.* There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the sum of eighteen million sixty-nine thousand nine hundred seventy-five dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 5, paragraph “c”.

Sec. 13. STATE HISTORICAL BUILDING TASK FORCE.

1. A state historical building task force is established within the state fair authority. The state fair authority shall provide administrative support for the task force.

2. The task force shall consist of the following members:

- a. One member appointed by the Iowa state fair board.
- b. One member appointed by the Iowa state fair foundation established in section 173.22.
- c. One member appointed by the director of the department of administrative services.
- d. One member who is designated by the general assembly as the facilities manager for facilities under the control of the general assembly.
- e. One member appointed by the director of the department of cultural affairs.
- f. One member appointed by the governor.

g. Four members of the general assembly serving as ex officio, nonvoting members, with one representative to be appointed by the speaker of the house of representatives, one representative to be appointed by the minority leader of the house of representatives, one senator to be appointed by the majority leader of the senate, and one senator to be appointed by the minority leader of the senate.

3. The task force shall consider the feasibility, costs, and possible options relative to construction of a new state historical building museum on the state fairgrounds, to include options for relocating the collections stored in the current state historical building and creating increased access to the collections to Iowans.

4. The task force shall provide an interim report to the general assembly by December 20, 2019, concerning the activities of the task force and shall submit its final report, including its findings and recommendations, to the general assembly by January 1, 2021.

DIVISION VI  
VACANT STATE BUILDINGS — FUNDS

Sec. 14. **NEW SECTION. 15.261 Vacant state buildings demolition fund.**

1. A vacant state buildings demolition fund is created in the state treasury under the control of the authority. The fund shall consist of all moneys appropriated to the fund.

2. Moneys in the vacant state buildings demolition fund are appropriated to the authority for purposes of funding a grant program for the demolition of vacant buildings owned by the state which are no longer used for a state purpose.

3. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the vacant state buildings demolition fund shall be credited to the vacant state buildings demolition fund. Notwithstanding section 8.33, moneys credited to the vacant state buildings demolition fund shall not revert at the close of a fiscal year.

Sec. 15. **NEW SECTION. 15.262 Vacant state buildings rehabilitation fund.**

1. A vacant state buildings rehabilitation fund is created in the state treasury under the control of the authority. The fund shall consist of all moneys appropriated to the fund.

2. Moneys in the vacant state buildings rehabilitation fund are appropriated to the authority for purposes of funding a loan program for the rehabilitation or redevelopment of vacant buildings owned by the state which are no longer used for a state purpose.

3. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the vacant state buildings rehabilitation fund shall be credited to the vacant state buildings rehabilitation fund. Notwithstanding section 8.33, moneys credited to the vacant state buildings rehabilitation fund shall not revert at the close of a fiscal year.

DIVISION VII  
REGENTS CONSTRUCTION — MATCH REQUIREMENTS

Sec. 16. **NEW SECTION. 262.67 State appropriations — match requirements.**

1. The board shall, as a condition of receiving an appropriation from the rebuild Iowa infrastructure fund created in section 8.57 for the construction of buildings and facilities at an institution as defined in section 262.55, require the applicable institution to provide a match from both private and public sources excluding funding from the state as provided in this section.

2. *a.* For construction of buildings and facilities at the state university of Iowa and the Iowa state university of science and technology, a match of at least two dollars for each three dollars appropriated from the rebuild Iowa infrastructure fund created in section 8.57.

*b.* For construction of buildings and facilities at the university of northern Iowa, a match of at least one dollar for each four dollars appropriated from the rebuild Iowa infrastructure fund created in section 8.57.

3. This section does not apply to an appropriation from the rebuild Iowa infrastructure fund created in section 8.57 for debt service payments on academic revenue bonds issued in accordance with chapter 262A for capital projects at board of regents institutions.<sup>2</sup>

Sec. 17. **APPLICABILITY.** This division of this Act applies to new construction projects commenced on or after July 1, 2020.

DIVISION VIII  
ON-STREAM IMPOUNDMENT RESTORATION

Sec. 18. **NEW SECTION. 456A.33C On-stream impoundment restoration fund.**

1. For purposes of this section, unless the context otherwise requires, “*eligible water body*” means a body of water that meet<sup>3</sup> all of the following criteria:

*a.* Is owned by the state of Iowa, a county, a municipal government, or a public entity organized under chapter 357E.

<sup>2</sup> See chapter 89, §41 herein

<sup>3</sup> See chapter 89, §15 herein



b. Is a multi-use system capable of supporting diverse wildlife, fish, and recreational opportunities.

c. Has a surface water area of at least ten acres.

d. Has a watershed-to-body of water ratio of not less than two hundred to one and not more than one thousand to one.

e. Is a public body of water with public access.

f. Has diverse water depths and is capable of supporting aquatic vegetation.

g. Is not used solely as a water supply reservoir.

2. An on-stream impoundment restoration fund is created in the state treasury under the control of the department. The fund shall consist of all moneys appropriated to the fund.

3. a. Moneys in the on-stream impoundment restoration fund are appropriated to the department subject to the requirements of this section for purposes of funding projects for the maintenance, restoration, and sustainability of eligible water bodies and their related watersheds.

b. The department shall fund projects from the on-stream impoundment restoration fund for eligible water bodies that are designed to achieve the following goals:

(1) Ensure a cost-effective, positive return on investment for the citizens of Iowa.

(2) Ensure local community commitment to watershed protection.

(3) Ensure significant improvement in water clarity, safety, and quality.

(4) Provide for sustainable, healthy, and functioning bodies of water.

(5) Contribute to the department's fish and wildlife conservation plans.

c. The process and criteria the department shall utilize to fund projects under this section shall favor proposals which include nonstate matching funds of at least one dollar for every dollar of state funding, and funding for watershed improvement practices and participation of corresponding watershed management authority.

4. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the on-stream impoundment restoration fund shall be credited to the on-stream impoundment restoration fund. Notwithstanding section 8.33, moneys credited to the on-stream impoundment restoration fund that remain unobligated and unencumbered at the close of a fiscal year shall not revert.

Approved May 13, 2019

## CHAPTER 138

### GROSS WEIGHT OF SPECIAL TRUCKS — REQUIREMENTS AND RESTRICTIONS

H.F. 769

**AN ACT** relating to the gross weight of special trucks, and providing fees.

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

Section 1. Section 321.1, subsection 75, Code 2019, is amended to read as follows:

75. "Special truck" means a motor truck or truck tractor not used for hire with a gross weight registration of six through ~~thirty-two~~ thirty-nine tons used by a person engaged in farming to transport commodities produced only by the owner, or to transport commodities purchased by the owner for use in the owner's own farming operation or occasional use for charitable purposes. "Special truck" also means a motor truck or truck tractor not used for hire with a gross weight registration of six through ~~thirty-two~~ thirty-nine tons used by a person engaged in farming who assists another person engaged in farming through an exchange of services. A "special truck" does not include a truck tractor operated more than fifteen thousand miles annually.

Sec. 2. Section 321.121, subsection 1, paragraph d, Code 2019, is amended to read as follows:

d. The additional annual registration fee for a special truck for a gross weight registration in excess of twenty tons is twenty-five dollars for each ton over twenty tons and not exceeding thirty-two thirty-eight tons, and an additional ten dollars for a gross weight registration in excess of thirty-eight tons and not exceeding thirty-nine tons.

Sec. 3. Section 321.463, subsection 6, paragraph c, subparagraph (1), unnumbered paragraph 1, Code 2019, is amended to read as follows:

The maximum gross weight allowed to be carried on a commercial motor vehicle, ~~other than a special truck~~, on noninterstate highways, provided the vehicle is operated by a person with a commercial driver's license valid for the vehicle operated unless section 321.176A applies, is as follows:

Sec. 4. Section 321.466, subsection 4, Code 2019, is amended to read as follows:

4. A person shall not operate a motor truck, trailer, truck tractor, road tractor, semitrailer, or combination thereof, or any such vehicle equipped with a transferable auxiliary axle or axles, on the public highways with a gross weight exceeding the gross weight for which it is registered by more than five percent; provided, however, that any vehicle or vehicle combination referred to in this subsection, while carrying a load of raw farm products, soil fertilizers including ground limestone, raw dairy products, livestock, live poultry, or eggs, or a special truck, while carrying a load of distillers grains, may be operated with a gross weight of twenty-five percent in excess of the gross weight for which it is registered. However, this subsection shall not be construed to allow the operation of a special truck on the public highways with a gross weight exceeding the maximum gross weight allowed under section 321.463, subsection 6.

Approved May 13, 2019

## CHAPTER 139

### BIOSCIENCE ECONOMIC DEVELOPMENT

S.F. 228

**AN ACT** relating to bioscience-based economic development, the establishment of a bioscience development corporation, and membership on the Iowa innovation council.

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

Section 1. Section 8.11, subsection 2, paragraph a, Code 2019, is amended to read as follows:

a. *“Disability”* means the same as provided defined in section 15.102, ~~subsection 10, paragraph “b”, subparagraph (1).~~

Sec. 2. Section 12.34, subsection 1, Code 2019, is amended to read as follows:

1. The treasurer of state may invest up to the lesser of one hundred eight million dollars or twenty-five percent of the balance of the state pooled money fund in certificates of deposit in eligible lending institutions as provided in section 12.32, this section, and sections 12.35 through 12.43. One-half of the moneys invested pursuant to this section shall be made available under the program implemented pursuant to section 12.43 to increase the availability of lower cost moneys for purposes of injecting needed capital into small businesses which are fifty-one percent or more owned, operated, and actively managed by one or more women, minority persons, or persons with disabilities. *“Disability” means and “minority person” mean* the same as defined in section 15.102, ~~subsection 10. A “minority~~

~~person” means the same as defined in section 15.102, subsection 10.~~ The treasurer shall invest the remaining one-half of the moneys invested pursuant to this section to support any other eligible applicant as provided in section 12.43.

Sec. 3. Section 15.102, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. “*Bioscience-based economic development*” means economic development related to industries involved in any of the bioscience development platforms.

NEW SUBSECTION. 1B. “*Bioscience development platforms*” means industries involved in any of the following:

- a. Vaccines and immunotherapeutics.
- b. Biobased chemicals.
- c. Precision and digital agriculture.
- d. Medical devices and medical diagnostics.

Sec. 4. Section 15.102, subsection 5, Code 2019, is amended to read as follows:

5. “*Corporation*” means ~~the Iowa innovation~~ a bioscience development corporation created pursuant to section 15.107.

Sec. 5. Section 15.106B, subsection 2, paragraph b, Code 2019, is amended to read as follows:

b. Establish a nonprofit corporation pursuant to section 15.107, for the purpose of receiving and disbursing funds from public or private sources to be used to enhance bioscience-based economic development in the state and to further the overall development and economic well-being of the state.

Sec. 6. Section 15.106B, subsection 2, paragraph d, subparagraph (1), Code 2019, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (i) Services to expand, enhance, and advance the bioscience development platforms.

Sec. 7. Section 15.107, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

**15.107 Bioscience development corporation.**

1. The authority shall establish a bioscience development corporation as a nonprofit corporation organized under chapter 504 and qualifying under section 501(c)(3) of the Internal Revenue Code as an organization exempt from taxation. Unless otherwise provided in this subchapter, the corporation is subject to the provisions of chapter 504. The corporation shall be established for the purpose of providing services and receiving and disbursing funds from public or private sources to enhance bioscience-based economic development in the state and to further the overall development and economic well-being of the state.

2. The corporation shall collaborate with the authority as described in this subchapter, but the corporation shall not be considered, in whole or in part, an agency, department, or administrative unit of the state.

a. The corporation shall not receive appropriations from the general assembly.

b. The corporation shall not be required to comply with any requirements that apply to a state agency, department, or administrative unit and shall not exercise any sovereign power of the state.

c. The corporation shall not have authority to pledge the credit of the state, and the state shall not be liable for the debts or obligations of the corporation. All debts and obligations of the corporation shall be payable solely from the corporation’s funds.

3. a. The corporation shall be established so that donations and bequests to the corporation qualify as tax deductible under state income tax laws and under section 501(c)(3) of the Internal Revenue Code.

b. The corporation shall be established for the purpose of expanding bioscience-based economic development opportunities in the state of Iowa and for Iowa businesses, and to further the overall development and economic well-being of the state. The corporation may effectuate this purpose by performing certain functions delegated to it by the authority pursuant to section 15.106B.

4. The articles of the corporation shall provide for its governance and its efficient management. In providing for its governance, the articles of the corporation shall address the following:

a. A board of directors to govern the corporation.

(1) The board of directors shall initially be comprised of seven members appointed by the governor to concurrent terms of three years. Two of such members shall be subject to confirmation by the senate.

(2) For appointments subsequent to the initial appointments pursuant to subparagraph (1), two of the members shall be appointed by the governor, subject to confirmation by the senate, to staggered terms of three years each, and the remaining five members shall be selected by a majority vote of the board of directors of the corporation for terms the length of which shall be provided in the articles of the corporation.

(3) The governor and the board of directors of the corporation shall not appoint or select any person who is either the spouse or a relative within the first degree of consanguinity of a serving member of the board of directors or of the authority board.

b. The appointment of a chief executive officer by the board to manage the corporation's daily operations.

c. The delegation of such powers and responsibilities to the chief executive officer as may be necessary for the corporation's efficient operation.

d. The employment of personnel necessary for the efficient performance of the duties assigned to the corporation. All such personnel shall be considered employees of a private, nonprofit corporation and shall be exempt from the personnel requirements imposed on state agencies, departments, and administrative units.

e. The financial operations of the corporation including the authority to receive and expend funds from public and private sources and to use its property, money, or other resources for the purpose of the corporation.

5. The board of directors of the corporation and the chief executive officer shall act to ensure all of the following:

a. That the corporation reviews and, at the board's direction, implements the applicable portions of the strategic plan developed by members of the authority pursuant to section 15.105.

b. That the corporation prepares an annual budget that includes funding levels for the corporation's activities and that shows sufficient moneys are available to support those activities.

c. That the corporation annually completes and files an information return as described in section 422.15 and that the information return is submitted to the general assembly.

Sec. 8. Section 15.107A, subsection 2, unnumbered paragraph 1, Code 2019, is amended to read as follows:

The corporation shall, to the extent its articles so provide and within its public purpose, do all of the following with the purpose of increasing innovation in Iowa's economy, ~~and bringing more innovative businesses to the state, and enhancing and expanding the~~ bioscience development platforms:

Sec. 9. Section 15.107A, subsection 2, paragraph b, Code 2019, is amended to read as follows:

b. Act as an innovation intermediary by aligning local technologies, assets, and resources to work together on advancing innovation and the bioscience development platforms.

Sec. 10. Section 15.107C, subsection 2, paragraph b, Code 2019, is amended to read as follows:

b. The report shall describe how the operations and activities serve the interests of the state, enhance bioscience-based economic development in the state, and further economic development.

Sec. 11. Section 15.117A, subsection 2, paragraph a, subparagraphs (1) and (2), Code 2019, are amended to read as follows:

(1) Twenty members selected by the board to serve staggered, two-year terms beginning and ending as provided in section 69.19. Of the members selected by the board, ~~seven~~ fourteen shall be representatives from businesses in the targeted industries and ~~thirteen~~ six shall be individuals who serve on the technology commercialization committee created in section 15.116, or other committees of the board, and who have expertise with the targeted industries. At least ten of the members selected pursuant to this subparagraph shall be executives actively engaged in the management of a business in a targeted industry. The members selected pursuant to this paragraph shall reflect the size and diversity of businesses in the targeted industries and of the various geographic areas of the state.

(2) One member, selected by the ~~governor board~~, who ~~also serves on the Iowa capital investment board created in section 15E.63~~ has experience supporting businesses in the targeted industries.

Sec. 12. TRANSITION — APPOINTMENT AND TERMS OF IOWA INNOVATION COUNCIL MEMBERS. This Act shall not affect the appointment or term of a member serving on the Iowa innovation council immediately prior to the effective date of this Act.

Approved May 16, 2019

## CHAPTER 140

### CRIMINAL LAW AND PROCEDURE

S.F. 589

**AN ACT** relating to criminal law and procedure including certain related administrative proceedings, providing penalties, and including effective date and applicability provisions.

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

#### DIVISION I EXPUNGEMENTS

Section 1. Section 123.46, subsection 6, Code 2019, is amended to read as follows:

6. Upon the expiration of two years following conviction for a violation of this section ~~and a violation or of a similar local ordinance that arose from the same transaction or occurrence,~~ a person may petition the court to expunge the conviction ~~including the conviction for a violation of a local ordinance that arose from the same transaction or occurrence,~~ and if the person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of chapter 321 during the two-year period, the conviction ~~and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence~~ shall be expunged as a matter of law. The court shall enter an order that the record of the conviction ~~and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence~~ be expunged by the clerk of the district court. Notwithstanding section 692.2, after receipt of notice from the clerk of the district court that a record of conviction ~~and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence~~ has been expunged, the record of conviction ~~and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence~~ shall be removed from the criminal history data files maintained by the department of public safety if such a record was maintained in the criminal history data files.

Sec. 2. NEW SECTION. 901C.3 Misdemeanor — expungement.

1. Upon application of a defendant convicted of a misdemeanor offense in the county where the conviction occurred, the court shall enter an order expunging the record of such a criminal case, as a matter of law, if the defendant has proven all of the following:

- a. More than eight years have passed since the date of the conviction.
- b. The defendant has no pending criminal charges.
- c. The defendant has not previously been granted two deferred judgments.
- d. The defendant has paid all court costs, fees, fines, restitution, and any other financial obligations ordered by the court or assessed by the clerk of the district court.

2. The following misdemeanors shall not be expunged:

- a. A conviction under section 123.46.
- b. A simple misdemeanor conviction under section 123.47, subsection 3, or similar local ordinance.
- c. A conviction for dependent adult abuse under section 235B.20.
- d. A conviction under section 321.218, 321A.32, or 321J.21.
- e. A conviction under section 321J.2.
- f. A conviction for a sex offense as defined in section 692A.101.
- g. A conviction for involuntary manslaughter under section 707.5.
- h. A conviction for assault under section 708.2, subsection 3.
- i. A conviction under section 708.2A.
- j. A conviction for harassment under section 708.7.
- k. A conviction for stalking under section 708.11.
- l. A conviction for removal of an officer's communication or control device under section 708.12.
- m. A conviction for trespass under section 716.8, subsection 3 or 4.
- n. A conviction under chapter 717C.
- o. A conviction under chapter 719.
- p. A conviction under chapter 720.
- q. A conviction under section 721.2.
- r. A conviction under section 721.10.
- s. A conviction under section 723.1.
- t. A conviction under chapter 724.
- u. A conviction under chapter 726.
- v. A conviction under chapter 728.
- w. A conviction under chapter 901A.
- x. A conviction for a comparable offense listed in 49 C.F.R. §383.51(b) (table 1) or 49 C.F.R. §383.51(e) (table 4).
- y. A conviction under prior law of an offense comparable to an offense enumerated in this subsection.

3. A person shall be granted an expungement of a record under this section one time in the person's lifetime. However, the one application may request the expungement of records relating to more than one misdemeanor offense if the misdemeanor offenses arose from the same transaction or occurrence, and the application contains the misdemeanor offenses to be expunged.

4. The expunged record under this section is a confidential record exempt from public access under section 22.7 but shall be made available by the clerk of the district court upon court order.

5. Notwithstanding section 692.2, after receipt of notice from the clerk of the district court that a record of conviction has been expunged under subsection 1, the record of conviction shall be removed from the criminal history data files maintained by the department of public safety if such a record was maintained in the criminal history data files.

6. The supreme court may prescribe rules governing the procedures applicable to the expungement of a criminal case under this section.

7. This section applies to a misdemeanor conviction that occurred prior to, on, or after July 1, 2019.

DIVISION II  
ROBBERY — AGGRAVATED THEFT

Sec. 3. Section 711.3, Code 2019, is amended to read as follows:

**711.3 Robbery in the second degree.**

All robbery which is not robbery in the first degree is robbery in the second degree, ~~except as provided in section 711.3A~~. Robbery in the second degree is a class “C” felony.

Sec. 4. NEW SECTION. **711.3B Aggravated theft.**

1. A person commits aggravated theft when the person commits an assault as defined in section 708.1, subsection 2, paragraph “a”, that is punishable as a simple misdemeanor under section 708.2, subsection 6, after the person has removed or attempted to remove property not exceeding three hundred dollars in value which has not been purchased from a store or mercantile establishment, or has concealed such property of the store or mercantile establishment, either on the premises or outside the premises of the store or mercantile establishment.

2. a. A person who commits aggravated theft is guilty of an aggravated misdemeanor.

b. A person who commits aggravated theft, and who has previously been convicted of an aggravated theft, robbery in the first degree in violation of section 711.2, robbery in the second degree in violation of section 711.3, or extortion in violation of section 711.4, is guilty of a class “D” felony.

3. In determining if a violation is a class “D” felony offense the following shall apply:

a. A deferred judgment entered pursuant to section 907.3 for a violation of any offense specified in subsection 2 shall be counted as a previous offense.

b. A conviction or the equivalent of a deferred judgment for a violation in any other states under statutes substantially corresponding to an offense specified in subsection 2 shall be counted as a previous offense. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses specified in this section and can therefore be considered corresponding statutes.

4. Aggravated theft is not an included offense of robbery in the first or second degree.

Sec. 5. Section 808.12, subsections 1 and 3, Code 2019, are amended to read as follows:

1. Persons concealing property as set forth in section ~~714.3A~~ 711.3B or 714.5, may be detained and searched by a peace officer, person employed in a facility containing library materials, merchant, or merchant’s employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable manner by a person of the same sex and according to subsection 2 of this section.

3. The detention or search under this section by a peace officer, person employed in a facility containing library materials, merchant, or merchant’s employee does not render the person liable, in a criminal or civil action, for false arrest or false imprisonment provided the person conducting the search or detention had reasonable grounds to believe the person detained or searched had concealed or was attempting to conceal property as set forth in section ~~714.3A~~ 711.3B or 714.5.

Sec. 6. Section 901.11, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. At the time of sentencing, the court shall determine when a person convicted of robbery in the first degree as described in section 902.12, subsection 2A, shall first become eligible for parole or work release within the parameters specified in section 902.12, subsection 2A, based upon all pertinent information including the person’s criminal record, a validated risk assessment, and the negative impact the offense has had on the victim or other persons.

Sec. 7. Section 902.12, subsection 1, paragraph e, Code 2019, is amended to read as follows:

e. Robbery in the ~~first or~~ second degree in violation of section ~~711.2 or~~ 711.3, except as determined in subsection 3.

Sec. 8. Section 902.12, Code 2019, is amended by adding the following new subsection:  
**NEW SUBSECTION.** 2A. A person serving a sentence for a conviction for robbery in the first degree in violation of section 711.2 for a conviction that occurs on or after July 1, 2018, shall be denied parole or work release until the person has served between one-half and seven-tenths of the maximum term of the person's sentence as determined under section 901.11, subsection 2A.

Sec. 9. REPEAL. Sections 711.3A, 711.5, and 714.3A, Code 2019, are repealed.

DIVISION III  
PROPERTY CRIMES — VALUE

Sec. 10. Section 712.3, Code 2019, is amended to read as follows:

**712.3 Arson in the second degree.**

Arson which is not arson in the first degree is arson in the second degree when the property which is the subject of the arson is a building or a structure, or real property of any kind, or standing crops, or is personal property the value of which exceeds ~~five~~ seven hundred ~~fifty~~ dollars. Arson in the second degree is a class "C" felony.

Sec. 11. Section 714.2, Code 2019, is amended to read as follows:

**714.2 Degrees of theft.**

1. The theft of property exceeding ten thousand dollars in value, or the theft of property from the person of another, or from a building which has been destroyed or left unoccupied because of physical disaster, riot, bombing, or the proximity of battle, or the theft of property which has been removed from a building because of a physical disaster, riot, bombing, or the proximity of battle, is theft in the first degree. Theft in the first degree is a class "C" felony.

2. The theft of property exceeding one thousand ~~five~~ hundred dollars but not exceeding ten thousand dollars in value or theft of a motor vehicle as defined in chapter 321 not exceeding ten thousand dollars in value, is theft in the second degree. Theft in the second degree is a class "D" felony. However, for purposes of this subsection, "motor vehicle" does not include a motorized bicycle as defined in section 321.1, subsection 40, paragraph "b".

3. The theft of property exceeding ~~five~~ seven hundred ~~fifty~~ dollars but not exceeding one thousand ~~five~~ hundred dollars in value, or the theft of any property not exceeding five hundred dollars in value by one who has before been twice convicted of theft, is theft in the third degree. Theft in the third degree is an aggravated misdemeanor.

4. The theft of property exceeding ~~two~~ three hundred dollars in value but not exceeding ~~five~~ seven hundred ~~fifty~~ dollars in value is theft in the fourth degree. Theft in the fourth degree is a serious misdemeanor.

5. The theft of property not exceeding ~~two~~ three hundred dollars in value is theft in the fifth degree. Theft in the fifth degree is a simple misdemeanor.

Sec. 12. Section 714.7B, subsection 6, paragraphs a and b, Code 2019, are amended to read as follows:

a. A simple misdemeanor if the value of the goods, wares, or merchandise does not exceed ~~two~~ three hundred dollars.

b. A serious misdemeanor if the value of the goods, wares, or merchandise exceeds ~~two~~ three hundred dollars.

Sec. 13. Section 714.10, subsection 1, Code 2019, is amended to read as follows:

1. Fraudulent practice in the second degree is the following:

a. A fraudulent practice where the amount of money or value of property or services involved exceeds one thousand ~~five~~ hundred dollars but does not exceed ten thousand dollars.

b. A fraudulent practice where the amount of money or value of property or services involved does not exceed one thousand ~~five~~ hundred dollars by one who has been convicted of a fraudulent practice twice before.



Sec. 14. Section 714.11, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. A fraudulent practice where the amount of money or value of property or services involved exceeds ~~five~~ seven hundred fifty dollars but does not exceed one thousand five hundred dollars.

Sec. 15. Section 714.12, Code 2019, is amended to read as follows:

**714.12 Fraudulent practice in the fourth degree.**

1. Fraudulent practice in the fourth degree is a fraudulent practice where the amount of money or value of property or services involved exceeds ~~two~~ three hundred dollars but does not exceed five seven hundred fifty dollars.

2. Fraudulent practice in the fourth degree is a serious misdemeanor.

Sec. 16. Section 714.13, Code 2019, is amended to read as follows:

**714.13 Fraudulent practice in the fifth degree.**

1. Fraudulent practice in the fifth degree is a fraudulent practice where the amount of money or value of property or services involved does not exceed ~~two~~ three hundred dollars.

2. Fraudulent practice in the fifth degree is a simple misdemeanor.

Sec. 17. Section 715A.6, subsection 2, paragraphs b and c, Code 2019, are amended to read as follows:

b. If the value of the property or services secured or sought to be secured by means of the credit card is greater than one thousand five hundred dollars but not more than ten thousand dollars, an offense under this section is a class "D" felony.

c. If the value of the property or services secured or sought to be secured by means of the credit card is one thousand five hundred dollars or less, an offense under this section is an aggravated misdemeanor.

Sec. 18. Section 715A.8, subsection 3, paragraphs b and c, Code 2019, are amended to read as follows:

b. If the value of the credit, property, services, or other benefit exceeds one thousand five hundred dollars but does not exceed ten thousand dollars, the person commits a class "D" felony.

c. If the value of the credit, property, services, or other benefit does not exceed one thousand five hundred dollars, the person commits an aggravated misdemeanor.

Sec. 19. Section 716.4, subsection 1, Code 2019, is amended to read as follows:

1. Criminal mischief is criminal mischief in the second degree if the cost of replacing, repairing, or restoring the property that is damaged, defaced, altered, or destroyed exceeds one thousand five hundred dollars but does not exceed ten thousand dollars.

Sec. 20. Section 716.5, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. The cost of replacing, repairing, or restoring the property that is damaged, defaced, altered, or destroyed exceeds ~~five~~ seven hundred fifty dollars, but does not exceed one thousand five hundred dollars.

Sec. 21. Section 716.6, subsection 1, paragraph a, subparagraph (1), Code 2019, is amended to read as follows:

(1) The cost of replacing, repairing, or restoring the property that is damaged, defaced, altered, or destroyed exceeds ~~two~~ three hundred dollars, but does not exceed five seven hundred fifty dollars.

Sec. 22. Section 716.8, subsections 2 and 4, Code 2019, are amended to read as follows:

2. Any person committing a trespass as defined in section 716.7, other than a trespass as defined in section 716.7, subsection 2, paragraph "a", subparagraph (6), which results in injury to any person or damage in an amount more than ~~two~~ three hundred dollars to anything, animate or inanimate, located thereon or therein commits a serious misdemeanor.

4. A person committing a trespass as defined in section 716.7 with the intent to commit a hate crime which results in injury to any person or damage in an amount more than ~~two~~ three hundred dollars to anything, animate or inanimate, located thereon or therein commits an aggravated misdemeanor.

Sec. 23. Section 716.10, subsection 2, paragraphs d, e, f, and g, Code 2019, are amended to read as follows:

d. A person commits railroad vandalism in the fourth degree if the person intentionally commits railroad vandalism which results in property damage which costs ten thousand dollars or less but more than one thousand five hundred dollars to replace, repair, or restore. Railroad vandalism in the fourth degree is a class “D” felony.

e. A person commits railroad vandalism in the fifth degree if the person intentionally commits railroad vandalism which results in property damage which costs more than ~~five~~ seven hundred fifty dollars but does not exceed one thousand five hundred dollars to replace, repair, or restore. Railroad vandalism in the fifth degree is an aggravated misdemeanor.

f. A person commits railroad vandalism in the sixth degree if the person intentionally commits railroad vandalism which results in property damage which costs more than ~~one~~ three hundred dollars but does not exceed five seven hundred fifty dollars to replace, repair, or restore. Railroad vandalism in the sixth degree is a serious misdemeanor.

g. A person commits railroad vandalism in the seventh degree if the person intentionally commits railroad vandalism which results in property damage which costs ~~one~~ three hundred dollars or less to replace, repair, or restore. Railroad vandalism in the seventh degree is a simple misdemeanor.

Sec. 24. Section 716A.2, subsection 2, paragraph b, Code 2019, is amended to read as follows:

b. The revenue generated from a specific unsolicited bulk electronic mail transmission exceeds one thousand five hundred dollars or the total revenue generated from all unsolicited bulk electronic mail transmitted to any electronic mail service provider by the person exceeds fifty thousand dollars.

#### DIVISION IV FRAUD AND FORGERY REVISIONS

Sec. 25. Section 715A.2, subsection 2, paragraph a, Code 2019, is amended by adding the following new subparagraph:

**NEW SUBPARAGRAPH.** (5) A driver’s license, nonoperator’s identification card, birth certificate, or occupational license or certificate in support of an occupational license issued by a department, agency, board, or commission in this state.

Sec. 26. Section 715A.2A, subsection 1, paragraphs a and b, Code 2019, are amended to read as follows:

a. Hires a person when the employer or an agent or employee of the employer knows that the document evidencing the person’s authorized stay or employment in the United States is in violation of section 715A.2, subsection 2, paragraph “a”, subparagraph (4) or (5), or knows that the person is not authorized to be employed in the United States.

b. Continues to employ a person when the employer or an agent or employee of the employer knows that the document evidencing the person’s authorized stay or employment in the United States is in violation of section 715A.2, subsection 2, paragraph “a”, subparagraph (4) or (5), or knows that the person is not authorized to be employed in the United States.

Sec. 27. Section 802.5, Code 2019, is amended to read as follows:

#### **802.5 Extension for fraud, fiduciary breach.**

1. If the periods prescribed in sections 802.3 and 802.4 have expired, prosecution may nevertheless be commenced for any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is not

a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than ~~three~~ five years.

2. A prosecution may be commenced under this section as long as the appropriate law enforcement agency has not delayed the investigation in bad faith. This subsection shall not be construed to require a law enforcement agency to pursue an unknown offender with due diligence.

DIVISION V  
CRIMINAL PROCEEDINGS

Sec. 28. Section 814.6, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. A final judgment of sentence, except in case of the following cases:

(1) A simple misdemeanor and ordinance violation convictions conviction.

(2) An ordinance violation.

(3) A conviction where the defendant has pled guilty. This subparagraph does not apply to a guilty plea for a class "A" felony or in a case where the defendant establishes good cause.

Sec. 29. Section 814.6, subsection 2, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. An order denying a motion in arrest of judgment on grounds other than an ineffective assistance of counsel claim.

Sec. 30. NEW SECTION. 814.6A Pro se filings by defendant currently represented by counsel.

1. A defendant who is currently represented by counsel shall not file any pro se document, including a brief, reply brief, or motion, in any Iowa court. The court shall not consider, and opposing counsel shall not respond to, such pro se filings.

2. This section does not prohibit a defendant from proceeding without the assistance of counsel.

3. A defendant currently represented by counsel may file a pro se motion seeking disqualification of the counsel, which a court may grant upon a showing of good cause.

Sec. 31. Section 814.7, Code 2019, is amended to read as follows:

**814.7 Ineffective assistance claim on appeal in a criminal case.**

~~1. An ineffective assistance of counsel claim in a criminal case shall be determined by filing an application for postconviction relief pursuant to chapter 822, except as otherwise provided in this section. The claim need not be raised on direct appeal from the criminal proceedings in order to preserve the claim for postconviction relief purposes, and the claim shall not be decided on direct appeal from the criminal proceedings.~~

~~2. A party may, but is not required to, raise an ineffective assistance claim on direct appeal from the criminal proceedings if the party has reasonable grounds to believe that the record is adequate to address the claim on direct appeal.~~

~~3. If an ineffective assistance of counsel claim is raised on direct appeal from the criminal proceedings, the court may decide the record is adequate to decide the claim or may choose to preserve the claim for determination under chapter 822.~~

Sec. 32. NEW SECTION. 814.28 General verdicts.

When the prosecution relies on multiple or alternative theories to prove the commission of a public offense, a jury may return a general verdict. If the jury returns a general verdict, an appellate court shall not set aside or reverse such a verdict on the basis of a defective or insufficient theory if one or more of the theories presented and described in the complaint, information, indictment, or jury instruction is sufficient to sustain the verdict on at least one count.

Sec. 33. NEW SECTION. 814.29 Guilty pleas — challenges.

If a defendant challenges a guilty plea based on an alleged defect in the plea proceedings, the plea shall not be vacated unless the defendant demonstrates that the defendant more

likely than not would not have pled guilty if the defect had not occurred. The burden applies whether the challenge is made through a motion in arrest of judgment or on appeal. Any provision in the Iowa rules of criminal procedure that are inconsistent with this section shall have no legal effect.

Sec. 34. Section 822.3, Code 2019, is amended to read as follows:

**822.3 How to commence proceeding — limitation.**

A proceeding is commenced by filing an application verified by the applicant with the clerk of the district court in which the conviction or sentence took place. However, if the applicant is seeking relief under section 822.2, subsection 1, paragraph “f”, the application shall be filed with the clerk of the district court of the county in which the applicant is being confined within ninety days from the date the disciplinary decision is final. All other applications must be filed within three years from the date the conviction or decision is final or, in the event of an appeal, from the date the writ of procedendo is issued. However, this limitation does not apply to a ground of fact or law that could not have been raised within the applicable time period. An allegation of ineffective assistance of counsel in a prior case under this chapter shall not toll or extend the limitation periods in this section nor shall such claim relate back to a prior filing to avoid the application of the limitation periods. Facts within the personal knowledge of the applicant and the authenticity of all documents and exhibits included in or attached to the application must be sworn to affirmatively as true and correct. The supreme court may prescribe the form of the application and verification. The clerk shall docket the application upon its receipt and promptly bring it to the attention of the court and deliver a copy to the county attorney and the attorney general.

Sec. 35. NEW SECTION. **822.3B Pro se filings by applicants currently represented by counsel.**

1. An applicant seeking relief under section 822.2 who is currently represented by counsel shall not file any pro se document, including an application, brief, reply brief, or motion, in any Iowa court. The court shall not consider, and opposing counsel shall not respond to, such pro se filings.

2. This section does not prohibit an applicant for postconviction relief from proceeding without the assistance of counsel.

3. A represented applicant for postconviction relief may file a pro se motion seeking disqualification of counsel, which a court may grant upon a showing of good cause.

Sec. 36. Section 822.6, subsection 1, Code 2019, is amended to read as follows:

1. Within thirty days after the docketing of the application, or within any further time the court may fix, the state shall respond by answer or by motion which may be supported by affidavits. At any time prior to entry of judgment the court may grant leave to withdraw the application. The court may make appropriate orders for amendment of the application or any pleading or motion, for pleading over, for filing further pleadings or motions, or for extending the time of the filing of any pleading. In considering the application the court shall take account of substance regardless of defects of form. ~~If the application is not accompanied by the record of the proceedings challenged therein, the respondent shall file with its answer the record or portions thereof that are material to the questions raised in the application.~~

Sec. 37. NEW SECTION. **901.4B Presentence determinations and statements.**

1. Before imposing sentence, the court shall do all of the following:

a. Verify that the defendant and the defendant’s attorney have read and discussed the presentence investigation report and any addendum to the report.

b. Provide the defendant’s attorney an opportunity to speak on the defendant’s behalf.

c. Address the defendant personally in order to permit the defendant to make a statement or present any information to mitigate the defendant’s sentence.

d. Provide the prosecuting attorney an opportunity to speak.

2. After hearing any statements presented pursuant to subsection 1, and before imposing sentence, the court shall address any victim of the crime who is present at the sentencing and shall allow any victim to be reasonably heard, including, but not limited to, by presenting a victim impact statement in the manner described in section 915.21.

3. For purposes of this section “*victim*” means the same as defined in section 915.10.

#### DIVISION VI ARSON

Sec. 38. Section 901.11, Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION.** 4. At the time of sentencing, the court shall determine when a person convicted of arson in the first degree as described in section 902.12, subsection 4, shall first become eligible for parole or work release within the parameters specified in section 902.12, subsection 3, based upon all pertinent information including the person’s criminal record, a validated risk assessment, and the negative impact the offense has had on the victim or other persons.

Sec. 39. Section 902.12, Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION.** 4. A person serving a sentence for a conviction for arson in the first degree in violation of section 712.2 that occurs on or after July 1, 2019, shall be denied parole or work release until the person has served between one-half and seven-tenths of the maximum term of the person’s sentence as determined under section 901.11, subsection 4.

#### DIVISION VII LIMITATION OF CRIMINAL ACTIONS

Sec. 40. Section 802.2, subsection 1, Code 2019, is amended to read as follows:

1. An information or indictment for sexual abuse in the first, second, or third degree committed on or with a person who is under the age of eighteen years shall be found within ~~ten~~ fifteen years after the person upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person’s DNA profile, whichever is later.

Sec. 41. Section 802.2A, Code 2019, is amended to read as follows:

**802.2A Incest — sexual exploitation by a counselor, therapist, or school employee.**

1. An information or indictment for incest under section 726.2 committed on or with a person who is under the age of eighteen shall be found within ~~ten~~ fifteen years after the person upon whom the offense is committed attains eighteen years of age. An information or indictment for any other incest shall be found within ten years after its commission.

2. An indictment or information for sexual exploitation by a counselor, therapist, or school employee under section 709.15 committed on or with a person who is under the age of eighteen shall be found within ~~ten~~ fifteen years after the person upon whom the offense is committed attains eighteen years of age. An information or indictment for any other sexual exploitation shall be found within ten years of the date the victim was last treated by the counselor or therapist, or within ten years of the date the victim was enrolled in or attended the school.

#### DIVISION VIII SECOND AND SUBSEQUENT ALCOHOLIC BEVERAGE CONVICTIONS

Sec. 42. Section 123.91, Code 2019, is amended to read as follows:

**123.91 Second and subsequent conviction.**

Any person who has been convicted, in a criminal action, in any court of record, of a violation of a provision of this chapter except for a violation of section 123.46, a provision of the prior laws of this state relating to 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 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:

1. For the second conviction, a serious misdemeanor.

2. For the third and each subsequent conviction, an aggravated misdemeanor.

Approved May 16, 2019

## CHAPTER 141

### SALES TAX — SALES TO NONPROFIT BLOOD CENTERS

*S.F. 597*

**AN ACT** exempting from the sales tax certain items and services sold or furnished to nonprofit blood centers.

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

Section 1. Section 423.3, subsection 26A, Code 2019, is amended by striking the subsection and inserting in lieu thereof the following:

26A. *a.* The sales price of tangible personal property sold or of test laboratory services furnished, if such tangible personal property or test laboratory services are sold or furnished to a nonprofit blood center that is registered by the federal food and drug administration, and the tangible personal property or test laboratory services are directly and primarily used in the processing of human blood.

*b.* As used in this subsection, “*processing*” means the same as defined in section 423.3, subsection 47, except that for purposes of the definition of “*processing*” used in this subsection, a “*manufacturer*” shall be construed to include a nonprofit blood center.

Approved May 16, 2019

## CHAPTER 142

### REGULATION OF MOTOR VEHICLE OR RESIDENTIAL SERVICES CONTRACTS AND SERVICE COMPANIES

*S.F. 619*

**AN ACT** modifying provisions applicable to certain service contract providers regulated by the commissioner of insurance, providing fees, making penalties applicable, making an appropriation, and including effective date provisions.

