

State of Iowa

2015

ACTS AND JOINT RESOLUTIONS
(Session Laws)

Enacted at the

2015 REGULAR SESSION

of the

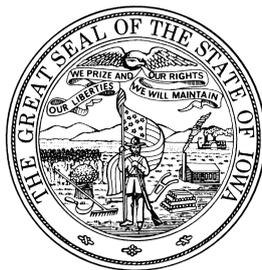
Eighty-Sixth General Assembly

of the

State of Iowa

HELD AT DES MOINES, THE CAPITAL OF THE STATE
IN THE ONE HUNDRED SIXTY-NINTH YEAR OF THE STATE

REGULAR SESSION CONVENED ON THE TWELFTH DAY OF JANUARY
AND ADJOURNED ON THE FIFTH DAY OF JUNE, A.D. 2015



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

PREFACE

CERTIFICATION

We, Glen P. Dickinson, Director, Legislative Services Agency, Richard L. Johnson, Legal Services Division Director, and Leslie E. W. Hickey, Iowa Code Editor, certify that, to the best of our knowledge, the Acts and Resolutions in this volume have been prepared from the original enrolled Acts and Resolutions on file in the office of the Secretary of State; are correct copies of those Acts and Resolutions; are published under the authority of the statutes of this state; and constitute the Acts and Resolutions of the 2015 Regular Session of the Eighty-sixth 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 2016 Iowa Code is published. Changes will be shown in the Tables of Disposition of Acts in the 2016 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 2015 Regular Session generally took effect on or applied retroactively to July 1, 2015, unless otherwise provided.

State mandates. Iowa Code section 25B.5 requires that for each enacted bill or joint resolution containing a state mandate (defined in Iowa Code section 25B.3), an updated, final estimate of additional local revenue expenditures required by the mandate must be filed with the Secretary of State. Pursuant to Iowa Code section 2B.10 requiring that a notation of the filing of such an estimate be included in the Iowa Acts, a dagger is placed at the beginning of the enacting clause and a footnote is included for any enrolled Act or Resolution for which a mandate notation is required. No enrolled Acts required the filing of such an estimate this year.

Resolutions. No joint resolutions were passed during this regular session. Concurrent resolutions and Senate and House resolutions are generally not included. See Senate and House Journals for adopted resolutions.

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

Legislative Services Agency
1112 E. Grand Avenue, Miller Building, Des Moines, Iowa 50319; (515) 281-6766
www.legis.iowa.gov/law/information

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REGULAR SESSION

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ELECTIVE OFFICERS

Name and Office County from which
originally chosen

GOVERNOR

TERRY E. BRANSTAD Winnebago
 Matt Hinch, Chief of Staff
 Alicia Freed, Executive Scheduler

LIEUTENANT GOVERNOR

KIM REYNOLDS Clarke
 Catherine Huggins, Senior Policy Advisor to Lieutenant Governor
 Mary Kate Knorr, Executive Scheduler, Communications Advisor to the Lieutenant
 Governor

SECRETARY OF STATE

PAUL D. PATE Linn
 Mark Snell, Chief Deputy
 Carol Olson, Deputy of Elections
 Michael Ross, Deputy

AUDITOR OF STATE

MARY MOSIMAN Story
 Warren G. Jenkins, Chief Deputy Auditor of State
 Tamera Kusian, Deputy, Performance Investigation Division
 Andrew E. Nielsen, Deputy, Financial Audit Division

TREASURER OF STATE

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

SECRETARY OF AGRICULTURE

BILL NORTHEY Dickinson
 Michael Naig, Deputy Secretary
 James Gillespie, Director, Soil Conservation Division
 Stephen Moline, Director, Consumer Protection and Industry Services/Food Safety
 and Animal Health

ATTORNEY GENERAL

THOMAS J. MILLER Polk
 Jeffrey S. Thompson, Solicitor General
 Eric Tabor, Chief Deputy Attorney General
 Tam Ormiston, Deputy Attorney General
 Kevin McCarthy, First Assistant 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
Allen, Chaz Newton	Executive Director— Jasper County Economic Development Corporation	15th— <i>Jasper</i> , Polk	86(1st)
Anderson, Bill Pierson	Small Business Owner/Policy Advisor—Congressman Steve King	3rd—Plymouth, <i>Woodbury</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
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)
Bertrand, Rick Sioux City		7th— <i>Woodbury</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(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)
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)
Bowman, Tod R. Maquoketa	Educator	29th—Dubuque, <i>Jackson</i> , Jones	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Brase, Chris Muscatine	Fire Fighter/Paramedic	46th— <i>Muscatine</i> , Scott	85(1st), 85(2nd), 86(1st)
Breitbach, Michael Strawberry Point	Business Owner	28th—Allamakee, <i>Clayton</i> , Fayette, Winneschiek	85(1st), 85(2nd), 86(1st)
Chapman, Jake Adel	Businessman/EMT	10th—Adair, Cass, <i>Dallas</i> , Guthrie, Polk	85(1st), 85(2nd), 86(1st)
Chelgren, Mark Ottumwa	Entrepreneur	41st—Davis, Jefferson, Van Buren, <i>Wapello</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Costello, Mark Imogene	Farmer	12th—Fremont, <i>Mills</i> , Montgomery, Page, Ringgold, Taylor	85(1st), 85(2nd), 86(1st)

Name and Residence	Occupation	Senatorial District	Legislative Service
Courtney, Thomas G. Burlington	Retired	44th— <i>Des Moines</i> , Louisa, Muscatine	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)
Danielson, Jeff Cedar Falls	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)
Dearden, Dick L. Des Moines	Retired Job Developer—5th Judicial District	16th— <i>Polk</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)
Dix, Bill Shell Rock	Minority Leader/Farmer	25th— <i>Butler</i> , Grundy, Hardin, Story	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
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)
Dvorsky, Robert E. Coralville	Retired Executive Office—Community Based Corrections	37th— <i>Cedar</i> , <i>Johnson</i> , Muscatine	72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Feenstra, Randy Hull	Finance and Insurance—Iowa State Bank/Adjunct Professor	2nd— <i>Cherokee</i> , O'Brien, Plymouth, <i>Sioux</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Garrett, Julian B. Indianola		13th— <i>Madison</i> , <i>Warren</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)

Name and Residence	Occupation	Senatorial District	Legislative Service
Gronstal, Michael E. Council Bluffs	Majority Leader	8th— <i>Pottawattamie</i>	70(1st), 70(2nd), 71(1st), 71(2nd), 72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Guth, Dennis Klemme	Farmer	4th— <i>Emmet, Hancock, Kossuth, Winnebago, Wright</i>	85(1st), 85(2nd), 86(1st)
Hart, Rita Wheatland	Farmer	49th— <i>Clinton, Scott</i>	85(1st), 85(2nd), 86(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)
Horn, Wally E. Cedar Rapids	Legislator	35th— <i>Linn</i>	65(1st), 65(2nd), 66(1st), 66(2nd), 67(1st), 67(1st)X, 67(2nd), 68(1st), 68(2nd), 69(1st), 69(1st)X, 69(1st)XX, 69(2nd), 70(1st), 70(2nd), 71(1st), 71(2nd), 72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Jochum, Pam Dubuque	President of the Senate	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)
Johnson, David Ocheyedan	Former Dairy Herdsman/Newspaper Owner-Editor/Polar Research/Agribusiness	1st— <i>Clay, Dickinson, Lyon, Osceola, Palo Alto</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)

Name and Residence	Occupation	Senatorial District	Legislative Service
Kapucian, Tim L. Keystone	Farmer	38th— <i>Benton, Iowa, Poweshiek</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Kinney, Kevin Oxford	Retired Deputy Sheriff	39th— <i>Johnson, Keokuk, Washington</i>	86(1st)
Kraayenbrink, Tim Fort Dodge	Investment Advisor	5th— <i>Calhoun, Humboldt, Pocahontas, Webster</i>	86(1st)
Mathis, Liz Cedar Rapids	Business Owner	34th— <i>Linn</i>	84(2nd), 85(1st), 85(2nd), 86(1st)
McCoy, Matt Des Moines	Owner—Resource Development Consultants (RDC)	21st— <i>Polk, Warren</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)
Petersen, Janet Des Moines	Marketing Communications Consultant	18th— <i>Polk</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
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)
Ragan, Amanda Mason City	Executive Director—Community Kitchen of North Iowa/Executive Director—Meals on Wheels	27th— <i>Butler, Cerro Gordo, Franklin</i>	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)
Rozenboom, Ken Oskaloosa	Farming/Ag Business	40th— <i>Appanoose, Mahaska, Marion, Monroe, Wapello</i>	85(1st), 85(2nd), 86(1st)
Schneider, Charles West Des Moines	Counsel—Principal Financial Group	22nd— <i>Dallas, Polk</i>	85(1st), 85(2nd), 86(1st)
Schoenjahn, Brian Arlington	Legislator/EMT—Arlington Fire Department	32nd— <i>Black Hawk, Bremer, Buchanan, Fayette</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)
Schultz, Jason Schleswig	Farmer	9th— <i>Crawford, Harrison, Ida, Monona, Shelby, Woodbury</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Segebart, Mark Vail	Farmer	6th— <i>Audubon, Buena Vista, Carroll, Crawford, Sac</i>	85(1st), 85(2nd), 86(1st)

Name and Residence	Occupation	Senatorial District	Legislative Service
Seng, Joe M., Dr. Davenport	Veterinarian	45th— <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)
Shipley, Tom Nodaway	Cattle Nutrition Industry	11th— <i>Adams, Cass, Pottawattamie, Union</i>	86(1st)
Sinclair, Amy Allerton	Farmer	14th— <i>Clarke, Decatur, Jasper, Lucas, Marion, Wayne</i>	85(1st), 85(2nd), 86(1st)
Smith, Roby Davenport	Small Business Owner	47th— <i>Scott</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Sodders, Steven J. State Center	Deputy Sheriff	36th— <i>Black Hawk, Marshall, Tama</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Taylor, Rich Mount Pleasant	Master HVACR Technician/Master Electrician	42nd— <i>Henry, Jefferson, Lee, Washington</i>	85(1st), 85(2nd), 86(1st)
Whitver, Jack Ankeny	Business Owner/ Attorney	19th— <i>Polk</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Wilhelm, Mary Jo Cresco	Appraiser	26th— <i>Cerro Gordo, Chickasaw, Floyd, Howard, Mitchell, Winneshiek, Worth</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(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)
Zumbach, Dan Ryan	Farmer	48th— <i>Buchanan, Delaware, Jones, Linn</i>	85(1st), 85(2nd), 86(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)
Anderson, Marti Des Moines	Social Worker	36th— <i>Polk</i>	85(1st), 85(2nd), 86(1st)
Bacon, Robert Slater	Funeral Director	48th—Boone, Hamilton, <i>Story, Webster</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Baltimore, Chip Boone	Attorney/General Counsel	47th— <i>Boone, Greene</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Baudler, Clel E. Greenfield	Retired State Trooper/Farmer	20th— <i>Adair, Cass, Dallas, Guthrie</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Baxter, Terry C. Garner		8th— <i>Hancock, Kossuth, Wright</i>	86(1st)
Bearinger, Bruce Oelwein		64th— <i>Buchanan, Fayette</i>	85(1st), 85(2nd), 86(1st)
Bennett, Liz Cedar Rapids	Internet Sales/Support Consultant	65th— <i>Linn</i>	86(1st)
Berry, Deborah L. Waterloo		62nd— <i>Black Hawk</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)
Best, Brian Glidden	Respiratory Therapist/ President of Bestmed Respiratory	12th— <i>Audubon, Carroll, Crawford</i>	86(1st)
Branhagen, Darrel Decorah		55th— <i>Clayton, Fayette, Winneshiek</i>	86(1st)
Brown-Powers, Timi Waterloo	Med-Fit Facilitator for Persons with Physical and Mental Disabilities	61st— <i>Black Hawk</i>	86(1st)
Byrnes, Josh Osage	Industrial Division Chair—North Iowa Area Community College	51st— <i>Howard, Mitchell, Winneshiek, Worth</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Carlson, Gary Muscatine	Vice President—HNI Corporation	91st— <i>Muscatine</i>	86(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Cphoon, Dennis M. Burlington	Retired Special Education Teacher	87th— <i>Des Moines</i>	72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Cownie, Peter West Des Moines	Executive Director— Iowa State Fair Blue Ribbon Foundation	42nd— <i>Polk, Warren</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Dawson, David Sioux City		14th— <i>Woodbury</i>	85(1st), 85(2nd), 86(1st)
Deyoe, Dave Nevada	Farmer	49th— <i>Hardin, Story</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Dolecheck, Cecil Mount Ayr	Retired Farmer	24th— <i>Montgomery, Page, Ringgold, Taylor</i>	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Drake, Jack Griswold	Farmer	21st— <i>Adams, Cass, Pottawattamie, Union</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)
Dunkel, Nancy A. Dyersville		57th— <i>Dubuque</i>	85(1st), 85(2nd), 86(1st)
Finkenauer, Abby Dubuque		99th— <i>Dubuque</i>	86(1st)
Fisher, Dean C. Garwin	Retired—Engineering/ Farming	72nd— <i>Black Hawk, Marshall, Tama</i>	85(1st), 85(2nd), 86(1st)
Forbes, John Urbandale	Pharmacist	40th— <i>Polk</i>	85(1st), 85(2nd), 86(1st)
Forristall, Greg Macedonia	Farmer	22nd— <i>Pottawattamie</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Fry, Joel Osceola	Therapist/Educator/ Consultant/Speaker	27th— <i>Clarke, Decatur, Lucas, Wayne</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Gaines, Ruth Ann Des Moines	Teacher	32nd— <i>Polk</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Gaskill, Mary Ottumwa	Retired County Auditor	81st— <i>Wapello</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Gassman, Tedd Scarville	Insurance Sales/Farmer	7th— <i>Emmet, Kossuth, Winnebago</i>	85(1st), 85(2nd), 86(1st)
Grassley, Pat New Hartford	Farmer	50th— <i>Butler, Grundy, Hardin</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Gustafson, Stanley R. (Stan) Cumming	Retired Marine/Attorney	25th— <i>Madison, Warren</i>	85(2nd), 86(1st)
Hagenow, Chris Windsor Heights	Attorney	43rd— <i>Polk</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Hall, Chris Sioux City		13th— <i>Woodbury</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Hanson, Curt Fairfield	Retired Teacher	82nd— <i>Davis, Jefferson, Van Buren</i>	83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Hanusa, Mary Ann Council Bluffs	Elementary School Administrator	16th— <i>Pottawattamie</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Heartsill, Greg T. Melcher-Dallas	Fence Contractor	28th— <i>Jasper, Lucas, Marion</i>	85(1st), 85(2nd), 86(1st)
Heaton, David E. Mount Pleasant	Retired Restaurateur	84th— <i>Henry, Jefferson, Lee, Washington</i>	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
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)
Hein, Lee Monticello	Business Owner	96th— <i>Delaware, Jones</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Highfill, Jake Johnston	Commercial Real Estate	39th— <i>Polk</i>	85(1st), 85(2nd), 86(1st)
Holt, Steven Denison		18th— <i>Crawford, Harrison, Shelby</i>	86(1st)
Hunter, Bruce L. Des Moines		34th— <i>Polk</i>	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)

Name and Residence	Occupation	Representative District	Legislative Service
Huseman, Daniel Adair Aurelia	Farmer	3rd— <i>Cherokee</i> , O'Brien, Plymouth, Sioux	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)
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)
Jacoby, Dave J. Coralville	STEM Outreach Coordinator	74th— <i>Johnson</i>	80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Jones, Megan Sioux Rapids	Attorney	2nd— <i>Clay</i> , Dickinson, Palo Alto	85(1st), 85(2nd), 86(1st)
Jorgensen, Ron Sioux City	Vice President for Business and Finance—Morningside College	6th— <i>Woodbury</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Kaufmann, Bobby Wilton	Grain and Livestock Farmer/Small Business Owner	73rd— <i>Cedar</i> , Johnson, Muscatine	85(1st), 85(2nd), 86(1st)
Kearns, Jerry A. Keokuk	Staff Representative— United Steelworkers Union	83rd— <i>Lee</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Kelley, Dan Newton	Realtor/Small Business Owner—DJ Service	29th— <i>Jasper</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Klein, Jarad Keota	Family Farmer	78th— <i>Keokuk</i> , <i>Washington</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Koester, Kevin Ankeny	Consultant/Retired School Administrator	38th— <i>Polk</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Kooiker, John Boyden	Farmer/Retired Rural Letter Carrier/Substitute Teacher	4th— <i>Sioux</i>	86(1st)
Kressig, Bob M. 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)
Landon, John Ankeny	Retired—Ag Business	37th— <i>Polk</i>	85(1st), 85(2nd), 86(1st)
Lensing, Vicki S. Iowa City	Funeral Home Owner	85th— <i>Johnson</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Lykam, Jim Davenport	Legislator	89th— <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)
Mascher, Mary Iowa City	Retired Teacher	86th— <i>Johnson</i>	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Maxwell, David E. Gibson	Drainage Contractor/ Farmer	76th—Iowa, <i>Poweshiek</i>	85(1st), 85(2nd), 86(1st)
McConkey, Charlie Council Bluffs	Retired Steelworker	15th— <i>Pottawattamie</i>	86(1st)
Meyer, Brian Des Moines		33rd— <i>Polk</i>	85(2nd), 86(1st)
Miller, Helen Fort Dodge	Attorney/Arts Educator	9th— <i>Webster</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Miller, Linda J. Bettendorf	Retired Registered Nurse	94th— <i>Scott</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Mommsen, Norlin DeWitt	Farmer	97th— <i>Clinton, Scott</i>	86(1st)
Moore, Brian Bellevue	Farmer/Truck Driver	58th— <i>Dubuque, Jackson, Jones</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Nunn, Zach Bondurant	Military Officer	30th— <i>Polk</i>	86(1st)
Oldson, Jo Des Moines		41st— <i>Polk</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Olson, Rick Des Moines	Attorney	31st— <i>Polk</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Ourth, Scott D. Ackworth	Public Affairs Executive/Heavy Equipment Operator	26th— <i>Warren</i>	85(1st), 85(2nd), 86(1st)
Paulsen, Kraig Hiawatha	Speaker of the House/Attorney	67th— <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)
Paustian, Ross Walcott	Farmer	92nd— <i>Scott</i>	84(1st), 84(2nd), 86(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Pettengill, Dawn E. Mount Auburn	Legislator	75th— <i>Benton, Iowa</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Prichard, Todd Charles City	Attorney	52nd— <i>Cerro Gordo, Chickasaw, Floyd</i>	85(1st), 85(2nd), 86(1st)
Rizer, Ken Cedar Rapids		68th— <i>Linn</i>	86(1st)
Rogers, Walt Cedar Falls		60th— <i>Black Hawk</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Ruff, Patti McGregor		56th— <i>Allamakee, Clayton</i>	85(1st), 85(2nd), 86(1st)
Running-Marquardt, Kirsten Cedar Rapids		69th— <i>Linn</i>	83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Salmon, Sandy Janesville	Retired Home Educator	63rd— <i>Black Hawk, Bremer</i>	85(1st), 85(2nd), 86(1st)
Sands, Thomas R. Wapello	Real Estate Appraiser/Farmer	88th— <i>Des Moines, Louisa, Muscatine</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)
Sexton, Mike Rockwell City	Environmental Consultant/Farmer/ Entrepreneur	10th— <i>Calhoun, Humboldt, Pocahontas, Webster</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 86(1st)
Sheets, Larry Moulton		80th— <i>Appanoose, Mahaska, Monroe, Wapello</i>	85(1st), 85(2nd), 86(1st)
Sieck, David Glenwood		23rd— <i>Fremont, Mills, Montgomery</i>	86(1st)
Smith, Mark D. 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)
Soderberg, Chuck Le Mars	Vice President of Planning and Legislative Services—Northwest Iowa Power Cooperative	5th— <i>Plymouth, Woodbury</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)
Staed, Art Cedar Rapids		66th— <i>Linn</i>	82(1st), 82(2nd), 85(1st), 85(2nd), 86(1st)
Stanerson, Quentin Center Point	Teacher	95th— <i>Buchanan, Linn</i>	85(1st), 85(2nd), 86(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)
Stutsman, Sally Riverside	Former Johnson County Supervisor	77th— <i>Johnson</i>	85(1st), 85(2nd), 86(1st)
Taylor, Rob West Des Moines	Sales Director/ Consultant/Educator	44th— <i>Dallas</i>	85(1st), 85(2nd), 86(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Taylor, Todd E. Cedar Rapids	AFSCME Representative	70th— <i>Linn</i>	76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Thede, Phyllis Bettendorf		93rd— <i>Scott</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Upmeyer, Linda L. Clear Lake	Majority Leader/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)
Vander Linden, Guy Oskaloosa	Retired Marine	79th— <i>Mahaska, Marion</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Watts, Ralph C. Adel	Retired Engineer	19th— <i>Dallas, Polk</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
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)
Wills, John H. Spirit Lake	Environmental Coordinator	1st— <i>Dickinson, Lyon, Osceola</i>	86(1st)
Winckler, Cindy L. Davenport	Educational Consultant	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)
Windschitl, Matt W. Missouri Valley	Gunsmith/Conductor— Union Pacific Railroad	17th— <i>Harrison, Ida, Monona, Woodbury</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st)
Wolfe, Mary Clinton		98th— <i>Clinton</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(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)

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, 2016
David S. Wiggins	West Des Moines	December 31, 2020
Daryl L. Hecht	Sloan	December 31, 2016
Brent R. Appel	Ackworth	December 31, 2016
Thomas D. Waterman	Pleasant Valley	December 31, 2020
Edward M. Mansfield	Des Moines	December 31, 2020
Bruce B. Zager	Waterloo	December 31, 2020

JUDGES OF THE COURT OF APPEALS

(Judges listed according to seniority)

Gayle N. Vogel	Spirit Lake	December 31, 2016
Anuradha Vaitheswaran	Des Moines	December 31, 2018
Amanda Potterfield	Cedar Rapids	December 31, 2016
Richard H. Doyle	Des Moines	December 31, 2016
David R. Danilson, C.J.	Boone	December 31, 2016
Mary E. Tabor	Des Moines	December 31, 2018
Michael R. Mullins	Washington	December 31, 2018
Thomas N. Bower	Cedar Falls	December 31, 2020
Christopher L. McDonald	Des Moines	December 31, 2020

CONGRESSIONAL DELEGATION AND DISTRICT OFFICES

UNITED STATES SENATORS

Senator Joni Ernst (R)

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120 Federal Building
320 Sixth Street
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210 Waterloo Building
531 Commercial Street
Waterloo, Iowa 50701
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UNITED STATES REPRESENTATIVES

First District: **Congressman Rod Blum (R)**

213 Cannon House Office Bldg.
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E-mail address:
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310 Third Street SE
Cedar Rapids, Iowa 52401
(319) 364-2288

1050 Main Street
Dubuque, Iowa 52001
(563) 557-7789

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

1527 Longworth House Office Bldg.
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(202) 225-6576

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www.loeb sack.house.gov

E-mail address:
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125 South Dubuque Street
Iowa City, Iowa 52240
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Third District: **Congressman David Young (R)**

515 Cannon House Office Bldg.
Washington, D.C. 20515
(202) 225-5476

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

2210 Rayburn House Office Bldg.
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723 Central Avenue
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202 First Street SE
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Mason City, Iowa 50401
(641) 201-1624

526 Nebraska Street
Sioux City, Iowa 51101
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306 North Grand Avenue
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Spencer, Iowa 51301
(712) 580-7754

CONDITION OF STATE TREASURY

June 30, 2014

	Balance July 1, 2013	Total Receipts and Transfers	Total Available	Total Disbursements and Transfers	Balance June 30, 2014
General Fund	\$ 1,634,722,092	\$12,788,171,831	\$14,422,893,923	\$13,147,819,309	\$ 1,275,074,614
Special Revenue Fund	1,258,841,635	5,061,115,749	6,319,957,384	5,058,148,135	1,261,809,249
Capital Projects Fund	15,573,760	48,584,308	64,158,068	47,174,859	16,983,209
Debt Service Fund	674	1	675	0	675
Enterprise Fund	57,729,751	674,586,042	732,315,793	667,713,930	64,601,863
Internal Service Fund	124,862,052	593,972,450	718,834,502	598,604,239	120,230,263
Expendable Trust Fund	168,911,754	510,398,644	679,310,398	509,616,772	169,693,626
Nonexpendable Trust Fund	32,134,292	2,519,591	34,653,883	696,411	33,957,472
Pension Fund	20,824,134,728	3,090,230,579	23,914,365,307	1,909,439,903	22,004,925,404
Trust and Agency Fund	317,408,643	5,387,997,859	5,705,406,502	5,335,385,903	370,020,599
Totals	<u>\$24,434,319,381</u>	<u>\$28,157,577,054</u>	<u>\$52,591,896,435</u>	<u>\$27,274,599,461</u>	<u>\$25,317,296,974</u>

Balance July 1, 2013	\$24,434,319,381
Receipts and Transfers	28,157,577,054
Total Available	52,591,896,435
Disbursements and Transfers	27,274,599,461
Balance June 30, 2014	\$25,317,296,974

DEPARTMENT OF ADMINISTRATIVE SERVICES
STATE ACCOUNTING ENTERPRISE

May 27, 2015

ANALYSIS BY CHAPTERS

2015 REGULAR SESSION

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5	HF 159	Combined guardianship and conservatorship proceedings — reporting
6	HF 166	Disabled veteran homestead tax credit — eligibility
7	HF 167	Competitive bidding for public improvement contracts — access to documents
8	HF 205	Veterans — reporting of awards of postsecondary education credits
9	SF 130	National guard educational assistance program — limitations
10	SF 131	Review of license renewal applications by board of educational examiners
11	SF 134	Wine direct shipper licenses — bond requirements
12	SF 150	Escapes by sexually violent predators — penalty
13	SF 198	Regulation of certified public accountants
14	SF 223	Support of the poor — liability — recovery by county
15	SF 323	Lottery revenue — support of veterans
16	SF 440	Interstate contracts for substance abuse and mental health care and treatment
17	HF 131	Alcoholic beverages — definition of beer
18	HF 202	Licensure of retired dentists and dental hygienists — volunteer services
19	HF 266	Yard waste disposal — landfills operating methane collection systems
20	HF 371	Radon testing results — disclosure
21	HF 372	Confidentiality of information and proceedings relating to foster care services — court appointed special advocates
22	HF 445	Educational costs for children in psychiatric hospitals or institutions
23	HF 570	Municipal property — tort liability for recreational activities
24	HF 395	Regulation of pharmacy benefits managers
25	SF 217	Iowa finance authority duties and programs
26	SF 392	Hunting licenses — education requirements and apprentice hunters
27	HF 455	Insurers' corporate governance annual disclosures
28	HF 496	Military victim advocates — privileged communications
29	HF 535	Nonsubstantive Code corrections
30	HF 536	Substantive Code corrections
31	SF 227	School start date
32	SF 267	Peer support group counselors and officers — privileged communications
33	SF 426	Adverse health care incidents — open discussions
34	HF 488	Iowa reading corps program
35	SF 155	Motor vehicle registration plate lighting — exceptions
36	SF 200	Dental board executive director
37	SF 201	Emergency hospitalization of mentally ill persons
38	SF 218	Operation of snowmobiles in rights-of-way
39	SF 222	Disposition of seized firearms and ammunition
40	SF 264	Local exchange service information — use in mass notification and emergency messaging
41	SF 276	Licenses to practice medicine — relinquishment — administrative medicine
42	SF 435	Open records — data processing software
43	SF 451	Child in need of assistance cases — transfer to district court
44	HF 146	Prohibited gambling game activities

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49	HF	467 Deer and wild turkey harvest reporting violations
50	HF	515 School district management levy — allowable expenditures
51	HF	529 Drainage and levee districts — miscellaneous provisions
52	HF	563 Vehicle recyclers — miscellaneous provisions
53	SF	125 Regulation of alcoholic beverages
54	SF	135 Campaign finance — electronic filing — regulatory threshold amount
55	SF	167 Compensation of elective county officers
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57	SF	274 Public health programs and services — hearing aid specialists and medical residency training grants
58	SF	292 Juvenile court records — confidentiality
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61	SF	401 Subacute care facilities
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2015 Regular Session
of the
Eighty-Sixth General Assembly
of the
State of Iowa

CHAPTER 1

INTERNAL REVENUE CODE REFERENCES UPDATE — BONUS DEPRECIATION

S.F. 126

AN ACT updating the Code references to the Internal Revenue Code and decoupling from certain federal bonus depreciation provisions, and including effective date and retroactive applicability provisions.

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

DIVISION I

INTERNAL REVENUE CODE REFERENCES

Section 1. Section 15.335, subsection 7, paragraph b, Code 2015, is amended to read as follows:

b. For purposes of this section, “*Internal Revenue Code*” means the Internal Revenue Code in effect on January 1, ~~2014~~ 2015.

Sec. 2. Section 422.3, subsection 5, Code 2015, is amended to read as follows:

5. “*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 to and including January 1, ~~2014~~ 2015.

Sec. 3. Section 422.9, subsection 2, paragraph i, Code 2015, is amended to read as follows:

i. The deduction for state sales and use taxes is allowable only if the taxpayer elected to deduct the state sales and use taxes in lieu of state income taxes under section 164 of the Internal Revenue Code. A deduction for state sales and use taxes is not allowed if the taxpayer has taken the deduction for state income taxes or claimed the standard deduction under section 63 of the Internal Revenue Code. This paragraph applies to taxable years beginning after December 31, 2003, and before January 1, 2008, and to taxable years beginning after December 31, 2009, and before January 1, ~~2014~~ 2015.

Sec. 4. Section 422.10, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. For purposes of this section, “*Internal Revenue Code*” means the Internal Revenue Code in effect on January 1, ~~2014~~ 2015.

Sec. 5. Section 422.32, subsection 1, paragraph h, Code 2015, is amended to read as follows:

h. “*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 to and including January 1, ~~2014~~ 2015.

Sec. 6. Section 422.33, subsection 5, paragraph e, subparagraph (2), Code 2015, is amended to read as follows:

(2) For purposes of this subsection, “*Internal Revenue Code*” means the Internal Revenue Code in effect on January 1, ~~2014~~ 2015.

Sec. 7. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 8. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2014, for tax years beginning on or after that date.

DIVISION II BONUS DEPRECIATION

Sec. 9. Section 422.7, subsection 39A, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 110-185, §103, Pub. L. No. 111-5, §1201, Pub. L. No. 111-240, §2022, Pub. L. No. 111-312, §401, ~~and~~ Pub. L. No. 112-240, §331, ~~and~~ Pub. L. No. 113-295, §125, does not apply in computing net income for state tax purposes. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal adjusted gross income, then the taxpayer shall make the following adjustments to federal adjusted gross income when computing net income for state tax purposes:

Sec. 10. Section 422.35, subsection 19A, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 110-185, §103, Pub. L. No. 111-5, §1201, Pub. L. No. 111-240, §2022, Pub. L. No. 111-312, §401, ~~and~~ Pub. L. No. 112-240, §331, ~~and~~ Pub. L. No. 113-295, §125, does not apply in computing net income for state tax purposes. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal taxable income, then the taxpayer shall make the following adjustments to federal taxable income when computing net income for state tax purposes:

Sec. 11. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 12. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2014, for tax years ending on or after that date.

Approved February 17, 2015

CHAPTER 2

TRANSPORTATION FUNDING — FUEL TAXES, PERMIT FEES, USE OF FUNDS

S.F. 257

AN ACT relating to transportation funding by limiting the term of indebtedness for certain county projects, modifying certain permit fees, modifying the rate of the excise taxes on motor fuel and certain special fuel, establishing a fuel distribution percentage formula for certain special fuel used in motor vehicles, requiring legislative review of the fuel distribution percentage formulas, extending the repeal date of the access Iowa highway plan, and including effective date provisions.

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

Section 1. **NEW SECTION. 312.2A Restrictions on use.**

Moneys credited pursuant to section 312.2, subsection 1, paragraphs “b” and “c”, and section 312.2, subsection 12, paragraph “a”, shall not be used for debt service or to otherwise pay principal and interest on bonds, loans, or other indebtedness issued or incurred on or after the effective date of this section of this Act, including refunding, reissuance, or other refinancing of such indebtedness, or refunding, reissuance, or other refinancing of indebtedness issued or incurred prior to the effective date of this section of this Act, if the term for repayment of the indebtedness as financed or refinanced would exceed the useful life of the asset being constructed, reconstructed, improved, repaired, equipped, or maintained.

Sec. 2. **NEW SECTION. 315.4A Restrictions on use.**

Moneys allocated pursuant to section 315.4, subsection 1, paragraph “b”, and section 315.4, subsection 2, shall not be used for debt service or to otherwise pay principal and interest on bonds, loans, or other indebtedness issued or incurred on or after the effective date of this section of this Act, including refunding, reissuance, or other refinancing of such indebtedness, or refunding, reissuance, or other refinancing of indebtedness issued or incurred prior to the effective date of this section of this Act, if the term for repayment of the indebtedness as financed or refinanced would exceed the useful life of the asset being constructed, reconstructed, improved, repaired, equipped, or maintained.

Sec. 3. Section 321E.14, subsection 1, Code 2015, is amended to read as follows:

1. Permit-issuing authorities may charge the following fees:
 - a. ~~Twenty-five~~ Fifty dollars for an annual permit issued pursuant to section 321E.8, subsection 1.
 - b. ~~Three~~ Four hundred dollars for an annual permit issued pursuant to section 321E.8, subsection 2.
 - c. Two hundred dollars for a multi-trip permit issued pursuant to section 321E.9A.
 - d. Six hundred dollars for a special alternative energy multi-trip permit issued pursuant to section 321E.9B.
 - e. ~~Ten~~ Thirty-five dollars for a single-trip permit issued pursuant to section 321E.9.
 - f. Twenty-five dollars for an annual permit for special mobile equipment, as defined in section 321.1, subsection 74, issued pursuant to section 321E.7, subsection 3, with a combined gross weight of not more than eighty thousand pounds.
 - g. Twenty-five dollars for a permit issued pursuant to section 321E.29 or 321E.29A.
 - h. One hundred dollars for a permit issued pursuant to section 321E.30.
 - i. One hundred ~~twenty~~ sixty dollars for an annual all-systems permit issued pursuant to section 321E.8, which shall be deposited in the road use tax fund.

Sec. 4. **NEW SECTION. 331.443A Restrictions on certain projects.**

The term of any indebtedness issued or incurred by a county that will be paid in whole or in part with moneys from the secondary road fund of the counties, the farm-to-market road fund, the county bridge construction fund, or the revitalize Iowa’s sound economy fund, or any other moneys that may be allocated from the road use tax fund for use by counties, shall be subject to the provisions of sections 312.2A and 315.4A.

Sec. 5. Section 452A.3, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Except as otherwise provided in this section and in this division, until June 30, ~~2015~~ 2020, this subsection shall apply to the excise tax imposed on each gallon of motor fuel used for any purpose for the privilege of operating motor vehicles in this state.

Sec. 6. Section 452A.3, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. The rate for the excise tax shall be as follows:

(1) If the distribution percentage is not greater than fifty percent, the rate shall be ~~nineteen~~ twenty-nine cents for ethanol blended gasoline and ~~twenty~~ thirty cents for motor fuel other than ethanol blended gasoline.

(2) If the distribution percentage is greater than fifty percent but not greater than fifty-five percent, the rate shall be ~~nineteen~~ twenty-nine cents for ethanol blended gasoline and ~~twenty~~ thirty and one-tenth cents for motor fuel other than ethanol blended gasoline.

(3) If the distribution percentage is greater than fifty-five percent but not greater than sixty percent, the rate shall be ~~nineteen~~ twenty-nine cents for ethanol blended gasoline and ~~twenty~~ thirty and three-tenths cents for motor fuel other than ethanol blended gasoline.

(4) If the distribution percentage is greater than sixty percent but not greater than sixty-five percent, the rate shall be ~~nineteen~~ twenty-nine cents for ethanol blended gasoline and ~~twenty~~ thirty and five-tenths cents for motor fuel other than ethanol blended gasoline.

(5) If the distribution percentage is greater than sixty-five percent but not greater than seventy percent, the rate shall be ~~nineteen~~ twenty-nine cents for ethanol blended gasoline and ~~twenty~~ thirty and seven-tenths cents for motor fuel other than ethanol blended gasoline.

(6) If the distribution percentage is greater than seventy percent but not greater than seventy-five percent, the rate shall be ~~nineteen~~ twenty-nine cents for ethanol blended gasoline and ~~twenty-one~~ thirty-one cents for motor fuel other than ethanol blended gasoline.

(7) If the distribution percentage is greater than seventy-five percent but not greater than eighty percent, the rate shall be ~~nineteen~~ twenty-nine and three-tenths cents for ethanol blended gasoline and ~~twenty~~ thirty and eight-tenths cents for motor fuel other than ethanol blended gasoline.

(8) If the distribution percentage is greater than eighty percent but not greater than eighty-five percent, the rate shall be ~~nineteen~~ twenty-nine and five-tenths cents for ethanol blended gasoline and ~~twenty~~ thirty and seven-tenths cents for motor fuel other than ethanol blended gasoline.

(9) If the distribution percentage is greater than eighty-five percent but not greater than ninety percent, the rate shall be ~~nineteen~~ twenty-nine and seven-tenths cents for ethanol blended gasoline and ~~twenty~~ thirty and four-tenths cents for motor fuel other than ethanol blended gasoline.

(10) If the distribution percentage is greater than ninety percent but not greater than ninety-five percent, the rate shall be ~~nineteen~~ twenty-nine and nine-tenths cents for ethanol blended gasoline and ~~twenty~~ thirty and one-tenth cents for motor fuel other than ethanol blended gasoline.

(11) If the distribution percentage is greater than ninety-five percent, the rate shall be ~~twenty~~ thirty cents for ethanol blended gasoline and ~~twenty~~ thirty cents for motor fuel other than ethanol blended gasoline.

Sec. 7. Section 452A.3, subsection 1, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The provisions of paragraph "b" and subsection 6, paragraph "a", subparagraph (2), shall be subject to legislative review at least every six years. The review shall be based upon a fuel distribution percentage formula status report containing the recommendations of a legislative interim committee appointed to conduct a review of the fuel distribution percentage formulas, to be prepared with the assistance of the department of revenue in association with the department of transportation. The report shall include recommendations for changes or revisions to the fuel distribution percentage formulas based upon advances in technology, fuel use trends, and fuel price fluctuations observed during the

preceding six-year interval; an analysis of the operation of the fuel distribution percentage formulas during the preceding six-year interval; and a summary of issues that have arisen since the previous review and potential approaches for resolution of those issues. The first such report shall be submitted to the general assembly no later than January 1, 2020, with subsequent reports developed and submitted by January 1 at least every sixth year thereafter.

Sec. 8. Section 452A.3, subsection 2, Code 2015, is amended to read as follows:

2. Except as otherwise provided in this section and in this division, after June 30, 2015 2020, an excise tax of ~~twenty~~ thirty cents is imposed on each gallon of motor fuel used for any purpose for the privilege of operating motor vehicles in this state.

Sec. 9. Section 452A.3, subsection 6, Code 2015, is amended to read as follows:

6. a. For the privilege of operating motor vehicles or aircraft in this state, there is imposed an excise tax on the use of special fuel in a motor vehicle or aircraft. ~~The tax rate on special fuel for diesel engines of motor vehicles is twenty-two and one-half cents per gallon.~~

(1) Except as otherwise provided in this section and in this division, for the period ending June 30, 2015, and for the period beginning July 1, 2020, and thereafter, the tax rate on special fuel for diesel engines of motor vehicles used for any purpose for the privilege of operating motor vehicles in this state is thirty-two and five-tenths cents per gallon.

(2) Except as provided in this section and in this division, for the period beginning July 1, 2015, and ending June 30, 2020, this subparagraph shall apply to the excise tax imposed on each gallon of special fuel for diesel engines of motor vehicles used for any purpose for the privilege of operating motor vehicles in this state. The rate of the excise tax shall be based on the number of gallons of biodiesel blended fuel classified as B-11 or higher that is distributed in this state as expressed as a percentage of the number of gallons of special fuel for diesel engines of motor vehicles distributed in this state, which is referred to as the distribution percentage. The department shall determine the percentage basis for each determination period beginning January 1 and ending December 31. The rate for the excise tax shall apply for the period beginning July 1 and ending June 30 following the end of the determination period. The rate for the excise tax shall be as follows:

(a) If the distribution percentage is not greater than fifty percent, the rate shall be twenty-nine and five-tenths cents for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.

(b) If the distribution percentage is greater than fifty percent but not greater than fifty-five percent, the rate shall be twenty-nine and eight-tenths cents for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.

(c) If the distribution percentage is greater than fifty-five percent but not greater than sixty percent, the rate shall be thirty and one-tenth cents for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.

(d) If the distribution percentage is greater than sixty percent but not greater than sixty-five percent, the rate shall be thirty and four-tenths cents for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.

(e) If the distribution percentage is greater than sixty-five percent but not greater than seventy percent, the rate shall be thirty and seven-tenths cents for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.

(f) If the distribution percentage is greater than seventy percent but not greater than seventy-five percent, the rate shall be thirty-one cents for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.

(g) If the distribution percentage is greater than seventy-five percent but not greater than eighty percent, the rate shall be thirty-one and three-tenths cents for biodiesel blended fuel

classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.

(h) If the distribution percentage is greater than eighty percent but not greater than eighty-five percent, the rate shall be thirty-one and six-tenths cents for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.

(i) If the distribution percentage is greater than eighty-five percent but not greater than ninety percent, the rate shall be thirty-one and nine-tenths cents for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.

(j) If the distribution percentage is greater than ninety percent but not greater than ninety-five percent, the rate shall be thirty-two and two-tenths cents for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.

(k) If the distribution percentage is greater than ninety-five percent, the rate shall be thirty-two and five-tenths cents for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.

(3) The rate of tax on special fuel for aircraft is ~~three~~ five cents per gallon.

(4) On all other special fuel, unless otherwise specified in this section, the per gallon rate is the same as the motor fuel tax.

b. Indelible dye meeting United States environmental protection agency and internal revenue service regulations must be added to fuel before or upon withdrawal at a terminal or refinery rack for that fuel to be exempt from tax and the dyed fuel may be used only for an exempt purpose.

Sec. 10. Section 452A.3, subsections 7, 8, and 9, Code 2015, are amended to read as follows:

7. For liquefied petroleum gas used as a special fuel, the rate of tax shall be ~~twenty~~ thirty cents per gallon.

8. For compressed natural gas used as a special fuel, the rate of tax is ~~twenty-one~~ thirty-one cents per gallon.

9. For liquefied natural gas used as a special fuel, the rate of tax is ~~twenty-two~~ thirty-two and one-half cents per gallon.

Sec. 11. 2005 Iowa Acts, chapter 178, section 41, subsection 3, is amended to read as follows:

3. REPEAL. This section is repealed effective July 1, ~~2015~~ 2025.

Sec. 12. LEGISLATIVE INTENT.

1. It is the intent of the general assembly that one hundred percent of the revenue produced as a result of the increase in the excise taxes on motor fuel and certain special fuel enacted in this Act and credited to the secondary road fund or the farm-to-market road fund from the road use tax fund pursuant to section 312.2, subsection 1, shall be used exclusively for critical road and bridge construction projects that significantly extend the life of such assets.

2. It is the intent of the general assembly that the state department of transportation and the state transportation commission shall utilize one hundred percent of the revenue produced as a result of the increase in the excise taxes on motor fuel and certain special fuel enacted in this Act that is allocated to the department on critical road and bridge construction projects. The department shall identify the critical road and bridge construction projects funded with such revenue in the department's annual five-year transportation improvement program report.

3. The department of transportation shall identify ten million dollars in efficiencies for the fiscal year beginning July 1, 2015, and ten million dollars in efficiencies for the fiscal year beginning July 1, 2016, in addition to the identification of any other efficiencies as required by law. The department shall provide details of activities undertaken to implement these efficiencies in the annual "Road Use Tax Fund Efficiency Report" required by 2012 Iowa Acts, chapter 1129, section 4, as amended by 2014 Iowa Acts, chapter 1123, section 21.

Sec. 13. INVENTORY TAX EXEMPTION. Notwithstanding section 452A.85, persons who have title to motor fuel, ethanol blended gasoline, undyed special fuel, compressed natural gas, liquefied natural gas, or liquefied petroleum gas in storage and held for sale on the effective date of an increase in the rate of excise tax imposed on motor fuel, ethanol blended gasoline, undyed special fuel, compressed natural gas, liquefied natural gas, or liquefied petroleum gas pursuant to this Act shall not be subject to an inventory tax on the gallonage in storage as a result of the tax increases provided in this Act.

Sec. 14. EFFECTIVE UPON ENACTMENT. The following provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act enacting section 312.2A.
2. The section of this Act enacting section 315.4A.
3. The section of this Act enacting section 331.443A.
4. The section of this Act amending 2005 Iowa Acts, chapter 178, section 41.

Sec. 15. EFFECTIVE DATES.

1. Except as otherwise provided in this Act, this Act takes effect the first day of the month following the month of enactment of this Act.
2. The section of this Act amending section 321E.14 takes effect January 1, 2016.

Approved February 25, 2015

CHAPTER 3

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT PAYMENTS

S.F. 173

AN ACT relating to school district property tax replacement payments and including effective date provisions.

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

Section 1. Section 257.16B, subsection 2, paragraph b, unnumbered paragraph 1, Code 2015, is amended to read as follows:

For each the budget year beginning ~~on or after~~ July 1, 2014, the department of management shall calculate for each school district all of the following:

Sec. 2. Section 257.16B, subsection 2, paragraph b, subparagraph (3), Code 2015, 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, 2014, 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. 3. Section 257.16B, subsection 2, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. For each budget year beginning on or after July 1, 2015, unless otherwise provided by law, 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, 2015, 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. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 5, 2015

CHAPTER 4

BOARD OF EDUCATIONAL EXAMINERS — EXECUTIVE DIRECTOR

H.F. 123

AN ACT making a statutory correction to remove an inconsistency regarding the employment of the executive director of the board of educational examiners.

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

Section 1. Section 272.2, subsection 7, Code 2015, is amended to read as follows:

7. Hire ~~an executive director~~, legal counsel, and other personnel and control the personnel administration of persons employed by the board.

Approved March 5, 2015

CHAPTER 5

COMBINED GUARDIANSHIP AND CONSERVATORSHIP PROCEEDINGS — REPORTING

H.F. 159

AN ACT relating to the administration of combined guardianship and conservatorship proceedings.

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

Section 1. Section 633.27A, Code 2015, is amended to read as follows:

633.27A Docketing guardianship and conservatorship proceedings — applicability of separate reporting requirements.

When a petition is filed for a conservatorship or guardianship, or a combined petition as provided in section 633.627, the administration thereof shall be treated as a separate one proceeding, with a separate one docket number, from the date of the filing of the petition. The separate reporting requirements for conservatorships and guardianships shall continue to apply in a combined petition. The clerk shall clearly indicate on the docket whether the

proceedings are voluntary or involuntary and whether a guardianship, a conservatorship, or combined.

Approved March 5, 2015

CHAPTER 6

DISABLED VETERAN HOMESTEAD TAX CREDIT — ELIGIBILITY

H.F. 166

AN ACT relating to the disabled veteran homestead tax credit by modifying eligibility criteria and including effective date and retroactive applicability provisions.

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

Section 1. Section 425.15, subsection 1, paragraphs b, c, and d, Code 2015, are amended to read as follows:

b. A veteran as defined in section 35.1 with a permanent service-connected disability rating of one hundred percent, as certified by the United States department of veterans affairs, or a permanent and total disability rating based on individual unemployability that is compensated at the one hundred percent disability rate, as certified by the United States department of veterans affairs.

c. A former member of the national guard of any state who otherwise meets the service requirements of section 35.1, subsection 2, paragraph “b”, subparagraph (2) or (7), with a permanent service-connected disability rating of one hundred percent, as certified by the United States department of veterans affairs, or a permanent and total disability rating based on individual unemployability that is compensated at the one hundred percent disability rate, as certified by the United States department of veterans affairs.

d. An individual who is a surviving spouse or a child and who is receiving dependency and indemnity compensation pursuant to 38 U.S.C. §1301 et seq., as certified by the United States department of veterans affairs.

Sec. 2. Section 425.15, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. An individual described in subsection 1, paragraph “d”, is no longer eligible for the credit ~~if the individual marries~~ or upon termination of dependency and indemnity compensation under 38 U.S.C. §1301 et seq.

Sec. 3. Section 425.15, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 5. For purposes of this section, “*permanent and total disability rating based on individual unemployability*” means a condition under which a person has either a permanent service-connected disability rating of sixty percent or two or more permanent service-connected disability conditions in which one of the conditions has at least a forty percent rating and the combined rating for all the conditions is at least seventy percent, and the person has an administrative adjustment added to the service-connected disability rating, due to individual unemployability, such that the United States department of veterans affairs rates the veteran permanently and totally disabled for purposes of disability compensation.

Sec. 4. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 5. RETROACTIVE APPLICABILITY. This Act applies retroactively to May 26, 2014, for applications for the homestead credit under chapter 425 filed on or after that date.¹

Approved March 5, 2015

CHAPTER 7

COMPETITIVE BIDDING FOR PUBLIC IMPROVEMENT CONTRACTS — ACCESS TO DOCUMENTS

H.F. 167

AN ACT concerning access to documents during the competitive bidding process for public improvement contracts.

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

Section 1. Section 26.3, subsection 2, Code 2015, is amended to read as follows:

2. A governmental entity shall have an engineer licensed under chapter 542B, a landscape architect licensed under chapter 544B, or an architect registered under chapter 544A prepare plans and specifications, and calculate the estimated total cost of a proposed public improvement. A governmental entity shall ensure that a sufficient number of paper copies, and if available, electronic and digital copies of the project's contract documents, including all drawings, plans, specifications, and estimated total costs of the proposed public improvement are made available for distribution at no charge to prospective bidders, subcontractor bidders, suppliers, and contractor plan room services. If a deposit is required as part of a paper contract documents distribution policy by the public owner, the deposit shall not exceed two hundred fifty dollars per set which shall be refunded upon return of the contract documents within fourteen days after award of the project. If the contract documents are not returned in a timely manner and in a reusable condition, the deposit shall be forfeited. The governmental entity shall reimburse the landscape architect, architect, or professional engineer for the actual costs of preparation and distribution of plans and specifications.

Approved March 5, 2015

CHAPTER 8

VETERANS — REPORTING OF AWARDS OF POSTSECONDARY EDUCATION CREDITS

H.F. 205

AN ACT modifying reporting requirements relating to veterans attending postsecondary educational institutions.

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

¹ See chapter 116, §21 herein

Section 1. Section 260C.14, subsection 24, paragraph b, Code 2015, is amended to read as follows:

b. For purposes of this subsection, “*veteran*” means a veteran as defined in section 35.1 or a member of the reserve forces of the United States or the national guard as defined in section 29A.1 who has served at least one year of the member’s commitment and is eligible for or has exhausted federal veterans education benefits under 38 U.S.C. ch. 30, 32, 33, or 36 or 10 U.S.C. ch. 1606 or 1607, respectively.

Sec. 2. Section 261.9, subsection 1, paragraph i, subparagraph (2), Code 2015, is amended to read as follows:

(2) For purposes of this paragraph, “*veteran*” means a veteran as defined in section 35.1 or a member of the reserve forces of the United States or the national guard as defined in section 29A.1 who has served at least one year of the member’s commitment and is eligible for or has exhausted federal veterans education benefits under 38 U.S.C. ch. 30, 32, 33, or 36 or 10 U.S.C. ch. 1606 or 1607, respectively.

Sec. 3. Section 262.9, subsection 38, paragraph b, Code 2015, is amended to read as follows:

b. For purposes of this subsection, “*veteran*” means a veteran as defined in section 35.1 or a member of the reserve forces of the United States or the national guard as defined in section 29A.1 who has served at least one year of the member’s commitment and is eligible for or has exhausted federal veterans education benefits under 38 U.S.C. ch. 30, 32, 33, or 36 or 10 U.S.C. ch. 1606 or 1607, respectively.

Approved March 5, 2015

CHAPTER 9

NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM — LIMITATIONS

S.F. 130

AN ACT making changes to certain limitations within the national guard educational assistance program.

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

Section 1. Section 261.86, subsection 3, Code 2015, is amended to read as follows:

3. *a.* An eligible member of the national guard, attending an institution as provided in subsection 1, paragraph “*d*”, ~~as a full-time student~~, shall not receive educational assistance under this section for more than ~~eight semesters~~, ~~or if attending as a part-time student for not more than sixteen semesters~~, ~~one hundred twenty credit hours of undergraduate study, or the trimester or quarter equivalent~~. A national guard member who has met the educational requirements for a baccalaureate degree is ineligible for educational assistance 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.

Approved March 31, 2015

CHAPTER 10

REVIEW OF LICENSE RENEWAL APPLICATIONS BY BOARD OF EDUCATIONAL EXAMINERS

S.F. 131

AN ACT relating to information the board of educational examiners is required to review regarding applicants for license renewal.

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

Section 1. Section 272.2, subsection 17, Code 2015, is amended to read as follows:

17. Adopt rules to require that a background investigation be conducted by the division of criminal investigation of the department of public safety on all initial applicants for licensure. The board shall also require all initial applicants to submit a completed fingerprint packet and shall use the packet to facilitate a national criminal history background check. The board shall have access to, and shall review the sex offender registry information under section 692A.121 available to the general public, information in the Iowa court information system available to the general public, the central registry for child abuse information established under chapter 235A, and the dependent adult abuse records maintained under chapter 235B for information regarding applicants for license renewal.

Approved March 31, 2015

CHAPTER 11

WINE DIRECT SHIPPER LICENSES — BOND REQUIREMENTS

S.F. 134

AN ACT concerning bonding requirements for a wine direct shipper license.

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

Section 1. Section 123.187, subsection 2, paragraph c, Code 2015, is amended to read as follows:

c. An application submitted pursuant to paragraph “a” shall also be accompanied by a bond in the amount of five thousand dollars in the form prescribed and furnished by the division with good and sufficient sureties to be approved by the division conditioned upon compliance with this chapter. However, a wine manufacturer that has submitted a bond pursuant to section 123.175, subsection 3, shall not be required to provide a bond as provided in this paragraph.

Approved March 31, 2015

CHAPTER 12

ESCAPES BY SEXUALLY VIOLENT PREDATORS — PENALTY

S.F. 150

AN ACT increasing the criminal penalty for a sexually violent predator who escapes or attempts to escape from custody.

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

Section 1. Section 229A.5B, subsection 2, Code 2015, is amended to read as follows:

2. A person who violates subsection 1 commits a ~~simple~~ serious misdemeanor or may be subject to punishment for contempt.

Approved March 31, 2015

CHAPTER 13

REGULATION OF CERTIFIED PUBLIC ACCOUNTANTS

S.F. 198

AN ACT relating to the regulation of certified public accountants and certified public accounting firms.

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

Section 1. Section 80A.2, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 10. A certified public accountant authorized to practice pursuant to chapter 542, while performing duties as a certified public accountant.

Sec. 2. Section 542.3, subsection 26, Code 2015, is amended to read as follows:

26. “*Report*”, when used with reference to ~~financial statements~~ any attest or compilation services, means a report, opinion, or other form of a writing that states or implies assurance as to the reliability of ~~any the attested information or compiled~~ financial statements and that includes or is accompanied by a statement or implication that the person or firm issuing the report has special knowledge or competence in accounting or auditing. Such statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is an accountant or auditor, or from the language of the report itself. “*Report*” includes any form of language which disclaims an opinion when such form of language is conventionally understood to imply a positive assurance as to the reliability of the attested information or compiled financial statements referred to or special knowledge or competence on the part of the person or firm issuing the language, and any other form of language that is conventionally understood to imply such assurance or such special knowledge or competence.

Sec. 3. Section 542.7, subsection 3, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0c. (1) Notwithstanding chapter 496C or any other provision of law to the contrary, a certified public accounting firm organized as a professional corporation under chapter 496C may have nonlicensee owners provided that the firm complies with the requirements of this section.

(2) Notwithstanding chapter 489, article 11, or any other provision of law to the contrary, a certified public accounting firm organized as a professional limited liability company under chapter 489, article 11, may have nonlicensee members provided that the professional limited liability company complies with the requirements of this section.

Sec. 4. Section 542.7, subsection 3, paragraphs c and d, Code 2015, are amended to read as follows:

c. A licensee or person with a practice privilege under section 542.20 who is responsible for supervising attest or compilation services and signs or authorizes someone to sign the accountant's report ~~on the financial statements~~ on behalf of the firm shall meet the experience or competency requirements set out in nationally recognized professional standards for such services.

d. A licensee or person with a practice privilege under section 542.20 who signs or authorizes someone to sign the accountant's report ~~on the financial statements~~ on behalf of the firm shall meet the experience or competency requirements established in paragraph "c".

Sec. 5. Section 542.7, subsection 6, paragraph a, Code 2015, is amended by striking the paragraph.

Sec. 6. Section 542.7, subsection 8, paragraph a, Code 2015, is amended to read as follows:

a. The board, by rule, shall require as a condition of renewal of a permit to practice as a certified public accounting firm, that an applicant undergo, no more frequently than once every three years, a peer review conducted in such manner as the board specifies. The review shall include a verification that any individual in the firm who is responsible for supervising attest and compilation services and who signs or authorizes someone to sign the accountant's report ~~on a financial statement~~ on behalf of the firm meets the competency requirements set forth in the professional standards for such services.

Sec. 7. Section 542.7, subsection 9, paragraph a, Code 2015, is amended to read as follows:

a. The applicant does not engage in, and does not intend to engage in during the following year, financial reporting areas of practice, including but not limited to ~~financial~~ audits, compilations, and reviews. An applicant granted a waiver pursuant to this paragraph shall immediately notify the board if the applicant engages in such practice, and shall be subject to peer review.

Sec. 8. Section 542.13, subsections 8 and 11, Code 2015, are amended to read as follows:

8. A nonlicensee shall not use language in any statement relating to the ~~financial~~ affairs of a person or entity which is conventionally used by licensees in reports on financial statements or any attest service. The board shall develop and issue language which nonlicensees may use in connection with such financial information.

11. This section does not apply to a person or firm holding a certification, designation, degree, or license granted in a foreign country entitling the holder to engage in the practice of public accountancy or its equivalent in such country, whose activities in this state are limited to providing professional services to a person or firm who is a resident of, government of, or business entity of the country in which the person holds such entitlement, who does not perform attest or compilation services, and who does not issue reports with respect to the ~~financial statements~~ information of any other person, firm, or governmental unit in this state, and who does not use in this state any title or designation other than the one under which the person practices in such country, followed by a translation of such title or designation into the English language, if it is in a different language, and by the name of such country.

Sec. 9. Section 542.17, unnumbered paragraph 1, Code 2015, is amended to read as follows:

A licensee shall not voluntarily disclose information communicated to the licensee by a client relating to and in connection with services rendered to the client by the licensee, except with the permission of the client, or an heir, successor, or personal representative of the client. Such information is deemed to be confidential. However, this section shall not be construed as prohibiting the disclosure of information required to be disclosed by the standards of the public accounting profession in reporting on the examination of financial statements or in the performance of an attest service or as prohibiting disclosures in a court proceeding, in an investigation or proceeding under this chapter or chapter 272C, in an ethical investigation

conducted by a private professional organization, in the course of a peer review, to another person active in the licensee's firm performing services for that client on a need-to-know basis, to persons associated with the investigative entity who need this information for the sole purpose of assuring quality control, or as otherwise required by law.

Approved March 31, 2015

CHAPTER 14

SUPPORT OF THE POOR — LIABILITY — RECOVERY BY COUNTY

S.F. 223

AN ACT relating to support of the poor by certain relatives.

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

Section 1. Section 252.13, Code 2015, is amended to read as follows:

252.13 Recovery by county.

1. Any county having expended money for the assistance or support of a poor person under this chapter, may recover the money ~~from any of the following as follows:~~

~~a. From 1. If the poor person is living, from the person if the person becomes able, or from the person's estate.~~

~~b. From relatives by action brought within two years from the payment of the assistance or support.~~

~~c. From the poor person by action brought within two years after the person becomes able.~~

~~d. From 2. a. If the poor person is deceased, from the person's estate, by filing the claim as provided by law.~~

2. ~~b.~~ There shall be allowed against the person's estate a claim of the sixth class for that portion of the liability to the county which exceeds the total amount of all claims of the first through the fifth classes, inclusive, as defined in section 633.425, which are allowed against that estate.

Sec. 2. Section 600B.1, Code 2015, is amended to read as follows:

600B.1 Obligation of parents.

The parents of a child born out of wedlock and not legitimized (in this chapter referred to as "the child") owe the child necessary maintenance, education, and support. They are also liable for the child's funeral expenses. The father is also liable to pay the expense of the mother's pregnancy and confinement. ~~The obligation of the parent to support the child under the laws for the support of poor relatives applies to children born out of wedlock.~~

Sec. 3. REPEAL. Sections 252.2, 252.3, 252.4, 252.5, 252.6, 252.7, 252.8, 252.9, and 252.15, Code 2015, are repealed.

Approved March 31, 2015

CHAPTER 15

LOTTERY REVENUE — SUPPORT OF VETERANS

S.F. 323

AN ACT concerning lottery games and revenue for support of veterans.

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

Section 1. Section 35A.13, subsection 4, paragraph a, Code 2015, is amended to read as follows:

a. The minimum balance of the trust fund required prior to expenditure of moneys from the trust fund is five million dollars. Once the minimum balance is reached, the interest and earnings on the fund and the first three hundred thousand dollars transferred each fiscal year pursuant to section ~~99G.9A~~ 99G.39 from the lottery fund to the trust fund are appropriated to the commission to be used to achieve the purposes of subsection 6 of this section. Moneys appropriated to the commission that remain unobligated or unexpended at the end of each fiscal year shall revert to the trust fund. It is the intent of the general assembly that the balance in the trust fund reach fifty million dollars.

Sec. 2. Section 99G.39, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Two million five hundred thousand dollars in lottery revenues shall be transferred each fiscal year to the veterans trust fund established pursuant to section 35A.13 prior to deposit of the lottery revenues in the general fund pursuant to section 99G.40. However, if the balance of the veterans trust fund is fifty million dollars or more, the moneys shall be appropriated to the department of revenue for distribution to county directors of veteran affairs, with fifty percent of the moneys to be distributed equally to each county and fifty percent of the moneys to be distributed to each county based upon the population of veterans in the county, so long as the moneys distributed to a county do not supplant moneys appropriated by that county for the county director of veteran affairs.

Sec. 3. Section 99G.39, subsection 3, paragraph a, Code 2015, 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 ~~and the school infrastructure 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 2A~~. 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 2A in subsequent fiscal years as such revenues become available.

Sec. 4. REPEAL. Section 99G.9A, Code 2015, is repealed.

Approved March 31, 2015

CHAPTER 16**INTERSTATE CONTRACTS FOR SUBSTANCE ABUSE AND MENTAL HEALTH CARE
AND TREATMENT**

S.F. 440

AN ACT relating to interstate contracts for substance abuse and mental health care and treatment.

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

Section 1. NEW SECTION. 331.910 Interstate contracts for mental health and substance-related disorder treatment.

1. *Purpose.* The purpose of this section is to enable appropriate care and treatment to be provided to a person with a substance-related disorder or a mental illness, across state lines from the person's state of residence, in qualified hospitals, centers, and facilities.

2. *Definitions.* For the purposes of this section:

a. "*Bordering state*" means Illinois, Minnesota, Missouri, Nebraska, South Dakota, or Wisconsin.

b. "*Receiving agency*" means a public or private hospital, mental health center, substance abuse treatment and rehabilitation facility, or detoxification center, which provides substance abuse or mental health care and treatment to a person from a state other than the state in which a hospital, center, or facility is located.

c. "*Receiving state*" means the state in which a receiving agency is located.

d. "*Region*" means a mental health and disability services region formed in accordance with section 331.389 or a county that has been exempted by the director of human services from being required to be a part of a mental health and disability services region in accordance with section 331.389.

e. "*Sending agency*" means a state or regional agency located in a state which sends a person to a receiving state for substance abuse or mental health care and treatment under this section.

f. "*Sending state*" means the state in which a sending agency is located.

3. *Voluntary civil commitments.*

a. A region may contract with a receiving agency in a bordering state to secure substance abuse or mental health care and treatment under this subsection for persons who receive substance abuse or mental health care and treatment pursuant to section 125.33 or 229.2 through a region.

b. This subsection shall not apply to a person who is any of the following:

(1) Serving a criminal sentence.

(2) On probation or parole.

(3) The subject of a presentence investigation.

c. A region may contract with a sending agency in a bordering state to provide care and treatment under this subsection for residents of the bordering state in approved substance abuse and mental health care and treatment hospitals, centers, and facilities in this state, except that care and treatment shall not be provided for residents of the bordering state who are involved in criminal proceedings substantially similar to the involvement described in paragraph "b".

4. *Involuntary civil commitments.*

a. A person who is detained, committed, or placed on an involuntary basis under section 125.75 or 229.6 may be civilly committed and treated in another state pursuant to a contract under this section.

b. A person who is detained, committed, or placed on an involuntary basis under the civil commitment laws of a bordering state substantially similar to section 125.75 or 229.6 may be civilly committed and treated in this state pursuant to a contract under this section.

c. A law enforcement officer acting under the authority of a sending state may transport a person to a receiving agency that provides substance abuse or mental health care and treatment pursuant to a contract under this subsection and may transport the person back to the sending state under the laws of the sending state.

d. Court orders valid under the law of the sending state are granted recognition and reciprocity in the receiving state for a person covered by a contract under this subsection to the extent that the court orders relate to civil commitment for substance abuse or mental health care and treatment. Such care and treatment may include care and treatment for co-occurring substance-related and mental health disorders. Such court orders are not subject to legal challenge in the courts of the receiving state.

e. A person who is detained, committed, or placed under the laws of a sending state and who is transferred to a receiving state under this section shall be considered to be in the legal custody of the authority responsible for the person under the laws of the sending state with respect to the involuntary civil commitment of the person due to a mental illness or a substance-related disorder.

f. While in the receiving state pursuant to a contract under this subsection, a person detained, committed, or placed under the laws of a sending state shall be subject to all laws and regulations of the receiving state, except those laws and regulations with respect to the involuntary civil commitment of the person due to a mental illness or substance-related disorder. A person shall not be sent to a receiving state pursuant to a contract under this section until the receiving state has enacted a law recognizing the validity and applicability of this subsection.

g. If a person receiving care and treatment pursuant to a contract under this subsection escapes from the receiving agency and the person at the time of the escape is subject to involuntary civil commitment under the laws of the sending state, the receiving agency shall use all reasonable means to recapture the escapee. The receiving agency shall immediately report the escape of the person to the sending agency. The receiving state has the primary responsibility for, and the authority to direct, the pursuit, retaking, and prosecution of escaped persons within its borders and is liable for the cost of such action to the extent that it would be liable for costs if its own resident escaped.

h. Responsibility for payment for the cost of care and treatment under this subsection shall remain with the sending agency.

5. A contract entered into under this section shall, at a minimum, meet all of the following requirements:

a. Describe the care and treatment to be provided.

b. Establish responsibility for the costs of the care and treatment, except as otherwise provided in subsection 4.

c. Establish responsibility for the costs of transporting individuals receiving care and treatment under this section.

d. Specify the duration of the contract.

e. Specify the means of terminating the contract.

f. Identify the goals to be accomplished by the placement of a person under this section.

6. This section shall apply to all of the following:

a. Detoxification services that are unrelated to substance abuse or mental health care and treatment regardless of whether the care and treatment are provided on a voluntary or involuntary basis.

b. Substance abuse and mental health care and treatment contracts that include emergency care and treatment provided to a resident of this state in a bordering state.

CHAPTER 17

ALCOHOLIC BEVERAGES — DEFINITION OF BEER

H.F. 131

AN ACT concerning the definition of beer for purposes of beer brewers and wholesalers.

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

Section 1. Section 123A.2, subsection 3, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

3. “Beer” means beer or high alcoholic content beer as defined in section 123.3.

Approved March 31, 2015

CHAPTER 18

LICENSURE OF RETIRED DENTISTS AND DENTAL HYGIENISTS — VOLUNTEER SERVICES

H.F. 202

AN ACT relating to licensure of retired volunteer dentists and dental hygienists.

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

Section 1. NEW SECTION. **153.23 Retired volunteer license.**

1. Upon application and qualification, the board may issue a retired volunteer license to a dentist or dental hygienist who has held an active license to practice dentistry or dental hygiene within the past five years, and who has retired from the practice of dentistry or dental hygiene, to enable the retired dentist or dental hygienist to provide volunteer dental or dental hygiene services. The board shall adopt rules to administer this section, including but not limited to rules providing eligibility requirements and services that may be performed pursuant to the license.

2. The board shall not charge an application or licensing fee for issuing or renewing a retired volunteer license. A retired volunteer license shall not be converted to a regular license with active or inactive status. A retired volunteer license shall not be considered to be an active license to practice dentistry or dental hygiene.

3. A person holding a retired volunteer license shall not charge a fee or receive compensation or remuneration in any form from any person or third-party payor including but not limited to an insurance company, health plan, or state or federal benefit program.

4. A person holding a retired volunteer license is subject to all rules and regulations governing the practice of dentistry or dental hygiene except those relating to the payment of fees, license renewal, and continuing education requirements.

5. A dental hygienist holding a retired volunteer license shall abide by the permitted scope of practice of actively licensed dental hygienists described in section 153.15. However, a dental hygienist holding a retired volunteer license may perform screenings or educational programs without an actively licensed dentist present.

6. An applicant for a retired volunteer license who has surrendered, resigned, converted, or allowed a license to lapse or expire as the result of or in lieu of disciplinary action shall not be eligible for a retired volunteer license.

7. The board may waive the five-year requirement in subsection 1 if the applicant demonstrates that the applicant possesses sufficient knowledge and skills to practice safely and competently.

Approved March 31, 2015

CHAPTER 19

YARD WASTE DISPOSAL — LANDFILLS OPERATING METHANE COLLECTION SYSTEMS

H.F. 266

AN ACT regarding disposal of yard waste in landfills operating a methane collection system.

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

Section 1. Section 455D.9, subsection 1, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* When the yard waste is collected for disposal by a sanitary landfill that operates a methane collection system that produces energy.

Approved March 31, 2015

CHAPTER 20

RADON TESTING RESULTS — DISCLOSURE

H.F. 371

AN ACT relating to allowable disclosures of radon testing results.

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

Section 1. Section 136B.2, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. A person shall not disclose to any other person, except to the department, the results of a test or the address or the name of the owner of a nonpublic building that the person tested for the presence of radon gas and radon progeny, unless the owner of the building waives, in writing, this right of confidentiality. However, a person certified or credentialed pursuant to section 136B.1 may disclose the results of a test performed by the person for the presence of radon and radon progeny to a potential buyer of a nonpublic building when an offer to purchase has been presented by the buyer and if the potential buyer paid for the testing. Any test results disclosed shall be results of a test performed within the five years prior to the date of the disclosure.

Sec. 2. Section 136B.2, subsection 2, Code 2015, is amended to read as follows:

2. a. Notwithstanding the requirements of this section, disclosure to any person of the results of a test performed on a nonpublic building for the presence of radon gas and radon progeny is not required if the results do not exceed the currently established United States environmental protection agency action guidelines, except as required during a real estate transaction pursuant to section 558A.4, subsection 2.

b. A person who tests a nonpublic building which the person owns is not required to disclose to any person the results of a test for the presence of radon gas or progeny if the test is performed by the person who owns the nonpublic building, except as required during a real estate transaction pursuant to section 558A.4, subsection 2.

Approved March 31, 2015

CHAPTER 21

CONFIDENTIALITY OF INFORMATION AND PROCEEDINGS RELATING TO FOSTER CARE SERVICES — COURT APPOINTED SPECIAL ADVOCATES

H.F. 372

AN ACT relating to court appointed special advocates and the confidentiality of information regarding a child receiving foster care.

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

Section 1. Section 237.21, subsection 1, Code 2015, is amended to read as follows:

1. The information and records of or provided to a local board, state board, or court appointed special advocate regarding a child who is receiving foster care or who is under the court's jurisdiction and the child's family when relating to services provided or the foster care placement are not public records pursuant to chapter 22. The state board and local boards, with respect to hearings involving specific children receiving foster care and the child's family, are not subject to chapter 21.

Sec. 2. Section 237.21, Code 2015, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. A court appointed special advocate may attend family team decision-making meetings or youth transition decision-making meetings upon request by the family or child and disclose case-related observations and recommendations relating to a child or a child's family while attending the meetings.

NEW SUBSECTION. 2B. A court appointed special advocate may disclose case-related observations and recommendations to the agency assigned by the court to supervise the case, to the county attorney, or to the child's legal representative or guardian ad litem.

Sec. 3. Section 237.21, subsection 3, Code 2015, is amended to read as follows:

3. Members of the state board and local boards, court appointed special advocates, and the employees of the department and the department of inspections and appeals are subject to standards of confidentiality pursuant to sections 217.30, 228.6, subsection 1, sections 235A.15, 600.16, and 600.16A. Members of the state and local boards, court appointed special advocates, and employees of the department and the department of inspections and appeals who disclose information or records of the board or department, other than as provided in subsection 2 subsections 2, 2A, and 2B, sections 232.89 and 232.126, and section 237.20, subsection 2, are guilty of a simple misdemeanor.

Approved March 31, 2015

CHAPTER 22**EDUCATIONAL COSTS FOR CHILDREN IN PSYCHIATRIC HOSPITALS OR INSTITUTIONS***H.F. 445*

AN ACT relating to payment of costs for educational services for children residing in certain psychiatric hospitals or institutions.

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

Section 1. Section 282.27, Code 2015, is amended to read as follows:

282.27 Children living in psychiatric hospitals or institutions — payment.

1. The public school district in which is located a psychiatric unit of a hospital licensed under chapter 135B or a psychiatric medical institution for children licensed under chapter 135H, which is not operated by the state, is located shall be responsible for the provision of educational services to children residing in the unit or institution. Children residing in the unit or institution shall be included in the basic enrollment of their districts of residence, as defined in section 282.31, subsection 4.

2. The board of directors of each district of residence shall pay to the school district in which such psychiatric unit or institution is located such psychiatric unit or institution, for the provision of educational services to the child, a portion of the district of residence's district cost per pupil tuition rate prescribed by section 282.24 for students residing within another school district for each of such children who does not require special education, based upon the proportion that the time each child is provided educational services while in such unit or institution is to the total time for which the child is provided educational services during a normal school year. The actual special education instructional costs incurred for a child who resides in the unit or institution shall be paid by the district of residence of the child to the district in which the unit or institution is located.

3. Notwithstanding section 282.24, if a child for whom all of the following applies is placed in the psychiatric unit or institution, the district of residence may use amounts received as supplementary weighting pursuant to section 257.11, subsection 4, to pay the instructional costs necessary to address the child's behavior during instructional time when those services are not otherwise provided to students who do not require special education and the costs exceed the costs of instruction of pupils in a regular curriculum and the costs exceed the maximum tuition rate prescribed by section 282.24:

a. The child does not require special education.

b. The child is not placed by the department of human services or a court in a day program treatment program in such psychiatric unit or institution.

c. The board of directors of the district of residence has determined that the child is likely to inflict self-harm or likely to harm another student.

4. Notwithstanding section 282.24, if a child for whom all of the following applies is placed in the psychiatric unit or institution, the district of residence may use the funding for programs for returning dropouts and dropout prevention calculated pursuant to section 257.41, to pay the instructional costs necessary to address the child's behavior during instructional time when those services are not otherwise provided to students who do not require special education and the costs exceed the costs of instruction of pupils in a regular curriculum, the costs exceed the maximum tuition rate prescribed by section 282.24, and the child meets the definition of a returning dropout or potential dropout in section 257.39:

a. The child does not require special education.

b. The child is not placed by the department of human services or a court in a day program treatment program in such psychiatric unit or institution.

c. The board of directors of the district of residence has determined that the child is likely to inflict self-harm or likely to harm another student.

5. Notwithstanding section 282.31, subsection 1, paragraph "b", subparagraph (1), if a child placed in the psychiatric unit or institution was not enrolled in the educational program of the district of residence of the child on October 1 of the current school year, the district

of residence may include that student in a claim submitted to the department of education pursuant to section 282.31, subsection 1, paragraph "b", subparagraph (2).

Approved March 31, 2015

CHAPTER 23

MUNICIPAL PROPERTY — TORT LIABILITY FOR RECREATIONAL ACTIVITIES

H.F. 570

AN ACT providing for an exemption from municipal tort liability for claims arising from recreational activities on municipality-controlled property.

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

Section 1. Section 670.4, subsection 1, paragraphs n and o, Code 2015, are amended to read as follows:

n. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a public facility designed for ~~purposes of skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking~~ recreational activities that was constructed or reconstructed, reasonably and in good faith, in accordance with generally recognized engineering or safety standards or design theories in existence at the time of the construction or reconstruction.

o. Any claim for injuries or damages based upon or arising out of an act or omission of an officer or employee of the municipality or the municipality's governing body ~~by a person skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking on public property when~~ and arising out of a recreational activity occurring on public property where the person claimed injuries or damages resulted from the normal and expected risks inherent in the recreational activity and the person engaging in the recreational activity was voluntarily on the public property where the injuries or damages occurred and knew or reasonably should have known that the skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking recreational activity created a substantial risk of injury to the person and was voluntarily in the place of risk injuries or damages. The exemption from liability contained in this paragraph shall only apply to claims for injuries or damage resulting from the risks inherent in the activities of skateboarding, in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking.

Approved April 1, 2015

CHAPTER 24

REGULATION OF PHARMACY BENEFITS MANAGERS

H.F. 395

AN ACT relating to the regulation of pharmacy benefits managers and including effective date provisions.

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

Section 1. Section 510B.3, subsection 1, Code 2015, is amended to read as follows:

1. The commissioner shall enforce the provisions of this chapter. After notice and hearing, the commissioner may impose any or all of the sanctions set out in section 507B.7 and may suspend or revoke a pharmacy benefits manager's certificate of registration as a third-party administrator pursuant to chapter 510, upon finding that the pharmacy benefits manager violated any of the requirements of this chapter or of chapter 510 pertaining to third-party administrators.

Sec. 2. Section 510B.3, Code 2015, is amended by adding the following new subsections:
NEW SUBSECTION. 1A. A pharmacy benefits manager, as an agent or vendor of an insurance company, is subject to the commissioner's authority to conduct an examination pursuant to chapter 507. The procedures set forth in chapter 507 regarding examination reports shall apply to an examination of a pharmacy benefits manager under this chapter.

NEW SUBSECTION. 1B. A pharmacy benefits manager is subject to the commissioner's authority to conduct an investigation pursuant to chapter 507B. The procedures set forth in chapter 507B regarding investigations shall apply to an investigation of a pharmacy benefits manager under this chapter.

NEW SUBSECTION. 1C. A pharmacy benefits manager is subject to the commissioner's authority to conduct an examination, audit, or inspection pursuant to chapter 510 for third-party administrators. The procedures set forth in chapter 510 for third-party administrators shall apply to an examination, audit, or inspection of a pharmacy benefits manager under this chapter.

NEW SUBSECTION. 1D. When the commissioner conducts an examination of a pharmacy benefits manager under chapter 507; an investigation under chapter 507B; or an examination, audit, or inspection under chapter 510, all information received from the pharmacy benefits manager, and all notes, work papers, or other documents related to the examination, investigation, audit, or inspection of the pharmacy benefits manager are confidential records under chapter 22 and shall be accorded the same confidentiality as notes, work papers, investigatory materials, or other documents related to the examination of an insurer as provided in chapter 507.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 2, 2015

CHAPTER 25

IOWA FINANCE AUTHORITY DUTIES AND PROGRAMS

S.F. 217

AN ACT concerning Iowa finance authority duties regarding the title guaranty board and the shelter assistance fund.

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

Section 1. Section 16.2A, subsection 7, Code 2015, is amended to read as follows:

7. Members shall elect a chair and vice chair annually and other officers as they determine. The executive director or the executive director's designee shall serve as secretary to the board.

Sec. 2. Section 16.41, subsection 1, Code 2015, is amended to read as follows:

1. A shelter assistance fund is created as a revolving fund in the state treasury under the control of the authority consisting of any moneys appropriated by the general assembly

and received under section 428A.8 for ~~purposes of the rehabilitation, expansion, or~~ costs of operations of ~~group home~~ shelters for the homeless and domestic violence shelters, essential services for the homeless, and evaluation and reporting of services for the homeless, ~~and match moneys for federal funds for the homeless management information system.~~ Each fiscal year, moneys in the fund, in an amount equal to not more than ~~two~~ three percent of the total moneys distributed as grants from the fund during the fiscal year, may be used for purposes of administering the fund.

Sec. 3. Section 16.41, subsection 2, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

2. The authority shall award grants annually to qualified applicants on a competitive basis. The authority shall establish application procedures, requirements, priorities, and maximum and minimum grant award amounts for each annual grant competition.

Approved April 8, 2015

CHAPTER 26

HUNTING LICENSES — EDUCATION REQUIREMENTS AND APPRENTICE HUNTERS

S.F. 392

AN ACT relating to hunter education license requirements, providing for a hunting license with an apprentice hunter designation, and including penalty provisions.

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

Section 1. Section 483A.7, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. A nonresident wild turkey hunter is required to purchase a nonresident hunting license that includes the wildlife habitat fee and a nonresident wild turkey hunting license. The commission shall annually limit to two thousand three hundred licenses the number of nonresidents allowed to have wild turkey hunting licenses. Of the two thousand three hundred licenses, one hundred fifty licenses shall be valid for hunting with muzzle loading shotguns only. The commission shall allocate the nonresident wild turkey hunting licenses issued among the zones based on the populations of wild turkey. A nonresident applying for a wild turkey hunting license must exhibit proof of having successfully completed a hunter ~~safety and ethics~~ education program as provided in section 483A.27 or its equivalent as determined by the department before the license is issued.

Sec. 2. Section 483A.8, subsection 3, paragraph d, Code 2015, is amended to read as follows:

d. The commission shall allocate all nonresident deer hunting licenses issued among the zones based on the populations of deer. However, a nonresident applicant may request one or more hunting zones, in order of preference, in which the applicant wishes to hunt. If the request cannot be fulfilled, the applicable fees shall be returned to the applicant. A nonresident applying for a deer hunting license must exhibit proof of having successfully completed a hunter ~~safety and ethics~~ education program as provided in section 483A.27 or its equivalent as determined by the department before the license is issued.

Sec. 3. Section 483A.24, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. Fifty of the nonresident deer hunting licenses shall be allocated as requested by a majority of a committee consisting of the majority leader of the senate, speaker of the house of representatives, and director of the economic development authority, or their designees.

The licenses provided pursuant to this subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.8. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon purchase of a nonresident hunting license that includes the wildlife habitat fee and the purchase of a nonresident deer hunting license. The licenses are valid in all zones open to deer hunting. The hunter ~~safety and ethics~~ education certificate requirement pursuant to section 483A.27 is waived for a nonresident issued a license pursuant to this subsection.

Sec. 4. Section 483A.24, subsection 4, paragraph a, Code 2015, is amended to read as follows:

a. Fifty of the nonresident wild turkey hunting licenses shall be allocated as requested by a majority of a committee consisting of the majority leader of the senate, speaker of the house of representatives, and director of the economic development authority, or their designees. The licenses provided pursuant to this subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.7. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon purchase of a nonresident hunting license that includes the wildlife habitat fee and the purchase of a nonresident wild turkey hunting license. The licenses are valid in all zones open to wild turkey hunting. The hunter ~~safety and ethics~~ education certificate requirement pursuant to section 483A.27 is waived for a nonresident issued a license pursuant to this subsection.

Sec. 5. Section 483A.24, subsection 5, paragraph e, Code 2015, is amended to read as follows:

e. A disabled person who receives a special license under this subsection shall complete the hunter ~~safety and ethics~~ education course.

Sec. 6. Section 483A.24, subsection 12, paragraph d, Code 2015, is amended to read as follows:

d. A nonresident who receives a special license pursuant to this subsection shall purchase a hunting license that includes the wildlife habitat fee and the applicable nonresident turkey or deer hunting license, but is not required to complete the hunter ~~safety and ethics~~ education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and have a hunting license that includes the wildlife habitat fee. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee.

Sec. 7. Section 483A.27, Code 2015, is amended to read as follows:

483A.27 Hunter ~~safety and ethics~~ education program — license requirement.

1. A person born after January 1, 1972, shall not obtain a hunting license unless the person has satisfactorily completed a hunter ~~safety and ethics~~ education course approved by the commission. A person who is eleven years of age or more may enroll in an approved hunter ~~safety and ethics~~ education course, but a person who is eleven years of age and who has successfully completed the course shall be issued a certificate of completion which becomes valid on the person's twelfth birthday. A certificate of completion from an approved hunter ~~safety and ethics~~ education course issued in this state, or a certificate issued by another state, country, or province for completion of a course that meets the standards adopted by the international hunter education association — United States of America, is valid for the requirements of this section.

2. a. A certificate of completion shall not be issued to a person who has not satisfactorily completed a ~~minimum of ten hours of training in~~ an approved hunter ~~safety and ethics~~ 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 first ten hours of an the approved hunter safety and ethics education course offered in this state. Upon completion of the ten-hour curriculum 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.

b. Notwithstanding paragraph “a”, a resident who is eighteen years of age or older may obtain a certificate of completion without demonstrating the safe handling of a firearm.

3. The department shall provide a manual regarding hunter safety and ethics education which shall be used by all instructors and persons receiving hunter safety and ethics education training in this state. The department may produce the manual in a print or electronic format accessible from a computer, including from a data storage device or the department’s internet site.

4. The department shall provide for the certification of persons who wish to become hunter safety and ethics education instructors. A person shall not act as an instructor in hunter safety and ethics education as provided in this section without first obtaining an instructor’s certificate from the department.

5. An officer of the department or a certified instructor may issue a certificate to a person who has not completed the hunter safety and ethics education course but meets the criteria established by the commission.

6. A public or private school accredited pursuant to section 256.11 or an organization approved by the department may cooperate with the department in providing a course in hunter safety and ethics education or shooting sports activities as provided in this section.

7. A hunting license obtained under this section by a person who gave false information or presented a fraudulent certificate of completion shall be revoked and a new hunting license shall not be issued for at least two years from the date of conviction. A hunting license obtained by a person who was born after January 1, 1972, but has not satisfactorily completed the hunter safety and ethics education course or has not met the requirements established by the commission, shall be revoked.

8. The commission shall adopt rules in accordance with chapter 17A as necessary to carry out the administration of this section.

9. The initial hunter safety education certificate shall be issued without cost. A duplicate certificate shall be issued at a cost of three dollars upon payment of the writing fee and administrative fee, if applicable.

10. A person under eighteen years of age who is required to exhibit a valid hunting license, shall also exhibit a valid certificate of completion from a state approved hunter safety and ethics education course upon request of an officer of the department. A failure to carry or refusal to exhibit the certificate of completion as provided in this subsection is a violation of this chapter. A violator is guilty of a simple misdemeanor as provided in section 483A.42.

11. An instructor certified by the department shall be allowed to conduct a department-approved hunter safety and ethics education course or shooting sports activities course on public school property with the approval of a majority of the board of directors of the school district. Conducting an approved hunter safety and ethics education course or shooting sports activities course is not a violation of any public policy, rule, regulation, resolution, or ordinance which prohibits the possession, display, or use of a firearm, bow and arrow, or other hunting weapon on public school property or other public property in this state.

Sec. 8. NEW SECTION. 483A.27A Apprentice hunters.

1. Notwithstanding section 483A.27, a person who is sixteen years of age or older may purchase a hunting license with an apprentice hunter designation on the license without first completing a hunter education course if the person meets all the requirements of this section.

2. If the apprentice hunter is a minor, the person must be accompanied and aided while hunting by a mentor who is the person’s parent or guardian, or be accompanied and aided by any other competent adult mentor with the consent of the minor’s parent or guardian. If

the apprentice hunter is not a minor, the apprentice hunter must be accompanied and aided while hunting by a competent adult mentor.

3. The mentor and the apprentice hunter must have valid hunting licenses that include the wildlife habitat fee and that are valid for the same seasons to hunt game.

a. A resident mentor and a resident apprentice hunter must also purchase deer hunting licenses and tags to hunt deer and wild turkey hunting licenses and tags to hunt wild turkey. Deer hunting licenses and tags purchased by a resident mentor and a resident apprentice hunter must be valid for the same seasons and zones. When hunting wild turkey a resident mentor having a license valid for one of the spring wild turkey hunting seasons may accompany and aid a resident apprentice hunter who has a valid wild turkey hunting license for any of the spring seasons as provided by rule. When hunting wild turkey in the fall, a resident mentor and a resident apprentice hunter must each have a fall wild turkey hunting license valid for the current year. A transportation tag issued to a resident apprentice hunter shall not be used to tag a deer or wild turkey taken by another person.

b. A nonresident apprentice hunter is not entitled to purchase a deer hunting license to hunt deer or a wild turkey hunting license to hunt wild turkey, or to participate in a hunt for deer or wild turkey.

4. While hunting, the apprentice hunter must be under the direct supervision of the mentor. For the purposes of this subsection, "*direct supervision*" means the mentor must maintain constant direction and control of the apprentice hunter and stay within a distance from the apprentice hunter that enables the mentor to give uninterrupted, unaided visual and auditory communications to the apprentice hunter. There must be one licensed mentor in direct supervision of each apprentice hunter.

5. A hunting license with an apprentice hunter designation issued pursuant to this section is valid from the date issued to January 10 of the succeeding calendar year for which it is issued. A hunting license with an apprentice hunter designation shall contain the address, signature, and a general description of the licensee.

6. A person is eligible to obtain a hunting license with an apprentice hunter designation pursuant to this section only two times. Subsequently, the person must meet the requirements of section 483A.27 in order to obtain a hunting license.

7. The commission shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 9. Section 484B.10, subsection 3, Code 2015, is amended to read as follows:

3. A nonresident youth under sixteen years of age may hunt game birds on a licensed hunting preserve upon securing an annual hunting preserve license restricted to hunting preserves only for a license fee of five dollars and payment of the wildlife habitat fee. A nonresident youth is not required to complete the hunter ~~safety and ethics~~ education course to obtain a hunting preserve license pursuant to this subsection if the youth is accompanied by a person who is at least eighteen years of age, is qualified to hunt, and possesses a valid hunting license that includes the wildlife habitat fee. During the hunt, the accompanying adult must be within arm's reach of the nonresident youth.

Sec. 10. Section 805.8B, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. For violations of sections 481A.54, 481A.69, 481A.71, 481A.72, 482.6, 483A.3, 483A.6, 483A.19, ~~and 483A.27, and 483A.27A,~~ the scheduled fine is twenty dollars.

Approved April 8, 2015

CHAPTER 27**INSURERS' CORPORATE GOVERNANCE ANNUAL DISCLOSURES***H.F. 455*

AN ACT requiring the submission of a corporate governance annual disclosure to the commissioner of insurance by certain insurers or insurance groups, and including penalties and applicability date provisions.

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

Section 1. **NEW SECTION. 521H.1 Purpose and scope.**

1. The purpose of this chapter is to do all of the following:

a. Provide the commissioner with a summary of an insurer's or insurance group's corporate governance structure, policies, and practices to permit the commissioner to gain and maintain an understanding of the insurer's or insurance group's corporate governance framework.

b. Outline the requirements for an insurer or insurance group to complete a corporate governance annual disclosure for submission to the commissioner.

c. Provide for the confidential treatment of the corporate governance annual disclosure and related information that contains confidential and sensitive information related to an insurer's or insurance group's internal operations and proprietary and trade secret information which, if made public, could potentially cause the insurer or insurance group competitive harm or disadvantage.

2. Nothing in this chapter shall be construed to prescribe or impose corporate governance standards or internal procedures beyond those which are required under applicable state corporate law. In addition, nothing in this chapter shall be construed to limit the commissioner's authority under chapter 507, or the rights or obligations of third parties thereunder.

3. The requirements of this chapter shall apply to all insurers domiciled in this state.

Sec. 2. **NEW SECTION. 521H.2 Definitions.**

1. "Commissioner" means the commissioner of insurance.

2. "Corporate governance annual disclosure" or "disclosure" means a confidential report filed by an insurer or insurance group pursuant to the requirements of this chapter.

3. "Insurance group" means those insurers and affiliates included within an insurance holding company system.

4. "Insurance holding company system" means the same as defined in section 521A.1.

5. "Insurer" means the same as defined in section 521A.1.

Sec. 3. **NEW SECTION. 521H.3 Corporate governance annual disclosure requirement.**

1. An insurer, or the insurance group of which the insurer is a member, shall, no later than June 1 of each calendar year, submit to the commissioner a corporate governance annual disclosure that contains the information described in section 521H.5. Notwithstanding any request from the commissioner made pursuant to subsection 2, if an insurer is a member of an insurance group, the insurer shall submit the disclosure required by this section to the commissioner of insurance of the lead state of the insurance group of which the insurer is a member, in accordance with the laws of the lead state, as determined by procedures contained in the financial analysis handbook adopted by the national association of insurance commissioners.

2. An insurer or insurance group that is not required to submit a corporate governance annual disclosure under this section shall do so upon the commissioner's request.

3. Review of the corporate governance annual disclosure and any additional requests for information shall be made through the lead state as determined by procedures contained in the financial analysis handbook adopted by the national association of insurance commissioners.

4. Insurers or insurance groups that provide information substantially similar to the information required by this chapter in other documents provided to the commissioner,

including proxy statements filed in conjunction with the form B insurance holding company system annual registration statement requirements as provided in section 521A.4, or other state or federal filings provided to the commissioner, are not required to duplicate that information in the corporate governance annual disclosure, but shall cross reference the document in which the information is included.

Sec. 4. NEW SECTION. 521H.4 Rules.

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

Sec. 5. NEW SECTION. 521H.5 Contents of corporate governance annual disclosure.

1. An insurer, or the insurance group of which the insurer is a member, shall have discretion over the responses to corporate governance annual disclosure inquiries, provided the corporate governance annual disclosure contains the material information necessary to permit the commissioner to gain an understanding of the insurer's or insurance group's corporate governance structure, policies, and practices. The commissioner may request additional information that the commissioner deems material and necessary to provide a clear understanding of the insurer's or insurance group's corporate governance policies, reporting or information systems, or the controls implementing such policies or systems.

2. The corporate governance annual disclosure shall be prepared consistent with rules adopted by the commissioner pursuant to chapter 17A. Documentation and supporting information prepared pursuant to this chapter and related rules shall be maintained and made available upon examination by or upon request of the commissioner.

3. The corporate governance annual disclosure shall include the signature of the insurer's or insurance group's chief executive officer or corporate secretary, attesting that to the best of that individual's belief and knowledge the insurer or the insurance group has implemented the corporate governance practices described in the disclosure and that a copy of the disclosure has been provided to the insurer's or the insurance group's board of directors or the appropriate committee of the board.

4. *a.* For purposes of completing a corporate governance annual disclosure, an insurer or insurance group may report information regarding corporate governance at the ultimate controlling parent level, at an intermediate holding company level, or at the individual legal entity level, depending upon how the insurer or insurance group has structured its system of corporate governance.

b. An insurer or insurance group is encouraged to report information in the corporate governance annual disclosure at the level at which the insurer's or insurance group's risk tolerance is determined; at the level at which the earnings, capital, liquidity, operations, and reputation of the insurer or insurance group are overseen collectively and the level at which the supervision of these factors is coordinated and exercised; or at the level at which legal liability for failure of general corporate governance duties would be placed. If an insurer or insurance group determines the level of reporting based upon the criteria set forth in this paragraph, the insurer or insurance group shall indicate which of the three criteria was used to determine the level of reporting and explain any subsequent changes that are made in the level of reporting.

Sec. 6. NEW SECTION. 521H.6 Confidentiality.

1. Documents, materials, or other information, including a corporate governance annual disclosure, in the possession or control of the insurance division of the department of commerce, that is obtained by, created by, or disclosed to the commissioner or to any other person pursuant to this chapter, is recognized in this state as being proprietary and containing trade secrets. All such documents, materials, or other information, including the disclosure, shall be confidential and privileged, shall not be subject to chapter 22, shall be considered confidential under chapter 507, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use such documents, materials, or other information, including the disclosure, in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner shall not otherwise make the documents, materials, or other information, including the disclosure, public without

the prior written consent of the insurer or insurance group that provided the documents, materials, or other information, including the disclosure. Nothing in this section shall be construed to require written consent of the insurer or insurance group before the commissioner may share or receive confidential documents, materials, or other information related to governance of an insurer or insurance group pursuant to subsection 3 to assist in the performance of the commissioner's regular duties.

2. The commissioner or any other person who received documents, materials, or other information related to corporate governance, through examination or otherwise, while acting under the authority of the commissioner or with whom such documents, materials, or other information is shared pursuant to this chapter, shall not be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information, including disclosures, subject to subsection 1.

3. In order to assist in the performance of the commissioner's regulatory duties, the commissioner may do any of the following:

a. Upon request, share documents, materials, or corporate governance annual disclosure-related information, including the confidential and privileged documents, materials, or information subject to subsection 1, and including proprietary and trade secret documents, materials, or information, with other state, federal, or international financial regulatory agencies, including members of any supervisory college as defined in section 521A.1, with the national association of insurance commissioners, or with any third-party consultants designated by the commissioner pursuant to subsection 4, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the documents, materials, or other corporate governance annual disclosure-related information and verifies in writing the legal authority to maintain such confidentiality and privilege.

b. Receive documents, materials, or other corporate governance annual disclosure-related information, including otherwise confidential and privileged documents, materials, or information, and proprietary and trade secret documents, materials, and information, from regulatory officials of other state, federal, or international regulatory agencies, including members of any supervisory college as defined in section 521A.1, and from the national association of insurance commissioners, and shall maintain as confidential or privileged any documents, materials, or information received with notice or the understanding that the documents, materials, or other information received is confidential and privileged under the laws of the jurisdiction that is the source of the documents, materials, or information.

4. In order to assist in the performance of the commissioner's regulatory duties under this chapter the commissioner may retain, at the insurer's or insurance group's expense, third-party consultants, including 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 disclosure and related information submitted under this chapter or ensuring compliance of an insurer or insurance group with the requirements of this chapter.

a. Any persons retained under this subsection shall be under the direction and control of the commissioner and shall act in a purely advisory capacity.

b. As part of the retention process, a third-party consultant shall verify to the commissioner, with notice to the insurer, that the third-party consultant is free of any conflict of interest and that the third-party consultant has internal procedures in place to monitor compliance if a conflict arises and to ensure compliance with the confidentiality standards and requirements of this chapter.

5. A written agreement entered into by the commissioner with the national association of insurance commissioners or with a third-party consultant governing the sharing and use of information provided pursuant to this chapter shall expressly require the written consent of the insurer prior to making public information provided under this chapter and shall contain a provision that does each of the following:

a. Expressly provides that the national association of insurance commissioners and any third-party consultants retained are subject to the same confidentiality standards and requirements governing the sharing and use of information provided pursuant to this chapter as the commissioner.

b. Specifies procedures and protocols regarding the confidentiality and security of information related to a corporate governance annual disclosure that is shared with the national association of insurance commissioners or with a third-party consultant pursuant to this chapter and specifies procedures and protocols for sharing information by the national association of insurance commissioners only with other state insurance regulators from states in which an insurance group has domiciled insurers. The agreement shall require that the recipient of such information must agree in writing to maintain the confidentiality and privileged status of the documents, materials, or other information related to the corporate governance annual disclosure and verify in writing the legal authority to maintain confidentiality and privilege.

c. Specifies that ownership of information shared with the national association of insurance commissioners or with a third-party consultant pursuant to this chapter remains with the commissioner and that use of the information by the national association of insurance commissioners or by a third-party consultant is subject to the direction of the commissioner.

d. Prohibits the national association of insurance commissioners or a third-party consultant from storing the information shared pursuant to this chapter in a permanent database after the underlying analysis is completed.

e. Requires the national association of insurance commissioners or a third-party consultant to give prompt notice to the commissioner and to an insurer or insurance group whose confidential information is in the possession of the national association of insurance commissioners or a third-party consultant pursuant to this chapter, that the information is subject to a request or subpoena to the national association of insurance commissioners or the third-party consultant for disclosure or production.

f. Requires the national association of insurance commissioners or a third-party consultant to consent to intervention by an insurer or insurance group in any judicial or administrative action in which the national association of insurance commissioners or the third-party consultant may be required to disclose confidential information about the insurer or insurance group that was shared with the association or consultant pursuant to this chapter.

6. The sharing of documents, materials, or information by the commissioner pursuant to this chapter shall not constitute a delegation of regulatory authority or rulemaking, and the commissioner is solely responsible for the administration, execution, and enforcement of the provisions of this chapter.

7. No waiver of any applicable privilege or claim of confidentiality in the documents, proprietary and trade secret materials, or other corporate governance annual disclosure-related information shall occur as a result of the disclosure of such documents, materials, or information to the commissioner under this section or as a result of sharing those documents, materials, or information as authorized in this chapter.

Sec. 7. NEW SECTION. 521H.7 Penalties.

1. If an insurer or insurance group fails, without just cause, to timely file a corporate governance annual disclosure as required in this chapter, the commissioner shall, after notice and hearing, impose a penalty of five hundred dollars for each day's delay. The penalty shall be collected by the commissioner and paid to the treasurer of state for deposit as provided in section 505.7. The maximum penalty which may be imposed under this section for any single failure is five thousand dollars.

2. The commissioner may reduce the penalty to be imposed if the insurer or insurance group demonstrates to the commissioner that imposition of the penalty would constitute a financial hardship to the insurer or insurance group.

Sec. 8. NEW SECTION. 521H.8 Severability.

If any provision of this chapter other than section 521H.6, or the application of this chapter to any person or circumstance, is held invalid, such holding shall not affect the provisions or applications of this chapter which can be given effect without the invalid provision or application, and to that end the provisions of this chapter, with the exception of section 521H.6, are severable.

Sec. 9. **APPLICABILITY.** The provisions of this Act are applicable beginning January 1, 2016, and the first filings of corporate governance annual disclosures shall be made pursuant to chapter 521H, as enacted in this Act, in 2016.

Approved April 8, 2015

CHAPTER 28

MILITARY VICTIM ADVOCATES — PRIVILEGED COMMUNICATIONS

H.F. 496

AN ACT establishing certain privileges claimed for or by military victim advocates.

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

Section 1. **NEW SECTION. 916.1 Definitions.**

As used in this chapter:

1. “*Confidential communication*” means information shared between a victim and a military victim advocate within the advocacy relationship, and includes all information received by the advocate and any advice, report, or working paper given to or prepared by the advocate in the course of the advocacy relationship with the victim. “*Confidential information*” is confidential information which, so far as the victim is aware, is not disclosed to a third party with the exception of a person present in the consultation for the purpose of furthering the interest of the victim, a person to whom disclosure is reasonably necessary for the transmission of the information, or a person with whom disclosure is necessary for accomplishment of the purpose for which the advocate is consulted by the victim.¹

2. “*Military victim advocate*” or “*advocate*” means a person who is a member of the national guard or a branch of the armed forces of the United States and who has completed a military victim advocate course provided by a branch of the armed forces of the United States or by the United States department of defense.