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

Section 1. Section 523C.1, Code 2019, is amended to read as follows:

#### **523C.1 Definitions.**

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

1. “*Commissioner*” means the commissioner of insurance.
2. “*Custodial account*” means ~~an account established by agreement between a licensed service company and a custodian under section 523C.5.~~
3. “*Custodial agreement*” means ~~an agreement entered into between a licensed service company and a custodian under section 523C.5.~~
4. “*Custodian*” means ~~an institution meeting the requirements established by the commissioner which institution has entered into a custodial agreement or reserve account agreement with a licensed service company.~~

~~5. "Depository" means an institution designated by the commissioner as an authorized custodian for purposes of sections 523C.5 and 523C.11.~~

~~6. 2. "Licensed service company" means a service company which is licensed by the commissioner pursuant to this chapter.~~

~~3. "Maintenance agreement" means a contract of any duration that provides for scheduled maintenance to property.~~

~~4. "Motor vehicle" means any self-propelled vehicle subject to registration under chapter 321.~~

~~5. "Motor vehicle manufacturer" means any of the following:~~

~~a. A person who manufactures or produces motor vehicles and sells the motor vehicles under the person's trade name or label.~~

~~b. A person who is a wholly owned subsidiary of any person who manufactures or produces motor vehicles.~~

~~c. A person who holds a one hundred percent ownership interest in another person who manufactures or produces motor vehicles.~~

~~d. A person who does not manufacture or produce motor vehicles, but for which motor vehicles are sold under the person's trade name or label.~~

~~e. A person who manufactures or produces motor vehicles, but the motor vehicles are sold under the trade name or label of another person.~~

~~f. A person who does not manufacture or produce motor vehicles, but who licenses the use of the person's trade name or label to another person pursuant to a written contract, who then sells motor vehicles under the trade name or label of the licensor.~~

~~6. "Motor vehicle service contract" means a contract or agreement sold for separate consideration for a specific duration that undertakes to perform the repair, replacement, or maintenance of a motor vehicle, or indemnification for such repair, replacement, or maintenance, for the operation or structural failure of a motor vehicle due to a defect in materials, workmanship, or normal wear and tear, with or without additional provisions for the incidental payment of indemnity under limited circumstances, including but not limited to motor vehicle towing, rental, emergency road service, and road hazard protection. "Motor vehicle service contract" also includes a contract or agreement sold for separate consideration for a specific duration that provides for any of the following services or products:~~

~~a. The repair or replacement of motor vehicle tires or wheels that are damaged as a result of contact with road hazards, including but not limited to potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps.~~

~~b. The removal of dents or creases on a motor vehicle under a process that does not use paint or affect the existing paint finish, and without sanding, bonding, or replacing motor vehicle body panels.~~

~~c. The repair or replacement of motor vehicle windshields that are damaged as a result of contact with road hazards.~~

~~d. The replacement of motor vehicle keys or key fobs in the event that such device becomes inoperable, lost, or stolen.~~

~~e. Any other service or product approved by the commissioner.~~

~~7. "Premium" means the consideration paid to an insurer for a reimbursement insurance policy.~~

~~7. 8. "Record" means the same as defined in section 516E.1 information stored or preserved in any medium, including in an electronic or paper format. A "record" includes but is not limited to documents, books, publications, accounts, correspondence, memoranda, agreements, computer files, film, microfilm, photographs, and audio or visual tapes.~~

~~9. "Reimbursement insurance policy" means a contractual liability insurance policy issued to a service company that either provides reimbursement to a service company under the terms of insured service contracts issued or sold by the service company or, in the event of nonperformance by the service company, pays, on behalf of the service company, all covered contractual obligations incurred by the service company under the terms of the insured service contracts issued or sold by the service company.~~

~~8. "Reserve account agreement" means an agreement entered into between a licensed service company and a depository under section 523C.11.~~

9. 10. “Residential service contract” means a contract or agreement between a residential customer and a service company which undertakes, for a predetermined fee and for a specified any period of time, to service, maintain, repair, or replace, or indemnify expenses for all or any part of the operational or structural components, appliances, or electrical, mechanical, plumbing, heating, cooling, or air-conditioning systems of residential property containing not more than four dwelling units in the state which fails due to normal wear or tear or inherent defect. “Residential service contract” also includes a contract which provides for the service, repair, replacement, or maintenance of property for damage resulting from power surges, roof leakage, and accidental damage.

~~10. 11. “Service company” means a person who issues and performs, or arranges to perform, is contractually obligated to perform services pursuant to a motor vehicle service contract or residential service contract.~~

12. “Service contract” means a motor vehicle service contract or residential service contract.

13. “Warranty” means a statement made solely by the manufacturer, importer, or seller of property or services without consideration, that is not negotiated or separated from the sale of the product and is incidental to the sale of the product, and that guarantees indemnity for defective parts, mechanical or electrical breakdown, and labor or other remedial measures, such as repair or replacement of the property or repetition of services.

Sec. 2. Section 523C.2, Code 2019, is amended to read as follows:

**523C.2 License required.**

1. A person shall not issue a, offer for sale, or sell a motor vehicle service contract or residential service contract or undertake or arrange to perform services pursuant to a residential service contract in this state unless the person is a corporation or other form of organization approved by the commissioner by rule and is a licensed as a service company under this chapter.

2. The licensure requirements of this chapter shall not apply to any person who provides support services or works under the direction of a licensed service company in connection with the issuance, offer for sale, or sale of a service contract in this state, including but not limited to a person who provides marketing, administrative, or technical support.

Sec. 3. Section 523C.3, Code 2019, is amended to read as follows:

**523C.3 Application for license.**

1. Application for a license as a service company shall be made to and filed with the commissioner on forms approved by the commissioner and shall include all of the following information:

a. The name and principal address of the applicant.

b. The state of incorporation of the applicant.

c. The name and address of the applicant’s registered agent for service of process within Iowa.

d. A certificate of good standing for the applicant issued by the secretary of state and dated not more than thirty days prior to the date of the application.

e. Evidence of compliance with section 523C.5.

f. A copy of each motor vehicle service contract form to be used or issued in this state, if applicable.

g. A copy of each residential service contract form to be used or issued in this state, if applicable.

2. The application shall be accompanied by all of the following:

~~a. A certificate of good standing for the applicant issued by the secretary of state and dated not more than thirty days prior to the date of the application.~~

~~b. A surety bond, a copy of the receipt from the treasurer of state that a cash deposit has been made, or a copy of a custodial agreement as provided in section 523C.5.~~

~~c. A copy of the most recent financial statement, including balance sheets and related statements of income, of the applicant, prepared in accordance with generally accepted accounting principles, audited by a certified public accountant and dated not more than twelve months prior to the date of the application.~~



~~d. An affidavit of an authorized officer of the service company stating the number of contracts issued by the service company in the preceding calendar year, and stating that the net worth of the service company satisfies the requirements of section 523C.6.~~

~~e. a. A license fee in the amount of two five hundred fifty dollars.~~

~~b. If applicable, a fee in the amount of fifty dollars for each motor vehicle service contract form submitted in an application as provided in subsection 1, paragraph "f".~~

~~3. If the application contains the required information and is accompanied by the items set forth in subsection 2, and if the net worth requirements of section 523C.6 are satisfied, as evidenced by the audited financial statements, the commissioner shall issue the license. If the form of application is not properly completed or if the required accompanying documents are not furnished or in proper form, the commissioner shall not issue the license and shall give the applicant written notice of the grounds for not issuing the license. A notice of license denial shall be accompanied by a refund of fifty percent of the fee submitted with the application.~~

~~4. Fees collected under this section shall be deposited as provided in section 505-7 523C.24.~~

Sec. 4. Section 523C.4, Code 2019, is amended to read as follows:

**523C.4 License expiration and renewal.**

1. Each license issued under this chapter shall expire on June 30 next be valid for a period of one year and shall be renewed by August 31 of each year following the date of issuance. If the service company maintains in force the surety bond described in section 523C.5 and if its license is not subject to or under suspension or revocation under section 523C.9, its license shall be renewed by the commissioner upon receipt by the commissioner on or before the expiration date of a renewal application accompanied by the items required by section 523C.3, subsection 2, paragraphs "b", "c", "d", and "e", and section 523C.15.

2. An application for renewal shall include the information required for an initial license as described in section 523C.3, subsection 1.

3. The renewal application shall be accompanied by all of the following:

a. A license renewal fee in the amount of five hundred dollars.

b. If applicable, a fee in the amount of three percent of the aggregate amount of payments the licensee received for the sale or issuance of residential service contracts in this state during the preceding fiscal year, provided that such fee shall be no less than one hundred dollars and no greater than fifty thousand dollars.

c. If applicable, a fee in the amount of fifty dollars for each motor vehicle service contract form submitted in a renewal application as provided in section 523C.3, subsection 1, paragraph "f".

d. Information regarding the number of motor vehicle service contracts or residential service contracts issued during the preceding fiscal year, the number canceled or expired during the preceding fiscal year, the number in effect at the end of the preceding fiscal year, and the amount of service contract fees received during the preceding fiscal year.

4. If the commissioner denies renewal of the license, the denial shall be in writing setting forth the grounds for denial and shall be accompanied by a refund of fifty percent of the license renewal fee.

5. In addition to the annual license renewal requirements as provided in this section, a licensee shall report to the commissioner any material change in information submitted by the licensee in its initial license application which has not been reported to the commissioner, including a change in contact information, a change in ownership, or any other change which substantially affects the licensee's operations in this state.

Sec. 5. Section 523C.5, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

**523C.5 Financial responsibility — demonstration requirements.**

In order to assure the faithful performance of a service company's obligations to its contract holders in this state, a licensed service company shall demonstrate financial responsibility to the commissioner by satisfying one of the following, as evidenced by the service company:

1. Insuring all motor vehicle service contracts and residential service contracts offered for sale in this state under a reimbursement insurance policy that complies with section 523C.6.

2. Doing both of the following:

a. Maintaining a funded reserve account for the service company's obligations under any issued and outstanding service contracts in this state, in an amount no less than forty percent of gross consideration received, less claims paid, for the sale of all service contracts issued and in force in this state. The reserve account shall be subject to examination and review by the commissioner.

b. Placing in trust with the commissioner a financial security deposit in an amount no less than five percent of the gross consideration received by the service company, less claims paid, for the sale of all motor vehicle service contracts and residential service contracts issued and in force in this state, but not less than twenty-five thousand dollars, consisting of one of the following:

(1) Cash.

(2) Securities of the type eligible for deposit by insurers authorized to transact business in this state.

(3) Certificates of deposit.

(4) A surety bond issued by an authorized surety company.

(5) Another form of security as prescribed by the commissioner by rule.

3. Doing both of the following:

a. Maintaining, on its own or together with a parent company, a minimum net worth or stockholders' equity of one hundred million dollars or more.

b. Upon request from the commissioner, providing either:

(1) A copy of the service company's financial statements.

(2) If the service company's financial statements are consolidated with those of its parent company, a copy of the parent company's most recent form 10-K or form 20-F filed with the federal securities and exchange commission within the last calendar year, or if the parent company does not file with the federal securities and exchange commission, a copy of the parent company's audited financial statements showing a net worth of at least one hundred million dollars. If the service company's financial statements are consolidated with those of its parent company, the service company shall also provide a copy of a written agreement by the parent company guaranteeing the obligations of the service company under motor vehicle service contracts and residential service contracts issued and outstanding by the service company in this state.

Sec. 6. Section 523C.6, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

**523C.6 Reimbursement insurance policy requirements — insurer qualifications.**

1. *Requirements.* A reimbursement insurance policy insuring a motor vehicle service contract or residential service contract issued, sold, or offered for sale in this state shall provide for all of the following:

a. The reimbursement insurance policy shall obligate the insurer that issued such policy to reimburse or pay on behalf of the service company any covered sums that the service company is legally obligated to pay according to the terms of the contract or, in the event of nonperformance by the service company, provide the service which the service company is legally obligated to perform according to the terms of the service contract, which shall be conspicuously stated in the reimbursement insurance policy.

b. The reimbursement insurance policy shall entitle a service contract holder to make a claim directly against the insurance policy if the service company fails to pay or provide service on a claim within sixty days after proof of loss is filed with the service company.

c. The insurer that issued a reimbursement insurance policy shall be deemed to have received the premiums upon the payment of the total purchase price of the service contract by the service contract holder.

2. *Termination.* As applicable, an insurer that issued a reimbursement insurance policy shall not terminate the policy unless a written notice has been received by the commissioner and by each applicable service company. The notice shall fix the date of termination at a date no earlier than ten days after receipt of the notice by the commissioner. The termination of a reimbursement insurance policy shall not reduce the issuer's responsibility for a service contract issued by an insured service company prior to the date of termination.

3. *Indemnification or subrogation.* This section does not prevent or limit the right of an insurer that issued a reimbursement insurance policy to seek indemnification from or subrogation against a service company if the insurer pays or is obligated to pay a service contract holder sums that the service company was obligated to pay pursuant to the provisions of a service contract or pursuant to a contractual agreement.

4. *Premium tax liability.* Payments for the purchase price of a service contract by a service contract holder shall be exempt from premium tax. However, premiums shall be subject to premium tax.

5. *Qualifications of insurer.* An insurer issuing a reimbursement insurance policy under this chapter shall be authorized, registered, or otherwise permitted to transact business in this state and shall meet one of the following requirements:

a. At the time the policy is filed with the commissioner, and continuously thereafter, the insurer maintains surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually files copies of the insurer's financial statements, national association of insurance commissioners annual statement, and actuarial certification, if required and filed in the insurer's state of domicile.

b. At the time the policy is filed with the commissioner and continuously thereafter, the insurer does all of the following:

(1) Maintains surplus as to policyholders and paid-in capital of less than fifteen million dollars but at least ten million dollars.

(2) Demonstrates to the satisfaction of the commissioner that the insurer maintains a ratio of net written premiums, wherever written, to surplus as to policyholders and paid-in capital of not greater than three to one.

(3) Files copies annually of the insurer's financial statements, national association of insurance commissioners annual statement, and actuarial certification, if required and filed in the insurer's state of domicile.

Sec. 7. Section 523C.7, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

**523C.7 Disclosure to service contract holders — contract form — required provisions.**

1. A motor vehicle service contract or residential service contract shall not be issued, sold, or offered for sale in this state unless the service company does all of the following:

a. Provides a receipt for the purchase of the service contract to the service contract holder.

b. Provides a copy of the service contract to the service contract holder within a reasonable period of time after the date of purchase of the service contract.

c. Provides a complete sample copy of the terms and conditions of the service contract to the service contract holder prior to the date of purchase. A service company may comply with this paragraph by providing the service contract holder with a complete sample copy of the terms or conditions of the service contract, or directing the service contract holder to an internet site containing a complete sample copy of the terms and conditions of the service contract.

2. A motor vehicle service contract or residential service contract issued, sold, or offered for sale in this state shall comply with all of the following, as applicable:

a. A service contract shall be written in clear, understandable language in at least eight point font.

b. (1) A service contract insured by a reimbursement insurance policy as provided in section 523C.5, subsection 1, shall include a statement in substantially the following form:

Obligations of the service company under this service contract are guaranteed under a reimbursement insurance policy. If the service company fails to pay or provide service on a claim within sixty days after proof of loss has been filed with the service company, the service contract holder is entitled to make a claim directly against the reimbursement insurance policy.

(2) A service contract insured by a reimbursement insurance policy shall conspicuously state the name and address of the issuer of the reimbursement insurance policy for that service contract. A claim against a reimbursement insurance policy shall also include a claim for return of any refund due in accordance with paragraphs "k" and "l".

c. A service contract not insured under a reimbursement insurance policy shall contain a statement in substantially the following form:

Obligations of the service company under this service contract are backed by the full faith and credit of the service company and are not guaranteed under a reimbursement insurance policy.

d. A service contract shall state the name and address of the service company obligated to perform services under the contract, and shall conspicuously identify the service company, any third-party administrator, and the service contract holder to the extent that the name and address of the service contract holder has been furnished. The identities of such parties are not required to be printed on the contract in advance and may be added to the contract at the time of sale.

e. A service contract shall clearly state the total purchase price of the service contract and the terms under which the service contract is sold. The total purchase price is not required to be printed on the contract in advance and may be added to the contract at the time of sale.

f. If prior approval of repair work is required, a service contract shall conspicuously describe the procedure for obtaining prior approval and for making a claim, including a toll-free telephone number for claim service, and the procedure for obtaining emergency repairs performed outside of normal business hours.

g. A service contract shall clearly state the existence of any deductible amount.

h. A service contract shall specify the merchandise or services, or both, to be provided and any limitations, exceptions, or exclusions.

i. A service contract shall clearly state the conditions on which the use of substitute parts or services will be allowed. Such conditions shall comply with applicable state and federal laws.

j. A service contract shall clearly state any terms, restrictions, or conditions governing the transferability of the service contract.

k. A service contract shall clearly state the terms and conditions governing the cancellation of the contract prior to the termination or expiration date of the contract by the service company or the service contract holder. If the service company cancels the contract, the service company shall mail a written notice of termination to the service contract holder at least fifteen days before the date of the termination. Prior notice of cancellation by the service company is not required if the reason for cancellation is nonpayment of the purchase price, a material misrepresentation by the service contract holder to the service company or its administrator, or a substantial breach of duties by the service contract holder relating to the covered product or its use. The notice of cancellation shall state the effective date of the cancellation and the reason for the cancellation. If a service contract is canceled by the service company for any reason other than nonpayment of the purchase price, the service company shall refund the service contract holder in an amount equal to one hundred percent of the unearned purchase price paid, calculated on a pro rata basis based upon elapsed time or mileage, less any claims paid. The service company may also charge a reasonable administrative fee in an amount no greater than ten percent of the total purchase price.

l. (1) A service contract shall permit the original service contract holder that purchased the contract to cancel and return the service contract within at least twenty days of the date of mailing the service contract to the service contract holder or within at least ten days after delivery of the service contract if the service contract is delivered at the time of sale of the service contract, or within a longer period of time as permitted under the service contract. If no claim has been made under the service contract prior to its return, the service contract is void and the full purchase price of the service contract shall be refunded to the service contract holder. A ten percent penalty shall be added each month to a refund that is not paid to a service contract holder within thirty days of the return of the service contract to the service company.

(2) If the service contract holder cancels the service contract outside of the applicable time as provided in subparagraph (1) or after a claim is made under the service contract, the service company shall refund the service contract holder in an amount equal to one hundred percent of the unearned purchase price paid, calculated on a pro rata basis based upon elapsed time or mileage, less any claims paid. The service company may also charge a reasonable administrative fee in an amount no greater than ten percent of the total purchase price.

m. A service contract shall set forth all of the obligations and duties of the service contract holder, including but not limited to the duty to protect against any further damage, and the obligation to follow an owner's manual or any other required service or maintenance.

n. A service contract shall clearly state whether or not the contract provides for or excludes consequential damages or preexisting conditions, if applicable. A service contract may, but is not required to, cover damage resulting from rust, corrosion, or damage caused by a part or system which is not covered under the service contract.

o. A service contract shall clearly state the fee, if any, charged on the service contract holder for making a service call.

p. A service contract shall state the name and address of the commissioner.

Sec. 8. Section 523C.9, Code 2019, is amended to read as follows:

**523C.9 Suspension or revocation of license.**

~~1. In addition to the license revocation provisions of section 523C.5, the~~ The commissioner may suspend or revoke or refuse to renew the license of a service company for any of the following grounds:

~~a. 1.~~ 1. The service company violated a lawful order of the commissioner or any provision of this chapter.

~~b. 2.~~ 2. The service company failed to pay any final judgment rendered against it in this state within sixty days after the judgment became final.

~~c. 3.~~ 3. The service company has without just cause refused to perform or negligently or incompetently performed services required to be performed under its residential service contracts and the refusal, or negligent or incompetent performance has occurred with such frequency, as the commissioner determines, as to indicate the general business practices of the service company.

~~d. 4.~~ 4. The service company violated section 523C.13.

~~e. 5. The service company failed to maintain the net worth required by section 523C.6 demonstrate financial responsibility pursuant to section 523C.5.~~

~~f. The service company failed to maintain the reserve account required by section 523C.11.~~

~~g. 6.~~ 6. The service company failed to maintain its corporate certificate of good standing with the secretary of state.

~~2. If the license of a service company is terminated under section 523C.5 because of failure to maintain bond, the commissioner shall give written notice of termination to the service company. The notice shall include the effective date of the termination.~~

Sec. 9. Section 523C.12, Code 2019, is amended to read as follows:

**523C.12 Optional examination.**

The commissioner or a designee of the commissioner may make an examination of the books and records of a service company, including copies of contracts and records of claims and expenditures, and verify its assets, liabilities, and reserves. The actual costs of the examination shall be borne by the service company. The costs of an examination under this section shall not exceed an amount equal to ten percent of the service company's reported net income in the previous fiscal year.

Sec. 10. Section 523C.13, Code 2019, is amended to read as follows:

**523C.13 Prohibited acts or practices — penalty — violations — contracts voided.**

1. A licensed service company which offers motor vehicle service contracts for sale in this state, or its representative, shall not, directly or indirectly, represent in any manner, whether by written solicitation or telemarketing, a false, deceptive, or misleading statement with respect to any of the following:

a. Statements regarding the service company's affiliation with a motor vehicle manufacturer or importer.

b. Statements regarding the validity or expiration of a warranty.

c. Statements regarding a motor vehicle service contract holder's coverage under a motor vehicle service contract, including statements suggesting that the service contract holder must purchase a new service contract in order to maintain coverage under the existing service contract or warranty.

2. The commissioner ~~shall~~ may adopt rules which regulate motor vehicle service contracts and residential service contracts to prohibit misrepresentation, false advertising, defamation, boycotts, coercion, intimidation, false statements and entries and unfair discrimination or practices. If the commissioner finds that a person has violated the rules adopted under this section, the commissioner may order any or all of the following:

1. a. Payment of a civil penalty of not more than one thousand dollars for each and every act or violation, but not to exceed an aggregate of ten thousand dollars, unless the person knew or reasonably should have known the person was in violation of this section, in which case the penalty shall be not more than five thousand dollars for each and every act or violation, but not to exceed an aggregate penalty of fifty thousand dollars in any one six-month period. The commissioner shall, if it finds the violations of this section were directed, encouraged, condoned, ignored, or ratified by the employer of such person, assess such penalty to the employer and not such person. Any civil penalties collected under this subsection shall be deposited as provided in section 505.7.

2. b. Suspension or revocation of the license of a person, if the person knew or reasonably should have known the person was in violation of this section.

3. A violation of this chapter constitutes an unlawful practice pursuant to section 714.16.

4. A service contract issued or sold in this state is void if the person that issued or sold the service contract, at the time of issuance or sale, was not licensed as a service company under this chapter.

Sec. 11. Section 523C.15, Code 2019, is amended to read as follows:

**523C.15 Annual report.**

A licensed service company that does not demonstrate financial responsibility by insuring service contracts under a reimbursement insurance policy as provided in section 523C.5, subsection 1, shall file with the commissioner an annual report ~~within ninety days of the close of its fiscal~~ no later than August 31 of each year. The annual report shall be in a form prescribed by the commissioner and contain all of the following:

1. A current financial statement including a balance sheet and statement of operations prepared in accordance with generally accepted accounting principles and certified by an independent certified public accountant.

2. ~~The number of residential service contracts issued during the preceding fiscal year, the number canceled or expired during the year, the number in effect at year end and the amount of residential service contract fees received.~~

3. 2. Any other information relating to the performance and solvency of the residential service company required by the commissioner.

Sec. 12. Section 523C.16, Code 2019, is amended to read as follows:

**523C.16 Exclusions.**

This chapter does not apply to any of the following and the following do not constitute the practice of insurance:

1. A performance guarantee given by a builder of a residence or the manufacturer or seller or lessor of residential property if no identifiable charge is made for the guarantee.

2. A residential service contract, guarantee or warranty between a residential customer and a service company which will perform the work itself and not through subcontractors for the service, repair or replacement of residential property, appliances, or electrical, plumbing, heating, cooling or air-conditioning systems.

3. A contract between a service company issuing residential service contracts and a person who actually performs the maintenance, repairs, or replacements of structural components, or appliances, or electrical, plumbing, heating, cooling, or air-conditioning systems, if someone other than the service company actually performs these functions.

4. A residential service contract, guarantee or warranty issued by a retail merchant to a retail customer, guaranteeing or warranting the repair, service or replacement of appliances or electrical, plumbing, heating, cooling or air-conditioning systems sold by said retail merchant.

5. A residential service contract, guarantee, or warranty issued by a manufacturer, third party, or retail company, covering the repair, maintenance, or replacement of residential

property, individual appliances, and other individual items of merchandise marketed and sold by a retail company, in the ordinary course of business.

6. A motor vehicle service contract issued by the manufacturer or importer of the motor vehicle covered by the service contract or to any third party acting in an administrative capacity on the manufacturer's behalf in connection with that service contract.

7. A residential service contract involving residential property containing more than four dwelling units.

8. A warranty.

9. A motor vehicle service contract issued, offered for sale, or sold to any person other than a consumer.

10. A maintenance agreement.

Sec. 13. Section 523C.17, Code 2019, is amended to read as follows:

**523C.17 Lending institutions, ~~service companies, and insurance companies.~~**

A bank, savings association, insurance company, or other lending institution shall not require the purchase of a motor vehicle service contract or residential service contract as a condition of a loan or the sale of any property or motor vehicle. ~~A service company or an insurer, either directly or indirectly, as a part of any real property transaction in which a residential service contract will be issued, purchased, or acquired, shall not require that a residential service contract be issued, purchased, or acquired in conjunction with or as a condition precedent to the issuance, purchase, or acquisition, by any person, of a policy of insurance. A lending institution shall not sell a residential service contract to a borrower unless the borrower signs an affidavit acknowledging that the purchase is not required.~~ Violation of this section is punishable as provided in section 523C.13.

Sec. 14. Section 523C.22, Code 2019, is amended to read as follows:

**523C.22 Claim procedures.**

A licensed service company shall promptly provide a written explanation to the residential customer service contract holder, describing the reasons for denying a claim or for the offer of a compromise settlement, based on all relevant facts or legal requirements and referring to applicable provisions of the ~~residential~~ service contract.

Sec. 15. NEW SECTION. **523C.24 Service company oversight fund.**

1. A service company oversight fund is created in the state treasury as a separate fund under the control of the commissioner. The fund shall consist of all moneys deposited in the fund pursuant to subsection 2.

2. The commissioner shall deposit in the service company oversight fund an amount equal to one-third of all licensing, examination, renewal, and inspection fees collected under this chapter, provided that the maximum amount of fees deposited in the fund each fiscal year shall not exceed five hundred thousand dollars. Any remaining fees collected under this chapter and not deposited in the service company oversight fund shall be deposited as provided in section 505.7.

3. Moneys in the service company oversight fund are appropriated to the commissioner for the administration and enforcement of this chapter, and for establishing service contract consumer complaint, education, and outreach programs.

4. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the service company oversight fund shall be credited to the fund. Notwithstanding section 8.33, moneys credited to the fund shall not revert at the close of a fiscal year.

Sec. 16. REPEAL. Chapter 516E, Code 2019, is repealed.

Sec. 17. REPEAL. Sections 523C.8, 523C.8A, 523C.11, 523C.14, and 523C.18, Code 2019, are repealed.

Sec. 18. EMERGENCY RULES. The commissioner of insurance may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act and the rules shall be effective immediately upon filing

unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 19. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 16, 2019

## CHAPTER 143

### GAMBLING GAMES — DISTRIBUTION OF RECEIPTS FOR CHARITABLE PURPOSES

H.F. 289

**AN ACT** concerning the distribution of gambling game receipts for charitable purposes.

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

Section 1. Section 99F.6, subsection 4, paragraph a, subparagraph (2), Code 2019, is amended to read as follows:

(2) A qualified sponsoring organization licensed to operate gambling games under this chapter shall distribute the receipts of all gambling games, less reasonable expenses, charges, taxes, fees, and deductions allowed under this chapter, as winnings to players or participants or shall distribute the receipts for educational, civic, public, charitable, patriotic, or religious uses as defined in section 99B.1. A qualified sponsoring organization shall provide that any organization exempt from federal income taxes under section 501(c)(19) of the Internal Revenue Code, as defined in section 422.3, shall be eligible for a distribution of adjusted gross receipts for educational, civic, public, charitable, patriotic, or religious uses as required by this subparagraph. However, a licensee to conduct gambling games under this chapter shall, unless an operating agreement for an excursion gambling boat otherwise provides, distribute at least three percent of the adjusted gross receipts for each license year for educational, civic, public, charitable, patriotic, or religious uses as defined in section 99B.1. However, if a licensee who is also licensed to conduct pari-mutuel wagering at a horse racetrack has unpaid debt from the pari-mutuel racetrack operations, the first receipts of the gambling games operated within the racetrack enclosure less reasonable operating expenses, taxes, and fees allowed under this chapter shall be first used to pay the annual indebtedness.

Approved May 16, 2019

## CHAPTER 144

### ENHANCE IOWA BOARD — MEMBER TERMS — DUTIES

H.F. 305

**AN ACT** relating to the enhance Iowa board and moneys allocated by the board.

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



Section 1. Section 15F.102, subsection 3, paragraph c, Code 2019, is amended to read as follows:

c. The members appointed pursuant to subsection 2 shall be appointed to ~~two-year~~ three-year staggered terms and the terms shall commence and end as provided by section 69.19. If a vacancy occurs, a successor shall be appointed to serve the unexpired term. A successor shall be appointed in the same manner and subject to the same qualifications as the original appointment to serve the unexpired term.

Sec. 2. Section 15F.104, Code 2019, is amended to read as follows:

**15F.104 Authority duties.**

~~The authority, subject to approval by the board,~~ shall adopt administrative rules pursuant to chapter 17A necessary to administer the programs established pursuant to this chapter. The authority shall provide the board with assistance in implementing administrative functions, marketing the programs, providing technical assistance and application assistance to applicants under the programs, negotiating contracts, and providing project follow-up. The authority may conduct negotiations on behalf of the board with applicants regarding terms and conditions applicable to awards under the programs.

Sec. 3. Section 15F.204, subsection 5, unnumbered paragraph 1, Code 2019, is amended to read as follows:

~~At the beginning of each fiscal year, the board shall allocate one hundred thousand dollars for purposes of marketing those projects that are receiving moneys from the fund. After the marketing allocation, the~~ The board shall allocate all ~~remaining~~ moneys in the fund in the following manner:

Sec. 4. Section 15F.401, subsection 9, Code 2019, is amended to read as follows:

9. ~~The authority, with the approval of the board,~~ shall adopt rules for the administration of this subchapter.

Sec. 5. TRANSITION — APPOINTMENT AND TERM OF ENHANCE IOWA BOARD MEMBERS. This Act shall not affect the appointment or term of a member serving on the enhance Iowa board immediately prior to the effective date of this Act. For terms beginning May 1, 2019, four members shall be appointed to a three-year term and one member shall be appointed to a two-year term. For terms beginning May 1, 2020, four members shall be appointed to a three-year term and two members shall be appointed to a one-year term. For a term beginning May 1, 2021, or after, all members shall be appointed to a three-year term.

Approved May 16, 2019

## CHAPTER 145

### TARGETED SMALL BUSINESS PROCUREMENT — STATE AGENCY PURCHASING REQUIREMENTS

*H.F. 485*

**AN ACT** concerning state purchasing requirements relating to targeted small business procurement goals.

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

Section 1. Section 8A.311, subsection 10, paragraph a, Code 2019, is amended to read as follows:

a. The director shall adopt rules providing that any state agency may, upon request and approval by the department, purchase directly from a vendor if the direct purchasing

is more economical than purchasing through the department, if the agency shows that direct purchasing by the state agency would be in the best interests of the state due to an immediate or emergency need, or if the purchase will not exceed ~~ten thousand dollars~~ an amount, not to exceed twenty-five thousand dollars, determined by the department by rule and the purchase would contribute to the agency complying with the targeted small business procurement goals under sections 73.15 through 73.21.

Sec. 2. Section 8A.311, subsection 10, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. By January 15 of each year, the department shall submit to the general assembly electronically an annual report of contracts awarded to targeted small businesses, as defined in section 15.102, in the previous fiscal year pursuant to paragraph "a" authorizing direct purchasing by a state agency if the purchase will not exceed an amount determined by the department by rule and would contribute to the agency complying with the targeted small business goals under sections 73.15 through 73.21.

Approved May 16, 2019

## CHAPTER 146

### USE OF NON-SCHOOL BUS MOTOR VEHICLES FOR STUDENT TRANSPORT

H.F. 499

**AN ACT** allowing certain vans and pickups to be used to transport pupils to activity events or from school to home in emergency situations.

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

Section 1. Section 321.1, subsection 69, paragraph d, Code 2019, is amended to read as follows:

d. ~~Designed~~ New or used motor vehicles designed to carry not more than nine ten persons as passengers, including the driver, or used passenger vans designed to carry not more than twelve persons as passengers, including the driver, either school owned or privately owned, which are used to transport pupils to activity events in which the pupils are participants or used to transport pupils to their homes in case of illness or other emergency situations. The vehicles operated under the provisions of this paragraph shall be operated by employees of the school district who are specifically approved by the local superintendent of schools for the assignment.

Sec. 2. Section 321.373, subsection 3, Code 2019, is amended to read as follows:

3. a. The rules prescribed for school buses shall include special rules for passenger automobiles, and other vehicles designed to carry ~~eight ten~~ or fewer pupils persons, including the driver, when used as school buses.

b. The rules shall allow pickups designed to carry nine passengers or less, including the driver, and weighing ten thousand pounds or less, to be used as school buses if the pickup does not carry more passengers than there are safety belts or safety harnesses in the pickup as installed by the manufacturer and if the pickup is not operated while any passenger is present in the bed of the pickup. The operator of the pickup shall comply with the qualification, licensing, and instruction requirements set forth in sections 321.375 and 321.376, other than the requirement to obtain a commercial driver's license. However, the rules shall allow the board of directors of a school district to prohibit the use of pickups as school buses by the school district.

c. The rules shall allow used passenger vans designed to carry twelve or fewer passengers, including the driver, and weighing ten thousand pounds or less, to be used as school buses

if the van does not carry more passengers than there are safety belts or safety harnesses in the van as installed by the manufacturer. The operator of the van shall comply with the qualification, licensing, and instruction requirements set forth in sections 321.375 and 321.376.

d. A pickup or passenger van operated pursuant to rules described in paragraph “b” or “c” is subject to the limitations set forth in section 321.1, subsection 69, paragraph “d”.

Approved May 16, 2019

## CHAPTER 147

### REGULATION OF TAX RETURN PREPARERS

H.F. 590

**AN ACT** relating to tax return preparers, and providing penalties.

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

Section 1. NEW SECTION. **421.62 Inclusion of preparer tax identification number.**

1. For purposes of this section, unless the context otherwise requires:

a. “Department” means the Iowa department of revenue.

b. “PTIN” means a preparer tax identification number, as defined in Internal Revenue Service Notice 2011-6.

c. (1) “Tax return preparer” means any individual who, for a fee or other consideration, prepares ten or more tax returns or claims for refund under chapter 422 during a calendar year, or who assumes final responsibility for completed work on such tax returns or claims for refund under chapter 422 on which preliminary work has been done by another individual.

(2) “Tax return preparer” does not include any of the following:

(a) An individual licensed as a certified public accountant or a licensed public accountant under chapter 542 or a similar law of another state.

(b) An individual admitted to practice law in this state or another state.

(c) An enrolled agent enrolled to practice before the federal internal revenue service pursuant to 31 C.F.R. §10.4.

(d) A fiduciary of an estate, trust, or individual, while functioning within the fiduciary’s legal duty and authority with respect to that individual, or that estate or trust or its testator, trustor, grantor, or beneficiaries.

(e) An individual who prepares the tax returns of the individual’s employer, while functioning within the individual’s scope of employment with the employer.

(f) An individual employed by a local, state, or federal government agency, while functioning within the individual’s scope of employment with the government agency.

(g) An employee of a person described in subparagraph (1), if the employee provides only clerical or other comparable services and does not sign tax returns.

d. “Willful or reckless” means the same as “willful or reckless conduct” defined in section 6694(b)(2) of the Internal Revenue Code.

2. a. On or after January 1, 2020, a tax return preparer is required to include the tax return preparer’s PTIN on any tax return or claim for refund prepared by the tax return preparer and filed under chapter 422.

b. (1) A tax return preparer who violates paragraph “a” shall pay a civil penalty in the amount of fifty dollars for each violation unless the tax return preparer shows that the failure was reasonable under the circumstances and not willful or reckless conduct.

(2) The maximum aggregate penalty imposed upon a tax return preparer pursuant to this subsection shall not exceed twenty-five thousand dollars during any calendar year.

(3) The penalty shall be paid to the department.

3. The department shall draft relevant tax return forms to provide the space necessary for a tax return preparer to include a PTIN.

4. This section shall not be construed to limit the authority of the department to require any individual preparing a tax return to include the individual's PTIN.

**Sec. 2. NEW SECTION. 421.63 Authority to enjoin certain tax return preparers.**

1. For purposes of this section, unless the context otherwise requires:

a. "Department" means the Iowa department of revenue.

b. "State" means any state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

c. "Tax return preparer" means the same as defined in section 421.62.

d. "Unreasonable position" means the same as defined in section 6694(a)(2) of the Internal Revenue Code.

e. "Willful or reckless" means the same as "willful or reckless conduct" defined in section 6694(b)(2) of the Internal Revenue Code.

2. The director of the department may seek a temporary or permanent injunction from any court of competent jurisdiction to prevent a tax return preparer from engaging in further conduct described in subsection 3.

3. A tax return preparer may be temporarily or permanently enjoined from engaging in activity described in section 421.62, subsection 1, paragraph "c", if the court finds that a tax return preparer has continually engaged in the following conduct and that injunctive relief is necessary to prevent the recurrence of such conduct:

a. Preparation of any income tax return or claim for refund that includes an unreasonable position that understates the taxpayer's liability.

b. Preparation of any income tax return or claim for refund that includes a willful or reckless understatement of the taxpayer's liability.

c. Failure to do any of the following:

(1) Furnish a copy of an income tax return or claim for refund, when required.

(2) Sign the income tax return or claim for refund, when required.

(3) Furnish an identifying number, when required.

(4) Retain a copy of the income tax return, when required.

(5) Complete continuing education requirements as required pursuant to section 421.64.

(6) Use diligence in determining eligibility for tax benefits, when subject to due diligence requirements imposed by department rules.

d. Negotiating on behalf of a taxpayer the issuance of a check by the department, without the permission of the taxpayer.

e. Engaging in conduct subject to a criminal penalty under this chapter.

f. Misrepresenting the eligibility of the preparer to practice before the department or otherwise misrepresenting the experience or education of the preparer.

g. Guaranteeing the payment of any income tax refund or the allowance of any income tax credit.

h. Engaging in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of the tax laws of this state.

4. The fact that the person has been enjoined from preparing tax returns or claims for refund for the United States or any other state, in the five years preceding the petition for an injunction, shall establish a prima facie case for an injunction to be issued pursuant to this section.

**Sec. 3. NEW SECTION. 421.64 Tax return preparer — continuing education.**

1. For purposes of this section, "tax return preparer" means the same as defined in section 421.61.

2. a. Beginning January 1, 2020, and every year thereafter, a tax return preparer shall complete a minimum of fifteen hours of continuing education courses on subject matters prescribed by the department of revenue, including two hours of continuing education on professional ethics. Each course shall be taken from an Internal Revenue Service approved provider of continuing education. A tax return preparer shall not engage in activity as

such a preparer unless the preparer has completed, during the previous calendar year, a minimum of fifteen hours of continuing education courses prescribed by the department of revenue, including two hours of continuing education on professional ethics. For purposes of completing continuing education pursuant to this section, a new tax preparer shall not be required to complete continuing education prior to the first year of preparing returns.

b. A tax return preparer is required to retain records of continuing education completion.

Approved May 16, 2019

## CHAPTER 148

### STATE AND LOCAL ELECTIONS — MISCELLANEOUS CHANGES

H.F. 692

**AN ACT** relating to the conduct of state and local elections, providing penalties, and including effective date elections provisions.

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

#### DIVISION I

#### HOSPITAL BOARD OF TRUSTEES ELECTIONS

Section 1. Section 347.9, subsection 1, Code 2019, is amended to read as follows:

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. The appointed trustees shall hold office until the following general election, at which time their successors shall be elected, three for a term of four years 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 four years each, except as provided in subsection 3.

Sec. 2. Section 347.9, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Trustees in a county with a population of at least four hundred thousand shall serve for a term of six years. A trustee elected to a term of four years in or after January 2018 shall instead serve a term of six years.

Sec. 3. Section 347.10, Code 2019, 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 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. HOSPITAL BOARD OF TRUSTEES ELECTIONS. Notwithstanding section 347.9, for elections held pursuant to section 347.9 in 2022 in which more than seventy percent of trustee positions on a board are on the ballot:

1. If there are seven trustees on the board:

a. If six trustees are to be elected, the four elected who receive the highest number of votes are elected for four-year terms. The remainder are elected for two-year terms. In case of a

tie, the county auditor shall determine by lot which of the trustees with the lowest number of winning votes shall serve two-year terms and thereafter their successors shall be elected for regular terms as provided in section 347.9.

b. If five trustees are to be elected, the four elected who receive the highest number of votes are elected for four-year terms. The remaining trustee is elected for a two-year term. In case of a tie, the county auditor shall determine by lot which of the trustees with the lowest number of winning votes shall serve the two-year term and thereafter their successors shall be elected for regular terms as provided in section 347.9.

2. If there are five trustees on the board, if four trustees are to be elected, the three elected who receive the highest number of votes are elected for four-year terms. The remaining trustee is elected for a two-year term. In case of a tie, the county auditor shall determine by lot which of the trustees with the lowest number of winning votes shall serve the two-year term and thereafter their successors shall be elected for regular terms as provided in section 347.9.

## DIVISION II TECHNICAL CHANGES

Sec. 5. Section 39.2, subsection 4, paragraphs a, b, and c, Code 2019, are amended to read as follows:

a. For a county, ~~on the day of the general election, on the day of the regular city election, on the date of a special election held to fill a vacancy in the same county, or on the first Tuesday in March in an odd-numbered year, the first Tuesday in May March, or the first second Tuesday in August of each year September, or the first Tuesday after the first Monday in November. For a county, in an even-numbered year, the first Tuesday in March or the second Tuesday in September.~~

b. For a city, ~~on the day of the general election, on the day of the regular city election, on the date of a special election held to fill a vacancy in the same city, or on the first Tuesday in March in an odd-numbered year, the first Tuesday in May March, or the first second Tuesday in August of each year September, or the first Tuesday after the first Monday in November. For a city, in an even-numbered year, the first Tuesday in March or the second Tuesday in September.~~

c. For a school district or merged area, in the odd-numbered year, the first Tuesday in ~~February March, the first Tuesday in April, the last second Tuesday in June September, or the second first Tuesday after the first Monday in September November.~~ For a school district or merged area, in the even-numbered year, the first Tuesday in ~~February, the first Tuesday in April March, or the second Tuesday in December.~~

Sec. 6. Section 39A.3, subsection 1, paragraph a, Code 2019, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) Falsely or fraudulently signs nomination papers on behalf of another person.

Sec. 7. Section 39A.3, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. *Miscellaneous offenses.* Uses voter registration information, including resale or redistribution of the voter registration list without written permission of the state registrar, for purposes other than those permitted by section 48A.39.

Sec. 8. Section 39A.4, subsection 1, paragraph c, subparagraph (5), Code 2019, is amended by striking the subparagraph.

Sec. 9. Section 39A.6, Code 2019, is amended to read as follows:

### **39A.6 Technical infractions — notice.**

1. If the state commissioner or county commissioner becomes aware of an apparent technical violation of a provision of chapters 39 through 53, the state commissioner or county commissioner may administratively provide a written notice and letter of instruction to the responsible person regarding proper compliance procedures.

2. If the state commissioner sends a notice of such a technical infraction to a county commissioner, the state commissioner may require a written explanation of the occurrence, and measures that the person took to redress the issues contained within the notice.

3. This notice is not a final determination of facts or law in the matter, and does not entitle a person to a proceeding under chapter 17A.

Sec. 10. Section 43.14, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. The printed name, signature, address, and phone number of the person responsible for circulating the petition page.

Sec. 11. Section 43.14, subsection 2, Code 2019, is amended to read as follows:

2. a. Signatures on a petition page shall be counted only if the information required in subsection 1 is written or printed at the top of the page.

b. Nomination papers on behalf of candidates for seats in the general assembly need only designate the number of the senatorial or representative district, as appropriate, and not the county or counties, in which the candidate and the petitioners reside.

c. A signature line shall not be counted if the line lacks the signature of the eligible elector and the signer's residential address, with street and number, if any, and city. A signature line shall not be counted if an eligible elector supplies only a partial address or a post office box address, or if the signer's address is obviously outside the boundaries of the district.

d. A signature line shall not be counted if any of the required information is crossed out or redacted at the time the nomination papers are filed with the state commissioner or commissioner.

Sec. 12. Section 43.14, subsection 4, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Any other information required by section 43.18.

Sec. 13. Section 43.15, subsection 2, Code 2019, is amended to read as follows:

2. Each signer shall add the signer's residence residential address, with street and number, if any, and the date of signing.

Sec. 14. Section 43.22, unnumbered paragraph 1, Code 2019, is amended to read as follows:

The state commissioner shall, at least sixty-nine days before a primary election, or as soon as practicable if an objection under section 43.24 is pending, furnish to the commissioner of each county a certificate under the state commissioner's hand and seal, which certificate shall show:

Sec. 15. Section 43.24, subsection 1, paragraph b, subparagraphs (1) and (2), Code 2019, are amended to read as follows:

(1) Those filed with the state commissioner, not less than seventy-four days before the date of the election, or for certificates of nomination filed under section 43.23, not less than seventy days before the date of the election.

(2) Those filed with the commissioner, not less than sixty-four days before the date of the election, or for certificates of nomination filed under section 43.23, not less than sixty-two days before the date of the election.

Sec. 16. Section 45.5, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. The printed name, signature, address, and phone number of the person responsible for circulating the petition page.

Sec. 17. Section 45.5, subsection 2, Code 2019, is amended to read as follows:

2. a. Signatures on a petition page shall be counted only if the information required in subsection 1 is written or printed at the top of the page.

b. Nomination papers on behalf of candidates for seats in the general assembly need only designate the number of the senatorial or representative district, as appropriate, and not the county or counties, in which the candidate and the petitioners reside.

c. A signature line in a nomination petition shall not be counted if the line lacks the signature of the eligible elector and the signer's residential address, with street and number, if any, and city. A signature line shall not be counted if an eligible elector supplies only a partial address or a post office box address, or if the signer's address is obviously outside the boundaries of the appropriate ward, city, school district or school district director district, legislative district, or other district.

d. A signature line shall not be counted if any of the required information is crossed out or redacted at the time the nomination papers are filed with the state commissioner or commissioner.

Sec. 18. Section 45.6, subsection 2, Code 2019, is amended to read as follows:

2. Each signer shall add the signer's ~~residence~~ residential address, with street and number, if any, and city.

Sec. 19. Section 47.1, subsection 6, Code 2019, is amended to read as follows:

6. The state commissioner may, at the state commissioner's discretion, examine the records of a commissioner to evaluate complaints and to ensure compliance with the provisions of chapters 39 through 53. This examination shall include assessments conducted or authorized by private or government entities to evaluate a county's security readiness for elections-related technology or physical facilities. The state commissioner shall adopt rules pursuant to chapter 17A to require a commissioner to provide written explanations related to examinations conducted pursuant to this subsection. Any information that is requested by or in the possession of the state commissioner pursuant to this chapter shall not lose its confidential status pursuant to section 22.7, subsection 50.

Sec. 20. Section 47.1, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 7. The state commissioner may share information a county provides to an appropriate government agency to safeguard against cybersecurity or physical threats.

NEW SUBSECTION. 8. The state commissioner may adopt rules pursuant to chapter 17A to create minimum security protocols applicable to county commissioners of elections. If a county fails to adhere to these protocols, the state commissioner may limit access to the statewide voter registration system.

Sec. 21. Section 47.2, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The county commissioner of elections shall, to maintain election security, do all of the following:

a. When the county commissioner believes that a cybersecurity incident or data breach has occurred, the county commissioner shall immediately inform the state commissioner of elections.

b. If the county commissioner has no reason to believe that a cybersecurity incident or data breach has occurred, the county commissioner shall certify that fact to the state commissioner on an annual basis.

Sec. 22. Section 47.7, subsection 2, paragraph d, Code 2019, is amended to read as follows:

d. The state registrar shall prescribe by rule the procedures for access to the state voter registration file, ~~security requirements, and access protocols for adding, changing, or deleting information from the state voter registration file including all of the following:~~

(1) Access protocols for adding, changing, or deleting information from the state voter registration file.

(2) Training requirements for all state voter registration file users.

(3) Technology safeguards, including county information technology network requirements, necessary to access the state voter registration file.

(4) Breach incident response requirements and protocols on all matters related to elections.



Sec. 23. Section 47.7, subsection 2, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The state registrar may rescind access to the statewide voter registration file from a user who is not in compliance with the prescribed rules.

Sec. 24. Section 48A.9, subsection 4, Code 2019, is amended to read as follows:

4. Registration forms submitted to voter registration agencies, to motor vehicle driver's license stations, and to county treasurer's offices participating in county issuance of driver's licenses under chapter 321M shall be considered on time if they are received no later than 5:00 11:59 p.m. on the day registration closes for that election. Offices or agencies other than the county commissioner's office are not required to be open for voter registration purposes at times other than their usual office hours.

Sec. 25. Section 48A.26, subsection 1, Code 2019, is amended to read as follows:

1. a. Except as otherwise provided in paragraph paragraphs "b" and "c" of this subsection, or section 48A.26A, within seven working days of receipt of a voter registration form or change of information in a voter registration record the commissioner shall send an acknowledgment to the registrant at the mailing address shown on the registration form. The acknowledgment shall be sent by nonforwardable mail.

b. For a voter registration form or change of information in a voter registration record submitted at a precinct caucus, the commissioner shall send an acknowledgment within forty-five days of receipt of the form or change of information.

c. For a voter registration form or change of information in a voter registration record submitted within fourteen days of a regularly scheduled election, the commissioner shall send an acknowledgment within forty-eight hours of receipt of the form or change of information.

Sec. 26. Section 49.11, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notice of changes made pursuant to subsection 3 shall be reported to the state commissioner at least twenty-five days before the next election in which the temporary precinct will be active, or, for elections held pursuant to section 69.14 while the general assembly is in session or within forty-five days of the convening of a session of the general assembly, at least ten days before election day.

Sec. 27. Section 49.31, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. All ballots shall be arranged with the names of candidates for each office listed below the office title. For partisan elections the name of the political party or organization which nominated each candidate shall be listed after or below each candidate's name. The state commissioner may prescribe, and a county commissioner may use, uniform abbreviations for political parties and organizations.

Sec. 28. Section 49.57, subsection 2, Code 2019, is amended to read as follows:

2. After the name of each candidate for a partisan office the name of the candidate's political party shall be printed in at least six point type. The names of political parties and nonparty political organizations may be abbreviated on the remainder of the ballot if both the full name and the abbreviation appear in the voter instruction area of the ballot.

Sec. 29. Section 50.51, subsection 6, Code 2019, is amended to read as follows:

6. The state commissioner shall adopt rules, pursuant to chapter 17A, to implement this section, which may include the establishment of pilot programs related to post-election audits.

Sec. 30. NEW SECTION. 53.1A Rules.

The state commissioner shall adopt rules pursuant to chapter 17A for the implementation of this chapter.

Sec. 31. Section 53.8, subsection 1, paragraph a, unnumbered paragraph 1, Code 2019, is amended to read as follows:

Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, but not more than twenty-nine days before the election, the commissioner shall mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in subsection 3. When the United States post office is closed in observance of a federal holiday and is not delivering mail on the twenty-ninth day before the election, the first day to mail absentee ballots is the next business day on which mail delivery is available. The absentee ballot shall be sent to the registered voter by one of the following methods:

Sec. 32. 2017 Iowa Acts, chapter 155, section 13, is amended by striking the section.

Sec. 33. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.<sup>1</sup>

### DIVISION III CONDUCT OF ELECTIONS

Sec. 34. Section 43.30, subsection 2, Code 2019, is amended to read as follows:

2. The commissioner shall make sample ballots available to the public upon request. The sample ballots shall be clearly marked as sample ballots. A reasonable fee may be charged for printing costs if a person requests multiple copies of sample ballots. The commissioner shall not distribute sample ballots except as provided in this subsection.

Sec. 35. Section 43.36, Code 2019, is amended to read as follows:

#### **43.36 Australian ballot.**

The Australian ballot system as now used in this state, except as herein modified, shall be used at said primary election. The endorsement of the precinct election officials and the ~~facsimile of the commissioner's signature~~ county seal shall appear upon the ballots as provided for general elections.

Sec. 36. Section 43.91, Code 2019, is amended to read as follows:

#### **43.91 Voter at caucus ~~must be precinct resident~~ — qualifications.**

Any person voting at a precinct caucus must be a person who is or will by the date of the next general election become an eligible elector, who has not already participated in the caucus of any political party within the same year, and who is a resident of the precinct. A list of the names and addresses of each person to whom a ballot was delivered or who was allowed to vote in each precinct caucus shall be prepared by the caucus chairperson and secretary who shall certify such list to the commissioner at the same time as the names of those elected as delegates and party committee members are so certified.

Sec. 37. Section 44.4, subsection 1, Code 2019, is amended to read as follows:

1. a. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the state commissioner shall be filed in that office not more than ninety-nine days nor later than 5:00 p.m. on the ~~seventy-third~~ eighty-first day before the ~~date of the general election to be held in November~~ first Tuesday after the first Monday in June in each even-numbered year. Nominations made for a special election called pursuant to section 69.14 shall be filed by 5:00 p.m. not less than twenty-five days before the date of an election called upon at least forty days' notice and not less than fourteen days before the date of an election called upon at least eighteen days' notice. Nominations made for a special election called pursuant to section 69.14A shall be filed by 5:00 p.m. not less than twenty-five days before the date of the election. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the commissioner shall be filed in that office not more than ninety-two days nor later than 5:00 p.m. on the ~~sixty-ninth~~ seventy-fourth day before the ~~date of the general election~~ first Tuesday after the first Monday in June in each even-numbered year. Nominations made pursuant to this chapter or chapter 45 for city office

<sup>1</sup> See chapter 89, §43 herein

shall be filed not more than seventy-two days nor later than 5:00 p.m. on the forty-seventh day before the city election with the county commissioner of elections responsible under section 47.2 for conducting elections held for the city, who shall process them as provided by law.

b. Notwithstanding paragraph "a", nominations for president and vice president of the United States shall be filed in the office of the state commissioner not more than ninety-nine days nor later than 5:00 p.m. on the eighty-first day before the date of the general election to be held in November.

Sec. 38. Section 47.2, subsection 2, Code 2019, is amended to read as follows:

2. a. When an election is to be held as required by law or is called by a political subdivision of the state and the political subdivision is located in more than one county, the county commissioner of elections of the county having the greatest taxable base within the political subdivision shall conduct that election. The county commissioners of elections of the other counties in which the political subdivision is located shall cooperate with the county commissioner of elections who is conducting the election.

b. Notwithstanding paragraph "a", for a city primary election, city runoff election or a special election for a city, school district, or merged area, if a political subdivision is located in more than one county, the county commissioner of elections of a county not having the greatest taxable base within the political subdivision may designate that the controlling commissioner of the political subdivision shall conduct that election if fewer than one hundred and twenty-five registered voters of the political subdivision are located within such county commissioner's county. If the controlling commissioner is so designated, section 50.24, subsections 3A and 3B, as enacted by 2017 Iowa Acts, ch. 155, shall not apply. For the purposes of this paragraph, the number of registered voters shall be the number of registered voters in the political subdivision of a county not having the greatest taxable base on May 1 immediately preceding the first day of the filing period for candidates for the election. If May 1 falls on a day when the county commissioner's office is closed for business, the county commissioner shall use the number of registered voters on the next day that the county commissioner's office is open for business to determine the number of registered voters.

Sec. 39. Section 47.2, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The county commissioner shall not participate in an absentee ballot drive or collection effort in cooperation with a candidate, candidate's committee, political party, or nonparty political organization. However, when a county commissioner is a candidate for election, such a county commissioner may participate in an absentee ballot drive or collection effort, but shall not aid any other candidate, candidate's committee, political party, or nonparty political organization.

Sec. 40. Section 49.21, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The commissioner shall remove or obscure from the view of voters any published material displaying the name of a candidate or elected official other than a ballot or sample ballot or envelope.

Sec. 41. NEW SECTION. 49.49 Certain sample ballots prohibited.

The commissioner and state commissioner of elections shall not distribute or authorize the distribution of sample ballots to voters other than as provided in sections 49.53 and 52.29.

Sec. 42. Section 49.51, Code 2019, is amended to read as follows:

**49.51 Commissioner to control printing.**

The commissioner shall have charge of the printing of the ballots to be used for any election held in the county, unless the commissioner delegates that authority as permitted by this section. The commissioner may delegate this authority only to another commissioner who is responsible under section 47.2 for conducting the elections held for a political subdivision which lies in more than one county, and only with respect to printing of ballots containing only public questions or the names of candidates to be voted upon by the registered voters of that political subdivision. Only one facsimile signature county seal, that of the county of the commissioner under whose direction the ballot is printed, shall appear on the ballot. It is

the duty of the commissioner to insure that the arrangement of any ballots printed under the commissioner's direction conforms to all applicable requirements of this chapter.

Sec. 43. Section 49.57, subsection 6, Code 2019, is amended to read as follows:

6. A portion of the ballot shall include the words "Official ballot", the unique identification number or name assigned by the commissioner to the ballot style, the date of the election, and ~~a facsimile of the signature~~ the county seal of the county of the commissioner who has caused the ballot to be printed pursuant to section 49.51.

Sec. 44. Section 49.82, Code 2019, is amended to read as follows:

**49.82 Voter to receive one ballot — endorsement.**

When an empty voting booth is available, one of the precinct election officials shall endorse the official's initials on each ballot the voter will receive. The initials shall be placed so that they may be seen when the ballot is properly folded or enclosed in a secrecy folder. The name or signature of the commissioner shall not appear on the ballot except as part of the list of candidates when the commissioner is a candidate for election. The official shall give the voter one and only one of each of the ballots to be voted at that election in that precinct, except as provided by section 49.100. No ballot without the required official endorsement shall be placed in the ballot box.

Sec. 45. Section 53.11, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The commissioner shall remove or obscure from the view of voters any published material displaying the name of a candidate or elected official other than a ballot or sample ballot or envelope.

DIVISION IV  
CONFLICTS OF INTEREST

Sec. 46. Section 314.2, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

**314.2 Conflicts of interest.**

A state or county official who is a voting member of a governmental entity responsible for awarding a contract pursuant to section 314.1 and is the apparent low bidder for the contract shall not participate in a vote to award the contract and shall include an explanation of the official's conflict in the resolution entered pursuant to section 26.12.

Sec. 47. EFFECTIVE DATE. This division of this Act takes effect January 1, 2023.

DIVISION V  
BALLOT ORDER

Sec. 48. Section 49.31, subsection 1, paragraph b, Code 2019, is amended to read as follows:

b. (1) The commissioner shall determine the order of ~~political parties and nonparty political organizations~~ candidates on the ballot as provided in this paragraph. The sequence order shall be the same for each office on the ballot and for each precinct in the county voting in the election.

(2) The state commissioner shall compile a list of each county in the state in alphabetical order and assign a number to each county such that the first county listed is number one, the second county listed is number two, and continuing in descending order in the same manner. The commissioner shall put in alphabetical order the top two political parties receiving the highest votes from the most recent election.

(3) The commissioner of each county assigned an even number pursuant to subparagraph (2) shall arrange the ballot as follows:

(a) The candidates of the first political party by alphabetical order pursuant to subparagraph (2) shall appear first on the ballot for the first general election at which the president of the United States is to be elected following the effective date of this Act and second on the ballot for the first general election at which the governor will be elected

following the effective date of this Act and second on the ballot for the second general election at which the president of the United States is to be elected following the effective date of this Act and first on the ballot for the second general election at which the governor will be elected following the effective date of this Act, and thereafter alternating with the candidates of the second political party by alphabetical order pursuant to subparagraph (2).

(b) The candidates of the second political party by alphabetical order pursuant to subparagraph (2) shall appear second on the ballot for the first general election at which the president of the United States is to be elected following the effective date of this Act and first on the ballot for the first general election at which the governor will be elected following the effective date of this Act and first on the ballot for the second general election at which the president of the United States is to be elected following the effective date of this Act and second on the ballot for the second general election at which the governor will be elected following the effective date of this Act, and thereafter alternating with the candidates of the first political party by alphabetical order pursuant to subparagraph (2).

(4) The commissioner of each county assigned an odd number pursuant to subparagraph (2) shall arrange the ballot as follows:

(a) The candidates of the second political party by alphabetical order pursuant to subparagraph (2) shall appear first on the ballot for the first general election at which the president of the United States is to be elected following the effective date of this Act and second on the ballot for the first general election at which the governor will be elected following the effective date of this Act and second on the ballot for the second general election at which the president of the United States is to be elected following the effective date of this Act and first on the ballot for the second general election at which the governor will be elected following the effective date of this Act, and thereafter alternating with the candidates of the first political party by alphabetical order pursuant to subparagraph (2).

(b) The candidates of the first political party by alphabetical order pursuant to subparagraph (2) shall appear second on the ballot for the first general election at which the president of the United States is to be elected following the effective date of this Act and first on the ballot for the first general election at which the governor will be elected following the effective date of this Act and first on the ballot for the second general election at which the president of the United States is to be elected following the effective date of this Act and second on the ballot for the second general election at which the governor will be elected following the effective date of this Act, and thereafter alternating with the candidates of the second political party by alphabetical order pursuant to subparagraph (2).

(c) The commissioner shall determine the order of candidates of nonparty political organizations on the ballot. The order shall be the same for each office on the ballot and for each precinct in the county voting in the election.

Sec. 49. Section 49.31, subsection 2, paragraph b, Code 2019, is amended to read as follows:

b. The Notwithstanding any provision of subsection 1, paragraph "b", to the contrary, the commissioner shall then arrange the surnames of each political party's candidates for each office to which two or more persons are to be elected at large alphabetically for the respective offices for the first precinct on the list; thereafter, for each political party and for each succeeding precinct, the names appearing first for the respective offices in the last preceding precinct shall be placed last, so that the names that were second before the change shall be first after the change. The commissioner may also rotate the names of candidates of a political party in the reverse order of that provided in this subsection or alternate the rotation so that the candidates of different parties shall not be paired as they proceed through the rotation. The procedure for arrangement of names on ballots provided in this section shall likewise be substantially followed in elections in political subdivisions of less than a county.

DIVISION VI  
MUNICIPAL ELECTIONS

Sec. 50. Section 44.9, subsection 3, Code 2019, is amended to read as follows:

3. In the office of the proper school board secretary, at least ~~thirty-five~~ forty-two days before the day of a regularly scheduled school election.

Sec. 51. Section 50.48, subsection 7, Code 2019, is amended to read as follows:

7. If the election is ~~an election held by a city which is not the final election for the office in question~~ a city primary election held pursuant to section 376.7, the recount shall progress according to the times provided by this subsection. If this subsection applies the canvass shall be held by the second day after the election, the request for a recount must be made by the third day after the election, the board shall convene to conduct the recount by the sixth day after the election, and the report shall be filed by the ~~eleventh~~ eighth day after the election.

Sec. 52. Section 50.48, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 8. When a city council has chosen a runoff election pursuant to section 376.9, the recount shall progress according to the times provided by this subsection. If this subsection applies, the canvass shall be conducted pursuant to section 50.24. The request for a recount must be made by the day after the canvass, and the board shall convene for the first time not later than the first Friday following the canvass. The report shall be filed not later than the fourteenth day after the election.

Sec. 53. Section 260C.12, subsection 1, as amended by 2017 Iowa Acts, chapter 155, section 2, is amended to read as follows:

1. The board of directors of the merged area shall organize at the first regular meeting following the regular school election or at a special meeting called by the secretary of the board to organize the board in advance of the first regular meeting ~~following the regular school election after the canvass for the regular school election~~. Organization of the board shall be effected by the election of a president and other officers from the board membership as board members determine. The board of directors shall appoint a secretary and a treasurer who shall each give bond as prescribed in section 291.2 and who shall each receive the salary determined by the board. The secretary and treasurer shall perform duties under chapter 291 and additional duties the board of directors deems necessary. However, the board may appoint one person to serve as the secretary and treasurer. If one person serves as the secretary and treasurer, only one bond is necessary for that person. The frequency of meetings other than organizational meetings shall be as determined by the board of directors but the president or a majority of the members may call a special meeting at any time.

Sec. 54. Section 260C.15, subsection 5, as amended by 2017 Iowa Acts, chapter 155, section 4, is amended to read as follows:

5. The votes cast in the election shall be canvassed and abstracts of the votes cast shall be certified as required by section 277.20. In each county whose commissioner of elections is responsible under section 47.2 for conducting elections held for a merged area, the county board of supervisors shall convene ~~on the last Monday in November or at the last regular board meeting in November~~, on the second Monday or Tuesday after the day of the election to canvass the abstracts of votes cast and declare the results of the voting. The commissioner shall at once issue certificates of election to each person declared elected, and shall certify to the merged area board in substantially the manner prescribed by section 50.27 the result of the voting on any public question submitted to the voters of the merged area. Members elected to the board of directors of a merged area shall qualify by taking the oath of office prescribed in section 277.28.

Sec. 55. Section 277.4, subsection 3, Code 2019, is amended to read as follows:

3. The secretary of the school board shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The secretary of the school board shall note upon each petition and affidavit accepted for filing the date and time that the petition was filed. The secretary of the school board shall deliver all nomination

petitions, together with the complete text of any public measure being submitted by the board to the electorate, to the county commissioner of elections on the day following the last day on which nomination petitions can be filed, and not later than ~~5:00 p.m.~~ 12:00 noon on that day.

Sec. 56. Section 279.1, subsection 1, Code 2019, is amended to read as follows:

1. The board of directors of each school corporation shall meet and organize at the first regular meeting or at a special meeting called by the secretary of the board to organize the board in advance of the first regular meeting after the canvass for the regular school election at some suitable place to be designated by the secretary. Notice of the place and hour of the meeting shall be given by the secretary to each member and member-elect of the board.

Sec. 57. Section 279.7, subsection 3, Code 2019, is amended to read as follows:

3. In the case of a special election as provided in this section to fill a vacancy occurring among the elective officers or members of a school board before the expiration of a full term, the person so elected shall qualify within ten days ~~thereafter~~ from the final canvass of the election by the county board in the manner required by section 277.28 and shall hold office for the residue of the unexpired term and until a successor is elected, or appointed, and qualified.

Sec. 58. Section 376.5, Code 2019, is amended to read as follows:

**376.5 Publication of ballot.**

Notice containing a copy of the ballot for each regular, special, primary, or runoff city election must be published by the county commissioner of elections as provided in section 362.3, except that notice of a regular, primary, or runoff election may be published not less than four days before the date of the election. The published ~~ballot~~ notice must contain the names of all candidates, and may not contain any party designations. The published ~~ballot~~ notice must contain any question to be submitted to the voters.

Sec. 59. Section 376.7, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If the city holding a primary election is located in more than one county, the controlling commissioner for that city under section 47.2, subsection 2, shall conduct a second canvass on the first Monday or Tuesday after the day of the election. However, if a recount is requested pursuant to section 50.48, the controlling commissioner shall conduct the second canvass within two business days after the conclusion of the recount proceeding. Each commissioner conducting a canvass for the city pursuant to section 50.24, subsection 1, shall transmit abstracts for the offices of that city to the controlling commissioner for that city, along with individual tallies for each write-in candidate. At the second canvass, the county board of supervisors of the county of the controlling commissioner shall canvass the abstracts received pursuant to this subsection and shall prepare a combined city abstract stating the number of votes cast in the city for each office. The combined city abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person received for that office. The votes of all write-in candidates who each received less than five percent of the total votes cast in the city for an office shall be reported collectively under the heading "scattering".

Sec. 60. Section 376.9, subsection 1, Code 2019, is amended to read as follows:

1. A runoff election may be held only for positions unfilled because of failure of a sufficient number of candidates to receive a majority vote in the regular city election. When a council has chosen a runoff election in lieu of a primary, the county board of supervisors shall publicly canvass the tally lists of the vote cast in the regular city election, following the procedures prescribed in section 50.24, ~~at a meeting to be held on the second day following the regular city election, and beginning no earlier than 1:00 p.m. on that day.~~ Candidates who do not receive a majority of the votes cast for an office, but who receive the highest number of votes cast for that office in the regular city election, to the extent of twice the number of unfilled positions, are candidates in the runoff election.

Sec. 61. 2017 Iowa Acts, chapter 155, section 45, is amended to read as follows:

SEC. 45. TERM OF OFFICE — TRANSITION PROVISIONS.

1. Notwithstanding the provisions of section 260C.11 designating a term of four years for members of a board of directors of a merged area, the term of office for a seat on a board of directors filled at the regular school election held on:

a. September 8, 2015, shall expire ~~November 5, 2019~~ upon the board's organizational meeting held pursuant to section 260C.12, subsection 1.

b. September 12, 2017, shall expire ~~November 2, 2021~~ upon the board's organizational meeting held pursuant to section 260C.12, subsection 1.

2. Notwithstanding the provisions of section 273.8, subsection 1, designating a term of four years for members of a board of directors of an area education agency, the term of office for a seat on a board of directors filled by election in:

a. September 2015 shall expire November 30, 2019.

b. September 2017 shall expire November 30, 2021.

3. Notwithstanding the provisions of section 274.7 designating a term of four years for members of a board of directors of a school district, the term of office for a seat on a board of directors filled at the regular school election held on:

a. September 8, 2015, shall expire ~~November 5, 2019~~ upon the board's organizational meeting held pursuant to section 279.1.

b. September 12, 2017, shall expire ~~November 2, 2021~~ upon the board's organizational meeting held pursuant to section 279.1.

#### DIVISION VII ABSENTEE BALLOT COUNTING

Sec. 62. Section 49.128, subsection 3, Code 2019, is amended to read as follows:

3. The commissioner shall file a copy of ~~the a certification or report~~ under this section with the state commissioner.

Sec. 63. Section 49.128, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The commissioner shall place on file in the commissioner's office a report, and shall file a copy of the report with the state commissioner, regarding absentee ballot tracking and counting no later than December 1 following each general election. The report shall be in a form prescribed by the state commissioner.

Sec. 64. Section 53.17, subsection 1, paragraph b, Code 2019, is amended to read as follows:

b. The sealed return envelope may be mailed to the commissioner by the registered voter or by the voter's designee. If mailed by the voter's designee, the envelope must be mailed within seventy-two hours of retrieving it from the voter or within time to be postmarked or, if applicable, to have the ~~intelligent mail~~ postal service barcode traced to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, whichever is earlier.

Sec. 65. Section 53.17, subsection 2, Code 2019, is amended to read as follows:

2. In order for the ballot to be counted, the return envelope must be received in the commissioner's office before the polls close on election day or be clearly postmarked by an officially authorized postal service or bear an ~~intelligent mail~~ a postal service barcode traceable to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, and received by the commissioner not later than noon on the Monday following the election.

Sec. 66. Section 53.17, subsection 4, paragraph f, Code 2019, is amended to read as follows:

f. A statement that the completed absentee ballot will be delivered to the commissioner's office within seventy-two hours of retrieving it from the voter or before the closing of the polls on election day, whichever is earlier, or that the completed absentee ballot will be mailed to the commissioner within seventy-two hours of retrieving it from the voter or within time to be postmarked or, if applicable, to have the ~~intelligent mail~~ postal service barcode traced



to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, whichever is earlier.

Sec. 67. **NEW SECTION. 53.17A Absentee ballot tracking.**

1. For the purposes of this chapter:

a. “*Postal service barcode*” means a barcode purchased by the sender and supplied by the United States postal service that is used to sort and track letters and flat packages and is printed on an absentee ballot return envelope at the direction of the commissioner before the envelope is sent to the voter.

b. “*Tracking information database*” means a database administered by the United States postal service that is accessible to the commissioner and contains information regarding letters or flat packages.

2. a. Prior to implementing for the first time, discontinuing the usage of, or reimplementing the usage of a postal service barcode and tracking information, the commissioner shall send notice to the state commissioner prior to October 1, 2020, for an election taking place in 2020 after that date, and by October 1 of each year thereafter.

b. The commissioner shall not implement or discontinue the use of a postal service barcode or tracking information database during an election after an absentee ballot has been mailed for that election pursuant to section 53.8.

c. The state commissioner shall adopt rules regarding the statewide implementation of a postal service barcode and tracking information database, including procedures to be followed when usage of a postal service barcode or the tracking information database is negatively impacted. Each commissioner shall use a postal service barcode and tracking information database consistent with rules of the state commissioner. Every commissioner shall send notice to the state commissioner and implement the use of a postal service barcode and tracking information database prior to October 1, 2020.

3. a. An absentee ballot received after the polls close on election day but prior to the official canvass shall be counted if the commissioner determines that the ballot entered the federal mail system by the deadline specified in section 53.17 or 53.22. The date of entry of such an absentee ballot into the federal mail system shall only be verified as provided in paragraph “b”.

b. (1) If the postmark indicates that the absentee ballot entered the federal mail system by the deadline specified in section 53.17 or 53.22, the ballot shall be included for canvass by the absentee and special voters precinct board.

(2) If the postmark is illegible, missing, or dated on or after election day, the commissioner shall attempt to verify the ballot’s date of entry into the federal mail system by querying the postal service barcode in the tracking information database. If the tracking information database indicates that the absentee ballot entered the federal mail system by the deadline specified in section 53.17 or 53.22, the ballot shall be included for canvass by the absentee and special voters precinct board. The commissioner shall provide a report to the absentee and special voters precinct board regarding the information available in the tracking information database.

(3) If there is a discrepancy between the date indicated by the postmark and the postal service barcode, the earlier of the two shall determine the date of entry of the absentee ballot into the federal mail system.

(4) (a) If neither the postmark nor the postal service barcode indicates that the absentee ballot entered the federal mail system by the deadline specified in section 53.17 or 53.22, the absentee ballot shall be sent to the absentee and special voters precinct board pursuant to subparagraph division (b) with the numeric value assigned to the postal service barcode and a full report from the tracking information database.

(b) Up to five absentee and special voters precinct board members from each political party for partisan elections, or any two members of the board for nonpartisan elections, shall review the postal service barcode and tracking database information report of each absentee ballot submitted pursuant to subparagraph division (a) and certify that the tracking information database report corresponds to the absentee ballot by initialing the report and the absentee ballot envelope. If the board concludes that the postal service barcode and tracking information database report verify that the absentee ballot entered the federal mail system

by the deadline specified in section 53.17 or 53.22, the ballot shall be counted. Otherwise, the ballot shall not be counted.

Sec. 68. Section 53.22, subsection 6, paragraph b, Code 2019, is amended to read as follows:

b. Absentee ballots voted under this subsection shall be delivered to the commissioner no later than the time the polls are closed on election day. If the ballot is returned by mail the return envelope must be received by the time the polls close, or be clearly postmarked by an officially authorized postal service or bear ~~an intelligent mail~~ a postal service barcode traceable to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, and received by the commissioner no later than the time established for the canvass by the board of supervisors for that election.

Approved May 16, 2019

## CHAPTER 149

### POSTCONVICTION DNA PROFILING

H.F. 734

**AN ACT** relating to postconviction DNA profiling procedure.

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

Section 1. Section 81.1, Code 2019, is amended to read as follows:

#### **81.1 Definitions.**

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

1. “*Aggravated misdemeanor*” means an offense classified as an aggravated misdemeanor committed by a person eighteen years of age or older on or after July 1, 2014, other than any of the following offenses:

a. A violation of chapter 321.

b. A second offense violation of section 321J.2, unless the person has more than one previous revocation as determined pursuant to section 321J.2, subsection 8, within the twelve-year period immediately preceding the commission of the offense in question.

c. A violation of chapter 716B.

d. A violation of chapter 717A.

e. A violation of section 725.7.

2. “*DNA*” means deoxyribonucleic acid.

3. “*DNA data bank*” means the repository for DNA samples obtained pursuant to section 81.4.

4. “*DNA database*” means the collection of DNA profiles and DNA records.

5. “*DNA profile*” means the objective form of the results of DNA analysis performed on a forensic sample or an individual’s DNA sample. The results of all DNA identification analysis on an individual’s DNA sample are also collectively referred to as the DNA profile of an individual. “*DNA profile*” also means the objective form of the results of DNA analysis performed on a forensic sample.

6. “*DNA profiling*” means the procedure ~~established by the division of criminal investigation, department of public safety, for determining a person’s genetic identity or for testing a forensic sample, including analysis that might not result in the establishment of a complete DNA profile.~~

7. “*DNA record*” means the DNA sample and DNA profile, and other records in the DNA database and DNA data bank used to identify a person.

8. “*DNA sample*” means a biological sample provided by any person required to submit a DNA sample or a DNA sample submitted for any other purpose under section 81.4.

9. “Forensic sample” means an evidentiary item that potentially contains DNA relevant to a crime.

10. “Keyboard search” means a keyboard search as defined in the national DNA index system operational procedures manual.

11. “National DNA index system” means a national, searchable DNA database created and maintained by the federal bureau of investigation where DNA profiles are stored and searched at a local, state, or national level.

9. 12. “Person required to submit a DNA sample” means a person convicted, adjudicated delinquent, receiving a deferred judgment, or found not guilty by reason of insanity of an offense requiring DNA profiling pursuant to section 81.2. “Person required to submit a DNA sample” also means a person determined to be a sexually violent predator pursuant to section 229A.7.

13. “State DNA index system” means a state searchable DNA database created and maintained by the department of public safety where DNA profiles are stored and searched at the state level.

Sec. 2. Section 81.10, Code 2019, is amended to read as follows:

**81.10 Application requirements for DNA profiling after conviction.**

1. A defendant who has been convicted of a felony or aggravated misdemeanor ~~and who has not been required to submit a DNA sample for DNA profiling~~ may make ~~a motion~~ an application to the court for an order to require that DNA ~~analysis~~ profiling be performed on ~~evidence~~ a forensic sample collected in the case for which the person stands convicted.

2. The ~~motion~~ application shall state the following:

a. The specific crimes for which the defendant stands convicted in this case.

b. The facts of the underlying case, as proven at trial or admitted to during a guilty plea proceeding.

c. Whether any of the charges include sexual abuse or involve sexual assault, and if so, whether a sexual assault examination was conducted and ~~evidence~~ forensic samples were preserved, if known.

d. Whether identity was at issue or contested by the defendant.

e. Whether the defendant offered an alibi, and if so, testimony corroborating the alibi and, from whom.

f. Whether eyewitness testimony was offered, and if so from whom.

g. Whether any issues of police or prosecutor misconduct have been raised in the past or are being raised by the ~~motion~~ application.

h. The type of inculpatory evidence admitted into evidence at trial or admitted to during a guilty plea proceeding.

i. Whether blood testing or other biological evidence testing was conducted previously in connection with the case and, if so, by whom and the result, if known.

j. What biological evidence exists and, if known, the agency or laboratory storing the ~~evidence~~ forensic sample that the defendant seeks to have tested.

k. Why the requested ~~analysis of DNA evidence~~ DNA profiling of the forensic sample is material to the issue in the case and not merely cumulative or impeaching.

l. Why the DNA ~~evidence~~ profiling results would have changed the outcome of the trial or invalidated a guilty plea if the requested DNA profiling had been conducted prior to the conviction.

3. a. A ~~motion~~ proceeding for relief filed under this section shall be filed in the county where the defendant was convicted, ~~and~~. The proceeding is commenced by filing an application for relief with the district court in which the conviction took place, without paying a filing fee. The notice of the ~~motion~~ application shall be served by certified mail upon the county attorney and, if known, upon the state, local agency, or laboratory holding evidence described in subsection 2, paragraph “k”. The county attorney shall have sixty days to file an answer to the ~~motion~~ application.

b. The application shall be heard in, and before any judge or the court in which the defendant’s conviction or sentence took place. A record of the proceedings shall be made.

4. Any DNA profiling of the defendant or other biological evidence testing conducted by the state or by the defendant shall be disclosed and the results of such profiling or testing described in the motion application or answer.

5. If the evidence forensic sample requested to be tested was previously subjected to DNA or other biological analysis by either party, the court may order the disclosure of the results of such testing, including laboratory reports, notes, and underlying data, to the court and the parties.

6. The court may order a hearing on the motion application to determine if evidence the forensic sample should be subjected to DNA analysis profiling.

7. The court shall grant the motion if all of the following apply:

~~a. The evidence subject to DNA testing is available and in a condition that will permit analysis.~~

~~b. A sufficient chain of custody has been established for the evidence.~~

~~c. The identity of the person who committed the crime for which the defendant was convicted was a significant issue in the crime for which the defendant was convicted.~~

~~d. The evidence subject to DNA analysis is material to, and not merely cumulative or impeaching of, evidence included in the trial record or admitted to at a guilty plea proceeding.~~

~~e. DNA analysis of the evidence would raise a reasonable probability that the defendant would not have been convicted if DNA profiling had been available at the time of the conviction and had been conducted prior to the conviction.~~

8. Upon the court granting a motion filed pursuant to this section, DNA analysis of evidence shall be conducted within the guidelines generally accepted by the scientific community. The defendant shall provide DNA samples for testing if requested by the state.

9. Results of DNA analysis conducted pursuant to this section shall be reported to the parties and to the court and may be provided to the board of parole, department of corrections, and criminal and juvenile justice agencies, as defined in section 692.1, for use in the course of investigations and prosecutions, and for consideration in connection with requests for parole, pardon, reprieve, and commutation. DNA samples obtained pursuant to this section may be included in the DNA data bank, and DNA profiles and DNA records developed pursuant to this section may be included in the DNA database.

10. A criminal or juvenile justice agency, as defined in section 692.1, shall maintain DNA samples and evidence that could be tested for DNA for a period of three years beyond the limitations for the commencement of criminal actions as set forth in chapter 802. This section does not create a cause of action for damages or a presumption of spoliation in the event evidence is no longer available for testing.

11. If the court determines a defendant who files a motion under this section is indigent, the defendant shall be entitled to appointment of counsel as provided in chapter 815.

12. If the court determines after DNA analysis ordered pursuant to this section that the results indicate conclusively that the DNA profile of the defendant matches the profile from the analyzed evidence used against the defendant, the court may order the defendant to pay the costs of these proceedings, including costs of all testing, court costs, and costs of court-appointed counsel, if any.

### Sec. 3. NEW SECTION. 81.11 Application for DNA profiling.

1. The court shall grant an application for DNA profiling if all of the following apply:

a. The forensic sample subject to DNA profiling is available and either DNA profiling has not been performed on the forensic sample or DNA profiling has been previously performed on the forensic sample and the defendant is requesting DNA profiling using a new method or technology that is substantially more probative than the DNA profiling previously performed.

b. A sufficient chain of custody has been established for the forensic sample.

c. The identity of the person who committed the crime for which the defendant was convicted was a significant issue in the crime for which the defendant was convicted.

d. The forensic sample subject to DNA profiling is material to, and not merely cumulative or impeaching of, evidence included in the trial record or admitted to at a guilty plea proceeding.

e. The DNA profiling results would raise a reasonable probability that the defendant would not have been convicted if such results had been introduced at trial.

2. Upon the court granting an application filed pursuant to this section, DNA profiling of a forensic sample shall be conducted within the guidelines generally accepted by the scientific community if the testing type or resulting profile is not eligible to be uploaded or searched in the national DNA index system database. The defendant shall provide DNA samples for testing if requested by the state.

**Sec. 4. NEW SECTION. 81.12 When DNA database comparisons may be ordered.**

1. If DNA profiling ordered under section 81.11 produces an unidentified DNA profile, after notice to the parties, including the department of public safety, the court may order the department of public safety to do any of the following:

a. Compare the DNA profile to the national DNA index system. The profile shall only be compared to the national DNA index system if the combined DNA index system administrator determines all of the following:

(1) The forensic sample is collected contemporaneously from the crime scene, has a nexus to the crime scene, is probative, and is suitable for analysis.

(2) The DNA profile was generated through a technology that complies with all requirements in the national DNA index system operational procedures manual.

(3) The DNA profile meets all the requirements in the national DNA index system operational procedures manual for either uploading the profile or conducting a keyboard search.

b. Compare the DNA profile to the state DNA index system if the profile meets all applicable state requirements.

2. If any provision of a court order under this section results in a violation of federal law, the federal bureau of investigation's national DNA index system operational procedures manual, or the memorandum of understanding between the federal bureau of investigation laboratory division and the Iowa division of criminal investigation criminalistics laboratory for participation in the national DNA index system, that portion of the order shall be considered unenforceable. The remaining provisions of the order shall remain in effect.

**Sec. 5. NEW SECTION. 81.13 Additional DNA profiling provisions.**

1. The results of DNA profiling conducted pursuant to this section shall be provided to the court, the defendant, the state, and the federal bureau of investigation. DNA samples obtained pursuant to this section may be included in the DNA data bank, and DNA profiles and DNA records developed pursuant to this section may be included in the DNA database.

2. A criminal or juvenile justice agency, as defined in section 692.1, shall maintain DNA samples and forensic samples that could be tested for DNA for a period of three years beyond the limitations for the commencement of criminal actions as set forth in chapter 802. This section does not create a cause of action for damages or a presumption of spoliation in the event a forensic sample is no longer available for testing.