3. “*Special victims counsel*” means military personnel who are members of the judge advocate general’s corps of the national guard or a branch of the armed forces of the United States, who have completed special victims counsel training, and who are serving as a special victims counsel to a victim. For the purposes of this chapter special victims counsel shall also be considered military victim advocates.

4. “*Victim*” means a person who consults a military victim advocate for the purpose of securing advice, advocacy, counseling, or assistance concerning a mental, physical, or emotional condition caused by a sexual crime committed against the person.

Sec. 2. **NEW SECTION. 916.2 Military victim advocate privilege.**

1. A military victim advocate shall not be examined or required to give evidence in any civil or criminal proceeding as to any confidential communication made by a victim to the advocate, nor shall a clerk, secretary, stenographer, or any other employee who types or otherwise prepares or manages the confidential reports or working papers of an advocate be required to produce evidence of any such confidential communication, unless the victim waives this privilege in writing or disclosure of the information is compelled by a court pursuant to subsection 6. However, under no circumstances shall the identity of the advocate be disclosed in any civil or criminal proceeding.

2. If a victim is deceased or has been declared to be incompetent, the privilege specified in subsection 1 may be waived by the guardian of the victim or by the personal representative of the victim’s estate.

¹ See chapter 138, §51 herein

3. A minor who is a member of the national guard or a branch of the armed forces of the United States may waive the privilege under subsection 1.

4. A privilege under this section does not apply in matters of proof concerning the chain of custody of evidence, in matters of proof concerning the physical appearance of the victim at the time of the injury or the advocate's first contact with the victim after the injury, or if the counselor has reason to believe that the victim has given perjured testimony and the defendant or the state has made an offer of proof that perjury may have been committed.

5. The failure of an advocate to testify due to this section shall not give rise to an inference unfavorable to the cause of the state or the cause of a defendant.

6. Upon the motion of a party, accompanied by a written offer of proof, a court may compel disclosure of certain information if the court determines that all of the following conditions are met:

a. The information sought is relevant and material evidence of the facts and circumstances involved in an alleged criminal act which is the subject of a criminal proceeding.

b. The probative value of the information outweighs the harmful effect, if any, of disclosure on the victim, the advocacy relationship, and the treatment services.

c. The information cannot be obtained by reasonable means from any other source.

7. In ruling on a motion under subsection 6, the court, if the motion was filed in a criminal proceeding to be tried to the court, or a different judge, shall adhere to the following procedure:

a. The court may require the advocate from whom disclosure is sought or the victim claiming the privilege, or both, to disclose the information in chambers out of the presence and hearing of all persons except the victim and any other persons the victim is willing to have present.

b. If the court determines that the information is privileged and not subject to compelled disclosure, the information shall not be disclosed by any person without the consent of the victim.

c. If the court determines that certain information may be subject to disclosure, as provided in subsection 6, the court shall so inform the party seeking the information and shall order a subsequent hearing out of the presence of the jury, if applicable, at which time the parties shall be allowed to examine the advocate regarding the information that the court has determined may be subject to disclosure. The court may accept other evidence at the hearing.

d. At the conclusion of a hearing under paragraph "c", the court shall determine which information, if any, shall be disclosed and may enter an order describing the evidence which may be introduced by the moving party and prescribing the line of questioning which may be permitted. The moving party may then offer evidence pursuant to the court order. A victim advocate is not subject to exclusion under rule of evidence 5.615.

8. This section does not relate to the admission of evidence of the victim's past sexual behavior which is strictly subject to rule of evidence 5.412.

Approved April 8, 2015

CHAPTER 29

NONSUBSTANTIVE CODE CORRECTIONS

H.F. 535

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 1D.1, Code 2015, is amended to read as follows:

1D.1 Standard time and daylight saving time.

The standard time in this state is the solar time of the ninetieth meridian of longitude west of Greenwich, England, commonly known as central standard time, except that from ~~two o'clock~~ 2:00 ante meridiem of the first Sunday of April in every year until ~~two o'clock~~ 2:00 ante meridiem of the last Sunday of October in the same year, standard time shall be advanced one hour. The period of time so advanced shall be known as “*daylight saving time*.” time”.

Sec. 2. Section 10.1, subsection 5, Code 2015, is amended to read as follows:

5. “*Cooperative association*” means an entity which is structured and operated on a cooperative basis pursuant to 26 U.S.C. §1381(a) and which meets the definitional requirements of an association as provided in 12 U.S.C. ~~§1141(j)~~(a) §1141j(a) or 7 U.S.C. §291.

Sec. 3. Section 13B.4B, subsection 2, paragraph c, Code 2015, is amended to read as follows:

c. The state public defender may in the state public defender’s sole discretion release claims and supporting documents, including any information that would otherwise be confidential ~~in~~ under sections 232.147 through 232.150, to the auditor of state, the Iowa supreme court attorney disciplinary board, the grievance commission of the supreme court of Iowa, or to other state or local agencies to the extent necessary to investigate fraud or other criminal activity against the attorney or vendor submitting the claim.

Sec. 4. Section 15.329, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. If the qualifying investment is ten million dollars or more, the community has approved the project by ordinance or resolution ~~the project~~ for the purpose of receiving the benefits of this part.

Sec. 5. Section 29B.26, Code 2015, is amended to read as follows:

29B.26 Who may serve on courts-martial.

1. a. Any commissioned officer of or on duty with the state military forces is eligible to serve on all courts-martial for the trial of any person who may lawfully be brought before the courts for trial.

b. Any warrant officer of or on duty with the state military forces is eligible to serve on general and special courts-martial for the trial of any person, other than a commissioned officer, who may lawfully be brought before the courts for trial.

c. Any enlisted member of the state military forces who is not a member of the same unit as the accused is eligible to serve on general and special courts-martial for the trial of any enlisted member who may lawfully be brought before the courts for trial, but the enlisted member shall serve as a member of a court only if, before the end of any pretrial session that is held or if none is held before the convening of the court, the accused personally has requested in writing, that enlisted members serve on it. After such a request, the accused shall not be tried by a general or special court-martial the membership of which does not include enlisted members in a number comprising at least one-third of the total membership of the court, unless eligible members cannot be obtained on account of physical conditions or military exigencies. If such members cannot be obtained, the court may be convened and the trial held without them, but the convening authority shall make a detailed written statement, to be appended to the record, stating why they could not be obtained.

d. In this section, the word “*unit*” means any regularly organized body of the state military forces.

2. When it can be avoided, a person subject to this code shall not be tried by a court-martial any member of which is junior to the person in rank or grade.

3. When convening a court-martial, the convening authority shall detail as members of the courts-martial persons who in the convening authority’s opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and

judicial temperament. A person is not eligible to serve as a member of a general or special court-martial when the person is the accuser or a witness for the prosecution or has acted as investigating officer, staff judge advocate, or as counsel in the same case. If a military judge is not appointed for a special court-martial and if a commissioned officer who is a member of the bar of the highest court of the state and of appropriate rank and grade is present and not otherwise disqualified and within the command of the convening authority, the convening authority shall appoint the commissioned officer as president of a special court-martial. Failure to meet this requirement does not divest a military court of jurisdiction.

Sec. 6. Section 29C.2, subsection 7, Code 2015, is amended to read as follows:

7. “*Mass notification and emergency messaging system*” means a system which disseminates emergency and public safety-related safety-related information to the public by various means including but not limited to telephone, wireless communications service, dual party relay service or telecommunications device, text messaging, electronic mail, and facsimile, and which integrates with federal emergency messaging systems.

Sec. 7. Section 35B.6, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. The members of the commission shall qualify by taking the usual oath of office. The commission shall organize by ~~the selection of~~ selecting one of ~~their~~ the commission members as chairperson and one as secretary. The commission, subject to the annual approval of the board of supervisors, shall employ an executive director or administrator who shall have the power to employ other necessary employees to carry out the provisions of this chapter, including administrative or clerical assistants, but no member of the commission shall be so employed. The state department of veterans affairs shall recognize the executive director or administrator as a county veterans service officer of a veterans’ service organization recognized pursuant to 38 C.F.R. §14.628(c) for the purposes of assisting veterans and their dependents in obtaining federal and state benefits. The commission shall recommend the compensation of the executive director or administrator and all employees of the county veteran affairs office to the board of supervisors. The board of supervisors shall consider the recommendation and shall determine and approve the compensation of the executive director or administrator and all employees of the county veteran affairs office. The executive director must possess the same qualifications as provided in section 35B.3 for commission members. However, this qualification requirement shall not apply to a person employed as an executive director prior to July 1, 1989.

Sec. 8. Section 35B.7, Code 2015, is amended to read as follows:

35B.7 Meetings — report — budget.

The commission shall meet monthly and at other times as necessary. At the monthly meeting ~~it~~ the commission shall determine who are entitled to county benefits and the probable amount required to be expended. The commission shall meet annually to prepare an estimated budget for all expenditures to be made in the next fiscal year and certify the budget to the board of supervisors. The board may approve or reduce the budget for valid reasons shown and entered of record and the board’s decision is final.

Sec. 9. Section 54.5, Code 2015, is amended to read as follows:

54.5 Presidential nominees.

1. a. The names of the candidates for president and vice president of a political party as defined in the law relating to primary elections, shall, by ~~five o’clock~~ 5:00 p.m. on the eighty-first day before the election, be certified to the state commissioner by the chairperson and secretary of the state central committee of the party.

b. However, if the national nominating convention of a political party adjourns later than eighty-nine days before the general election the certificate showing the names of that party’s candidates for president and vice president shall be filed within five days after adjournment.

c. As an alternative to the certificate by the state central committee, the certificate of nomination issued by the political party’s national nominating convention may be used to certify the names of the party’s candidates for president and vice president. If certificates of nomination are received from both the state central committee and the national nominating

convention of a political party, and there are differences between the two certificates, the certificate filed by the state central committee shall prevail.

2. The state central committee shall also file a list of the names and addresses of the party's presidential electors, one from each congressional district and two from the state at large, not later than ~~five o'clock~~ 5:00 p.m. on the eighty-first day before the general election.

3. If a candidate for the office of president or vice president of the United States withdraws, dies, or is otherwise removed from the ballot before the general election, another candidate may be substituted. The substitution shall be made by the state central committee of the political party or by the governing committee of the national party. If there are differences, the substitution made by the state central committee shall prevail. A nonparty political organization which has filed the names of party officers and central committee members with the secretary of state before the close of the filing period for the general election pursuant to section 44.17 may also make substitutions. A substitution must be filed no later than seventy-four days before the election.

Sec. 10. Section 57.6, Code 2015, is amended to read as follows:

57.6 Other contests.

All the provisions of the chapter ~~in relation~~ 62 relating to contested elections of county officers shall be applicable, as near as may be, to contested elections for other offices, and for public measures except as herein otherwise provided, and in all cases process and papers may be issued to and served in the manner provided by the rules of civil procedure for service of an original notice by the sheriff of any county.

Sec. 11. Section 96.7, subsections 4, 5, 6, and 11, Code 2015, are amended to read as follows:

4. Employer liability determination.

a. The department shall initially determine all questions relating to the liability of an employing unit or employer, including the amount of contribution, the contribution rate, and successorship. A copy of the initial determination shall be sent by regular mail to the last address, according to the records of the department, of each affected employing unit or employer.

b. The affected employing unit or employer may appeal in writing to the department from the initial determination. An appeal shall not be entertained for any reason by the department unless the appeal is filed with the department within thirty days from the date on which the initial determination is mailed. If an appeal is not so filed, the initial determination shall with the expiration of the appeal period become final and conclusive in all respects and for all purposes.

c. A hearing on an appeal shall be conducted according to rules adopted by the department. A copy of the decision of the administrative law judge shall be sent by regular mail to the last address, according to the records of the department, of each affected employing unit or employer.

d. The department's decision on the appeal shall be final and conclusive as to the liability of the employing unit or employer unless the employing unit or employer files an appeal for judicial review within thirty days after the date of mailing of the decision as provided in subsection 5.

5. Judicial review.

a. Notwithstanding chapter 17A, petitions for judicial review may be filed in the district court of the county in which the employer resides, or in which the employer's principal place of business is located, or in the case of a nonresident not maintaining a place of business in this state either in a county in which the wages payable for employment were earned or paid or in Polk county, within thirty days after the date of the notice to the employer of the department's final determination as provided for in subsection 2, 3, or 4.

b. The petitioner shall file with the clerk of the district court a bond for the use of the respondent, with sureties approved by the clerk, with any penalty to be fixed and approved by the clerk. The bond shall not be less than fifty dollars and shall be conditioned on the petitioner's performance of the orders of the court. In all other respects, the judicial review shall be in accordance with chapter 17A.

6. *Jeopardy assessments.*

a. If the department believes that the collection of contributions payable or benefits reimbursable will be jeopardized by delay, the department may immediately make an assessment of the estimated amount of contributions due or benefits reimbursable, together with interest and applicable penalty, and demand payment from the employer. If the payment is not made, the department may immediately file a lien against the employer which may be followed by the issuance of a distress warrant.

b. The department shall be permitted to accept a bond from the employer to satisfy collection until the amount of contributions due is determined. The bond shall be in an amount deemed necessary, but not more than double the amount of the contributions involved, with securities satisfactory to the department.

11. *Temporary emergency surcharge.*

a. If on the first day of the third month in any calendar quarter, the department has an outstanding balance of interest accrued on advance moneys received from the federal government for the payment of unemployment compensation benefits, or is projected to have an outstanding balance of accruing federal interest for that calendar quarter, the department shall collect a uniform temporary emergency surcharge for that calendar quarter, retroactive to the beginning of that calendar quarter. The surcharge shall be a percentage of employer contribution rates and shall be set at a uniform percentage, for all employers subject to the surcharge, necessary to pay the interest accrued on the moneys advanced to the department by the federal government, and to pay any additional federal interest which will accrue for the remainder of that calendar quarter. The surcharge shall apply to all employers except governmental entities, nonprofit organizations, and employers assigned a zero contribution rate. The department shall adopt rules prescribing the manner in which the surcharge will be collected. Interest shall accrue on all unpaid surcharges under this subsection at the same rate as on regular contributions and shall be collectible in the same manner. The surcharge shall not affect the computation of regular contributions under this chapter.

b. A special fund to be known as the temporary emergency surcharge fund is created in the state treasury. The special fund is separate and distinct from the unemployment compensation fund. All contributions collected from the temporary emergency surcharge shall be deposited in the special fund. The special fund shall be used only to pay interest accruing on advance moneys received from the federal government for the payment of unemployment compensation benefits. Interest earned upon moneys in the special fund shall be deposited in and credited to the special fund.

c. If the department determines on June 1 that no outstanding balance of interest due has accrued on advanced moneys received from the federal government for the payment of unemployment compensation benefits, and that no outstanding balance is projected to accrue for the remainder of the calendar year, the department shall notify the treasurer of state of its determination. The treasurer of state shall immediately transfer all moneys, including accrued interest, in the temporary emergency surcharge fund to the unemployment compensation fund for the payment of benefits.

Sec. 12. Section 96.11, subsection 8, Code 2015, is amended to read as follows:

8. *Subpoenas.* In case of contumacy by, or refusal to obey a subpoena issued to any person, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the department, or any member or duly authorized representative thereof, shall have jurisdiction to issue to such person an order requiring such person to appear before the department or any member or duly authorized representative thereof to produce evidence if so ordered or to give testimony touching the matter under investigation or in question; any failure to obey such order of the court may be punished by said court as a contempt thereof.

Sec. 13. Section 97B.53, subsection 3, Code 2015, is amended to read as follows:

3. A terminated, vested member has the right, prior to the commencement of the member's retirement allowance, to receive a refund of moneys in the member's account, and in the event of the death of the member prior to the commencement of the member's retirement

allowance and prior to the receipt of any such refund, the benefits authorized by ~~subsection 1 and subsection 2~~ of section 97B.52, subsections 1 and 2, shall be paid.

Sec. 14. Section 97B.68, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. Such member's accumulated contributions as defined in ~~subsection 2~~ of section 97B.1A, subsection 2, computed as of July 4, 1959, plus

Sec. 15. Section 97C.2, subsections 5 and 7, Code 2015, are amended to read as follows:

5. The term "*federal security administrator*" means the administrator of the federal security agency ~~(or or the administrator's successor in function)~~ function, and includes any individual to whom the federal security administrator has delegated any of the administrator's functions under the Social Security Act, Tit. II, with respect to coverage under such Act of employees of states and their political subdivisions.

7. The term "*Social Security Act*" means the Act of Congress approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the "*Social Security Act*," Tit. II, ~~(including including regulations and requirements issued pursuant thereto)~~ thereto, as such Act has been and may from time to time be amended.

Sec. 16. Section 97C.14, Code 2015, is amended to read as follows:

97C.14 Elected officials — retroactive payments.

Any elective official of the state of Iowa, or any of its political subdivisions, who becomes subject to federal social security coverage under the provisions of the agreement referred to in section 97C.3 shall, not later than October 1, 1953, pay into the contribution fund established by section 97C.12 a tax sufficient to pay in the elected official's behalf an amount equal to three percent of the official's compensation received as a public official for each year or portion thereof that the public elected official has served as a public elective official since January 1, 1951, not to exceed thirty-six hundred dollars for any year of service. The state agency shall collect the tax hereby imposed and the proceeds from such tax shall be used for the purpose of obtaining retroactive federal social security coverage for elective officials, for the period beginning January 1, 1951, in the same manner as is provided in the case of other public employees by the provisions in ~~subsection 2~~ of section 97.51, subsection 2, in order to obtain retroactive federal social security coverage during this period of time, such contribution to be collected and guaranteed by the employer. The state agency will pay any such amount contributed to provide for retroactive federal social security coverage for the individual in question in the same manner as other payments are made for retroactive coverage of public employees. Provided that no member of a county board of supervisors shall be deemed to be an elective official in a part-time position, but every member of a county board of supervisors shall be deemed to be an employee within the purview of this chapter and shall be eligible to receive all of the benefits provided by this chapter to which the member may be entitled as an employee.

Sec. 17. Section 97C.20, Code 2015, is amended to read as follows:

97C.20 Referenda by governor.

1. With respect to employees of the state the governor is empowered to authorize a referendum, and with respect to the employees of any political subdivision the governor shall authorize a referendum upon request of the governing body of such subdivision; and in either case the referendum shall be conducted, and the governor shall designate an agency or individual to supervise its conduct, in accordance with the requirements of section ~~218"d" (3)~~ 218(d)(3) of the Social Security Act, on the question of whether service in positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under an agreement under this chapter. The notice of referendum required by section ~~218"d" (3)(C)~~ 218(d)(3)(C) of the Social Security Act to be given to employees shall contain or shall be accomplished by a statement, in such form and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this chapter.

2. Upon receiving evidence satisfactory to the governor that with respect to any such referendum the conditions specified in section ~~218“d”(3)~~ 218(d)(3) of the Social Security Act have been met, the governor shall so certify to the secretary of health and human services.

Sec. 18. Section 99D.6, Code 2015, is amended to read as follows:

99D.6 Chairperson Headquarters, meetings, and election of chairperson — administrator — employees — duties — bond.

1. The commission shall have its headquarters in the city of Des Moines and shall meet in July of each year and at other times and places as it finds necessary for the discharge of its duties. The commission shall elect in July of each year one of its members as chairperson for the succeeding year.

2. The commission shall appoint an administrator of the commission subject to confirmation by the senate. The administrator shall serve a four-year term. The term shall begin and end in the same manner as set forth in section 69.19. A vacancy shall be filled for the unexpired portion of the term in the same manner as a full-term appointment is made. The administrator shall be covered by the blanket surety bond of the state purchased pursuant to section 8A.321, subsection 12. The compensation and employment terms of the administrator shall be set by the governor, taking into consideration the level of knowledge and experience of the administrator. The administrator shall keep a record of the proceedings of the commission and preserve the books, records, and documents entrusted to the administrator's care.

~~3. The administrator may hire other assistants and employees as necessary to carry out the commission's duties. Employees in the positions of equine veterinarian, canine veterinarian, and equine steward shall be exempt from the merit system provisions of chapter 8A, subchapter IV, and shall not be covered by a collective bargaining agreement. Some or all of the information required of applicants in section 99D.8A, subsections 1 and 2, may also be required of employees of the commission if the commission deems it necessary. The administrator shall keep a record of the proceedings of the commission and preserve the books, records, and documents entrusted to the administrator's care. The administrator shall be covered by the blanket surety bond of the state purchased pursuant to section 8A.321, subsection 12. The compensation and employment terms of the administrator shall be set by the governor, taking into consideration the level of knowledge and experience of the administrator. The commission shall have its headquarters in the city of Des Moines and shall meet in July of each year and at other times and places as it finds necessary for the discharge of its duties.~~

Sec. 19. Section 99D.9B, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. Moneys remaining in the fund following distribution to the Iowa greyhound association as provided in this subsection shall be under the sole control of the commission. The commission shall determine the method by which moneys remaining in the fund will be distributed, provided, ~~however,~~ that the commission shall distribute a portion of the moneys in the fund to no-kill animal adoption agencies to facilitate care for and adoption of greyhounds no longer racing as a result of the discontinuance of live racing. The commission may consider objective evidence, including purse payments to greyhound industry participants for the period beginning January 1, 2010, and ending December 31, 2014, in determining the method of distribution. The commission may hire an expert to assist in the task of making distributions from the fund. The commission may distribute moneys from the fund to greyhound industry participants and to kennel owners and operators and greyhound owners for costs incurred in removing property from the dog racetrack located in Pottawattamie county as required by section 99D.9A, subsection 2, paragraph "c". Prior to adoption of any formula for distribution, the commission shall allow for input from greyhound industry participants. The distribution decisions of the commission shall be final. The commission may use moneys in the fund to pay its direct and indirect administrative expenses incurred in administering the fund, including the hiring of experts to assist in the commission's distribution determination. Members of the commission, employees of the commission, and any experts hired by the commission pursuant to this section shall be held

harmless against any claim of liability made by any person arising out of the distribution of moneys from the fund by the commission.

Sec. 20. Section 101A.7, subsection 1, Code 2015, is amended to read as follows:

1. The licensee's or permittee's ~~explosive~~ explosives storage facility shall be inspected at least once a year by a representative of the state fire marshal's office, except that the state fire marshal may, at those mining operations licensed and regulated by the United States department of labor, accept an approved inspection report issued by the United States department of labor, mine safety and health administration, for the twelve-month period following the issuance of the report. The state fire marshal shall notify the appropriate city or county governing board of licenses to be issued in their respective jurisdictions pursuant to this chapter. The notification shall contain the name of the applicant to be licensed, the location of the facilities to be used in storing explosives, the types and quantities of explosive materials to be stored, and other information deemed necessary by either the governing boards or the state fire marshal. The facility may be examined at other times by the sheriff of the county where the facility is located or by the local police authority if the facility is located within a city of over ten thousand population and if the sheriff or city council considers it necessary.

Sec. 21. Section 124D.2, subsection 5, Code 2015, is amended to read as follows:

5. "Primary caregiver" means a person, at least eighteen years of age, who has been designated by a patient's neurologist or by a person having custody of a patient, as being necessary to take responsibility for managing the well-being of the patient with respect to the medical use of cannabidiol pursuant to the provisions of this chapter.

Sec. 22. Section 124D.4, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. The patient's ~~photo~~ photograph.

Sec. 23. Section 124D.4, subsection 4, paragraph b, Code 2015, is amended to read as follows:

b. The primary caregiver's ~~photo~~ photograph.

Sec. 24. Section 135C.9, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. The facility has been inspected by the state fire marshal or a deputy appointed by the fire marshal for that purpose, who may be a member of a municipal fire department, and the department has received either a certificate of compliance or a provisional certificate of compliance by the facility with the fire hazard and fire safety rules and standards of the department as promulgated by the fire marshal and, where applicable, the fire safety standards required for participation in programs authorized by either Tit. XVIII or Tit. XIX of the United States Social Security Act (~~42~~, codified at 42 U.S.C. §1395 – 1395ll and 1396 – ~~1396g~~) 1396g. The certificate or provisional certificate shall be signed by the fire marshal or the fire marshal's deputy who made the inspection. If the state fire marshal or a deputy finds a deficiency upon inspection, the notice to the facility shall be provided in a timely manner and shall specifically describe the nature of the deficiency, identifying the Code section or subsection or the rule or standard violated. The notice shall also specify the time allowed for correction of the deficiency, at the end of which time the fire marshal or a deputy shall perform a follow-up inspection.

Sec. 25. Section 135C.36, subsection 5, Code 2015, is amended to read as follows:

5. If a facility self-identifies a deficient practice prior to an on-site visit inspection, there has been no complaint filed with the department related to that specific deficient practice, and the facility corrects such practice prior to an inspection, no citation shall be issued or fine assessed pursuant to subsection 2 or 3 except for those penalties arising pursuant to section 135C.33; 481 IAC 57.12(2)(d), 481 IAC 57.12(3), 481 IAC 57.15(5), 481 IAC 57.25(1), 481 IAC 57.39, 481 IAC 58.11(3), 481 IAC 58.14(5), 481 IAC 58.19(2)(a), 481 IAC 58.19(2)(h), 481 IAC 58.28(1)(a), 481 IAC 58.43, 481 IAC 62.9(5), 481 IAC 62.15(1)(a), 481 IAC 62.19(2)(c),

481 IAC 62.19(7), 481 IAC 62.23(23)-(25), 481 IAC 63.11(2)(d), 481 IAC 63.11(3), 481 IAC 63.23(1)(a), 481 IAC 63.37, 481 IAC 64.4(9), 481 IAC 64.33, 481 IAC 64.34, 481 IAC 65.9(5), 481 IAC 65.15, or 481 IAC 65.25(3)-(5), or the successor to any of such rules; or 42 C.F.R. §483.420(d), 483.460(e)(4) 42 C.F.R. §483.460(c)(4), or 483.470(j) 42 C.F.R. §483.470(j), or the successor to any of such federal regulations.

Sec. 26. Section 135L.3, subsection 2, Code 2015, is amended to read as follows:

2. The licensed physician who will perform the abortion shall provide notification in person or by mailing the notification by restricted certified mail to a parent of the pregnant minor at the usual place of abode of the parent. For the purpose of delivery by restricted certified mail, the time of delivery is deemed to occur at ~~twelve o'clock~~ 12:00 noon on the next day on which regular mail delivery takes place, subsequent to the mailing.

Sec. 27. Section 161A.3, subsection 12, Code 2015, is amended to read as follows:

12. "*Petition*" means a petition filed under the provisions of ~~subsection 1 of section 161A.5,~~ subsection 1, for the creation of a district.

Sec. 28. Section 163.11, Code 2015, is amended to read as follows:

163.11 Imported animals.

1. A person shall not move an animal into this state, except to a public livestock market where federal inspection of livestock is maintained, for work, breeding, or dairy purposes, unless such animal has been examined and found free from all infectious or contagious diseases.

2. ~~No~~ A person shall not bring in any manner into this state any cattle for dairy or breeding purposes unless such cattle have been tested within thirty days prior to date of importation by the agglutination test for contagious abortion or abortion disease, and shown to be free from such disease.

3. Animals for feeding purposes, however, may be brought into the state without inspection, under such regulations as the department may prescribe except that this ~~sentence~~ subsection shall not apply to swine.

Sec. 29. Section 185C.26, Code 2015, is amended to read as follows:

185C.26 Deposit of moneys — corn promotion fund.

A state assessment collected by the board from a sale of corn shall be deposited in the office of the treasurer of state in a special fund known as the corn promotion fund. The fund may include any gifts, rents, royalties, interest, license fees, or a federal or state grant received by the board. Moneys collected, deposited in the fund, and transferred to the board as provided in this chapter shall be subject to audit by the auditor of state. The auditor of state may seek reimbursement for the cost of the audit from moneys deposited in the fund as provided in this chapter. The department of administrative services shall transfer moneys from the fund to the board for deposit into an account established by the board in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the board. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open. From moneys collected, the board shall first pay all the direct and indirect costs incurred by the secretary and the costs of referendums, elections, and other expenses incurred in the administration of this chapter, before moneys may be expended ~~for the purpose of carrying to carry~~ to carry out the purposes of this chapter as provided in section 185C.11.

Sec. 30. Section 190.11, Code 2015, is amended to read as follows:

190.11 Artificial sweetening — labeling.

Where any approved artificial sweetening product such as saccharin or sulfamate is used by any person in the manufacture or sale of any article of food intended for human consumption, the container in which any such food or beverage is sold or offered for sale to the public shall be clearly, legibly and noticeably labeled with the name of the sweetening product used. The portion of the store, display counter, shelving, or other place where such food or beverage is displayed or offered for sale, shall be clearly and plainly identified by an appropriate sign reading:

“FOR FOR DIETARY PURPOSES” PURPOSES.

Sec. 31. Section 206.2, subsection 13, Code 2015, is amended to read as follows:

13. “*Hazard*” means a probability that a given pesticide will have an adverse effect on ~~man~~ humans or the environment in a given situation, the relative likelihood of danger or ill effect being dependent on a number of interrelated factors present at any given time.

Sec. 32. Section 207.4, subsection 3, Code 2015, is amended to read as follows:

3. A permit terminates if the permittee has not commenced the coal mining operations covered by the permit within three years of its issuance of the permit. However, the division may grant reasonable extensions of time upon a showing that the extensions are necessary because of litigation precluding the commencement or threatening substantial economic loss to the permittee or because of conditions beyond the control and without the fault or negligence of the permittee. If a coal lease is issued under the federal Mineral Leasing Act, as amended, extensions of time may not extend beyond the period allowed for diligent development in accordance with section 7 of that Act. If coal is to be mined for use in a synthetic fuel facility or specific major electric generating facility, the permittee is deemed to have commenced mining operations when the construction of the synthetic fuel or generating facility is initiated.

Sec. 33. Section 225C.47, subsection 3, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Eligibility for the comprehensive family support program is limited to families who meet all of the following conditions:

Sec. 34. Section 232.119, subsection 3, Code 2015, is amended to read as follows:

3. To register a child on the Iowa exchange, the department adoption worker or the private agency worker shall register the pertinent information concerning the child on the exchange. A ~~photo~~ photograph of the child and other necessary information shall be forwarded to the department to be included in the photo-listing book which shall be updated regularly. The department adoption worker or the private agency worker who places a child on the exchange shall update the registration information within ten working days after a change in the information occurs.

Sec. 35. Section 235A.17, subsection 3, Code 2015, is amended to read as follows:

3. a. For the purposes of this subsection, “*subject of a child abuse report*” means any individual listed in section 235A.15, subsection 2, paragraph “a”, other than the attorney or guardian ad litem of such individual.

b. An individual who is the subject of a child abuse report may disseminate to the governor or the governor’s designee or to a member of the general assembly or an employee of the general assembly designated by the member, child abuse information that was disseminated to the individual by the department or other official source. The child abuse information may also include the following related information that the individual is allowed under law to possess: ~~department~~

(1) Department of human services information described in section 217.30, subsection 1; ~~mental.~~

(2) Mental health information as defined in section 228.1; ~~and juvenile.~~

(3) Juvenile court social records and other information in official juvenile court records described in section 232.147.

c. A person who receives confidential child abuse information and related information disseminated under this subsection shall not further disseminate, communicate, or attempt to communicate the information to a person who is not authorized by this section or other provision of law to have access to the information.

Sec. 36. Section 235B.19, subsection 7, Code 2015, is amended to read as follows:

7. If the department cannot obtain an emergency order under this section due to inaccessibility of the court, the department may contact law enforcement to remove the dependent adult to safer surroundings, authorize the provision of medical treatment, and

order the provision of or provide other available services necessary to remove conditions creating the immediate danger to the health or safety of the dependent adult or which are producing irreparable harm to the physical or financial resources or property of the dependent adult. The department shall obtain an emergency order under this section not later than ~~four~~ 4:00 p.m. on the first succeeding business day after the date on which protective or other services are provided. If the department does not obtain an emergency order within the prescribed time period, the department shall cease providing protective services and, if necessary, make arrangements for the immediate return of the person to the place from which the person was removed, to the person's place of residence in the state, or to another suitable place. A person, agency, or institution acting in good faith in removing a dependent adult or in providing services under this subsection, and an employer of or person under the direction of such a person, agency, or institution, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed as the result of the removal or provision of services.

Sec. 37. Section 235F.6, subsection 4, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The court may approve a consent agreement between the parties entered into to bring about the cessation of elder abuse. A consent agreement approved under this section shall not contain any of the following:

Sec. 38. Section 237.14, Code 2015, is amended to read as follows:

237.14 Enhanced foster care services.

The department shall provide for enhanced foster care services by establishing supplemental per diem or performance-based contracts ~~which that~~ include payment of costs relating to payments of principal and interest for bonds and notes issued pursuant to section 16.57 with facilities licensed under this chapter which provide special services to children who would otherwise be placed in a state juvenile institution or an out-of-state program. Before completion of the department's budget estimate as required by section 8.23, the department shall determine and include in the estimate the amount which should be appropriated for enhanced foster care services for the forthcoming fiscal year in order to provide sufficient services.

Sec. 39. Section 260C.48, subsection 4, Code 2015, is amended to read as follows:

4. Standards relating to quality assurance of faculty and ongoing quality professional development shall be the accreditation standards of the higher learning commission, and the faculty standards required under specific programs offered by the community college that are accredited by other accrediting agencies.

Sec. 40. Section 261B.11B, Code 2015, is amended to read as follows:

261B.11B Voluntary registration.

A school or other postsecondary educational institution that is exempt under section 261B.11 may voluntarily register under this chapter ~~261B~~ in order to comply with chapter 261G or for purposes of institutional eligibility under 34 C.F.R. §600.9(a).

Sec. 41. Section 263.6, Code 2015, is amended to read as follows:

263.6 Management.

The management and control of ~~such~~ the institute of child behavior and development shall be vested in a director appointed by the ~~said~~ board of regents and an advisory board of seven members to be appointed by the president of the university from the faculty of the graduate college of ~~said~~ the university.

Sec. 42. Section 280.17, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall place on administrative leave a school employee who is the subject of an investigation of an alleged incident of abuse of a student conducted in accordance with 281 IAC ch. 102.

Sec. 43. Section 284.15, subsection 2, paragraph a, subparagraph (1), Code 2015, is amended to read as follows:

(1) The salary for an initial teacher who has successfully completed an approved practitioner preparation program as defined in section 272.1 or holds an initial or intern teacher license issued under chapter 272, and who participates in the ~~initial~~ beginning teacher mentoring and induction program as provided in this chapter, shall be at least thirty-three thousand five hundred dollars, which shall also constitute the minimum salary for an Iowa teacher.

Sec. 44. Section 284.15, subsection 2, paragraph b, subparagraph (1), Code 2015, is amended to read as follows:

(1) Has successfully completed the ~~initial~~ beginning teacher mentoring and induction program and has successfully completed a comprehensive evaluation.

Sec. 45. Section 310.27, Code 2015, is amended to read as follows:

310.27 Period of allocation — reversion — temporary transfers.

1. The farm-to-market road fund allotted to any county as provided in this chapter shall remain available for expenditure in said county for three years after the close of the fiscal year during which said sums respectively were allocated. Any sum remaining unexpended at the end of the period during which it is available for expenditure, shall be reapportioned among all the counties as provided in section 312.5 for original allocations.

2. For the purposes of this section, any sums of the farm-to-market road fund allotted to any county shall be presumed to have been “*expended*” when a contract has been awarded obligating the sums. When projects and their estimated costs, which are proposed to be funded from the farm-to-market road fund, are submitted to the department for approval, the department shall estimate the total funding necessary and the period during which claims for the projects will be filed. After anticipating the funding necessary for approved projects, the department may temporarily allocate additional moneys from the farm-to-market road fund for use in any other farm-to-market projects. However, a county shall not be temporarily allocated funds for projects in excess of the county’s anticipated farm-to-market road fund allocation for the current fiscal year plus the four succeeding fiscal years.

3. If in the judgment of the department the anticipated claims against the primary road fund for any month are in excess of moneys available, a temporary transfer for highway construction costs may be made from the farm-to-market road fund to the primary road fund providing there will remain in the transferring fund a sufficient balance to meet the anticipated obligations. All transfers shall be repaid from the primary road fund to the farm-to-market road fund within sixty days from the date of the transfer. A transfer shall be made only with the approval of the director of the department of management and shall comply with the director of the department of management’s rules relating to the transfer of funds. Similar transfers may be made by the department from the primary road fund to the farm-to-market road fund and these transfers shall be subject to the same terms and conditions that transfers from the farm-to-market road fund to the primary road fund are subject.

Sec. 46. Section 328.1, subsection 1, paragraph u, Code 2015, is amended to read as follows:

u. “*Operation of aircraft*” or “*operate aircraft*” means the use of aircraft for the purpose of air navigation, and includes the navigation or piloting of aircraft and shall embrace any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (~~in, in~~ the capacity of owner, lessee, or ~~otherwise~~) otherwise.

Sec. 47. Section 358.22, Code 2015, is amended to read as follows:

358.22 Special assessments and connection fees.

1. The board of trustees of a sanitary district may provide for payment of all or any portion of the costs of acquiring, locating, laying out, constructing, reconstructing, repairing, changing, enlarging, or extending conduits, ditches, channels, outlets, drains, sewers, laterals, treatment plants, pumping plants, and other necessary adjuncts thereto, by assessing all, or any portion of the costs, on adjacent property according to the benefits

derived. For the purposes of this chapter, the board of trustees may define “*adjacent property*” as all that included within a designated benefited district or districts to be fixed by the board, which may be all of the property located within the sanitary district or any lesser portion of that property. It is not a valid objection to a special assessment that the improvement for which the assessment is levied is outside the limits of the sanitary district, but a special assessment shall not be made upon property situated outside of the sanitary district. Special assessments pursuant to this section shall be in proportion to the special benefits conferred upon the property, and not in excess of the benefits, and an assessment shall not exceed twenty-five percent of the value of the property at the time of levy. The value of a property is the present fair market value of the property with the proposed public improvements completed. Payment of installments of a special assessment against property used and assessed as agricultural property shall be deferred upon the filing of a request by the owner in the same manner and under the same procedures as provided in chapter 384 for special assessments by cities.

2. The assessments may be made to extend over a period not to exceed fifteen years, payable in as nearly equal annual installments as practicable. A majority vote of the board of trustees is requisite and sufficient for any action required by the board of trustees under this section.

3. Subject to the limitations otherwise stated in this section, a sanitary district organized under this chapter has all of the powers to specially assess the costs of improvements described in this section, including the power to issue special assessment bonds, warrants, project notes, or other forms of interim financing obligations, which cities have under the laws of this state.

4. Subject to the limitations otherwise stated in this section, the board of trustees may establish one or more benefited districts and schedules of fees for the connection of property to the sanitary sewer facilities of a sanitary district. Each person whose property will be connected to the sanitary sewer facilities of a sanitary district shall pay a connection fee to the sanitary district, which may include the equitable cost of extending sanitary sewer service to the benefited district and reasonable interest from the date of construction to the date of payment. In establishing the benefited districts and establishing and implementing the schedules of fees, the board of trustees shall act in accordance with the powers granted to a city in section 384.38, subsection 3, and the procedures in that subsection. However, all fees collected under this ~~paragraph~~ subsection shall be paid to the sanitary district and the moneys collected as fees shall be used only by the sanitary district to finance improvements or extensions to its sanitary sewer facilities, to reimburse the sanitary district for funds disbursed by its board of trustees to finance improvements or extensions to its sanitary sewer facilities, or to pay debt service on obligations issued to finance improvements or extensions to its sanitary sewer facilities. This ~~paragraph~~ subsection does not apply when a sanitary district annexation plan or petition includes annexation of an area adjoining the district or a petition has not been presented for a sewer connection. Until the annexation becomes effective or the annexation plan or petition is abandoned, the state mandate contained in section 455B.172, subsections 3, 4, and 5, shall not apply unless the property owner requests to be connected to the sanitary district’s sewer facilities and voluntarily pays the connection fee.

Sec. 48. Section 403.6, subsection 1, Code 2015, is amended to read as follows:

1. To undertake and carry out urban renewal projects within its area of operation; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter; and to disseminate slum clearance and urban renewal information.

Sec. 49. Section 403A.3, subsections 2, 3, 4, and 7, Code 2015, are amended to read as follows:

2. To undertake and carry out studies and analyses of the housing needs and of the meeting of such needs ~~(including, including~~ data with respect to population and family groups and the distribution thereof according to income groups, the amount and quality of available housing and its distribution according to rentals and sales prices, employment, wages and other factors affecting the local housing needs and the meeting thereof) thereof, and to make

the results of such studies and analyses available to the public and the building, housing, and supply industries; and to engage in research and disseminate information on housing and slum clearance.

3. To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works or facilities for, or in connection with, a housing project or the occupants thereof; and ~~(notwithstanding, notwithstanding~~ anything to the contrary contained in this chapter or in any other provision of law) law, to agree to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or administration of projects, and to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractor comply with requirements as to minimum salaries or wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

4. To lease or rent any dwellings, accommodations, lands, buildings, structures or facilities embraced in any project and ~~(subject, subject to the limitations contained in this chapter with respect to the rental of dwellings in housing projects)~~ projects, to establish and revise the rents or charges therefor; to own, hold and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property subject to section 403A.20; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein; to insure or provide for the insurance, in any stock or mutual company of any real or personal property or operations of the municipality against any risks or hazards; to procure or agree to the procurement of federal or state government insurance or guarantees of the payment of any bonds or parts thereof issued by a municipality, including the power to pay premiums on any such insurance.

7. To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend or excused from attendance; to make available to appropriate agencies ~~(including, including~~ those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or insanitary structures within its area of ~~operation)~~ operation, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

Sec. 50. Section 422.12, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. "*Emergency medical services ~~personnel~~ personnel member*" means an emergency medical care provider, as defined in section 147A.1, who is certified as a first responder pursuant to chapter 147A.

Sec. 51. Section 422.12, subsection 2, paragraph c, Code 2015, is amended to read as follows:

c. (1) A volunteer fire fighter and volunteer emergency medical services personnel member credit equal to one hundred dollars to compensate the taxpayer for the voluntary services if the volunteer served for the entire tax year. A taxpayer who is a paid employee of an emergency medical services program or a fire department and who is also a volunteer emergency medical services personnel member or volunteer fire fighter in a city, county, or area governed by an agreement pursuant to chapter 28E where the emergency medical services program or fire department performs services, shall qualify for the credit provided under this paragraph "c".

(2) If the taxpayer is not a volunteer fire fighter or volunteer emergency medical services personnel member for the entire tax year, the maximum amount of the credit shall be prorated and the amount of credit for the taxpayer shall equal the maximum amount of credit for the tax year, divided by twelve, multiplied by the number of months in the tax

year the taxpayer was a volunteer. The credit shall be rounded to the nearest dollar. If the taxpayer is a volunteer during any part of a month, the taxpayer shall be considered a volunteer for the entire month. If the taxpayer is a volunteer fire fighter and a volunteer emergency medical services personnel member during the same month, a credit may be claimed for only one volunteer position for that month.

~~(2)~~ (3) The taxpayer is required to have a written statement from the fire chief or other appropriate supervisor verifying that the taxpayer was a volunteer fire fighter or volunteer emergency medical services personnel member for the months for which the credit under this paragraph "c" is claimed.

Sec. 52. Section 422.12, subsection 2, paragraph d, subparagraphs (3) and (4), Code 2015, are amended to read as follows:

(3) If the taxpayer is a reserve peace officer during the same month as the taxpayer is a volunteer fire fighter or volunteer emergency medical services personnel member, as defined in this section, a credit may be claimed for only one position for that month under either paragraph "c" or this paragraph or paragraph "e" "d".

(4) The taxpayer is required to have a written statement from the chief of police, sheriff, commissioner of public safety, or other appropriate supervisor verifying that the taxpayer was a reserve peace officer for the months for which the credit under this paragraph "d" is claimed.

Sec. 53. Section 422.17, Code 2015, is amended to read as follows:

422.17 Certificate issued by department to make payments without withholding.

Any nonresident whose Iowa income is not subject to section 422.16, subsection 1, in whole or in part, and who elects to be governed by section 422.16, subsection 12, ~~of that section~~ to the extent that the nonresident pays the entire amount of tax properly estimated on or before the last day of the fourth month of the nonresident's tax year, for the year, may for the year of the election and payment, be granted a certificate from the department authorizing each withholding agent, the income from whom the nonresident has considered in the payment of estimated tax and to the extent the income is included in the estimate, to make payments of income to the nonresident without withholding tax from those payments. Withholding agents, if payments exceed the tax liability estimated by the nonresident as indicated upon the certificate, shall withhold tax in accordance with subsection 12 of section 422.16, subsection 12.

Sec. 54. Section 423.1, subsection 43, Code 2015, is amended to read as follows:

43. a. "Receive" and "receipt" mean any of the following:

~~a.~~ (1) Taking possession of tangible personal property.

~~b.~~ (2) Making first use of a service.

~~c.~~ (3) Taking possession or making first use of digital goods, whichever comes first.

b. "Receive" and "receipt" do not include possession by a shipping company on behalf of a purchaser.

Sec. 55. Section 423.29, Code 2015, is amended to read as follows:

423.29 Collections by sellers.

1. Every seller who is a retailer and who is making taxable sales of tangible personal property in Iowa shall, at the time of selling the property, collect the sales tax. Every seller who is a retailer maintaining a place of business in this state and selling tangible personal property for use in Iowa shall, at the time of making the sale, whether within or without the state, collect the use tax. Sellers required to collect sales or use tax shall give to any purchaser a receipt for the tax collected in the manner and form prescribed by the director.

2. Every seller who is a retailer furnishing taxable services in Iowa and every seller who is a retailer maintaining a place of business in this state and furnishing taxable services in Iowa or services outside Iowa if the product or result of the service is used in Iowa shall be subject to the provisions of ~~the preceding paragraph~~ subsection 1.

Sec. 56. Section 423.32, subsection 1, Code 2015, is amended to read as follows:

1. a. A retailer maintaining a place of business in this state who is required to collect or a user who is required to pay the use tax or a foreign retailer authorized, pursuant to section 423.30, to collect the use tax, shall remit to the department the amount of tax on or before the last day of the month following each calendar quarterly period. However, a retailer who collects or owes more than fifteen hundred dollars in use taxes in a month shall deposit with the department or in a depository authorized by law and designated by the director, the amount collected or owed, with a deposit form for the month as prescribed by the director.

~~a.~~ b. The deposit form is due on or before the twentieth day of the month following the month of collection, except a deposit is not required for the third month of the calendar quarter, and the total quarterly amount, less the amounts deposited for the first two months of the quarter, is due with the quarterly report on the last day of the month following the month of collection. At that time, the retailer shall file with the department a return for the preceding quarterly period in the form prescribed by the director showing the purchase price of the tangible personal property sold by the retailer during the preceding quarterly period, the use of which is subject to the use tax imposed by this chapter, and other information the director deems necessary for the proper administration of the use tax.

~~b.~~ c. The return shall be accompanied by a remittance of the use tax for the period covered by the return. If necessary in order to ensure payment to the state of the tax, the director may in any or all cases require returns and payments to be made for other than quarterly periods. The director, upon request and a proper showing of necessity, may grant an extension of time not to exceed thirty days for making any return and payment. Returns shall be signed, in accordance with forms and rules prescribed by the director, by the retailer or the retailer's authorized agent, and shall be certified by the retailer or agent to be correct.

Sec. 57. Section 423D.4, Code 2015, is amended to read as follows:

423D.4 Administration by director.

1. The director of revenue shall administer the excise tax on the sale and use of equipment as nearly as possible in conjunction with the administration of the state sales and use tax law, except that portion of the law which implements the streamlined sales and use tax agreement. The director shall provide appropriate forms, or provide on the regular state tax forms, for reporting the sale and use of equipment excise tax liability. All moneys received and all refunds shall be deposited in or withdrawn from the general fund of the state.

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

3. Section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70, 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection 1, and sections 423.23, 423.24, 423.25, 423.31 through 423.35, 423.37 through 423.42, and 423.47, consistent with the provisions of this chapter, apply with respect to the tax authorized under this chapter, in the same manner and with the same effect as if the excise taxes on equipment sales or use were retail sales taxes within the meaning of those statutes. Notwithstanding this ~~paragraph~~ subsection, the director shall provide for quarterly filing of returns and for other than quarterly filing of returns both as prescribed in section 423.31. All taxes collected under this chapter by a retailer or any user are deemed to be held in trust for the state of Iowa.

Sec. 58. Section 427.1, subsection 22, paragraph a, Code 2015, is amended to read as follows:

a. Application for this exemption shall be filed with the commissioners of the soil and water conservation district in which the property is located, not later than February 1 of the assessment year, on forms provided by the department of revenue. The application shall describe and locate the property to be exempted and have attached to it an aerial ~~photo~~ photograph of that property on which is outlined the boundaries of the property to be exempted. In the case of an open prairie that has been restored or reestablished, the property shall be inspected and certified as provided by the county board of supervisors as having

adequate ground cover consisting of native species and that all primary and secondary noxious weeds present are being controlled to prevent the spread of seeds by either wind or water. In the case of an open prairie which is or includes a gully area susceptible to severe erosion, an approved erosion control plan must accompany the application.

Sec. 59. Section 452A.65, Code 2015, is amended to read as follows:

452A.65 Failure to promptly pay fuel taxes — refunds — interest and penalties — successor liability.

1. In addition to the tax or additional tax, the taxpayer shall pay a penalty as provided in section 421.27. The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under section 421.7 counting each fraction of a month as an entire month, computed from the date the return was required to be filed. If the amount of the tax as determined by the appropriate state agency is less than the amount paid, the excess shall be refunded with interest, the interest to begin to accrue on the first day of the second calendar month following the date of payment or the date the return was due to be filed or was filed, whichever is the latest, at the rate in effect under section 421.7 counting each fraction of a month as an entire month under the rules prescribed by the appropriate state agency. Claims for refund filed under sections 452A.17 and 452A.21 shall accrue interest beginning with the first day of the second calendar month following the date the refund claim is received by the department.

2. A report required of licensees or persons operating under division III, upon which no tax is due, is subject to a penalty of ten dollars if the report is not timely filed with the state department of transportation.

3. If a licensee or other person sells the licensee's or other person's business or stock of goods or quits the business, the licensee or other person shall prepare a final return and pay all tax due within the time required by law. The immediate successor to the licensee or other person, if any, shall withhold sufficient of the purchase price, in money or money's worth, to pay the amount of any delinquent tax, interest or penalty due and unpaid. If the immediate successor of the business or stock of goods intentionally fails to withhold any amount due from the purchase price as provided in this ~~paragraph~~ subsection, the immediate successor is personally liable for the payment of the taxes, interest and penalty accrued and unpaid on account of the operation of the business by the immediate former licensee or other person, except when the purchase is made in good faith as provided in section 421.28. However, a person foreclosing on a valid security interest or retaking possession of premises under a valid lease is not an "immediate successor" for purposes of this ~~paragraph~~ subsection. The department may waive the liability of the immediate successor under this ~~paragraph~~ subsection if the immediate successor exercised good faith in establishing the amount of the previous liability.

Sec. 60. Section 455D.16, subsection 4, paragraph a, subparagraph (4), Code 2015, is amended to read as follows:

(4) 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.