3. If the court determines a defendant who files an application under this section is indigent, the defendant shall be entitled to appointment of counsel as provided in chapter 815.

4. If the court determines after DNA profiling ordered pursuant to the application filed under section 81.10 that the results indicate conclusively that the DNA profile of the defendant matches the profile from the analyzed evidence used against the defendant, the court may order the defendant to pay the costs of these proceedings, including costs of all testing, court costs, and costs of court-appointed counsel, if any.

**Sec. 6. NEW SECTION. 81.14 Compliance with applicable laws.**

A court shall not enter an order under this chapter that would result in a violation of state or federal law or loss of access to a federal system or database.

Sec. 7. Section 822.2, subsection 1, Code 2019, is amended by adding the following new paragraph:

**NEW PARAGRAPH.** *h.* The results of DNA profiling ordered pursuant to an application filed under section 81.10 would have changed the outcome of the trial or void the factual basis of a guilty plea had the profiling been conducted prior to the conviction.

Sec. 8. Section 822.3, Code 2019, is amended to read as follows:

**822.3 How to commence proceeding — limitation.**

A proceeding is commenced by filing an application verified by the applicant with the clerk of the district court in which the conviction or sentence took place. However, if the applicant is seeking relief under section 822.2, subsection 1, paragraph “f”, the application shall be filed with the clerk of the district court of the county in which the applicant is being confined within ninety days from the date the disciplinary decision is final. All other applications must be filed within three years from the date the conviction or decision is final or, in the event of an appeal, from the date the writ of procedendo is issued. However, this limitation does not apply to a ground of fact or law that could not have been raised within the applicable time period. For purposes of this section, a ground of fact includes the results of DNA profiling ordered pursuant to an application filed under section 81.10. Facts within the personal knowledge of the applicant and the authenticity of all documents and exhibits included in or attached to the application must be sworn to affirmatively as true and correct. The supreme court may prescribe the form of the application and verification. The clerk shall docket the application upon its receipt and promptly bring it to the attention of the court and deliver a copy to the county attorney and the attorney general.

Approved May 16, 2019

## CHAPTER 150

### CITY GENERAL OBLIGATION BONDS — FLOOD MITIGATION PROJECTS

*H.F. 741*

**AN ACT** relating to the property tax levy for the payment of general obligation bonds issued by cities for certain flood-related purposes and including applicability provisions.

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

Section 1. Section 76.1, subsection 2, paragraph b, Code 2019, is amended to read as follows:

b. General obligation bonds issued for any of the following purposes may mature and be retired in a period not exceeding thirty years from date of issue:

(1) Purposes specified in section 331.441, subsection 2, paragraph “b”, subparagraphs (18) and (19), or;

(2) Purposes specified in section 384.24, subsection 3, paragraphs “w” and “x”, and bonds.

(3) Purposes specified in section 384.24, subsection 3, paragraph “i”, if the bonds are issued in conjunction with a project approved by the flood mitigation board under chapter 418 and if the estimated useful life of the project, independently determined by a licensed professional engineer, is at least two hundred percent of the maturity and retirement period for the bonds.

(4) Bonds issued to refund or refinance bonds issued for those the purposes, may mature and be retired in a period not exceeding thirty years from date of issue specified in subparagraph (1), (2), or (3).

Sec. 2. **APPLICABILITY.** This Act applies to bonds issued before, on, or after the effective date of this Act.

Approved May 16, 2019

**CHAPTER 151****MOTOR VEHICLE TAXES AND FEES — ELECTRIC VEHICLE REGISTRATION FEES —  
ELECTRIC AND HYDROGEN FUEL EXCISE TAXES***H.F. 767*

**AN ACT** relating to motor vehicle taxes and fees, including registration fees for certain electric vehicles, an excise tax on hydrogen used as special fuel, and an excise tax on electricity used as electric fuel, providing penalties, making penalties applicable, and including effective date provisions.

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

**DIVISION I  
REGISTRATION FEES FOR ELECTRIC VEHICLES****Section 1. NEW SECTION. 321.116 Battery electric and plug-in hybrid electric motor vehicle fees.**

1. For each battery electric motor vehicle subject to an annual registration fee under section 321.109, subsection 1, paragraph “a”, and operated on the public highways of this state, the owner shall pay an annual battery electric motor vehicle registration fee, which shall be in addition to the annual registration fee imposed for the vehicle under section 321.109, subsection 1, paragraph “a”. For purposes of this subsection, “*battery electric motor vehicle*” means a motor vehicle equipped with electrical drivetrain components and not equipped with an internal combustion engine, that is propelled exclusively by one or more electrical motors using electrical energy stored in a battery or other energy storage device that can be recharged by plugging into an electrical outlet or electric vehicle charging station. The amount of the fee shall be as follows:

a. For the period beginning January 1, 2020, and ending December 31, 2020, sixty-five dollars.

b. For the period beginning January 1, 2021, and ending December 31, 2021, ninety-seven dollars and fifty cents.

c. On or after January 1, 2022, one hundred thirty dollars.

2. For each plug-in hybrid electric motor vehicle subject to an annual registration fee under section 321.109, subsection 1, paragraph “a”, and operated on the public highways of this state, the owner shall pay an annual plug-in hybrid electric motor vehicle registration fee, which shall be in addition to the annual registration fee imposed for the vehicle under section 321.109, subsection 1, paragraph “a”. For purposes of this subsection, “*plug-in hybrid electric motor vehicle*” means a motor vehicle equipped with electrical drivetrain components, an internal combustion engine, and a battery or other energy storage device that can be recharged by plugging into an electrical outlet or electric vehicle charging station. The amount of the fee shall be as follows:

a. For the period beginning January 1, 2020, and ending December 31, 2020, thirty-two dollars and fifty cents.

b. For the period beginning January 1, 2021, and ending December 31, 2021, forty-eight dollars and seventy-five cents.

c. On or after January 1, 2022, sixty-five dollars.

Sec. 2. Section 321.117, Code 2019, is amended to read as follows:

**321.117 Motorcycle, autocycle, ambulance, and hearse fees.**

1. For all motorcycles and autocycles the annual registration fee shall be twenty dollars. For all motorized bicycles the annual registration fee shall be seven dollars. When the motorcycle or autocycle is more than five model years old, the annual registration fee shall be ten dollars. The annual registration fee for ambulances and hearses shall be fifty dollars. Passenger car plates shall be issued for ambulances and hearses.

2. In addition to the fee required for a motorcycle under subsection 1, the owner of a motorcycle that is a battery electric motor vehicle or plug-in hybrid electric motor vehicle,

as those terms are defined in section 321.116, shall pay an annual electric motorcycle registration fee. The amount of the fee shall be as follows:

a. For the period beginning January 1, 2020, and ending December 31, 2020, four dollars and fifty cents.

b. For the period beginning January 1, 2021, and ending December 31, 2021, six dollars and seventy-five cents.

c. On or after January 1, 2022, nine dollars.

Sec. 3. EFFECTIVE DATE. This division of this Act takes effect January 1, 2020.

## DIVISION II HYDROGEN FUEL EXCISE TAX

Sec. 4. Section 452A.2, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 20A. “Fuel supply tank”, with respect to motor vehicles that use hydrogen as a special fuel, means a motor vehicle’s hydrogen fuel cells.

Sec. 5. Section 452A.2, subsection 21, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. “Gallon”, with respect to hydrogen, means a diesel gallon equivalent. A diesel gallon equivalent of hydrogen is two and forty-nine hundredths pounds.

Sec. 6. Section 452A.2, subsections 25, 26, 39, and 45, Code 2019, are amended to read as follows:

25. “Licensed compressed natural gas, liquefied natural gas, ~~and liquefied petroleum gas,~~ and hydrogen dealer” means a person in the business of handling untaxed compressed natural gas, liquefied natural gas, ~~or liquefied petroleum gas,~~ or hydrogen who delivers any part of the fuel into a fuel supply tank of any motor vehicle.

26. “Licensed compressed natural gas, liquefied natural gas, ~~and liquefied petroleum gas,~~ and hydrogen user” means a person licensed by the department who dispenses compressed natural gas, liquefied natural gas, ~~or liquefied petroleum gas,~~ or hydrogen, upon which the special fuel tax has not been previously paid, for highway use from fuel sources owned and controlled by the person into the fuel supply tank of a motor vehicle, or commercial vehicle owned or controlled by the person.

39. “Special fuel” means fuel oils and all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles or turbine-powered aircraft, and includes any substance used for that purpose, except that it does not include motor fuel. Kerosene shall not be considered to be a special fuel, unless blended with other special fuels for use in a motor vehicle with a diesel engine. Methanol shall not be considered to be a special fuel unless blended with other special fuels for use in a motor vehicle with a diesel engine. Hydrogen shall be considered to be a special fuel when used or intended for use in combination with oxygen to generate electricity for propulsion of a motor vehicle.

45. “Use”, with respect to liquefied petroleum gas, means the receipt, delivery, or placing of liquefied petroleum gas by a licensed liquefied petroleum gas user into a fuel supply tank of a motor vehicle while the vehicle is in the state, ~~except that with.~~ With respect to natural gas used as a special fuel, “use” means the receipt, delivery, or placing of the natural gas into equipment for compressing the gas for subsequent delivery into the fuel supply tank of a motor vehicle while the vehicle is in the state. With respect to hydrogen used as a special fuel, “use” means the receipt, delivery, or placing of hydrogen by a licensed hydrogen user into a fuel supply tank of a motor vehicle while the vehicle is in the state.

Sec. 7. Section 452A.3, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 9A. For hydrogen used as a special fuel, the rate of tax is sixty-five cents per gallon.



Sec. 8. Section 452A.4, subsection 1, paragraph d, Code 2019, is amended to read as follows:

d. A dealer's or user's license shall be required for each separate place of business or location where compressed natural gas, liquefied natural gas, ~~or liquefied petroleum gas,~~ or hydrogen is delivered or placed into the fuel supply tank of a motor vehicle.

Sec. 9. Section 452A.8, subsection 2, paragraph e, subparagraphs (1), (2), and (3), Code 2019, are amended to read as follows:

(1) For purposes of this paragraph "e", "dealer" or "user" means a licensed compressed natural gas, liquefied natural gas, ~~and liquefied petroleum gas,~~ and hydrogen dealer or user and "fuel" means compressed natural gas, liquefied natural gas, ~~or liquefied petroleum gas,~~ or hydrogen.

(2) The tax for compressed natural gas, liquefied natural gas, ~~and liquefied petroleum gas,~~ and hydrogen delivered by a licensed dealer for use in this state shall attach at the time of the delivery and shall be collected by the dealer from the purchaser and paid to the department as provided in this chapter. The tax, with respect to compressed natural gas, liquefied natural gas, ~~and liquefied petroleum gas,~~ and hydrogen acquired by a purchaser in any manner other than by delivery by a licensed dealer into a fuel supply tank of a motor vehicle, attaches at the time of the use of the fuel and shall be paid over to the department by the purchaser as provided in this chapter.

(3) The department shall adopt rules governing the dispensing of compressed natural gas, liquefied natural gas, ~~and liquefied petroleum gas,~~ and hydrogen by licensed dealers and licensed users. The director may require by rule that reports and returns be filed by electronic transmission. The department shall require that all pumps located at dealer locations and user locations through which liquefied petroleum gas can be dispensed shall be metered, inspected, tested for accuracy, and sealed and licensed by the department of agriculture and land stewardship, and that fuel delivered into the fuel supply tank of any motor vehicle shall be dispensed only through tested metered pumps and may be sold without temperature correction or corrected to a temperature of 60 degrees Fahrenheit. If the metered gallonage is to be temperature-corrected, only a temperature-compensated meter shall be used. Natural gas used as fuel shall be delivered into compressing equipment through sealed meters certified for accuracy by the department of agriculture and land stewardship. Hydrogen used as fuel shall be delivered into the fuel supply tank of any motor vehicle through sealed meters certified for accuracy by the department of agriculture and land stewardship. The department of agriculture and land stewardship may adopt rules pursuant to chapter 17A relating to the certification and accuracy of meters used to deliver hydrogen.

Sec. 10. Section 452A.60, subsection 1, Code 2019, is amended to read as follows:

1. The department of revenue or the state department of transportation shall prescribe and furnish all forms, as applicable, upon which reports, returns, and applications shall be made and claims for refund presented under this chapter and may prescribe forms of record to be kept by suppliers, restrictive suppliers, importers, exporters, blenders, common carriers, contract carriers, licensed compressed natural gas, liquefied natural gas, ~~and liquefied petroleum gas,~~ and hydrogen dealers and users, terminal operators, nonterminal storage facility operations, and interstate commercial motor vehicle operators.

Sec. 11. Section 452A.62, subsection 1, paragraph a, subparagraph (2), Code 2019, is amended to read as follows:

(2) A licensed compressed natural gas, liquefied natural gas, ~~or liquefied petroleum gas,~~ or hydrogen dealer, user, or person supplying compressed natural gas, liquefied natural gas, ~~or liquefied petroleum gas,~~ or hydrogen to a licensed compressed natural gas, liquefied natural gas, ~~or liquefied petroleum gas,~~ or hydrogen dealer or user.

Sec. 12. Section 452A.62, subsection 1, paragraph b, Code 2019, is amended to read as follows:

b. To examine the records, books, papers, receipts, and invoices of any distributor, supplier, restrictive supplier, importer, blender, exporter, terminal operator, nonterminal storage facility, licensed compressed natural gas, liquefied natural gas, ~~or liquefied petroleum~~

gas, or hydrogen dealer or user, or any other person who possesses fuel upon which the tax has not been paid to determine financial responsibility for the payment of the taxes imposed by this chapter.

Sec. 13. Section 452A.74, subsection 1, paragraphs e and g, Code 2019, are amended to read as follows:

e. For any person to act as a supplier, restrictive supplier, importer, exporter, blender, or compressed natural gas, liquefied natural gas, or liquefied petroleum gas, or hydrogen dealer or user without the required license.

g. For any licensed compressed natural gas, liquefied natural gas, or liquefied petroleum gas, or hydrogen dealer or user to dispense compressed natural gas, liquefied natural gas, or liquefied petroleum gas, or hydrogen into the fuel supply tank of any motor vehicle without collecting the fuel tax.

Sec. 14. Section 452A.74, subsection 2, Code 2019, is amended to read as follows:

2. Any delivery of compressed natural gas, liquefied natural gas, or liquefied petroleum gas, or hydrogen to a compressed natural gas, liquefied natural gas, or liquefied petroleum gas, or hydrogen dealer or user for the purpose of evading the state tax on compressed natural gas, liquefied natural gas, or liquefied petroleum gas, or hydrogen, into facilities other than those licensed under this chapter knowing that the fuel will be used for highway use shall constitute a violation of this section. Any compressed natural gas, liquefied natural gas, or liquefied petroleum gas, or hydrogen dealer or user for purposes of evading the state tax on compressed natural gas, liquefied natural gas, or liquefied petroleum gas, or hydrogen, who allows a distributor to place compressed natural gas, liquefied natural gas, or liquefied petroleum gas, or hydrogen for highway use in facilities other than those licensed under this chapter, shall also be deemed in violation of this section.

Sec. 15. Section 452A.85, subsection 1, Code 2019, is amended to read as follows:

1. Persons having title to motor fuel, ethanol blended gasoline, undyed special fuel, compressed natural gas, liquefied natural gas, or liquefied petroleum gas, or hydrogen in storage and held for sale on the effective date of an increase in the excise tax rate imposed on motor fuel, ethanol blended gasoline, undyed special fuel, compressed natural gas, liquefied natural gas, or liquefied petroleum gas, or hydrogen under this chapter shall be subject to an inventory tax based upon the gallonage in storage as of the close of the business day preceding the effective date of the increased excise tax rate of motor fuel, ethanol blended gasoline, undyed special fuel, compressed natural gas, liquefied natural gas, or liquefied petroleum gas, or hydrogen which will be subject to the increased excise tax rate.

Sec. 16. Section 452A.86, Code 2019, is amended to read as follows:

**452A.86 Method of determining gallonage.**

The exclusive method of determining gallonage of any purchases or sales of motor fuel, undyed special fuel, or liquefied petroleum gas as defined in this chapter and distillate fuels shall be on a gross volume basis, except for compressed natural gas, and liquefied natural gas, and hydrogen. The exclusive method of determining gallonage of any purchases or sales of compressed natural gas is the gasoline gallon equivalent, as defined in section 452A.2, subsection 21. The exclusive method of determining gallonage of any purchase or sale of liquefied natural gas is the diesel gallon equivalent, as defined in section 452A.2, subsection 21. The exclusive method of determining gallonage of any purchases or sales of hydrogen is the diesel gallon equivalent, as defined in section 452A.2, subsection 21. A temperature-adjusted or other method shall not be used, except as it applies to liquefied petroleum gas and the sale or exchange of petroleum products between petroleum refiners. All invoices, bills of lading, or other records of sale or purchase and all returns or records required to be made, kept, and maintained by a supplier, restrictive supplier, importer, exporter, blender, or compressed natural gas, liquefied natural gas, or liquefied petroleum gas, or hydrogen dealer or user shall be made, kept, and maintained on the gross volume basis. For purposes of this section, “*distillate fuels*” means any fuel oil, gas oil, topped crude oil, or other petroleum oils derived by refining or processing crude oil or unfinished

oils which have a boiling range at atmospheric pressure which falls completely or in part between 550 and 1,200 degrees Fahrenheit.

Sec. 17. EFFECTIVE DATE. This division of this Act takes effect January 1, 2020.

DIVISION III  
ELECTRIC FUEL EXCISE TAX

Sec. 18. Section 312.2, subsection 9, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. From the excise tax on electric fuel imposed under the tax rate of section 452A.41, the amount of excise tax collected from fifteen hundredths of one cent per kilowatt hour.

Sec. 19. Section 312.2, subsection 10, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. From the excise tax on electric fuel imposed under the tax rate of section 452A.41, the amount of excise tax collected from two hundredths of one cent per kilowatt hour.

Sec. 20. Section 423.3, subsection 56, Code 2019, is amended to read as follows:

56. The sales price from the sale of motor fuel, and special fuel, and electric fuel consumed for highway use or in watercraft or aircraft where the fuel tax has been imposed and paid and no refund has been or will be allowed and the sales price from the sales of ethanol blended gasoline, as defined in section 214A.1.

Sec. 21. Section 423B.5, subsection 1, Code 2019, is amended to read as follows:

1. A local sales and services tax 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, or electric fuel, as those terms are 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 cities and unincorporated areas of the county where it is imposed, 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. 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.

Sec. 22. Section 423E.3, subsection 1, Code 2019, is amended to read as follows:

1. The 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, or electric fuel, as those terms are 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.

**Sec. 23. NEW SECTION. 452A.40 Definitions.**

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

1. “*Department*” means the department of revenue.
2. “*Electric fuel*” means electrical energy delivered or placed into the battery or other energy storage device of an electric motor vehicle from a source outside the motor vehicle for purposes of propelling the motor vehicle. “*Electric fuel*” shall be deemed motor vehicle fuel for purposes of Article VII, section 8, of the Constitution of the State of Iowa.
3. “*Electric motor vehicle*” means a motor vehicle equipped with electrical drivetrain components that has the ability to be propelled, fully or partially, by one or more electrical motors using electrical energy stored in a battery or other energy storage device that can be recharged by plugging into an electrical outlet or electric vehicle charging station.
4. “*Licensed electric fuel dealer*” means a person licensed by the department who owns an electric vehicle charging station that dispenses electric fuel, upon which the electric fuel tax has not been previously paid, for highway use into the battery or other energy storage device of an electric motor vehicle in this state at a location other than a residence.
5. “*Licensed electric fuel user*” means a person licensed by the department who dispenses electric fuel, upon which the electric fuel tax has not been previously paid, for highway use from a charging station owned and controlled by the person into the battery or other energy storage device of an electric motor vehicle owned or controlled by the person in this state at a location other than a residence.
6. “*Residence*” means the place where a person resides, permanently or temporarily.
7. “*Use*” means the receipt, delivery, or placing of electric fuel by a licensed electric fuel user into the battery or other energy storage device of an electric motor vehicle owned or controlled by the user in this state at a location other than a residence.

**Sec. 24. NEW SECTION. 452A.41 Levy and collection of excise tax on electric fuel.**

1. An excise tax of two and six-tenths cents is imposed on each kilowatt hour of electric fuel delivered or placed into the battery or other energy storage device of an electric motor vehicle at a location in this state other than a residence.
2. The tax for electric fuel delivered by a licensed electric fuel dealer for use in this state shall attach at the time of the delivery and shall be paid to the department by the licensed electric fuel dealer in a manner prescribed by the department. The tax for electric fuel used by a licensed electric fuel user shall attach at the time of the use of the fuel and shall be paid to the department by the licensed electric fuel user in a manner prescribed by the department.
3. The department shall adopt rules governing the dispensing of electric fuel by licensed dealers and users. The director may require by rule that reports and returns be filed by electronic transmission. The department may require by rule that all charging stations located at dealer and user locations through which electric fuel can be dispensed be tested for accuracy.
4.
  - a. For the purpose of determining the amount of liability for the electric fuel tax, each dealer and user shall file with the department not later than July 31 for the period beginning January 1 and ending June 30, and not later than January 30 for the period beginning July 1 and ending December 30, a biannual tax return certified under penalties for false certification. The return shall show, with reference to each location at which fuel is delivered or placed by the dealer or user into the battery or other energy storage device of any electric motor vehicle during the next preceding six calendar months, information as required by the department. On and after January 1, 2026, the department may require by rule that such tax returns be filed quarterly.
  - b. The amount of tax due shall be computed by multiplying the appropriate tax rate per kilowatt hour by the number of kilowatt hours of electric fuel delivered or placed by the dealer or user into the batteries or other energy storage devices of electric motor vehicles.
  - c. The return shall be accompanied by remittance in the amount of the tax due for the determination period in which the fuel was placed into the batteries or other energy storage devices of electric motor vehicles.

5. Moneys collected under this subchapter by a licensed electric fuel dealer or user are deemed to be held in trust for the state of Iowa.

6. This subchapter shall not be construed to require a public utility, as defined in section 476.1, to collect the excise tax on electric fuel or to install a separate electric utility meter or otherwise use utility equipment for purposes related to the excise tax on electric fuel, unless the public utility is a licensed electric fuel dealer or licensed electric fuel user.

**Sec. 25. NEW SECTION. 452A.42 Electric fuel dealer's and user's license.**

1. A person shall not sell or dispense electric fuel within this state at a location other than a residence or otherwise act as a licensed electric fuel dealer or user unless the person holds an uncanceled license issued by the department. The holder of an electric fuel dealer's license is authorized to sell and dispense electric fuel, measured in kilowatt hours, to consumers. The holder of an electric fuel user's license is authorized to dispense electric fuel, measured in kilowatt hours, into the batteries or other energy storage devices of electric motor vehicles owned or controlled by the holder.

2. To procure a license, a person shall file with the department an application signed under penalty for false certificate setting forth all of the following:

a. The name under which the licensee will transact business in this state.

b. The location, with street number address, of the principal office or place of business of the licensee within this state.

c. The name and complete residence address of the owner or the names and addresses of the partners, if the licensee is a partnership, or the names and addresses of the principal officers, if the licensee is a corporation or association.

3. A dealer's or user's license shall be required for each separate place of business or location, other than a residence, where electric fuel is delivered or placed into the battery or other energy storage device of an electric motor vehicle.

4. a. The department may deny the issuance of a license to an applicant who is substantially delinquent in the payment of a tax due, or the interest or penalty on the tax, administered by the department. If the applicant is a partnership, a license may be denied if a partner owes any delinquent tax, interest, or penalty. If the applicant is a corporation, a license may be denied if any officer having a substantial legal or equitable interest in the ownership of the corporation owes any delinquent tax, interest, or penalty of the applicant corporation.

b. The department may deny the issuance of a license if an application for a license to transact business as a dealer or user in this state is filed by a person whose license or registration has been canceled for cause at any time under the provisions of this chapter or any prior motor fuel tax law, if the department has reason to believe that the application is not filed in good faith, or if the application is filed by some person as a subterfuge for the real person in interest whose license or registration has been canceled for cause under the provisions of this chapter or any prior motor fuel tax law. The applicant shall be given fifteen days' notice in writing of the date of the hearing and shall have the right to appear in person or by counsel and present testimony.

5. a. The application in proper form having been accepted for filing, and the other conditions and requirements of this section and subchapter IV having been complied with, the department shall issue to the applicant a license to transact business as an electric fuel dealer or user in this state. The license shall remain in full force and effect until canceled as provided in this chapter.

b. The license shall not be assignable and shall be valid only for the licensee in whose name it is issued.

c. The department shall keep and file all applications and bonds and a record of all licensees.

**Sec. 26. NEW SECTION. 452A.43 Records.**

1. A licensed electric fuel dealer or user shall maintain, for a period of three years, records of all transactions by which the dealer or user dispenses electric fuel into the batteries or other energy storage devices of electric motor vehicles, including pertinent records and papers as required by the department.

2. If in the normal conduct of a dealer's or user's business the records are maintained and kept at an office outside this state, the records shall be made available for audit and examination by the department at the office outside this state, but the audit and examination shall be without expense to this state.

3. The department, after an audit and examination of records required to be maintained under this section, may authorize their disposal upon the written request of the dealer or user.

Sec. 27. NEW SECTION. 452A.44 Refunds.

1. A person who uses electric fuel for any of the nontaxable purposes set forth in section 452A.17, subsection 1, paragraph "a", for motor fuel and undyed special fuel, and who has paid the electric fuel tax either directly to the department or by having the tax added to the price of the fuel, and who has a refund permit, upon presentation to and approval by the department of a claim for refund, subject to the conditions set forth in section 452A.17, subsection 1, paragraph "b", shall be reimbursed and repaid the amount of the tax which the claimant has paid on the kilowatt hours so used, except that the amount of a refund payable may be applied by the department against any tax liability outstanding on the books of the department against the claimant. Refunds under this section are subject to the limitations and requirements set forth in section 452A.17, subsection 3, for motor fuel and undyed special fuel refunds.

2. A person shall not claim a refund under this section until the person has obtained a refund permit meeting the requirements of section 452A.18 from the department. The department may revoke a refund permit pursuant to section 452A.19.

3. Tax collected on electric fuel that is not taxable, or tax collected in excess of the actual amount of tax due, is subject to section 452A.22.

Sec. 28. Section 452A.52, Code 2019, is amended to read as follows:

**452A.52 Fuels imported in supply tanks of motor vehicles — applicability.**

1. a. No A person shall not bring into this state in the fuel supply tanks of a commercial motor vehicle, or any other container, regardless of whether or not the supply tanks are connected to the motor of the vehicle, any motor fuel or special fuel to be used in the operation of the vehicle in this state unless that person has paid or made arrangements in advance with the state department of transportation for payment of Iowa fuel taxes on the gallonage consumed in operating the vehicle in this state; except that this subchapter shall not apply to a private passenger automobile.

b. A person shall not bring into this state in the batteries or other energy storage devices of a commercial motor vehicle, or any other energy storage device, regardless of whether the batteries or storage devices are connected to the motor of the vehicle, any electric fuel to be used in the operation of the vehicle in this state unless that person has paid or made arrangements in advance with the state department of transportation for payment of Iowa fuel taxes on the kilowatt hours consumed in operating the vehicle in this state.

2. Any person who is unable to display either of the permits or the license provided in section 452A.53 and brings into the state in the fuel supply tanks of a commercial motor vehicle more than thirty gallons of motor fuel or special fuel, or brings into the state in the batteries or other energy storage devices of a commercial motor vehicle more than three hundred fifty kilowatt hours of electric fuel, in violation of subsection 1 commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 13, paragraph "c".

3. This subchapter shall not apply to a private passenger automobile.

Sec. 29. Section 452A.53, subsections 2, 3, and 5, Code 2019, are amended to read as follows:

2. Persons choosing not to make advance arrangements with the state department of transportation by procuring a permit or license are not relieved of their responsibility to purchase motor fuel, and special fuel, and electric fuel commensurate with their use of the state's highway system. When there is reasonable cause to believe that there is evasion of the fuel tax on commercial motor vehicles, the state department of transportation may audit persons not holding a permit or license. Audits shall be conducted pursuant to section

452A.55 and in accordance with international fuel tax agreement guidelines. The state department of transportation shall collect all taxes due and refund any overpayment.

3. A permanent international fuel tax agreement permit or license may be obtained upon application to the state department of transportation. A fee of ten dollars shall be charged for each permit or license issued. The holder of a permanent permit or license shall have the privilege of bringing into this state in the fuel supply tanks of commercial motor vehicles any amount of motor fuel or special fuel, or in the batteries or other energy storage devices of commercial motor vehicles any amount of electric fuel, to be used in the operation of the vehicles and for that privilege shall pay Iowa ~~motor fuel or special fuel~~ taxes as provided in section 452A.54.

5. Each vehicle operated into or through Iowa in interstate operations using motor fuel, ~~or special fuel, or electric fuel~~ acquired in any other state shall carry in or on the vehicle a duplicate or evidence of the permit or license required in this section. A fee not to exceed fifty cents shall be charged for each duplicate or other evidence of a permit or license issued.

Sec. 30. Section 452A.54, subsections 1, 2, and 4, Code 2019, are amended to read as follows:

1. Fuel tax liability under this subchapter shall be computed on the total number of gallons of each kind of motor fuel and special fuel, and the total number of kilowatt hours of electric fuel, consumed in the operation in Iowa by commercial motor vehicles subject to this subchapter at the same rate for each kind of fuel as would be applicable if taxed under subchapter I ~~of this chapter~~ and section 452A.41. A refund against the fuel tax liability so computed shall be allowed, on excess Iowa ~~motor~~ fuel purchased, in the amount of fuel tax paid at the prevailing rate per gallon set out under subchapter I ~~of this chapter~~ on motor fuel and special fuel, and rate per kilowatt hour set out under section 452A.41 on electric fuel, consumed by commercial motor vehicles, the operation of which is subject to this subchapter.

2. Notwithstanding any provision of this chapter to the contrary, except as provided in this section, the holder of a permanent international fuel tax agreement permit or license may make application to the state department of transportation for a refund, not later than the last day of the third month following the quarter in which the overpayment of Iowa fuel tax paid on excess purchases of motor fuel or special fuel was reported as provided in section 452A.8, or electric fuel was reported as provided in section 452A.41, and which application is supported by such proof as the state department of transportation may require. The state department of transportation shall refund Iowa fuel tax paid on motor fuel, ~~or special fuel, or electric fuel~~ purchased in excess of the amount consumed by such commercial motor vehicles in their operation on the highways of this state.

4. To determine the amount of fuel taxes due under this subchapter and to prevent the evasion thereof, the state department of transportation shall require a quarterly report on forms prescribed by the state department of transportation. It shall be filed not later than the last day of the month following the quarter reported, and each quarter thereafter. These reports shall be required of all persons who have been issued a permit or license under this subchapter and shall cover actual operation and fuel consumption in Iowa on the basis of the permit or license holder's average consumption of fuel in Iowa, determined by the total miles traveled and the total fuel purchased and consumed for highway use by the permittee's or licensee's commercial motor vehicles in the permittee's or licensee's entire operation in all states to establish an overall miles per gallon ratio or miles per kilowatt hour ratio, which ratio shall be used to compute the gallons or kilowatt hours used for the miles traveled in Iowa. Failure to receive a quarterly report or fuel credentials by mail, facsimile transmission, or any other means of delivery does not relieve a person from the person's fuel tax liability or from the requirement to display current fuel credentials.

Sec. 31. Section 452A.57, subsections 3, 5, and 8, Code 2019, are amended to read as follows:

3. "*Commercial motor vehicle*" means a passenger vehicle that has seats for more than nine passengers in addition to the driver, any road tractor, any truck tractor, or any truck having two or more axles which passenger vehicle, road tractor, truck tractor, or truck is propelled on the public highways by either motor fuel, or special fuel, or electric fuel. "*Commercial motor*

*vehicle*” does not include a motor truck with a combined gross weight of less than twenty-six thousand pounds, operated as a part of an identifiable one-way fleet and which is leased for less than thirty days to a lessee for the purpose of moving property which is not owned by the lessor.

5. “*Fuel taxes*” means the per gallon and per kilowatt excise taxes imposed under subchapters I and III ~~of this chapter, and section 452A.41,~~ with respect to motor fuel, ~~and undyed special fuel, and electric fuel.~~

8. “*Motor vehicle*” shall mean and include all vehicles, except those operated on rails, which are propelled by internal combustion engines or electric motors and are of such design as to permit their mobile use on public highways for transporting persons or property. A farm tractor while operated on a farm or for the purpose of hauling farm machinery, equipment, or produce shall not be deemed to be a motor vehicle. “*Motor vehicle*” shall not include “*mobile machinery and equipment*” as defined in this section.

Sec. 32. Section 452A.58, subsection 2, Code 2019, is amended to read as follows:

2. A lessor of a commercial motor vehicle shall be deemed a carrier with respect to such vehicles leased to others by the lessor and motor fuel, ~~or special fuel, or electric fuel~~ consumed thereby if the lessor supplies or pays for the motor fuel, ~~or special fuel, or electric fuel~~ consumed by such vehicle or makes rental or other charges calculated to include the cost of such fuel.

Sec. 33. Section 452A.59, Code 2019, is amended to read as follows:

**452A.59 Administrative rules.**

The department of revenue and the state department of transportation are authorized and empowered to adopt rules under chapter 17A, relating to the administration and enforcement of this chapter as deemed necessary by the departments. However, when in the opinion of the director it is necessary for the efficient administration of this chapter, the director may regard persons in possession of motor fuel, special fuel, biofuel, alcohol, or alcohol derivative substances as blenders, dealers, eligible purchasers, exporters, importers, restrictive suppliers, suppliers, terminal operators, or nonterminal storage facility operators, or persons in possession of electric fuel as electric fuel dealers or users.

Sec. 34. Section 452A.60, subsection 1, Code 2019, is amended to read as follows:

1. The department of revenue or the state department of transportation shall prescribe and furnish all forms, as applicable, upon which reports, returns, and applications shall be made and claims for refund presented under this chapter and may prescribe forms of record to be kept by suppliers, restrictive suppliers, importers, exporters, blenders, common carriers, contract carriers, licensed compressed natural gas, liquefied natural gas, and liquefied petroleum gas dealers and users, licensed electric fuel dealers and users, terminal operators, nonterminal storage facility operations, and interstate commercial motor vehicle operators.

Sec. 35. Section 452A.62, subsection 1, paragraph a, Code 2019, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) A licensed electric fuel dealer or user or person supplying electric fuel to a licensed electric fuel dealer or user.

Sec. 36. Section 452A.62, subsection 1, paragraph b, Code 2019, is amended to read as follows:

b. To examine the records, books, papers, receipts, and invoices of any distributor, supplier, restrictive supplier, importer, blender, exporter, terminal operator, nonterminal storage facility, licensed compressed natural gas, liquefied natural gas, or liquefied petroleum gas dealer or user, licensed electric fuel dealer or user, or any other person who possesses fuel upon which the tax has not been paid to determine financial responsibility for the payment of the taxes imposed by this chapter.

Sec. 37. Section 452A.63, subsection 1, Code 2019, is amended to read as follows:

1. All information obtained by the department of revenue or the state department of transportation from the examining of reports, returns, or records required to be filed or



kept under this chapter shall be treated as confidential and shall not be divulged except to other state officers, a member or members of the general assembly, or any duly appointed committee of either or both houses of the general assembly, or to a representative of the state having some responsibility in connection with the collection of the taxes imposed or in proceedings brought under this chapter. The appropriate state agency may make available to the public on or before forty-five days following the last day of the month in which the tax is required to be paid, the names of suppliers, restrictive suppliers, and importers and as to each of them the total gallons of motor fuel, undyed special fuel, and ethanol blended gasoline withdrawn from terminals or imported into the state during that month. The department of revenue or the state department of transportation, upon request of officials entrusted with enforcement of the motor fuel tax laws of the federal government or any other state, may forward to these officials any pertinent information which the appropriate state agency may have relative to motor fuel, and special fuel, and electric fuel, provided the officials of the other state furnish like information.

Sec. 38. Section 452A.73, Code 2019, is amended to read as follows:

**452A.73 Embezzlement of fuel tax money — penalty.**

Every sale of motor fuel in this state, and every sale of undyed special fuel dispensed by the seller into a fuel supply tank of a motor vehicle, and every sale of electric fuel dispensed by the seller into the battery or other energy storage device of an electric motor vehicle shall, unless otherwise provided, be presumed to include as a part of the purchase price the fuel tax due the state of Iowa under the provisions of this chapter. Every person collecting fuel tax money as part of the selling price of motor fuel, or undyed special fuel, or electric fuel shall hold the tax money in trust for the state of Iowa unless the fuel tax on the fuel has been previously paid to the state of Iowa. Any person receiving fuel tax money in trust and failing to remit it to the department of revenue on or before time required shall be guilty of theft.

Sec. 39. Section 452A.74, subsection 1, paragraphs c, e, and f, Code 2019, are amended to read as follows:

c. For any seller to issue or any purchaser to receive and retain any incorrect or false invoice or sales ticket in connection with the sale or purchase of motor fuel, or undyed special fuel, or electric fuel.

e. For any person to act as a supplier, restrictive supplier, importer, exporter, blender, or compressed natural gas, liquefied natural gas, or liquefied petroleum gas dealer or user, or electric fuel dealer or user without the required license.

f. For any person to use motor fuel, undyed special fuel, or dyed special fuel in the fuel supply tank of a vehicle, or electric fuel in the battery or other energy storage device of an electric vehicle, with respect to which the person knowingly has not paid or had charged to the person's account with a distributor or dealer, or with respect to which the person does not, within the time required in this chapter, report and pay the applicable fuel tax.

Sec. 40. Section 452A.74, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. For any licensed electric fuel dealer or user to dispense electric fuel into the battery or other energy storage device of any electric motor vehicle without collecting the fuel tax.

Sec. 41. Section 452A.76, subsection 2, Code 2019, is amended to read as follows:

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 subchapter I, sections 452A.40 through 452A.44, and this subchapter ~~of this chapter~~. The department of revenue shall adopt rules providing for enforcement under subchapter I and this 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.

Sec. 42. Section 452A.78, Code 2019, is amended to read as follows:

**452A.78 Other remedies available.**

The special remedies provided under the provisions of this chapter to enable the state to collect ~~motor a~~ fuel excise tax imposed by this chapter shall not be construed as depriving the state of any other remedy it might have either at law or in equity independent of this chapter. The state shall have the right to maintain an action at law for the collection of said taxes required to be paid herein and in connection therewith shall be entitled to a writ of attachment without bond.

Sec. 43. Section 452A.79, Code 2019, is amended to read as follows:

**452A.79 Use of revenue.**

Except as provided in sections 452A.79A, 452A.82, and 452A.84, the net proceeds of the excise tax on ~~the diesel special fuel, and the excise tax on motor fuel and other special fuel,~~ the excise tax on electric fuel, and penalties collected under the provision of this chapter, shall be credited to the road use tax fund.

Sec. 44. Section 452A.80, Code 2019, is amended to read as follows:

**452A.80 Microfilm or photographic copies — originals destroyed.**

The appropriate state agency shall have the power and authority to record, copy, or reproduce by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original of any forms or records pertaining to ~~motor a fuel tax or undyed special fuel tax~~ imposed by this chapter, or any paper or document with respect to refund of the tax. If the forms and records have been reproduced in accordance with this section, the state agency may destroy the originals and the reproductions shall be competent evidence in any court in accordance with the provision of section 622.30.

Sec. 45. CODE EDITOR DIRECTIVE. The Code editor shall designate sections 452A.40 through 452A.44, as enacted by this division of this Act, as a new subchapter within chapter 452A, and may redesignate the new and preexisting subchapters, replace references to sections 452A.40 through 452A.44 with references to the new subchapter, and correct internal references as necessary, including references in subchapter headnotes.

Sec. 46. EFFECTIVE DATE. This division of this Act takes effect July 1, 2023.

Approved May 16, 2019

**CHAPTER 152**

## TAXATION AND TAX LAW ADMINISTRATION — MISCELLANEOUS CHANGES

H.F. 779

**AN ACT** relating to the administration of the tax and related laws by the department of revenue, including the administration and modification of certain tax credits and refunds, the individual and corporate income taxes, franchise taxes, moneys and credits taxes, sales and use taxes, and automobile rental excise taxes, the assessment of property owned by certain long distance telephone companies, establishing a taxation and exemption of computers task force, extending the utility replacement task force, and providing for other properly related matters, making penalties applicable, and including effective date and retroactive applicability provisions.

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

DIVISION I  
INCOME TAX

Section 1. Section 422.4, subsection 16, paragraph e, unnumbered paragraph 1, Code 2019, is amended to read as follows:

Add back the following percentage of the qualified business income ~~deduction~~ deductions under ~~section 199A~~ sections 199A(a) and 199A(g) of the Internal Revenue Code taken and allowable in calculating federal taxable income for the applicable tax year:

Sec. 2. Section 422.9, subsection 2A, paragraph a, unnumbered paragraph 1, Code 2019, is amended to read as follows:

The following percentage of the qualified business income ~~deduction~~ deductions under ~~section 199A~~ sections 199A(a) and 199A(g) of the Internal Revenue Code taken and allowable in calculating federal taxable income for the applicable tax year:

Sec. 3. Section 422.9, subsection 2A, paragraph b, Code 2019, is amended to read as follows:

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~~ deductions that would be allowable for federal income tax purposes under ~~section 199A~~ sections 199A(a) and 199A(g) 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. 4. Section 422.11S, subsection 7, paragraph b, Code 2019, is amended to read as follows:

b. The department shall authorize a school tuition organization to issue tax credit certificates for contributions made to the school tuition organization. The aggregate amount of tax credit certificates that the department shall authorize for a school tuition organization for a tax calendar year shall be determined for that organization pursuant to subsection 8. However, a school tuition organization shall not be authorized to issue tax credit certificates unless the organization is controlled by a board of directors consisting of at least seven members. The names and addresses of the members shall be provided to the department and shall be made available by the department to the public, notwithstanding any state confidentiality restrictions.

Sec. 5. Section 422.11S, subsection 8, paragraph a, subparagraph (2), Code 2019, 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 calendar~~ years beginning on or after January 1, 2008, but before January 1, 2012, seven million five hundred thousand dollars, for ~~tax calendar~~ years

beginning on or after January 1, 2012, but before January 1, 2014, eight million seven hundred fifty thousand dollars, ~~and for tax calendar years beginning on or after January 1, 2014, but before January 1, 2019, twelve million dollars, and for tax calendar years beginning on or after January 1, 2019, thirteen million dollars.~~

Sec. 6. Section 422.11S, subsection 8, paragraph b, unnumbered paragraph 1, Code 2019, is amended to read as follows:

Each year by December 1, the department shall authorize school tuition organizations to issue tax credit certificates for the following ~~tax calendar~~ year. However, for the ~~tax year beginning in the~~ 2006 calendar year only, the department, by September 1, 2006, shall authorize school tuition organizations to issue tax credit certificates for the 2006 calendar ~~tax~~ year. For the ~~tax year beginning in the~~ 2006 calendar year only, each school served by a school tuition organization shall submit a participation form to the department by August 1, 2006, providing the certified enrollment as of the third Friday of September 2005, along with the school tuition organization that represents the school. Tax credit certificates available for issue by each school tuition organization shall be determined in the following manner:

Sec. 7. Section 422.11S, subsection 9, unnumbered paragraph 1, Code 2019, is amended to read as follows:

A school tuition organization that receives a voluntary cash or noncash contribution pursuant to this section shall report to the department, on a form prescribed by the department, by January 12 of each ~~tax calendar~~ year all of the following information:

Sec. 8. Section 422.11S, subsection 9, paragraphs b and c, Code 2019, are amended to read as follows:

b. The total number and dollar value of contributions received and the total number and dollar value of the tax credits approved during the previous ~~tax calendar~~ year.

c. A list of the individual donors for the previous ~~tax calendar~~ year that includes the dollar value of each donation and the dollar value of each approved tax credit.

Sec. 9. Section 422.12C, subsection 4, Code 2019, 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 under subsection 1 or the early childhood development tax credit under subsection 2 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 under subsection 1 or the early childhood development tax credit under subsection 2 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. 10. Section 422.60, subsection 2, paragraph b, Code 2019, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (6) For purposes of this paragraph, "*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. 11. LIKE-KIND EXCHANGES OF PERSONAL PROPERTY UNDER CORPORATE INCOME TAX AND FRANCHISE TAX FOR TAX YEAR 2019. Notwithstanding any other provision of law to the contrary, all of the following shall apply when computing net income

for purposes of the corporation income tax or franchise tax under section 422.35 for tax years beginning during the 2019 calendar year:

1. 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, as amended up to and including March 24, 2018, apply for state income tax purposes with regard to exchanges of real property.

2. 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, notwithstanding any other provision of law to the contrary. If the taxpayer's federal taxable income includes gain or loss from property, other than real property described in subsection 1, and the taxpayer elects to have this subsection apply, the following adjustments shall be made:

a. (1) 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.

(2) 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. (1) 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.

(2) 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.

**Sec. 12. REFUNDS — EARLY CHILDHOOD DEVELOPMENT TAX CREDIT.** Notwithstanding any provision of law to the contrary, for tax years beginning prior to January 1, 2019, refunds of the early childhood development tax credit provided in section 422.12C, subsection 2, requested on or after the effective date of the provision of this division of this Act amending section 422.12C, subsection 4, shall not exceed the amount allowed under section 422.12C, subsection 4, as amended by this division of this Act.

**Sec. 13. LEGISLATIVE INTENT.** It is the intent of the general assembly that the provisions of this division of this Act amending section 422.11S 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 Act.

**Sec. 14. EFFECTIVE DATE.** The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act amending section 422.12C, subsection 4.

2. The section of this division of this Act relating to refunds for the early childhood development tax credit.

3. The section of this division of this Act relating to like-kind exchanges of personal property under corporate income tax and franchise tax.

**Sec. 15. RETROACTIVE APPLICABILITY.** The following apply retroactively to January 1, 2019, for tax years beginning on or after that date:

1. The section of this division of this Act amending section 422.4, subsection 16, paragraph "e", unnumbered paragraph 1.

2. The sections of this division of this Act amending section 422.9, subsection 2A.

3. The section of this division of this Act amending section 422.12C, subsection 4.

4. The section of this division of this Act amending section 422.60, subsection 2, paragraph "b".

Sec. 16. RETROACTIVE APPLICABILITY — LIKE-KIND EXCHANGES OF PERSONAL PROPERTY. The section of this division of this Act relating to like-kind exchanges of personal property under corporate income tax and franchise tax applies retroactively to January 1, 2019, for tax years beginning on or after that date, but before January 1, 2020.

DIVISION II  
ADMINISTRATIVE PROVISIONS

Sec. 17. Section 422.20, Code 2019, is amended by adding the following new subsection: NEW SUBSECTION. 5. The department may permit, by rule, the disclosure of state tax information to a person a taxpayer has authorized to receive such state tax information, in the manner prescribed by the department.

Sec. 18. Section 422.72, Code 2019, is amended by adding the following new subsection: NEW SUBSECTION. 8. The department may permit, by rule, the disclosure of state tax information to a person a taxpayer has authorized to receive such state tax information, in the manner prescribed by the department.

DIVISION III  
SALES AND USE TAX

Sec. 19. Section 423.1, subsection 2, paragraphs b and c, Code 2019, are amended to read as follows:

- b. Is directly, indirectly, or constructively controlled by another ~~entity~~ person.
- c. Is subject to the control of a common ~~entity~~ person. A common ~~entity~~ person is ~~one~~ one ~~which a person who~~ owns directly or individually indirectly more than ten percent of the voting securities of the entity.

Sec. 20. Section 423.2, subsection 1, paragraph a, subparagraph (5), subparagraph division (a), Code 2019, is amended to read as follows:

- (a) If a service or warranty contract does not specify a fee amount for nontaxable services or taxable personal property, the tax imposed pursuant to this section shall be imposed upon an amount equal to ~~one-half~~ of the sales price of the contract.

Sec. 21. Section 423.2, subsection 6, paragraph k, Code 2019, is amended to read as follows:

- k. Carpentry repair and installation.

Sec. 22. Section 423.3, Code 2019, is amended by adding the following new subsection: NEW SUBSECTION. 16A. a. The sales price from the sale of a grain bin, including material or replacement parts used to construct or repair a grain bin.

- b. For purposes of this subsection, “*grain bin*” means property that is vented and covered with corrugated metal or similar material, and that is primarily used to hold loose grain for drying or storage.

Sec. 23. Section 423.3, subsection 47, paragraph c, subparagraph (3), Code 2019, is amended by striking the subparagraph and inserting in lieu thereof the following:

- (3) The following within the scope of section 427A.1, subsection 1, paragraphs “h” and “i”:
  - (a) Computers.
  - (b) Machinery.
  - (c) Equipment, including pollution control equipment.
  - (d) Replacement parts.
  - (e) Supplies.
  - (f) Materials used to construct or self-construct the following:
    - (i) Computers.
    - (ii) Machinery.
    - (iii) Equipment, including pollution control equipment.
    - (iv) Replacement parts.

(v) Supplies.

Sec. 24. Section 423.3, subsection 104, paragraph a, Code 2019, is amended to read as follows:

a. The sales price of specified digital products and of prewritten computer software sold, and of enumerated services described in section 423.2, subsection 1, paragraph “a”, subparagraph (5), or 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.

Sec. 25. Section 423.14A, subsection 3, paragraph b, Code 2019, is amended by striking the paragraph.

Sec. 26. Section 423.14A, subsection 3, paragraph d, subparagraph (1), Code 2019, is amended to read as follows:

(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.

Sec. 27. Section 423.14A, subsection 3, paragraph e, subparagraph (1), unnumbered paragraph 1, Code 2019, is amended to read as follows:

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:

Sec. 28. Section 423.14A, subsection 3, paragraph e, subparagraph (1), subparagraph division (c), unnumbered paragraph 1, Code 2019, is amended to read as follows:

The referrer provides the department with ~~monthly~~ annual reports in an electronic format and in the manner prescribed by the department, which ~~monthly~~ annual reports contain all of the following:

Sec. 29. Section 423.14A, subsection 3, paragraph e, Code 2019, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) This paragraph is subject to implementation by the department by rule and shall not require a referrer to collect tax or comply with the notice and reporting requirements and other provisions of this paragraph unless and until such administrative rules take effect.

Sec. 30. Section 423.48, subsection 2, paragraph c, Code 2019, is amended by striking the paragraph.

Sec. 31. TAXATION AND EXEMPTION OF COMPUTERS TASK FORCE. A taxation and exemption of computers task force is created. The department of revenue shall initiate and coordinate the task force and provide staff assistance. It is the intent of the general assembly that the task force include representatives of the department of revenue; a commercial enterprise that claims an exemption for computers under section 423.3, subsection 47; an association that represents manufacturers and other industrial producers; and an association that represents business tax issues. The director of revenue or the director’s designee shall serve as chairperson of the task force.

The task force shall be charged with reviewing the definition of “computer” as used throughout the portions of the Iowa Code and the Iowa Administrative Code administered by the department of revenue including the exemption for computers provided in section 423.3, subsection 47, paragraph “a”, subparagraph (4). If the task force recommends modifications

to the current definition of “computer” including the exemption for computers provided in section 423.3, subsection 47, paragraph “a”, subparagraph (4), the department of revenue shall provide any recommendations to the general assembly by January 1, 2020.

Sec. 32. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act amending section 423.1, subsection 2, paragraphs “b” and “c”.

2. The section of this division of this Act amending section 423.3, subsection 47, paragraph “c”, subparagraph (3).

Sec. 33. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2019, for tax years beginning on or after that date:

The section of this division of this Act amending section 423.1, subsection 2, paragraphs “b” and “c”.

Sec. 34. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2016, for tax years beginning on or after that date:

The section of this division of this Act amending section 423.3, subsection 47, paragraph “c”, subparagraph (3).

#### DIVISION IV AUTOMOBILE RENTAL EXCISE TAX

Sec. 35. Section 423.14A, subsection 1, paragraph b, subparagraph (3), Code 2019, is amended to read as follows:

(3) A “rental platform”, as defined in section 423C.2, that meets the requirements described in person who is not required to collect and remit automobile rental excise tax pursuant to section 423C.3, subsection 3, paragraph “e”, 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.

Sec. 36. Section 423C.2, subsection 3, paragraphs a and b, Code 2019, are amended to read as follows:

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 any other person.

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, or through the person or any affiliate, or through a rental platform or a rental facilitator any other person.

Sec. 37. Section 423C.2, subsection 6, Code 2019, is amended to read as follows:

6. “Facilitation fee” means any consideration, by whatever name called, that a rental facilitator or a rental platform person 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 person for facilitating the rental of an automobile.

Sec. 38. Section 423C.2, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 6A. “Host” means the registered owner of an automobile made available for sharing through a peer-to-peer automobile sharing marketplace.

Sec. 39. Section 423C.2, subsections 9 and 10, Code 2019, are amended by striking the subsections.

Sec. 40. Section 423C.2, subsection 11, Code 2019, is amended to read as follows:

11. “Rental price” means all consideration charged for the renting and facilitation of renting of an automobile 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 the same as "sales price" as defined in section 423.1, which term includes but is 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 an automobile.~~

Sec. 41. Section 423C.3, Code 2019, 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.

2. 1. 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.

3. 2. ~~This subsection shall govern the collection and remittance of the tax imposed under subsection 2~~ The tax imposed under subsection 1 shall be collected and remitted to the department by all persons required to collect state sales and use tax on the rental transaction under chapter 423.

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 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.

~~e. (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) 3. A rental platform person 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 person meets all of the following requirements:~~

~~a. The person or any affiliate of the person is not an automobile provider.~~

~~b. The person or any affiliate of the person facilitates the renting or sharing of an automobile by doing all of the following:~~

~~(1) The person owns, operates, or controls a peer-to-peer automobile sharing marketplace that allows a host or an automobile provider who is not an affiliate of the person to offer or list an automobile for sharing or 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.~~

~~(2) The person or affiliate of the person collects or processes the rental price charged to the user.~~

~~(a) c. The only sales the rental platform person and its affiliates of the person 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) 4. For any rental transaction for which the rental platform a person is required to or elects to collect and remit the tax under this chapter, the rental platform person 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) 5. For any rental transaction for which the rental platform person is not required to collect and remit the tax under this chapter as provided under subparagraph (2) subsection 3, the automobile provider shall be solely liable for any amount of uncollected or unremitted tax under this chapter and chapter 423.~~

#### DIVISION V TELEPHONE COMPANY PROPERTY

Sec. 42. **NEW SECTION. 433.4A Competitive long distance telephone company property.**

For assessment years beginning before January 1, 2022, the director of revenue shall assess the property of a long distance telephone company, as defined in section 476.1D, subsection 10, Code 2018, previously classified by the utilities board as a competitive long distance telephone company under section 476.1D, subsection 10, Code 2018, which property is first assessed for taxation in this state on or after January 1, 1996, in the same manner as all other property assessed as commercial property by the local assessor under chapters 427, 427A, 427B, 428, and 441.

Sec. 43. **EFFECTIVE DATE.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 44. **RETROACTIVE APPLICABILITY.** This division of this Act applies retroactively to July 1, 2018.

DIVISION VI  
TARGETED JOBS WITHHOLDING CREDIT

Sec. 45. Section 403.19A, subsection 3, paragraph c, subparagraph (2), Code 2019, 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, ~~2019~~ 2021.

DIVISION VII  
SCHOOL TUITION ORGANIZATION TAX CREDITS

Sec. 46. Section 422.11S, subsection 8, paragraph a, subparagraph (2), Code 2019, 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, but before January 1, 2020, thirteen million dollars, ~~and~~ for tax years beginning on or after January 1, 2020, fifteen million dollars.

Sec. 47. CONTINGENT CODE EDITOR DIRECTIVE. The Code editor is directed to harmonize the section of this division of this Act amending section 422.11S with the other division of this Act amending section 422.11S, if enacted, by changing tax year to calendar year where appropriate and to make other related changes, if necessary, to effectuate such changes.

DIVISION VIII  
INCOME TAX CHECKOFFS

Sec. 48. Section 173.22, subsection 2, Code 2019, is amended to read as follows:

2. A foundation fund is created within the state treasury composed of moneys appropriated or available to and obtained or accepted by the foundation. The foundation fund shall include moneys credited to the fund as provided in section ~~422.12D~~ 422.12I.

Sec. 49. Section 422.12E, Code 2019, is amended to read as follows:

**422.12E Income tax return checkoffs limited.**

1. ~~For tax years beginning on or after January 1, 2019, there~~ There shall be allowed no more than four income tax return checkoffs on each income tax return. For tax years beginning on or after January 1, 2017, when the same four income tax return checkoffs have been provided on the income tax return for two consecutive tax years, the two checkoffs for which the least amount has been contributed, in the aggregate for the first tax year and through March 15 after the end of the second tax year, are repealed on December 31 after the end of the second tax year and shall be removed from the return form.

2. If more checkoffs are enacted in the same session of the general assembly than there is space for inclusion on the individual tax return form, the ~~checkoffs with the earliest enacted checkoffs~~ date of enactment as determined pursuant to section 3.7 for which there is space for inclusion on the return form shall be included on the return form, and all other checkoffs enacted during that session of the general assembly are repealed on December 31 of the year of enactment. If more checkoffs are enacted in the same session of the general assembly than there is space for inclusion on the individual income tax form ~~and the additional checkoffs are enacted on the same day and it is indeterminable which checkoffs have the earliest date of enactment pursuant to section 3.7, the director shall determine which checkoffs shall be included on the return form, and all other checkoffs not included on the return form shall be repealed on December 31 of the year of enactment and shall not be included on the return form.~~

3. a. By July 1 of the year in which two checkoffs are repealed pursuant to subsection 1, the department shall notify the Iowa Code editor which two checkoffs received the least amount of contributions and are repealed.

b. By September 1 of any applicable year, the department shall notify the Iowa Code editor of any repeal pursuant to subsection 2.

**Sec. 50. NEW SECTION. 422.12G Joint income tax checkoff for veterans trust fund and volunteer fire fighter preparedness fund.**

1. A person who files an individual or a joint income tax return with the department of revenue under section 422.13 may designate one dollar or more to be paid jointly to the veterans trust fund created in section 35A.13 and to the volunteer fire fighter preparedness fund created in section 100B.13. If the refund due on the return or the payment remitted with the return is insufficient to pay the additional amount designated by the taxpayer, the amount designated shall be reduced to the remaining amount of refund or the remaining amount remitted with the return. The designation of a contribution under this section is irrevocable.

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the veterans trust fund and to the volunteer fire fighter preparedness fund as one checkoff on the tax return. The department of revenue, on or before January 31, shall transfer one-half of the total amount designated on the tax return forms due in the preceding calendar year to the veterans trust fund and the remaining one-half to the volunteer fire fighter preparedness fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504 shall be satisfied.

3. The department of revenue shall adopt rules to administer this section.

4. This section is subject to repeal under section 422.12E.

Sec. 51. Section 422.12H, Code 2019, is amended to read as follows:

**422.12H Income tax checkoff for fish and game protection fund.**

1. A person who files an individual or a joint income tax return with the department of revenue under section 422.13 may designate a contribution to the state fish and game protection fund authorized pursuant to section 456A.16.

2. This section is subject to repeal under section 422.12E.

**Sec. 52. NEW SECTION. 422.12I Income tax checkoff for the Iowa state fair foundation fund.**

1. A person who files an individual or a joint income tax return with the department of revenue under section 422.13 may designate one dollar or more to be paid to the foundation fund of the Iowa state fair foundation as established in section 173.22. If the refund due on the return or the payment remitted with the return is insufficient to pay the amount designated by the taxpayer to the foundation fund, the amount designated shall be reduced to the remaining amount of the refund or the remaining amount remitted with the return. The designation of a contribution to the foundation fund under this section is irrevocable.

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the foundation fund on the tax return. The department, on or before January 31, shall transfer the total amount designated on the tax form due in the preceding year to the foundation fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504 shall be satisfied.

3. The Iowa state fair board may authorize payment from the foundation fund for purposes of supporting foundation activities.

4. The department of revenue shall adopt rules to implement this section.

5. This section is subject to repeal under section 422.12E.

DIVISION IX  
POWERS AND DUTIES OF DIRECTOR OF REVENUE

Sec. 53. Section 421.17, Code 2019, is amended by adding the following new subsection: NEW SUBSECTION. 35. To audit and examine all taxes collected or administered by the department.

DIVISION X  
SALES AND USE TAX EXEMPTIONS RELATED TO MANUFACTURERS

Sec. 54. Section 423.3, subsection 47, paragraph d, subparagraph (4), subparagraph division (c), unnumbered paragraph 1, Code 2019, is amended to read as follows:

“*Manufacturer*” does not include persons who are not commonly understood as manufacturers, including but not limited to persons primarily engaged in any of the following activities:

Sec. 55. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 56. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to May 30, 2018.

DIVISION XI  
RESEARCH ACTIVITIES TAX CREDIT

Sec. 57. Section 422.10, subsection 1, paragraph a, subparagraph (1), subparagraph division (a), Code 2019, is amended to read as follows:

(a) The business is engaged in the manufacturing, life sciences, agriscience, software engineering, or aviation and aerospace industry.

Sec. 58. Section 422.10, subsection 1, paragraph a, subparagraph (1), subparagraph division (b), unnumbered paragraph 1, Code 2019, is amended to read as follows:

Persons that shall not be considered to be engaged in the manufacturing, life sciences, agriscience, 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:

Sec. 59. Section 422.33, subsection 5, paragraph e, subparagraph (1), subparagraph division (a), Code 2019, is amended to read as follows:

(a) The business is engaged in the manufacturing, life sciences, agriscience, software engineering, or aviation and aerospace industry.

Sec. 60. Section 422.33, subsection 5, paragraph e, subparagraph (1), subparagraph division (b), unnumbered paragraph 1, Code 2019, is amended to read as follows:

Persons that shall not be considered to be engaged in the manufacturing, life sciences, agriscience, 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:

DIVISION XII  
ADOPTION TAX CREDIT

Sec. 61. Section 422.12A, subsection 2, Code 2019, is amended to read as follows:

2. The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by an adoption tax credit equal to the amount of qualified adoption expenses paid or incurred by the taxpayer ~~during the tax year~~ in connection with the adoption of a child by the taxpayer, not to exceed five thousand dollars per adoption.

Sec. 62. Section 422.12A, Code 2019, is amended by adding the following new subsection: NEW SUBSECTION. 3A. The credit under this section with respect to any qualified adoption expense shall be allowed during a tax year as follows:

a. For any qualified adoption expense paid or incurred prior to or during the tax year in which the adoption becomes final, the tax year in which the adoption becomes final.

b. For any qualified adoption expense paid or incurred after the tax year in which the adoption becomes final, the tax year in which an adoption expense is paid or incurred.

Sec. 63. **RETROACTIVE APPLICABILITY.** This division of this Act applies retroactively to January 1, 2019, for tax years beginning on or after that date.

#### DIVISION XIII UTILITY REPLACEMENT TASK FORCE

Sec. 64. Section 437A.15, subsection 7, paragraph b, Code 2019, is amended to read as follows:

b. The task force shall study the effects of the replacement taxes under this chapter and chapter 437B on local taxing authorities, local taxing districts, consumers, and taxpayers through January 1, 2019 2024. If the task force recommends modifications to the replacement tax that will further the purposes of tax neutrality for local taxing authorities, local taxing districts, taxpayers, and consumers, consistent with the stated purposes of this chapter, the department of management shall transmit those recommendations to the general assembly.

#### DIVISION XIV FRANCHISE TAX — ALTERNATIVE MINIMUM TAX (AMT) REPEAL

Sec. 65. Section 422.60, subsection 2, Code 2019, 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. 66. Section 422.60, subsection 3, Code 2019, is amended to read as follows:

3. a. (1) There For tax years beginning before January 1, 2022, there is allowed as a credit against the tax determined in section 422.63 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 section 422.63 over the state alternative minimum tax as determined in subsection 2. The allowable credit under paragraph “a” for a tax year beginning in the 2021 calendar year shall not exceed the tax determined in section 422.63.

(2) The net minimum tax for a tax year is the excess, if any, of the tax determined in subsection 2 for the tax year over the tax determined in section 422.63 for the tax year.

c. This subsection is repealed January 1, 2022, for tax years beginning on or after that date.

#### DIVISION XV GEOTHERMAL HEAT PUMP TAX CREDIT

Sec. 67. **NEW SECTION. 422.12N Geothermal heat pump tax credit.**

1. The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a geothermal heat pump tax credit equal to twenty percent of the federal residential energy efficient property tax credit allowed for geothermal heat pumps provided in section 25D(a)(5) of the Internal Revenue Code for residential property located in Iowa.

2. Any credit in excess of the tax liability is not refundable but the excess for the tax year may be credited to the tax liability for the following ten years or until depleted, whichever is earlier.

3. The department shall accept and approve applications on a first-come, first-served basis until the maximum amount of tax credits that may be claimed pursuant to subsection 4 is reached. If for a tax year the aggregate amount of tax credits applied for exceeds the amount

specified in subsection 4, the department shall establish a wait list for tax credits. Valid applications filed by the taxpayer by May 1 following the year of the installation but not approved by the department shall be placed on a wait list in the order the applications were received and those applicants shall be given priority for having their applications approved in succeeding years. Placement on a wait list pursuant to this subsection shall not constitute a promise binding the state. The availability of a tax credit and approval of a tax credit application pursuant to this section in a future year is contingent upon the availability of tax credits in that particular year.

4. *a.* The cumulative value of tax credits claimed annually by applicants pursuant to this section shall not exceed one million dollars.

*b.* If an amount of tax credits available for a tax year pursuant to paragraph “a” goes unclaimed, the amount of the unclaimed tax credits shall be made available for the following tax year in addition to, and cumulated with, the amount available pursuant to paragraph “a” for the following tax year.

5. The director of revenue shall adopt rules to implement this section.

Sec. 68. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 69. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2019, for tax years beginning on or after that date.

#### DIVISION XVI MONEYS AND CREDITS TAX ON STATE CREDIT UNIONS

Sec. 70. Section 533.329, subsection 2, paragraph a, Code 2019, is amended to read as follows:

*a.* The moneys and credits tax on state credit unions is imposed at a rate of one-half cent on each dollar of the legal and special reserves that are required to be maintained by the state credit union under section 533.303, ~~and shall be levied by the board of supervisors and placed upon the tax list and collected by the county treasurer.~~ However, an exemption shall be given to each state credit union in the amount of forty thousand dollars.

Approved May 16, 2019

### CHAPTER 153

#### EMERGENCY RESPONSE SERVICES BY NONPROFIT CORPORATIONS FOR MUNICIPALITIES — LIABILITY EXEMPTION

*S.F. 377*

**AN ACT** extending immunity from tort liability to certain nonprofit corporations providing emergency response services.

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

Section 1. Section 670.4, subsection 1, paragraph k, Code 2019, is amended to read as follows:

*k.* A claim based upon or arising out of an act or omission of a municipality in connection with an emergency response including but not limited to acts or omissions in connection with emergency response communications services. For the purposes of this paragraph, “municipality” includes a nonprofit corporation that delivers such emergency response services on behalf of a city, county, township, or benefited fire district pursuant to a written contract. The city, county, township, or benefited fire district shall file the written contract

and any amendment, modification, or notice of termination of the contract in an electronic format with the secretary of state within thirty days of the effective date of the contract, amendment, modification, or termination in a manner specified by the secretary of state.

Approved May 17, 2019

**CHAPTER 154**

**APPROPRIATIONS — ECONOMIC DEVELOPMENT**

*S.F. 608*

**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, the college student aid commission, and the state board of regents and certain regents institutions, and properly related matters.

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

**DIVISION I**

**FISCAL YEAR 2019-2020 APPROPRIATIONS**

**Section 1. 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, 2019, and ending June 30, 2020, 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:

.....	\$	168,637
.....	FTEs	55.22

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:

.....	\$	172,090
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**c. HISTORICAL DIVISION**

For the support of the historical division:

.....	\$	3,127,797
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**d. HISTORIC SITES**

For the administration and support of historic sites:

.....	\$	426,398
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**e. ARTS DIVISION**

For the support of the arts division:

.....	\$	1,317,188
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Of the moneys appropriated in this paragraph, the department shall allocate \$300,000 for purposes of the film office.

**f. IOWA GREAT PLACES**

For the Iowa great places program established under section 303.3C:

.....	\$	150,000
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g. RECORDS CENTER RENT

For payment of rent for the state records center:

..... \$ 227,243

h. CULTURAL TRUST GRANTS

For grant programs administered by the Iowa arts council including those programs supporting the long-term financial stability and sustainability of nonprofit cultural organizations:

..... \$ 150,000

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 for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 2. GOALS AND ACCOUNTABILITY — ECONOMIC DEVELOPMENT.

1. For the fiscal year beginning July 1, 2019, the goals for the economic development authority shall be to expand and stimulate the state economy, increase the wealth of Iowans, and increase the population of the state.

2. To achieve the goals in subsection 1, the economic development authority shall do all of the following for the fiscal year beginning July 1, 2019:

a. Concentrate its efforts on programs and activities that result in commercially viable products and services.

b. Adopt practices and services consistent with free market, private sector philosophies.

c. Ensure economic growth and development throughout the state.

d. Work with businesses and communities to continually improve the economic development climate along with the economic well-being and quality of life for Iowans.

e. Coordinate with other state agencies to ensure that they are attentive to the needs of an entrepreneurial culture.

f. Establish a strong and aggressive marketing image to showcase Iowa’s workforce, existing industry, and potential. A priority shall be placed on recruiting new businesses, business expansion, and retaining existing Iowa businesses. Emphasis shall be placed on entrepreneurial development through helping entrepreneurs secure capital, and developing networks and a business climate conducive to entrepreneurs and small businesses.

g. Encourage the development of communities and quality of life to foster economic growth.

h. Prepare communities for future growth and development through development, expansion, and modernization of infrastructure.

i. Develop public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts.

j. Develop, to the fullest extent possible, cooperative efforts for advertising with contributions from other sources.

Sec. 3. 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, 2019, and ending June 30, 2020, 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:

..... \$ 13,413,379

..... FTEs 126.45

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, 2019, and ending June 30, 2020, the following amount for the world food prize and in lieu of the standing appropriation in section 15.368:

..... \$ 375,000

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, 2019, and ending June 30, 2020, 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:

..... \$ 168,201

..... FTEs 8.00

Of the moneys appropriated in this subsection, the authority shall allocate \$75,000 for purposes of the Iowa state commission grant program and \$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, 2019, and ending June 30, 2020, the following amount to be used for the purposes of providing financial assistance to Iowa’s councils of governments:

..... \$ 275,000

7. 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, 2019, and ending June 30, 2020, 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

8. 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, 2019, and ending June 30, 2020, 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”:

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

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.

9. FUTURE READY IOWA — VOLUNTEER MENTORING PROGRAM

a. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the economic development authority for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, for the purpose designated:

For allocation to the Iowa commission on volunteer services to be used for establishing a volunteer mentor program to support implementation of the future ready Iowa skilled workforce last-dollar scholarship program in section 261.131 and the future ready Iowa skilled workforce grant program created in section 261.132:

..... \$ 400,000

b. 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 until the close of the succeeding fiscal year.

10. EMPOWER RURAL IOWA — HOUSING NEEDS ASSESSMENT GRANT PROGRAM

a. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the economic development authority for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, for the purpose designated:

To be distributed by the authority for establishing a housing needs assessment grant program to provide small communities with hard data and housing-related information specific to the community being analyzed:

..... \$ 100,000

b. 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 until the close of the succeeding fiscal year.

c. The authority shall adopt rules pursuant to chapter 17A to establish criteria for the distribution of the moneys appropriated in this subsection.

11. EMPOWER RURAL IOWA — RURAL INNOVATION GRANTS

a. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the economic development authority for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, for the purpose designated:

To be distributed by the authority for supporting innovative rural projects:

..... \$ 300,000

b. 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 until the close of the succeeding fiscal year.

c. The authority shall adopt rules pursuant to chapter 17A to establish criteria for the distribution of the moneys appropriated in this subsection.

Sec. 4. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2019-2020. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2019, and ending June 30, 2020, 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):

..... \$ 448,403

2. For the purposes of regional tourism marketing under section 99F.11, subsection 3, paragraph “d”, subparagraph (2):

..... \$ 900,000

Sec. 5. 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, 2019, 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. 6. INSURANCE ECONOMIC DEVELOPMENT. From the moneys collected by the insurance division in excess of the anticipated gross revenues under section 505.7, subsection 3, during the fiscal year beginning July 1, 2019, \$100,000 shall be transferred to the economic development authority for insurance economic development and international insurance economic development.

Sec. 7. 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, 2019, and ending June 30, 2020, 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:

..... \$ 658,000

2. Of the moneys appropriated in this section, not more than \$35,000 may be used for administrative costs.

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. 8. IOWA FINANCE AUTHORITY AUDIT. The auditor of state is requested to review the audit of the Iowa finance authority performed by the auditor hired by the authority.

Sec. 9. 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, 2019, and ending June 30, 2020, 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:

.....	\$	1,492,452
.....	FTEs	11.00

2. Of the moneys appropriated in this section, the board shall allocate \$15,000 for maintaining an internet site that allows searchable access to a database of collective bargaining information.

Sec. 10. 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, 2019, and ending June 30, 2020, 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:

.....	\$	3,491,252
.....	FTEs	58.10

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:

.....	\$	3,321,044
.....	FTEs	26.10

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:

.....	\$	6,675,650
.....	FTEs	185.92

b. Of the moneys appropriated in paragraph "a" of this subsection, the department shall allocate \$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:

.....	\$	387,158
.....	FTEs	5.00

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:

..... \$ 228,822

6. 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

7. 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. 11. 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, 2019, and ending June 30, 2020, 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:

..... \$ 379,631

..... FTEs 5.50

Sec. 12. 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, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for field offices:

..... \$ 1,766,084

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, 2019, and ending June 30, 2020, to accomplish the mission of the department.

Sec. 13. FUTURE READY IOWA — IOWA EMPLOYER INNOVATION FUND.

1. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

In consultation with the workforce development board, for funding of the Iowa employer innovation program which shall match eligible employer moneys to expand opportunities for education and training leading to high-demand jobs and to encourage Iowa employers, community leaders, and others to provide leadership and support for regional workforce talent pools throughout the state, and for future ready Iowa education and outreach:

..... \$ 1,200,000

2. Notwithstanding section 8.33, moneys appropriated in this section 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 until the close of the succeeding fiscal year.

Sec. 14. 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, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, for the purposes designated:

For the operation of field offices:

..... \$ 2,850,000

Sec. 15. VIRTUAL ACCESS WORKFORCE DEVELOPMENT OFFICES. The department of workforce development shall require a unique identification login for all users of workforce development centers operated through electronic means.

Sec. 16. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding section 96.9, subsection 4, paragraph "a", moneys credited to the state by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act are appropriated to the department of workforce development and shall be used by the department for the administration of the unemployment compensation program only. This appropriation shall not apply to any fiscal year beginning after December 31, 2019.

Sec. 17. 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, 2019, and ending June 30, 2020, 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:

..... \$ 11,700,000

(2) From the moneys appropriated in this lettered paragraph "a", the economic development authority may use not more than \$1,000,000 for purposes of providing infrastructure grants to mainstreet communities under the main street Iowa program and may allocate not more than \$300,000 for the purposes of supporting statewide worker education and quality preapprenticeship programs.

(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:

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

(a) 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.

(b) The institutions shall provide a one-to-one match of additional moneys for the activities funded with moneys appropriated under this subparagraph (1).

(c) The state board of regents shall submit a report by January 15, 2020, 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:

..... \$ 2,424,302  
..... FTEs 56.63

(a) Of the moneys appropriated in this subparagraph (2), Iowa state university of science and technology shall allocate at least \$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:

.....	\$	209,279
.....	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:

.....	\$	2,000,000
.....	FTEs	5.28

(5) UNIVERSITY OF NORTHERN IOWA. For the metal casting center, the MyEntreNet internet application, and the institute for decision making, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,066,419
.....	FTEs	8.12

(a) Of the moneys appropriated pursuant to this subparagraph, the university of northern Iowa shall allocate at least \$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:

..... \$ 100,000

(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, 2019.

(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.

d. COLLEGE STUDENT AID COMMISSION

For deposit in the future ready Iowa skilled workforce grant fund established pursuant to section 261.132, as enacted by 2018 Iowa Acts, chapter 1067, section 13:

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

e. DEPARTMENT OF WORKFORCE DEVELOPMENT

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 0.50

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. 18. GENERAL FUND — CERTAIN REGENTS INSTITUTIONS.

1. There is appropriated from the general fund of the state to the following institutions for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

In cooperation with the Iowa economic development authority, for support of a biosciences innovation ecosystem to strengthen Iowa’s leadership positions in the area of bio-based chemicals, digital agriculture, vaccines, and medical devices, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 825,000

..... FTEs 3.00

b. STATE UNIVERSITY OF IOWA

In cooperation with the Iowa economic development authority, for support of a biosciences innovation ecosystem, to strengthen Iowa’s leadership positions in the area of bio-based chemicals, digital agriculture, vaccines, and medical devices, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 275,000

..... FTEs 1.00

c. UNIVERSITY OF NORTHERN IOWA

For equipment and technology to expand the university’s additive manufacturing capabilities related to investment castings technology and industry support, including salaries, support, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 400,000

..... FTEs 4.00

The university of northern Iowa shall make a good faith effort to coordinate with private entities to seek funds to supplement this appropriation to support the expansion of the university’s additive manufacturing capabilities.

2. Notwithstanding section 8.33, moneys appropriated in subsection 1, paragraphs “a” and “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.

DIVISION II  
MISCELLANEOUS PROVISIONS

Sec. 19. Section 16.2, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 2A. There shall be four ex officio, nonvoting legislative members consisting of the following:

- a. Two state senators, one appointed by the majority leader of the senate and one appointed by the minority leader of the senate from their respective parties.
- b. Two state representatives, one appointed by the speaker and one appointed by the minority leader of the house of representatives from their respective parties.

Sec. 20. Section 16.2, subsection 3, Code 2019, is amended to read as follows:

3. Five voting members of the authority constitute a quorum and the affirmative vote of a majority of the appointed members is necessary for any substantive action taken by the authority. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the authority.

Approved May 17, 2019

**CHAPTER 155**  
APPROPRIATIONS — JUDICIAL BRANCH  
S.F. 616

**AN ACT** relating to appropriations to the judicial branch.

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

Section 1. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2019, and ending June 30, 2020, 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, 2019; and maintenance, equipment, and miscellaneous purposes:

..... \$ 181,126,293

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:

..... \$ 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. An office of the clerk of the district court shall be open regular courthouse hours.

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 to the legislative services agency prior to the effective date. 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, 2020, 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, 2018, and ending June 30, 2019, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2019, and ending June 30, 2020. A copy of the report shall be provided to the legislative services agency.

Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2019, and ending June 30, 2020, if all parties in a case agree, a civil trial including a jury trial may take place in a county contiguous to the county with proper jurisdiction, even if the contiguous county is located in an adjacent judicial district or judicial election district. If the trial is moved pursuant to this section, court personnel shall treat the case as if a change of venue occurred. However, if a trial is moved to an adjacent judicial district or judicial election district, the judicial officers serving in the judicial district or judicial election district receiving the case shall preside over the case.

Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section 602.1509, for the fiscal year beginning July 1, 2019, and ending June 30, 2020, a judicial officer may waive travel reimbursement for any travel outside the judicial officer's county of residence to conduct official judicial business.

Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding the annual salary rates for judicial officers established by 2013 Iowa Acts, chapter 140, section 40,<sup>1</sup> for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the supreme court may by order place all judicial officers on unpaid leave status on any day employees of the judicial branch are placed on temporary layoff status. The biweekly pay of the judicial officers shall be reduced accordingly for the pay period in which the unpaid leave date occurred in the same manner as for noncontract employees of the judicial branch. Through the course of the fiscal year, the judicial branch may use an amount equal to the aggregate amount of salary reductions due to the judicial officer unpaid leave days for any purpose other than for judicial salaries.

<sup>1</sup> According to Act; reference to "annual salary rates for judicial officers established by section 6 of this Act" probably intended

Sec. 5. IOWA COMMUNICATIONS NETWORK. It is the intent of the general assembly that the judicial branch utilize the Iowa communications network or other secure electronic communications in lieu of traveling for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

Sec. 6. STATE COURT — JUSTICES, JUDGES, AND MAGISTRATES.

1. The salary rates specified in subsection 2 are for the fiscal year beginning in July 1, 2019, and for subsequent fiscal years until otherwise provided by the general assembly. The salaries provided for in this section shall be paid from funds allocated to the judicial branch from the salary adjustment fund, or if the allocation is not sufficient, from funds appropriated to the judicial branch pursuant to this Act or any other Act of the general assembly.

2. The following annual salary rates shall be paid to the persons holding the judicial positions indicated during the fiscal year beginning July 1, 2019, and for subsequent pay periods.

a. Chief justice of the supreme court:	\$	186,661
b. Each justice of the supreme court:	\$	178,304
c. Chief judge of the court of appeals:	\$	167,160
d. Each associate judge of the court of appeals:	\$	161,588
e. Each chief judge of a judicial district:	\$	156,016
f. Each district judge except the chief judge of a judicial district:	\$	150,444
g. Each district associate judge:	\$	133,728
h. Each associate juvenile judge:	\$	133,728
i. Each associate probate judge:	\$	133,728
j. Each judicial magistrate:	\$	41,232
k. Each senior judge:	\$	8,915

3. Persons receiving the salary rates established under this section shall not receive any additional salary adjustments provided by this Act.

Approved May 17, 2019

**CHAPTER 156**

DEPARTMENT OF HUMAN RIGHTS — DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING — BOARDS AND COUNCILS

*H.F. 634*

**AN ACT** relating to certain boards and councils in the department of human rights including the establishment of the justice advisory board and the elimination of the criminal and juvenile justice planning advisory council, the public safety advisory board, and the sex offender research council.

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

Section 1. Section 216A.3, subsection 2, paragraph a, Code 2019, is amended to read as follows:

a. The voting members shall consist of nine voting members selected by each of the permanent commissions within the department, and two voting members, appointed by the governor. For purposes of this paragraph “a”, “*permanent commissions*” means the commission of Latino affairs, commission on the status of women, commission of persons with disabilities, commission on community action agencies, commission of deaf services, ~~criminal and juvenile justice planning advisory council~~ justice advisory board, commission on the status of African Americans, commission of Asian and Pacific Islander affairs, and commission of Native American affairs. The term of office for voting members is four years.

Sec. 2. Section 216A.131, Code 2019, is amended to read as follows:

**216A.131 Definitions.**

For the purpose of this subchapter, unless the context otherwise requires:

1. “*Administrator*” means the administrator of the division of criminal and juvenile justice planning.

2. “*Board*” means the ~~public safety advisory board~~ justice advisory board.

3. “*Council*” ~~means the criminal and juvenile justice planning advisory council.~~ “*Department*” means the department of human rights.

4. “*Division*” means the division of criminal and juvenile justice planning.

Sec. 3. Section 216A.131A, Code 2019, is amended to read as follows:

**216A.131A Division of criminal and juvenile justice planning.**

The division of criminal and juvenile justice planning is established to fulfill the responsibilities of this subchapter, including the duties specified in sections 216A.135, 216A.136, 216A.137, 216A.138, and ~~216A.139~~ 216A.140.

Sec. 4. Section 216A.132, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

**216A.132 Board established — terms — compensation.**

1. A justice advisory board is established consisting of twenty-eight members who shall all reside in the state.

a. The governor shall appoint nine voting members each for a four-year term beginning and ending as provided in section 69.19 and subject to confirmation by the senate as follows:

(1) Three persons, each of whom is a county supervisor, county sheriff, mayor, nonsupervisory police officer, or a chief of police of a department with fewer than eleven police officers.

(2) Two persons who are knowledgeable about Iowa’s juvenile justice system.

(3) One person representing the general public, who is not employed in any law enforcement, judicial, or corrections capacity.

(4) One person who is either a crime victim, or who represents a crime victim organization.

(5) One person who represents a recognized civil rights organization that advocates for minorities.

(6) One person who was formerly under juvenile court or correctional supervision, or a representative of an organization that advocates for individuals who have been under juvenile court or correctional supervision.

b. Additional voting members of the board, each serving a four-year term, shall include one representative from each of the following:

(1) The Iowa coalition against sexual assault.

(2) The American civil liberties union of Iowa.

(3) The Iowa county attorneys association.

(4) The department of human services.

(5) The department of corrections.

(6) A judicial district department of correctional services.

(7) The department of public safety.