Sec. 61. Section 476.53, subsection 3, paragraph a, subparagraph (1), Code 2015, is amended to read as follows:

(1) (a) Files an application pursuant to section 476A.3 to construct in Iowa a baseload electric power generating facility with a nameplate generating capacity equal to or greater than three hundred megawatts or a combined-cycle electric power generating facility, or an alternate energy production facility as defined in section 476.42, or to significantly alter an existing generating facility. For purposes of this subparagraph, a significant alteration of an existing generating facility must, in order to qualify for establishment of ratemaking principles, fall into one of the following categories:

- ~~(a)~~ (i) Conversion of a coal fueled facility into a gas fueled facility.
- ~~(b)~~ (ii) Addition of carbon capture and storage facilities at a coal fueled facility.
- ~~(c)~~ (iii) Addition of gas fueled capability to a coal fueled facility, in order to convert the facility to one that will rely primarily on gas for future generation.

~~(d)~~ (iv) Addition of a biomass fueled capability to a coal fueled facility.

(b) With respect to a significant alteration of an existing generating facility, an original facility shall not be required to be either a baseload or a combined-cycle facility. Only the incremental investment undertaken by a utility under¹ subparagraph ~~divisions (a)~~ subdivision (i), ~~(b)~~ (ii), ~~(c)~~ (iii), or ~~(d)~~ (iv) shall be eligible to apply the ratemaking principles established by the order issued pursuant to paragraph “e”. Facilities for which advanced ratemaking principles are obtained pursuant to this section shall not be subject to a subsequent board review pursuant to section 476.6, subsection 20, to the extent that the investment has been considered by the board under this section. To the extent an eligible utility has been authorized to make capital investments subject to section 476.6, subsection 20, such investments shall not be eligible for ratemaking principles pursuant to this section.

Sec. 62. Section 480.1, subsection 4, Code 2015, is amended to read as follows:

4. a. “Excavation” means an operation in which a structure or earth, rock, or other material in or on the ground is moved, removed, or compressed, or otherwise displaced by means of any tools, equipment, or explosives and includes but is not limited to grading, trenching, tiling, digging, ditching, drilling, augering, tunneling, scraping, cable or pipe plowing, driving, and demolition of structures.

b. “Excavation” does not include normal farming operations, residential, commercial, or similar gardening, the opening of a grave site in a cemetery, normal activities involved in land surveying pursuant to chapter 542B, operations in a solid waste disposal site which has planned for underground facilities, the replacement of an existing traffic sign at its current location and at no more than its current depth, and normal road or highway maintenance which does not change the original grade of the roadway or the ditch.

Sec. 63. Section 491.3, subsection 6, Code 2015, is amended to read as follows:

6. To make contracts, acquire and transfer ~~property~~ — ~~possessing property, possessing~~ the same powers in such respects as natural persons.

Sec. 64. Section 491.20, Code 2015, is amended to read as follows:

491.20 Amendments — fees.

1. Amendments to articles of incorporation making changes in any of the provisions of the articles may be made at any annual meeting of the stockholders or special meeting called for that purpose, and they shall be valid only when approved by the shareholders and filed with the secretary of state. If no increase is made in the amount of capital stock, a certificate fee of one dollar and a recording fee of fifty cents per page must be paid. Where capital stock is increased the certificate fee shall be omitted but there shall be paid a recording fee of fifty cents per page and in addition a filing fee which in case of corporations existing for a period of years shall be one dollar per thousand of such increase and in case of corporations empowered to exist perpetually shall be one dollar and ten cents per thousand of such increase. Corporations providing for perpetual existence by amendment to its articles shall, at the time of filing such amendment, pay to the secretary of state a fee of one hundred dollars together with a recording fee of fifty cents per page, and, for all authorized capital stock in excess of ten thousand dollars, an additional fee of one dollar ten cents per thousand.

2. a. Its articles of incorporation to the contrary notwithstanding, if three-fourths of the voting stock of any corporation organized under the provisions of this chapter, with assets of the value of one million dollars or more, is owned by individuals owning not more than one share each of the voting stock thereof, said articles may be amended at any regular or special meeting of stockholders, when a notice in writing of the substance of the proposed amendment has been mailed by ordinary mail to each voting stockholder of such corporation not more than ninety nor less than sixty days prior to said meeting, by the affirmative vote of two-thirds of the voting stock represented at said meeting when said amendment is approved by the affirmative vote of two-thirds of the members of the board of directors at a meeting prior to the mailing of said notice.

¹ See chapter 138, §46 herein

b. If such corporation is renewed under the provisions of section 491.25, the voting stock of dissenting stockholders or any portion thereof may be purchased by the corporation at its option as provided in said section 491.25.

Sec. 65. Section 491.25, Code 2015, is amended to read as follows:

491.25 Renewal — conditions.

1. Corporations existing for a period of years may be renewed from time to time for the same or shorter periods, or may be renewed to exist perpetually, upon compliance with the provisions of this section and other applicable statutes.

2. The right of renewal is vested in the stockholders and shall be exercised by a resolution thereof adopted at any regular meeting or at any special meeting called for that purpose. Such resolution must be adopted by a majority of all the votes cast at such meeting, or by such other vote as is authorized or required in the company's existing articles of incorporation.

3. If the renewal instrument in proper form and the necessary fees are tendered to the secretary of state for filing three months or less either prior or subsequent to the corporation's expiration date, ~~such the~~ renewal shall take effect immediately upon the expiration of the corporation's previous period of existence, and in such case, the corporate existence shall be considered as having been extended without interruption. If the renewal is filed more than three months before or after the expiration date, ~~such the~~ renewal shall take effect upon the date such renewal with necessary fees is accepted and filed by the secretary of state; and in cases where filed more than three months after the expiration date, shall not be in legal effect a renewal unless the procedure provided for and the additional fees provided for in section 491.28 are fully complied with and paid.

4. In all cases of renewal, those stockholders voting for such renewal must purchase at its real value the stock voted against ~~such the~~ renewal, and shall have three years from the date such action for renewal was taken in which to purchase and pay for the stock voting against ~~such the~~ renewal, which purchase price shall bear interest at the rate of five percent per annum from the date of ~~such the~~ renewal action until paid.

Sec. 66. Section 499.9, Code 2015, is amended to read as follows:

499.9 Penalties — performance — injunction — arbitration.

1. a. Contracts permitted by section 499.8 may provide that the member pay the association any sum, fixed in amount or by a specified method of computation, for each violation thereof; also all the association's expenses of any suit thereon, including bond premiums and attorney's fees. All such provisions shall be enforced as written, whether at law or in equity, and shall be deemed proper measurement of actual damages, and not penalties or forfeitures.

b. The association may obtain specific performance of any such contract, or enjoin its threatened or continued breach, despite the adequacy of any legal or other remedy.

c. If the association files a verified petition, showing an actual or threatened breach of any such contract and seeking any remedy therefor, the court shall, without notice or delay but on such bond as it deems proper, issue a temporary injunction against such breach or its continuance.

2. The parties to such contracts may agree to arbitrate any controversy subsequently arising thereunder, and fix the number of arbitrators and method of their appointment. Such agreements shall be valid and irrevocable, except on such grounds as invalidate contracts generally. If they specify no method for appointing arbitrators, or if either party fails to follow such method, or if for any reason arbitrators are not named or vacancies filled, either party may apply to the district court to designate the necessary arbitrator, who shall then act under the agreement with the same authority as if named in it. Unless otherwise agreed, there shall be but one arbitrator.

Sec. 67. Section 499B.7, subsection 2, Code 2015, is amended to read as follows:

2. Any conveyance, encumbrance, lien, alienation, or devise of an apartment under a horizontal property regime by any instrument which describes the land and apartment as set forth in section 499B.4, shall also convey, encumber, alienate, devise, or be a lien upon the fractional or percentage interest appurtenant to each such apartment under section 499B.4,

subsection 6, to the general common elements, and the respective share or percentage interest to limited common elements where applicable, whether such general common elements or limited common elements are described as in section 499B.4, subsections 4 and 5, by general reference only, or not at all.

Sec. 68. Section 499B.15, subsections 3 and 4, Code 2015, are amended to read as follows:

3. Method of calling or summoning the co-owners to assemble; what percentage, if other than a majority of apartment owners, shall constitute a quorum; who is to preside over the meeting; and who will keep the minute book wherein the resolutions shall be recorded.

4. Maintenance, repair, and replacement of the common areas and facilities and payments therefor including the method of approving payment vouchers.

Sec. 69. Section 507B.5, subsection 1, paragraph c, Code 2015, is amended to read as follows:

c. Require directly or indirectly that any borrower, mortgagor, purchaser, insurer, broker, or agent pay a separate charge, in connection with the handling of any insurance policy required as security for a loan on real estate, or pay a separate charge to substitute the insurance policy of one insurer for that of another.

Sec. 70. Section 507C.4, subsection 5, Code 2015, is amended to read as follows:

5. All ~~action~~ actions authorized in this chapter shall be brought in the district court in Polk county.

Sec. 71. Section 508.38, subsection 1, Code 2015, is amended to read as follows:

1. This section does not apply to any reinsurance, group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer (~~including, including a partnership or sole proprietorship~~) proprietorship, or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the United States Internal Revenue Code, as now or hereafter amended, premium deposit fund, variable annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity payments have commenced, or reversionary annuity, nor to any contract which is delivered outside this state through an agent or other representative of the company issuing the contract.

Sec. 72. Section 509.4, Code 2015, is amended to read as follows:

509.4 Number insured.

An insurer may issue policies of individual life, accident, health, hospital, medical or surgical insurance or any combination thereof at reduced rates to employees of a common employer including the state, a county, school district, city or institution supported in whole or in part by public funds, but the number of employees to be insured must be more than one. The premium for such policies may be paid wholly or in part by the employer. If such policies shall provide term life insurance renewable only during the continuance of employment with the employer they shall also provide for conversion to a level premium life policy substantially in accordance with the provisions of ~~subsection 8 of section 509.2, subsection 8.~~

Sec. 73. Section 514.4, Code 2015, is amended to read as follows:

514.4 Directors.

1. a. At least two-thirds of the directors of a hospital service corporation, medical service corporation, dental service corporation, or pharmaceutical or optometric service corporation subject to this chapter shall be at all times subscribers and not more than one-third of the directors shall be providers as provided in this section. The board of directors of each corporation shall consist of at least nine members.

b. A subscriber director is a director of the board of a corporation who is a subscriber and who is not a provider of health care pursuant to section 514B.1, subsection 7, a person who has material financial or fiduciary interest in the delivery of health care services or a related industry, an employee of an institution which provides health care services, or a spouse or a member of the immediate family of such a person. However, a subscriber director of a dental service corporation may be an employee, officer, director, or trustee of a hospital that does not

contract with the dental service corporation. A subscriber director of a hospital or medical service corporation shall be a subscriber of the services of that corporation.

c. A provider director of a corporation subject to this chapter shall be at all times a person who has a material financial interest in or is a fiduciary to or an employee of or is a spouse or member of the immediate family of a provider having a contract with such corporation to render to its subscribers the services of such corporation or who is a hospital trustee.

2. A director may serve on a board of only one corporation at a time subject to this chapter.

3. The commissioner of insurance shall adopt rules pursuant to chapter 17A to implement the process of the election of subscriber directors of the board of directors of a corporation to ensure the representation of a broad spectrum of subscriber interest on each board and establish criteria for the selection of nominees. The rules shall provide for an independent subscriber nominating committee to serve until the composition of the board of directors meets the percentage requirements of this section. Once the composition requirements of this section are met, the nominations for subscriber directors shall be made by the subscriber directors of the board under procedures the board establishes which shall also permit nomination by a petition of at least fifty subscribers. The board shall also establish procedures to permit nomination of provider directors by petition of at least fifty participating providers. A member of the board of directors of a corporation subject to this chapter shall not serve on the independent subscriber nominating committee. The nominating committee shall consist of subscribers as defined in this section. The rules of the commissioner of insurance shall also permit nomination of subscriber directors by a petition of at least fifty subscribers, and nomination of provider directors by a petition of at least fifty participating providers. These petitions shall be considered only by the independent nominating committee during the duration of the committee. Following the discontinuance of the committee, the petition process shall be continued and the board of directors of the corporation shall consider the petitions. The independent subscriber nominating committee is not subject to chapter 17A. The nominating committee shall not receive per diem or expenses for the performance of their duties.

4. Population factors, representation of different geographic regions, and the demography of the service area of the corporation subject to this chapter shall be considered when making nominations for the board of directors of a corporation subject to this chapter.

5. A corporation serving states in addition to Iowa shall be required to implement this section only for directors who are residents of Iowa and elected as board members from Iowa.

Sec. 74. Section 514G.105, subsection 10, paragraph c, Code 2015, is amended to read as follows:

c. The requirements of a policy summary set forth in paragraph “b” may be incorporated into the basic illustration required to be delivered in accordance with 191 IAC ch. 14, or into the life insurance policy summary required to be delivered in accordance with 191 IAC 15.4.

Sec. 75. Section 515.109, subsection 6, unnumbered paragraph 1, Code 2015, 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:

Sec. 76. Section 515.109, subsection 6, unnumbered paragraph 2, Code 2015, is amended to read as follows:

b. It is important that the written portions of all policies covering the same property read exactly alike. If they do not, they should be made uniform at once.

Sec. 77. Section 515A.4, subsection 5, Code 2015, is amended to read as follows:

5. Under such rules and regulations as the commissioner shall adopt the commissioner may, by written order, suspend or modify the requirement of filing as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. Such order, rules and regulations shall be made known to insurers and rating organizations affected thereby. The commissioner may make such examination as the commissioner may deem advisable to ascertain whether any

rates affected by such order meet the standards set forth in ~~paragraph “b” of subsection 1 of section 515A.3, subsection 1, paragraph “b”.~~

Sec. 78. Section 515A.8, subsection 2, Code 2015, is amended to read as follows:

2. If such appeal is based upon the failure of the rating organization to make a filing on behalf of such member or subscriber, which is based on a system of expense provisions which differs, in accordance with the right granted in ~~paragraph “c” of subsection 1 of section 515A.3, subsection 1, paragraph “c”~~, from the system of expense provisions included in a filing made by the rating organization, the commissioner shall, if the commissioner grants the appeal, order the rating organization to make the requested filing for use by the appellant. In deciding such appeal the commissioner shall apply the standards set forth in section 515A.3.

Sec. 79. Section 517.1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Every corporation, association, company, or reciprocal exchange writing any of the several classes of insurance authorized by ~~paragraph “d” of subsection 5 of section 515.48, subsection 5, paragraph “d”~~, shall maintain reserves for outstanding losses under insurance against loss or damage from accident to or injuries suffered by an employee or other person and for which the insured is liable computed as follows:

Sec. 80. Section 522.6, subsection 5, paragraph b, Code 2015, is amended to read as follows:

b. Require that an insurer maintain a risk management framework, conduct an own risk and solvency assessment, and file an own risk and solvency assessment summary report if the insurer has a risk-based capital level that is a company-action-level event as set forth in section 521E.3 for insurers and section 521F.4 for health organizations or that would cause the insurer to be in hazardous financial condition as set forth in 191 IAC ch. 110, or if the insurer otherwise exhibits qualities of a troubled insurer as determined by the commissioner.

Sec. 81. Section 524.541, Code 2015, is amended to read as follows:

524.541 Lists — filing with superintendent.

1. Every state bank shall cause to be kept a full and correct list of the names and addresses of the officers, directors, and shareholders of the state bank, and the number of shares held by each. If an affiliate, as defined in ~~subsection 4 of section 524.1101, subsection 4~~, is a shareholder in a state bank, such list shall include the names, addresses, and percentage of ownership or interest in the affiliate of the shareholders, members, or other individuals possessing a beneficial interest in said affiliate.

2. A copy of the list as of the date of the adjournment of each annual meeting of shareholders, in the form of an affidavit signed by the president or cashier of the state bank, shall be transmitted to the superintendent within ten days after such annual meeting.

Sec. 82. Section 524.1003, Code 2015, is amended to read as follows:

524.1003 Removal of fiduciary powers.

1. a. If the superintendent at any time concludes that a state bank authorized to act in a fiduciary capacity is managing its accounts in an unsafe or unsound manner, or in a manner in conflict with the provisions of this chapter, and such state bank refuses to correct such practices upon notice to do so, the superintendent may forthwith direct that the state bank cease to act as a fiduciary and proceed to resign its fiduciary positions.

b. In such event the superintendent shall cause to be filed a petition in the district court in which the state bank has its principal place of business setting forth in general terms that the state bank is acting as fiduciary with respect to certain property and that it is necessary and desirable that successor fiduciaries be appointed. Upon the filing of the petition the court shall enter an order requiring all persons interested in all such fiduciary accounts to designate and take all necessary measures to appoint a successor fiduciary within a time to be fixed by the order, or to show cause why a successor fiduciary should not be appointed by the court. The court shall also direct the state bank to mail a copy of the order to each living settlor and each person known by the state bank to have a beneficial interest in the fiduciary accounts with respect to which the state bank is fiduciary and with respect to which it is being asked to

resign its position. Such notice shall be mailed to the last known address of each such settlor and person having a beneficial interest as shown by the records of the state bank. The court may also order publication of such order to the extent that it deems necessary to protect the interests of absent or remote beneficiaries.

2. In any fiduciary account where those interested therein fail to cause a successor fiduciary to be appointed prior to the time fixed in such order, the court shall appoint a successor fiduciary. A successor fiduciary appointed in accordance with the terms of this section shall succeed to all the rights, powers, titles, duties and responsibilities of the state bank, except that the successor fiduciary shall not exercise powers given in the instrument creating the powers that by its express terms are personal to the fiduciary therein designated and except claims or liabilities arising out of the management of the fiduciary account prior to the date of the transfer.

Sec. 83. Section 524.1601, subsections 1, 2, and 3, Code 2015, are amended to read as follows:

1. A director, officer, or employee of a state bank or bank holding company who willfully violates any of the provisions of ~~subsection 4 of section 524.612, subsection 4;~~ section 524.613; ~~subsection 2 of section 524.706, subsection 2,~~ insofar as such subsection incorporates ~~subsection 4 of section 524.612, subsection 4;~~ or section 524.710, shall be guilty of a serious misdemeanor, and, in the following circumstances, shall pay an additional fine or fines equal to:

a. The amount of money or the value of the property which the director, officer, or employee received for procuring, or attempting to procure, a loan, extension of credit, or investment by the state bank or bank holding company, upon conviction of a violation of ~~subsection 1 of section 524.613, subsection 1,~~ or of ~~subsection 1 of section 524.710, subsection 1.~~

b. The amount by which the director's, officer's, or employee's deposit account in the state bank or bank holding company is overdrawn, upon conviction of a violation of ~~subsection 2 of section 524.613, subsection 2,~~ or of ~~subsection 2 of section 524.710, subsection 2.~~

c. The amount of any profit which the director, officer, or employee receives on the transaction, upon conviction of a violation of ~~subsection 4 of section 524.612, subsection 4~~ or of ~~subsection 2 of section 524.706, subsection 2,~~ insofar as each applies to purchases from and sales to a state bank or bank holding company upon terms more favorable to such director, officer, or employee than those offered to other persons.

d. The amount of profit, fees, or other compensation received, upon conviction of a violation of section 524.710, subsection 1, paragraph "b".

2. A director or officer who willfully makes or receives a loan in violation of ~~subsection 1 of section 524.612, subsection 1,~~ or ~~subsection 1 of section 524.706, subsection 1,~~ shall be guilty of a serious misdemeanor and shall be subject to an additional fine equal to that amount of the loan in excess of the limitation imposed by such subsections, and shall be forever disqualified from acting as a director or officer of any state bank or bank holding company. For the purpose of this subsection, amounts which are treated as obligations of an officer or director pursuant to ~~subsection 5 of section 524.612, subsection 5,~~ shall be considered in determining whether the loan or extension of credit is in violation of ~~subsection 1 of section 524.612, subsection 1,~~ and ~~subsection 1 of section 524.706, subsection 1.~~

3. A director, officer, or employee of a state bank or bank holding company who willfully makes or receives a loan or extension of credit of funds held by the state bank or bank holding company as fiduciary, in violation of ~~subsection 4 of section 524.1002, subsection 4,~~ shall be guilty of a serious misdemeanor and shall be subject to a further fine equal to the amount of the loan or extension of credit made in violation of ~~subsection 4 of section 524.1002, subsection 4,~~ and shall be forever disqualified from acting as a director, officer, or employee of any state bank or bank holding company.

Sec. 84. Section 535.10, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. A lender may collect in connection with establishing or renewing a home equity line of credit the costs listed in section 535.8, subsection 4, ~~paragraphs~~ paragraph "a" or "b", charges for insurance as described in section 537.2501, subsection 2, and a loan processing

fee as agreed between the borrower and the lender, and annually may collect an account maintenance fee of not more than fifteen dollars. Fees collected under this subsection shall be disregarded for purposes of determining the maximum charge permitted by subsection 4.

Sec. 85. Section 544A.28, Code 2015, is amended to read as follows:

544A.28 Seal required.

1. An architect shall procure a seal with which to identify all technical submissions issued by the architect for use in this state. The seal shall be of a design, content, and size designated by the board.

2. a. Technical submissions prepared by an architect, or under an architect's direct supervision and responsible charge, shall be stamped with the impression of the architect's seal. The board shall designate by rule the location, frequency, and other requirements for use of the seal. An architect shall not impress the architect's seal on technical submissions if the architect was not the author of the technical submissions or if they were not prepared under the architect's direct supervision and responsible charge. An architect who merely reviews standardized construction documents for pre-engineered or prototype buildings, is not the author of the technical submissions and the technical submissions were not prepared under a reviewing architect's responsible charge.

b. An architect shall cause those portions of technical submissions prepared by a professional consultant to be stamped with the impression of the seal of the professional consultant, with a clear identification of the consultant's areas of responsibility, signature, and date of issuance.

3. A public official charged with the enforcement of the state building code, as adopted pursuant to section 103A.7, or a municipal or county building code, shall not accept or approve any technical submissions involving the practice of architecture unless the technical submissions have been stamped with the architect's seal as required by this section or unless the applicant has certified on the technical submission to the applicability of a specific exception under section 544A.18 permitting the preparation of technical submissions by a person not registered under this chapter. A building permit issued with respect to technical submissions which do not conform to the requirements of this section is invalid.

Sec. 86. Section 547.1, Code 2015, is amended to read as follows:

547.1 Use of trade name — verified statement required.

A person shall not engage in or conduct a business under a trade name, or an assumed name of a character other than the true surname of each person owning or having an interest in the business, unless the person first records with the county recorder of the county in which the business is to be conducted a verified statement showing the name, post office address, and residence address of each person owning or having an interest in the business, and the address where the business is to be conducted. However, this provision does not apply to any person organized or incorporated in this state as a domestic entity or authorized to do business in this state as a foreign entity, if the person is a limited partnership under chapter 488; a limited liability company under chapter 489; a corporation under chapter 490; a limited liability company under chapter 489; a professional corporation under chapter 496C; a cooperative or cooperative association under chapter 497, 498, 499, 501, or 501A; or a nonprofit corporation under chapter 504.

Sec. 87. Section 554.2311, subsection 1, Code 2015, is amended to read as follows:

1. An agreement for sale which is otherwise sufficiently definite (~~subsection 3 of section 554.2204~~) (section 554.2204, subsection 3) to be a contract is not made invalid by the fact that it leaves particulars of performance to be specified by one of the parties. Any such specification must be made in good faith and within limits set by commercial reasonableness.

Sec. 88. Section 554.2323, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. due tender of a single part is acceptable within the provisions of this Article on cure of improper delivery (~~subsection 1 of section 554.2508~~) (section 554.2508, subsection 1); and

Sec. 89. Section 554.2503, subsection 5, paragraph a, Code 2015, is amended to read as follows:

a. the seller must tender all such documents in correct form except as provided in this Article with respect to bills of lading in a set (~~subsection 2 of section 554.2323~~) (section 554.2323, subsection 2); and

Sec. 90. Section 554.2505, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. a nonnegotiable bill of lading to the seller or the seller's nominee reserves possession of the goods as security, but except in a case of conditional delivery (~~subsection 2 of section 554.2507~~) (section 554.2507, subsection 2) a nonnegotiable bill of lading naming the buyer as consignee reserves no security interest even though the seller retains possession or control of the bill of lading.

Sec. 91. Section 554.2513, subsection 3, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Unless otherwise agreed and subject to the provisions of this Article on C.I.F. contracts (~~subsection 3 of section 554.2321~~) (section 554.2321, subsection 3), the buyer is not entitled to inspect the goods before payment of the price when the contract provides

Sec. 92. Section 554.2602, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. if the buyer has before rejection taken physical possession of goods in which the buyer does not have a security interest under the provisions of this Article (~~subsection 3 of section 554.2711~~) (section 554.2711, subsection 3), the buyer is under a duty after rejection to hold them with reasonable care at the seller's disposition for a time sufficient to permit the seller to remove them; but

Sec. 93. Section 554.2603, subsection 1, Code 2015, is amended to read as follows:

1. Subject to any security interest in the buyer (~~subsection 3 of section 554.2711~~) (section 554.2711, subsection 3), when the seller has no agent or place of business at the market of rejection a merchant buyer is under a duty after rejection of goods in the merchant buyer's possession or control to follow any reasonable instructions received from the seller with respect to the goods and in the absence of such instructions to make reasonable efforts to sell them for the seller's account if they are perishable or threaten to decline in value speedily. Instructions are not reasonable if on demand indemnity for expenses is not forthcoming.

Sec. 94. Section 554.2606, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. fails to make an effective rejection (~~subsection 1 of section 554.2602~~) (section 554.2602, subsection 1), but such acceptance does not occur until the buyer has had a reasonable opportunity to inspect them; or

Sec. 95. Section 554.2607, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. if the claim is one for infringement or the like (~~subsection 3 of section 554.2312~~) (section 554.2312, subsection 3) and the buyer is sued as a result of such a breach the buyer must so notify the seller within a reasonable time after the buyer receives notice of the litigation or be barred from any remedy over for liability established by the litigation.

Sec. 96. Section 554.2607, subsection 5, paragraph b, Code 2015, is amended to read as follows:

b. if the claim is one for infringement or the like (~~subsection 3 of section 554.2312~~) (section 554.2312, subsection 3) the original seller may demand in writing that the seller's buyer turn over to the seller control of the litigation including settlement or else be barred from any remedy over and if the seller also agrees to bear all expense and to satisfy any adverse judgment, then unless the buyer after reasonable receipt of the demand does turn over control the buyer is so barred.

Sec. 97. Section 554.2607, subsection 6, Code 2015, is amended to read as follows:

6. The provisions of subsections 3, 4 and 5 apply to any obligation of a buyer to hold the seller harmless against infringement or the like (~~subsection 3 of section 554.2312~~) (section 554.2312, subsection 3).

Sec. 98. Section 554.2706, subsection 6, Code 2015, is amended to read as follows:

6. The seller is not accountable to the buyer for any profit made on any resale. A person in the position of a seller (section 554.2707) or a buyer who has rightfully rejected or justifiably revoked acceptance must account for any excess over the amount of that person's security interest, as hereinafter defined (~~subsection 3 of section 554.2711~~) (section 554.2711, subsection 3).

Sec. 99. Section 554.2714, subsection 1, Code 2015, is amended to read as follows:

1. Where the buyer has accepted goods and given notification (~~subsection 3 of section 554.2607~~) (section 554.2607, subsection 3) the buyer may recover as damages for any nonconformity of tender the loss resulting in the ordinary course of events from the seller's breach as determined in any manner which is reasonable.

Sec. 100. Section 554.3501, subsection 2, paragraph d, Code 2015, is amended to read as follows:

d. The party to whom presentment is made may treat presentment as occurring on the next business day after the day of presentment if the party to whom presentment is made has established a cut-off hour not earlier than ~~two~~ 2:00 p.m. for the receipt and processing of instruments presented for payment or acceptance and presentment is made after the cut-off hour.

Sec. 101. Section 554.10103, Code 2015, is amended to read as follows:

554.10103 General repealer.

Except as provided in section 554.7103, all ~~aets~~ Acts and parts of ~~aets~~ Acts inconsistent with this chapter are hereby repealed.

Sec. 102. Section 558.44, Code 2015, is amended to read as follows:

558.44 Mandatory recordation of conveyances and leases of agricultural land.

1. Every conveyance or lease of agricultural land, except leases not to exceed five years in duration with renewals, conveyances or leases made by operation of law, and distributions made from estates to heirs or devisees shall be recorded by the grantee or lessee with the county recorder not later than one hundred eighty days after the date of conveyance or lease.

2. For an instrument of conveyance of agricultural land deposited with an escrow agent, the fact of deposit of that instrument of conveyance with the escrow agent as well as the name and address of the grantor and grantee shall be recorded, by a document executed by the escrow agent, with the county recorder not later than one hundred eighty days from the date of the deposit with the escrow agent. For an instrument of conveyance of agricultural land delivered by an escrow agent, that instrument shall be recorded with the county recorder not later than one hundred eighty days from the date of delivery of the instrument of conveyance by the escrow agent.

3. At the time of recordation of the conveyance or lease of agricultural land, except a lease not exceeding five years in duration with renewals, conveyances or leases made by operation of law and distributions made from estates of decedents to heirs or devisees, to a nonresident alien as grantee or lessee, such conveyance or lease shall disclose, in an affidavit to be recorded therewith as a precondition to recordation, the name, address, and citizenship of the nonresident alien. In addition, if the nonresident alien is a partnership, limited partnership, corporation or trust, the affidavit shall also disclose the names, addresses, and citizenship of the nonresident alien individuals who are the beneficial owners of such entities. However, any partnership, limited partnership, corporation, or trust which has a class of equity securities registered with the United States securities and exchange commission under section 12 of the Securities Exchange Act of 1934 as amended to January 1, 1978, need only state that fact on the affidavit.

4. Failure to record a conveyance or lease of agricultural land required to be recorded by this section by the grantee or lessee within the specified time limit is punishable by a fine not to exceed one hundred dollars per day for each day of violation. The county recorder shall record a conveyance or lease of agricultural land presented for recording even though not presented within one hundred eighty days after the date of conveyance or lease. The county recorder shall forward to the county attorney a copy of each such conveyance or lease of agricultural land recorded more than one hundred eighty days from the date of conveyance. The county attorney shall initiate action in the district court to enforce the provisions of this section. Failure to timely record shall not invalidate an otherwise valid conveyance or lease.

5. If a real estate contract or lease is required to be recorded under this section, the requirement is satisfied by recording either the entire real estate contract or lease or a memorandum of the contract or lease containing at least the names and addresses of all parties named in the contract or lease, a description of all real property and interests therein subject to the contract or lease, the length of the contract or initial term of the lease, and in the case of a lease a statement as to whether any of the named parties have or are subject to renewal rights, and if so, the event or condition upon which renewal occurs, the number of renewal terms and the length of each, and in the case of a real estate contract a statement as to whether the seller is entitled to the remedy of forfeiture and as to the dates upon which payments are due. This ~~unnumbered paragraph~~ subsection is effective July 1, 1980, for all contracts and leases of agricultural land made on or after July 1, 1980.

6. The provisions of this section except as otherwise provided, are effective July 1, 1979, for all conveyances and leases of agricultural land made on or after July 1, 1979.

Sec. 103. Section 602.1206, subsection 2, Code 2015, is amended to read as follows:

2. Supreme court rules shall be published as provided in section ~~2B.5~~ 2B.5B.

Sec. 104. Section 602.4201, subsection 2, Code 2015, is amended to read as follows:

2. Rules of appellate procedure relating to appeals to and review by the supreme court, discretionary review by the courts of small claims actions, review by the supreme court by writ of certiorari to inferior courts, appeal to or review by the court of appeals of a matter transferred to that court by the supreme court, and further review by the supreme court of decisions of the court of appeals, shall be known as "Rules of Appellate Procedure", and shall be published as provided in section ~~2B.5~~ 2B.5B.

Sec. 105. Section 602.9115A, Code 2015, is amended to read as follows:

602.9115A Optional annuity for judge and survivor.

1. In lieu of the annuities and refunds provided for judges and judges' survivors under sections 602.9107, 602.9108, 602.9115, 602.9204, 602.9208, and 602.9209, judges may elect to receive an optional retirement annuity during the judge's lifetime and have the optional retirement annuity, or a designated fraction of the optional retirement annuity, continued and paid to the judge's survivor after the judge's death and during the lifetime of the survivor.

2. The judge shall make the election request in writing to the state court administrator prior to retirement. The election is subject to the approval of the state court administrator. The judge may revoke the election prior to retirement by written request to the state court administrator, but cannot revoke the election after retirement.

3. The optional retirement annuity shall be the actuarial equivalent of the amounts of the annuities payable to judges and survivors under sections 602.9107, 602.9115, 602.9204, 602.9208, and 602.9209. The actuarial equivalent shall be based on the mortality and interest assumptions set out in section 602.9107, subsection 3.

4. a. If the judge dies without a survivor, prior to retirement or prior to receipt in annuities of an amount equal to the total amount remaining to the judge's credit at the time of separation from service, the election is null and void and the refunding provisions of section 602.9108 apply.

b. If the judge dies with a survivor prior to retirement, the election remains valid and the survivor is entitled to receive the annuity beginning at the death of the judge.

c. If the judge dies with a survivor and the survivor subsequently dies prior to receipt in annuities by both the judge and the survivor of an amount equal to the total amount remaining

to the judge's credit at the time of separation from service, the election remains valid and the refunding provision of section 602.9115 applies.

Sec. 106. Section 626.80, Code 2015, is amended to read as follows:

626.80 Time and manner.

1. The sale must be at public auction, between ~~nine o'clock in the forenoon~~ 9:00 a.m. and ~~four o'clock in the afternoon~~ 4:00 p.m., and the hour of the commencement of the sale must be fixed in the notice.

2. The sheriff shall receive and give a receipt for a sealed written bid submitted prior to the public auction. The sheriff may require all sealed written bids to be accompanied by payment of any fees required to be paid at the public auction by the purchaser, to be returned if the person submitting the sealed written bid is not the purchaser. The sheriff shall keep all written bids sealed until the commencement of the public auction, at which time the sheriff shall open and announce the written bids as though made in person. A party who has appeared in the foreclosure may submit a written bid, which shall include a facsimile number or electronic mail address where the party can be notified of the results of the sale. If a party submitting a winning written bid does not pay the amount of the bid in certified funds in the manner in which the sheriff in the notice directs, such bid shall be deemed canceled and the sheriff shall certify the next highest bidder as the successful bidder of the sale either within twenty-four hours for an electronic funds transfer or forty-eight hours otherwise, of notification of the sale results. A sheriff may refuse to accept written bids from a bidder other than the judgment creditor if the bidder or the bidder's agent in the action has demonstrated a pattern of nonpayment on previously accepted bids.

Sec. 107. Section 626.84, Code 2015, is amended to read as follows:

626.84 Plan of division of land.

At any time before ~~nine o'clock~~ 9:00 a.m. of the day of the sale, the debtor may deliver to the officer a plan of division of the land levied on, subscribed by the debtor, and in that case the officer shall sell, according to said plan, so much of the land as may be necessary to satisfy the debt and costs, and no more. If no such plan is furnished, the officer may sell without any division.

Sec. 108. Section 633.517, subsection 1, Code 2015, is amended to read as follows:

1. A written finding of presumed death, made by the secretary of defense, or other officer or employee of the United States authorized to make such finding, pursuant to the federal Missing Persons Act, 56 Stat. 143, 1092, and ~~PL. Pub. L. No.~~ Pub. L. No. 408, Ch. 371, 2d Session 78th Congress codified at 10 U.S.C. §1501 et seq., as now or hereafter amended, or a duly certified copy of such a finding, shall be received in any court, office, or other place in this state, as evidence of the death of the person therein found to be dead, and of the date, circumstances, and place of the disappearance.

Sec. 109. Section 633B.204, subsection 3, Code 2015, is amended to read as follows:

3. Pledge or mortgage an interest in real property or ~~a~~ right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal.

Sec. 110. Section 633B.210, subsection 1, Code 2015, is amended to read as follows:

1. Continue, pay the premium or make a contribution on, or modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal which insures or provides an annuity to either the principal or another person whether or not the principal is a beneficiary under the contract.

Sec. 111. Section 633B.302, Code 2015, is amended to read as follows:

633B.302 Agent's certification — optional form.

The following optional form may be used by an agent to certify facts concerning a power of attorney:

IOWA STATUTORY POWER OF ATTORNEY AGENT'S
CERTIFICATION FORM
AGENT'S CERTIFICATION OF VALIDITY OF POWER OF
ATTORNEY AND AGENT'S AUTHORITY

State of _____
County of _____

I, _____ (name of agent), certify under penalty of perjury that _____ (name of principal) granted me authority as an agent or successor agent in a power of attorney dated _____.

I further certify all of the following to my knowledge:

The principal is alive and has not revoked the power of attorney or the Power power of Attorney attorney and my authority to act under the Power power of Attorney attorney have not terminated.

If the power of attorney was drafted to become effective upon the happening of an event or contingency, the event or contingency has occurred.

If I was named as a successor agent, the prior agent is no longer able or willing to serve.

_____.

(Insert other relevant statements)
SIGNATURE AND ACKNOWLEDGMENT

Agent's Signature _____ Date _____

Agent's Name Printed _____

Agent's Address _____

Agent's Telephone Number _____

This document was acknowledged before me on _____
(date), by _____ (name of agent)
(Seal, if any)

Signature of Notary _____

My commission expires _____

This document prepared by _____

Sec. 112. Section 673.3, Code 2015, is amended to read as follows:

673.3 Notice required.

1. A domesticated animal professional shall post and maintain a sign on real property in which the professional holds an interest, if the professional conducts domesticated animal activities on the property. The location of the sign may be near or on a stable, corral, or arena owned or controlled by the domesticated animal professional. The sign must be clearly visible to a participant. This section does not require a sign to be posted on a domesticated animal or a vehicle powered by a domesticated animal. The notice shall appear in black letters a minimum of one inch high and in the following form:

WARNING

Under Iowa law, a domesticated animal professional is not liable for damages suffered by, an injury to, or the death of a participant resulting from the inherent risks of domesticated animal activities, pursuant to Iowa Code chapter 673. You are assuming inherent risks of participating in this domesticated animal activity.

2. If a written contract is executed between a domesticated animal professional and a participant involving domesticated animal activities, the contract shall contain the same notice in clearly readable print. In addition, the contract shall include the following disclaimer:

A number of inherent risks are associated with a domesticated animal activity. A domesticated animal may behave in a manner that results in damages to property or an injury or death to a person. Risks associated with the activity may include injuries caused by bucking, biting, stumbling, rearing, trampling, scratching, pecking, falling, or butting.

The domesticated animal may react unpredictably to conditions, including, but not limited to, a sudden movement, loud noise, an unfamiliar environment, or the introduction of unfamiliar persons, animals, or objects.

The domesticated animal may also react in a dangerous manner when a condition or treatment is considered hazardous to the welfare of the animal; a collision occurs with an object or animal; or a participant fails to exercise reasonable care, take adequate precautions, or use adequate control when engaging in a domesticated animal activity, including failing to maintain reasonable control of the animal or failing to act in a manner consistent with the person's abilities.

Sec. 113. Section 714.16, subsection 5, paragraph c, Code 2015, is amended to read as follows:

c. As to any person other than a natural person, in the manner provided in the ~~Rules~~ rules of Civil Procedure civil procedure as if a petition had been filed; or

DIVISION II CODE EDITOR DIRECTIVES

Sec. 114. CODE EDITOR DIRECTIVES.

1. Sections 159.23 and 669.12, Code 2015, are amended by striking the words "director of management" and inserting in lieu thereof the words "director of the department of management".

2. Sections 8.6, subsection 6; 12.26, subsections 2 and 3; 88.2, subsection 5; 99G.39, subsection 2; 234.6, subsection 3; 456A.19, subsection 2; 602.1301, subsection 2, paragraph "a", unnumbered paragraph 1; and 602.1301, subsection 2, paragraph "b", Code 2015, are amended by striking the words "director of management" and inserting in lieu thereof the words "director of the department of management".

3. Sections 147A.1, subsection 9; and 147A.17, subsection 1, Code 2015, are amended by striking the words "north central association of colleges and schools" and inserting in lieu thereof the words "higher learning commission".

4. Sections 28J.27 and 321H.1, Code 2015, are amended by striking the words "director of the state department of transportation" and inserting in lieu thereof the words "director of transportation".

5. Sections 225B.4, subsection 1, paragraph "e"; 321.1, subsection 20; and 602.8102, subsection 53, Code 2015, are amended by striking the words "director of the state department of transportation" and inserting in lieu thereof the words "director of transportation".

6. Sections 6B.2A, subsection 4; 423B.1, subsection 6, paragraph "b"; 423B.3, unnumbered paragraph 2; 423B.4, subsection 2; and 466B.3, subsection 4, paragraph "h", Code 2015, are amended by striking the words "director of the department of transportation" and inserting in lieu thereof the words "director of transportation".

7. Section 148C.8, Code 2015, is amended by striking the words "physician's assistant" and inserting in lieu thereof the words "physician assistant".

8. Sections 280.16, subsection 1, paragraph “b”; 321.375, subsection 1, paragraph “d”; 321.376, subsection 1; and 321L.2A, subsection 1, paragraph “e”, Code 2015, are amended by striking the words “physician’s assistant” and inserting in lieu thereof the words “physician assistant”.

9. The Code editor is directed to number unnumbered paragraphs within sections 299.5A, 425.2, 425.3, 426A.13, 426A.14, 453B.10, 453B.12, 499.27, 524.607, 543B.16, 602.9115, and 669.4, Code 2015, in accordance with established Code section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

Approved April 8, 2015

CHAPTER 30

SUBSTANTIVE CODE CORRECTIONS

H.F. 536

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 effective date and retroactive applicability provisions.

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

DIVISION I

MISCELLANEOUS CHANGES

Section 1. Section 8A.315, subsection 5, Code 2015, 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” and “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. 2. Section 8A.504, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. Before setoff, the public agency shall obtain and forward to the collection entity the full name and social security number of the person liable to ~~the public agency~~ or to whom a claim is owing who is a natural person. If the person is not a natural person, before setoff, the public agency shall forward to the collection entity the information concerning the person as the collection entity shall, by rule, require. The collection entity shall cooperate with other public agencies in the exchange of information relevant to the identification of persons liable to or claimants of public agencies. However, the collection entity shall provide only relevant information required by a public agency. The information shall be held in confidence and used for the purpose of setoff only. Section 422.72, subsection 1, does not apply to this paragraph.

Sec. 3. Section 12B.10, subsection 5, paragraph a, subparagraphs (6) and (7), Code 2015, are amended to read as follows:

(6) An open-end management investment company registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. §80a §80a-1, and operated in accordance with 17 C.F.R. §270.2a-7.

(7) A joint investment trust organized pursuant to chapter 28E prior to and existing in good standing on the effective date of this Act or a joint investment trust organized pursuant to chapter 28E after April 28, 1992, provided that the joint investment trust shall either be rated within the two highest classifications by at least one of the standard rating services approved by the superintendent of banking by rule adopted pursuant to chapter 17A and operated in accordance with 17 C.F.R. §270.2a-7, or be registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. ~~§80a~~ §80a-1, and operated in accordance with 17 C.F.R. §270.2a-7. The manager or investment advisor of the joint investment trust shall be registered with the federal securities and exchange commission under the Investment Advisor Act of 1940, 15 U.S.C. ~~§80b~~ §80b-1.

Sec. 4. Section 12B.10, subsection 6, paragraph 1, Code 2015, is amended to read as follows:

1. Investments in a qualified trust established pursuant to governmental accounting standards board statement number forty-three that is governed by a board of trustees of a joint investment trust organized pursuant to chapter 28E and that is registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. ~~§80a~~ §80a-1.

Sec. 5. Section 12B.10C, subsection 2, Code 2015, is amended to read as follows:

2. As used in this section, “*public funds custodial agreement*” means any contractual arrangement pursuant to which one or more persons, including but not limited to investment advisors, investment companies, trustees, agents and custodians, are authorized to act as a custodian of or to designate another person to act as a custodian of public funds or any security or document of ownership or title evidencing public funds investments other than custodial agreements between an open-end management investment company registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. ~~§80a~~ §80a-1 and a custodian bank.

Sec. 6. Section 13.2, subsection 1, paragraph p, Code 2015, is amended to read as follows:

p. Submit a report by January 15 of each year to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, to the executive council, and to the legislative services agency detailing the amount of annual money receipts generated by each settlement or judgment in excess of two hundred fifty thousand dollars collected pursuant to legal proceedings under chapters 455B, 553, and 714. The report shall include the name of the civil or criminal case involved, the court of jurisdiction, the settlement amount, ~~including~~ the state’s share of the settlement amount, the name of the fund in which the receipts were deposited, and the planned use of the moneys.

Sec. 7. Section 13.32, subsection 1, paragraph a, subparagraphs (1) and (2), Code 2015, are amended to read as follows:

(1) A mission statement and table of organization of the department of justice relating to the victim assistance grant programs, a program summary, and statistics, including but not limited to sources and uses of funds and the numbers of victims served.

(2) An itemization of out-of-state travel expenses incurred by an employee of the department of justice and an itemization of ~~such~~ travel expenses paid to a contractor.

Sec. 8. Section 13C.1, Code 2015, is amended by adding the following new unnumbered paragraph before subsection 1:

NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless the context otherwise requires:

Sec. 9. Section 15.105, subsection 1, paragraph a, subparagraph (1), subparagraph division (a), Code 2015, is amended to read as follows:

(a) Two members from each United States congressional district established under section 40.1 in the state.

Sec. 10. Section 15.294, subsection 4, Code 2015, is amended by striking the subsection.

Sec. 11. Section 15.333, subsection 2, unnumbered paragraph 1, Code 2015, is amended to read as follows:

For purposes of this ~~subsection~~ section, “*new investment directly related to new jobs created by the project*” means the cost of machinery and equipment, as defined in section 427A.1, subsection 1, paragraphs “e” and “j”, purchased for use in the operation of the eligible business, the purchase price of which has been depreciated in accordance with generally accepted accounting principles, the purchase price of real property and any buildings and structures located on the real property, and the cost of improvements made to real property which is used in the operation of the eligible business. “*New investment directly related to new jobs created by the project*” also means the annual base rent paid to a third-party developer by an eligible business for a period not to exceed ten years, provided the cumulative cost of the base rent payments for that period does not exceed the cost of the land and the third-party developer’s costs to build or renovate the building for the eligible business. The eligible business shall enter into a lease agreement with the third-party developer for a minimum of five years. If, however, within five years of purchase, the eligible business sells, disposes of, razes, or otherwise renders unusable all or a part of the land, buildings, or other existing structures for which tax credit was claimed under this section, the tax liability of the eligible business for the year in which all or part of the property is sold, disposed of, razed, or otherwise rendered unusable shall be increased by one of the following amounts:

Sec. 12. Section 16.1A, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. Programs established by the authority which the authority finds useful and convenient to further goals of the authority and which are consistent with the legislative findings. Such programs shall be administered in accordance with ~~section 16.4~~ subchapter III. Such additional programs shall be administered in accordance with rules, if any, which the authority determines useful and convenient to adopt pursuant to chapter 17A.

Sec. 13. Section 16.2A, Code 2015, is amended to read as follows:

16.2A Title guaranty division — board.

1. A title guaranty division is created within the authority. The division may also be referred to as Iowa title guaranty. The powers of the division relating to the issuance of title guaranties are vested in and shall be exercised by a title guaranty division board of five members appointed by the governor subject to confirmation by the senate. The membership of the title guaranty division board shall include an attorney, an abstractor, a real estate broker, a representative of a lending institution that engages in mortgage lending, and a representative of the housing development industry. The executive director of the authority shall appoint an attorney as director of the title guaranty division, who shall serve as an ex officio member of the title guaranty division board. The appointment of and compensation for the division director are exempt from the merit system provisions of chapter 8A, subchapter IV.

2. Members of the title guaranty division board shall be appointed by the governor for staggered terms of six years beginning and ending as provided in section 69.19. A person shall not serve on the title guaranty division board while serving on the authority board. A person appointed to fill a vacancy shall serve only for the unexpired portion of the term. A member is eligible for reappointment. A member of the title guaranty division board may be removed from office by the governor for misfeasance, malfeasance, or willful neglect of duty or for other just cause, after notice and hearing, unless notice and hearing is expressly waived in writing.

3. Three members of the title guaranty division board shall constitute a quorum. An affirmative vote of a majority of the appointed members is necessary for any substantive action taken by the division.

4. Members of the title guaranty division board are entitled to receive a per diem as specified in section 7E.6 for each day spent in performance of duties as members and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as members.

5. Members of the title guaranty division board and the ~~executive~~ director shall give bond as required for public officers in chapter 64.

6. Meetings of the title guaranty division board shall be held at the call of the chair of the title guaranty division board or on written request of two members.

7. Members shall elect a chair and vice chair annually and other officers as they determine. The executive director shall serve as secretary to the title guaranty division board.

8. The net earnings of the division, beyond that necessary for reserves, backing, guaranties issued, or to otherwise implement the public purposes and programs authorized, shall not inure to the benefit of any person other than the state and are subject to section 16.2, subsection 8.

Sec. 14. Section 16.2B, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. Obtain agricultural assets transfer tax credits, including ~~by issuing~~ tax credit certificates issued pursuant to subchapter VIII, part 5.

Sec. 15. Section 16.2D, subsection 1, Code 2015, is amended to read as follows:

1. A council on homelessness is created consisting of thirty-eight voting members. At all times, at least one voting member ~~at all times~~ shall be a member of a minority group.

Sec. 16. Section 16.7, subsection 2, Code 2015, is amended to read as follows:

2. The annual report shall contain at least three parts which include all of the following:

a. A general description of the authority setting forth:

(1) ~~Its operations~~ Operations and accomplishments.

(2) ~~Its receipts~~ Receipts and expenditures during the fiscal year, in accordance with the classifications ~~it~~ the authority establishes for its operating and capital accounts.

(3) ~~Its assets~~ Assets and liabilities at the end of ~~its~~ the fiscal year and the status of reserve, special, and other funds.

(4) A schedule of ~~its~~ bonds and notes outstanding at the end of ~~its~~ the fiscal year, together with a statement of the amounts redeemed and issued during ~~its~~ the fiscal year.

(5) A statement of ~~its~~ proposed and projected activities.

(6) Recommendations to the general assembly, as ~~it~~ the authority deems necessary.

(7) Performance goals of the authority, clearly indicating the extent of progress during the reporting period in attaining the goals.

b. A summary of housing programs administered under this chapter. The summary shall include an analysis of current housing needs in this state. Where possible, results shall be expressed in terms of housing units.

c. A summary of agricultural development programs administered under subchapter VIII. Where possible, findings and results shall be expressed in terms of number of loans, tax credits, participating qualified beginning farmers, and acres of agricultural land, ~~including~~ by county.

Sec. 17. Section 16.16, subsection 3, Code 2015, is amended to read as follows:

3. The treasurer of state shall not be subject to personal liability resulting from carrying out the powers and duties of the authority or the treasurer of state, as applicable, in subchapter X, part 45 9.

Sec. 18. Section 16.17, Code 2015, is amended to read as follows:

16.17 Rules.

1. The authority shall adopt pursuant to chapter 17A all rules necessary to administer this chapter.

2. The authority may adopt rules which establish ~~by rule~~ further definitions applicable to this chapter, and ~~clarification of~~ clarify the definitions in this chapter, as ~~it~~ the authority deems convenient and necessary to carry out the public purposes of this chapter including all the following:

a. Any rules necessary to assure eligibility for funds available under federal housing laws, or to assure compliance with federal tax laws relating to the issuance of tax exempt bonds

pursuant to the Internal Revenue Code or relating to the allowance of low-income credits under Internal Revenue Code §42.

b. Any rule as necessary to assure eligibility for funds, insurance, or guaranties available under federal laws and to carry out the public purposes of subchapter VIII.