(8) The office on the status of African Americans.

(9) The department of public health.

- (10) The board of parole.
- (11) The department of justice.
- (12) The state public defender.
- (13) The governor's office of drug control policy.

c. The chief justice of the supreme court shall designate one member who is a district judge and one member who is either a district associate judge or associate juvenile judge. The members appointed pursuant to this paragraph shall serve as ex officio, nonvoting members for four-year terms beginning and ending as provided in section 69.19, unless the member ceases to serve as a judge.

d. The chairperson and ranking member of the senate committee on judiciary shall be ex officio, nonvoting members. In alternating two-year terms, beginning and ending as provided in section 69.16B, the chairperson and ranking member of the house committee on judiciary or of the house committee on public safety shall be ex officio, nonvoting members, with the chairperson and ranking member of the house committee on public safety serving during the term beginning in January 2020.

2. Vacancies shall be filled by the original appointing authority in the manner of the original appointments.

3. Members of the board shall receive reimbursement from the state for actual and necessary expenses incurred in the performance of their official duties and may also be eligible to receive compensation as provided in section 7E.6. All expense moneys paid to nonlegislative members shall be paid from funds appropriated to the division. Legislative members shall receive compensation as provided in sections 2.10 and 2.12.

4. Members of the board shall appoint a chairperson and vice chairperson and other officers as the board deems necessary. A majority of the voting members currently appointed to the board shall constitute a quorum. A quorum shall be required for the conduct of business of the board and the affirmative vote of a majority of the currently appointed members is necessary for any substantive action taken by the board. A member shall not vote on any action if the member has a conflict of interest on the matter, and a statement by the member of a conflict of interest shall be conclusive for this purpose.

5. Membership on the board shall be bipartisan as provided in section 69.16 and gender balanced as provided in section 69.16A.

6. Meetings of the board shall be open to the public as provided in chapter 21.

7. The board may call upon any department, agency, or office of the state, or any political subdivision of the state, for information or assistance as needed in the performance of its duties. The information or assistance shall be furnished to the extent that it is within the resources and authority of the department, agency, office, or political subdivision. This section does not require the production or opening of any records which are required by law to be kept private or confidential.

Sec. 5. Section 216A.133, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

**216A.133 Purpose and duties.**

1. The purpose of the board shall be all of the following:

a. Develop short-term and long-term goals to improve the criminal and juvenile justice systems.

b. Identify and analyze justice system issues.

c. Develop and assist others in implementing recommendations and plans for justice system improvement.

d. Provide the general assembly with an analysis of current and proposed criminal code provisions.

e. Provide for a clearinghouse of justice system information to coordinate with data resource agencies and assist others in the use of justice system data.

2. The board shall advise the division on its administration of state and federal grants and appropriations and shall carry out other functions consistent with this subchapter.

3. The duties of the board shall consist of the following:

a. Identifying issues and analyzing the operation and impact of present criminal and juvenile justice policy and making recommendations for policy changes.

b. Coordinating with data resource agencies to provide data and analytical information to federal, state, and local governments, and assisting agencies in the use of criminal and juvenile justice data.

c. Reporting criminal justice system needs to the governor, the general assembly, and other decision makers to improve the criminal justice system.

d. Reporting juvenile justice system needs to the governor, the general assembly, and other decision makers to address issues specifically affecting the juvenile justice system, including evidence-based programs for group foster care placements and the state training school, diversion, and community-based services for juvenile offenders.

e. Providing technical assistance upon request to state and local agencies.

f. Administering federal funds and funds appropriated by the state or that are otherwise available in compliance with applicable laws, regulations, and other requirements for purposes of study, research, investigation, planning, and implementation in the areas of criminal and juvenile justice.

g. Making grants to cities, counties, and other entities pursuant to applicable law.

h. Maintaining an Iowa correctional policy project as provided in section 216A.137.

i. Providing input to the department director in the development of budget recommendations for the division.

j. Coordinating with the administrator to develop and make recommendations to the department director pursuant to section 216A.2.

k. Serving as a liaison between the division and the public, sharing information and gathering constituency input.

l. Recommending to the board<sup>1</sup> the adoption of rules pursuant to chapter 17A as it deems necessary for the board and division.

m. Recommending legislative and executive action to the governor and general assembly.

n. Establishing advisory committees, work groups, or other coalitions as appropriate.

o. Providing the general assembly with an analysis and recommendations of current criminal code provisions and proposed legislation which include but are not limited to all of the following:

(1) Potential disparity in sentencing.

(2) Truth in sentencing.

(3) Victims.

(4) The proportionality of specific sentences.

(5) Sentencing procedures.

(6) Costs associated with the implementation of criminal code provisions, including costs to the judicial branch, department of corrections, and judicial district departments of correctional services, costs for representing indigent defendants, and costs incurred by political subdivisions of the state.

(7) Best practices related to the department of corrections including recidivism rates, safety and the efficient use of correctional staff, and compliance with correctional standards set by the federal government and other jurisdictions.

(8) Best practices related to the Iowa child death review team established in section 135.43 and the Iowa domestic abuse death review team established in section 135.109.

p. Studying and making recommendations for treating and supervising adult and juvenile sex offenders in institutions, community-based programs, and in the community, in areas which include but are not limited to all of the following:

(1) The effectiveness of electronically monitoring sex offenders.

(2) The cost and effectiveness of special sentences pursuant to chapter 903B.

(3) Risk assessment models created for sex offenders.

(4) Determining the best treatment programs available for sex offenders and the efforts of Iowa and other states to implement treatment programs.

(5) The efforts of Iowa and other states to prevent sex abuse-related crimes including child sex abuse.

<sup>1</sup> See chapter 89, §9 herein

(6) Any other related issues the board deems necessary, including but not limited to computer and internet sex-related crimes, sex offender case management, best practices for sex offender supervision, the sex offender registry, and the effectiveness of safety zones.

q. Providing expertise and advice to the legislative services agency, the department of corrections, the judicial branch, and others charged with formulating fiscal, correctional, or minority impact statements.

r. Reviewing data supplied by the division, the department of management, the legislative services agency, the Iowa supreme court, and other departments or agencies for the purpose of determining the effectiveness and efficiency of the collection of such data.

4. The board shall submit reports, in accordance with section 216A.135, to the governor and general assembly regarding actions taken, issues studied, and board recommendations.

Sec. 6. Section 216A.135, Code 2019, is amended by striking the section and inserting in lieu thereof the following:

**216A.135 Plan and report.**

1. The board shall submit a three-year criminal and juvenile justice plan for the state, beginning December 1, 2020, and every three years thereafter, by December 1. The three-year plan shall be updated annually. Each three-year plan and annual updates of the three-year plan shall be submitted to the governor and the general assembly by December 1.

2. The three-year plan and annual updates shall include but are not limited to the following:

a. Short-term and long-term goals for the criminal and juvenile justice systems.

b. The identification of issues and studies on the effective treatment and supervision of adult and juvenile sex offenders in institutions, community-based programs, and the community.

c. Analysis and recommendations of current criminal code provisions.

d. The effectiveness and efficiencies of current criminal and juvenile justice policies, practices, and services.

e. Collection of criminal and juvenile justice data.

f. Recommendations to improve the criminal and juvenile justice systems.

Sec. 7. Section 216A.137, Code 2019, is amended to read as follows:

**216A.137 Correctional policy project.**

The division shall maintain an Iowa correctional policy project for the purpose of conducting analyses of major correctional issues affecting the criminal and juvenile justice system. The ~~council~~ board shall identify and prioritize the issues and studies to be addressed by the division through this project and shall report project plans and findings annually along with the report required in section 216A.135. Issues and studies to be considered by the ~~council~~ board shall include, but are not limited to a review of the information systems available to assess corrections trends and program effectiveness, the development of an evaluation plan for assessing the impact of corrections expenditures, and a study of the desirability and feasibility of changing the state's sentencing practices, ~~a public opinion survey to assess the public's view of possible changes in current corrections practices, and the development of parole guidelines which includes a prison population forecast.~~

The division may form subcommittees for the purpose of addressing major correctional issues affecting the criminal and juvenile justice system. The division shall establish a subcommittee to address issues specifically affecting the juvenile justice system.

Sec. 8. REPEAL. Sections 216A.133A and 216A.139, Code 2019, are repealed.

Approved May 17, 2019



**CHAPTER 157****PRISONERS OF COUNTY JAILS — MEDICAL AID PAYMENT REVIEW***H.F. 685*

**AN ACT** relating to the payment of required medical aid provided to prisoners of county jails.

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

Section 1. **MEDICAL AID PROVIDED TO PRISONERS OF COUNTY JAILS.** The Iowa state sheriffs' and deputies' association, the Iowa state association of counties, and the Iowa hospital association shall review current processes for payment of medical aid provided to prisoners of county jails under chapters 356 and 804. The groups shall consider and propose recommendations related to prisoner payment and responsibility, cooperative payment processes, and payment rates, and shall submit a report including proposed recommendations for improvements in the processes to the general assembly by December 15, 2019.

Approved May 17, 2019

**CHAPTER 158****VEHICLES OF EXCESSIVE SIZE AND WEIGHT — PERMITS — RAW FOREST PRODUCT TRANSPORT***S.F. 629*

**AN ACT** relating to permits for vehicles of excessive size and weight, including vehicles transporting raw forest products, and providing for fees.

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

Section 1. Section 321.463, subsection 3, Code 2019, is amended to read as follows:

3. Notwithstanding other provisions of this chapter to the contrary, indivisible loads operating under the permit requirements of sections 321E.7, 321E.8, 321E.9, and 321E.29A, and divisible loads operating under the permit requirements of section 321E.26, shall be allowed a maximum of twenty thousand pounds per axle.

Sec. 2. Section 321E.3, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding any other provision of this chapter to the contrary, the department shall develop and implement a single statewide system to receive applications for and issue permits authorized under this chapter that allow for the operation of vehicles of excessive size or weight on highways or streets under the jurisdiction of the state or local authorities. The department is authorized to determine, in consultation with the applicable local authorities, the network of highways and streets under the jurisdiction of local authorities, including the appropriate routes, on which vehicles issued permits under the system are authorized to operate. Permits issued under the system shall be issued by the department for a fee established by the department by rule, which fees shall be proportionate to the fees set forth in section 321E.14. The department shall allocate a portion of the fees collected under this subsection to local authorities having jurisdiction over highways or streets on which vehicles issued permits under the system are authorized to operate.

Sec. 3. Section 321E.7, subsection 1, paragraph e, Code 2019, is amended to read as follows:

e. Vehicles operating under a permit issued pursuant to section 321E.8, 321E.9, ~~or 321E.9A,~~ or 321E.26 may have a gross weight not to exceed forty-six thousand pounds on a single

tandem axle of the truck tractor and a gross weight not to exceed forty-six thousand pounds on a single tandem axle of the trailer or semitrailer if each axle of each tandem group has at least four tires.

Sec. 4. Section 321E.9, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Containers for international shipment shall be considered an indivisible load for purposes of transportation under a permit issued pursuant to this section if all of the following conditions are met:

a. The combination of vehicles transporting the container under the permit does not exceed the maximum dimensions specified in sections 321.454 through 321.457.

b. The container is sealed for international shipment and is either in route for export to a foreign country or in route to the container's destination from a foreign country.

c. Documentation, such as a bill of lading or another similar document, is carried in the vehicle, in written or electronic form, that ties the container being moved to the container listed in the documentation using the unique container number marked on the container. The documentation shall clearly state the foreign country of origin or destination, and shall be provided to a peace officer upon request.

d. The container's contents are exclusively raw forest products as defined in section 321E.26.

Sec. 5. Section 321E.14, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. One hundred seventy-five dollars for a permit issued pursuant to section 321E.26.

Sec. 6. NEW SECTION. **321E.26 Transportation of raw forest products.**

1. The department may issue annual permits for the operation of a vehicle or combination of vehicles transporting divisible loads of raw forest products from fields to storage, processing, or other commercial facilities. The combined gross weight or gross weight on any one axle or group of axles on a vehicle or combination of vehicles issued a permit under this section may exceed the maximum weights specified in section 321.463, if the gross weight on any one axle does not exceed the limitations specified in section 321E.7.

2. A vehicle or combination of vehicles for which a permit is issued under this section shall not exceed the maximum dimensions specified in sections 321.454 through 321.457.

3. A vehicle or combination of vehicles for which a permit is issued under this section shall not travel on any portion of the interstate highway system.

4. Notwithstanding section 321E.3 or any other provision of law to the contrary, a permit issued by the department pursuant to this section is valid for the operation of a vehicle or combination of vehicles on a nonprimary highway if the local authority having jurisdiction over the nonprimary highway has approved the route within the local authority's jurisdiction used by the vehicle or combination of vehicles traveling under the permit.

5. For the purposes of this section, "*raw forest products*" means logs, pilings, posts, poles, cordwood products, wood chips, sawdust, pulpwood, intermediary lumber, fuel wood, mulch, tree bark, and Christmas trees not altered by a manufacturing process off the land, sawmill, or factory from which the products were taken.

Sec. 7. **REPORT.** The department shall submit a report to the general assembly in electronic form on or before December 31, 2021, regarding the status of the development and implementation of the system required under section 321E.3, subsection 3, as enacted by this Act.

Approved May 20, 2019

**CHAPTER 159****ECONOMIC INCENTIVES FOR BROADBAND AND WORKFORCE HOUSING  
DEVELOPMENT***H.F. 772*

**AN ACT** creating an empower rural Iowa Act to provide incentives for broadband and workforce housing, and including effective date and applicability 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 “Empower Rural Iowa Act”.

**DIVISION II  
BROADBAND**

Sec. 2. Section 8B.1, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. “Facilitate” means a communication service provider’s ability to provide broadband service at or above the download and upload speeds specified in the definition of targeted service area in this section to a home, farm, school, or business within a commercially reasonable time and at a commercially reasonable price upon request by a consumer.

Sec. 3. Section 8B.1, subsection 12, Code 2019, is amended to read as follows:

12. “Targeted service area” means a United States census bureau census block located in this state, including any crop operation located within the census block, within which no communications service provider offers or facilitates broadband service at or above ~~twenty five megabits per second of download speed and three megabits per second of upload speed as of July 1, 2015~~ the download and upload speeds identified by the federal communications commission pursuant to section 706 of the federal Telecommunications Act of 1996, as amended.

Sec. 4. Section 8B.1, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. “Underserved area” means any portion of a targeted service area within which no communications service provider offers or facilitates broadband service meeting the download and upload speeds specified in the definition of targeted service area in this section.

Sec. 5. Section 8B.10, subsection 1, Code 2019, is amended to read as follows:

1. The determination of whether a communications service provider offers or facilitates broadband service meeting the download ~~or~~ and upload speeds specified in the definition of targeted service area in section 8B.1 shall be determined or ascertained by reference to broadband availability maps or data sources that are widely accepted for accuracy and available for public review and comment and that are identified by the office by rule. The office shall periodically make renewed determinations of whether a communications service provider offers or facilitates broadband service at or above the download and upload speeds specified in the definition of targeted service area in section 8B.1, which shall, to the extent updated maps and data sources are available at the time, include making such determinations prior to each round of grant applications solicited by the office pursuant to section 8B.11.

Sec. 6. Section 8B.11, subsection 1, Code 2019, is amended to read as follows:

1. The office shall administer a broadband grant program designed to award reduce or eliminate unserved and underserved areas in the state, leveraging federal funds and public and private partnerships where possible, by awarding grants to communications service providers that reduce or eliminate targeted service areas by installing broadband

infrastructure that facilitates broadband service in targeted service areas at or above the download and upload speeds specified in the definition of targeted service area in section 8B.1, in accordance with this section.

Sec. 7. Section 8B.11, subsection 2, paragraph c, Code 2019, is amended to read as follows:

c. Notwithstanding section 8.33, moneys 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 until the close of the succeeding fiscal year three years following the last day of the fiscal year in which the funds were originally appropriated.

Sec. 8. Section 8B.11, subsection 3, Code 2019, is amended to read as follows:

3. Communications service providers may apply to the office for a grant pursuant to this section for the installation of broadband infrastructure that facilitates broadband service at or above twenty-five megabits per second of download speed and three megabits per second of upload speed in targeted service areas at or above the download and upload speeds specified in the definition of targeted service area in section 8B.1. The office may, by rule, increase the minimum download and upload speeds for grant eligibility pursuant to this section. The office shall include representatives from schools, communities, agriculture, industry, and other areas as appropriate to review and recommend grant awards. The office shall conduct an open application review process and include that includes the opportunity for the public to submit factual information as part of a validation process to address claims that a targeted service area is currently served with broadband service at or above the download and upload speeds specified in the definition of targeted service area in section 8B.1. Upon completion of the validation process, the office may modify a proposed targeted service area to account for information received during the validation process. The office shall make available a public internet site for identifying all publicly available information contained in the applications, the members of the review committee, a summary of the review committee's recommended results, and any results of performance testing conducted after the project is completed.

Sec. 9. Section 8B.11, subsection 4, Code 2019, is amended to read as follows:

4. a. The office shall award grants on a competitive basis for the installation of broadband infrastructure that facilitates broadband service in targeted service areas at or above the download and upload speeds specified in the definition of targeted service area in section 8B.1, after considering the following:

(1) The relative need for broadband infrastructure in the area and the existing broadband service speeds, including whether the project serves a rural area or areas.

(2) The applicant's total proposed budget for the project, including the amount or percentage of local or federal matching funds, if any, any funding obligations shared between public and private entities, and the percentage of funding provided directly from the applicant.

(3) The relative download and upload speeds of proposed projects for all applicants.

(4) The specific product attributes resulting from the proposed project, including technologies that provide higher qualities of service, such as service levels, latency, and other service attributes as determined by the office.

(2) (5) The percentage of the homes, farms, schools, and businesses in the targeted service area that will be provided access to broadband service.

(3) (6) The geographic diversity of the project areas of all the applicants.

(4) (7) The economic impact of the project to the area.

(5) The applicant's total proposed budget for the project, including the amount or percentage of local match, if any.

(6) (8) Other factors the office deems relevant.

b. In considering the factors listed in paragraph "a" for awarding grants pursuant to this section, the office shall afford the greatest weight to the factors described in paragraph "a", subparagraphs (1) through (3).

~~b. c.~~ Except as otherwise provided in this section, the office shall not evaluate applications based on the office's knowledge of the applicant except for the information provided in obtained by the office during the application process or period for public comment.

Sec. 10. Section 8B.11, subsections 7 and 8, Code 2019, are amended to read as follows:

7. The office shall not award a grant pursuant to this section on or after July 1, ~~2020~~ 2025.

8. The office ~~shall~~ may adopt rules pursuant to chapter 17A interpreting this chapter or necessary for administering this chapter, including but not limited to rules relating to the broadband grant program process, management, and measurements as deemed necessary by the office.

Sec. 11. Section 8B.11, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The office shall adopt rules establishing procedures to allow aggrieved applicants an opportunity to challenge the office's award of grants under this section.

Sec. 12. Section 427.1, subsection 40, paragraphs a and b, Code 2019, are 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~~ 2027. ~~For the purposes of~~ Unless the context otherwise requires, the words and phrases used in this subsection, "broadband infrastructure" and "targeted service area" mean the same as shall have the same meaning as the words and phrases used in chapter 8B, including but not limited to the words and phrases defined in section 8B.1.

b. The exemption shall apply to the installation of broadband infrastructure that facilitates broadband service at or above ~~twenty-five megabits per second of download speed and three megabits per second of upload speed~~ the download and upload speeds specified in the definition of targeted service area in section 8B.1 commenced and completed on or after July 1, 2015, and before July 1, ~~2020~~ 2025, in a targeted service area, and used to deliver internet services to the public. A person claiming an exemption under this subsection shall certify to the local assessor prior to commencement of the installation that the ~~broadband installation of broadband infrastructure will take place~~ facilitate broadband service at or above the download and upload speeds specified in the definition of targeted service area in section 8B.1 within a targeted service area and shall specify the current number of homes, farms, schools, and businesses in the targeted service area that were offered broadband service and the download and upload speeds available prior to the broadband infrastructure installation for which the exemption is claimed and the number of homes, farms, schools, and businesses in the targeted service area that will be offered broadband service and the download and upload speeds that will be available as a result of installation of the broadband infrastructure for which the exemption is claimed.

Sec. 13. Section 427.1, subsection 40, paragraph f, subparagraph (1), subparagraph division (d), Code 2019, is amended to read as follows:

(d) Certification from the office of the chief information officer pursuant to section 8B.10 that the installation ~~is being performed or was completed~~ will facilitate broadband service at or above the download and upload speeds specified in the definition of targeted service area in section 8B.1 in a targeted service area. ~~Certification from the office of the chief information officer that broadband infrastructure installed in a targeted service area facilitates broadband service at or above twenty-five megabits per second of download speed and three megabits per second of upload speed.~~

Sec. 14. Section 427.1, subsection 40, paragraph i, Code 2019, is amended to read as follows:

i. This subsection is repealed July 1, ~~2024~~ 2030.

DIVISION III  
WORKFORCE HOUSING TAX INCENTIVE PROGRAM

Sec. 15. Section 15.119, subsection 2, paragraph g, Code 2019, is amended to read as follows:

g. The workforce housing tax incentives program administered pursuant to sections 15.351 through 15.356. In allocating tax credits pursuant to this subsection, the authority shall not allocate more than ~~twenty~~ twenty-five million dollars for purposes of this paragraph. Of the moneys allocated under this paragraph, ~~five~~ ten million dollars shall be reserved for allocation to qualified housing projects in small cities, as defined in section 15.352, that are registered on or after July 1, 2017.

Sec. 16. Section 15.119, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 5. Notwithstanding subsection 1, and in addition to amounts allocated pursuant to subsection 2, paragraph “g”, the authority shall allocate ten million dollars to the workforce housing tax incentives program administered pursuant to sections 15.351 through 15.356, for qualified housing projects located in a county that has been declared a major disaster by the president of the United States on or after March 12, 2019, and that is also a county in which individuals are eligible for federal individual assistance. In allocating tax credits pursuant to this subsection for the period beginning July 1, 2019, and ending June 30, 2024, the authority shall not allocate more than ten million dollars for purposes of this subsection. This subsection is repealed July 1, 2024.

Sec. 17. Section 15.352, subsection 10, Code 2019, is amended to read as follows:

10. “*Small city*” means any city or township located in this state, except those located wholly within one or more of the eleven most populous counties in the state, as determined by the most recent federal decennial census population estimates issued by the United States bureau of census. ~~For the purposes of this part, a small city that is located in more than one county shall be considered to be located in the county having the greatest taxable base within the small city.~~

Sec. 18. Section 15.353, subsection 2, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. For a housing project located in any county that has been declared a major disaster by the president of the United States on or after March 12, 2019, and that is also a county in which individuals are eligible for federal individual assistance, development at a greenfield site.

Sec. 19. Section 15.354, subsection 1, paragraph a, Code 2019, is amended to read as follows:

a. A housing business seeking workforce housing tax incentives provided in section 15.355 shall make application to the authority in the manner prescribed by the authority. The authority may accept applications ~~on a continuous basis~~ during one or more annual application periods to be determined by the authority by rule.

Sec. 20. Section 15.354, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. In addition to complying with all applicable requirements in paragraph “b”, a housing business that chooses to be considered as an applicant for tax credits reserved pursuant to section 15.119, subsection 5, shall also submit a certification that the applicant’s housing project is located in a county that has been declared a major disaster by the president of the United States on or after March 12, 2019, and is also a county in which individuals are eligible for federal individual assistance. The housing business must also submit documentation that provides evidence that the qualified housing project is needed due to impact of the disaster that is the subject of the presidential major disaster declaration.

Sec. 21. Section 15.354, subsection 2, Code 2019, is amended to read as follows:

2. ~~Registration.~~ Application review — tax incentive award.

a. All completed applications shall be reviewed and scored on a competitive basis by the authority pursuant to rules adopted by the authority.

~~a. b.~~ Upon review of the application, the authority may register the housing project under the program. If the authority registers the housing project, the authority shall make a preliminary determination as to the amount of tax incentives for which the housing project qualifies and scoring of all applications received during an application period, the authority may make a tax incentive award to a housing project, which tax incentive award shall represent the maximum amount of tax incentives the housing project may qualify for under the program. In determining a tax incentive award, the authority shall not use an amount of project costs that exceeds the amount included in the application of the housing business. Tax incentive awards shall be approved by the director of the authority.

~~b. c.~~ After registering the housing project making a tax incentive award, the authority shall notify the housing business of successful registration under the program its tax incentive award. The notification shall include the amount of tax incentives under section 15.355 for which the housing business has received preliminary approval an award and a statement that the amount is a preliminary determination only housing business has no right to receive a tax incentive certificate or claim a tax incentive until all requirements of the program, including all requirements imposed by the agreement entered into pursuant to subsection 3, are satisfied. The amount of tax credits included on a tax credit certificate issued pursuant to this section, or a claim for refund of sales and use taxes, shall be contingent upon completion of the all requirements in subsection 3.

d. An applicant that does not receive a tax incentive award during an application period may make additional applications during subsequent application periods. Such applicant shall be required to submit a new application and shall be competitively reviewed and scored in the same manner as other applicants in that application period.

Sec. 22. Section 15.354, subsection 3, paragraphs a and e, Code 2019, are amended to read as follows:

a. Upon successful registration of receipt of a tax incentive award by the housing project, the housing business shall enter into an agreement with the authority for the successful completion of all requirements of the program. The agreement shall identify the tax incentive award amount, the tax incentive award date, the project completion deadline, and the total costs of the housing project.

e. (1) Upon review of the examination and verification of the amount of the qualifying new investment, the authority may notify the housing business of the amount that the housing business may claim as a refund of the sales and use tax under section 15.355, subsection 2, and may issue a tax credit certificate to the housing business stating the amount of workforce housing investment tax credits under section 15.355, subsection 3, the eligible housing business may claim. The sum of the amount that the housing business may claim as a refund of the sales and use tax and the amount of the tax credit certificate shall not exceed the amount of the tax incentive award.

(2) If upon review of the examination in subparagraph (1) the authority determines that a housing project has incurred project costs in excess of the amount submitted in the application made pursuant to subsection 1 and identified in the agreement, the authority shall do one of the following:

(a) If the project costs do not cause the housing project's average dwelling unit cost to exceed the applicable maximum amount authorized in section 15.353, subsection 3, the authority may consider the agreement fulfilled and may issue a tax credit certificate.

(b) If the project costs cause the housing project's average dwelling unit cost to exceed the applicable maximum amount authorized in section 15.353, subsection 3, but does not cause the average dwelling unit cost to exceed one hundred ten percent of such applicable maximum amount, the authority may consider the agreement fulfilled and may issue a tax credit certificate. In such case, the authority shall reduce the tax incentive award and the corresponding amount of tax incentives the eligible housing project may claim under section 15.355, subsections 2 and 3, by the same percentage that the housing project's average dwelling unit cost exceeds the applicable maximum amount under section 15.353, subsection 3, and such tax incentive reduction shall be reflected on the tax credit certificate.

If the authority issues a certificate pursuant to this subparagraph division, the department of revenue shall accept the certificate notwithstanding that the housing project's average dwelling unit costs exceeds the maximum amount specified in section 15.353, subsection 3.

(c) If the project costs cause the housing project's average dwelling unit cost to exceed one hundred ten percent of the applicable maximum amount authorized in section 15.353, subsection 3, the authority shall determine the eligible housing business to be in default under the agreement, shall revoke the tax incentive award, and shall not issue a tax credit certificate. The housing business shall not be allowed a refund of sales and use tax under section 15.355, subsection 2.

Sec. 23. Section 15.354, subsection 4, Code 2019, is amended by striking the subsection and inserting in lieu thereof the following:

4. *Maximum tax incentives amount.*

a. (1) For fiscal years beginning on or after July 1, 2019, the authority shall not award in any fiscal year an amount of tax incentives for housing projects located in small cities, or for other housing projects, in excess of the amounts allocated for each category in section 15.119, subsection 2, paragraph "g". This paragraph "a" applies to housing projects awarded tax incentives pursuant to subsection 2 on or after July 1, 2019, and to housing projects registered prior to July 1, 2019, under section 15.354, subsection 2, Code 2019.

(2) Notwithstanding subparagraph (1), and section 15.119, subsection 2, paragraph "g", if the sum of the amount of tax incentives applied for in valid applications submitted in a given fiscal year beginning on or after July 1, 2019, for housing projects located in small cities, plus the amount of tax incentives eligible for issuance to housing projects located in small cities that were registered prior to July 1, 2019, under section 15.354, subsection 2, Code 2019, does not exceed the amount reserved for housing projects located in small cities pursuant to section 15.119, subsection 2, paragraph "g", the authority may award the remaining amount of tax incentives reserved for housing projects located in small cities to other housing projects during that same fiscal year.

(3) Notwithstanding subparagraph (1), and section 15.119, subsection 2, paragraph "g", the authority may award during a fiscal year an aggregate amount of tax incentives to housing projects located in small cities that is less than the amount reserved for allocation to small cities under section 15.119, subsection 2, paragraph "g", provided the difference between the amount of the small city reservation and the aggregate amount actually awarded to small cities during that fiscal year is awarded during that same fiscal year to housing projects registered prior to July 1, 2018.

b. With regard to a housing project registered prior to July 1, 2019, a tax incentive shall be considered awarded for purposes of paragraph "a" when the authority enters into an agreement with the housing business for that housing project as provided under section 15.354, subsection 3, Code 2019. Notwithstanding any provision of law to the contrary, a housing business shall have no right to enter into an agreement with the authority for a housing project registered prior to July 1, 2019, until the authority allocates an amount of tax incentives to the housing project and notifies the housing business that the authority is prepared to execute the agreement and make a tax incentive award for the housing project. A housing business shall have no right to receive a tax credit certificate or claim a tax incentive for a housing project registered prior to July 1, 2019, until the housing business enters into an agreement with the authority.

c. In making tax incentive awards during any fiscal year in which there are housing projects registered prior to July 1, 2019, which are eligible to receive tax incentives under the program, the authority shall give priority in making tax incentive awards to housing projects registered prior to July 1, 2019. The authority shall create and maintain a wait list of housing projects registered prior to July 1, 2019, and such housing projects shall be placed on the wait list in the order the housing projects were registered.

d. The maximum aggregate amount of tax incentives that may be awarded and issued under section 15.355 to a housing business for a housing project shall not exceed one million dollars.

e. If a housing business qualifies for a higher amount of tax incentives under section 15.355 than is allowed by the limitation imposed in paragraph "d", the authority and the housing



business may negotiate an apportionment of the reduction in tax incentives between the sales tax refund provided in section 15.355, subsection 2, and the workforce housing investment tax credits provided in section 15.355, subsection 3, provided the total aggregate amount of tax incentives after the apportioned reduction does not exceed the amount in paragraph “d”.

f. The authority shall issue tax incentives under the program on a first-come, first-served basis until the maximum amount of tax incentives allocated under section 15.119, subsection 2, paragraph “g”, is reached. The authority shall maintain a list of housing projects registered prior to July 1, 2019, and of housing projects awarded tax incentives on or after July 1, 2019, so that if the maximum aggregate amount of tax incentives is reached in a given fiscal year, such registered housing projects that were completed but for which tax incentives were not issued, and such housing projects that were completed and are awarded tax incentives but for which tax incentives have not been issued, shall be placed on a wait list in the order the housing projects were registered or awarded tax incentives and shall be given priority for receiving tax incentives in succeeding fiscal years.

Sec. 24. Section 15.354, subsection 5, Code 2019, is amended to read as follows:

5. *Termination and repayment.* The failure by a housing business in completing a housing project to comply with any requirement of this program or any of the terms and obligations of an agreement entered into pursuant to this section may result in the revocation, reduction, termination, or rescission of the tax incentive award or the approved tax incentives and may subject the housing business to the repayment or recapture of tax incentives claimed under section 15.355. The repayment or recapture of tax incentives pursuant to this section shall be accomplished in the same manner as provided in section 15.330, subsection 2.

Sec. 25. Section 15.354, Code 2019, is amended by adding the following new subsection: NEW SUBSECTION. 6. *Disaster recovery housing projects.*

a. For purposes of this subsection, “disaster recovery housing project” means a qualified housing project located in a county that has been declared a major disaster by the president of the United States on or after March 12, 2019, and that is also a county in which individuals are eligible for federal individual assistance.

b. Notwithstanding subsection 1, the authority may accept applications for disaster recovery housing projects on a continuous basis.

c. Notwithstanding subsection 2, paragraphs “a”, “b”, and “d”, upon review of a housing business’s application, the authority may make a tax incentive award to a disaster recovery housing project. The tax incentive award shall represent the maximum amount of tax incentives that the disaster recovery housing project may qualify for under the program. In determining a tax incentive award, the authority shall not use an amount of project costs that exceeds the amount included in the application of the housing business. Tax incentive awards shall be approved by the director of the authority.

d. The authority shall administer tax credit allocations for disaster recovery housing projects separately from the general allocation and separately from the allocation reserved for small cities in section 15.119, subsection 2, paragraph “g”. The authority shall issue tax incentives under the program for disaster recovery housing projects on a first-come, first-served basis until the maximum amount of tax incentives allocated under section 15.119, subsection 5, is reached. The authority shall maintain a list of disaster recovery housing projects awarded tax incentives under the program, so that if the maximum aggregate amount of tax incentives allocated for disaster recovery housing projects under the program is reached in a given fiscal year, such disaster recovery housing projects that were completed but for which tax incentives were not issued shall be placed on a wait list in the order the disaster recovery housing projects were awarded tax incentives pursuant to paragraph “c”, and shall be given priority for receiving tax incentives in succeeding fiscal years.

Sec. 26. Section 15.355, subsection 2, Code 2019, is amended to read as follows:

2. A housing business may claim a refund of the sales and use taxes paid under chapter 423 that are directly related to a housing project and specified in the agreement. The refund available pursuant to this subsection shall be as provided in section 15.331A, excluding subsection 2, paragraph “c”, of that section. For purposes of the program, the term “project

*completion*", as used in section 15.331A, shall mean the date on which the authority notifies the department of revenue that all applicable requirements of an agreement entered into pursuant to section 15.354 are satisfied.

Sec. 27. Section 15.355, subsection 3, paragraph a, subparagraphs (1) and (2), Code 2019, are amended to read as follows:

(1) For a housing project not located in a small city, ten percent of the qualifying new investment of a housing project specified in the agreement.

(2) For a housing project located in a small city, twenty percent of the qualifying new investment of a housing project specified in the agreement.

Sec. 28. Section 15.355, subsection 3, paragraph a, Code 2019, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) For a housing project located in a county that has been declared a major disaster by the president of the United States on or after March 12, 2019, and that is also a county in which individuals are eligible for federal individual assistance, twenty percent of the qualifying new investment of a housing project.

Sec. 29. WORKFORCE HOUSING TAX INCENTIVES PROGRAM — FISCAL YEAR 2019-2020. Notwithstanding section 15.119, subsection 2, paragraph "g", for the fiscal year beginning July 1, 2019, and ending June 30, 2020, all moneys allocated pursuant to section 15.119, subsection 2, paragraph "g", shall be allocated by the economic development authority to qualified housing projects in small cities, as defined in section 15.352, that were registered prior to July 1, 2019. If the sum of the amount of tax incentives allocated in the fiscal year beginning July 1, 2019, and ending June 30, 2020, for housing projects located in small cities that were registered prior to July 1, 2019, does not exceed the moneys that may be allocated pursuant to section 15.119, subsection 2, paragraph "g", the authority may allocate the remaining moneys to other qualified housing projects that were registered prior to July 1, 2019.

Sec. 30. EMERGENCY RULES. The economic development authority may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this division of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 31. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 32. APPLICABILITY.

1. Except as provided in subsection 2, this division of this Act applies to housing projects awarded tax incentives by the authority under the program on or after July 1, 2019, and housing projects registered by the authority under the program prior to July 1, 2019, shall be governed by sections 15.352, 15.354, and 15.355, Code 2019.

2. The provision of this division of this Act amending section 15.354, subsection 4, applies to housing projects registered by the authority under the program prior to July 1, 2019, and to housing projects awarded tax incentives by the authority under the program on or after July 1, 2019.

Approved May 20, 2019

**CHAPTER 160****MANUFACTURERS OF ALCOHOLIC BEVERAGES***S.F. 230*

**AN ACT** relating to manufacturers of alcoholic beverages.

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

Section 1. Section 123.43A, subsection 6, Code 2019, is amended to read as follows:

6. Notwithstanding any provision of this chapter to the contrary or the fact that a person is the holder of a class “A” native distilled spirits license, a native distillery which, combining all production facilities of the business, produces and manufactures not more than one hundred thousand proof gallons of native distilled spirits on an annual basis may sell those native distilled spirits manufactured on the premises of the native distillery for consumption on the premises by applying for a class “C” native distilled spirits liquor control license as provided in section 123.30. A native distillery may be granted not more than one class “C” native distilled spirits liquor control license. All native distilled spirits sold by a native distillery for on-premises consumption shall be purchased from a class “E” liquor control licensee. A manufacturer of native distilled spirits may be issued a class “C” native distilled spirits liquor control license regardless of whether the manufacturer is also a manufacturer of beer pursuant to a class “A” beer permit or a manufacturer of native wine pursuant to a class “A” wine permit. ~~A native distillery engaged in the business of manufacturing beer shall not be issued a class “C” native distilled spirits liquor control license.~~

Sec. 2. Section 123.45, subsection 2, Code 2019, is amended to read as follows:

2. However, a person engaged in the wholesaling of beer or wine may sell only disposable glassware, which is constructed of paper, paper laminated, or plastic materials and designed primarily for personal consumption on a one-time usage basis, to retailers for use within the premises of licensed establishments, for an amount which is greater than or equal to an amount which represents the greater of either the amount paid for the disposable glassware by the supplier or the amount paid for the disposable glassware by the wholesaler. Also, a person engaged in the business of manufacturing beer may sell beer at retail for consumption on or off the premises of the manufacturing facility and, notwithstanding any other provision of this chapter or the fact that a person is the holder of a class “A” beer permit, may be granted not more than one class “B” beer permit as defined in section 123.124 for that purpose regardless of whether that person is also a manufacturer of native distilled spirits pursuant to a class “A” native distilled spirits license or a manufacturer of native wine pursuant to a class “A” wine permit.

Sec. 3. Section 123.56, subsection 5, Code 2019, is amended to read as follows:

5. Notwithstanding any other provision of this chapter, a person engaged in the business of manufacturing native wine may sell native wine at retail for consumption on the premises of the manufacturing facility by applying for a class “C” native wine permit as provided in section 123.178B. A manufacturer of native wine may be granted not more than one class “C” native wine permit. A manufacturer of native wine may be issued a class “C” native wine permit regardless of whether the manufacturer is also a manufacturer of beer pursuant to a class “A” beer permit or a manufacturer of native distilled spirits pursuant to a class “A” native distilled spirits license.

Sec. 4. Section 123.141, Code 2019, is amended to read as follows:

**123.141 Keeping liquor where beer is sold.**

No alcoholic liquor for beverage purposes shall be used, or kept for any purpose in the place of business of class “B” beer permittees, or on the premises of such class “B” beer permittees, at any time. A violation of any provision of this section shall be grounds for suspension or revocation of the beer permit pursuant to section 123.50, subsection 3. This section shall not apply in any manner or in any way to the premises of any hotel or motel for which a class “B” beer permit has been issued, other than that part of such premises regularly used by the hotel

or motel for the principal purpose of selling beer or food to the general public, to a premises for which both a class “B” beer permit and a class “A” native distilled spirits license have been issued, or to keep a pharmacy from having alcohol in stock for medicinal and compounding purposes.

Approved May 21, 2019

## CHAPTER 161

### IOWA FINANCE AUTHORITY AND AGRICULTURAL DEVELOPMENT — BEGINNING FARMER TAX CREDITS

H.F. 768

**AN ACT** relating to agricultural development, by providing for the Iowa finance authority, a beginning farmer tax credit program, fees, and including effective date and retroactive applicability provisions.

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

Section 1. Section 2.48, subsection 3, paragraph e, subparagraph (1), Code 2019, is amended to read as follows:

(1) ~~The agricultural assets transfer~~ beginning farmer tax credit program as provided in ~~section 16.80 chapter 16, subchapter VIII, part 5, subpart B.~~

Sec. 2. Section 16.2, subsection 1, unnumbered paragraph 1, Code 2019, is amended to read as follows:

An Iowa finance authority board of directors is created. The powers of the authority are vested in and shall be exercised by the board. The authority includes nine members appointed by the governor subject to confirmation by the senate. The authority also includes one ex officio voting member who must be designated by the agricultural development board created in section 16.2C and be a member of that board.

Sec. 3. Section 16.2, subsections 2 and 3, Code 2019, are amended to read as follows:

2. ~~Members~~ The members of the authority ~~shall be appointed by the governor shall serve~~ for staggered terms of six years beginning and ending as provided in section 69.19. A person appointed by the governor to fill a vacancy shall serve only for the unexpired portion of the term. A member is eligible for reappointment. The ex officio voting member designated by the agricultural development board shall serve at the pleasure of that board. A member of the authority may be removed from office by the governor for misfeasance, malfeasance, or willful neglect of duty or other just cause, after notice and hearing, unless the notice and hearing is expressly waived in writing.

3. ~~Five Six~~ members of the authority constitute a quorum and the affirmative vote of a majority of the ~~appointed~~ members is necessary for any substantive action taken by the authority. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the authority.

Sec. 4. Section 16.2B, subsection 3, paragraph b, Code 2019, is amended to read as follows:

b. ~~Obtain agricultural assets transfer~~ Claim beginning farmer tax credits, including tax credit certificates issued pursuant to subchapter VIII, part 5, subpart B.

Sec. 5. Section 16.59, subsection 4, Code 2019, is amended to read as follows:

4. For a family farm limited liability company, an aggregate net worth of all members, including each member's ownership interest in the family farm limited liability company, and each member's spouse and minor children of not greater than twice the low or moderate net worth. However, the aggregate net worth of each member and that member's spouse and minor children shall not exceed the low or moderate net worth.

Sec. 6. **NEW SECTION. 16.77 Definitions.**

As used in this subpart B, unless the context otherwise requires:

1. "Agricultural development board" means the agricultural development board created in section 16.2C.

2. "Agricultural lease agreement" or "agreement" means an agreement for the transfer of agricultural assets, that must at least include a lease of agricultural land, from an eligible taxpayer to a qualified beginning farmer as provided in section 16.79A.

3. "Department" means the department of revenue.

4. "Eligible taxpayer" means a taxpayer who may participate in the beginning farmer tax credit program, including by meeting all the criteria as provided in section 16.79.

5. "Program" means the beginning farmer tax credit program created pursuant to section 16.78.

6. "Qualified beginning farmer" means a beginning farmer as defined in section 16.58 who meets the requirements to participate in a beginning farmer tax credit program as provided in section 16.79.

7. "Tax credit" means the beginning farmer tax credit allowed under section 16.82.

Sec. 7. **NEW SECTION. 16.78 Beginning farmer tax credit program — establishment and administration.**

1. A beginning farmer tax credit program is established under the control of the authority.

2. The authority and the department shall cooperate in administering the program. The department shall have all rulemaking powers necessary to administer its responsibilities under this subpart as it does under chapter 422.

3. To every extent practicable, the authority shall administer the program in a manner that encourages participation by eligible taxpayers and qualifying beginning farmers for the primary purposes of providing beginning farmers access to farmland and enhancing the stability of the beginning farmer's farming business.

4. The authority and the department shall each adopt rules in accordance with chapter 17A as necessary for the administration of their respective responsibilities under this subpart. The eligibility requirements for taxpayers and the qualifications for beginning farmers as provided in the rules shall not be more stringent than provided in this subpart.

5. The authority shall provide for the preparation or revision and publication or distribution of forms necessary to administer their responsibilities under this subpart.

Sec. 8. **NEW SECTION. 16.79 Beginning farmer tax credit program — eligibility criteria.**

1. A taxpayer is eligible to participate in the beginning farmer tax credit program if the taxpayer meets all of the following requirements:

a. The taxpayer is a person who may acquire or otherwise obtain or lease agricultural land in this state pursuant to chapter 9H or 9I. However, the taxpayer must not be a person who may acquire or otherwise obtain or lease agricultural land exclusively because of an exception provided in one of those chapters or in a provision of another chapter of this Code including but not limited to chapter 10, 10D, or 501, or section 15E.207.

b. The taxpayer has entered into an agricultural lease agreement with a qualified beginning farmer to lease agricultural land as provided in section 16.79A.

c. The taxpayer has not been at fault for terminating a prior agreement under the program or another agreement in which the taxpayer was allowed to claim a tax credit under section 175.37 as it existed prior to January 1, 2015, or section 16.80 as it existed prior to January 1, 2018.

d. If the agreement includes the lease of a confinement feeding operation structure as defined in section 459.102, the taxpayer is not a party to a pending administrative or judicial action, including a contested case proceeding under chapter 17A, relating to an alleged violation involving an animal feeding operation as regulated by the department of natural resources, regardless of whether the pending action is brought by the department or the attorney general.

e. The taxpayer is not classified as a habitual violator for a violation of state law involving an animal feeding operation as regulated by the department of natural resources under chapter 459.

f. The taxpayer is not a partner of a partnership, shareholder of a family farm corporation, or member of a family farm limited liability company that is the lessee of an agricultural asset that is part of an agricultural lease agreement.

2. A beginning farmer is a qualified beginning farmer eligible to participate in the program by meeting all of the following criteria:

a. Is a resident of the state. If the beginning farmer is a partnership, all partners must be residents of the state. If a beginning farmer is a family farm corporation, all shareholders must be residents of the state. If the beginning farmer is a family farm limited liability company, all members must be residents of the state.

b. Has sufficient education, training, or experience in farming. If the beginning farmer is a partnership, at least one partner who is not a minor must have sufficient education, training, or experience in farming. If the beginning farmer is a family farm corporation, at least one shareholder who is not a minor must have sufficient education, training, or experience in farming. If the beginning farmer is a family farm limited liability company, at least one member who is not a minor must have sufficient education, training, or experience in farming.

c. Has access to adequate working capital and production items.

d. Will materially and substantially participate in farming. If the beginning farmer is a partnership, family farm corporation, or family farm limited liability company, at least one of the partners, shareholders, or members who is not a minor must materially and substantially participate in farming.

e. Does not own more than a ten percent ownership interest in an agricultural asset included in the agreement.

#### Sec. 9. NEW SECTION. **16.79A Agricultural lease agreement.**

1. A beginning farmer tax credit is allowed only for agricultural assets that are subject to an agricultural lease agreement entered into by an eligible taxpayer and a qualifying beginning farmer participating in the beginning farmer tax credit program established pursuant to section 16.78.

2. The agreement must include the lease of agricultural land located in this state, including any improvements, and may provide for the rental of agricultural equipment as defined in section 322F1.

3. a. The agreement must include provisions which describe the consideration paid for the agreement in a manner that allows the authority to calculate the value of the lease in order to determine the tax credit amount as provided in section 16.82.

b. The agreement must be in writing.

c. The agreement must be for at least two years, but not more than five years. The agreement may be renewed by the eligible taxpayer and qualified beginning farmer for a term of at least two years, but not more than five years.

d. The agreement shall not include a lease or rental of equipment intended as a security.

e. The agreement cannot be assigned and the agricultural land subject to the agreement shall not be subleased.

f. (1) The agricultural assets shall not be leased or rented at a rate that is substantially higher than the market rate for similar agricultural assets leased or rented within the same community.

(2) As used in subparagraph (1), when referring to an agricultural asset that is cropland, “*substantially higher*” means not more than thirty percent above the average cash rent paid for cropland rented in the same county according to the most recent cash rent survey for

cropland published by a unit of Iowa state university of science and technology recognized by the authority.

4. *a.* The agreement may be amended after the authority approves an application and makes a tax credit award without changing the eligibility status of the taxpayer, except as provided in paragraph “*b*”.

*b.* The underlying lease for agricultural land may only be amended without submitting a new application if any of the following apply:

(1) The terms of the amended lease are more favorable to the qualified beginning farmer, including but not limited to the rent payment being reduced.

(2) A party has changed their name.

(3) The owner of an agricultural asset is changed to the owner’s estate or trust upon the eligible taxpayer’s death.

*c.* If an amendment to an agreement changes the total amount that will be paid to the eligible taxpayer under the agreement, the eligible taxpayer shall notify the authority in a manner and form prescribed by the authority within thirty days of the date the amendment is executed by the parties.

(1) If the amendment will reduce the total amount paid to the eligible taxpayer under the agreement, the authority shall recalculate and reduce the eligible taxpayer’s tax credit award under section 16.82A.

(2) If the amendment will increase the total amount paid to the eligible taxpayer under the agreement, the tax credit award shall not be increased unless the eligible taxpayer submits an amended application to the authority in the manner and form prescribed by the authority and that meets the requirements of section 16.81. If the amended application is approved under section 16.81, the authority may increase the amount of the tax credit award. The increased amount of the tax credit award shall be subject to the aggregate award limitation in section 16.82A for the calendar year in which the increased award is made.

(3) This paragraph “*c*” does not apply to an amendment to an agreement that requires a new application under paragraph “*b*” in order to be valid.

5. An eligible taxpayer or qualified beginning farmer may terminate an agreement as provided in the agreement or by law. The eligible taxpayer must notify the authority of the termination within thirty days of the date of termination in the manner and form prescribed by the authority.

**Sec. 10. NEW SECTION. 16.81 Beginning farmer tax credit — application.**

1. The deadline for submitting an application to the authority to claim a beginning farmer tax credit is August 1 of each year. The application shall be for a period that is not longer than the term of the lease.

2. *a.* The authority shall impose, assess, and collect application fees on an interim basis until December 31, 2021. The amount of an application fee shall not be more than the following:

(1) For an application that includes an agreement for the lease of one hundred acres or less of agricultural land, a fee of three hundred dollars.

(2) For an application that includes an agreement for the lease of more than one hundred acres, but not more than two hundred fifty acres of agricultural land, a fee of four hundred dollars.

(3) For an application that includes an agreement for the lease of more than two hundred fifty acres of agricultural land, a fee of five hundred dollars.

(4) For an amendment to an agreement that is part of an application that has been previously approved, a fee of one hundred dollars.

*b.* Any amount of fees collected by the authority under this subsection shall be considered repayment receipts as defined in section 8.2.

*c.* This subsection is repealed on January 1, 2022.

3. *a.* The authority shall impose, assess, and collect application fees and shall adopt rules as necessary to administer this subsection, including by providing for the rate of those fees.

*b.* The authority may establish different rates based on separate categories of applications or agricultural lease agreements as determined relevant by the authority.

c. The authority shall calculate the rates of the application fees to be effective for each successive twelve-month period. The total amount of application fees collected by the authority for that period shall not be more than the authority's estimate of the total amount of revenues necessary to administer the provisions of this subpart based on the expected revenue to be collected from the application fees and the expected costs to be incurred by the authority in administering the provisions of this subpart during that period. The authority may adjust the rates throughout that period as the authority determines necessary to comply with this paragraph.

d. The amount of application fees collected by the authority under this subsection shall be considered repayment receipts as defined in section 8.2.

e. (1) The rules described in this subsection shall first take effect immediately after the repeal of subsection 2.

(2) This paragraph "e" is repealed immediately after the rules described in this subsection take effect.

4. An eligible taxpayer shall not participate in the beginning farmer tax credit program for more than ten years, and shall not receive more than ten tax credit certificates under the program.

5. The agricultural development board shall review and recommend approval of an application for a tax credit as provided by rules adopted by the authority. The application must include a copy of the agricultural lease agreement. The authority may require that the parties to an agreement provide additional information as determined relevant by the authority.

6. The authority shall approve all beginning farmer tax credit applications that meet the requirements of this subpart and make tax credit awards on a first-come, first-served basis, subject to the limitations in section 16.82A.

7. After the authority has approved an application and made a tax credit award, all of the following apply:

a. The authority shall issue beginning farmer tax credit certificates to an eligible taxpayer on an annual basis as provided in section 16.82A.

b. An eligible taxpayer may claim the tax credit each tax year as provided in section 16.82.

8. Any financial, contractual, or legal authorization records provided to the authority shall be kept confidential and are not subject to chapter 22.

**Sec. 11. NEW SECTION. 16.82 Beginning farmer tax credit — allowance.**

1. A beginning farmer tax credit is authorized under the beginning farmer tax credit program as provided in section 16.78. The beginning farmer tax credit is allowed against the taxes imposed in chapter 422, division II, as provided in section 422.11E, and in chapter 422, division III, as provided in section 422.33, subsection 21, to facilitate the transfer of agricultural assets from an eligible taxpayer to a qualifying beginning farmer participating in the program.

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

3. Subject to the limitations described in subsections 5, 6, and 7, the authority shall determine the amount of the tax credit under an agreement using the following methods:

a. In the case of an agreement on a fixed basis, in which an eligible taxpayer receives a fixed cash rent payment, the amount of the tax credit equals five percent of the amount of the fixed cash rent payment for each year.

b. In the case of an agreement on a commodity share basis, in which an eligible taxpayer receives as a rent payment a percentage of the commodity produced, the amount of the tax credit shall equal fifteen percent of the gross amount that the eligible taxpayer would receive as a rent payment from the sale of the eligible taxpayer's share of the crop in each harvest year. The amount of the tax credit shall be based on an equation established by rule adopted by the authority which shall use data compiled by the United States department of agriculture, which shall include all of the following factors:



(1) The past ten-year average per bushel yield for the same type of grain as produced under the agreement in the same county where the leased agricultural land is located excluding the years of highest and lowest per bushel yields.

(2) The per bushel state price established for the same type of grain harvested as described in subparagraph (1). Price information shall be averaged from the past five years excluding the years of the highest and lowest per bushel state price.

c. In the case of an agreement made on a flexible basis in which an eligible taxpayer receives a rent payment consisting of a fixed cash payment and an amount subject to adjustment according to a risk-sharing arrangement, or receives a rent payment consisting of an amount subject to adjustment according to a risk-sharing arrangement, the amount of the tax credit equals the sum of the following amounts:

(1) To the extent that a portion of the amount of the rent payment is calculated on a fixed basis as described in paragraph "a", that portion of the tax credit equals five percent of the fixed cash payment in the same manner as provided in paragraph "a".

(2) To the extent that a portion of the amount of the rent payment is calculated on a commodity share basis as described in paragraph "b", that portion of the tax credit equals fifteen percent of the amount that the eligible taxpayer would receive from the sale of the eligible taxpayer's share of the commodity in the same manner as provided in paragraph "b".

(3) (a) To the extent that the amount of the rent payment may be adjusted after taking into account all risk-sharing factors provided in the agreement, that portion of the tax credit equals fifteen percent of the highest adjusted amount that the eligible taxpayer could receive in excess of the amounts calculated in subparagraphs (1) and (2) based on an equation adopted by rule by the authority.

(b) As used in subparagraph division (a), "*risk-sharing factor*" means an occurrence or lack of occurrence that may affect the commodity's production or profitability as provided in the agreement, and which may include but is not limited to production costs, per acre crop yield, gross revenue, or market price.

(c) The authority shall adopt rules establishing criteria for commonly used risk-sharing factors and adjustment limits.

4. The authority shall provide the department with data, in the format prescribed by the department, of eligible taxpayers and persons who have been decertified due to lease termination or other cause of ineligibility by January 31 of each year. The data shall include the amount of the tax credit issued for the most recent year and all expected future tax credits under an agreement for each eligible taxpayer and the type of agreement.

5. The amount of tax credits that may be awarded to an eligible taxpayer for any one year under all agreements shall not exceed fifty thousand dollars.

6. The amount of the tax credit shall be reduced by the percent ownership interest of the qualifying beginning farmer in the agricultural asset.

7. A tax credit in excess of the eligible taxpayer's tax liability for the tax year is not refundable but may be credited to the tax liability for the following ten tax years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the eligible taxpayer redeems the tax credit.

8. a. To claim a tax credit under this section, an eligible taxpayer shall include one or more tax credit certificates with the eligible taxpayer's tax return pursuant to rules adopted by the department.

b. A tax credit shall not be transferable to any other person other than the eligible taxpayer's estate or trust upon the eligible taxpayer's death pursuant to rules adopted by the department.

9. If an agreement is terminated by the eligible taxpayer, all of the following shall apply:

a. Any tax credit properly claimed by the eligible taxpayer prior to the date of termination or for the year during which the termination occurred shall be allowed except as provided in paragraph "b", but no additional tax credits may be issued or claimed under the program for that agreement. The eligible taxpayer may apply for and be awarded another beginning farmer tax credit under a new agreement for the same agricultural assets as provided in this section.

b. If the authority determines that the eligible taxpayer is at fault for the termination, any beginning farmer tax credit that is claimed by the eligible taxpayer for the year during

which the termination occurred shall be disallowed and the amount shall be considered a tax payment due. If an eligible taxpayer does not notify the authority of the termination within thirty days of the date of the termination in the manner and form prescribed by the authority, the eligible taxpayer shall be conclusively deemed at fault for the termination.

**Sec. 12. NEW SECTION. 16.82A Beginning farmer tax credit awards — amount and availability.**

1. *a.* Upon approval of an application as provided in section 16.81, the authority shall make a tax credit award to the eligible taxpayer. The tax credit award shall equal the sum of the tax credits calculated by the authority under section 16.82 for all eligible years under the approved agreement.

*b.* The authority shall notify the eligible taxpayer of the tax credit award under the program. The notification shall include the total tax credit award, the amount of the tax credit award that will be issued by way of a tax credit certificate in each future year under the approved agreement, and a statement that the eligible taxpayer has no right to receive tax credit certificates and claim tax credits under the program if all requirements of the agreement and the program are not satisfied.

*c.* If after making a tax credit award the eligible taxpayer or qualified beginning farmer no longer meets the requirements of the agreement or the program, the authority may revoke a tax credit award and may rescind a tax credit certificate.

2. The amount of beginning farmer tax credits that may be awarded by the authority in any one calendar year under the beginning farmer tax credit program shall not in the aggregate exceed a limit of twelve million dollars. Tax credits shall be awarded by the authority not later than December 15 of each calendar year after the agricultural development board reviews applications as provided in section 16.81 and the authority determines tax credit amounts for the approved applications as provided in section 16.82, aggregated for purposes of meeting the annual program award limits.

3. *a.* The authority shall issue tax credit certificates on an annual basis to eligible taxpayers who have received a tax credit award. The tax credit certificate shall contain the information required by the department.

*b.* The aggregate amount of tax credit certificates issued to an eligible taxpayer shall not exceed the eligible taxpayer's tax credit award.

*c.* A tax credit certificate, unless rescinded by the authority, shall be accepted by the department as payment for taxes pursuant to chapter 422, divisions II and III, subject to any conditions or restrictions placed by the authority upon the face of the tax credit certificate and subject to the limitations of the program.

**Sec. 13. NEW SECTION. 422.11E Beginning farmer tax credit program.**

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a beginning farmer tax credit as allowed under chapter 16, subchapter VIII, part 5, subpart B.

Sec. 14. Section 422.33, subsection 21, Code 2019, is amended to read as follows:

21. The taxes imposed under this division shall be reduced by ~~an agricultural assets transfer~~ a beginning farmer tax credit as allowed under ~~section 16.80~~ chapter 16, subchapter VIII, part 5, subpart B.

Sec. 15. REPEAL. Sections 16.80 and 422.11M, Code 2019, are repealed.

**Sec. 16. APPLICABILITY OF PRIOR TAX CREDITS — APPROVED APPLICATIONS AND CERTIFICATES.**

1. Notwithstanding any provision of this Act to the contrary, any agricultural asset transfer tax credit application approved prior to the effective date of this Act under section 16.80 as that section existed on or before December 31, 2018, for a year prior to 2019 but for which tax credit certificates could have been issued for a tax year beginning on or after January 1, 2019, shall be governed by section 16.80, Code 2019, and shall be eligible to receive tax credit certificates for tax years beginning on or after January 1, 2019, for the remainder of the agricultural lease term as provided by section 16.80, Code 2019. Tax credit certificates

approved and issued pursuant to this subsection are not considered an award subject to the maximum tax credit award limitation in section 16.82A, as enacted in this Act.

2. a. Any application which was submitted prior to the effective date of this Act for the agricultural assets transfer tax credit pursuant to section 16.80 as that section existed on December 31, 2018, for the tax year beginning January 1, 2019, shall be governed by section 16.80, Code 2019, except as provided in paragraph “b”.

b. Any amount of tax credit certificate approved and issued pursuant to this subsection shall not be subject to the maximum tax credit issuance limitation in section 16.80, subsection 10, Code 2019, but shall instead be counted in the same manner as an award for purposes of the twelve million dollar calendar year award limitation in section 16.82A, subsection 2, as enacted in this Act, and shall reduce, dollar-for-dollar, that maximum calendar year award limitation for the calendar year during which the tax credit certificate is issued.

Sec. 17. **APPLICABILITY OF PRIOR TAX CREDITS — CONTINUANCE OF CARRYOVER PROVISIONS.** For any tax year commencing in calendar years 2014 through 2018, a tax credit that could have been first issued, awarded, or allowed and claimed under sections 16.75 through 16.82 as those sections existed on December 31, 2017, or under section 16.80 as that section existed on December 31, 2018, may be credited to the tax liability of that taxpayer for ten tax years following the tax year for which the eligible taxpayer could have first claimed the tax credit, or until depleted, whichever is earlier.

Sec. 18. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 19. **RETROACTIVE APPLICABILITY.** This Act applies retroactively to January 1, 2019, for tax years beginning on or after that date.

Approved May 21, 2019

## CHAPTER 162

### SALE OF FARMING BUSINESS REAL PROPERTY — CAPITAL GAIN DEDUCTION

H.F. 778

**AN ACT** relating to taking a capital gain deduction for the sale of real property used in a farming business.

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

Section 1. 2018 Iowa Acts, chapter 1161, section 113, is amended by striking the section and inserting in lieu thereof the following:

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 production, care, growing, harvesting, preservation, handling, or storage of crops or forest or fruit trees; the production, care, feeding, management, and housing 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) “*Livestock*” means the same as defined in section 717.1.

(4) “*Materially participated*” means the same as “*material participation*” in section 469(h) of the Internal Revenue Code.

(5) (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

a farming business. Buildings which are primarily used or intended for human habitation are deemed to be used in a farming business when the building is located on or adjacent to the parcel used in the farming business. Land and the nonresidential improvements and structures located on it shall be considered to be used primarily in a farming business include but are not limited to land, improvements or structures used for the storage or maintenance of farm machinery or equipment, for the drying, storage, handling, or preservation of agricultural crops, or for the storage of farm inputs, feed, or manure. Real property used in a farming business shall also include woodland, wasteland, pastureland, and idled land used for the conservation of natural resources including soil and water.

(b) Real property classified as agricultural property for Iowa property tax purposes, except real property described in section 441.21, subsection 12, paragraph “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).

(6) “Relative” means a person that satisfies one or more of the following conditions:

(a) The individual is related to the taxpayer by consanguinity or affinity 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.

(c) An entity in which an individual who satisfies the conditions of either subparagraph division (a) or (b) has a legal or equitable interest as an owner, member, partner, or beneficiary.

b. Subtract the net capital gain from the sale of real property used in a farming business if one of the following conditions are satisfied:

(1) The taxpayer has materially participated in a farming business for a minimum of ten years and has held the real property used in a farming business for a minimum of ten years.

(2) The taxpayer has held the real property used in a farming business which is sold to a relative of the taxpayer.

Approved May 21, 2019

## CHAPTER 163

### APPROPRIATIONS — JUSTICE SYSTEM

S.F. 615

**AN ACT** relating to appropriations to the justice system, and including effective date and retroactive applicability provisions.

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

#### DIVISION I FY 2019-2020 APPROPRIATIONS

##### Section 1. 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, 2019, and ending June 30, 2020, 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:

.....	\$	5,989,473
.....	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.

The general office of attorney general may temporarily exceed and draw more than the amount appropriated in this lettered paragraph and incur a negative cash balance as long as there are receivables equal to or greater than the negative balances and the amount appropriated in this paragraph is not exceeded at the close of the fiscal year.

b. For victim assistance grants:

.....	\$	5,016,708
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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:

.....	\$	2,634,601
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2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2020, 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, 2018, and actual and expected reimbursements for the fiscal year commencing July 1, 2019.

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, 2020.

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 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.

Sec. 2. 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, 2019, and ending June 30, 2020, 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:

.....	\$	3,137,588
.....	FTEs	22.00

Sec. 3. 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, 2019, and ending June 30, 2020, 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:

.....	\$	41,213,841
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b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	32,414,148
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c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	61,812,427
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d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	28,327,158
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e. For the operation of the Mount Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	25,676,413
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f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	10,521,861
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g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	24,847,950
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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:

.....	\$	23,294,090
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i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	30,067,231
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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:

.....	\$	1,082,635
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k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

.....	\$	234,411
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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. 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, 2019, and ending June 30, 2020, 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:

..... \$ 8,773,216

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:

..... \$ 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 and operation of the Iowa corrections offender network (ICON) data system:

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

4. For offender mental health and substance abuse treatment:

..... \$ 28,065

Sec. 5. 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, 2019, and ending June 30, 2020, 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:

..... \$ 15,069,356

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:

..... \$ 11,618,090

It is the intent of the general assembly that the second judicial district department of correctional services maintain two drug courts to be operated by the district department.

c. For the third judicial district department of correctional services:

..... \$ 7,318,308

d. For the fourth judicial district department of correctional services:

..... \$ 5,811,273

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:

..... \$ 21,986,762

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:

..... \$ 14,839,165

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:

..... \$ 7,919,692

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:

..... \$ 8,443,071

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. DEPARTMENT OF CORRECTIONS — REALLOCATION OF APPROPRIATIONS. Notwithstanding section 8.39, within the moneys appropriated in this division of this Act to the department of corrections, the department may reallocate the moneys appropriated and allocated as necessary to best fulfill the needs of the correctional institutions, administration of the department, and the judicial district departments of correctional services. However, in addition to complying with the requirements of sections 904.116 and 905.8 and providing notice to the legislative services agency, the department of corrections shall also provide notice to the department of management, prior to the effective date of the revision or reallocation of an appropriation made pursuant to this section. The department of corrections shall not reallocate an appropriation or allocation for the purpose of eliminating any program.

Sec. 7. INTENT — REPORTS.

1. The department of corrections in cooperation with townships, the Iowa cemetery associations, and other nonprofit or governmental entities may use inmate labor during the fiscal year beginning July 1, 2019, to restore or preserve rural cemeteries and historical landmarks. The department in cooperation with the counties may also use inmate labor to clean up roads, major water sources, and other water sources around the state.

2. On a quarterly basis the department shall provide a status report regarding private-sector employment to the legislative services agency beginning on July 1, 2019. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, the total amount of allowances, and the distribution of



allowances pursuant to section 904.702, including any moneys deposited in the general fund of the state.

Sec. 8. ELECTRONIC MONITORING REPORT. The department of corrections shall submit a report on electronic monitoring to the general assembly, to the co-chairpersons and the ranking members of the joint appropriations subcommittee on the justice system, and to the legislative services agency by January 15, 2020. The report shall specifically address the number of persons being electronically monitored and break down the number of persons being electronically monitored by offense committed. The report shall also include a comparison of any data from the prior fiscal year with the current year.

Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

1. As used in this section, unless the context otherwise requires, "state agency" means the government of the state of Iowa, including but not limited to all executive branch departments, agencies, boards, bureaus, and commissions, the judicial branch, the general assembly and all legislative agencies, institutions within the purview of the state board of regents, and any corporation whose primary function is to act as an instrumentality of the state.

2. State agencies are encouraged to purchase products from Iowa state industries, as defined in section 904.802, when purchases are required and the products are available from Iowa state industries. State agencies shall obtain bids from Iowa state industries for purchases of office furniture during the fiscal year beginning July 1, 2019, exceeding \$5,000 or in accordance with applicable administrative rules related to purchases for the agency.

Sec. 10. 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, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

a. (1) For salaries, support, maintenance, and miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:

.....	\$	980,767
.....	FTEs	27.26

(2) For the costs associated with temporary relocation of the Iowa law enforcement academy:

.....	\$	1,015,442
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b. 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. 11. 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, 2019, and ending June 30, 2020, 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:

.....	\$	26,955,139
.....	FTEs	223.00

2. For payments on behalf of eligible adults and juveniles from the indigent defense fund, in accordance with section 815.11:

.....	\$	40,760,448
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Sec. 12. 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, 2019, and ending June 30, 2020, 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:

.....	\$	1,234,687
.....	FTEs	10.50

Sec. 13. 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, 2019, and ending June 30, 2020, 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:

.....	\$	6,405,545
.....	FTEs	249.00

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. 14. 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, 2019, and ending June 30, 2020, 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:

.....	\$	2,124,877
.....	FTEs	31.03

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. 15. 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, 2019, and ending June 30, 2020, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For 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:

.....	\$	4,734,703
.....	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:

.....	\$	15,013,083
.....	FTEs	162.00

3. For the criminalistics laboratory fund created in section 691.9:

.....	\$	650,000
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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:

.....	\$	7,985,873
.....	FTEs	65.00

The division of narcotics enforcement is authorized an additional 1.00 full-time equivalent position 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:

.....	\$	209,042
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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:

.....	\$	4,965,056
.....	FTEs	49.00

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:

.....	\$	65,626,287
.....	FTEs	512.00

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:

.....	\$	279,517
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8. For costs associated with the training and equipment needs of volunteer fire fighters:

.....	\$	825,520
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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:

..... \$ 115,661

10. For the office to combat human trafficking established pursuant to section 80.45, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 150,000

..... FTEs 1.00

11. For department-wide duties, including operations, costs, and miscellaneous purposes:

..... \$ 1,597,834

Sec. 16. 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, 2019, and ending June 30, 2020, 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:

..... \$ 10,469,077

..... 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, 2019, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2019, and ending June 30, 2020, an additional amount of not more than \$300,000 to be used for 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, 2020, and three special agents for each racing facility which becomes operational during the fiscal year which begins July 1, 2020. Positions authorized in this subsection are in addition to the full-time equivalent positions otherwise authorized in this section.

Sec. 17. 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, 2019, and ending June 30, 2020, 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:

..... \$ 1,237,756

..... FTEs 26.00

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. 18. 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, 2019, and ending June 30, 2020, the following amount 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:

..... \$ 1,226,399
..... FTEs 8.99

b. (1) For a single grant to a program located in a city with a higher than average juvenile crime rate as determined by the criminal and juvenile justice planning division and a population greater than 80,000 as determined by the 2010 federal decennial census, which may be used for studying, planning, programming, and capital, that is committed to deterring juvenile delinquency through early intervention in the criminal justice system by providing a comprehensive, multifaceted delivery of social services:

..... \$ 140,000

(2) The program shall use no more than 5 percent of the grant for administrative costs.

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. 19. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT. There is appropriated from the 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, 2019, and ending June 30, 2020, 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 911 emergency communications fund:

..... \$ 250,000

Sec. 20. 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, 2019, and ending June 30, 2020, 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

b. For salaries, support, maintenance, and miscellaneous purposes for criminal prosecutions, criminal appeals, and performing duties pursuant to chapter 669:

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

DIVISION II
SUPPLEMENTAL AND MISCELLANEOUS APPROPRIATIONS

Sec. 21. IOWA LAW ENFORCEMENT ACADEMY. 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 relocation costs, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 285,982

Sec. 22. 2017 Iowa Acts, chapter 167, section 37, subsection 2, as amended by 2018 Iowa Acts, chapter 1168, section 7, is amended to read as follows:

2. For payments on behalf of eligible adults and juveniles from the indigent defense fund, in accordance with section 815.11:

..... \$ 35,144,448
..... 37,644,448

Sec. 23. EFFECTIVE DATE. The division of this Act,<sup>1</sup> being deemed of immediate importance, takes effect upon enactment.

DIVISION III  
ATTORNEY GENERAL

\*Sec. 24. Section 13.2, subsection 1, paragraphs a and b, Code 2019, are amended to read as follows:

a. Prosecute and defend all causes in ~~the Iowa state~~ appellate courts in which the state is a party or interested.

b. (1) Prosecute and defend in any ~~other Iowa state~~ court or tribunal, all actions and proceedings, civil or criminal, in which the state may be a party or interested, when, in the attorney general's judgment, the interest of the state requires such action, or when requested to do so by the governor, executive council, or general assembly.

(2) (a) Prosecute in any other court or tribunal other than an Iowa state court or tribunal, all actions or proceedings including signing onto or authoring amicus briefs or letters of support, civil or criminal, in which the state may be a party or interested, when requested to do so by or with the approval of the governor, executive council, or general assembly.

(b) Defend in any other court or tribunal other than an Iowa state court or tribunal, all actions or proceedings including signing onto, civil or criminal, in which the state may be a party or interested, when, in the attorney general's judgment, the interest of the state requires such action, or when requested to do so by the governor, executive council, or general assembly.

(c) Subparagraph divisions (a) and (b) shall not be construed to affect any pending litigation in which the attorney general is engaged as of the effective date of this Act.

(3) The authority of the attorney general under this paragraph shall be determined at the time the action is initiated. Transfer of an action to a different court or tribunal shall not affect the attorney general's authority under this paragraph if the attorney general had authority at the time the action was initiated.\*

Sec. 25. **NEW SECTION. 13.12 Report of money awards.**

The attorney general shall report to the legislative services agency and the department of management all money settlement awards and court money awards which were awarded to the state of Iowa. The attorney general shall report which funds are designated to receive the moneys and under what legal authority the designation is being made.

Sec. 26. 2014 Iowa Acts, chapter 1138, section 21, as amended by 2016 Iowa Acts, chapter 1137, section 18, and 2017 Iowa Acts, chapter 167, section 24, is amended to read as follows:

SEC. 21. CONSUMER EDUCATION AND LITIGATION FUND. Notwithstanding section 714.16C, for each fiscal year of the period beginning July 1, 2014, and ending June 30, 2019 2021, the annual appropriations in section 714.16C, are increased from \$1,125,000 to \$1,875,000, and \$75,000 to \$125,000 respectively.

Sec. 27. REPEAL. Section 7A.6, Code 2019, is repealed.

\*Sec. 28. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

*The section of this Act amending section 13.2.\**

DIVISION IV  
FIRE SERVICE TRAINING REVOLVING FUND

Sec. 29. Section 100B.4, Code 2019, is amended to read as follows:

**100B.4 Fees — retention — use — fund.**

1. Fees assessed pursuant to this chapter shall be retained by the division of state fire marshal and such repayments received shall be used exclusively to offset the cost of fire

<sup>1</sup> According to Act, the phrase "This division of this Act" probably intended

\* Item veto; see message at end of the Act

service training. Fees charged by regional emergency response training centers for fire service training programs as described in section 100B.6 shall not be greater than the fee schedule established by rule by the state fire marshal.

2. Notwithstanding section 8.33, repayment receipts collected by the division of state fire marshal for the fire service training bureau 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.

3. A fire service training revolving fund is created in the state treasury under the control of the department of public safety. The fund shall consist of fees assessed pursuant to this section, and deposited into the fire service training revolving fund. All moneys in the fund are appropriated to the department of public safety for purposes of fire service training and shall be under the control of the state fire marshal. 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 expenditures for the purposes designated until the close of the succeeding fiscal year. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

Sec. 30. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 31. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2018.

#### DIVISION V DEPARTMENT OF CORRECTIONS

Sec. 32. DEPARTMENT OF CORRECTIONS. Notwithstanding sections 8.33 and 8.39, the department of corrections may use any general fund resources appropriated to the department for the fiscal year beginning July 1, 2018, and ending June 30, 2019, for the resolution of the settlement agreement with the division of labor services to the amended citation P1582-1281728 dated October 18, 2018; requiring the department to remedy citation 1(a) by providing adequate means of communication for employees to summon assistance during violent attacks, which must be abated by March 1, 2020.

Sec. 33. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

#### DIVISION VI INDIGENT DEFENSE

Sec. 34. Section 815.7, subsection 4, Code 2019, is amended to read as follows:

4. For appointments made on or after July 1, 2007, through June 30, 2019, the reasonable compensation shall be calculated on the basis of seventy dollars per hour for class “A” felonies, sixty-five dollars per hour for class “B” felonies, and sixty dollars per hour for all other cases.

Sec. 35. Section 815.7, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. For appointments made on or after July 1, 2019, the reasonable compensation shall be calculated on the basis of seventy-three dollars per hour for class “A” felonies, sixty-eight dollars per hour for class “B” felonies, and sixty-three dollars per hour for all other cases.

Sec. 36. 2016 Iowa Acts, chapter 1137, section 21, subsection 1, is amended to read as follows:

1. Notwithstanding any other provision of the law to the contrary, for each fiscal year for the period beginning July 1, 2016, and ending June 30, ~~2019~~ 2022, the state public defender may establish a pilot project allowing an indigent person to choose an eligible attorney to represent the person in the person’s case that requires such representation. The state public defender shall have sole discretion to establish the pilot project in no more than four counties

throughout the state. The state public defender may coordinate with other agencies and organizations in order to seek grant funding and to measure the results of the pilot project.

Sec. 37. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this division of this Act amending 2016 Iowa Acts, chapter 1137, section 21, subsection 1.

DIVISION VII  
PUBLIC SAFETY SURVIVOR BENEFITS FUND

Sec. 38. NEW SECTION. 80.47 Public safety survivor benefits fund.

1. A public safety survivor benefits fund is established in the state treasury under the control of the department. The fund shall consist of moneys transferred to the fund pursuant to section 99G.39 and any other moneys appropriated to or deposited in the fund. Moneys in the fund are appropriated to the department for the purposes set forth in subsection 2.

2. a. Of the moneys credited to the fund in a fiscal year, the department shall distribute fifty percent in the form of grants to nonprofit organizations that provide resources to assist surviving families of eligible peace officers killed in the line of duty in paying costs associated with accident or health care coverage pursuant to section 509A.13C. In awarding such grants, the department shall give first consideration to concerns of police survivors, inc., and similar nonprofit organizations providing such resources.

b. Of the moneys credited to the fund in a fiscal year, the department shall distribute fifty percent in the form of grants to nonprofit organizations that provide resources to assist surviving families of eligible fire fighters killed in the line of duty in paying costs associated with accident or health care coverage pursuant to section 509A.13C. In awarding such grants, the department shall give first consideration to Iowa professional fire fighters, inc., and similar nonprofit organizations providing such resources.

3. 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. 39. Section 99G.39, Code 2019, is amended by adding the following new subsection:  
NEW SUBSECTION. 3A. One hundred thousand dollars in lottery revenues shall be transferred each fiscal year to the public safety survivor benefits fund established pursuant to section 80.47 prior to deposit of the lottery revenues in the general fund pursuant to section 99G.40.

Sec. 40. Section 99G.39, subsection 4, paragraph a, Code 2019, is amended to read as follows:

a. Notwithstanding subsection 1, if gaming revenues under sections 99D.17 and 99F.11 are insufficient in a fiscal year to meet the total amount of such revenues directed to be deposited in the vision Iowa fund during the fiscal year pursuant to section 8.57, subsection 5, paragraph "e", the difference shall be paid from lottery revenues prior to deposit of the lottery revenues in the general fund, ~~and transfer of lottery revenues to the veterans trust fund as provided in subsection 3, and the transfer of lottery revenues to the public safety survivor benefits fund as provided in subsection 3A.~~ If lottery revenues are insufficient during the fiscal year to pay the difference, the remaining difference shall be paid from lottery revenues prior to deposit of lottery revenues in the general fund, ~~and the transfer of lottery revenues to the veterans trust fund as provided in subsection 3, and the transfer of lottery revenues to the public safety survivor benefits fund as provided in subsection 3A~~ in subsequent fiscal years as such revenues become available.

*Approved May 22, 2019, with exceptions noted.*

KIM REYNOLDS, Governor



Dear Mr. Secretary:

I hereby transmit Senate File 615, an act relating to appropriations to the justice system, and including effective date and retroactive applicability provisions.

Senate File 615 is approved on this date with the exception of sections 24 and 28, of which I disapprove. These sections would have amended the Attorney General's statutory duties to require the approval of the Governor, Executive Council, or Legislature to prosecute any action or proceeding, including signing onto or authoring amicus briefs or letters of support, in any court or tribunal other than an Iowa state court.

I share many of the concerns expressed by members of the Legislature about the past actions of Attorney General Tom Miller in courts outside of Iowa. He has participated in litigation throughout the nation, repeatedly taking positions in the name of the State of Iowa that are in conflict with Iowa's statutes, the policy goals of the Legislature and Governor, and the best interests of Iowans. But I am cautious about approving a provision that redefines the scope of the Attorney General's duties because I am mindful that the Attorney General is also elected by, and directly accountable to, the people of Iowa.

As a result of the Legislature's leadership on this issue, Attorney General Miller and I have had the opportunity to engage in a thoughtful discussion about the appropriate balance of authority between the Governor and the Attorney General with respect to Iowa's involvement in litigation. And ultimately, Attorney General Miller agreed to my proposal to adjust our litigation practices in a manner that I believe addresses my core concerns without amending Iowa's current statutes.

Attorney General Miller has agreed that so long as he serves as Attorney General, he will not prosecute any action or proceeding or sign onto or author an amicus brief in the name of the State of Iowa in any court or tribunal other than an Iowa state court without the consent of the Governor. He retains the authority to participate in litigation or author letters in his own name, as Attorney General of Iowa. Attorney General Miller has also agreed that if the Governor requests that he prosecute an action or proceeding or file an amicus brief in any court, he will do so or facilitate outside counsel, and that such participation requested by the Governor shall be conducted in the name of the State of Iowa.

This agreement is an appropriate interpretation of the authority and duties provided for under existing Iowa law and our constitutional structure. It ensures that the State of Iowa will speak with one consistent voice when it participates in court proceedings outside of our state. And it respects the Attorney General's independent authority and accountability to the people of Iowa.

I commend the Legislature for starting this important discussion and Attorney General Miller for his willingness to reevaluate our practices with respect to engaging in litigation on behalf of the State of Iowa. I look forward to working with Attorney General Miller to ensure that the State's litigation advances the interests of Iowans.

For these reasons, I respectfully disapprove Senate File 615 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 615 not disapproved as stated herein is approved on this date.

Sincerely,  
KIM REYNOLDS, *Governor*

**CHAPTER 164****CONCURRENT ENROLLMENT PROGRAMS — WEIGHTING — EDUCATION  
STANDARDS — ACCREDITED NONPUBLIC SCHOOLS***S.F. 603*

**AN ACT** relating to use of concurrent enrollment programs for teaching certain subjects required under the educational standards, to the enrollment of pupils under concurrent enrollment program agreements between certain accredited nonpublic schools and community colleges, and to the criminal offense of sexual exploitation by a school employee providing instruction under a concurrent enrollment program, making penalties applicable, and including retroactive and other applicability provisions.

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

**DIVISION I****CONCURRENT ENROLLMENT WEIGHTING AND COMPLIANCE WITH THE  
EDUCATIONAL STANDARDS**

Section 1. Section 257.11, subsection 3, paragraph b, unnumbered paragraph 1, Code 2019, is amended to read as follows:

If the school budget review committee certifies to the department of management that the class would not otherwise be implemented without the assignment of additional weighting, pupils attending a community college-offered class or attending a class taught by a community college-employed instructor are assigned a weighting of the percentage of the pupil's school day during which the pupil attends class in the community college or attends a class taught by a community college-employed instructor times seventy hundredths for career and technical courses or ~~forty-six~~ fifty hundredths for liberal arts and sciences courses. The following requirements shall be met for the purposes of assigning an additional weighting for classes offered through a sharing agreement between a school district and community college. The class must be:

Sec. 2. Section 257.11, subsection 3, paragraph c, Code 2019, is amended to read as follows:

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 of the science or one of the mathematics units in accordance with section 256.11, subsection 5, and one or more classes units in only one of the six career and technical education service areas specified in accordance with section 256.11, subsection 5, paragraph "h", and the pupils. Pupils enrolled in such a class unit in accordance with this paragraph shall be assigned additional weighting in accordance with this subsection if the number of pupils enrolled in such a class unit exceeds five and the school district's total enrollment does not exceed six hundred pupils. A school district that enters into a sharing agreement with a community college under this paragraph to provide a unit of science or mathematics in accordance with section 256.11, subsection 5, paragraph "a", "d", or "e", shall be deemed to have met the requirement that the school district offer and teach such a unit under the educational standards of section 256.11, subsection 5, paragraph "a", "d", or "e". However, the provisions of this paragraph "c" relating to a sharing agreement for a unit of science or mathematics are applicable only if all of the following conditions are met:

(1) The school district has made every reasonable and good-faith effort to employ a teacher licensed under chapter 272 for the science or mathematics unit, as applicable, and is unable to employ such a teacher. For purposes of this paragraph "c", "good-faith effort" means the same as defined in section 279.19A, subsection 9.