3. The authority may adopt rules pursuant to chapter 17A relating to the purchase and sale of residential mortgage loans and the sale of mortgage-backed securities.

Sec. 19. Section 16.26, subsection 6, Code 2015, is amended to read as follows:

6. The authority may issue negotiable bond anticipation notes and may renew them from time to time but the maximum maturity of the notes, including renewals, shall not exceed ten years from the date of issue of the original notes. Bond anticipation notes are payable from any available moneys of the authority not otherwise pledged, or from the proceeds of the sale of bonds of the authority in anticipation of which the bond anticipation notes were issued. Bond anticipation notes may be issued for any corporate purpose of the authority. Bond anticipation notes shall be issued in the same manner as bonds and ~~bond anticipation notes~~, and the resolution authorizing them may contain any provisions, conditions, or limitations, not inconsistent with the provisions of this subsection, which the bonds or a bond resolution of the authority may contain. Bond anticipation notes may be sold at public or private sale. In case of default on its bond anticipation notes or violation of any obligations of the authority to the noteholders, the noteholders shall have all the remedies provided in this chapter for bondholders. Bond anticipation notes shall be as fully negotiable as bonds of the authority.

Sec. 20. Section 16.27A, Code 2015, is amended to read as follows:

16.27A Powers relating to loans.

Subject to any agreement with bondholders or noteholders, the authority may renegotiate a mortgage or secured loan or a loan to a lending institution in default, waive a default or consent to the modification of the terms of a mortgage or secured loan or a loan to a lending institution, forgive or forbear all or part of a mortgage or secured loan or a loan to a lending institution, and commence, prosecute, and enforce a judgment in any action, including but not limited to a foreclosure action, to protect or enforce any right conferred upon it by law, mortgage or secured loan agreement, contract, or other agreement, and in connection with any action, bid for and purchase the property or acquire or take possession of it, complete, administer, pay the principal of and interest on any obligations incurred in connection with the property, and dispose of and otherwise deal with the property in a manner the authority deems advisable to protect its interests.

Sec. 21. Section 16.50, subsection 3, paragraph b, subparagraph (1), Code 2015, is amended to read as follows:

(1) Projects that are eligible for historic preservation and cultural and entertainment district tax credits under ~~section 404A.2~~ chapter 404A.

Sec. 22. Section 16.59, unnumbered paragraph 1, Code 2015, is amended to read as follows:

~~A low or moderate net worth requirement~~ To receive financing as provided in this subchapter, applies to an individual, partnership, family farm corporation, or family farm limited liability company shall meet the applicable low or moderate net worth requirements established in this section. ~~The requirement as applied that applies to each such person is calculated~~ determined as follows:

Sec. 23. Section 16.64, subsection 1, Code 2015, is amended to read as follows:

1. ~~An~~ The authority shall publish a notice of intention to issue bonds or notes. After sixty days from the date of publication of the notice, an action shall not be brought questioning the legality of any bonds or notes or the power of the authority to issue any bonds or notes or to the legality of any proceedings in connection with the authorization or issuance of the bonds or notes after determination by the board of the authority to proceed with the issuance of the bonds or notes sixty days from the date of publication of the notice.

Sec. 24. Section 16.76, subsections 1 and 2, Code 2015, are amended to read as follows:

1. As used in this section, "loan" includes ~~but is not limited to mortgage or secured loans; loans insured, guaranteed, or otherwise secured by the federal government or a federal governmental agency or instrumentality, or a state agency or private mortgage insurers; and financing pursuant to an installment contract or contract for purchase arrangement.~~

2. The authority may make loans, ~~including but not limited to mortgage or secured loans, or loans insured, guaranteed, or otherwise secured by the federal government or a federal governmental agency or instrumentality, or a state agency or private mortgage insurers, to beginning farmers to provide financing for agricultural land and agricultural improvements or depreciable agricultural property.~~

Sec. 25. Section 16.78, subsection 1, Code 2015, is amended to read as follows:

1. To every extent practicable, the authority shall administer tax credits under the beginning farmer tax credit program in a uniform manner that encourages participation by qualified beginning farmers. The authority shall determine a qualified beginning farmer's low or moderate net worth by using a single method applicable to all its programs as provided under section 16.59, including the beginning farmer tax credit program.

Sec. 26. Section 16.92, subsection 1, paragraph d, Code 2015, is amended to read as follows:

d. "Division board" means the board of directors of the title guaranty division of the Iowa ~~finance~~ authority.

Sec. 27. Section 17A.5, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. (1) Subject to applicable constitutional or statutory provisions, a rule becomes effective immediately upon filing with the administrative rules coordinator, or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, indexing and publication, if the agency finds:

(1) ~~(a)~~ That a statute so provides;

(2) ~~(b)~~ That the rule confers a benefit or removes a restriction on the public or some segment thereof; or

(3) ~~(c)~~ That this effective date is necessary because of imminent peril to the public health, safety or welfare.

(2) In any subsequent action contesting the effective date of a rule promulgated under this paragraph "b", the burden of proof shall be on the agency to justify its finding. The agency's finding and a brief statement of the reasons therefor shall be filed with and made a part of the rule. Prior to indexing and publication, the agency shall make reasonable efforts to make known to the persons who may be affected by it a rule made effective under the terms of this paragraph "b".

Sec. 28. Section 28M.7, subsections 2 and 3, Code 2015, are amended to read as follows:

2. A regional transit district may disclose aggregate data on user and customer transaction history and fare card use to ~~government~~ governmental entities, organizations, school districts, educational institutions, and employers that subsidize or provide fare cards to their clients, students, or employees. ~~Government~~ Governmental entities, organizations, school districts, educational institutions, and employers may use the aggregate data only for purposes of measuring and promoting fare card use and evaluating the cost-effectiveness of their fare card programs. The disclosure of nonaggregate or personalized data on user and customer transaction history and fare card use to ~~government~~ governmental entities, organizations, school districts, educational institutions, and employers shall be strictly prohibited.

3. A regional transit district may disclose data concerning applicants, users, and customers collected by or through personalized internet services or a fare collection system to another ~~government~~ governmental entity to prevent a breach of security regarding electronic systems maintained by the regional transit district or the governmental entity, or pursuant to a subpoena issued in connection with a civil or criminal investigation.

Sec. 29. Section 29B.116, Code 2015, is amended to read as follows:

29B.116 General article.

~~Subject to section 29B.116A, though~~ Though not specifically mentioned in this code, ~~and subject to section 29B.116A,~~ all disorders and neglects to the prejudice of good order and discipline in the state military forces and all conduct of a nature to bring discredit upon the state military forces, of which persons subject to this code may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court.

Sec. 30. Section 29B.116B, Code 2015, is amended to read as follows:

29B.116B Adjutant general report.

The adjutant general shall report annually, by January 15, to the governor and to the chairpersons and ranking members of the general assembly's standing committees on veterans affairs on the number of offenses described in section 29B.116A, subsection 1, which have been reported to civilian law enforcement authorities in the prior year, if such offenses were committed by a member of the state military forces against another member of the state military forces while both are subject to this code. The report shall provide such numbers by type of offense.

Sec. 31. Section 43.16, Code 2015, is amended to read as follows:

43.16 Return of papers, additions not allowed.

1. After a nomination paper has been filed, it shall not be returned to the person who has filed the paper, nor shall any signature or other information be added to the nomination paper.

2. *a.* A person who has filed nomination petitions with the state commissioner may withdraw as a candidate not later than the seventy-sixth day before the primary election by notifying the state commissioner in writing.

b. A person who has filed nomination papers with the commissioner may withdraw as a candidate not later than the sixty-seventh day before the primary election by notifying the commissioner in writing.

3. The name of a candidate who has withdrawn or died ~~at a time in accordance with this section on or before the final day to withdraw as a candidate for that office~~ shall be omitted from the certificate furnished by the state commissioner under section 43.22 and omitted from the primary election ballot.

Sec. 32. Section 68A.405, subsection 1, paragraph a, subparagraph (3), Code 2015, is amended to read as follows:

(3) "*Published material*" means any newspaper, magazine, shopper, outdoor advertising facility, poster, direct mailing, brochure, internet site, campaign sign, or any other form of printed or electronic general public political advertising. "*Published material*" includes television, video, or motion picture advertising.

Sec. 33. Section 80B.5, subsection 1, Code 2015, is amended to read as follows:

1. The administration of this chapter shall be vested in the office of the governor. Except for the director and deputy director of the academy, the staff as may be necessary for ~~the~~ the academy to function shall be employed pursuant to the Iowa merit system.

Sec. 34. Section 96.9, subsection 6, Code 2015, is amended to read as follows:

6. *Management of funds in the event of discontinuance of unemployment trust fund.* The provisions of subsections 1, 2, and 3 to the extent that they relate to the unemployment trust fund shall be operative only so long as such unemployment trust fund continues to exist and so long as the secretary of the treasury of the United States continues to maintain for this state a separate book account of all funds deposited therein by this state for benefit purposes, together with this state's proportionate share of the earnings of such unemployment trust fund, from which no other state is permitted to make withdrawals. If and when such unemployment trust fund ceases to exist, or such separate book account is no longer maintained, all moneys, properties, or securities therein, belonging to the unemployment compensation fund of this state shall be transferred to the treasurer of the unemployment compensation fund, who shall hold, invest, transfer, sell, deposit, and release such moneys,

properties, or securities in a manner approved by the director, treasurer of state, and governor, in accordance with the provisions of this chapter:—~~Provided, provided that such moneys shall be invested in the following such~~ readily marketable classes of securities; ~~such securities~~ as are authorized by the laws of the state of Iowa for the investment of trust funds. The treasurer shall dispose of securities and other properties belonging to the unemployment compensation fund only under the direction of the director, treasurer of state, and governor.

Sec. 35. Section 96.14, subsection 4, Code 2015, is amended to read as follows:

4. *Priorities under legal dissolutions or distributions.* In the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this state, including any receivership, assignment for benefit of creditors, adjudicated insolvency, composition, or similar proceeding, contributions then or thereafter due shall be paid in full prior to all other claims except taxes and claims for wages preferred as provided by statute. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the federal Bankruptcy Act of 1898, as amended, contributions then or thereafter due shall be entitled to such priority as is provided in section 64 "a" of that Act [~~11 U.S.C. §104 "b", as amended~~], 11 U.S.C. §507.

Sec. 36. Section 96.20, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. Reimbursements so payable shall be deemed to be benefits for the purposes of section 96.3, subsection 5, paragraph "a", and section 96.9, but no reimbursement so payable shall be charged against any employer's account for the purposes of section 96.7, unless wages so transferred are sufficient to establish a valid claim in Iowa, and that such charges shall not exceed the amount that would have been charged on the basis of a valid claim. The department is hereby authorized to make to other state or federal agencies and receive from such other state or federal agencies, reimbursements from or to the fund, in accordance with arrangements pursuant to this section. The department shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under this ~~Act~~ chapter with the individual's wages and employment covered under the unemployment compensation laws of other states which are approved by the United States secretary of labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws, and avoiding the duplication use of wages and employment by reason of such combining.

Sec. 37. Section 99.27, Code 2015, is amended to read as follows:

99.27 Mulct tax.

When a permanent injunction issues against any person for maintaining a nuisance as ~~herein~~ defined in section 99.1A, or against any owner or agent of the building kept or used for the purpose prohibited by this chapter, there shall be imposed upon said building and the ground upon which the same is located and against the person or persons maintaining ~~said~~ the nuisance and the owner or agent of ~~said~~ the premises, a mulct tax of three hundred dollars. ~~The imposing of said the mulct tax shall be made by the court as a part of the proceeding.~~

Sec. 38. Section 105.18, subsection 3, paragraph d, Code 2015, is amended to read as follows:

d. An individual that holds either a master or journeyman mechanical license or a master or journeyman HVAC-refrigeration license shall be exempt from having to obtain a special electrician's license pursuant to chapter 103 in order to ~~perform~~ disconnect and reconnect of existing air conditioning and refrigeration systems.

Sec. 39. Section 123.5, Code 2015, is amended to read as follows:

123.5 Alcoholic beverages commission created — appointment — removal — vacancies.

1. An alcoholic beverages commission is created within the division. The commission is composed of five members, not more than three of whom shall belong to the same political party.

2. Members shall be appointed by the governor, subject to confirmation by the senate. Appointments shall be for five-year staggered terms beginning and ending as provided by section 69.19. A member may be reappointed for one additional term.

3. Members of the commission shall be chosen on the basis of managerial ability and experience as business executives. Not more than two members of the commission may be the holder of or have an interest in a permit or license to manufacture alcoholic liquor, wine, or beer or to sell alcoholic liquor, wine, or beer at wholesale or retail.

4. Any commission member shall be subject to removal for any of the causes and in the manner provided by chapter 66 relating to removal from office. Removal shall not be in lieu of any other punishment that may be prescribed by the laws of this state.

5. Any vacancy on the commission shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term.

Sec. 40. Section 123.11, Code 2015, is amended to read as follows:

123.11 Expenses Compensation and expenses.

Members of the commission, the administrator, and other employees of the division shall be allowed their actual and necessary expenses while traveling on business of the division outside of their place of residence, however, an itemized account of such expenses shall be verified by the claimant and approved by the administrator. If such account is paid, the same shall be filed with the division and be and remain a part of its permanent records. Each member appointed to the commission is entitled to receive reimbursement of actual expenses incurred while attending meetings. Each member of the commission may also be eligible to receive compensation as provided in section 7E.6. All expenses and salaries of commission members, the administrator, and other employees shall be paid from appropriations for such purposes and the division shall be subject to the budget requirements of chapter 8.

Sec. 41. Section 123.17, Code 2015, is amended to read as follows:

123.17 Prohibition Prohibitions on commission members and employees.

1. Commission members, officers, and employees of the division shall not, while holding such office or position, ~~hold~~ do any of the following:

a. Hold any other office or position under the laws of this state, or any other state or territory or of the United States; nor engage.

b. Engage in any occupation, business, endeavor, or activity which would or does conflict with their duties under this chapter; nor, directly.

c. Directly or indirectly, use their office or employment to influence, persuade, or induce any other officer, employee, or person to adopt their political views or to favor any particular candidate for an elective or appointive public office; nor, directly.

d. Directly or indirectly, solicit or accept, in any manner or way, any money or other thing of value for any person seeking an elective or appointive public office, or to any political party or any group of persons seeking to become a political party.

2. Except as provided in section 123.5, subsection 3, a commission member or division employee shall not, directly or indirectly, individually, or as a member of a partnership or shareholder in a corporation, have any interest in dealing in or in the manufacture of alcoholic liquor, wine, or beer, and shall not receive any kind of profit nor have any interest in the purchase or sale of alcoholic liquor, wine, or beer by persons so authorized under this chapter. However, this subsection does not prohibit any member or employee from lawfully purchasing and keeping alcoholic liquor, wine, or beer in the member's or employee's possession for personal use.

3. Any officer or employee violating this section or any other provisions of this chapter shall, in addition to any other penalties provided by law, be subject to suspension or discharge from employment. Any commission member shall, in addition to any other penalties provided by law, be subject to removal from office as provided by law chapter 66.

Sec. 42. Section 123.45, Code 2015, is amended to read as follows:

123.45 Limitations on business interests.

~~Except as provided in section 123.6, a commission member or division employee shall not, directly or indirectly, individually, or as a member of a partnership or shareholder in a corporation, have any interest in dealing in or in the manufacture of alcoholic liquor, wine, or beer, and shall not receive any kind of profit nor have any interest in the purchase or sale of alcoholic liquor, wine, or beer by persons so authorized under this chapter. However, this provision does not prohibit any member or employee from lawfully purchasing and keeping alcoholic liquor, wine, or beer in the member's or employee's possession for personal use.~~

1. A person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages, wine, or beer, or any jobber, representative, broker, employee, or agent of such a person, shall not directly do any of the following:

a. Directly or indirectly supply, furnish, give, or pay for any furnishings, fixtures, or equipment used in the storage, handling, serving, or dispensing of alcoholic beverages, wine, beer, or food within the place of business of a licensee or permittee authorized under this chapter to sell at retail; ~~nor shall the person directly.~~

b. Directly or indirectly extend any credit for alcoholic beverages or beer or pay for any such license or permit; ~~nor directly.~~

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; ~~nor hold.~~

d. Hold a retail liquor control license or retail wine or beer permit.

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.

3. A licensee or permittee who permits or assents to or is a party in any way to a violation or infringement of this section is guilty of a violation of this section.

Sec. 43. Section 123.70, Code 2015, is amended to read as follows:

123.70 Injunction against bootlegger.

A bootlegger as defined in ~~this chapter~~ section 123.59 may be restrained by injunction from doing or continuing to do any of the acts prohibited herein, and all the proceedings for injunctions, temporary and permanent, and for punishments for violation of the same as prescribed herein, shall be applicable to such person, and the fact that an offender has no known or permanent place of business, or base of supplies, or quits the business after the commencement of an action, shall not prevent a temporary or permanent injunction, as the case may be, from issuing.

Sec. 44. Section 123.83, Code 2015, is amended to read as follows:

123.83 Method of trial.

The trial of an action filed pursuant to section 123.82 shall be to the court and as in equity, and be governed by the same rules of evidence as contempt proceedings.

Sec. 45. Section 123.84, Code 2015, is amended to read as follows:

123.84 Judgment.

If the court after a hearing in an action filed pursuant to section 123.82 finds a liquor, wine, or beer nuisance has been maintained on the premises covered by the abatement bond and that liquor, wine, or beer has been sold or kept for sale on the premises contrary to law within one year from the date of the giving of the bond, then the court shall order the forfeiture of the bond and enter judgment for the full amount of the bond against the principal and sureties

on the bond, ~~and the~~. The lien on the real estate created pursuant to section 123.79 shall be decreed foreclosed and the court shall provide for a special and general execution for the enforcement of the decree and judgment.

Sec. 46. Section 123.85, Code 2015, is amended to read as follows:

123.85 Appeal.

Appeal from a judgment and decree entered pursuant to section 123.84 may be taken as in equity cases and the cause be triable de novo except that if the state appeals it need not file an appeal or supersedeas bond.

Sec. 47. Section 123.88, Code 2015, is amended to read as follows:

123.88 Evidence.

On the issue whether a party knew or ought to have known of ~~such a nuisance~~ described under section 123.60, evidence of the general reputation of the place shall be admissible.

Sec. 48. Section 123.122, Code 2015, is amended to read as follows:

123.122 Permit or license required.

A person shall not manufacture for sale or sell beer at wholesale or retail unless a permit is first obtained as provided in this ~~division~~ subchapter or, a liquor control license authorizing the retail sale of beer is first obtained as provided in division¹ I of this chapter. A liquor control license holder is not required to hold a separate class “B” beer permit.

Sec. 49. Section 123.123, Code 2015, is amended to read as follows:

123.123 Effect on liquor control licensees.

All applicable provisions of this ~~division~~ subchapter relating to class “B” beer permits shall apply to liquor control licensees in the purchasing, storage, handling, serving, and sale of beer.

Sec. 50. Section 123.143, subsection 2, Code 2015, is amended to read as follows:

2. All permit fees and taxes collected by the division under this ~~division~~ subchapter shall accrue to the state general fund, except as otherwise provided.

Sec. 51. Section 123.171, Code 2015, is amended to read as follows:

123.171 Wine certificate, permit, or license required.

A person shall not cause the manufacture, importation, or sale of wine in this state unless a certificate or permit as provided in this ~~division~~ subchapter, or a liquor control license as provided in ~~division~~ subchapter I of this chapter, is first obtained which authorizes that manufacture, importation, or sale.

Sec. 52. Section 123.172, Code 2015, is amended to read as follows:

123.172 Effect on liquor control licensees.

All applicable provisions of this ~~division~~ subchapter relating to class “B” wine permits apply to liquor control licensees in the purchasing, storage, handling, serving and sale of wine.

Sec. 53. Section 124.401, subsection 5, unnumbered paragraph 3, Code 2015, is amended by striking the unnumbered paragraph.

Sec. 54. Section 124D.4, subsection 6, Code 2015, is amended to read as follows:

6. *Card issuance — department of transportation.* The department may enter into a chapter 28E agreement with the department of transportation to facilitate the issuance of a cannabidiol registration ~~card~~ cards pursuant to subsections 1 and 3.

Sec. 55. Section 135.173A, subsections 1, 3, and 8, Code 2015, are amended to read as follows:

1. The early childhood ~~Iowa council~~ stakeholders alliance shall establish a state child care advisory committee as part of the ~~council~~ stakeholders alliance. The advisory committee shall

¹ See chapter 138, §26 herein

advise and make recommendations to the governor, general assembly, department of human services, and other state agencies concerning child care.

3. Except as otherwise provided, the voting members of the advisory committee shall be appointed by the council stakeholders alliance from a list of names submitted by a nominating committee to consist of one member of the advisory committee, one member of the department of human services' child care staff, three consumers of child care, and one member of a professional child care organization. Two names shall be submitted for each appointment. The voting members shall be appointed for terms of three years.

8. The advisory committee shall coordinate with the early childhood ~~Iowa council stakeholders alliance~~ its reporting annually in December to the governor and general assembly concerning the status of child care in the state, providing findings, and making recommendations. The annual report may be personally presented to the general assembly's standing committees on human resources by a representative of the advisory committee.

Sec. 56. Section 135.173A, subsection 4, paragraphs n and q, Code 2015, are amended to read as follows:

n. One designee of the ~~community empowerment~~ early childhood office of the department of management.

q. One person who represents the early childhood ~~Iowa council~~ stakeholders alliance.

Sec. 57. Section 135.173A, subsection 6, paragraph j, Code 2015, is amended to read as follows:

j. Advise and assist the early childhood ~~Iowa council stakeholders alliance~~ in developing the strategic plan required pursuant to section ~~135.173~~ 256I.4, subsection 4.

Sec. 58. Section 135C.33, subsection 2, paragraph b, subparagraph (1), Code 2015, is amended to read as follows:

(1) If a person being considered for employment, other than employment involving the operation of a motor vehicle, has been convicted of a crime listed in subparagraph (2) but does not have a record of founded child or dependent adult abuse and the licensee has requested an evaluation in accordance with paragraph "a" to determine whether the crime warrants prohibition of the person's employment, the licensee may employ the person for not more than sixty calendar days pending completion of the evaluation.

Sec. 59. Section 144.43, Code 2015, is amended to read as follows:

144.43 Vital records closed to inspection — exceptions.

1. To protect the integrity of vital statistics records, to ensure their proper use, and to ensure the efficient and proper administration of the vital statistics system kept by the state registrar, access to vital statistics records kept by the state registrar shall be limited to the state registrar and the state registrar's employees, and then only for administrative purposes.

2. ~~a.~~ It shall be unlawful for the state registrar to permit inspection of, or to disclose information contained in vital statistics records, or to copy or permit to be copied all or part of any such record except as authorized by ~~regulation rule~~.

~~b.~~ 3. However, the following vital statistics records may be inspected and copied as of right under chapter 22 when they are in the custody of a county registrar or when they are in the custody of the state archivist and are at least seventy-five years old:

(1) a. A record of birth.

(2) b. A record of marriage.

(3) c. A record of divorce, dissolution of marriage, or annulment of marriage.

(4) d. A record of death if that death was not a fetal death.

3. 4. A public record shall not be withheld from the public because it is combined with data processing software. The state registrar shall not implement any electronic data processing system for the storage, manipulation, or retrieval of vital records that would impair a county registrar's ability to permit the examination of a public record and the copying of a public record, as established by rule. If it is necessary to separate a public record from data processing software in order to permit the examination of the public record, the county registrar shall periodically generate a written log available for public inspection which contains the public record.

Sec. 60. Section 147.1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

For the purpose of this ~~and the following chapters of this~~ subtitle:

Sec. 61. Section 147.86, Code 2015, is amended to read as follows:

147.86 Penalties.

Any person violating any provision of this ~~or the following chapters of this~~ subtitle, except insofar as the provisions apply or relate to or affect the practice of pharmacy, or where a specific penalty is otherwise provided, shall be guilty of a serious misdemeanor.

Sec. 62. Section 157.1, subsection 27, Code 2015, is amended to read as follows:

27. "*School of cosmetology arts and sciences*" means an establishment ~~licensed~~ operated for the purpose of teaching cosmetology arts and sciences.

Sec. 63. Section 159.1, subsections 1, 2, and 4, Code 2015, are amended by striking the subsections.

Sec. 64. Section 172A.10, subsection 1, Code 2015, is amended to read as follows:

1. If any person who is required by this chapter to be licensed fails to obtain the required license, or if any person who is required by this chapter to maintain proof of financial responsibility fails to obtain or maintain such proof, or if any licensee fails to discontinue engaging in licensed activities when that person's license has been suspended, such failure shall be deemed a nuisance and the secretary may bring an action on behalf of the state to enjoin such nuisance. Such actions may be heard on not less than five days' notice to the person whose activities are sought to be enjoined. The failure to obtain a license when required, or the failure to obtain or maintain proof of financial responsibility shall constitute a violation of this chapter.

Sec. 65. Section 197.1, Code 2015, is amended to read as follows:

197.1 License.

1. Every person, partnership, or corporation engaged in the business of buying ~~for the market,~~ poultry or domestic fowls for the market from the producer ~~thereof,~~ shall obtain a license from the department for each establishment at which ~~said~~ business is conducted.

2. The word "*producer*" as ~~herein~~ used in this chapter shall include anyone not a licensed dealer who has acquired such poultry or domestic fowls other than through a licensed dealer.

Sec. 66. Section 198.7, subsection 1, paragraph f, Code 2015, is amended to read as follows:

f. If it is, or it bears or contains a new animal drug which is unsafe within the meaning of the federal Food, Drug, and Cosmetic Act, 21 U.S.C. §~~801~~ §360b et seq.

Sec. 67. Section 206.24, unnumbered paragraph 1, Code 2015, is amended to read as follows:

A program of education and demonstration in the area of the agricultural use of fertilizers and pesticides shall be initiated by the secretary of agriculture ~~on July 1, 1987~~. The secretary shall coordinate the activities of the state regarding this program.

Sec. 68. Section 206.32, subsection 1, Code 2015, is amended to read as follows:

1. A person shall not offer for sale, sell, purchase, apply, or use chlordane in this state, ~~on or after January 1, 1989~~.

Sec. 69. Section 215.23, Code 2015, is amended to read as follows:

215.23 Servicer's license.

A servicer shall not install, service, or repair a commercial weighing ~~or~~ and measuring device until the servicer has demonstrated that the servicer has available adequate testing equipment, and that the servicer possesses a working knowledge of all devices the servicer intends to install or repair and of all appropriate weights, measures, statutes, and rules, as evidenced by passing a qualifying examination to be conducted by the department and

obtaining a license. The secretary of agriculture shall establish by rule pursuant to chapter 17A, requirements for and contents of the examination. In determining these qualifications, the secretary shall consider the specifications of the United States national institute of standards and technology, handbook 44, "Specifications, tolerances, and technical requirements for commercial weighing and measuring devices", or the current successor or equivalent specifications adopted by the United States national institute of standards and technology. The secretary shall require an annual license fee of not more than five dollars for each license. Each license shall expire one year from date of issuance.

Sec. 70. Section 215.24, Code 2015, is amended to read as follows:

215.24 Rules.

The department of agriculture and land stewardship may promulgate adopt rules pursuant to chapter 17A as necessary to promptly and effectively enforce the provisions of this chapter.

Sec. 71. Section 218.95, subsection 1, Code 2015, is amended to read as follows:

1. For purposes of construing the provisions of this and the following subtitles of this title and chapters ~~16, 35B, 347B, 709A,~~ 904, 913, and 914 relating to persons with mental illness and reconciling these provisions with other former and present provisions of statute, the following terms shall be considered synonymous:

a. "Mentally ill" and "insane", except that the hospitalization or detention of any person for treatment of mental illness shall not constitute a finding or create a presumption that the individual is legally insane in the absence of a finding of incompetence made pursuant to section 229.27.

b. "Parole" and "convalescent leave".

c. "Resident" and "patient".

d. "Escape" and "depart without proper authorization".

e. "Warrant" and "order of admission".

f. "Escapee" and "patient".

g. "Sane" and "in good mental health".

h. "Asylum" and "hospital".

i. "Commitment" and "admission".

Sec. 72. Section 229.26, Code 2015, is amended to read as follows:

229.26 Exclusive procedure for involuntary hospitalization.

Sections 229.6 through 229.19 constitute the exclusive procedure for involuntary hospitalization of persons by reason of serious mental impairment in this state, except that this chapter does not negate the provisions of section 904.503 relating to transfer of prisoners with mental illness to state hospitals for persons with mental illness and does not apply to commitments of persons under chapter 812 or the rules of criminal procedure, Iowa court rules, or negate the provisions of section 232.51 relating to disposition of children with mental illness ~~or an intellectual disability~~.

Sec. 73. Section 230.11, Code 2015, is amended to read as follows:

230.11 Recovery of costs from state.

Costs and expenses attending the taking into custody, care, and investigation of a person who has been admitted or committed to a state hospital, United States department of veterans affairs hospital, or other agency of the United States government, for persons with mental illness and who has no residence in this state or whose residence is unknown, including cost of commitment, if any, shall be paid as a state case as approved by the administrator. The amount of the costs and expenses approved by the administrator is appropriated to the department from any money in the state treasury not otherwise appropriated. Payment shall be made by the department on itemized vouchers executed by the auditor of the county which has paid them, and approved by the administrator.

Sec. 74. Section 231D.16, subsection 1, Code 2015, is amended to read as follows:

1. Adult day services programs that are serving at least two but not more than five persons and that are not voluntarily accredited by a recognized accrediting entity prior to July 1, 2003, shall comply with this chapter ~~by June 30, 2005~~.

Sec. 75. Section 231E.13, Code 2015, is amended to read as follows:

231E.13 Implementation.

Implementation of this chapter is subject to availability of funding as determined by the department. ~~The department shall notify the Code editor upon implementation of this chapter.~~

Sec. 76. Section 232.46, subsection 1, paragraph a, subparagraph (3), Code 2015, is amended to read as follows:

(3) The performance of a work assignment of value to the state or to the public ~~making restitution consisting of a monetary payment to the victim or a work assignment directly of value to the victim.~~

Sec. 77. Section 232.46, subsection 1, paragraph a, Code 2015, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3A) Making restitution consisting of a monetary payment to the victim or a work assignment directly of value to the victim.

Sec. 78. Section 232.125, subsection 4, Code 2015, is amended to read as follows:

4. The petition shall state all of the following:

- a. The names and residences of the child, and
- b. The names and residences of the child's living parents, guardian, custodian, and guardian ad litem, if any, and the
- c. The age of the child.

Sec. 79. Section 232.178, subsections 3 and 4, Code 2015, are amended to read as follows:

3. The petition shall state all of the following:

- a. The names and residence of the child, and the
- b. The names and residence of the child's living parents, guardian, custodian, and guardian ad litem, if any, and the
- c. The age of the child.
4. The petition shall describe ~~the~~ all of the following:
 - a. The child's emotional, physical, or intellectual disability which requires care and treatment, the
 - b. The reasonable efforts to maintain the child in the child's home, the
 - c. The department's request to the family of a child with an intellectual disability, other developmental disability, or organic mental illness to determine if any services or support provided to the family will enable the family to continue to care for the child in the child's home, and the
 - d. The reason the child's parent, guardian, or custodian has requested a foster family care placement.
 - e. ~~The petition shall also describe the~~ commitment of the parent, guardian, or custodian in fulfilling the responsibilities defined in the case permanency plan, and how
 - f. How the placement will serve the child's best interests.

Sec. 80. Section 235B.4, Code 2015, is amended to read as follows:

235B.4 Legislative findings and purposes.

1. The general assembly finds and declares that a central registry is required to provide a single source for the statewide collection, maintenance, and dissemination of dependent adult abuse information. Such a registry is imperative for increased effectiveness in dealing with the problem of dependent adult abuse. The general assembly also finds that vigorous protection of rights of individual privacy is an indispensable element of a fair and effective system of collecting, maintaining, and disseminating dependent adult abuse information.

2. The purposes of this section and sections 235B.5 to through 235B.13 are to facilitate the identification of victims or potential victims of dependent adult abuse by making available a single, statewide source of dependent adult abuse data; to facilitate research on dependent adult abuse by making available a single, statewide source of dependent adult abuse data; and to provide maximum safeguards against the unwarranted invasions of privacy which such a registry might otherwise entail.

Sec. 81. Section 235F.1, subsection 12, Code 2015, is amended to read as follows:

12. "*Present danger of elder abuse*" means a situation in which the defendant has recently threatened the vulnerable elder with initial or additional elder abuse, or the potential exists for misappropriation, misuse, or removal of the funds, benefits, property, resources, belongings, or assets of the vulnerable elder combined with reasonable grounds to believe that elder abuse is likely to occur.

Sec. 82. Section 235F.5, subsection 6, unnumbered paragraph 1, Code 2015, is amended to read as follows:

~~The showing~~ At the hearing, the allegation of elder abuse may be proven as required under subsection 1 ~~may be made by,~~ but is not limited to the testimony ~~at the hearing of,~~ from any of the following:

Sec. 83. Section 235F.6, subsection 3, Code 2015, is amended to read as follows:

3. The court shall not ~~use~~ issue an order ~~issued~~ under this section ~~to do~~ that does any of the following:

a. ~~To allow~~ Allows any person other than the vulnerable elder to assume responsibility for the funds, benefits, property, resources, belongings, or assets of the vulnerable elder.

b. ~~For~~ Grants relief that is more appropriately obtained in a protective proceeding filed under chapter 633 including but not limited to giving control and management of the funds, benefits, property, resources, belongings, or assets of the vulnerable elder to a guardian, conservator, or attorney in fact for any purpose other than the relief granted under subsection 2.

Sec. 84. Section 235F.8, subsection 2, Code 2015, is amended to read as follows:

2. The plaintiff's right to relief under this chapter is not affected by the vulnerable elder leaving the vulnerable elder's home to avoid elder abuse.

Sec. 85. Section 237A.30, subsection 1, Code 2015, is amended to read as follows:

1. The department shall work with the ~~community empowerment office of early childhood Iowa office in the department of management established in section 28.3~~ 256I.5 and the state child care advisory committee in designing and implementing a voluntary quality rating system for each provider type of child care facility.

Sec. 86. Section 256.2, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 5. "*Telecommunications*" means narrowcast communications through systems that are directed toward a narrowly defined audience and includes interactive live communications. "*Telecommunications*" does not include online learning.

Sec. 87. Section 256.7, subsection 7, paragraph d, Code 2015, is amended by striking the paragraph.

Sec. 88. Section 256B.2, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. "*Children requiring special education*" means persons under twenty-one years of age, including children under five years of age, who have a disability in obtaining an education because of a head injury, autism, behavioral disorder, or physical, mental, communication, or learning disability, as defined by the rules of the department of education. ~~If a child requiring special education reaches~~ "Children requiring special education" includes children receiving special education services, who reach the age of twenty-one during an academic year, ~~the child may and who~~ elect to receive special education services until the end of the academic year.

Sec. 89. Section 256F.2, subsection 2, Code 2015, is amended by striking the subsection.

Sec. 90. Section 260C.58, subsection 2, Code 2015, is amended to read as follows:

2. a. All bonds or notes issued under the provisions of this subchapter shall be payable from and shall be secured by an irrevocable first lien pledge of a sufficient portion of any of the following: ~~the~~

(1) The net rents, profits, and income derived from the operation of residence halls, dormitories, dining or other incidental facilities and additions, including necessary real and personal property, acquired or improved in whole or in part with the proceeds of such bonds or notes, regardless of the manner of such acquisition or improvement. ~~;~~ ~~and the~~

(2) The net rents, profits, and income not pledged for other purposes derived from the operation of any other residence halls or dormitories, including dining or other incidental facilities and additions, at the particular institution.

b. In addition, the board may secure any bonds or notes issued by borrowing money, by mortgaging any real estate or improvements erected on real estate, or by pledging rents, profits, and income received from property for the discharge of mortgages. All bonds or notes issued under the provisions of this subchapter shall have all the qualities of negotiable instruments under the laws of this state.

Sec. 91. Section 262.44, subsection 1, Code 2015, is amended to read as follows:

1. Set aside and use portions of the respective campuses of the institutions of higher education under its control, namely, the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa, as the board determines are suitable for the acquisition or construction of self-liquidating and revenue producing buildings and facilities which the board deems necessary for the students and suitable for the purposes for which the institutions were established including without limitation:

a. Student unions, recreational buildings, auditoriums, stadiums, field houses, and athletic buildings and areas, ~~parking~~

b. Parking structures and areas, ~~electric~~

c. Electric, heating, sewage treatment, and communication utilities, ~~research~~

d. Research equipment, ~~and additions~~

e. Additions to or alterations of existing buildings or structures.

Sec. 92. Section 262.49, Code 2015, is amended to read as follows:

262.49 No obligation against state.

No obligation created hereunder shall ever be or become a charge against the state of Iowa but all such obligations, including principal and interest, shall be payable solely from any of the following:

1. ~~From the~~ The net rents, profits, and income arising from the property so pledged or mortgaged, ~~;~~

2. ~~From the~~ The net rents, profits, and income which has not been pledged for other purposes arising from any similar building, facility, area or improvement under the control and management of said board, ~~;~~

3. ~~From the~~ The fees or charges established by said board for students attending the institution for the use or availability of the building, structure, area, facility or improvement for which the obligation was incurred, ~~or.~~

4. ~~From the~~ The income derived from gifts and bequests made to the institutions under the control of said board for such purposes.

Sec. 93. Section 262.57, subsection 2, Code 2015, is amended to read as follows:

2. All bonds or notes issued under the ~~provision~~ provisions of this subchapter shall be payable solely and only from and shall be secured by an irrevocable pledge of a sufficient portion of the net rents, profits and income derived from the operation of residence halls, dormitories, dining or other incidental facilities and additions, including necessary real and personal property, acquired or improved in whole or in part with the proceeds of such bonds or notes, regardless of the manner of such acquisition or improvement, and the net rents, profits and income not pledged for other purposes derived from the operation of any other residence halls or dormitories, including dining or other incidental facilities and additions, at

the particular institution. All bonds or notes issued under the provisions of this subchapter shall have all the qualities of negotiable instruments under the laws of this state.

Sec. 94. Section 262A.2, subsection 7, Code 2015, is amended to read as follows:

7. “*Student fees and charges*” shall mean all tuitions, fees and charges for general or special purposes levied against and collected from students attending the institutions except rates, fees, rentals or charges imposed and collected under any of the following provisions of (a) sections:

- a. Sections 262.35 through 262.42, ~~(b) sections~~
- b. Sections 262.44 through 262.53, ~~and (c) sections~~
- c. Sections 262.55 through 262.66.

Sec. 95. Section 263.8, Code 2015, is amended to read as follows:

263.8 Reports — tests.

1. Charges may be assessed for transportation of specimens and cost of examination. Reports of epidemiological examinations and investigations shall be sent to the responsible agency.

2. In addition to its regular work, the state hygienic laboratory shall perform without charge all bacteriological, serological, and epidemiological examinations and investigations which may be required by the Iowa department of public health and ~~said the~~ department shall establish adopt rules pursuant to chapter 17A therefor. The laboratory shall also provide, those laboratory, scientific field measurement, and environmental quality services which, by contract, are requested by the other agencies of government.

3. The state hygienic laboratory is authorized to perform such other laboratory determinations as may be requested by any state institution, citizen, school, municipality or local board of health, and the laboratory is authorized to charge fees covering transportation of samples and the costs of examinations performed upon their request.

Sec. 96. Section 303.4, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. The governor shall appoint one member from each of the state’s congressional districts established under section 40.1.

Sec. 97. Section 321.19, Code 2015, is amended to read as follows:

321.19 Exemptions — distinguishing plates — definitions of urban transit company and regional transit system.

1. a. The following vehicles are exempted from the payment of the registration fees imposed by this chapter, except as provided for urban transit companies in subsection 2, but are not exempt from the penalties provided in this chapter:

(1) All vehicles owned or leased for a period of sixty days or more by the government and used in the transaction of official business by the representatives of foreign governments or by officers, boards, or departments of the government of the United States, and by the state, counties, municipalities and other political subdivisions of the state including vehicles used by an urban transit company operated by a municipality or a regional transit system, and self-propelling vehicles used neither for the conveyance of persons for hire, pleasure, or business nor for the transportation of freight other than those used by an urban transit company operated by a municipality or a regional transit system, ~~all~~

(2) All fire trucks, providing they are not owned and operated for a pecuniary profit, ~~and authorized~~

(3) Authorized emergency vehicles used only in disaster relief owned and operated by an organization not operated for pecuniary profit, are exempted from the payment of the registration fees imposed by this chapter, except as provided for urban transit companies in subsection 2, but are not exempt from the penalties provided in this chapter.

b. (1) The department shall furnish, on application, free of charge, distinguishing plates for vehicles thus exempted, which plates except plates on state patrol vehicles shall bear the word “official” and the department shall keep a separate record.

(2) Registration plates issued for state patrol vehicles, except unmarked patrol vehicles, shall bear two red stars on a yellow background, one before and one following the registration number on the plate, which registration number shall be the officer's badge number.

(3) Registration plates issued for county sheriff's patrol vehicles shall display one seven-pointed gold star followed by the letter "S" and the call number of the vehicle. ~~However, the~~

~~c. However, the~~ director of the department of administrative services or the director of transportation may order the issuance of regular registration plates for any exempted vehicle used by ~~peace~~ any of the following:

~~(1) Peace officers in the enforcement of the law, persons~~

~~(2) Persons enforcing chapter 124 and other laws relating to controlled substances, persons~~

~~(3) Persons in the department of justice, the alcoholic beverages division of the department of commerce, disease investigators of the Iowa department of public health, the department of inspections and appeals, and the department of revenue, who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates, persons~~

~~(4) Persons in the Iowa lottery authority whose regularly assigned duties relating to security or the carrying of lottery tickets cannot reasonably be conducted with a vehicle displaying "official" registration plates, persons~~

~~(5) Persons in the economic development authority who are regularly assigned duties relating to existing industry expansion or business attraction, and mental health professionals or health care professionals who provide off-site or in-home medical or mental health services to clients of publicly funded programs.~~

~~d. For purposes of sale of exempted vehicles, the exempted governmental body, upon the sale of the exempted vehicle, may issue for in-transit purposes a pasteboard card bearing the words "Vehicle in Transit", the name of the official body from which the vehicle was purchased, together with the date of the purchase plainly marked in at least one-inch letters, and other information required by the department. The in-transit card is valid for use only within forty-eight hours after the purchase date as indicated on the bill of sale which shall be carried by the driver.~~

~~2. a. "Urban transit company" means any person, firm, corporation, company, or municipality which operates buses or trolley cars or both, primarily upon the streets of cities over well-defined routes between certain termini, for the transportation of passengers for a uniform fare, and which accepts for passengers all who present themselves for transportation without discrimination up to the limit of the capacity of each vehicle. Included are street railways, plants, equipment, property, and rights, used and useful in the transportation of passengers. Motor carriers and interurbans subject to the jurisdiction of the state department of transportation, and taxicabs, are not included.~~

~~b. The department, in accordance with subsection 1, shall furnish distinguishing plates for vehicles used by urban transit companies operated by a municipality. No other provision of law providing for the payment of taxes, registration, or license fees for vehicles shall be applicable to any bus, car, or vehicle for the transportation of passengers owned and operated by any urban transit company.~~

~~c. Chapter 326 is not applicable to urban transit companies or systems.~~

~~3. a. "Regional transit system" means a public transit system serving one county or all or part of a multicounty area whose boundaries correspond to the same boundaries as those of the regional planning areas designated by the governor, except as agreed upon by the department. Privately chartered bus services and uses other than providing services that are open and public on a shared ride basis shall not be construed to be a regional transit system.~~

~~b. Each county board of supervisors within the region is responsible for determining the service and funding within its county. However, the administration and overhead support services for the overall regional transit system shall be consolidated into one existing or new agency to be mutually agreed upon by the participating members. Privately chartered bus services and uses other than providing services that are open and public on a shared ride basis shall not be construed to be a regional transit system.~~

Sec. 98. Section 321.34, subsection 20C, paragraphs a and c, Code 2015, are amended to read as follows:

a. The department, in consultation with the adjutant general, shall design combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge distinguishing processed emblems. Upon receipt of two hundred fifty orders for combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge special registration plates, accompanied by a start-up fee of twenty dollars per order, the department shall begin issuing special registration plates with the applicable distinguishing processed emblem as provided in paragraphs “b”, “c”, and “d”. The minimum order requirement shall apply separately to each of the special registration plates created under this subsection.

c. Notwithstanding subsection 12, paragraph “a”, an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with a combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and or combat medical badge distinguishing processed emblem at no charge.

Sec. 99. Section 321.34, subsection 27, paragraph a, Code 2015, is amended to read as follows:

a. An owner referred to in subsection 12 who served in the armed forces of the United States and was discharged under honorable conditions may, upon written application to the department and upon presentation of satisfactory proof of military service and discharge under honorable conditions, order special registration plates bearing a distinguishing processed emblem depicting the word “veteran” below an image of the American flag. The application is subject to approval by the department. The special plate fees collected by the director under subsection 12, paragraph “a”, from the annual validation of letter-number designated United States veteran plates, and subsection 12, paragraph “c”, from the issuance and annual validation of personalized United States veteran plates, shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph “a”, in the previous month for United States veteran plates.

Sec. 100. Section 321.59, Code 2015, is amended to read as follows:

321.59 Issuance of certificate.

The department, upon granting ~~any such an~~ application made as provided under section 321.58, shall issue to the applicant a certificate containing the applicant’s name and address and the general distinguishing number assigned to the applicant.

Sec. 101. Section 321.154, Code 2015, is amended to read as follows:

321.154 Reports by department.

The department, immediately upon receiving ~~said~~ the county treasurer’s report under section 321.153, shall also report to the treasurer of state the amount so collected by such county treasurer.

Sec. 102. Section 321.191, subsection 7, Code 2015, is amended to read as follows:

7. *Endorsements and removal of air brake restrictions.* The fee for a ~~double/triple~~ double or triple trailer endorsement, tank vehicle endorsement, and hazardous materials endorsement is five dollars for each endorsement. The fee for a passenger endorsement or a school bus endorsement is ten dollars. The fee for removal of an air brake restriction on a commercial driver’s license is ten dollars. Fees imposed under this subsection for endorsements or removal of restrictions are valid for the period of the license. Upon renewal of a commercial driver’s license, no fee is payable for retaining endorsements or the removal of the air brake restriction for those endorsements or restrictions which do not require the taking of either a knowledge or a driving skills test for renewal.

Sec. 103. Section 321.198, subsection 2, Code 2015, is amended to read as follows:

2. The provisions of this section shall also apply to the spouse and children, or ward of such military personnel when such spouse, children, or ward are living with the ~~above described~~ military personnel described in subsection 1 outside of the state of Iowa and provided that such extension of license does not exceed five years.

Sec. 104. Section 321.453, Code 2015, is amended to read as follows:

321.453 Exceptions.

1. ~~The Except as provided in sections 321.463, 321.471, and 321.474, the provisions of this chapter governing size, weight, and load and the permit requirements of chapter 321E do not apply to fire~~ any of the following:

a. ~~Fire apparatus;~~ road

b. Road maintenance equipment owned by, under lease to, or used in the performance of a contract with any state or local authority; ~~implements~~

c. Implements of husbandry when moved or moving upon a highway that is not a portion of the interstate; ~~or equipment~~

d. Equipment used primarily for construction of permanent conservation practices on agricultural land when moved or moving upon a highway that is not a portion of the interstate, so long as the equipment is without payload and the movement does not violate posted weight limitations on bridges, ~~except as provided in sections 321.463, 321.471, and 321.474.~~

2. A vehicle that is carrying an implement of husbandry or equipment used primarily for construction of permanent conservation practices and is exempted from the permit requirements under this section shall be equipped with an amber flashing light visible from the rear. If the amber flashing light is obstructed by the loaded implement or equipment, the loaded implement or equipment shall also be equipped with and display an amber flashing light. The vehicle shall also be equipped with warning flags on that portion of the vehicle which protrudes into oncoming traffic, and shall only operate from thirty minutes prior to sunrise to thirty minutes following sunset.

Sec. 105. Section 321A.39, subsection 1, Code 2015, is amended to read as follows:

1. Whenever any dealer licensed under chapter 322 sells a motor vehicle at retail and the transaction does not include the sale of liability insurance coverage which will protect the purchaser under ~~the Iowa motor vehicle financial and safety responsibility Act~~ this chapter the purchase order or invoice evidencing the transaction shall contain a statement in the following form:

I understand that liability insurance coverage which would protect me under the Iowa Motor Vehicle Financial and Safety Responsibility Act, Iowa Code chapter 321A, IS NOT INCLUDED in my purchase of the herein described motor vehicle. I have received a copy of this statement.

.....
(Purchaser's signature)

Sec. 106. Section 321E.11, subsection 3, Code 2015, is amended to read as follows:

3. Except as provided in section 321.457, no movement under permit shall be permitted on holidays, after 12:00 noon on days preceding holidays and holiday weekends, or special events when abnormally high traffic volumes can be expected. Such restrictions shall not be applicable to urban transit systems as defined in section ~~321.19, subsection 2~~ 324A.1.

Sec. 107. Section 321G.4, subsection 4, Code 2015, is amended to read as follows:

4. Notwithstanding subsections 1 and 2, a snowmobile manufactured prior to 1984 may be registered as an antique snowmobile for a one-time fee of twenty-five dollars, which shall exempt the owner from annual registration and fee requirements for that snowmobile. However, if ownership of an antique snowmobile is transferred, the new owner shall register the snowmobile and pay the one-time fee as required under this subsection. ~~A~~ An antique snowmobile may be registered ~~under this section~~ with only a signed bill of sale as evidence of ownership.

Sec. 108. Section 331.508, subsection 5, Code 2015, is amended to read as follows:

5. A permanent record book of the names and addresses of persons receiving veteran assistance as provided in section 35B.10.

Sec. 109. Section 358.21, Code 2015, is amended to read as follows:

358.21 Debt limit — borrowing — bonds — purposes.

1. a. Any sanitary district organized ~~hereunder~~ under this chapter may borrow money for its corporate purposes, but shall not become indebted in any manner or for any purpose to an amount in the aggregate exceeding five percent on the value of the taxable property within such district, to be ascertained by the last state and county tax lists previous to the incurring of such indebtedness. Indebtedness within this constitutional limit shall not include the indebtedness of any other municipal corporation located wholly or partly within the boundaries of such sanitary district.

b. Subject only to ~~this the~~ debt limitation described in paragraph “a”, any ~~such~~ sanitary district organized ~~hereunder~~ under this chapter shall have and it is hereby vested with all of the same powers to issue bonds, including both general obligation and revenue bonds, which cities now or may hereafter have under the laws of this state. In the application of such laws to this chapter, the words used in any such laws referring to municipal corporations or to cities shall be held to include sanitary districts organized under this chapter, the words “council” or “city council” shall be held to include the board of trustees of a sanitary district; the words “mayor” and “clerk” shall be held to include the president and clerk of any such board of trustees or sanitary district; and like construction shall be given to any other words in such laws where required to permit the exercise of such powers by sanitary districts.

2. Any and all bonds issued ~~hereunder~~ under the provisions of this section shall be signed by the president of the board of trustees and attested by the clerk, with the seal of the district, if any, affixed, and interest coupons attached thereto shall be attested by the signature of the clerk.

3. The proceeds of any bond issue made under the provisions of this section shall be used only for the purpose of acquiring, locating, laying out, establishing and construction of drainage facilities, conduits, treatment plants, pumping plants, works, ditches, channels and outlets of such capacity and character as may be required for the treatment, carrying off and disposal of the sewage and industrial wastes and other drainage incidental thereto of such district, or to repair, change, enlarge and add to such facilities as may be necessary or proper to meet the requirements present and future for the purposes aforesaid. Proceeds from such bond issue may also be used for the payment of special assessment deficiencies. Said bonds shall be payable in not more than forty annual installments and with interest at a rate not exceeding that permitted by chapter 74A, and shall be made payable at such place and be of such form as the board of trustees shall by resolution designate. Any sanitary district issuing bonds as authorized in this section is hereby granted authority to pledge the future avails of a tax levy to the payment of the principal and interest of such bonds after the same come due, and the power to impose and certify said levy is hereby granted to the trustees of sanitary districts organized under the provisions of this chapter.

Sec. 110. Section 359A.6, Code 2015, is amended to read as follows:

359A.6 Default — costs and fees collected.

If the erecting, rebuilding, or repairing of a fence is not completed within thirty days from and after the time fixed in the order, the board of township trustees acting as fence viewers shall cause the fence to be erected, rebuilt, and repaired, and the value thereof may be fixed by the fence viewers, ~~and unless~~. Unless the sum so fixed, together with all fees of the fence viewers caused by ~~such the~~ default, is paid to the county treasurer, within ten days after the ~~same full amount due is so~~ ascertained, or when ordered to pay for an existing fence, and the value thereof is fixed by the fence viewers, and ~~said the~~ sum, together with the fees of the fence viewers, remains unpaid by the party in default for ten days, the fence viewers shall certify to the county treasurer the full amount due from the party or parties in default, including all fees and costs assessed by the fence viewers, together with a description of the real estate owned by the party or parties in default along or upon which the said fence exists, ~~and the~~. The county treasurer shall enter the ~~same~~ full amount due upon the county system,

and the amount shall be collected in the same manner as ordinary taxes. Upon certification to the county treasurer, the amount assessed shall be a lien on the parcel until paid.

Sec. 111. Section 364.24, Code 2015, is amended to read as follows:

364.24 Traffic light synchronization.

~~After July 1, 1992, all All cities with more than three traffic lights within the corporate limits shall establish a traffic light synchronization program for energy efficiency in accordance with rules adopted by the state department of transportation pursuant to chapter 17A. The state department of transportation shall adopt rules required by this section by July 1, 1990. This section does not require that a city replace lighting, which has not completed its useful life, in order to comply with the requirements of this section. However, all lighting shall be replaced, whether or not it has completed its useful life, by July 1, 2001.~~

Sec. 112. Section 388.11, Code 2015, is amended to read as follows:

388.11 Liability within two miles.

A city or city utility providing water service within two miles of the limits of the city shall not be liable for a claim for failure to provide or maintain fire hydrants, facilities, or an adequate supply of water or water pressure for fire protection purposes in the area receiving water service if such hydrants, facilities, or water are not intended to be used for fire protection purposes.

Sec. 113. Section 403.9, subsection 1, Code 2015, is amended to read as follows:

1. A municipality shall have power to periodically issue bonds in its discretion to pay the costs of carrying out the purposes and provisions of this chapter, including but not limited to the payment of principal and interest upon any advances for surveys and planning, and the payment of interest on bonds, herein authorized, not to exceed three years from the date the bonds are issued. The municipality shall have power to issue refunding bonds for the payment or retirement of such bonds previously issued by ~~it~~ the municipality. Said bonds shall be payable solely from the income and proceeds of the fund and portion of taxes referred to in section 403.19, subsection 2, and revenues and other funds of the municipality derived from or held in connection with the undertaking and carrying out of urban renewal projects under this chapter. The municipality may pledge to the payment of the bonds the fund and portion of taxes referred to in section 403.19, subsection 2, and may further secure the bonds by a pledge of any loan, grant, or contribution from the federal government or other source in aid of any urban renewal projects of the municipality under this chapter, or by a mortgage of any such urban renewal projects, or any part thereof, title which is vested in the municipality.

Sec. 114. Section 403.15, subsection 1, Code 2015, is amended to read as follows:

1. There is hereby created in each municipality a public body corporate and politic to be known as the "urban renewal agency" of the municipality: ~~Provided, that such.~~ An urban renewal agency shall not transact any business or exercise its powers hereunder until or unless the local governing body has made the finding prescribed in section 403.4, and has elected to have the urban renewal project powers exercised by an urban renewal agency as provided in section 403.14.

Sec. 115. Section 404.4, Code 2015, is amended to read as follows:

404.4 Prior approval of eligibility.

1. A person may submit a proposal for an improvement project to the governing body of the city or county to receive prior approval for eligibility for a tax exemption on the project. The governing body shall, by resolution, give its prior approval for an improvement project if the project is in conformance with the plan for revitalization developed by the city or county. Such prior approval shall not entitle the owner to exemption from taxation until the improvements have been completed and found to be qualified real estate; however, if the proposal is not approved, the person may submit an amended proposal for the governing body to approve or reject.

2. An application shall be filed for each new exemption claimed. The first application for an exemption shall be filed by the owner of the property with the governing body of the city or county in which the property is located by February 1 of the assessment year for which the

exemption is first claimed, but not later than the year in which all improvements included in the project are first assessed for taxation, or the following two assessment years, in which case the exemption is allowed for the total number of years in the exemption schedule. However, upon the request of the owner at any time, the governing body of the city or county provides by resolution that the owner may file an application by February 1 of any other assessment year selected by the governing body in which case the exemption is allowed for the number of years remaining in the exemption schedule selected. The application shall contain, but not be limited to, all of the following information:

- a. The nature of the improvement, its
- b. The cost, of the improvement project.
- c. The estimated or actual date of completion, the
- d. The tenants that occupied the owner's building on the date the city or county adopted the resolution referred to in section 404.2, subsection 1, and which
- e. Which exemption in section 404.3 or in the different schedule, if one has been adopted, will be elected.

3. The governing body of the city or county shall approve the application, subject to review by the local assessor pursuant to section 404.5, if the project is in conformance with the plan for revitalization developed by the city or county, is located within a designated revitalization area, and if the improvements were made during the time the area was so designated. The governing body of the city or county shall forward for review all approved applications to the appropriate local assessor by March 1 of each year with a statement indicating whether section 404.3, subsection 1, 2, 3 or 4 applies or if a different schedule has been adopted, which exemption from that schedule applies. Applications for exemption for succeeding years on approved projects shall not be required.

Sec. 116. Section 422.11D, Code 2015, is amended to read as follows:

422.11D Historic preservation and cultural and entertainment district tax credit.

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a historic preservation and cultural and entertainment district tax credit allowed under ~~section 404A.2~~ chapter 404A.

Sec. 117. Section 422.11L, subsection 1, paragraph a, Code 2015, is amended to read as follows:

- a. Sixty percent of the federal residential energy efficient property credit related to solar energy provided in section ~~25E(a)(1)~~ 25D(a)(1) and section 25D(a)(2) of the Internal Revenue Code, not to exceed five thousand dollars.

Sec. 118. Section 422.33, subsection 10, Code 2015, is amended to read as follows:

10. The taxes imposed under this division shall be reduced by a historic preservation and cultural and entertainment district tax credit allowed under ~~section 404A.2~~ chapter 404A.

Sec. 119. Section 422.60, subsection 4, Code 2015, is amended to read as follows:

4. The taxes imposed under this division shall be reduced by a historic preservation and cultural and entertainment district tax credit allowed under ~~section 404A.2~~ chapter 404A.

Sec. 120. Section 423.3, subsection 26A, Code 2015, is amended to read as follows:

26A. ~~a.~~ The sales price of reagents and related accessory equipment to a regional blood testing facility if all of the following conditions are met:

(1) a. The regional blood testing facility is registered by the federal food and drug administration.

(2) b. The regional blood testing facility performs donor testing for other blood centers.

(3) c. The regional blood testing facility is located in this state on or before January 1, 2011.

~~b. This subsection is repealed if a regional blood testing facility is not located in this state on or before January 1, 2011.~~

Sec. 121. Section 423.30, Code 2015, is amended to read as follows:

423.30 Foreign sellers not registered under the agreement.

1. The director may, upon application, authorize the collection of the use tax by any seller who is a retailer not maintaining a place of business within this state and not registered under the agreement, who, to the satisfaction of the director, furnishes adequate security to ensure collection and payment of the tax. Such sellers shall be issued, without charge, permits to collect tax subject to any regulations which the director shall prescribe. When so authorized, it shall be the duty of foreign sellers to collect the tax upon all tangible personal property sold, to the retailer's knowledge, for use within this state, in the same manner and subject to the same requirements as a retailer maintaining a place of business within this state. The authority and permit may be canceled when, at any time, the director considers the security inadequate, or that tax can more effectively be collected from the person using property in this state.

2. The discretionary power granted in ~~this section~~ subsection 1 is extended to apply in the case of foreign retailers furnishing services enumerated in section 423.2.

Sec. 122. Section 432.12A, Code 2015, is amended to read as follows:

432.12A Historic preservation and cultural and entertainment district tax credit.

The taxes imposed under this chapter shall be reduced by a historic preservation and cultural and entertainment district tax credit allowed under ~~section 404A.2~~ chapter 404A.

Sec. 123. Section 445.37, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. ~~However~~ Notwithstanding paragraph "a", if there is a delay in the delivery of the tax list referred to in chapter 443 to the county treasurer, the amount of ad valorem taxes and manufactured or mobile home taxes due shall become delinquent thirty days after the date of delivery or on the delinquent date of the first installment, whichever date occurs later. The delay shall not affect the due dates for special assessments and rates or charges. The delinquent date for special assessments and rates or charges is the same as the first installment delinquent date for ad valorem taxes, including any extension, in absence of a statute to the contrary.

Sec. 124. Section 452A.3, subsection 3, Code 2015, is amended to read as follows:

3. An excise tax of seventeen cents is imposed on each gallon of E-85 gasoline ~~as defined in section 214A.1~~, subject to the determination provided in subsection 4.

Sec. 125. Section 452A.8, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

For the purpose of determining the amount of the supplier's, restrictive supplier's, or importer's tax liability, a supplier or restrictive supplier shall file a return, ~~not later than the last day of the month following the month in which this division becomes effective and~~ not later than the last day of each calendar month thereafter, and an importer shall file a return semimonthly with the department, signed under penalty for false certification. For an importer for the reporting period from the first day of the month through the fifteenth of the month, the return is due on the last day of the month. For an importer for the reporting period from the sixteenth of the month through the last day of the month, the return is due on the fifteenth day of the following month. The returns shall include the following:

Sec. 126. Section 452A.8, subsection 2, paragraph e, subparagraph (2), Code 2015, is amended to read as follows:

(2) The tax for compressed natural gas, liquefied natural gas, and liquefied petroleum gas 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 ~~consumer 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 acquired by a ~~consumer 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 ~~consumer purchaser~~ as provided in this chapter.

Sec. 127. Section 452A.8, subsection 2, paragraph e, subparagraph (3), Code 2015, is amended to read as follows:

(3) The department shall adopt rules governing the dispensing of compressed natural gas, liquefied natural gas, and liquefied petroleum gas 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.

Sec. 128. Section 452A.8, subsection 2, paragraph e, subparagraph (5), subparagraph division (a), Code 2015, is amended to read as follows:

(a) For the purpose of determining the amount of liability for fuel tax, each dealer and each user shall file with the department not later than the last day of ~~the month following the month in which this division becomes effective and not later than the last day of each calendar month thereafter~~ a monthly 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 a fuel supply tank of any motor vehicle during the next preceding calendar month, information as required by the department.

Sec. 129. Section 452A.62, subsection 1, paragraph a, subparagraph (2), Code 2015, is amended to read as follows:

(2) A licensed compressed natural gas, liquefied natural gas, or liquefied petroleum gas dealer, user, or person supplying compressed natural gas, liquefied natural gas, or liquefied petroleum gas to a licensed compressed natural gas, liquefied natural gas, or liquefied petroleum gas dealer or user.

Sec. 130. Section 452A.74, subsection 2, Code 2015, is amended to read as follows:

2. Any delivery of compressed natural gas, liquefied natural gas, or liquefied petroleum gas to a compressed natural gas, liquefied natural gas, or liquefied petroleum gas dealer or user for the purpose of evading the state tax on compressed natural gas, liquefied natural gas, or liquefied petroleum gas, into facilities other than those licensed ~~above~~ 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 dealer or user for purposes of evading the state tax on compressed natural gas, liquefied natural gas, or liquefied petroleum gas, who allows a distributor to place compressed natural gas, liquefied natural gas, or liquefied petroleum gas for highway use in facilities other than those licensed ~~above~~ under this chapter, shall also be deemed in violation of this section.

Sec. 131. Section 455B.133, subsection 4, paragraph b, Code 2015, is amended by striking the paragraph.

Sec. 132. Section 455B.198, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The commission shall adopt rules pursuant to chapter 17A to regulate the discharge of wastewater from water well drilling sites. The rules shall incorporate the following considerations:

Sec. 133. Section 455B.198, subsection 4, Code 2015, is amended by striking the subsection.

Sec. 134. Section 455D.11A, subsection 5, paragraph a, Code 2015, is amended to read as follows:

a. For a waste tire collection or processing site, the financial assurance instrument for a waste tire collection site shall provide coverage in an amount which is equivalent to thirty-five cents per passenger tire equivalent collected by the site prior to July 1, 1998. The financial assurance instrument for a waste tire processing site shall provide coverage in an amount which is equivalent to thirty-five cents per passenger tire equivalent collected for processing by the site which is above the three-day processing supply of tires for the site as determined by the department. ~~This paragraph shall take effect July 1, 1999.~~

Sec. 135. Section 455D.11A, subsection 8, Code 2015, is amended by striking the subsection.

Sec. 136. Section 455D.19, subsection 6, Code 2015, is amended to read as follows:

6. ~~a. By July 1, 1992, a~~ A manufacturer or distributor of packaging or packaging components shall make available to purchasers, to the department, and to the general public upon request, certificates of compliance which state that the manufacturer's or distributor's packaging or packaging components comply with, or are exempt from, the requirements of this section.

b. If the manufacturer or distributor of the package or packaging component reformulates or creates a new package or packaging component, the manufacturer or distributor shall provide an amended or new certificate of compliance for the reformulated or new package or packaging component.

Sec. 137. Section 455E.11, subsection 2, paragraph b, subparagraph (3), subparagraph division (b), subparagraph subdivision (i), Code 2015, is amended to read as follows:

(i) A county applying for grants under this subparagraph division shall submit only one application. To be eligible for a grant, a county must have adopted standards for private water supply and private disposal facilities at least as stringent as the standards adopted by the commission. During each fiscal year, the amount granted each eligible applicant shall be the total funds available divided by the number of eligible counties applying. Upon receipt of the grant, the county may apply the funds to any one or more of the ~~above three county-based programs for the testing of private rural water supply wells, private rural water supply well sealing, and the proper closure of private rural abandoned wells and cisterns.~~

Sec. 138. Section 456A.16, Code 2015, is amended to read as follows:

456A.16 Income tax refund 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 any amount to be paid to the state fish and game protection fund. 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 to the state fish and game protection fund, the amount designated shall be reduced to the remaining amount of refund or the remaining amount remitted with the return.

2. The revenues received shall be used within the state of Iowa for habitat development and shall be deposited in the state fish and game protection fund. The revenue may be used for the matching of federal funds. The revenues and matched federal funds may be used for acquisition of land, leasing of land or obtaining of easements from willing sellers for use of land as wildlife habitats for game and nongame species. Not less than fifty percent of the funds derived from the checkoff shall be used for the purposes of preserving, protecting, perpetuating and enhancing nongame wildlife in this state. Nongame wildlife includes those animal species which are endangered, threatened or not commonly pursued or killed either for sport or profit. Notwithstanding the exemption in section 427.1, the land acquired with the revenues and matched federal funds is subject to the full consolidated levy of property taxes which shall be paid from those revenues. In addition the revenues may be used for the development and enhancement of wildlife lands and habitat areas and for research and management necessary to qualify for federal funds.

3. The director of revenue shall draft the income tax form to allow the designation of contributions to the state fish and game protection fund on the tax return.

4. The department of revenue on or before January 31 of the year following the preceding calendar year shall certify the total amount designated on the tax return forms due in the preceding calendar year and shall report the amount to the state treasurer. The state treasurer shall credit the amount to the state fish and game protection fund.

5. The general assembly shall appropriate annually from the state fish and game protection fund the amount credited to the fund from the checkoff to the department for the purposes specified in this section.

6. The action taken by a person for the checkoff is irrevocable.

7. The department shall adopt rules pursuant to chapter 17A to implement this section. 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 and the political contribution allowed under section 68A.601 shall be satisfied.

Sec. 139. Section 456A.27, Code 2015, is amended to read as follows:

456A.27 Federal wildlife Act — assent.

The state of Iowa assents to the provisions of the Act of Congress entitled “An Act To Provide That The United States Shall Aid The States In Wildlife Restoration Projects, And For Other Purposes”, approved September 2, 1937, 50 Stat. 917, codified at 16 U.S.C. §669 – 669k, and the department may perform acts as necessary to the conduct and establishment of cooperative wildlife restoration projects, as defined in the Act of Congress, in compliance with the Act and with regulations promulgated by the secretary of agriculture under the Act. No funds accruing to the state of Iowa from license fees paid by hunters shall be diverted for any other purpose than as set out in sections 456A.17 and 456A.19.

Sec. 140. Section 456A.28, Code 2015, is amended to read as follows:

456A.28 Fish restoration projects.

The state of Iowa assents to the provisions of the Act of Congress entitled “An Act To Provide That The United States Shall Aid The States In Fish Restoration Projects, And For Other Purposes”, approved August 9, 1950, Pub. L. No. 681 Ch. 658, 64 Stat. 430, codified at 16 U.S.C. §777 – 777n, and the department may perform acts as necessary to the conduct and establishment of cooperative fish restoration projects, as defined in the Act of Congress, in compliance with the Act and with regulations promulgated by the secretary of the interior under the Act. No funds accruing to the state of Iowa from fishing license fees shall be diverted for any other purposes than as set out in sections 456A.17 and 456A.19.

Sec. 141. Section 459.102, subsection 57, Code 2015, is amended to read as follows:

57. “*Swine farrow-to-finish operation*” means a confinement feeding operation in which porcine animals are produced and in which a primary portion of the phases of the production cycle are conducted at one confinement feeding operation. Phases of the production cycle include but are not limited to gestation, farrowing, growing, and finishing.

Sec. 142. Section 461A.57, Code 2015, is amended to read as follows:

461A.57 Penalties.

~~Any~~ Unless another punishment is provided, any person violating any of the provisions of sections 461A.36 ~~to through~~ 461A.41, 461A.43, and 461A.45 ~~to through~~ 461A.56 is guilty of a simple misdemeanor.

Sec. 143. Section 468.3, subsections 2, 6, and 8, Code 2015, are amended to read as follows:

2. Within the meaning of this subchapter, parts 1 through 5 and 7, and subchapter II, part 1, the term “board” shall embrace the board of supervisors, the joint boards of supervisors in case of intercounty levee or drainage districts, and the board of trustees in case of a district under trustee management.

6. The term “*engineer*” ~~and the term or~~ “*civil engineer*”, within the meaning of this subchapter, parts 1 through 5 and 7, subchapter II, parts 1, 4, 5, and 6, and subchapter V, shall mean a person licensed as a professional engineer under the provisions of chapter 542B.

8. For the purpose of this subchapter, parts 1 through 5 and 7, and with reference to improvements along or adjacent to the Missouri river, the word “*levee*” shall be construed

to include, in addition to its ordinary and accepted meaning, embankments, revetments, retards, or any other approved system of construction which may be deemed necessary to adequately protect the banks of any river or stream, within or adjacent to any county, from wash, cutting, or erosion.

Sec. 144. Section 468.49, Code 2015, is amended to read as follows:

468.49 Classification as basis for future assessments.

1. A classification of land for drainage, erosion or flood control purposes, when finally adopted, shall remain the basis of all future assessments for the purpose of ~~said the~~ district unless revised by the board in the manner provided for reclassification, ~~except that~~. However, where land included in said classification has been destroyed, in whole or in part, by the erosion of a river, or where additional right-of-way has been subsequently taken for drainage purposes, ~~said the~~ land which has been so eroded and carried away by the action of a river or which has been taken for additional right-of-way, may be removed by ~~said the~~ board from ~~said the~~ district as classified, without any reclassification, and no assessment shall thereafter be made on the land so removed. Any deficiency in assessment existing as the result of said action of the board shall be spread by it over the balance of lands remaining in said district in the same ratio as was fixed in the classification of the lands, payable at the next taxpaying period.

2. Except districts established by mutual agreement in accordance with section 468.142 in the event any forty-acre tract or less, or any lot, tract, or parcel, as set forth in the existing classification or reclassification of any drainage district now or hereafter established, is divided into two or more tracts, whether such division is by sale or condemnation or platted as a subdivision, the classification of the original tract shall be apportioned to the resulting parcels, regardless of use, except for land taken for additional drainage right-of-way. The classification of the original tract may be apportioned between the resulting parcels by agreement between the parties to such division. The parties shall file with the county auditor a written agreement setting forth the original description and the description of the tracts as subdivided and the percentage of the original classification apportioned to each. This agreement shall bear the signature of all of the parties to ~~such the~~ subdivision. The agreement contemplated herein may be contained in the deed or other instrument effecting the division of the land, which agreement shall be binding upon the grantee or grantees by their acceptance of such instrument and their signatures shall not be necessary. The auditor shall enter this agreement in the drainage record and amend the current classification of the district in accordance with ~~such the~~ agreement.

3. In the event the parties to ~~such the~~ subdivision cannot agree as to the apportionment of the percentage classification, the board of supervisors shall, upon application of either party, appoint a commission having the qualifications of commissioners, in accordance with section 468.38. The commissioners shall inspect the lands involved and apportion the existing classification of the original tract equitably and fairly to each of the several tracts as subdivided ~~and~~. The board shall make a full, accurate, and detailed report thereof and file the ~~same report~~ with the county auditor within the time set by the board. The report of the commissioners shall set forth the names of the owners thereof, the description of each of the tracts and the percentage of the original classification that each such tract shall bear for main ditches and settling basins, for laterals, for levees and pumping station. Thereafter all the proceedings in relation thereto as to notice of hearing and fixing of percentage benefits shall be as in this subchapter, parts 1 through 5 ~~and 7~~, provided in relation to original classification and assessments, and at such hearing, the board may affirm, increase or diminish the percentage of benefits so as to make them just and equitable, and cause the record of the existing classification, percentage of benefits or assessments, or both, to be modified accordingly. In the event the parties neither agree as to the apportionment of classification nor make application for the appointment of commissioners, then the auditor of the county in which the land is situated shall make such apportionment upon an equitable basis and enter the same of record as herein provided. No tract of land included within the boundary of any drainage district shall be exempt from drainage assessments or reassessments, except as herein provided.

Sec. 145. Section 468.206, Code 2015, is amended to read as follows:

468.206 Notice and hearing.

If upon consideration of the plan or amended plan and the report or reports of the engineer and the commitments involved in the adoption of the plan the board finds that the district will benefit therefrom or the purposes for which the district was established will be promoted thereby, the board shall adopt the same as a tentative plan, ~~entering~~ enter an order to that effect, and ~~fixing~~ fix a date for hearing thereon not less than thirty days thereafter and ~~directing~~ direct the auditor to cause notice to be given of such hearing as hereinafter provided in section 468.207.

Sec. 146. Section 468.209, unnumbered paragraph 1, Code 2015, is amended to read as follows:

If the board, after consideration of the subject matter, including all objections filed to the adoption of the plan and all claims for damages, shall find that the district will be benefited by adoption of the plan or the purposes for which the district was established is furthered ~~thereby by the plan~~, they shall enter an order approving and adopting such the final plan. ~~Such~~ The order shall have the effect of:

Sec. 147. Section 468.220, Code 2015, is amended to read as follows:

468.220 Occupancy and use permitted — assessments paid.

1. Any levee or drainage district organized, or in the process of being organized, under the laws of this state may occupy and use for any lawful levee or drainage purpose land owned by the state of Iowa, upon first obtaining permission to do so from the state or state agency controlling the same land.

2. In the case of lands lying within the beds of meandered streams and border streams the permission shall be obtained from the natural resource commission of the department of natural resources. In the case of lands that are not under the control of ~~no~~ any office or agency of the state, then the permission shall be obtained from the executive council.

3. Such permission shall not be unreasonably withheld and shall be in the form of an easement executed by the governor or in the case of an agency, by the chairperson or presiding officer thereof, and when once granted shall be perpetual, except that if no use is made of the same easement for a period of five years ~~such~~, the permission shall immediately thereafter expire.

4. All uses and occupancies as contemplated by this section existing on July 4, 1961, are hereby legalized.

5. The state of Iowa, its agencies and subdivisions shall be financially responsible for drainage and special assessments against land which they own, or hold title to, within existing drainage districts.

Sec. 148. Section 468.262, Code 2015, is amended to read as follows:

468.262 Purpose.

The provisions of this part apply to drainage or levee districts, ~~governed by a board of supervisors, joint boards of supervisors, or board of trustees, as provided in section 468.3,~~ when such districts participate in a merger.

Sec. 149. Section 468.269, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. The board must approve a report by an engineer appointed by the board as provided in ~~this part~~ 1 stating those improvements directly benefiting land situated in the participating ~~dominant~~ servient district were made within the five-year period provided in subsection 2.

Sec. 150. Section 468.540, Code 2015, is amended to read as follows:

468.540 Refunding bonds.

The board of supervisors of any county may extend the time of the payment of any of its outstanding drainage bonds issued in anticipation of the collection of drainage assessments levied upon property within a drainage district, and may extend the time of payment of any unpaid assessment, or any installment or installments thereof, ~~and~~. The board may renew or extend the time of payment of such legal bonded indebtedness, or any part thereof, for

account of such drainage district, and may refund the same and issue drainage refunding bonds therefor subject to the limitation and in the manner hereinafter provided.

Sec. 151. Section 468.544, Code 2015, is amended to read as follows:

468.544 Requirements of notice.

Said The notice shall be directed to each person whose name appears upon the transfer books in the auditor's office as owner of lands within said the drainage district upon which said the drainage assessments are unpaid, naming the owner, and also to the person or persons in actual occupancy of any of said the tracts of land without naming them, ~~and~~. The notice shall also state the all of the following:

1. The amount of unpaid assessments upon each forty-acre tract of land or less, ~~and that~~
2. That all of said the unpaid assessments, installment or installments thereof as proposed to be extended, may be paid on or before the time fixed for said the hearing, ~~and that~~
3. That after the expiration of such time no assessments may be paid except in the manner and at the times fixed by the board in the resolution authorizing the issuance of said the drainage refunding bonds.

Sec. 152. Section 476.20, subsection 2, Code 2015, is amended to read as follows:

2. The board shall establish rules requiring a regulated public utility furnishing gas or electricity to include in the utility's notice of pending disconnection of service a written statement advising the customer that the customer may be eligible to participate in the low income home energy assistance program or weatherization assistance program administered by the division of community action agencies of the department of human rights. The written statement shall list the address and telephone number of the local agency which is administering the customer's low income home energy assistance program and the weatherization assistance program. The written statement shall also state that the customer is advised to contact the public utility to settle any of the customer's complaints with the public utility, but if a complaint is not settled to the customer's satisfaction, the customer may file the complaint with the board. The written statement shall include the address and phone number of the board. If the notice of pending disconnection of service applies to a residence, the written statement shall advise that the disconnection does not apply from November 1 through April 1 for a resident who is a "head of household", as defined by law in section 422.4, and who has been certified to the public utility by the local agency which is administering the low income home energy assistance program and weatherization assistance program as being eligible for either the low income home energy assistance program or weatherization assistance program, and that if such a resident resides within the serviced residence, the customer should promptly have the qualifying resident notify the local agency which is administering the low income home energy assistance program and weatherization assistance program. The board shall establish rules requiring that the written notice contain additional information as it deems necessary and appropriate.

Sec. 153. Section 476.29, subsection 3, Code 2015, is amended to read as follows:

3. A certificate is transferable, subject to approval of the board pursuant to section 476.20, subsection 1, paragraph "a".

Sec. 154. Section 476.96, unnumbered paragraph 1, Code 2015, is amended to read as follows:

As used in sections 476.95, 476.100, and 476.101, unless the context otherwise requires:

Sec. 155. Section 478.15, Code 2015, is amended to read as follows:

478.15 Eminent domain — procedure — entering on land — reversion on nonuse.

1. Any person, company, or corporation having secured a franchise as provided in this chapter, shall thereupon be vested with the right of eminent domain to such extent as the utilities board may approve, prescribe and find to be necessary for public use, not exceeding one hundred feet in width for right-of-way and not exceeding one hundred sixty acres in any one location, in addition to right-of-way, for the location of electric substations to carry out the purposes of said franchise; provided however, that where two hundred K V lines or higher voltage lines are to be constructed, the person, company, or corporation may apply

to the board for a wider right-of-way not to exceed two hundred feet, and the board may for good cause extend the width of such right-of-way for such lines to the person, company, or corporation applying for the same. The burden of proving the necessity for public use shall be on the person, company, or corporation seeking the franchise. A homestead site, cemetery, orchard, or schoolhouse location shall not be condemned for the purpose of erecting an electric substation. If agreement cannot be made with the private owner of lands as to damages caused by the construction of said transmission line, or electric substations, the same proceedings shall be taken as provided for taking private property for works of internal improvement.

2. Any person, company, or corporation proposing to construct a transmission line or other facility which involves the taking of property under the right of eminent domain and desiring to enter upon the land, which it proposes to appropriate, for the purpose of examining or surveying the same, shall first file with the utilities board, a written statement under oath setting forth the proposed routing of the line or facility including a description of the lands to be crossed, the names and addresses of owners, together with request that a permit be issued by said the board authorizing said the person, company, or corporation or its duly appointed representative to enter upon the land for the purpose of examining and surveying and to take and use ~~thereon~~ on the land any vehicle and surveying equipment necessary in making the survey. Said The board shall within ten days after said the request issue a permit, accompanied by such bond in such amount as the board shall approve, to the person, company, or corporation making said the application, if in its the board's opinion the application is made in good faith and not for the purpose of harassing the owner of the land. If the board is of the opinion that the application is not made in good faith or made for the purpose of harassment to the owner of said the land ~~it the board~~ shall set the matter for hearing ~~and it~~. The matter shall be heard not more than twenty days after filing said the application. Notice of the time and place of hearing shall be given by said the board, to the owner of said the land by registered mail with a return receipt requested, not less than ten days preceding the date of hearing.

3. Any person, company or corporation that has obtained a permit in the manner ~~herein~~ prescribed in this section may enter upon said the land or lands, as ~~above~~ provided in this section, and shall be liable for actual damages sustained in connection with such entry. An action in damages shall be the exclusive remedy.

4. If an electric transmission line right-of-way, or any part thereof, is wholly abandoned for public utility purposes by the relocation of the transmission lines, is not used or operated for a period of five years, or if its construction has been commenced and work has ceased and has not in good faith been resumed for five years, the right-of-way shall revert to the person or persons who, at the time of the abandonment or reversion, are the owners of the tract from which ~~such the~~ right-of-way was taken. Following such abandonment of right-of-way, the owner or holder of purported fee title to ~~such the~~ real estate may serve notice upon the owner of ~~such the~~ right-of-way easement, or the owner's successor in interest, and upon any party in possession of said the real estate, a written notice which shall accurately describe the real estate in question, set out the facts concerning ownership of the fee, ownership of the right-of-way easement, and the period of abandonment, and notify said the parties that such reversion shall be complete and final, and that the easement or other right shall be forfeited, unless said the parties shall, within one hundred twenty days after the completed service of notice, file an affidavit with the county recorder of the county in which the real estate is located disputing the facts contained in said the notice.

5. Said The notice shall be served in the same manner as an original notice under the Iowa rules of civil procedure, except that when notice is served by publication no affidavit therefor shall be required before publication. If no affidavit disputing the facts contained in the notice is filed within one hundred twenty days, the party serving the notice may file for record in the office of the county recorder a copy of the notice with proofs of service attached thereto or endorsed thereon, and when so recorded, the record shall be constructive notice to all persons of the abandonment, reversion, and forfeiture of ~~such the~~ right-of-way.

Sec. 156. Section 478.31, Code 2015, is amended to read as follows:
478.31 Temporary permits for lines less than one mile.

1. Notwithstanding the provisions of section 478.1, any person, company, or corporation proposing to construct an electric transmission line not exceeding one mile in length and which does not involve the taking of property under the right of eminent domain may obtain a temporary construction permit from the utilities board by proceeding in the manner hereinafter set forth in this section. Said The person, company, or corporation shall first file with the board a verified petition setting forth the requirements of section 478.3, subsection 1, paragraphs "a" through "h", with the further allegation that the petitioner is the nearest electric utility to the proposed point of service.

2. The petition shall also state that the filing thereof constitutes an application for a temporary construction permit and shall also have endorsed thereon the approval of the appropriate highway authority or railroad concerned if such line is to be constructed over, across or along a public highway or railroad.

3. Upon receipt of such the petition the utilities board shall consider same and may grant a temporary construction permit in whole or in part or upon such terms, conditions and restrictions, and with such modifications as to location as may seem to it just and proper; however, no. A finding of public use will shall not be made at the time of the issuance of the permit, such finding to but shall be made, if substantiated by petitioner, at the subsequent consideration of the propriety of granting a franchise for the line subject to the permit. The signature of one utilities board member on such the permit shall be sufficient. The issuance of such the permit shall constitute temporary authority for the permit holder to construct the line for which the permit is granted.

4. Upon the granting of such temporary construction permit the utilities board shall cause the publication of notice required by section 478.5 and all other requirements shall be complied with as in the manner provided for the granting of a franchise. If a hearing is required then the petitioner shall make a sufficient and proper showing thereat before a franchise will be issued for the line. Any franchise issued will be subject to all applicable provisions of this chapter.

5. Notwithstanding anything foregoing subsections 1 through 4, if the utilities board shall determine that a franchise should not be granted, or that further restrictions, conditions or modifications are required, or if the petitioner shall fail to make a sufficient and proper showing of the necessity for the granting of a franchise within six months of the granting of the temporary construction permit, the permit issued hereunder shall become null and void and the permit holder may be required to take such action deemed necessary by the board to remove, modify or relocate the construction undertaken by virtue of the temporary permit issued hereunder.

Sec. 157. Section 481A.22, Code 2015, is amended to read as follows:

481A.22 Field and retriever meets — permit required.

1. a. All officially sanctioned field meets or trials and retriever meets or trials where the skill of dogs is demonstrated in pointing, retrieving, trailing, or chasing any game bird, game animal, or fur-bearing animal shall require a field trial permit. Except as otherwise provided by law, it shall be unlawful to kill any wildlife in such events. Notwithstanding the provisions of section 481A.21 it shall be lawful to hold field meets or trials and retriever meets or trials where dogs are permitted to work in exhibition or contest whereby the skill of dogs is demonstrated by retrieving dead or wounded game birds which have been propagated by licensed game breeders within the state or secured from lawful sources outside the state and lawfully brought into the state. All such of the birds must be released on the day of trials on premises where the trials are held.

b. Such Any birds released may be shot by official guns after having secured a permit as herein provided in this section.

c. Such The permits may be issued by the director of the department upon proper application and the payment of a fee of two dollars for each trial held. A representative of the department shall attend all such trials and enforce the laws and regulations governing same.

2. The person or persons designated by the committee in charge to do the shooting for such the trials shall be known as the official guns, and no other person shall be permitted to kill or attempt to kill any of the birds released for such trials.

3. Before any birds are released under this section, they must each have attached a tag provided by the department and attached by a representative of the department at a cost of not more than ten cents for each tag. All tags are to remain attached to birds until prepared for consumption.

4. It is unlawful for any person to hold, conduct, or to participate in a field or retriever trial before the permit required by this section has been secured or for any person to possess or remove from the trial grounds any birds which have not been tagged as herein in this section required.

Sec. 158. Section 490.1302, subsection 2, paragraph a, subparagraph (3), Code 2015, is amended to read as follows:

(3) Issued by an open-end management investment company registered with the United States securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. §80a-1 et seq., and may be redeemed at the option of the holder at net asset value.

Sec. 159. Section 490.1402, subsection 2, paragraph a, subparagraph (2), Code 2015, is amended to read as follows:

(2) If paragraph "a", subparagraph (1), subparagraph division (a) or (2) (b), applies, it must communicate the basis for so proceeding.

Sec. 160. Section 491.3, subsection 6, Code 2015, is amended to read as follows:

6. To make contracts, and acquire and transfer property — property, possessing the same powers in such respects as natural persons.

Sec. 161. Section 491.23, Code 2015, is amended to read as follows:

491.23 Dissolution — filing a statement with secretary of state.

A corporation may be dissolved prior to the period fixed in the articles of incorporation, by unanimous consent, or in accordance with the provisions of its articles, and if a statement swearing to the dissolution, signed by the officers of such corporation, is filed with the secretary of state. A recording fee of one dollar shall apply to the filing of the statement.

Sec. 162. Section 502A.4, subsection 1, paragraph e, Code 2015, is amended to read as follows:

e. A commodity contract under which the offeree or the purchaser is a person under section 502A.3, an insurance company, an investment company as defined in the federal Investment Company Act of 1940, 15 U.S.C. §80a-1 et seq., or an employee pension and profit sharing or benefit plan other than a self-employed individual retirement plan, or individual retirement account.

Sec. 163. Section 511.8, subsection 22, paragraph i, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Securities held in the legal reserve of a life insurance company or association and pledged as collateral for financial instruments used in hedging transactions shall continue to be eligible for inclusion in the legal reserve of the life insurance company or association subject to all of the following:

Sec. 164. Section 511.8, subsection 22, paragraph i, subparagraph (3), Code 2015, is amended to read as follows:

(3) Securities pledged as collateral for financial instruments used in hedging transactions that the life insurance company or association does not report as highly effective hedging transactions, together with securities pledged to a counterparty, clearing organization, or clearinghouse on an upfront basis in the form of initial margin, independent amount, or other securities pledged as a precondition of entering into hedging transactions pursuant to subparagraph (1) that the life insurance company or association does not report as highly effective hedging transactions pursuant to subparagraph (1), are not eligible in excess of three percent of the legal reserve of the life insurance company or association, less any financial instruments used in hedging transactions held in the legal reserve under this subsection.

Sec. 165. Section 515.103, subsection 11, Code 2015, is amended by striking the subsection.

Sec. 166. Section 517.2, Code 2015, is amended to read as follows:

517.2 Terms defined.

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

1. a. The term “~~earned premiums~~” as used herein “Earned premiums” shall include gross premiums charged on all policies written, including all determined excess and additional premiums, less returned premiums, other than premiums returned to policyholders as dividends, and less reinsurance premiums and premiums on policies canceled, and less unearned premiums on policies in force.

b. Any participating company which has charged in its premiums a loading solely for dividends shall not be required to include such loading in its earned premiums, provided a statement of the amount of such loading has been filed with and approved by the commissioner of insurance.

2. The term “~~compensation~~” as used in this chapter “Compensation” shall relate to all insurances affected by virtue of statutes providing compensation to employees for personal injuries irrespective of fault of the employer.

3. The term “~~liability~~” “Liability” shall relate to all insurance, except compensation insurance, against loss or damage from accident to or injuries suffered by an employee or other person and for which the insured is liable.

4. The terms “~~loss payments~~” “Loss payments” and “loss expense payments” as used herein shall include all payments to claimants, including payments for medical and surgical attendance, legal expenses, salaries and expenses of investigators, and field personnel, rents, stationery, telegraph and telephone charges, postage, salaries and expenses of office employees, home office expenses, and all other payments made on account of claims, whether such payments shall be allocated to specific claims or unallocated.

Sec. 167. Section 517.3, Code 2015, is amended to read as follows:

517.3 Distribution of unallocated payments.

1. a. All unallocated liability loss expense payments made in a given calendar year subsequent to the first four years in which an insurer has been issuing liability policies shall be distributed as follows:

(1) Thirty-five percent shall be charged to the policies written in that year, ~~forty~~

(2) Forty percent to the policies written in the preceding year, ~~ten~~

(3) ~~Ten~~ percent to the policies written in the second year preceding, ten percent to the policies written in the third year preceding, ~~and five~~

(4) Five percent to the policies written in the fourth year preceding, ~~and such~~

b. The payments made in each of the first four calendar years in which an insurer issues liability policies shall be distributed as follows:

(1) In the first calendar year one hundred percent shall be charged to the policies written in that year, ~~in~~

(2) In the second calendar year fifty percent shall be charged to the policies written in that year and fifty percent to the policies written in the preceding year, ~~in~~

(3) In the third calendar year forty percent shall be charged to the policies written in that year, forty percent to the policies written in the preceding year, and twenty percent to the policies written in the second year preceding, ~~and in~~

(4) In the fourth calendar year thirty-five percent shall be charged to the policies written in that year, forty percent to the policies written in the preceding year, fifteen percent to the policies written in the second year preceding, and ten percent to the policies written in the third year preceding, ~~and a~~

c. A schedule showing such distribution shall be included in the annual statement.

2. a. All unallocated compensation loss expense payments made in a given calendar year subsequent to the first three years in which an insurer has been issuing compensation policies shall be distributed as follows:

(1) Forty percent shall be charged to the policies written in that year, ~~forty-five~~

(2) Forty-five percent to the policies written in the preceding year, ~~ten~~

~~(3) Ten percent to the policies written in the second year preceding, and five~~

~~(4) Five percent to the policies written in the third year preceding, and such~~

b. The payments made in each of the first three calendar years in which an insurer issues compensation policies shall be distributed as follows:

(1) In the first calendar year one hundred percent shall be charged to the policies written in that year, ~~in~~

(2) In the second calendar year fifty percent shall be charged to the policies written in that year and fifty percent to the policies written in the preceding year, ~~in~~

(3) In the third calendar year forty-five percent shall be charged to the policies written in that year, forty-five percent to the policies written in the preceding year and ten percent to the policies written in the second year preceding, ~~and a~~

c. A schedule showing such distribution shall be included in the annual statement.

3. Whenever, in the judgment of the commissioner of insurance, the liability or compensation loss reserves of any insurer under the commissioner's supervision, calculated in accordance with the foregoing provisions, are inadequate, the commissioner may, in the commissioner's discretion, require such insurer to maintain additional reserves based upon estimated individual claims or otherwise.

Sec. 168. Section 518A.1, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. An application on blanks furnished by the association and signed by the insured or the insured's representative, which may contain in addition to other provisions: ~~the~~

(1) ~~The value of the property, the~~

(2) ~~The proper description thereof, the of the property.~~

(3) ~~The amount of other insurance and the encumbrance thereon, and agreement on the property.~~

(4) ~~Agreement to be governed by the articles of incorporation and bylaws in force at the time the policy is issued, a~~

(5) ~~A representation that the foregoing statements are true as far as the same are known to the insured or material to the risk, and that~~

(6) ~~That the insurance shall take effect when approved by the secretary.~~

Sec. 169. Section 523I.312, subsection 2, paragraph n, Code 2015, is amended to read as follows:

n. Include an explanation of regulatory oversight by the insurance division in twelve point boldface type, in substantially the following language:

This agreement is subject to rules administered by the Iowa insurance division. You may call the insurance division with inquiries or complaints at (515)281-5705 (insert telephone number). Written inquiries or complaints should be mailed to: Iowa Securities and Regulated Industries Bureau, ~~330 Maple Street, Des Moines, Iowa 50319~~ (insert address).

Sec. 170. Section 533.301, subsection 5, paragraph i, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Corporate bonds as defined by and subject to terms and conditions imposed by the superintendent, provided that the superintendent shall not approve investment in corporate bonds unless the bonds are investment grade. For purposes of this paragraph, "investment grade" means the issuer of a security has an adequate capacity to meet the financial commitments under the security for the projected life of the asset or exposure, even under adverse economic conditions. An issuer has an adequate capacity to meet the financial commitments of a security if the risk of default by the obligor is low and the full and timely repayment of principal and interest on the security is expected. A state credit union may consider any or all of the following nonexhaustive or nonmutually exclusive factors, to the extent appropriate, with respect to the credit risk of a security:

Sec. 171. Section 536.1, subsections 4 and 5, Code 2015, are amended to read as follows:

4. A person who enters into less than ten supervised loans per year in this state and who neither has an office physically located in this state nor engages in face-to-face solicitation in this state may contract for and receive the rate of interest permitted in this chapter for licensees under this chapter. ~~A “consumer loan” means the same as defined in section 537.1301.~~

5. For the purposes of this section: ~~“threshold amount”~~

a. ~~“Consumer loan” means the same as defined in section 537.1301.~~

b. ~~“Threshold amount” means the same as defined in section 537.1301.~~

Sec. 172. Section 537.1301, subsection 26, Code 2015, is amended to read as follows:

26. *“Lender”* means a person who makes a loan or, except as otherwise provided in this Act chapter, a person who takes an assignment of a lender’s right to payment, but use of the term does not in itself impose on an assignee any obligation of the lender.

Sec. 173. Section 551A.4, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. The offer or sale of a business opportunity if the purchaser is a bank, federally chartered savings and loan association, trust company, insurance company, credit union, or investment company as defined by the federal Investment Company Act of 1940, 15 U.S.C. §80a-1 et seq., a pension or profit-sharing trust, or other financial institution or institutional buyer, or a broker-dealer registered pursuant to chapter 502, whether the purchaser is acting for itself or in a fiduciary capacity.

Sec. 174. Section 554.8110, subsection 5, paragraph a, Code 2015, is amended to read as follows:

a. if an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that a particular jurisdiction of the securities intermediary’s jurisdiction for purposes of this part, this Article, or ~~this Act 2000 Iowa Acts, ch. 1149~~, that jurisdiction is the securities intermediary’s jurisdiction.

Sec. 175. Section 558.1, Code 2015, is amended to read as follows:

558.1 “Instruments affecting real estate” defined — revocation.

All instruments containing a power to convey, or in any manner relating to real estate, including certified copies of petitions in bankruptcy with or without the schedules appended, of decrees of adjudication in bankruptcy, and of orders approving trustees’ bonds in bankruptcy, and a jobs training agreement entered into under chapter 260E between an employer and community college which contains a description of the real estate affected, shall be held to be ~~instruments “instruments affecting the same; and no such real estate”.~~ An instrument affecting real estate, when acknowledged or certified and recorded as in this chapter prescribed, can cannot be revoked as to third parties by any act of the parties by whom it was executed, until the instrument containing such revocation is acknowledged and filed for record in the same office in which the instrument containing such power is recorded, except that uniform commercial code financing statements and financing statement changes as provided in chapter 554 need not be thus acknowledged.

Sec. 176. Section 602.8108, subsection 2, Code 2015, is amended to read as follows:

2. Except as otherwise provided, the clerk of the district court shall report and submit to the state court administrator, not later than the fifteenth day of each month, the fines and fees received during the preceding calendar month. Except as provided in subsections 3, 4, ~~5~~, 6, 7, 8, 9, 10, and 11, the state court administrator shall deposit the amounts received with the treasurer of state for deposit in the general fund of the state. The state court administrator shall report to the legislative services agency within thirty days of the beginning of each fiscal quarter the amount received during the previous quarter in the account established under this section.

Sec. 177. Section 602.11113, Code 2015, is amended to read as follows:

602.11113 Bailiffs employed as court attendants.

Persons who were employed as bailiffs and who were performing services for the court, other than law enforcement services, immediately prior² to the effective date of section 602.6601 July 1, 1983, shall be employed by the district court administrators as court attendants under section 602.6601 on the effective date of that section July 1, 1983.

Sec. 178. Section 614.6, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The period of limitation above described specified in sections 614.1 through 614.5 shall be computed omitting any time when:

Sec. 179. Section 614.35, Code 2015, is amended to read as follows:

614.35 Recording interest.

To be effective and to be entitled to record, the notice above referred to in section 614.34 shall contain an accurate and full description of all land affected by such notice which description shall be set forth in particular terms and not by general inclusions; but if the claim is founded upon a recorded instrument, then the description in such notice may be the same as that contained in such recorded instrument. Such notice shall be filed for record in the office of the county recorder of the county or counties where the land described in the notice is situated. The recorder of each county shall accept all such notices presented to the recorder which describe land located in the county in which the recorder serves and shall enter and record full copies of the notices and shall index the applicable entries specified in sections 558.49 and 558.52, and each recorder shall be entitled to charge the same fees for the recording of the notices as are charged for recording deeds. In indexing such notices in the recorder’s office each recorder shall enter such notices under the grantee indexes of deeds in the names of the claimants appearing in such notices.

Sec. 180. Section 633.279, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. An attested will may be made self-proved at the time of its execution, or at any subsequent date, by the acknowledgment thereof by the testator and the affidavits of the witnesses, each made before a person authorized to administer oaths and take acknowledgments under the laws of this state, and evidenced by such person’s certificate, under seal, attached or annexed to the will, in form and content substantially as follows:

Affidavit

State of.....)
County of.....) ss

We, the undersigned,,, and, the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, declare to the undersigned authority that at the date of the instrument, we all knew the identity of each other; the instrument was exhibited to the witnesses by the testator, who declared it to be the testator’s last will and testament and was signed by the testator or by another at the direction of the testator at, in the County of, State of, on the date shown in the instrument, and in the presence of each other as subscribing witnesses; that we, as witnesses, declare to the undersigned authority that in our presence the testator executed and acknowledged such will as the testator’s will and that we, in the testator’s presence, at the testator’s request, and in the presence of each other, did subscribe our names thereto as attesting witnesses on the date of such will; and that the witnesses were sixteen years of age or older.

.....
Testator

² See chapter 138, §48 herein

.....
Witness

.....
Witness

.....
Subscribed, sworn and acknowledged before me by
....., the testator; and subscribed and sworn before
me by and, witnesses, this
..... day of (month), (year)

.....
(Stamp) ~~Notary Public, or other~~
~~Signature of notarial~~
~~officer authorized to take~~
~~and certify acknowledgments~~
~~and administer oaths~~
[.....]
Title of office
[My commission expires]

Sec. 181. Section 633.304, subsections 2 and 3, Code 2015, are amended to read as follows:

2. On admission of a will to probate, the executor, as soon as letters are issued, shall cause notice to be published once each week for two consecutive weeks in a daily or weekly newspaper of general circulation published in the county in which the estate is pending ~~and at~~. At any time during the pendency of administration that the executor has knowledge of the name and address of a person believed to own or possess a claim which will not or may not be paid or otherwise satisfied during administration, the executor shall provide notice by ordinary mail to each such claimant at the claimant's last known address, and. The executor shall also, as soon as practicable give notice, except to any executor, by ordinary mail to the surviving spouse, each heir of the decedent, and each devisee under the will admitted to probate whose identities are reasonably ascertainable, at such persons' last known addresses, ~~that gives notice~~ of admission of the will to probate and of the appointment of the executor. In the notice shall be included a notice that any action to set aside the probate of the will must be brought within the later to occur of four months from the date of the second publication of the notice or one month from the date of mailing of this notice or thereafter be forever barred, a notice to debtors to make payment, and a notice to creditors having claims against the estate to file them with the clerk within four months from the second publication of the notice, or thereafter be forever barred.

3. The notice shall be substantially in the following form:

NOTICE OF PROBATE OF WILL,
OF APPOINTMENT OF EXECUTOR,
AND NOTICE TO CREDITORS

In the District Court of Iowa
in and for County.
Probate No.