(2) Enrollment for the unit exceeds five pupils.

(3) The unit is offered during the regular school day.

(4) The unit is made accessible by the school district to all eligible pupils.

Sec. 3. Section 261E.2, Code 2019, is amended by adding the following new subsections:  
**NEW SUBSECTION.** 05. “*Full-time*” means enrollment at any one eligible postsecondary institution through a school district or accredited nonpublic school in twenty-four or more postsecondary credit hours per academic year, exclusive of summer terms. Enrollment in a course or courses that result in credit hours in excess of the part-time limit shall be subject to applicable provisions of this chapter including section 261E.6 or 261E.8, except that the cost of enrollment shall be the responsibility of the student, or parent or legal guardian of the student. The provisions of section 257.11, subsection 3, and section 261E.7 do not apply to such enrollments.

**NEW SUBSECTION.** 06. “*Part-time*” means enrollment at any one eligible postsecondary institution under section 261E.6 or 261E.8 in no more than twenty-three postsecondary credit hours per academic year, exclusive of any summer terms.

Sec. 4. **NEW SECTION. 279.50A Educational standards — agreements for mathematics and science units.**

1. If a school district’s total enrollment exceeds six hundred pupils, the school district may enter into an agreement with a community college under which the community college may offer, or provide a community college-employed instructor to teach, one of the units in accordance with section 256.11, subsection 5, paragraph “a”, one of the units in accordance with section 256.11, subsection 5, paragraph “d” or “e”, and if the unit of coursework under the agreement meets the requirements specified in section 257.11, subsection 3, paragraph “b”, subparagraphs (2) through (7), the unit offered shall be deemed to meet the education program requirement for a unit of mathematics or science, as applicable, under section 256.11, subsection 5, paragraph “a”, “d”, or “e”. The provisions of this subsection are applicable only if all of the following conditions are met:

a. The school district has made every reasonable and good-faith effort to employ a teacher licensed under chapter 272 for the unit of science or mathematics, as applicable, and is unable to employ such a teacher. For purposes of this subsection, “*good-faith effort*” means the same as defined in section 279.19A, subsection 9.

b. Enrollment for the unit exceeds five pupils.

c. The unit is offered during the regular school day.

d. The unit is made accessible by the school district to all eligible pupils.

2. Pupils enrolled in a unit of coursework offered pursuant to subsection 1 are not eligible for supplementary weighting under section 257.11, subsection 3.

Sec. 5. **RETROACTIVE APPLICABILITY.** The following applies retroactively to July 1, 2018, for a school district that entered into an agreement with a community college for coursework that meets the requirements of section 279.50A, as enacted by this division of this Act:

The section of this division of this Act enacting section 279.50A.

Sec. 6. **APPLICABILITY.** The section of this division of this Act amending section 257.11, subsection 3, paragraph “b”, unnumbered paragraph 1, applies to certifications by the school budget review committee under section 257.11, subsection 3, paragraph “b”, occurring before, on, or after the effective date of this division of this Act for school budget years beginning on or after July 1, 2019.

## DIVISION II

### CONCURRENT ENROLLMENT PROGRAM CONTRACTS BETWEEN ACCREDITED NONPUBLIC SCHOOLS AND COMMUNITY COLLEGES

Sec. 7. Section 261E.2, subsection 1, Code 2019, is amended to read as follows:

1. “*Concurrent enrollment*” means any course offered to students in grades nine through twelve during the regular school year approved by the board of directors of a school district through a contractual agreement between a community college and the school district that meets the provisions of section 257.11, subsection 3. “*Concurrent enrollment*” also means any course offered to students in grades nine through twelve during the regular school year

approved by the authorities in charge of an accredited nonpublic school through a contract with a community college in accordance with section 261E.8, subsection 2, paragraph “b”.

Sec. 8. Section 261E.8, subsection 2, Code 2019, is amended to read as follows:

2. a. Students from accredited nonpublic schools and students receiving competent private instruction or independent private instruction under chapter 299A may access the program through the school district in which the accredited nonpublic school or private institution is located.

b. (1) Students from accredited nonpublic schools may also access the program if the accredited nonpublic school in which the students are enrolled meets the requirements of this section and section 257.11, subsection 3, as if the accredited nonpublic school were a school district, and enters into a contract with a community college that meets the requirements of this section and section 257.11, subsection 3, for the provision of academic or career and technical coursework to high school students enrolled in the accredited nonpublic school. However, the accredited nonpublic school need not meet requirements for career and technical education more stringent than the requirements of section 256.11B. A student who wishes to participate in the program must make application to the accredited nonpublic school and the community college in the manner established under subsection 3 and meet the requirements of this section.

(2) An accredited nonpublic school that provides units of mathematics, science, and career and technical education under an agreement that meets the requirements of subparagraph (1) shall be deemed to have met the education program requirement for the units of mathematics, science, and career and technical education provided, as applicable, under section 256.11, subsection 5, paragraphs “a”, “d”, or “e”, or section 256.11B.

(a) Subject to an appropriation of funds by the general assembly for this purpose, a student enrolled in a unit of coursework provided under this subparagraph shall be counted as if the student was assigned a weighting under section 257.11, subsection 3, paragraph “b”, in determining the amount calculated and paid to a community college under subparagraph (4) if the accredited nonpublic school is accredited under the standards required of a school district pursuant to section 256.11, the number of students enrolled in a class used to meet the unit requirement exceeds five, and the accredited nonpublic school’s total enrollment in grades nine through twelve does not exceed two hundred pupils.

(b) A student enrolled in a unit of coursework provided under this subparagraph is not eligible to be counted as if the student was assigned a weighting under section 257.11, subsection 3, paragraph “b”, in determining the amount calculated and paid to a community college under subparagraph (4) if the accredited nonpublic school’s total enrollment in grades nine through twelve exceeds two hundred pupils.

(3) A community college that enters into a contract as provided in this paragraph shall submit to the department, during the fall and spring semesters, or the equivalent, a list of the accredited nonpublic school students enrolled for the semester, or the equivalent, who are participating in the program. The community college and the accredited nonpublic school shall verify to the department that the accredited nonpublic school and the coursework provided under this paragraph meet the requirements of this section and section 257.11, subsection 3, and shall provide to the department data and information elements as required under subsection 8 by rule.

(4) Subject to an appropriation of funds by the general assembly for this purpose, the department shall calculate, using the state cost per pupil, and pay to a community college for each semester in which a student is concurrently enrolled in the community college in accordance with this paragraph “b” an amount equivalent to the amount a school district would receive if the student was assigned a weighting under section 257.11, subsection 3, paragraph “b”. If the amount appropriated annually for purposes of this paragraph “b” is insufficient to pay to community colleges the full amount for students concurrently enrolled in a community college in accordance with this paragraph “b”, the department shall annually prorate the amount for payments to community colleges for the concurrent enrollment of accredited nonpublic students under this paragraph “b”. A community college shall decrease the amount billed to the accredited nonpublic school by the amount calculated and paid to the community college by the department in accordance with this paragraph.

DIVISION III  
SEXUAL EXPLOITATION BY A SCHOOL EMPLOYEE — DEFINITION

Sec. 9. Section 709.15, subsection 1, paragraph f, subparagraph (1), Code 2019, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (f) A person employed by a community college full-time, part-time, or as a substitute who provides instruction to high school students under a concurrent enrollment program offered in accordance with section 257.11 or 261E.8.

Approved May 23, 2019

**CHAPTER 165**

CITY AND COUNTY BUDGET PRACTICES AND PROPERTY TAXATION

S.F. 634

**AN ACT** relating to local government budgets and property taxation by modifying provisions governing the establishment and approval of county and city budgets, modifying provisions relating to the state appraisal manual, and including applicability provisions.

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

DIVISION I  
COUNTY AND CITY PROPERTY TAX PUBLIC HEARING AND RESOLUTION

Section 1. Section 24.17, unnumbered paragraph 1, Code 2019, is amended to read as follows:

The local budgets of the various political subdivisions shall be certified by the chairperson of the certifying board or levying board, as the case may be, in duplicate to the county auditor not later than March 15 of each year on forms, and pursuant to instructions, prescribed by the department of management. However, if the political subdivision is a county or a city, its budget shall be certified not later than March 31 of each year, and if the political subdivision is a school district, as defined in section 257.2, its budget shall be certified not later than April 15 of each year.

Sec. 2. Section 24.27, Code 2019, is amended to read as follows:

**24.27 Protest to budget.**

Not later than March 25, or April 10 for a county or a city, or April 25 if the municipality is a school district, a number of persons in any municipality equal to one-fourth of one percent of those voting for the office of governor, at the last general election in the municipality, but the number shall not be less than ten, and the number need not be more than one hundred persons, who are affected by any proposed budget, expenditure or tax levy, or by any item thereof, may appeal from any decision of the certifying board or the levying board by filing with the county auditor of the county in which the municipal corporation is located, a written protest setting forth their objections to the budget, expenditure or tax levy, or to one or more items thereof, and the grounds for their objections. If a budget is certified after March 15, or March 31 in the case of a county or a city, or April 15 in the case of a school district, all appeal time limits shall be extended to correspond to allowances for a timely filing. Upon the filing of a protest, the county auditor shall immediately prepare a true and complete copy of the written protest, together with the budget, proposed tax levy or expenditure to which objections are made, and shall transmit them forthwith to the state board, and shall also send a copy of the protest to the certifying board or to the levying board, as the case may be.

Sec. 3. Section 24.48, subsection 4, Code 2019, is amended to read as follows:

4. ~~a.~~ The city finance committee shall have officially notified any city of its approval, modification or rejection of the city's appeal of the decision of the director of the department of management regarding a city's request for a suspension of the statutory property tax levy limitation prior to thirty-five days before March 15 31.

~~b. The state appeals board shall have officially notified any county of its approval, modification or rejection of the county's request for a suspension of the statutory property tax levy limitation prior to thirty-five days before March 15.~~

Sec. 4. Section 76.2, subsection 1, paragraph b, Code 2019, is amended to read as follows:

b. If the resolution is filed prior to April 1, or April 15, if the political subdivision is a county or a city, or May 1, if the political subdivision is a school district, the annual levy shall begin with the tax levy for collection commencing July 1 of that year. If the resolution is filed on or after April 1, or April 15, in the case of a county or a city, or May 1, in the case of a school district, the annual levy shall begin with the tax levy for collection in the next succeeding fiscal year. However, the governing authority of a political subdivision may adjust a levy of taxes made under this section for the purpose of adjusting the annual levies and collections for property severed from the political subdivision, subject to the approval of the director of the department of management.

Sec. 5. NEW SECTION. **331.433A Resolution establishing maximum property tax dollars — notice — hearing.**

1. For purposes of this section, unless the context otherwise requires:

a. "*Budget year*" is the fiscal year beginning during the calendar year in which a budget is certified.

b. "*Current fiscal year*" is the fiscal year ending during the calendar year in which a budget for the budget year is certified.

c. "*Effective property tax rate*" means the property tax rate per one thousand dollars of assessed value and is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under the levies specified in subsection 2, paragraph "a" or "b", as applicable, divided by the total assessed value used to calculate taxes for the budget year.

2. For budget years beginning on or after July 1, 2020, prior to filing the proposed budget with the auditor under section 331.434, subsection 2, the board shall adopt a resolution establishing the total maximum property tax dollars that may be certified for levy for general county services and the total maximum property tax dollars that may be certified for levy for rural county services that includes the following, as applicable:

a. For general county services, the sum of the property tax dollars levied under section 331.423, subsection 1, section 331.424, subsection 1, and those amounts for general county services under section 331.426, but excluding additions approved at election under section 331.425.

b. For rural county services, the sum of the property tax dollars levied under section 331.423, subsection 2, section 331.424, subsection 2, and those amounts for rural county services under section 331.426, but excluding additions approved at election under section 331.425.

3. The maximum property tax dollars calculated and approved by resolution under this section includes those amounts received by the county as replacement taxes under chapter 437A or 437B.

4. a. The board shall set a time and place for a public hearing on the resolution before the date for adoption of the resolution and shall publish notice of the hearing not less than ten nor more than twenty days prior to the hearing in the county newspapers selected under chapter 349. If the county has an internet site, the notice shall also be posted and clearly identified on the county's internet site for public viewing beginning on the date of the newspaper publication. Additionally, if the county maintains a social media account on one or more social media applications, the public hearing notice or an electronic link to the public hearing notice shall be posted on each such account on the same day as the publication of the notice. All of the following shall be included in the notice:

(1) The sum of the current fiscal year's actual property taxes certified for levy for general county services and the sum of the current fiscal year's actual property taxes for rural county services under the levies specified in subsection 2, paragraphs "a" and "b", and the current fiscal year's combined property tax levy rate for each such amount.

(2) The effective tax rate for general county services and the effective tax rate for rural county services calculated using the sum of the current fiscal year's actual property taxes certified for levy for general county services and the sum of the current fiscal year's actual property taxes certified for levy for rural county services under the levies specified in subsection 2, paragraphs "a" and "b", as applicable.

(3) The proposed maximum property tax dollars that may be certified for levy for general county services and certified for levy for rural county services under the levies specified in subsection 2, paragraphs "a" and "b", as applicable, for the budget year and the proposed corresponding combined property tax levy rate for each such amount.

(4) If the proposed maximum property tax dollars specified under subparagraph (3) for either general county services or rural county services exceeds the current fiscal year's actual property tax dollars certified for levy for general county services or for rural county services as specified in subparagraph (1), a statement of the major reasons for the increase.

b. Proof of publication shall be filed with and preserved by the auditor. The department of management shall prescribe the form for the public hearing notice for use by counties and the form for the resolution to be adopted by the board under subsection 5.

5. a. At the public hearing, the board shall receive oral or written objections from any resident or property owner of the county. After all objections have been received and considered, the board may decrease, but not increase, the proposed maximum property tax dollar amounts for inclusion in the resolution and shall adopt the resolution and file the resolution with the auditor as required under section 331.434, subsection 3.

b. If the sum of the maximum property tax dollars for the budget year specified in the resolution for either general county services or for rural county services under the levies specified in subsection 2, paragraphs "a" and "b", as applicable, exceeds one hundred two percent of the sum of the current fiscal year's actual property taxes certified for levy for general county services or rural county services under the levies specified in subsection 2, paragraphs "a" and "b", as applicable, the board shall be required to adopt the resolution by a two-thirds majority of the membership of the board.

c. If the county has an internet site, in addition to filing the resolution with the auditor under section 331.434, subsection 3, the adopted resolution shall be posted and clearly identified on the county's internet site for public viewing within ten days of approval by the board. The posted resolution for a budget year shall continue to be accessible for public viewing on the internet site along with resolutions posted for all subsequent budget years.

Sec. 6. Section 331.434, unnumbered paragraph 1, Code 2019, is amended to read as follows:

Annually, the board of each county, subject to section 331.403, subsection 4, sections 331.423 through 331.426, section 331.433A, and other applicable state law, shall prepare and adopt a budget, certify taxes, and provide appropriations as follows:

Sec. 7. Section 331.434, subsection 3, Code 2019, is amended to read as follows:

3. The Following, and not until adoption of the resolution under section 331.433A, the board shall set a time and place for a public hearing on the budget before the final certification date and shall publish notice of the hearing not less than ten nor more than twenty days prior to the hearing in the county newspapers selected under chapter 349. A summary of the proposed budget and a description of the procedure for protesting the county budget under section 331.436, in the form prescribed by the director of the department of management, shall be included in the notice. Proof of publication of the notice under this subsection 3 and a copy of the resolution adopted under section 331.433A shall be filed with and preserved by the auditor. A levy is not valid unless and until the notice is published and the notice and resolution adopted under section 331.433A are filed. The department of management shall prescribe the form for the public hearing notice for use by counties.

Sec. 8. Section 331.434, subsection 5, paragraph a, Code 2019, is amended to read as follows:

a. After the hearing, the board shall adopt by resolution a budget and certificate of taxes for the next fiscal year and shall direct the auditor to properly certify and file the budget and certificate of taxes as adopted. The board shall not adopt a tax in excess of the estimate published or the applicable amounts specified in the resolution adopted under section 331.433A, except a tax which is approved by a vote of the people, and a greater tax than that adopted shall not be levied or collected. A county budget and certificate of taxes adopted for the following fiscal year becomes effective on the first day of that year.

Sec. 9. Section 331.434, subsection 7, Code 2019, is amended to read as follows:

7. Taxes levied by a county whose budget is certified after March ~~15~~ 31 shall be limited to the prior year's budget amount. However, this penalty may be waived by the director of the department of management if the county demonstrates that the March ~~15~~ 31 deadline was missed because of circumstances beyond the control of the county.

Sec. 10. Section 331.435, Code 2019, is amended to read as follows:

**331.435 Budget amendment.**

1. The board may amend the adopted county budget, subject to sections 331.423 through 331.426 and other applicable state law, to permit increases in any class of proposed expenditures contained in the budget summary published under section 331.434, subsection 3.

2. The board shall prepare and adopt a budget amendment in the same manner as the original budget, as provided in section 331.434, but excluding the requirements for adoption of the resolution under section 331.433A, and the amendment is subject to protest as provided in section 331.436, except that the director of the department of management may by rule provide that amendments of certain types or up to certain amounts may be made without public hearing and without being subject to protest. A county budget for the ensuing fiscal year shall be amended by May 31 to allow time for a protest hearing to be held and a decision rendered before June 30. An amendment of a budget after May 31 which is properly appealed but without adequate time for hearing and decision before June 30 is void.

Sec. 11. Section 331.436, Code 2019, is amended to read as follows:

**331.436 Protest.**

Protests to the adopted budget must be made in accordance with sections 24.27 through 24.32 as if the county were the municipality under those sections except that the protest must be filed no later than April 10 and the number of people necessary to file a protest under this section shall not be less than one hundred.

Sec. 12. Section 384.2, unnumbered paragraph 1, Code 2019, is amended to read as follows:

Except as otherwise provided for special charter cities, a city's fiscal year shall be as provided in section 24.2, subsection 3. All city property taxes must be certified by a city to the county auditor on or before ~~the fifteenth day of~~ March 31 of each year, unless otherwise provided by state law. However, municipal utilities, if not supported by taxation or the proceeds of outstanding indebtedness payable from taxes may, with the council's consent, choose to operate on a fiscal year which is the calendar year. The receipt by the utility of payments from other governmental funds for public fire protection, street lighting, or other public use of the utility's services shall not be deemed support by taxation. After notice and hearing in the same manner as required for the city's regular budget under section 384.16, the utility budget must be approved by resolution of the council not later than twenty days prior to the beginning of the calendar year for which the budget applies.

Sec. 13. NEW SECTION. **384.15A Resolution establishing maximum property tax dollars — notice — hearing.**

1. For purposes of this section, unless the context otherwise requires:

a. "Budget year" is the fiscal year beginning during the calendar year in which a budget is certified.



b. “*Current fiscal year*” is the fiscal year ending during the calendar year in which a budget for the budget year is certified.

c. “*Effective property tax rate*” means the property tax rate per one thousand dollars of assessed value and is equal to one thousand multiplied by the quotient of the current fiscal year’s actual property tax dollars certified for levy under the levies specified in subsection 2 divided by the total assessed value used to calculate taxes for the budget year.

2. For budget years beginning on or after July 1, 2020, prior to the period of time for distribution of the budget under section 384.16, subsection 2, the council shall adopt a resolution establishing the total maximum property tax dollars that may be certified for levy that includes taxes for city government purposes under section 384.1, for the city’s trust and agency fund under section 384.6, subsection 1, for the city’s emergency fund under section 384.8, and for the levies authorized under section 384.12, subsections 8, 10, 11, 12, 13, 17, and 21, but excluding additions approved at election under section 384.12, subsection 19.

3. The maximum property tax dollars calculated and approved by resolution under this section includes those amounts received by the city as replacement taxes under chapter 437A or 437B.

4. a. The council shall set a time and place for a public hearing on the resolution before the date for adoption of the resolution and shall publish notice of the hearing not less than ten nor more than twenty days prior to the hearing in a newspaper published at least once weekly and having general circulation in the city. However, if the city has a population of two hundred or less, publication may be made by posting in three public places in the city. If the city has an internet site, the notice shall also be posted and clearly identified on the city’s internet site for public viewing beginning on the date of the newspaper publication or public posting, as applicable. Additionally, if the city maintains a social media account on one or more social media applications, the public hearing notice or an electronic link to the public hearing notice shall be posted on each such account on the same day as the publication of the notice. All of the following shall be included in the notice:

(1) The sum of the current fiscal year’s actual property taxes certified for levy under the levies specified in subsection 2 and the current fiscal year’s combined property tax levy rate for such amount that is applicable to taxable property in the city other than property used and assessed for agricultural or horticultural purposes.

(2) The effective tax rate calculated using the sum of the current fiscal year’s actual property taxes certified for levy under the levies specified in subsection 2, applicable to taxable property in the city other than property used and assessed for agricultural or horticultural purposes.

(3) The sum of the proposed maximum property tax dollars that may be certified for levy for the budget year under the levies specified in subsection 2 and the proposed combined property tax levy rate for such amount applicable to taxable property in the city other than property used and assessed for agricultural or horticultural purposes.

(4) If the proposed maximum property tax dollars specified under subparagraph (3) exceeds the current fiscal year’s actual property tax dollars certified for levy specified in subparagraph (1), a statement of the major reasons for the increase.

b. Proof of publication shall be filed with and preserved by the county auditor. The department of management shall prescribe the form for the public hearing notice for use by cities and the form for the resolution to be adopted by the council under subsection 5.

5. a. At the public hearing, the council shall receive oral or written objections from any resident or property owner of the city. After all objections have been received and considered, the council may decrease, but not increase, the proposed maximum property tax dollar amount for inclusion in the resolution and shall adopt the resolution and file the resolution with the county auditor as required under section 384.16, subsection 3.

b. If the sum of the maximum property tax dollars for the budget year specified in the resolution under the levies specified in subsection 2 exceeds one hundred two percent of the sum of the current fiscal year’s actual property taxes certified for levy under the levies specified in subsection 2, the council shall be required to adopt the resolution by a two-thirds majority of the membership of the council.

c. If the city has an internet site, in addition to filing the resolution with the auditor under section 384.16, subsection 3, the adopted resolution shall be posted and clearly identified on

the city's internet site for public viewing within ten days of approval by the council. The posted resolution for a budget year shall continue to be accessible for public viewing on the internet site along with resolutions posted for all subsequent budget years.

Sec. 14. Section 384.16, unnumbered paragraph 1, Code 2019, is amended to read as follows:

Annually, a city that has satisfied the requirements of section 384.15A and section 384.22, subsection 3, shall prepare and adopt a budget, and shall certify taxes as follows:

Sec. 15. Section 384.16, subsections 3, 5, and 6, Code 2019, are amended to read as follows:

3. The Following, and not until adoption of the resolution under section 384.15A, the council shall set a time and place for public hearing on the budget before the final certification date and shall publish notice of the hearing not less than ten nor more than twenty days before the hearing in a newspaper published at least once weekly and having general circulation in the city. However, if the city has a population of two hundred or less, publication may be made by posting in three public places in the city. A summary of the proposed budget and a description of the procedure for protesting the city budget under section 384.19, in the form prescribed by the director of the department of management, shall be included in the notice. Proof of publication of the notice under this subsection 3 and a copy of the resolution adopted under section 384.15A must be filed with the county auditor. The department of management shall prescribe the form for the public hearing notice for use by cities.

5. After the hearing, the council shall adopt by resolution a budget for at least the next fiscal year, and the clerk shall certify the necessary tax levy for the next fiscal year to the county auditor and the county board of supervisors. The tax levy certified may be less than but not more than the amount estimated in the proposed budget submitted at the final hearing or the applicable amount specified in the resolution adopted under section 384.15A, unless an additional tax levy is approved at a city election. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the county auditor, who shall complete the certificates and transmit a copy of each to the department of management.

6. Taxes levied by a city whose budget is certified after March ~~15~~ 31 shall be limited to the prior year's budget amount. However, this penalty may be waived by the director of the department of management if the city demonstrates that the March ~~15~~ 31 deadline was missed because of circumstances beyond the control of the city.

Sec. 16. Section 384.17, Code 2019, is amended to read as follows:

**384.17 Levy by county.**

At the time required by law, the county board of supervisors shall levy the taxes necessary for each city fund for the following fiscal year. The levy must be as shown in the adopted city budget and as certified by the clerk, subject to any changes made after a protest hearing, and any additional tax rates approved at a city election. A city levy is not valid until proof of publication or posting of notice of a budget hearing is under section 384.16, subsection 3, and the notice and resolution adopted under section 384.15A are filed with the county auditor.

Sec. 17. **APPLICABILITY.** This division of this Act applies to city and county budgets and taxes for fiscal years beginning on or after July 1, 2020.

DIVISION II  
STATE APPRAISAL MANUAL

Sec. 18. Section 421.17, subsection 17, Code 2019, is amended to read as follows:

17. To prepare and issue a state appraisal manual which each county and city assessor shall use in assessing and valuing all classes of property in the state. The appraisal manual shall be continuously revised and the manual and revisions shall be issued to the county and city assessors in such form and manner as prescribed by the director. Each county and city assessor shall use the most recently issued manual in assessing and valuing all classes of property in the state within two years of the publication date of the most recently issued

manual. The department may grant an extension of up to two years to a county or city assessor upon request and demonstration of substantial hardship by an assessor.

Approved May 23, 2019

## CHAPTER 166

### SCHOOL FINANCE AND EXTENSION, DISTRIBUTION, AND USE OF SECURE AN ADVANCED VISION FOR EDUCATION FUNDING

*H.F. 546*

**AN ACT** relating to school funding by modifying provisions relating to the collection of sales tax for deposit in the secure an advanced vision for education fund, provisions relating to the use of tax revenue from the secure an advanced vision for education fund, and provisions relating to the calculation of the additional property tax levy, and making appropriations.

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

Section 1. Section 257.2, subsection 8, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* Foundation base supplement payments received under section 257.16D.

Sec. 2. Section 257.4, subsection 1, paragraph a, Code 2019, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (10) The amount of the foundation base supplement payment to be received by the school district under section 257.16D.

Sec. 3. Section 257.4, subsection 1, paragraph b, Code 2019, is amended to read as follows:

*b.* For the budget year beginning July 1, 2008, and succeeding budget years, the department of management shall annually determine an adjusted additional property tax levy and a statewide maximum adjusted additional property tax levy rate, not to exceed the statewide average additional property tax levy rate, calculated by dividing the total adjusted additional property tax levy dollars statewide by the statewide total net taxable valuation. For purposes of this paragraph, the adjusted additional property tax levy shall be that portion of the additional property tax levy corresponding to the state cost per pupil multiplied by a school district's weighted enrollment, and then multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1, and then reduced by the amount of the property tax replacement payment to be received under section 257.16B and the amount of the foundation base supplement payment to be received under section 257.16D. The district shall receive adjusted additional property tax levy aid in an amount equal to the difference between the adjusted additional property tax levy rate and the statewide maximum adjusted additional property tax levy rate, as applied per thousand dollars of assessed valuation on all taxable property in the district. The statewide maximum adjusted additional property tax levy rate shall be annually determined by the department taking into account amounts allocated pursuant to section 257.15, subsection 4, and the balance of the property tax equity and relief fund created in section 257.16A at the end of the calendar year.

Sec. 4. Section 257.15, subsection 4, paragraph b, Code 2019, is amended to read as follows:

b. After lowering all school district adjusted additional property tax levy rates to the statewide maximum adjusted additional property tax levy rate under paragraph “a”, the department of management shall use any remaining funds at the end of the calendar year to further lower additional property taxes by increasing for the budget year beginning the following July 1, the state regular program foundation base per pupil percentage under section 257.1. Moneys used pursuant to this paragraph shall supplant an equal amount of the appropriation made from the general fund of the state pursuant to section 257.16 that represents the increase in state foundation aid.

Sec. 5. **NEW SECTION. 257.16D Foundation base supplement fund.**

1. A foundation base supplement 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 into the fund.

2. a. There is appropriated annually from the fund to the department of management an amount necessary to make all foundation base supplement payments under this section. The department of management shall calculate each school district’s foundation base supplement payment based on the distribution methodology under paragraph “b”.

b. The moneys available in a fiscal year in the foundation base supplement fund shall be distributed by the department of management to each school district on a per pupil basis calculated using each school district’s weighted enrollment, as defined in section 257.6, for that fiscal year. However, the amount of a school district’s foundation base supplement payment for a budget year shall not exceed an amount equal to the school district’s weighted enrollment for the budget year multiplied by the amount for the budget year calculated under section 257.16B, subsection 2, paragraph “f”, subparagraph (2), minus the amount of the school district’s property tax replacement payment under section 257.16B for the budget year.

3. Notwithstanding section 8.33, any moneys remaining in the foundation base supplement fund at the end of a fiscal year shall not revert to any other fund but shall remain in the foundation base supplement fund for use as provided in this section for the following fiscal year.

Sec. 6. **NEW SECTION. 257.51 Career academy fund — grant program.**

1. A career academy fund is created and established as a separate and distinct fund in the state treasury under the control of the department of education.

2. a. In addition to moneys deposited in the career academy fund pursuant to section 423F.2, the department of education may accept gifts, grants, bequests, and other private contributions, as well as state or federal funds, and shall deposit the moneys in the fund to be used for purposes of this section. Moneys in the fund are appropriated to the department of education and shall be used for the purposes of this section.

b. Notwithstanding section 8.33, moneys 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 of this section in succeeding fiscal years. Notwithstanding section 12C.7, subsection 2, interest earned on moneys in the career academy fund shall be credited to the fund.

3. The department of education shall adopt rules to establish and administer a career academy grant program to provide for the allocation of money in the fund in the form of competitive grants, not to exceed one million dollars per grant, to school corporations for career academy infrastructure, career academy equipment, or both, in accordance with the goals of this section and to further the goals of the establishment and operation of career academies under section 258.15. The rules adopted by the department of education shall specify the eligibility of applicants and eligible items for grant funding. Priority for grants shall first be given to applications to establish new career academies that are organized as regional centers pursuant to chapter 258. Subsequent priority shall be given to applications for expanding existing career academies.

Sec. 7. Section 423.2, subsection 12, Code 2019, is amended to read as follows:

12. The sales tax rate of six percent is reduced to five percent on January 1, ~~2030~~ 2051.

Sec. 8. Section 423.2A, subsection 2, paragraph c, Code 2019, is amended to read as follows:

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~~ January 1, 2051.

Sec. 9. Section 423.5, subsection 4, Code 2019, is amended to read as follows:

4. The use tax rate of six percent is reduced to five percent on January 1, ~~2030~~ 2051.

Sec. 10. Section 423.43, subsection 1, paragraph b, Code 2019, is amended to read as follows:

b. Subsequent to the deposit into the general fund of the state and after the transfer of such revenues collected under chapter 423B, the department shall transfer one-sixth of such remaining revenues to the secure an advanced vision for education fund created in section 423F.2. This paragraph is repealed ~~December 31, 2029~~ January 1, 2051.

Sec. 11. Section 423F.2, subsection 3, Code 2019, is amended to read as follows:

3. a. The moneys available in a fiscal year in the secure an advanced vision for education fund shall be distributed by the department of revenue to each school district on a per pupil basis calculated using each school district's budget enrollment, as defined in section 257.6, for that fiscal year.

b. (1) Prior to distribution of moneys in the secure an advanced vision for education fund to school districts, two and one-tenths percent of the moneys available in a an amount equal to the equity transfer amount for the fiscal year minus the foundation base transfer amount for the fiscal year shall be distributed and credited to the property tax equity and relief fund created in section 257.16A, an amount equal to the foundation base transfer amount shall be distributed and credited to the foundation base supplement fund created in section 257.16D, and an amount equal to the career academy transfer amount for the fiscal year shall be distributed and credited to the career academy fund created in section 257.51.

(2) For purposes of this subsection, the equity transfer amount is determined by multiplying the equity transfer percentage by the amount of moneys available in the secure an advanced vision for education fund in the fiscal year.

(a) For the fiscal year beginning July 1, 2018, the equity transfer percentage is two and one-tenth percent. For the fiscal year beginning July 1, 2019, the equity transfer percentage is three and one-tenth percent.

(b) For each fiscal year beginning on or after July 1, 2020, the equity transfer percentage is equal to the equity transfer percentage for the immediately preceding fiscal year, unless the amount of moneys available in the secure an advanced vision for education fund in the immediately preceding fiscal year equals or exceeds one hundred two percent of the amount of moneys available in the fund for the fiscal year prior to the immediately preceding fiscal year, in which case the equity transfer percentage shall be the equity transfer percentage for the immediately preceding fiscal year plus one percent subject to the limitation in subparagraph division (c).

(c) If the equity transfer percentage calculated under subparagraph division (b) exceeds thirty percent, the equity transfer percentage for that fiscal year shall be thirty percent.

(3) For purposes of this subsection, the foundation base transfer amount for the fiscal year beginning July 1, 2019, is zero, and for each fiscal year beginning on or after July 1, 2020, the foundation base transfer amount equals the equity transfer amount for the fiscal year under subparagraph (2) minus the sum of the following:

(a) Three and one-tenth percent of the amount of the moneys available in the secure an advanced vision for education fund in the fiscal year.

(b) One-half of the product of the equity transfer percentage for the fiscal year minus three and one-tenth percent multiplied by the moneys available in the secure an advanced vision for education fund in the fiscal year.

(4) (a) For purposes of this subsection, the career academy transfer amount for the fiscal year beginning July 1, 2019, is one million dollars.

(b) For each fiscal year beginning on or after July 1, 2020, the career academy transfer amount is equal to the lesser of five million dollars or the amount of the career academy transfer amount for the immediately preceding fiscal year, unless the amount of moneys available in the secure an advanced vision for education fund in the immediately preceding fiscal year equals or exceeds one hundred two and one-half percent of the amount of moneys available in the fund for the fiscal year prior to the immediately preceding fiscal year, in which case the career academy transfer amount equals the lesser of five million dollars or the sum of the amount of the career academy transfer amount for the immediately preceding fiscal year plus one-half percent of the amount of moneys available in the secure an advanced vision for education fund in the fiscal year following the deposit of revenues in the property tax equity and relief fund and the foundation base supplement fund.

Sec. 12. Section 423F.3, subsection 3, paragraph b, Code 2019, is amended to read as follows:

b. (1) If the board of directors intends to use funds for purposes other than those listed in paragraph "a", or change the use of funds to purposes other than those listed in paragraph "a", the board shall adopt a revenue purpose statement or amend an existing revenue purpose statement, subject to approval of the electors, listing the proposed use of the funds. School districts shall submit the statement to the voters no later than sixty days prior to the expiration of any existing revenue purpose statement or change in use not included in the existing revenue purpose statement.

(2) (a) Notwithstanding any provision of law to the contrary, for each school district with an existing revenue purpose statement for the use of revenues from the secure an advanced vision for education fund adopted under this paragraph or adopted under another provision of law before July 1, 2019, such revenue purpose statement shall terminate and be of no further force and effect on January 1, 2031, or the expiration date of the revenue purpose statement, whichever is earlier. If such a school district intends to use funds for purposes other than those listed in paragraph "a" and does not intend to operate without a revenue purpose statement on or after January 1, 2031, or the expiration date of the revenue purpose statement, whichever is earlier, the board of directors shall submit a revenue purpose statement for approval by the electors under subparagraph (1) on or after July 1, 2019, and such revenue purpose statement submitted to the electors shall include all proposed uses including those previously approved by the electors, if applicable. The following, in substantially the following form, shall be included in the notice of the election published under paragraph "d" and published on the school district's internet site:

If a majority of eligible electors voting on the question fail to approve this revenue purpose statement, revenues received by the school district from the secure an advanced vision for education fund shall first be expended for . . . . (State the purposes in the order listed in subsection 1 and as required by subsection 4 of this section for which the revenues received by the school district under this chapter will be expended.)

(b) Unless a new revenue purpose statement is adopted by the electors, the existing revenue purpose statement remains in effect until January 1, 2031, or the expiration date of the revenue purpose statement, whichever is earlier. If a revenue purpose statement is terminated under the provisions of this subparagraph, such termination shall not affect the validity of or a first lien on bonds issued under section 423E.5, Code 2019, or section 423F.5 prior to the date the revenue purpose statement is terminated under subparagraph division (a), or the validity of a contract or other obligation of the school district secured in whole or in part by or requiring the payment of funds received under this chapter in effect prior to the date the revenue purpose statement is terminated under subparagraph division (a).

Sec. 13. Section 423F.3, subsection 5, paragraph b, Code 2019, is amended to read as follows:

b. The infeasibility cost-benefit analysis of remodeling, reconstructing, or repairing existing buildings.

Sec. 14. Section 423F.3, subsection 5, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. Benefits and effects of the new construction on student learning.

Sec. 15. Section 423F.3, subsection 6, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0d. Additionally, “*school infrastructure*” includes school safety and security infrastructure. For purposes of this paragraph, “*school safety and security infrastructure*” includes but is not limited to safe rooms, remote entry technology and equipment, security camera systems, card access systems, and communication systems with access to fire and police emergency frequencies. For purposes of this paragraph, “*school safety and security infrastructure*” does not include the cost of personnel, development of safety and security plans, or training related to the implementation of safety and security plans. It is the intent of the general assembly that each school district prioritize the use of revenues under this chapter for secure entries for the district’s attendance centers before expending such revenues for athletic facility infrastructure projects.

Sec. 16. Section 423F.3, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. a. Prior to approving the use of revenues received under this chapter for an athletic facility infrastructure project within the scope of the school district’s approved revenue purpose statement or pursuant to subsection 4 for a school district without an approved revenue statement, the board of directors shall adopt a resolution setting forth the proposal for the athletic facility infrastructure project and hold an additional public hearing on the issue of construction of the athletic facility. Notice of the time and place of the public hearing shall be published not less than ten nor more than twenty days before the public hearing in a newspaper which is a newspaper of general circulation in the school district. If at any time prior to the fifteenth day following the hearing, the secretary of the board of directors receives a petition containing the required number of signatures and asking that the question of the approval of the use of revenues for the athletic facility infrastructure project be submitted to the voters of the school district, the board of directors shall either rescind the board’s resolution for the use of revenues for the athletic facility infrastructure project or direct the county commissioner of elections to submit the question to the registered voters of the school district at an election held on a date specified in section 39.2, subsection 4, paragraph “c”. The petition must be signed by eligible electors equal in number to not less than one hundred or thirty percent of the number of voters at the last preceding election of school officials under section 277.1, whichever is greater. If a majority of those voting on the question favors the use of the revenues for the athletic facility infrastructure project, the board shall be authorized to approve such use by resolution of the board. If a majority of those voting on the question does not favor the use of the revenues for the athletic facility infrastructure project, the board of directors shall rescind the board’s resolution for the use of revenues for the athletic facility infrastructure project. If a petition is not received by the board of directors within the prescribed time period, the board of directors may approve the use of revenues for the athletic facility infrastructure project without voter approval.

b. After fourteen days from the date of the hearing under paragraph “a” or fourteen days after the date of the election held under paragraph “a”, if applicable, whichever is later, an action shall not be brought questioning the board of directors’ authority to use funds for the athletic facility infrastructure project or questioning the legality of any proceedings in connection with the authorization of such use.

c. For purposes of this subsection:

(1) “*Athletic facility*” means a building or structure, or portion thereof, that is not physically attached to a student attendance center.

(2) “Athletic facility infrastructure project” means a school infrastructure project that includes in whole or in part the construction of an athletic facility.

(3) “Construction” does not include repair or maintenance of an existing facility.

Sec. 17. Section 423F.4, Code 2019, is amended to read as follows:

**423F.4 Borrowing authority for school districts.**

1. A Subject to the conditions established under subsection 2, a school district may anticipate its share of the revenues under section 423F.2 by issuing bonds in the manner provided in section 423E.5, Code 2019. However, to the extent any school district has issued bonds anticipating the proceeds of an extended local sales and services tax for school infrastructure purposes imposed by a county pursuant to former chapter 423E, Code and Code Supplement 2007, prior to July 1, 2008, the pledge of such revenues for the payment of principal and interest on such bonds shall be replaced by a pledge of its share of the revenues under section 423F.2.

2. a. Bonds issued on or after July 1, 2019, shall not be sold at public sale as provided in chapter 75, or at a private sale, without notice and hearing. Notice of the time and place of the public hearing shall be published not less than ten nor more than twenty days before the public hearing in a newspaper which is a newspaper of general circulation in the school district.

b. For bonds subject to the requirements of paragraph “a”, if at any time prior to the fifteenth day following the hearing, the secretary of the board of directors receives a petition containing the required number of signatures and asking that the question of the issuance of such bonds be submitted to the voters of the school district, the board shall either rescind its adoption of the resolution or direct the county commissioner of elections to submit the question to the registered voters of the school district at an election held on a date specified in section 39.2, subsection 4, paragraph “c”. The petition must be signed by eligible electors equal in number to not less than one hundred or thirty percent of the number of voters at the last preceding election of school officials under section 277.1, whichever is greater. If the board submits the question at an election and a majority of those voting on the question favors issuance of the bonds, the board shall be authorized to issue the bonds.

c. After fourteen days from the date of the hearing under paragraph “a” or fourteen days after the date of the election held under paragraph “b”, if applicable, whichever is later, an action shall not be brought questioning the legality of any bonds or the power of the authority to issue any bonds or to the legality of any proceedings in connection with the authorization or issuance of the bonds.

Sec. 18. Section 423F.6, Code 2019, is amended to read as follows:

**423F.6 Repeal.**

This chapter is repealed ~~December 31, 2029~~ January 1, 2051.

Sec. 19. 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 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 May 24, 2019



**CHAPTER 167**

## SALES OF MERCHANDISE AT CHILDREN'S BENEFIT ON CAPITOL GROUNDS

*S.J.R. 17*

**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 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 toy runs on dates to be determined prior to the eighty-ninth general assembly; 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 runs; 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 runs held prior to the eighty-ninth general assembly, 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 April 8, 2019

**CHAPTER 168**

## PROPOSED CONSTITUTIONAL AMENDMENT — RIGHT TO KEEP AND BEAR ARMS

*S.J.R. 18**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 shall be published as provided by law for three months previous to the date of that election.

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Proposed Amendment to the Constitution of the State of Iowa

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“NEW” denotes new Code section numbers that are subject to change when codified.

“C2018” denotes 2018 Code chapters and sections amended or repealed.

“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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