In the Estate of, Deceased
To All Persons Interested in the Estate of, Deceased,
who died on or about (date):

You are hereby notified that on the day of
(month), (year), the last will and testament of
....., deceased, bearing date of the day of
..... (month), (year), was admitted to probate in the
above named court and that was appointed
executor of the estate. Any action to set aside the will must be
brought in the district court of said county within the later to occur
of four months from the date of the second publication of this
notice or one month from the date of mailing of this notice to all

heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Notice is further given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the date of second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.

Dated this day of (month), (year)

.....

Executor of estate

.....

Address

.....

Attorney for executor

.....

Address

Date of second publication

..... day of (month), (year)

(Date to be inserted by publisher)

Sec. 182. Section 633A.3110, subsection 5, Code 2015, is amended to read as follows:

5. The notice described in subsection 2 shall be substantially in the following form:

To all persons regarding, deceased, who died on or about(date). You are hereby notified that is the trustee of the Trust.

Any action to contest the validity of the trust must be brought in the District Court of ... County, Iowa, within the later to occur of four months from the date of second publication of this notice, or thirty days from the date of mailing this notice to all heirs of the decedent settlor and the spouse of the decedent settlor whose identities are reasonably ascertainable. Any suit not filed within this period shall be forever barred.

Notice is further given that any person or entity possessing a claim against the trust must mail proof of the claim to the trustee at the address listed below via certified mail, return receipt requested, by the later to occur of four months from the date of the second publication of this notice or thirty days from the date of mailing this notice if required, or the claim shall be forever barred, unless paid or otherwise satisfied.

Dated this day of(month),(year)

..... Trust

.....

Trustee

Address:

.....

Date of second publication

..... day of(month),(year)

Sec. 183. Section 633B.203, subsections 3 and 9, Code 2015, are amended to read as follows:

3. Execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction, including but not limited to creating at any time a schedule listing some or all of the principal's property and attaching the instrument of or communication to the power of attorney.

9. Access communications intended for, and communicate on behalf of, the principal, whether by mail, electronic transmission, telephone, or other means.

Sec. 184. Section 633B.205, subsection 2, Code 2015, is amended to read as follows:

2. Sell; exchange; convey with or without covenants, representations, or warranties; quitclaim; release; surrender; create a security interest in; grant options concerning; lease; sublease; or, otherwise dispose of tangible personal property or an interest in tangible personal property.

Sec. 185. Section 633B.205, subsection 5, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Manage or conserve tangible personal property or an interest in tangible personal property on behalf of the principal, including but not limited to by doing all of the following:

Sec. 186. Section 636.33, Code 2015, is amended to read as follows:

636.33 Final discharge.

Said fiduciary may file ~~such~~ the receipt described in section 636.32 with the fiduciary's final report, and if it shall be made to appear to the satisfaction of the court that the fiduciary has in all other respects complied with the law governing the fiduciary's appointment and duties, the court may approve such final report and enter the fiduciary's discharge.

Sec. 187. Section 636.34, Code 2015, is amended to read as follows:

636.34 Notice of deposit.

Notice of ~~such~~ a contemplated deposit under section 636.31, and of final report, shall be given for the same time and in the same manner as is now required in cases of final report by personal representatives under the probate code.

Sec. 188. Section 654.13, Code 2015, is amended to read as follows:

654.13 Pledge of rents — priority.

Whenever any real estate is encumbered by two or more real estate mortgages which in addition to the lien upon the real estate grant to the mortgagee the right to subject the rents, profits, avails ~~and/or,~~ or income from said real estate to the payment of the debt secured by such mortgage, the priority of the respective mortgagees under the provisions of their mortgages affecting the rents, profits, avails ~~and/or,~~ or incomes from the said real estate shall, as between such mortgagees, be in the same order as the priority of the lien of their respective mortgages on the real estate.

Sec. 189. Section 654.14, subsection 2, Code 2015, is amended to read as follows:

2. If the owner or person in actual possession of agricultural land as defined in section 9H.1 is not afforded a right of first refusal in leasing the mortgaged premises by the receiver, the owner or person in actual possession has a cause of action against the receiver to recover either actual damages or a one thousand dollar penalty, and costs, including reasonable attorney's fees. The receiver shall deliver notice of an offer made to the receiver to the owner or person in actual possession or the attorney of the owner or person in actual possession, ~~of an offer made to the receiver, which contains~~ the terms of the offer, and the name and address of the person making the offer. The delivery shall be made personally with receipt returned or by certified or registered mail, with the proper postage on the envelope, addressed to the owner or person in actual possession or the attorney of the owner or person in actual possession. An offer shall be deemed to have been refused if the owner or person in actual possession or the attorney of the owner or person in actual possession does not respond within ten days following the date that the notice is mailed.

Sec. 190. Section 656.5, Code 2015, is amended to read as follows:

656.5 Proof and record of service.

If the terms and conditions as to which there is default are not performed within ~~said~~ thirty days, the party serving ~~said~~ the notice or causing the ~~same~~ notice to be served, may file for record in the office of the county recorder a copy of the notice ~~aforsaid~~ with proofs of service attached or endorsed thereon ~~(and, in case of service, if notice has been served~~ by publication,

a personal affidavit that personal service could not be made within this state), ~~and when state shall also be attached or endorsed on the notice.~~ When so filed and recorded, the said record shall be constructive notice to all parties of the due forfeiture and cancellation of said the contract.

Sec. 191. Section 669.2, subsection 4, paragraph c, Code 2015, is amended to read as follows:

c. “*Employee of the state*” also includes an architect registered pursuant to chapter 544A or a professional engineer licensed pursuant to chapter 542B who voluntarily and without compensation provides initial structural or building systems inspection services for the purposes of determining human occupancy at the scene of a disaster as defined in section 29C.2, subsection 4. To be considered an employee of the state, the architect or engineer shall be acting at the request and under the direction of the commissioner of public safety and in coordination with the local emergency management commission established under chapter 29C. For purposes of this paragraph, “*compensation*” does not include reimbursement for expenses.

Sec. 192. Section 714.11, subsection 1, paragraph c, Code 2015, is amended to read as follows:

c. A fraudulent practice where it is not possible to determine an amount of money or value of property and ~~service~~ services involved.

Sec. 193. Section 714.14, subsection 2, Code 2015, is amended to read as follows:

2. If money, property, or a service involved in two or more acts of fraudulent practice is from the same person or location, or from different persons by two or more acts which occur in approximately the same location or time period so that the fraudulent practices are attributable to a single scheme, plan, or conspiracy, these acts may be considered as a single fraudulent practice and the value may be the total value of all money, property, and ~~service~~ services involved.

Sec. 194. Section 724.1, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. An antique firearm. An antique firearm is any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898 or any firearm which is a replica of such a firearm if such replica is not designed or redesigned for using conventional rimfire or centerfire fixed ammunition or which uses only rimfire or centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Sec. 195. Section 725.1, subsection 1, paragraph c, Code 2015, is amended to read as follows:

c. If the person who sells or offers for sale the person’s services as a partner in a sex act is under the age of eighteen, upon the expiration of two years following the person’s conviction for a violation of paragraph “a” or of a similar local ordinance, the person may petition the court to expunge the conviction, 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 shall be expunged as a matter of law. The court shall enter an order that the record of the conviction 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 ~~has been expunged~~ for a violation of paragraph “a” has been expunged, the record of conviction shall be removed from the criminal history data files maintained by the department of public safety.

Sec. 196. Section 915.50, subsection 3, Code 2015, is amended to read as follows:

3. The right to receive a ~~criminal~~ no-contact order upon a finding of probable cause, pursuant to section 664A.3.

Sec. 197. Section 915.50A, subsection 2, Code 2015, is amended to read as follows:

2. The right to receive a ~~criminal~~ no-contact order upon a finding of probable cause, pursuant to section 664A.3.

Sec. 198. REPEAL. Sections 123.6, 123.7, 123.12, and 507C.8, Code 2015, are repealed.

Sec. 199. REPEAL. 2013 Iowa Acts, chapter 125, division II, is repealed.

Sec. 200. Section 633B.213, subsection 1, unnumbered paragraph 1, as enacted by 2014 Iowa Acts, chapter 1078, section 38, is amended to read as follows:

Unless the power of attorney otherwise provides and subject to ~~subsection~~ section 633B.201, language in a power of attorney granting general authority with respect to personal and family maintenance authorizes the agent to do all of the following:

Sec. 201. REPEAL. 2014 Iowa Acts, chapter 1080, section 121, is repealed.

Sec. 202. REPEAL. 2014 Iowa Acts, chapter 1092, sections 153 and 199, are repealed.

Sec. 203. 2014 Iowa Acts, chapter 1092, section 197, subsection 2, is amended by striking the subsection.

Sec. 204. CODE EDITOR DIRECTIVE — TRANSFERS.

1. The Code editor shall transfer and renumber the following sections as follows:

- a. Section 123.9 to become section 123.6.
- b. Section 123.10 to become section 123.7.
- c. Section 123.16 to become section 123.8.
- d. Section 123.20 to become section 123.9.
- e. Section 123.21 to become section 123.10.
- f. Section 123.13 to become section 123.12.
- g. Section 123.17 to become section 123.13.
- h. Section 123.18 to become section 123.15.
- i. Section 123.55 to become section 123.16.
- j. Section 123.53 to become section 123.17.
- k. Section 123.54 to become section 123.18.
- l. Section 123.19 to become section 123.23.
- m. Section 226.47 to become section 226.1A.
- n. Section 462A.69 to become section 462A.3A.
- o. Section 462A.71 to become section 462A.3B.

2. The Code editor shall correct internal references as necessary.

Sec. 205. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 237A.30, subsection 1.
2. The section of this Act amending section 321.34, subsection 27, paragraph “a”.

Sec. 206. EFFECTIVE DATE. The following provision or provisions of this division of this Act take effect June 30, 2021:

1. The section of this Act amending section 15.294, subsection 4.

Sec. 207. EFFECTIVE DATE. The following provision or provisions of this division of this Act take effect July 1, 2017:

1. The section of this Act amending section 124.401, subsection 5, unnumbered paragraph 3.

Sec. 208. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to July 1, 2010:

1. The section of this Act amending section 237A.30, subsection 1.

Sec. 209. **RETROACTIVE APPLICABILITY.** The following provision or provisions of this division of this Act apply retroactively to July 1, 2014:

1. The section of this Act amending section 321.34, subsection 27, paragraph “a”.

Sec. 210. **RETROACTIVE APPLICABILITY.** The following provision or provisions of this division of this Act apply retroactively to January 1, 2014, for tax years beginning on or after that date:

1. The section of this Act amending section 422.11L.

DIVISION II
REENACTMENT OF DIVISION II OF 2014 IOWA ACTS, CH. 1106

Sec. 211. **NEW SECTION. 135.153A Safety net provider recruitment and retention initiatives program — repeal.**

The department, in accordance with efforts pursuant to sections 135.163 and 135.164 and in cooperation with the Iowa collaborative safety net provider network governing group as described in section 135.153, shall establish and administer a safety net provider recruitment and retention initiatives program to address the health care workforce shortage relative to safety net providers. Funding for the program may be provided through the health care workforce shortage fund or the safety net provider network workforce shortage account created in section 135.175. The department, in cooperation with the governing group, shall adopt rules pursuant to chapter 17A to implement and administer such program. This section is repealed June 30, 2016.

Sec. 212. **NEW SECTION. 135.175 Health care workforce support initiative — workforce shortage fund — accounts.**

1. *a.* A health care workforce support initiative is established to provide for the coordination and support of various efforts to address the health care workforce shortage in this state. This initiative shall include the medical residency training state matching grants program created in section 135.176, the nurse residency state matching grants program created in section 135.178, the fulfilling Iowa’s need for dentists matching grant program created in section 135.179, the health care professional incentive payment program and Iowa needs nurses now initiative created in sections 261.128 and 261.129, the safety net provider recruitment and retention initiatives program created in section 135.153A, health care workforce shortage national initiatives, and the physician assistant mental health fellowship program created in section 135.177.

b. A health care workforce shortage fund is created in the state treasury as a separate fund under the control of the department, in cooperation with the entities identified in this section as having control over the accounts within the fund. The fund and the accounts within the fund shall be controlled and managed in a manner consistent with the principles specified and the strategic plan developed pursuant to sections 135.163 and 135.164.

2. The fund and the accounts within the fund shall consist of moneys appropriated from the general fund of the state for the purposes of the fund or the accounts within the fund; moneys received from the federal government for the purposes of addressing the health care workforce shortage; contributions, grants, and other moneys from communities and health care employers; and moneys from any other public or private source available.

3. The department and any entity identified in this section as having control over any of the accounts within the fund, may receive contributions, grants, and in-kind contributions to support the purposes of the fund and the accounts within the fund. Not more than five percent of the moneys allocated to any account within the fund may be used for administrative costs.

4. The fund and the accounts within the fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the fund and the accounts within the fund shall not be considered revenue of the state, but rather shall be moneys of the fund or the accounts. The moneys in the fund and the accounts within the 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 section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund and the accounts within the fund.

5. The fund shall consist of the following accounts:

a. The medical residency training account. The medical residency training account shall be under the control of the department and the moneys in the account shall be used for the purposes of the medical residency training state matching grants program as specified in section 135.176. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the medical residency training state matching grants program or account for the purposes of such account.

b. The health care professional and Iowa needs nurses now initiative account. The health care professional and Iowa needs nurses now initiative account shall be under the control of the college student aid commission created in section 261.1 and the moneys in the account shall be used for the purposes of the health care professional incentive payment program and the Iowa needs nurses now initiative as specified in sections 261.128 and 261.129. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the health care professional and Iowa needs nurses now initiative or the account for the purposes of the account.

c. The safety net provider network workforce shortage account. The safety net provider network workforce shortage account shall be under the control of the governing group of the Iowa collaborative safety net provider network created in section 135.153 and the moneys in the account shall be used for the purposes of the safety net provider recruitment and retention initiatives program as specified in section 135.153A. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the safety net provider recruitment and retention initiatives program or the account for the purposes of the account.

d. The health care workforce shortage national initiatives account. The health care workforce shortage national initiatives account shall be under the control of the state entity identified for receipt of the federal funds by the federal government entity through which the federal funding is available for a specified health care workforce shortage initiative. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to health care workforce shortage national initiatives or the account and for a specified health care workforce shortage initiative.

e. The physician assistant mental health fellowship program account. The physician assistant mental health fellowship program account shall be under the control of the department and the moneys in the account shall be used for the purposes of the physician assistant mental health fellowship program as specified in section 135.177. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the physician assistant mental health fellowship program or the account for the purposes of the account.

f. The Iowa needs nurses now infrastructure account. The Iowa needs nurses now infrastructure account shall be under the control of the department and the moneys in the account shall be used to award grants in accordance with rules adopted by the department, in consultation with the board of nursing, the department of education, and a statewide association that represents nurses specified by the director, pursuant to chapter 17A, for clinical simulators, laboratory facilities, health information technology, and other infrastructure to improve the training of nurses and nurse educators in the state and to enhance the clinical experience for nurses. Grants awarded shall authorize the use of a reasonable portion of the grant moneys for training in the use of the infrastructure purchased with the grant moneys. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the Iowa needs nurses now infrastructure account for the purposes of the account.

g. The nurse residency state matching grants program account. The nurse residency state matching grants program account shall be under the control of the department and the moneys in the account shall be used for the purposes of the nurse residency state matching grants program as specified in section 135.178. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the nurse residency state matching grants program account for the purposes of such account.

h. The fulfilling Iowa's need for dentists matching grant program account. The fulfilling Iowa's need for dentists matching grant program account shall be under the control of the department and the moneys in the account shall be used for the purposes of the fulfilling Iowa's need for dentists matching grant program as specified in section 135.179. Moneys in the account shall consist of moneys appropriated or allocated for deposit in the account or received by the fund or the account and specifically dedicated to the fulfilling Iowa's need for dentists matching grant program account for the purposes of such account.

6. *a.* Moneys in the fund and the accounts in the fund shall only be appropriated in a manner consistent with the principles specified and the strategic plan developed pursuant to sections 135.163 and 135.164 to support the medical residency training state matching grants program, the nurse residency state matching grants program, the fulfilling Iowa's need for dentists matching grant program, the health care professional incentive payment program, the Iowa needs nurses now initiative, the safety net recruitment and retention initiatives program, for national health care workforce shortage initiatives, for the physician assistant mental health fellowship program, for the purposes of the Iowa needs nurses now infrastructure account, and to provide funding for state health care workforce shortage programs as provided in this section.

b. State programs that may receive funding from the fund and the accounts in the fund, if specifically designated for the purpose of drawing down federal funding, are the primary care recruitment and retention endeavor (PRIMECARRE), the Iowa affiliate of the national rural recruitment and retention network, the primary care office shortage designation program, the state office of rural health, and the Iowa health workforce center, administered through the bureau of health care access of the department of public health; the area health education centers programs at Des Moines university — osteopathic medical center and the university of Iowa; the Iowa collaborative safety net provider network established pursuant to section 135.153; any entity identified by the federal government entity through which federal funding for a specified health care workforce shortage initiative is received; and a program developed in accordance with the strategic plan developed by the department of public health in accordance with sections 135.163 and 135.164.

c. State appropriations to the fund shall be allocated in equal amounts to each of the accounts within the fund, unless otherwise specified in the appropriation or allocation. Any federal funding received for the purposes of addressing state health care workforce shortages shall be deposited in the health care workforce shortage national initiatives account, unless otherwise specified by the source of the funds, and shall be used as required by the source of the funds. If use of the federal funding is not designated, twenty-five percent of such funding shall be deposited in the safety net provider network workforce shortage account to be used for the purposes of the account and the remainder of the funds shall be used in accordance with the strategic plan developed by the department of public health in accordance with sections 135.163 and 135.164, or to address workforce shortages as otherwise designated by the department of public health. Other sources of funding shall be deposited in the fund or account and used as specified by the source of the funding.

7. No more than five percent of the moneys in any of the accounts within the fund, not to exceed one hundred thousand dollars in each account, shall be used for administrative purposes, unless otherwise provided by the appropriation, allocation, or source of the funds.

8. The department, in cooperation with the entities identified in this section as having control over any of the accounts within the fund, shall submit an annual report to the governor and the general assembly regarding the status of the health care workforce support initiative, including the balance remaining in and appropriations from the health care workforce shortage fund and the accounts within the fund.

Sec. 213. NEW SECTION. 135.176 Medical residency training state matching grants program.

1. The department shall establish a medical residency training state matching grants program to provide matching state funding to sponsors of accredited graduate medical education residency programs in this state to establish, expand, or support medical residency training programs. Funding for the program may be provided through the health care workforce shortage fund or the medical residency training account created in section

135.175. For the purposes of this section, unless the context otherwise requires, “*accredited*” means a graduate medical education program approved by the accreditation council for graduate medical education or the American osteopathic association. The grant funds may be used to support medical residency programs through any of the following:

a. The establishment of new or alternative campus accredited medical residency training programs. For the purposes of this paragraph, “*new or alternative campus accredited medical residency training program*” means a program that is accredited by a recognized entity approved for such purpose by the accreditation council for graduate medical education or the American osteopathic association with the exception that a new medical residency training program that, by reason of an insufficient period of operation is not eligible for accreditation on or before the date of submission of an application for a grant, may be deemed accredited if the accreditation council for graduate medical education or the American osteopathic association finds, after consultation with the appropriate accreditation entity, that there is reasonable assurance that the program will meet the accreditation standards of the entity prior to the date of graduation of the initial class in the program.

b. The provision of new residency positions within existing accredited medical residency or fellowship training programs.

c. The funding of residency positions which are in excess of the federal residency cap. For the purposes of this paragraph, “*in excess of the federal residency cap*” means a residency position for which no federal Medicare funding is available because the residency position is a position beyond the cap for residency positions established by the federal Balanced Budget Act of 1997, Pub. L. No. 105-33.

2. The department shall adopt rules pursuant to chapter 17A to provide for all of the following:

a. Eligibility requirements for and qualifications of a sponsor of an accredited graduate medical education residency program to receive a grant. The requirements and qualifications shall include but are not limited to all of the following:

(1) Only a sponsor that establishes a dedicated fund to support a residency program that meets the specifications of this section shall be eligible to receive a matching grant. A sponsor funding residency positions in excess of the federal residency cap, as defined in subsection 1, paragraph “c”, exclusive of funds provided under the medical residency training state matching grants program established in this section, is deemed to have satisfied this requirement and shall be eligible for a matching grant equal to the amount of funds expended for such residency positions, subject to the limitation on the maximum award of grant funds specified in paragraph “e”.

(2) A sponsor shall demonstrate, through documented financial information as prescribed by rule of the department, that funds have been reserved and will be expended by the sponsor in the amount required to provide matching funds for each residency proposed in the request for state matching funds.

(3) A sponsor shall demonstrate, through objective evidence as prescribed by rule of the department, a need for such residency program in the state.

b. The application process for the grant.

c. Criteria for preference in awarding of the grants, including preference in the residency specialty.

d. Determination of the amount of a grant. The total amount of a grant awarded to a sponsor shall be limited to no more than twenty-five percent of the amount that the sponsor has demonstrated through documented financial information has been reserved and will be expended by the sponsor for each residency sponsored for the purpose of the residency program.

e. The maximum award of grant funds to a particular individual sponsor per year. An individual sponsor shall not receive more than twenty-five percent of the state matching funds available each year to support the program. However, if less than ninety-five percent of the available funds has been awarded in a given year, a sponsor may receive more than twenty-five percent of the state matching funds available if total funds awarded do not exceed ninety-five percent of the available funds. If more than one sponsor meets the requirements of this section and has established, expanded, or supported a graduate medical residency training program, as specified in subsection 1, in excess of the sponsor’s

twenty-five percent maximum share of state matching funds, the state matching funds shall be divided proportionately among such sponsors.

f. Use of the funds awarded. Funds may be used to pay the costs of establishing, expanding, or supporting an accredited graduate medical education program as specified in this section, including but not limited to the costs associated with residency stipends and physician faculty stipends.

Sec. 214. NEW SECTION. 135.177 Physician assistant mental health fellowship program — repeal.

1. The department, in cooperation with the college student aid commission, shall establish a physician assistant mental health fellowship program in accordance with this section. Funding for the program may be provided through the health care workforce shortage fund or the physician assistant mental health fellowship program account created in section 135.175. The purpose of the program is to determine the effect of specialized training and support for physician assistants in providing mental health services on addressing Iowa's shortage of mental health professionals.

2. The program shall provide for all of the following:

a. Collaboration with a hospital serving a thirteen-county area in central Iowa that provides a clinic at the Iowa veterans home, a private nonprofit agency headquartered in a city with a population of more than one hundred ninety thousand that operates a freestanding psychiatric medical institution for children, a private university with a medical school educating osteopathic physicians located in a city with a population of more than one hundred ninety thousand, the Iowa veterans home, and any other clinical partner designated for the program. Population figures used in this paragraph refer to the most recent certified federal census. The clinical partners shall provide supervision, clinical experience, training, and other support for the program and physician assistant students participating in the program.

b. Elderly, youth, and general population clinical experiences.

c. A fellowship of twelve months for three physician assistant students, annually.

d. Supervision of students participating in the program provided by the university and the other clinical partners participating in the program.

e. A student participating in the program shall be eligible for a stipend of not more than fifty thousand dollars for the twelve months of the fellowship plus related fringe benefits. In addition, a student who completes the program and practices in Iowa in a mental health professional shortage area, as defined in section 135.180, shall be eligible for up to twenty thousand dollars in loan forgiveness. The stipend and loan forgiveness provisions shall be determined by the department and the college student aid commission, in consultation with the clinical partners.

f. The state and private entity clinical partners shall regularly evaluate and document their experiences with the approaches utilized and outcomes achieved by the program to identify an optimal model for operating the program. The evaluation process shall include but is not limited to identifying ways the program's clinical and training components could be modified to facilitate other student and practicing physician assistants specializing as mental health professionals.

3. This section is repealed June 30, 2016.

Sec. 215. NEW SECTION. 135.178 Nurse residency state matching grants program — repeal.

1. The department shall establish a nurse residency state matching grants program to provide matching state funding to sponsors of nurse residency programs in this state to establish, expand, or support nurse residency programs that meet standards adopted by rule of the department. Funding for the program may be provided through the health care workforce shortage fund or the nurse residency state matching grants program account created in section 135.175. The department, in cooperation with the Iowa board of nursing, the department of education, Iowa institutions of higher education with board of nursing-approved programs to educate nurses, and the Iowa nurses association, shall adopt

rules pursuant to chapter 17A to establish minimum standards for nurse residency programs to be eligible for a matching grant that address all of the following:

- a. Eligibility requirements for and qualifications of a sponsor of a nurse residency program to receive a grant, including that the program includes both rural and urban components.
 - b. The application process for the grant.
 - c. Criteria for preference in awarding of the grants.
 - d. Determination of the amount of a grant.
 - e. Use of the funds awarded. Funds may be used to pay the costs of establishing, expanding, or supporting a nurse residency program as specified in this section, including but not limited to the costs associated with residency stipends and nursing faculty stipends.
2. This section is repealed June 30, 2016.

Sec. 216. NEW SECTION. 261.128 Health care professional incentive payment program — repeal.

1. The commission shall establish a health care professional incentive payment program to recruit and retain health care professionals in this state. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and Iowa needs nurses now initiative account created in section 135.175.

2. The commission shall administer the incentive payment program with the assistance of Des Moines university — osteopathic medical center.

3. The commission, with the assistance of Des Moines university — osteopathic medical center, shall adopt rules pursuant to chapter 17A relating to the establishment and administration of the health care professional incentive payment program. The rules adopted shall address all of the following:

a. Eligibility and qualification requirements for a health care professional, a community, and a health care employer to participate in the incentive payment program. Any community in the state and all health care specialties shall be considered for participation. However, health care employers located in and communities that are designated as medically underserved areas or populations or that are designated as health professional shortage areas by the health resources and services administration of the United States department of health and human services shall have first priority in the awarding of incentive payments.

(1) To be eligible, a health care professional at a minimum must not have any unserved obligations to a federal, state, or local government or other entity that would prevent compliance with obligations under the agreement for the incentive payment; must have a current and unrestricted license to practice the professional's respective profession; and must be able to begin full-time clinical practice upon signing an agreement for an incentive payment.

(2) To be eligible, a community must provide a clinical setting for full-time practice of a health care professional and must provide a fifty thousand dollar matching contribution for a physician and a fifteen thousand dollar matching contribution for any other health care professional to receive an equal amount of state matching funds.

(3) To be eligible, a health care employer must provide a clinical setting for a full-time practice of a health care professional and must provide a fifty thousand dollar matching contribution for a physician and a fifteen thousand dollar matching contribution for any other health care professional to receive an equal amount of state matching funds.

b. The process for awarding incentive payments. The commission shall receive recommendations from the department of public health regarding selection of incentive payment recipients. The process shall require each recipient to enter into an agreement with the commission that specifies the obligations of the recipient and the commission prior to receiving the incentive payment.

c. Public awareness regarding the program including notification of potential health care professionals, communities, and health care employers about the program and dissemination of applications to appropriate entities.

d. Measures regarding all of the following:

(1) The amount of the incentive payment and the specifics of obligated service for an incentive payment recipient. An incentive payment recipient shall agree to provide service in full-time clinical practice for a minimum of four consecutive years. If an incentive payment

recipient is sponsored by a community or health care employer, the obligated service shall be provided in the sponsoring community or health care employer location. An incentive payment recipient sponsored by a health care employer shall agree to provide health care services as specified in an employment agreement with the sponsoring health care employer.

(2) Determination of the conditions of the incentive payment applicable to an incentive payment recipient. At the time of approval for participation in the program, an incentive payment recipient shall be required to submit proof of indebtedness incurred as the result of obtaining loans to pay for educational costs resulting in a degree in health sciences. For the purposes of this subparagraph, “*indebtedness*” means debt incurred from obtaining a government or commercial loan for actual costs paid for tuition, reasonable education expenses, and reasonable living expenses related to the graduate, undergraduate, or associate education of a health care professional.

(3) Enforcement of the state’s rights under an incentive payment agreement, including the commencement of any court action. A recipient who fails to fulfill the requirements of the incentive payment agreement is subject to repayment of the incentive payment in an amount equal to the amount of the incentive payment. A recipient who fails to meet the requirements of the incentive payment agreement may also be subject to repayment of moneys advanced by a community or health care employer as provided in any agreement with the community or employer.

(4) A process for monitoring compliance with eligibility requirements, obligated service provisions, and use of funds by recipients to verify eligibility of recipients and to ensure that state, federal, and other matching funds are used in accordance with program requirements.

(5) The use of the funds received. Any portion of the incentive payment that is attributable to federal funds shall be used as required by the federal entity providing the funds. Any portion of the incentive payment that is attributable to state funds shall first be used toward payment of any outstanding loan indebtedness of the recipient. The remaining portion of the incentive payment shall be used as specified in the incentive payment agreement.

4. A recipient is responsible for reporting on federal income tax forms any amount received through the program, to the extent required by federal law. Incentive payments received through the program by a recipient in compliance with the requirements of the incentive payment program are exempt from state income taxation.

5. This section is repealed June 30, 2016.

Sec. 217. NEW SECTION. 261.129 Iowa needs nurses now initiative — repeal.

1. Nurse educator incentive payment program.

a. The commission shall establish a nurse educator incentive payment program. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and Iowa needs nurses now initiative account created in section 135.175. For the purposes of this subsection, “*nurse educator*” means a registered nurse who holds a master’s degree or doctorate degree and is employed as a faculty member who teaches nursing in a nursing education program as provided in 655 IAC 2.6 at a community college, an accredited private institution, or an institution of higher education governed by the state board of regents.

b. The program shall consist of incentive payments to recruit and retain nurse educators. The program shall provide for incentive payments of up to twenty thousand dollars for a nurse educator who remains teaching in a qualifying teaching position for a period of not less than four consecutive academic years.

c. The nurse educator and the commission shall enter into an agreement specifying the obligations of the nurse educator and the commission. If the nurse educator leaves the qualifying teaching position prior to teaching for four consecutive academic years, the nurse educator shall be liable to repay the incentive payment amount to the state, plus interest as specified by rule. However, if the nurse educator leaves the qualifying teaching position involuntarily, the nurse educator shall be liable to repay only a pro rata amount of the incentive payment based on incompleting years of service.

d. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A relating to the establishment and administration of the nurse

educator incentive payment program. The rules shall include provisions specifying what constitutes a qualifying teaching position.

2. Nursing faculty fellowship program.

a. The commission shall establish a nursing faculty fellowship program to provide funds to nursing schools in the state, including but not limited to nursing schools located at community colleges, for fellowships for individuals employed in qualifying positions on the nursing faculty. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and the Iowa needs nurses now initiative account created in section 135.175. The program shall be designed to assist nursing schools in filling vacancies in qualifying positions throughout the state.

b. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, and in cooperation with nursing schools throughout the state, shall develop a distribution formula which shall provide that no more than thirty percent of the available moneys are awarded to a single nursing school. Additionally, the program shall limit funding for a qualifying position in a nursing school to no more than ten thousand dollars per year for up to three years.

c. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A to administer the program. The rules shall include provisions specifying what constitutes a qualifying position at a nursing school.

d. In determining eligibility for a fellowship, the commission shall consider all of the following:

- (1) The length of time a qualifying position has gone unfilled at a nursing school.
- (2) Documented recruiting efforts by a nursing school.
- (3) The geographic location of a nursing school.

(4) The type of nursing program offered at the nursing school, including associate, bachelor's, master's, or doctoral degrees in nursing, and the need for the specific nursing program in the state.

3. Nurse educator scholarship program.

a. The commission shall establish a nurse educator scholarship program. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and the Iowa needs nurses now initiative account created in section 135.175. The goal of the nurse educator scholarship program is to address the waiting list of qualified applicants to Iowa's nursing schools by providing incentives for the training of additional nursing educators. For the purposes of this subsection, "nurse educator" means a registered nurse who holds a master's degree or doctorate degree and is employed as a faculty member who teaches nursing in a nursing education program as provided in 655 IAC 2.6 at a community college, an accredited private institution, or an institution of higher education governed by the state board of regents.

b. The program shall consist of scholarships to further advance the education of nurses to become nurse educators. The program shall provide for scholarship payments in an amount established by rule for students who are preparing to teach in qualifying teaching positions.

c. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A relating to the establishment and administration of the nurse educator scholarship program. The rules shall include provisions specifying what constitutes a qualifying teaching position and the amount of any scholarship.

4. Nurse educator scholarship-in-exchange-for-service program.

a. The commission shall establish a nurse educator scholarship-in-exchange-for-service program. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and Iowa needs nurses now initiative account created in section 135.175. The goal of the nurse educator scholarship-in-exchange-for-service program is to address the waiting list of qualified applicants to Iowa's nursing schools by providing incentives for the education of additional nursing educators. For the purposes of this subsection, "nurse educator" means a registered nurse who holds a master's degree or doctorate degree and is employed as a faculty member who teaches nursing in a nursing education program as provided in 655 IAC 2.6 at

a community college, an accredited private institution, or an institution of higher education governed by the state board of regents.

b. The program shall consist of scholarships to further advance the education of nurses to become nurse educators. The program shall provide for scholarship-in-exchange-for-service payments in an amount established by rule for students who are preparing to teach in qualifying teaching positions for a period of not less than four consecutive academic years.

c. The scholarship-in-exchange-for-service recipient and the commission shall enter into an agreement specifying the obligations of the applicant and the commission. If the nurse educator leaves the qualifying teaching position prior to teaching for four consecutive academic years, the nurse educator shall be liable to repay the scholarship-in-exchange-for-service amount to the state plus interest as specified by rule. However, if the nurse educator leaves the qualified teaching position involuntarily, the nurse educator shall be liable to repay only a pro rata amount of the scholarship based on incomplete years of service.

d. The receipt of a nurse educator scholarship-in-exchange-for-service shall not impact eligibility of an individual for other financial incentives including but not limited to loan forgiveness programs.

e. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A relating to the establishment and administration of the nurse educator scholarship-in-exchange-for-service program. The rules shall include the provisions specifying what constitutes a qualifying teaching position and the amount of any scholarship-in-exchange-for-service.

5. *Repeal.* This section is repealed June 30, 2016.

Sec. 218. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 219. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to June 30, 2014.

DIVISION III REENACTMENT OF DIVISION III OF 2014 IOWA ACTS, CH. 1106

Sec. 220. Section 135.175, subsection 1, paragraph a, as enacted in this Act, is amended to read as follows:

a. A health care workforce support initiative is established to provide for the coordination and support of various efforts to address the health care workforce shortage in this state. This initiative shall include the medical residency training state matching grants program created in section 135.176, ~~the nurse residency state matching grants program created in section 135.178, the fulfilling Iowa's need for dentists matching grant program created in section 135.179, the health care professional incentive payment program and Iowa needs nurses now initiative created in sections 261.128 and 261.129, the safety net provider recruitment and retention initiatives program created in section 135.153A, and health care workforce shortage national initiatives, and the physician assistant mental health fellowship program created in section 135.177.~~

Sec. 221. Section 135.175, subsection 5, paragraphs b, c, e, f, and g, as enacted in this Act, are amended by striking the paragraphs.

Sec. 222. Section 135.175, subsection 6, paragraphs a and c, as enacted in this Act, are amended to read as follows:

a. Moneys in the fund and the accounts in the fund shall only be appropriated in a manner consistent with the principles specified and the strategic plan developed pursuant to sections 135.163 and 135.164 to support the medical residency training state matching grants program, ~~the nurse residency state matching grants program, the fulfilling Iowa's need for dentists matching grant program, the health care professional incentive payment program, the Iowa needs nurses now initiative, the safety net recruitment and retention initiatives program,~~ for

national health care workforce shortage initiatives, ~~for the physician assistant mental health fellowship program, for the purposes of the Iowa needs nurses now infrastructure account, and to provide funding for state health care workforce shortage programs as provided in this section.~~

c. State appropriations to the fund shall be allocated in equal amounts to each of the accounts within the fund, unless otherwise specified in the appropriation or allocation. Any federal funding received for the purposes of addressing state health care workforce shortages shall be deposited in the health care workforce shortage national initiatives account, unless otherwise specified by the source of the funds, and shall be used as required by the source of the funds. If use of the federal funding is not designated, ~~twenty-five percent of such funding shall be deposited in the safety net provider network workforce shortage account to be used for the purposes of the account and the remainder of the funds shall be used in accordance with the strategic plan developed by the department of public health in accordance with sections 135.163 and 135.164, or to address workforce shortages as otherwise designated by the department of public health. Other sources of funding shall be deposited in the fund or account and used as specified by the source of the funding.~~

Sec. 223. EFFECTIVE DATE. This division of this Act takes effect July 1, 2016.

DIVISION IV CORRESPONDING CHANGES

Sec. 224. Section 249A.3, subsection 11, paragraph b, Code 2015, is amended to read as follows:

b. The department shall exercise the option provided in 42 U.S.C. §1396p(c) to provide a period of ineligibility for medical assistance due to a transfer of assets by a noninstitutionalized individual or the spouse of a noninstitutionalized individual. For noninstitutionalized individuals, the number of months of ineligibility shall be equal to the total, cumulative uncompensated value of all assets transferred by the individual or the individual's spouse on or after the look-back date specified in 42 U.S.C. §1396p(c)(1)(B)(i), divided by the average monthly cost to a private patient for nursing facility services in Iowa at the time of application. The services for which noninstitutionalized individuals shall be made ineligible shall include any long-term care services for which medical assistance is otherwise available. Notwithstanding section 17A.4, the department may adopt rules providing a period of ineligibility for medical assistance due to a transfer of assets by a noninstitutionalized individual or the spouse of a noninstitutionalized individual without notice of opportunity for public comment, to be effective immediately upon filing under section 17A.5, subsection 2, paragraph "b", subparagraph (1), subparagraph division (a).

Sec. 225. Section 519A.4, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. The association shall submit a plan of operation to the commissioner, together with any amendments necessary or suitable to assure the fair, reasonable, and equitable administration of the association consistent with sections 519A.2 to 519A.13. The plan of operation and any amendments thereto shall become effective only after promulgation of the plan or amendment by the commissioner as a rule pursuant to section 17A.4: Provided that the initial plan may in the discretion of the commissioner become effective immediately upon filing with the secretary of state pursuant to section 17A.5, subsection 2, paragraph "b", subparagraph (1), subparagraph division (a).

Approved April 8, 2015

CHAPTER 31
SCHOOL START DATE
S.F. 227

AN ACT relating to the school start date and to exception and penalty provisions and including effective date provisions.

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

Section 1. Section 257.17, Code 2015, is amended to read as follows:

257.17 Aid reduction for early school starts.

1. State aid payments made pursuant to section 257.16 for a fiscal year shall be reduced by one one-hundred-eightieth for each day of that fiscal year for which the school district begins school before the earliest starting school start date specified in section 279.10, subsection 1. ~~However, this~~

2. This section does not apply to a school district attendance center that has received approval from the ~~director of the~~ department of education under section 279.10, subsection 4 ~~2~~, to ~~commence~~ maintain a year around school calendar that commences classes for regularly established elementary and secondary schools in advance of the starting school start date established in section 279.10, subsection 1. The department of management shall prorate the reduction made pursuant to this section to account for an attendance center in a school district that is approved to maintain a year around school calendar under section 279.10, subsection 2.

Sec. 2. Section 279.10, subsections 1 and 2, Code 2015, are amended to read as follows:

1. The school year for each school district and accredited nonpublic school shall begin on July 1 and ~~each regularly established elementary and secondary school the school calendar shall begin no sooner than a day during the calendar week in which the first day of September falls but August 23 and no later than the first Monday in December. However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September.~~ The school calendar shall include not less than one hundred eighty days, except as provided in subsection 3,¹ or one thousand eighty hours of instruction during the calendar year. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall determine the school start date for the school calendar in accordance with this subsection and shall set the number of days or hours of required attendance for the school year as provided in section 299.1, subsection 2, but the board of directors of a school district shall hold a public hearing on any proposed school calendar prior to adopting the school calendar. If the board of directors of a district or the authorities in charge of an accredited nonpublic school extends the school calendar because inclement weather caused the school district or accredited nonpublic school to temporarily close during the regular school calendar, the school district or accredited nonpublic school may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

2. The board of directors of a school district and the authorities in charge of an accredited nonpublic school may apply to the department of education for authorization to maintain a year around school calendar at an attendance center or school for students in prekindergarten through grade eight. However, a board shall hold a public hearing on any proposal relating to the authorization for a year around school calendar prior to submitting # an application under this subsection to the department of education for approval.

a. The initial application for a year around school calendar shall be submitted to the department of education not later than November 1 of the preceding school year. The department shall notify the board or the authorities of the approval or denial of an application not later than the next following January 15. The application may be approved for one or two

¹ See chapter 138, §40 herein

years at a time. A board or the authorities in charge may reapply to renew an authorization by November 1 of the year prior to expiration of the authorization.

b. An attendance center or school authorized to maintain a year around calendar must serve all students attending the school and shall not be limited based on student achievement or based on the trait or characteristic of the student as defined in section 280.28.

c. An attendance center or school authorized to maintain a year around school calendar under this subsection shall provide at least ten days of instruction or the hourly equivalent during eleven of the twelve months of the school year. The period of time between instructional days shall not exceed six weeks.

d. A year around school calendar authorized pursuant to this subsection is exempt from the school start date specified in subsection 1.

Sec. 3. Section 279.10, subsections 3 and 4, Code 2015, are amended by striking the subsections.

Sec. 4. 2015-2016 YEAR AROUND SCHOOL CALENDAR APPLICATION DEADLINE. Notwithstanding section 279.10, subsection 2, paragraph “a”, for the school year beginning July 1, 2015, a school district or accredited nonpublic school may submit an application for authorization to maintain a year around school calendar in accordance with section 279.10, subsection 2, not later than thirty days following the effective date of this Act, and the department of education shall approve or deny an application submitted pursuant to this section not later than fifteen days following receipt of a timely submitted application.

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

Approved April 10, 2015

CHAPTER 32

PEER SUPPORT GROUP COUNSELORS AND OFFICERS — PRIVILEGED COMMUNICATIONS

S.F. 267

AN ACT relating to privileged communications between certain peer support group counselors and officers.

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

Section 1. Section 622.10, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 9. a. A peer support group counselor who obtains information from an officer by reason of the counselor’s capacity as a peer support group counselor shall not be allowed, in giving testimony, to disclose any confidential communication properly entrusted to the counselor by the officer while receiving counseling.

b. The prohibition in this subsection does not apply where the officer has consented to the disclosure of the information specified in paragraph “a” or where the peer support group counselor was an initial responding officer, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the officer.

c. For purposes of this subsection:

(1) “*Officer*” means a certified law enforcement officer, fire fighter, emergency medical technician, paramedic, corrections officer, detention officer, jailer, probation or parole officer, communications officer, dispatcher, emergency management coordinator under chapter 29C,

or any other law enforcement officer certified by the Iowa law enforcement academy and employed by a city, county, or state agency.

(2) “Peer support group counselor” means a law enforcement officer, fire fighter, civilian employee of a law enforcement agency or fire department, or a nonemployee counselor who has been designated as a peer support group counselor by a sheriff, police chief, fire chief, or department head of a law enforcement agency, fire department, or emergency medical services agency and who has received training to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in the officer’s official capacity.

Approved April 14, 2015

CHAPTER 33

ADVERSE HEALTH CARE INCIDENTS — OPEN DISCUSSIONS

S.F. 426

AN ACT relating to privileged communications between a health care provider or health facility and a patient following an adverse health care incident.

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

Section 1. NEW SECTION. **135P.1 Definitions.**

For the purposes of this chapter, unless the context otherwise requires:

1. “Adverse health care incident” means an objective and definable outcome arising from or related to patient care that results in the death or serious physical injury of a patient.
2. “Health care provider” means a physician licensed under chapter 148, a physician assistant licensed under chapter 148C, a podiatrist licensed under chapter 149, or an advanced registered nurse practitioner licensed pursuant to chapter 152 or 152E.
3. “Health facility” means an institutional health facility as defined in section 135.61, hospice licensed under chapter 135J, home health agency as defined in section 144D.1, assisted living program certified under chapter 231C, clinic, or community health center, and includes any corporation, professional corporation, partnership, limited liability company, limited liability partnership, or other entity comprised of such health facilities.
4. “Open discussion” means all communications that are made under section 135P.3, and includes all memoranda, work products, documents, and other materials that are prepared for or submitted in the course of or in connection with communications under section 135P.3.
5. “Patient” means a person who receives medical care from a health care provider, or if the person is a minor, deceased, or incapacitated, the person’s legal representative.

Sec. 2. NEW SECTION. **135P.2 Confidentiality of open discussions.**

1. Open discussion communications and offers of compensation made under section 135P.3:
 - a. Do not constitute an admission of liability.
 - b. Are privileged, confidential, and shall not be disclosed.
 - c. Are not admissible as evidence in any subsequent judicial, administrative, or arbitration proceeding and are not subject to discovery, subpoena, or other means of legal compulsion for release and shall not be disclosed by any party in any subsequent judicial, administrative, or arbitration proceeding.
2. Communications, memoranda, work products, documents, and other materials, otherwise subject to discovery, that were not prepared specifically for use in a discussion under section 135P.3, are not confidential.
3. The limitation on disclosure imposed by this section includes disclosure during any discovery conducted as part of a subsequent adjudicatory proceeding, and a court or other

adjudicatory body shall not compel any person who engages in an open discussion under this chapter to disclose confidential communications or agreements made under section 135P3.

4. This section does not affect any other law, regulation, or requirement with respect to confidentiality.

Sec. 3. NEW SECTION. 135P3 Engaging in an open discussion.

1. If an adverse health care incident occurs in a health facility, the health care provider, or the health care provider jointly with the health facility, may provide the patient with written notice of the desire of the health care provider, or of the health care provider jointly with the health facility, to enter into an open discussion under this chapter. If the health care provider or health facility provides such notice, such notice must be sent within one hundred eighty days after the date on which the health care provider knew, or through the use of diligence should have known, of the adverse health care incident. The notice must include all of the following:

a. Notice of the desire of the health care provider, or of the health care provider jointly with the health facility, to proceed with an open discussion under this chapter.

b. Notice of the patient's right to receive a copy of the medical records related to the adverse health care incident and of the patient's right to authorize the release of the patient's medical records related to the adverse health care incident to any third party.

c. Notice of the patient's right to seek legal counsel.

d. A copy of section 614.1, subsection 9, and notice that the time for a patient to bring a lawsuit is limited under section 614.1, subsection 9, and will not be extended by engaging in an open discussion under this chapter unless all parties agree to an extension in writing.

e. Notice that if the patient chooses to engage in an open discussion with the health care provider or health facility, that all communications made in the course of such a discussion under this chapter, including communications regarding the initiation of an open discussion, are privileged and confidential, are not subject to discovery, subpoena, or other means of legal compulsion for release, and are not admissible in evidence in a judicial, administrative, or arbitration proceeding.

2. If the patient agrees in writing to engage in an open discussion, the patient, health care provider, or health facility engaged in an open discussion under this chapter may include other persons in the open discussion. All additional parties shall also be advised in writing prior to the discussion that discussions are privileged and confidential, are not subject to discovery, subpoena, or other means of legal compulsion for release, and are not admissible in evidence in a judicial, administrative, or arbitration proceeding. The advice in writing must indicate that communications, memoranda, work products, documents, and other materials, otherwise subject to discovery, that were not prepared specifically for use in a discussion under this section, are not confidential.

3. The health care provider or health facility that agrees to engage in an open discussion may do all of the following:

a. Investigate how the adverse health care incident occurred and gather information regarding the medical care or treatment provided.

b. Disclose the results of the investigation to the patient.

c. Openly communicate to the patient the steps the health care provider or health facility will take to prevent future occurrences of the adverse health care incident.

d. Determine either of the following:

(1) That no offer of compensation for the adverse health care incident is warranted and orally communicates that determination to the patient.

(2) That an offer of compensation for the adverse health care incident is warranted and extends such an offer in writing to the patient.

4. If a health care provider or health facility makes an offer of compensation under subsection 3 and the patient is not represented by legal counsel, the health care provider or health facility shall advise the patient of the patient's right to seek legal counsel regarding the offer of compensation.

5. Except for offers of compensation under subsection 3, discussions between the health care provider or health facility and the patient about the compensation offered under subsection 3 shall remain oral.

Sec. 4. NEW SECTION. **135P.4 Payment and resolution.**

1. A payment made to a patient pursuant to section 135P.3 is not a payment resulting from any of the following:

- a. A written claim or demand for payment.
- b. A claim for purposes of section 272C.9.
- c. A claim for purposes of section 505.27.

2. A health care provider or health facility may require the patient, as a condition of an offer of compensation under section 135P.3, to execute all documents and obtain any necessary court approval to resolve an adverse health care incident. The parties shall negotiate the form of such documents or obtain court approval as necessary.

Approved April 14, 2015

CHAPTER 34

IOWA READING CORPS PROGRAM

H.F. 488

AN ACT relating to the programs of the Iowa commission on volunteer service by establishing an Iowa reading corps and specifying uses of funds.

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

Section 1. Section 15H.5, subsection 5, paragraph a, Code 2015, is amended to read as follows:

a. Funding for the Iowa summer youth corps program, and the Iowa green corps program established pursuant to section 15H.6, and the Iowa reading corps program established pursuant to section 15H.7 shall be obtained from private sector, and local, state, and federal government sources, or from other available funds credited to the community programs account, which shall be created within the economic development authority under the authority of the commission. Moneys available in the account for a fiscal year are appropriated to the commission to be used for the programs. The commission may establish an escrow account within the authority and obligate moneys within that escrow account for tuition or program payments to be made beyond the term of any fiscal year. Notwithstanding section 12C.7, subsection 2, interest earned on moneys in the community programs account shall be credited to the account. Notwithstanding section 8.33, moneys in the community programs account or escrow account shall not revert to the general fund but shall remain available for expenditure in future fiscal years.

Sec. 2. NEW SECTION. **15H.7 Iowa reading corps.**

1. a. The Iowa commission on volunteer service, in collaboration with the department of education, may establish an Iowa reading corps program to provide Iowa reading corps Americorps members with a data-based, problem-solving model of literacy instruction to use in tutoring students from prekindergarten to third grade who are not proficient in reading or who are at risk of becoming not proficient in reading.

b. The program shall use models of early literacy instruction reviewed and approved by the department of education pursuant to section 256.9, subsection 53, paragraph "c".

c. The commission and the department of education shall grant Americorps programs that are operating an early literacy intervention program within a single school district on the date of enactment of this Act that seek to be included in the Iowa reading corps program adequate time to make adjustments to align the currently operating program with commission and department goals and strategies for the Iowa reading corps program.

2. *a.* The models of literacy instruction utilized by Iowa reading corps Americorps members shall align with literacy program goals and strategies developed by the state department of education, the local school district, and the Iowa reading research center.

b. The commission, in collaboration with the department of education, may adopt rules pursuant to chapter 17A to implement and administer this section.

3. The commission may use moneys in and lawfully available to the community programs account created in section 15H.5 to fund the program.

4. The commission shall submit an annual report to the general assembly and the state department of education that records and evaluates program data to determine the efficacy of the program.

Approved April 14, 2015

CHAPTER 35

MOTOR VEHICLE REGISTRATION PLATE LIGHTING — EXCEPTIONS

S.F. 155

AN ACT relating to the illumination of rear registration plates on dump trucks and construction vehicles.

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

Section 1. Section 321.388, Code 2015, is amended to read as follows:

321.388 Illuminating plates.

Either the rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. When the rear registration plate is illuminated by an electric lamp other than the required rear lamp, the two lamps shall be turned on or off only by the same control switch at all times when headlamps are lighted. This section does not apply to commercial vehicles engaged exclusively in intrastate commerce that are dump trucks or that are used exclusively for the movement of construction materials and equipment to and from construction projects.

Approved April 17, 2015

CHAPTER 36

DENTAL BOARD EXECUTIVE DIRECTOR

S.F. 200

AN ACT relating to the employment and duties of the executive director of the dental board.

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

Section 1. Section 153.33, subsection 3, Code 2015, is amended to read as follows:

3. 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 and shall be exempt from the merit system provisions of chapter 8A, subchapter IV.

Sec. 2. NEW SECTION. 153.33B Executive director — duties.

The board shall appoint a full-time executive director. The executive director shall not be a member of the board. The duties of the executive director shall be the following:

1. To receive all applications for the following:
 - a. Licensure as a dentist or dental hygienist.
 - b. Registration as a dental assistant.
 - c. Permission to administer sedation or anesthesia.
 - d. Any other activity for which an application to the board is required.
2. To collect and receive all fees.
3. To keep all records pertaining to licensure, registration, enforcement, and other board actions, including a record of all board proceedings.
4. To perform such other duties as may be prescribed by the board.
5. To appoint assistants to the director and other persons necessary to administer this chapter.

Approved April 17, 2015

CHAPTER 37

EMERGENCY HOSPITALIZATION OF MENTALLY ILL PERSONS

S.F. 201

AN ACT relating to the findings of an examining physician assistant for a person believed to be seriously mentally impaired in an emergency situation.

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

Section 1. Section 229.22, subsection 2, paragraph a, subparagraph (4), Code 2015, is amended to read as follows:

(4) If the examining physician, examining physician assistant, or examining psychiatric advanced registered nurse practitioner finds that there is reason to believe that the person is seriously mentally impaired, and because of that impairment is likely to physically injure the person's self or others if not immediately detained, the examining physician, examining physician assistant, or examining psychiatric advanced registered nurse practitioner shall at once communicate with the nearest available magistrate as defined in section 801.4, subsection 10. ~~For purposes of this subparagraph, the findings of the examining physician assistant must be approved by the examining physician assistant's supervising physician before the examining physician assistant communicates with the nearest available magistrate.~~

Approved April 17, 2015

CHAPTER 38

OPERATION OF SNOWMOBILES IN RIGHTS-OF-WAY

S.F. 218

AN ACT relating to the operation of a snowmobile within the right-of-way of an interstate highway or freeway and including penalty provisions.

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

Section 1. Section 321G.9, subsection 1, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

1. A snowmobile shall not be operated at any time within the right-of-way of any interstate highway or freeway within this state. However, a snowmobile may be operated within the right-of-way of an interstate highway or freeway when using an underpass or crossing a bridge located on the interstate highway or freeway if the snowmobile is brought to a complete stop before entering onto the right-of-way and the driver yields the right-of-way to any approaching vehicle on the roadway.

Approved April 17, 2015

CHAPTER 39

DISPOSITION OF SEIZED FIREARMS AND AMMUNITION

S.F. 222

AN ACT relating to the disposition of seized firearms or ammunition.

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

Section 1. Section 809.5, subsection 1, paragraph f, subparagraph (3), Code 2015, is amended to read as follows:

(3) Notwithstanding ~~subparagraph subparagraphs (1) and (2)~~, firearms or ammunition ~~with an aggregate fair market value equal to or less than five hundred dollars~~ shall be deposited with the department of public safety. The firearms or ammunition may be held by the department of public safety and be used for law enforcement, testing, or comparisons by the criminalistics laboratory, or may be destroyed or disposed of by the department of public safety in accordance with section 809.21.

Approved April 17, 2015

CHAPTER 40

LOCAL EXCHANGE SERVICE INFORMATION — USE IN MASS NOTIFICATION AND EMERGENCY MESSAGING

S.F. 264

AN ACT relating to access to local exchange service information.

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

Section 1. Section 34A.8, subsection 1, Code 2015, is amended to read as follows:

1. A local exchange service provider shall furnish to the E911 service provider, designated by the joint E911 service board, all names, addresses, and telephone number information concerning its subscribers which will be served by the E911 system and shall periodically update the local exchange service information. The E911 service provider shall furnish the addresses and telephone number information received from the local exchange service provider to the director for use in the mass notification and emergency messaging system as defined in section 29C.2. The local exchange service provider shall receive as compensation for the provision of local exchange service information charges according to its tariffs on file

with and approved by the Iowa utilities board. The tariff charges shall be the same whether or not the local exchange service provider is designated as the E911 service provider by the joint E911 service board.

Sec. 2. Section 34A.8, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. The director, program manager, joint E911 service board, local emergency management commission established pursuant to section 29C.9, the designated E911 service provider, and the public safety answering point, their agents, employees, and assigns shall use local exchange service information provided by the local exchange service provider solely for the purposes of providing E911 emergency telephone service or providing related 911-call alert mass notification and emergency messaging services as described in section 29C.17A utilizing only the subscriber's information to a subscriber who consents to the provision of such services, and it shall otherwise be kept confidential. A person who violates this section is guilty of a simple misdemeanor.

Approved April 17, 2015

CHAPTER 41

LICENSES TO PRACTICE MEDICINE — RELINQUISHMENT — ADMINISTRATIVE MEDICINE

S.F. 276

AN ACT relating to the administration of medical licenses by the board of medicine.

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

Section 1. NEW SECTION. **148.8A Relinquishment of a license — failure to renew or reinstate.**

A person's license to practice medicine and surgery or osteopathic medicine and surgery shall be deemed relinquished if the person fails to apply for renewal or reinstatement of the license within five years after its expiration. A license shall not be reinstated, reissued, or restored once it is relinquished. The person may apply for a new license pursuant to section 148.3 and applicable administrative rules.

Sec. 2. NEW SECTION. **148.11A Administrative medicine license.**

1. As used in this section:

a. "*Administrative medicine*" means administration or management utilizing the medical and clinical knowledge, skill, and judgment of a person licensed to practice medicine and surgery or osteopathic medicine and surgery and capable of affecting the health and safety of the public or any person.

b. "*Administrative medicine license*" means a license issued by the board pursuant to this section.

2. An application for an administrative medicine license shall be made to the board. An applicant for an administrative medicine license shall meet all of the requirements established in section 148.3 and any additional requirements established by the board by rule. The board shall also adopt rules governing the initial issuance and renewal of administrative medicine licenses and establishing fees therefor. All license and renewal fees shall be paid to the board.

3. a. A physician with an administrative medicine license may do any of the following:

- (1) Advise public or private organizations on health care matters.
- (2) Authorize or deny payments for care.
- (3) Organize or direct research programs.
- (4) Review care provided for quality.

- (5) Perform other similar duties that do not require direct patient care.
- b. An administrative medicine license does not convey the authority to do any of the following, unless the person is otherwise licensed to perform such duties:
- (1) Practice clinical medicine.
 - (2) Examine, care for, or treat patients.
 - (3) Prescribe medications including controlled substances.
 - (4) Delegate medical acts or prescriptive authority to others.
4. A person issued an administrative medicine license is subject to the same laws and rules governing the practice of medicine as a person issued a license to practice medicine and surgery or osteopathic medicine and surgery under this chapter unless otherwise provided by the board by rule.

Approved April 17, 2015

CHAPTER 42

OPEN RECORDS — DATA PROCESSING SOFTWARE

S.F. 435

AN ACT relating to public access to data processing software under Iowa's open records law.

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

Section 1. Section 22.2, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. Data processing software developed by the government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body, as provided in section 22.3A.

Sec. 2. Section 22.3A, subsection 2, Code 2015, is amended to read as follows:

2. a. A government body may provide, restrict, or prohibit access to data processing software developed by the government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body, regardless of whether the data processing software is separated or combined with a public record. A government body shall establish policies and procedures to provide access to public records which are combined with its data processing software. A public record shall not be withheld from the public because it is combined with data processing software.

b. A government body shall not acquire any electronic data processing system for the storage, manipulation, or retrieval of public records that would impair the government body's ability to permit the examination of a public record and the copying of a public record in either written or electronic form.

c. ~~If it is necessary to separate~~ a public record ~~from~~ is only available as a part of or in combination with data processing software in order to permit the examination or copying of the public record, the government body shall bear the cost of separation of the public record from the data processing software.

d. ~~The~~ An electronic public record shall be made available in a the format in which it is readily accessible to the government body if that format is useable with commonly available data processing or database management software. The government body may make a public record available in a specific format requested by a person that is different from that in which the public record is readily accessible to the government body and may charge the reasonable costs of any required processing, programming, or other work required to produce the public record in the specific format in addition to any other costs allowed under this chapter.

e. The cost chargeable to a person receiving a public record separated from data processing software under this subsection shall not be in excess of the charge under this chapter unless

the person receiving the public record requests that the public record be specially processed or produced in a format different from that in which the public record is readily accessible to the government body.

f. A government body may establish payment rates and procedures required to provide access to data processing software, regardless of whether the data processing software is separated from or combined with a public record. Proceeds from payments may be considered repayment receipts, as defined in section 8.2. The payment amount shall be calculated as follows:

α. (1) The amount charged for access to a public record shall be not more than that required to recover direct publication costs, including but not limited to editing, compilation, and media production costs, incurred by the government body in developing the data processing software and preparing the data processing software for transfer to the person. The amount shall be in addition to any other fee required to be paid under this chapter for the examination and copying of a public record. If a person accesses a public record stored in an electronic format that does not require formatting, editing, or compiling to access the public record, the charge for providing the accessed public record shall not exceed the reasonable cost of accessing that public record. The government body shall, if requested, provide documentation which explains and justifies the amount charged. This paragraph subparagraph shall not apply to any publication for which a price has been established pursuant to another section, including section 2A.5.

β. (2) If access to the data processing software is provided to a person for a purpose other than provided in paragraph “α” subparagraph (1), the amount may be established according to the discretion of the government body, and may be based upon competitive market considerations as determined by the government body.

Sec. 3. Section 22.7, subsection 33, Code 2015, is amended to read as follows:

33. Data processing software, as defined in section 22.3A, which is developed by a government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body.

Approved April 17, 2015

CHAPTER 43

CHILD IN NEED OF ASSISTANCE CASES — TRANSFER TO DISTRICT COURT

S.F. 451

AN ACT relating to the transfer of jurisdiction from the juvenile court to the district court related to a child in need of assistance case.

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

Section 1. **NEW SECTION. 232.103A Transfer of jurisdiction related to child in need of assistance case — bridge order.**

1. The juvenile court may close a child in need of assistance case by transferring jurisdiction over the child’s custody, physical care, and visitation to the district court through a bridge order, if all of the following criteria are met:

a. The child has been adjudicated a child in need of assistance in an active juvenile court case, and a dispositional order in that case is in place.

b. Paternity of the child has been legally established, including by operation of law due to the individual’s marriage to the mother at the time of conception, birth, or at any time during the period between conception and birth of the child, by order of a court of competent jurisdiction, or by administrative order when authorized by state law.

c. The child is safely placed by the juvenile court with a parent.

d. There is not a current district court order for custody in place.

e. The juvenile court has determined that the child in need of assistance case can safely close once orders for custody, physical care, and visitation are entered by the district court.

f. A parent qualified for a court-appointed attorney in the juvenile court case.

2. When the criteria specified in subsection 1 are met, any party to a child in need of assistance proceeding in juvenile court may file a motion with the juvenile court for a bridge order under subsection 1. Such motion shall be set for hearing by the juvenile court no less than thirty days nor more than ninety days from the date of filing the motion. The juvenile court, on its own motion, may set a hearing on the issue of a bridge order if such hearing is set no less than thirty days from the date of notice to the parties.

3. The juvenile court shall designate the petitioner and respondent for the purposes of the bridge order. A bridge order shall only address matters of custody, physical care, and visitation. All other matters, including child support, shall be filed by separate petition or by action of the child support recovery unit, and shall be subject to existing applicable statutory provisions.

4. Upon transferring jurisdiction from the juvenile court to the district court, the clerk of court shall docket the case. Filing fees and other court costs shall not be assessed against the parties.

5. The district court shall take judicial notice of the juvenile file in any hearing related to the case. Records contained in the district court 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, and shall be disclosed, upon request, to the child support recovery unit without a court order.

6. Following the issuance of a bridge order, a party may file a petition in district court for modification of the bridge order for custody, physical care, or visitation. If the petition for modification is filed within one year of the filing date of the bridge order, the party requesting modification shall not be required to demonstrate a substantial change of circumstances but instead shall demonstrate that such modification is in the best interest of the child. If a petition for modification is filed within one year of the filing date of the bridge order, filing fees and other court costs shall not be assessed against the parties.

7. Nothing in this section shall be construed to require appointment of counsel for the parties in the district court action.

Approved April 17, 2015

CHAPTER 44

PROHIBITED GAMBLING GAME ACTIVITIES

H.F. 146

AN ACT concerning gambling game prohibited activities and making penalties applicable.

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

Section 1. Section 99F.15, subsection 4, paragraph d, Code 2015, is 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.

Sec. 2. Section 99F.15, subsection 4, paragraph h, Code 2015, is amended by striking the paragraph.

Sec. 3. Section 99F.15, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. *a.* A person who places, removes, increases, or decreases a bet after acquiring knowledge of the outcome of the gambling game which is the subject of the bet or to aid a person in acquiring the knowledge for the purpose of placing, removing, increasing, or decreasing a bet contingent on that outcome commits the offense of unlawful betting.

b. (1) A person is guilty of a class “D” felony if the person commits the offense of unlawful betting where the potential winnings from the bet exceed one thousand dollars in value.

(2) A person is guilty of an aggravated misdemeanor if the person commits the offense of unlawful betting where the potential winnings from the bet exceed five hundred dollars in value but do not exceed one thousand dollars in value.

(3) A person is guilty of a serious misdemeanor if the person commits the offense of unlawful betting where the potential winnings from the bet exceed two hundred dollars in value but do not exceed five hundred dollars in value.

(4) A person is guilty of a simple misdemeanor if the person commits the offense of unlawful betting where the potential winnings from the bet do not exceed two hundred dollars in value.

c. Two convictions of the offense of unlawful betting as provided in this subsection shall result in the person being barred for life from excursion gambling boats and gambling structures under the jurisdiction of the commission.

Approved April 17, 2015

CHAPTER 45

CORPORATIONS — MISCELLANEOUS PROVISIONS

H.F. 172

AN ACT relating to corporations’ powers and duties, document filings, meetings, mergers, voting procedures, and the functions of directors and officers.

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

Section 1. Section 490.501, subsection 2, paragraphs b and c, Code 2015, are amended to read as follows:

b. A domestic corporation, domestic limited liability company, or not-for-profit domestic corporation whose business office is identical with the registered office.

c. A foreign corporation, foreign limited liability company, or not-for-profit foreign corporation authorized to transact business in this state whose business office is identical with the registered office.

Sec. 2. Section 504.111, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 12. Whenever a provision of this chapter permits any of the terms of a plan or a filed document to be dependent on facts objectively ascertainable outside the plan or filed document, all of the following provisions apply:

a. The manner in which the facts will operate upon the terms of the plan or filed document shall be set forth in the plan or filed document.

b. The facts may include any of the following:

(1) Any of the following that is available in a nationally recognized news or information medium either in print or electronically: statistical or market indices, market prices of any security or group of securities, interest rates, currency exchange rates, or similar economic or financial data.

(2) A determination or action by any person or body, including the corporation or any other party to a plan or filed document.

(3) The terms of, or actions taken under, an agreement to which the corporation is a party, or any other agreement or document.

c. As used in this subsection, all of the following apply:

(1) “Filed document” means a document filed with the secretary of state under any provision of this chapter except subchapter XV or section 504.1613.

(2) “Plan” means a plan of entity conversion or merger.

Sec. 3. Section 504.302, Code 2015, is amended by adding the following new subsection: NEW SUBSECTION. 16A. Serve as a trustee of a trust of which the corporation is a beneficiary.

Sec. 4. Section 504.501, subsection 2, paragraphs b and c, Code 2015, are amended to read as follows:

b. A domestic business corporation, domestic limited liability company, or domestic nonprofit corporation whose business office is identical to the registered office.

c. A foreign business corporation, foreign limited liability company, or foreign nonprofit corporation authorized to transact business in this state whose business office is identical to the registered office.

Sec. 5. Section 504.701, subsection 1, Code 2015, is amended to read as follows:

1. A Except in the case of a corporation with members that holds meetings only of delegates and not of the members, a corporation with members shall hold a membership meeting annually at a time stated in or fixed in accordance with the bylaws. The articles of incorporation or bylaws of a corporation with members that holds meetings only of delegates and not of members may provide for meetings of delegates to be held less frequently than annually but at least once every six years.

Sec. 6. Section 504.712, subsection 1, Code 2015, is amended to read as follows:

1. ~~The right of the members of a corporation, or any class or classes of members, to vote may be limited, enlarged, or denied to the extent specified Except as provided in the articles of incorporation or, if the articles of incorporation so provide, by the bylaws. Unless so limited, enlarged, or denied, each member, regardless of class, shall be entitled to one vote on each matter submitted to a vote of members.~~

Sec. 7. Section 504.805, subsection 1, Code 2015, is amended to read as follows:

1. ~~The articles or bylaws of a corporation must may specify the terms of directors. If the term is not specified in the articles or bylaws, the term of a director is one year. Except for designated or appointed directors, and except as otherwise provided in the articles or bylaws, the terms of directors shall not exceed five years. In the absence of any term specified in the articles or bylaws, the term of each director shall be one year.~~ Directors may be elected for successive terms.

Sec. 8. Section 504.825, Code 2015, is amended to read as follows:

504.825 Quorum and voting.

1. Except as otherwise provided in this chapter, or the articles or bylaws of a corporation, a quorum of a board of directors consists of a majority of the directors in office immediately before a meeting begins.

2. The articles or bylaws shall not authorize a quorum of fewer than one-third of the number of directors in office.

2. 3. If a quorum is present when a vote is taken, the affirmative vote of a majority of directors present is the act of the board unless a greater vote is required by this chapter, the articles of incorporation, or bylaws require the vote of a greater number of directors.

4. A director who is present at a meeting of the board of directors when corporate action is taken is considered to have assented to the action taken unless any of the following applies:

a. The director objects at the beginning of the meeting, or promptly upon arrival, to holding the meeting or transacting business at the meeting.

b. The director dissents or abstains from the action and any of the following applies:

(1) The dissent or abstention is entered in the minutes of the meeting.

(2) The director delivers notice in the form of a record of the director's dissent or abstention to the presiding officer of the meeting before the meeting's adjournment or to the corporation promptly after adjournment of the meeting.

5. The right of dissent or abstention is not available to a director who votes in favor of the action taken.

Sec. 9. Section 504.831, Code 2015, is amended by adding the following new subsection:
NEW SUBSECTION. 2A. In discharging board or committee duties, a director shall disclose, or cause to be disclosed, to the other board or committee members information which the director knows is not already known by them but is known by the director to be material to the discharge of their decision-making or oversight functions, except that disclosure is not required to the extent that the director reasonably believes that doing so would violate a duty imposed under law, a legally enforceable obligation of confidentiality, or a professional ethics rule.

Sec. 10. Section 504.834, Code 2015, is amended to read as follows:

504.834 Loans to or guarantees for directors and officers.

1. A corporation shall not lend money to or guarantee the obligation of a director or officer of the corporation.

2. This section does not apply to the situation where the director or officer is a full-time employee of the corporation and involves any of the following:

a. An advance to pay reimbursable expenses reasonably expected to be incurred by a director or officer.

b. An advance to pay premiums on a policy of life insurance if the advance is secured by the policy's death benefit proceeds or cash surrender value, or both.

c. Advances pursuant to part 5.

d. Loans or advances pursuant to employee benefit plans.

e. A loan secured by the principal residence of an officer.

f. A loan to pay relocation expenses of an officer.

3. The fact that a loan or guarantee is made in violation of this section does not affect the borrower's liability on the loan.

Sec. 11. Section 504.854, subsection 3, paragraph a, subparagraph (2), Code 2015, is amended to read as follows:

(2) If there are fewer than two disinterested directors, by the vote necessary for action by the board in accordance with section 504.825, subsection 2 3, in which authorization directors who do not qualify as disinterested directors may participate.

Sec. 12. Section 504.1104, Code 2015, is amended to read as follows:

504.1104 Articles of merger.

1. After a plan of merger is has been adopted and approved by the board of directors, and if as required by section 504.1103, by the members and any other persons, the surviving or acquiring corporation shall deliver to the secretary of state this chapter, articles of merger setting shall be signed on behalf of each party to the merger by an officer or other duly authorized representative. The articles shall set forth all of the following, as applicable:

1. a. The plan of names of the parties to the merger.

2. b. If approval of members was not required, a statement to that effect and a statement that the plan was approved by a sufficient vote of the board of directors articles of incorporation of the survivor of a merger are amended, or if a new corporation is created as a result of the merger, the amendments to the articles of incorporation of the survivor or the articles of incorporation of the new corporation.

3. c. If the plan of merger required approval by the members was required, both of the following: of a domestic nonprofit corporation that was a party to the merger, a statement that the plan was duly approved by the members and, if voting by any separate voting group was required, by each such separate voting group, in the manner required by this chapter and the articles of incorporation or bylaws.

~~a. The designation, number of memberships outstanding, number of votes entitled to be cast by each class entitled to vote separately on the plan, and number of votes of each class indisputably voting on the plan.~~

~~b. Either the total number of votes cast for and against the plan by each class entitled to vote separately on the plan or the total number of undisputed votes cast for the plan by each class and a statement that the number of votes cast for the plan by each class was sufficient for approval by that class.~~

~~d. If the plan of merger did not require approval by the members of the domestic nonprofit corporation that was a party to the merger, a statement to that effect.~~

~~4. e. If approval of the plan by some person or persons other than the members of the board is required pursuant to section 504.1103, subsection 1, paragraph "c", a statement that the approval was obtained.~~

~~f. As to each foreign nonprofit corporation or eligible entity that was a party to the merger, a statement that the participation of the foreign corporation or eligible entity was duly authorized as required by the organic law of the corporation or eligible entity.~~

~~2. Terms of the articles of merger may be dependent on facts objectively ascertainable outside the articles in accordance with section 504.111, subsection 12.~~

~~3. Articles of merger must be delivered to the secretary of state for filing by the survivor of the merger and shall take effect at the effective time provided in section 504.114. Articles of merger filed under this section may be combined with any filing required under the organic law of any domestic eligible entity involved in the transaction if the combined filing satisfies the requirements of both this section and the other organic law.~~

Approved April 17, 2015

CHAPTER 46

SEXUAL MISCONDUCT WITH OFFENDERS AND JUVENILES

H.F. 258

AN ACT relating to sexual misconduct with offenders and juveniles, and providing penalties.

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

Section 1. Section 709.16, Code 2015, is amended to read as follows:

709.16 Sexual misconduct with offenders and juveniles.

1. ~~Any~~ Any peace officer, or an officer, employee, contractor, vendor, volunteer, or agent of the department of corrections, or an officer, employee, or agent of a judicial district department of correctional services, who engages in a sex act with an individual committed to the custody of the department of corrections or a judicial district department of correctional services commits an aggravated misdemeanor.

2. ~~a. Any~~ a. Any peace officer, or an officer, employee, contractor, vendor, volunteer, or agent of a juvenile placement facility who engages in a sex act with a juvenile placed at such facility commits an aggravated misdemeanor.

b. For purposes of this subsection, a "juvenile placement facility" means any of the following:

- (1) A child foster care facility licensed under section 237.4.
- (2) Institutions controlled by the department of human services listed in section 218.1.
- (3) Juvenile detention and juvenile shelter care homes approved under section 232.142.
- (4) Psychiatric medical institutions for children licensed under chapter 135H.
- (5) Facilities for the treatment of persons with substance-related disorders as defined in section 125.2.

3. ~~An~~ Any peace officer, or an officer, employee, contractor, vendor, volunteer, or agent of a county who engages in a sex act with a prisoner incarcerated in a county jail commits an aggravated misdemeanor.

Approved April 17, 2015

CHAPTER 47

REJECTION OR NONELECTION OF WORKERS' COMPENSATION COVERAGE

H.F. 259

AN ACT relating to certain persons who are excluded from coverage under the workers' compensation law of this state.

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

Section 1. Section 87.22, Code 2015, is amended to read as follows:

87.22 ~~Corporate officer exclusion~~ Exclusion from workers' compensation or employers' liability coverage — corporate officers, proprietors, limited liability company members, limited liability partners, and partners.

1. The president, vice president, secretary, and treasurer of a corporation other than a family farm corporation, but not to exceed four officers per corporation, may exclude themselves from workers' compensation coverage under chapters 85, 85A, and 85B by knowingly and voluntarily rejecting workers' compensation coverage by signing, and attaching to the workers' compensation or employers' liability policy a written rejection, or if such a policy is not issued, by signing a written rejection which is witnessed by two disinterested individuals who are not, formally or informally, affiliated with the corporation and which is filed by the corporation with the workers' compensation commissioner. The workers' compensation commissioner shall maintain a list of those corporations that have filed a written rejection pursuant to this subsection or a written termination of that rejection pursuant to subsection 5, paragraph "a", and that list shall be a public record open to public inspection.

2. A proprietor, limited liability company member, limited liability partner, or partner who does not elect to be covered by the workers' compensation law of this state pursuant to section 85.1A by purchasing valid workers' compensation insurance specifically including that person, shall file a nonelection of workers' compensation coverage by signing, and attaching to the workers' compensation or employers' liability policy a written nonelection, or if such a policy is not issued, by signing a written nonelection which is witnessed by two disinterested individuals who are not, formally or informally, affiliated with the employer and which is filed by the employer with the workers' compensation commissioner. The workers' compensation commissioner shall maintain a list of those employers that have filed a written nonelection pursuant to this subsection or a written termination of that nonelection pursuant to subsection 5, paragraph "b", and that list shall be a public record open to public inspection.

2. 3. *a.* The written rejection made pursuant to subsection 1, shall be in substantially the following form:

REJECTION OF WORKERS'
COMPENSATION OR EMPLOYERS'
LIABILITY COVERAGE

I understand that by signing this statement I reject the coverage of chapters 85, 85A, and 85B of the Code of Iowa relating to workers' compensation.

I understand that my rejection of the coverage of chapters 85, 85A, and 85B is not a waiver of any rights or remedies available to me or

to others on my behalf in a civil action related to personal injuries sustained by me arising out of and in the course of my employment with the corporation.

I also understand that by signing this statement and checking alternative (1) below I reject employers' liability coverage for bodily injuries or death sustained by me arising out of and in the course of my employment with the corporation. [Check either alternative (1) or (2):]

- (1) I reject the employers' liability coverage.
- (2) I decline to reject the employers' liability coverage.

Signed.....
 Corporate Office
 Date
 City, County, State of Residence
 Witness
 Witness

I also understand that the signing of this statement and checking of alternative (1) below by an authorized agent of the corporation rejects for the corporation employers' liability coverage for bodily injuries or death sustained by me arising out of and in the course of my employment with the corporation. [Check either alternative (1) or (2):]

- (1) The corporation rejects the employers' liability coverage.
- (2) The corporation declines to reject the employers' liability coverage.

Signed.....
 Relationship to Corporation
 Date
 City, County, State of Residence
 Witness
 Witness

b. The written nonelection of coverage made pursuant to subsection 2, shall be in substantially the following form:

NONELECTION OF WORKERS'
COMPENSATION OR EMPLOYERS'
LIABILITY COVERAGE

I acknowledge that I am a proprietor, limited liability company member, limited liability partner, or partner and that I am not required to be covered by the worker's compensation law of this state pursuant to section 85.1A. I understand that by signing this statement I am not electing the coverage of chapters 85, 85A, and 85B of the Code of Iowa relating to workers' compensation.

I understand that my nonelection of the coverage of chapters 85, 85A, and 85B is not a waiver of any rights or remedies available to me or to others on my behalf in a civil action related to personal injuries sustained by me arising out of and in the course of my employment with the employer.

I also understand that by signing this statement and checking alternative (1) below I am not electing employers' liability coverage for bodily injuries or death sustained by me arising out of and in the course of my employment with the employer. [Check either alternative (1) or (2):]

- (1) I am not electing the employer's liability coverage.
- (2) I am electing the employer's liability coverage by purchasing valid workers' compensation insurance specifically including me.

Signed.....
Employer's Office

Date
City, County, State of Residence
Witness
Witness

I also understand that the signing of this statement and checking of alternative (1) below by an authorized agent of the employer is a nonelection for the employer of the employers' liability coverage for bodily injuries or death sustained by me arising out of and in the course of my employment with the employer. [Check either alternative (1) or (2):]

(1) The employer does not elect the employer's liability coverage.

(2) The employer elects the employer's liability coverage by purchasing valid workers' compensation insurance specifically including me.

Signed.....
Relationship to Employer.....

Date
City, County, State of Residence

Witness
Witness

3. 4. The rejection or nonelection of workers' compensation coverage is not enforceable if it is required as a condition of employment.

4. 5. a. A corporate officer who signs a written rejection filed with the workers' compensation commissioner pursuant to subsection 1 may terminate the rejection by signing a written notice of termination which is witnessed by two disinterested individuals, who are not, formally or informally, affiliated with the corporation and which is filed by the corporation with the workers' compensation commissioner. Following the filing of a notice of termination pursuant to this paragraph, the status of the person signing the notice of termination shall be the same as if the rejection of coverage had not been made, except that the notice of termination shall not be effective as to any injury sustained or disease incurred less than one week after the notice is filed.

b. A proprietor, limited liability company member, limited liability partner, or partner who signs a written nonelection with the workers' compensation commissioner pursuant to subsection 2 may terminate the nonelection by signing a written notice of termination which is witnessed by two disinterested individuals, who are not, formally or informally, affiliated with the employer and which is filed by the employer with the workers' compensation commissioner. Following the filing of a notice of termination pursuant to this paragraph, the status of the person signing the notice of termination shall be the same as if the nonelection of coverage had not been made and the person may elect to be covered by the workers' compensation law of this state by purchasing valid workers' compensation insurance specifically including that person as provided in section 85.1A, except that the election of coverage shall not be effective as to any injury sustained or disease incurred less than one week after the notice is filed.

Approved April 17, 2015

CHAPTER 48**COMMUNITY COLLEGE CAREER AND TECHNICAL EDUCATION INSTRUCTORS —
QUALIFICATIONS***H.F. 421*

AN ACT relating to the qualifications for community college career and technical education instructors.

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

Section 1. Section 260C.48, subsection 1, paragraph a, subparagraph (2), Code 2015, is amended to read as follows:

(2) Special training and at least six thousand hours of recent and relevant work experience in the occupational area or related occupational area in which the instructor teaches classes if the instructor possesses less than a baccalaureate degree in the area or related area of study or occupational area in which the instructor is teaching classes. If the instructor is a licensed practitioner who holds a career and technical endorsement under chapter 272, relevant work experience in the occupational area includes but is not limited to classroom instruction in a career and technical education subject area offered by a school district or accredited nonpublic school.

Approved April 17, 2015

CHAPTER 49**DEER AND WILD TURKEY HARVEST REPORTING VIOLATIONS***H.F. 467*

AN ACT relating to violations of deer and wild turkey harvest reporting requirements and including penalty provisions.

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

Section 1. Section 805.8B, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. For violations of sections 481A.54, 481A.69, 481A.71, 481A.72, 482.6, 483A.3, 483A.6, 483A.8A, 483A.19, and 483A.27, the scheduled fine is twenty dollars.

Approved April 17, 2015

CHAPTER 50**SCHOOL DISTRICT MANAGEMENT LEVY — ALLOWABLE EXPENDITURES***H.F. 515*

AN ACT relating to the use of the district management levy and including applicability provisions.

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

Section 1. Section 298.4, subsection 1, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* To pay the costs of mediation and arbitration, including but not limited to legal fees associated with such mediation or arbitration.

Sec. 2. **APPLICABILITY.** This Act applies to school budget years beginning on or after July 1, 2016.

Approved April 17, 2015

CHAPTER 51

DRAINAGE AND LEVEE DISTRICTS — MISCELLANEOUS PROVISIONS

H.F. 529

AN ACT relating to drainage and levee districts, by providing for mergers, repairs and improvements, and elections.

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

DIVISION I MERGERS

Section 1. Section 468.265, subsection 2, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

2. *a.* The auditor of the county where a participating drainage or levee district is situated or the auditor designated by the board shall deliver the notice required in subsection 1 to all landowners in the district in the same manner as provided in sections 468.14 through 468.18, as the auditor deems appropriate.

b. If land is to be annexed as a condition of the merger, as provided in this part, the auditor of the county where the land to be annexed is situated or the auditor designated by the board shall deliver the notice to the owners of such land by ordinary mail.

Sec. 2. Section 468.265, subsections 3 and 4, Code 2015, are amended by striking the subsections.

DIVISION II THRESHOLD AMOUNTS FOR PERFORMING WORK

Sec. 3. Section 468.3, Code 2015, is amended by adding the following new subsection:
NEW SUBSECTION. 01. As used in this chapter, unless the context otherwise requires, the term “*adjusted competitive bid threshold*” means the same as the adjusted competitive bid threshold for vertical infrastructure applicable to counties as established by the state department of transportation pursuant to section 314.1B.

Sec. 4. Section 468.3, subsection 9, Code 2015, is amended by striking the subsection.

Sec. 5. Section 468.34, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

468.34 Advertisement for bids.

The board shall publish notice once each week for two consecutive weeks in a newspaper published in the county where the improvement is located, and publish additional advertisement and publication elsewhere as the board may direct. The notice shall state the time and place of letting the work of construction of the improvement, specifying the approximate amount of work to be done in each numbered section of the district, the time

fixed for the commencement, and the time of the completion of the work, that bids will be received on the entire work and in sections or divisions of it, and that a bidder will be required to deposit a bid security with the county auditor as provided in section 468.35A. All notices shall set the date that bids will be received and upon which the work will be let. However, when the estimated cost of the improvement is less than the adjusted competitive bid threshold, the board may let the contract for the construction without taking bids and without publishing notice.

Sec. 6. NEW SECTION. 468.35A Bids — letting of work.

1. The board shall award a contract or contracts for each section of the work to the lowest responsible bidder or bidders therefor, bids to be submitted, received, and acted upon separately as to the main drain and each of the laterals, and each settling basin, if any, exercising their own discretion as to letting such work as to the main drain as a whole, or as to each lateral as a whole, or by sections as to both main drain and laterals, and reserving the right to reject any and all bids and readvertise the letting of the work.

2. A bid shall be in writing, specifying the portion of the work upon which the bid is made, and filed with the auditor. The bid shall be accompanied with a bid security. The bid security shall be in the form of a deposit of cash, a certified check on and certified by a bank in Iowa, a certified share draft drawn on a credit union in Iowa, or a bid bond with a corporate surety satisfactory to the board as provided in section 73A.20. The bid security must be payable to the auditor or the auditor's order at the auditor's office in a sum equal to five percent of the amount of the bid. However, if the maximum limit on a bid security would cause a denial of funds or services from the federal government which would otherwise be available, or if the maximum limit would otherwise be inconsistent with the requirements of federal law, the maximum limit may be suspended to the extent necessary to prevent denial of federal funds or services or to eliminate the inconsistency with federal requirements. The cash, check, or share draft of an unsuccessful bidder shall be returned, and the bid bond of an unsuccessful bidder shall be canceled. The bid security of a successful bidder shall be maintained as a guarantee that the bidder will enter into contract in accordance with the bids.

Sec. 7. NEW SECTION. 468.36A Performance bond — return of deposit.

A successful bidder is required to execute a bond with sureties approved by the auditor in favor of the county for the use and benefit of the levee or drainage district and all persons entitled to liens for labor or material in an amount not less than seventy-five percent of the contract price of the work to be done, conditioned for the timely, efficient, and complete performance of the contract, and the payment, as they become due, of all just claims for labor performed and material used in carrying out the contract. When a contract is executed and bond approved by the board, the cash, certified check, or certified share draft deposited with the bid shall be returned to the bidder.

Sec. 8. Section 468.66, Code 2015, is amended to read as follows:

468.66 Bids required.

~~In case~~ If the board determines that a change described in section 468.62 increases the cost of the improvement to more than in excess of the adjusted competitive bid threshold as provided in section 26.3, the board and any bidders shall comply with the competitive bid requirements applicable to a governing entity ordering the construction of a public improvement in chapter 26 work shall be let by bids in the same manner as is provided for the original construction of such improvements.

Sec. 9. Section 468.126, subsection 1, paragraphs c and d, Code 2015, are amended by striking the paragraphs and inserting in lieu thereof the following:

c. If the estimated cost of the repair does not exceed fifty thousand dollars, the board may order the work done without conducting a hearing on the matter. Otherwise, the board shall set a date for a hearing and provide notice of the hearing to landowners in the district by publication in the same manner as provided in section 468.15. However, if the estimated cost of the repair exceeds the adjusted competitive bid threshold, the board shall provide notice to the landowners pursuant to sections 468.14 through 468.18. The board shall not divide a

proposed repair into separate programs in order to avoid the notice and hearing requirements of this paragraph.

d. If a hearing is required under paragraph “c”, the board shall order an engineer’s report or a report from the soil and water conservation district conservationist regarding the matter to be presented at the hearing. The board may waive the report requirement if a prior report on the repair exists and that report is less than ten years old. At the hearing, the board shall hear objections to the feasibility of making the proposed repair.

Sec. 10. Section 468.126, subsection 1, Code 2015, is amended by adding the following new paragraphs:

NEW PARAGRAPH. e. Following a hearing, if required in paragraph “c”, the board shall determine whether the repair is necessary or desirable, and feasible.

NEW PARAGRAPH. f. Any interested party has the right of appeal from such orders in the manner provided in this subchapter, parts 1 through 5.

NEW PARAGRAPH. g. The right of remonstrance does not apply to a repair as provided in this section.

Sec. 11. Section 468.126, subsection 2, Code 2015, is amended to read as follows:

2. In the case of a ~~minor~~ repair, or in the eradication of brush ~~and~~ or weeds along the open ditches, not in excess of ~~twenty thousand dollars~~ the adjusted competitive bid threshold, where the board finds that a saving to the district will result, the board may cause the repairs or eradication to be done by secondary road fund equipment, or weed fund equipment, and labor of the county and then reimburse the secondary road fund or the weed fund from the fund of the drainage district thus benefited.

Sec. 12. Section 468.126, subsection 4, Code 2015, is amended to read as follows:

4. a. For the purpose of this subsection, an “*improvement*” in a drainage or levee district in which any ditch, tile drain, or other facility has previously been constructed is a project intended to expand, enlarge, or otherwise increase the capacity of any existing ditch, drain, or other facility above that for which it was designed.

~~a.~~ b. When the board determines that an improvement is necessary or desirable, and feasible, the board shall appoint an engineer to make surveys as seem appropriate to determine the nature and extent of the needed improvement, and to file a report showing what improvement is recommended and its estimated cost, which report may be amended before final action.

c. If the estimated cost of the improvement does not exceed fifty thousand dollars, the board may order the work done without conducting a hearing on the matter. Otherwise, the board shall set a date for a hearing on whether to construct the proposed improvement and whether there shall be a reclassification of benefits for the cost of the proposed improvement.

(1) (a) The board shall provide notice to landowners in the district by publication in the same manner as provided in section 468.15. However, if the estimated cost of the improvement exceeds the adjusted competitive bid threshold, the board shall provide notice to the landowners pursuant to sections 468.14 through 468.18.

(b) Notwithstanding subparagraph division (a), and in lieu of publishing the notice, the board may mail a copy of the notice to each address where a landowner within the district resides by first class mail if the cost of mailing is less than publication of the notice. The mailing shall be made during the time the notice would otherwise be required to be published.

(2) The board shall not divide proposed improvements into separate programs in order to avoid compliance with this paragraph “*b*” “*c*”.

d. At the hearing, if required in paragraph “c”, the board shall hear objections to the feasibility of the proposed improvements and arguments for or against a reclassification presented by or for any taxpayer of the district. Following a the hearing, ~~if required by section 26.12~~, the board shall order that the improvements improvement it deems necessary or desirable and feasible be made and shall also determine whether there should be a reclassification of benefits for the cost of improvements the improvement. If it is determined that a reclassification of benefits should be made, the board shall proceed as provided in section 468.38. ~~In lieu of publishing the notice of a hearing as provided by section 331.305,~~

~~the board may mail a copy of the notice to each address where a landowner in the district resides by first class mail if the cost of mailing is less than publication of the notice. The mailing shall be made during the time the notice would otherwise be required to be published.~~

~~b. When ordering the construction of an improvement under this subsection, the board shall comply with the competitive bid requirements applicable to a governing entity ordering the construction of a public improvement in chapter 26. If the improvement is more than fifty thousand dollars but less than the competitive bid threshold in section 26.3, the board shall conduct a hearing on the matter of making the proposed improvement. The board shall provide notice of the hearing as provided in sections 468.14 through 468.18.~~

~~e. e. If the estimated cost of the improvements improvement exceeds the adjusted competitive bid threshold as provided in section 26.3, or the original cost of the district plus the cost of subsequent improvements in the district, whichever amount is the greater amount, a majority of the landowners, owning in the aggregate more than seventy percent of the total land in the district, may file a written remonstrance against the proposed improvements improvement, at or before the time fixed date set for hearing on the proposed improvements improvement as provided in paragraph "c", with the county auditor, or auditors in case the district extends into more than one county. If a remonstrance is filed, the board shall discontinue and dismiss all further proceedings on the proposed improvements and charge the costs incurred to date for the proposed improvements to the district. Any interested party may appeal from such orders in the manner provided in this subchapter, parts 1 through 5. However, this section does not affect the procedures of section 468.132 covering the common outlet.~~

DIVISION III JUDGES OF TRUSTEE ELECTIONS

Sec. 13. Section 468.521, Code 2015, is amended to read as follows:

468.521 Elections — how conducted.

1. After the first election of trustees, the board of trustees shall act as judges of election; however, a trustee standing for election shall not serve as a judge ~~and shall be replaced as judge by a person not standing for election who is eligible to be elected as a trustee.~~

2. The clerk of the board shall act as one of the clerks and ~~some~~ an owner of land in the district shall be appointed by the board to act as another clerk.

3. The trustees ~~board~~ shall fill all ~~vacancies in the election board~~ any vacancy of an acting election judge by appointing a person who resides in the county where all or part of the drainage or levee district is located and who is eligible to vote in a general election in that county.

4. The result of each election shall be certified to the auditor or the several county auditors if the district is located in more than one county.

Approved April 17, 2015

CHAPTER 52

VEHICLE RECYCLERS — MISCELLANEOUS PROVISIONS

H.F. 563

AN ACT relating to vehicle recyclers, including the transfer of motor vehicles to vehicle recyclers and compliance with the national motor vehicle title information system, making penalties applicable, and including effective date provisions.

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

Section 1. Section 321.45, subsection 2, paragraph a, Code 2015, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) The vehicle is disposed of pursuant to section 321.52, subsection 2, paragraph "b".

Sec. 2. Section 321.46, subsection 1, Code 2015, is amended to read as follows:

1. The transferee shall, within thirty calendar days after purchase or transfer, apply for and obtain from the county treasurer of the person's residence, or if a nonresident, the county treasurer of the county where the primary users of the vehicle are located or the county where all other vehicles owned by the nonresident are registered, 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, or if a firm, association, or corporation with vehicles in multiple counties, the transferee may apply for and obtain from the county treasurer of the county where the primary user of the vehicle is located, a new registration and a new certificate of title for the vehicle except as provided in section 321.25, 321.48, or 322G.12, or when the transferee obtains the vehicle pursuant to section 321.52, subsection 2, paragraph "b". The transferee shall present with the application the certificate of title endorsed and assigned by the previous owner and shall indicate the name of the county in which the vehicle was last registered and the registration expiration date.

Sec. 3. Section 321.52, subsection 2, Code 2015, is amended to read as follows:

2. a. The purchaser or transferee of a motor vehicle subject to registration for which a certificate of title is issued which is sold for scrap or junk shall surrender the certificate of title, properly endorsed and signed by the previous owner, to the county treasurer of the county of residence of the transferee, and shall apply for a junking certificate from the county treasurer, within thirty days after assignment of the certificate of title, except when the vehicle is disposed of pursuant to paragraph "b". The county treasurer shall issue to such person without fee a junking certificate. A junking certificate shall authorize the holder to possess, transport, or transfer by endorsement the ownership of the junked vehicle. A certificate of title shall not again be issued for the vehicle subsequent to the issuance of a junking certificate except as provided in subsection 3. The county treasurer shall cancel the record of the vehicle. The junking certificate shall be printed on the registration receipt form and shall be imprinted with the words "junking certificate", as prescribed by the department. A space for transfer by endorsement shall be on the junking certificate. A separate form for the notation of the transfer of component parts shall be attached to the junking certificate when the certificate is issued.

b. The owner of a motor vehicle subject to registration that does not have a certificate of title or a junking certificate may dispose of the vehicle to a vehicle recycler licensed under chapter 321H for scrap or junk if the vehicle is twelve model years old or older and is acquired by the vehicle recycler for reasonable consideration equaling less than one thousand dollars.

Sec. 4. Section 321.52, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. When a vehicle for which a certificate of title is issued is junked or dismantled by the owner, the owner shall detach the registration plates and surrender the plates to the county treasurer, unless the plates are properly assigned to another vehicle. The owner shall also surrender the certificate of title to the county treasurer except when the vehicle is disposed of pursuant to subsection 2, paragraph "b".

Sec. 5. Section 321.67, Code 2015, is amended to read as follows:

321.67 Certificate of title must be executed.

1. No person, except as provided in sections 321.23 and 321.45, and section 321.52, subsection 2, paragraph "b", shall sell or otherwise dispose of a registered vehicle or a vehicle subject to registration without delivering to the purchaser or transferee thereof a certificate of title with such assignment thereon as may be necessary to show title in the purchaser.

2. No person shall purchase or otherwise acquire or bring into this state a registered vehicle or a vehicle subject to registration without obtaining a certificate of title thereto except for

temporary use or as provided in sections 321.23 and 321.45, and section 321.52, subsection 2, paragraph “b”.

Sec. 6. Section 321.104, subsection 4, Code 2015, is amended to read as follows:

4. To sell, offer for sale, or transfer a motor vehicle, trailer, or semitrailer, except as provided in section 321.47 or 321.48, or section 321.52, subsection 2, paragraph “b”, without obtaining a certificate of title in the name of the seller or transferor or without delivering to the purchaser or transferee a certificate of title or a manufacturer’s or importer’s certificate duly assigned to the purchaser or transferee as provided in this chapter.

Sec. 7. Section 321H.2, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. “*National motor vehicle title information system*” means the federally mandated motor vehicle title history database maintained by the United States department of justice that links the states’ motor vehicle title records, including the department’s title records, and that requires the reporting of junk and salvage motor vehicles in order to ensure that states, law enforcement agencies, insurers, and consumers have access to information that enables the verification of a vehicle’s history, and the accuracy and legality of a motor vehicle’s title, before a purchase or title transfer occurs.

Sec. 8. Section 321H.4, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. Application for a license as an authorized vehicle recycler shall be made to the department on forms provided by the department. The application shall be accompanied by a fee of seventy dollars for a two-year period or part thereof and proof of registration with the national motor vehicle title information system. The license shall be approved or disapproved within thirty days after application for the license. A license expires 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 conducts operations.

Sec. 9. **NEW SECTION. 321H.4A National motor vehicle title information system.**

1. A vehicle recycler licensed under this chapter and subject to the requirements of 28 C.F.R. §25.56 shall register with the national motor vehicle title information system.

2. a. Except as provided in paragraph “b”, for any vehicle subject to registration under chapter 321 purchased by a vehicle recycler licensed under this chapter and subject to the requirements of 28 C.F.R. §25.56, the vehicle recycler shall comply with the reporting requirements of 28 C.F.R. §25.56 within two business days of purchasing the vehicle. Records of the vehicle recycler’s compliance shall be kept by the vehicle recycler for at least three years after the purchase of the vehicle, and shall be open for inspection by any peace officer during normal business hours. The department shall adopt rules to implement this section, including but not limited to rules requiring the submission and retention of records not required by 28 C.F.R. §25.56.

b. Paragraph “a” does not apply to a vehicle that has been crushed or flattened by mechanical means in such a way that it no longer resembles the vehicle described by the certificate of title if the vehicle recycler who purchased the vehicle verifies that the seller of the vehicle has met the requirements of paragraph “a”. The department shall adopt rules relating to the form of the verification, and the manner in which the verification shall be retained.

Sec. 10. Section 321H.5, Code 2015, is amended to read as follows:

321H.5 Display of license.

A license issued under the provisions of this chapter shall specify the location of the principal place of business, the location of each extension within the county of the principal place of business, and for licenses issued on or after January 1, 2016, the licensee’s registration number for the national motor vehicle title information system. The license

shall be conspicuously displayed at the principal place of business except during periods when the license is surrendered for modifications.

Sec. 11. Section 321H.6, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The license of a person issued under the provisions of this chapter may be denied, revoked, or suspended, and an application for a license under this chapter may be denied, if the department finds any of the following:

Sec. 12. Section 321H.6, Code 2015, is amended by adding the following new subsection: NEW SUBSECTION. 7. The licensee has failed to comply with section 321H.4A or 28 C.F.R. §25.56.

Sec. 13. Section 321H.8, subsection 1, Code 2015, is amended to read as follows:

1. a. A Except as provided in paragraph "b", a person convicted of violating a provision of this chapter is guilty of a serious misdemeanor.

b. A person convicted of violating section 321H.4A is guilty of a simple misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than one thousand five hundred dollars or by imprisonment not to exceed thirty days.

Sec. 14. EFFECTIVE DATE. This Act takes effect January 1, 2016.

Approved April 17, 2015

CHAPTER 53

REGULATION OF ALCOHOLIC BEVERAGES

S.F. 125

AN ACT relating to alcoholic beverage control and matters under the purview of the alcoholic beverages division of the department of commerce.

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

Section 1. Section 123.43A, subsection 3, Code 2015, is amended to read as follows:

3. A micro-distillery shall not sell micro-distilled spirits other than as permitted in this chapter and shall not allow micro-distilled spirits sold to be consumed upon the premises of the micro-distillery. However, as a part of a micro-distillery tour, micro-distilled spirits of no more than two ounces per person per day may be sampled tasted on the premises where fermented, distilled, or matured, when no charge is made for the sampling tasting.

Sec. 2. Section 123.56, subsections 1 and 2, Code 2015, are 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, or any other provision of this chapter, manufacturers of native wine may purchase obtain and possess grape brandy from the division for the sole purpose of manufacturing wine.

2. Native wine may be sold at retail for off-premises consumption when sold on the premises of the manufacturer, or in a retail establishment operated by the manufacturer. Sales may also be made to class "A" or retail wine permittees or liquor control licensees as authorized by the class "A" wine permit. A manufacturer of native wines shall not sell the wines other than as permitted in this chapter and shall not allow wine sold to be consumed

upon the premises of the manufacturer. However, prior to sale native wines may be ~~sampled~~ tasted on the premises where made, when no charge is made for the ~~sampling~~ tasting. A person may manufacture native wine for consumption on the manufacturer's premises, when the wine or any part of it is not manufactured for sale.

Sec. 3. Section 123.124, Code 2015, is amended to read as follows:

123.124 Permits — classes.

Permits for the manufacture and sale, or sale of beer shall be divided into six classes, known as class "A", special class "A", class "AA", special class "AA", class "B", or class "C" permits. A class "A" permit allows the holder to manufacture and sell beer at wholesale. A holder of a special class "A" permit may only manufacture beer to be consumed on the licensed premises for which the person also holds a class "C" liquor control license or class "B" beer permit ~~and~~, to be sold to a class "A" permittee for resale purposes, ~~and to be sold to distributors outside of the state that are authorized by the laws of that jurisdiction to sell beer at wholesale.~~ A class "AA" permit allows the holder to manufacture and sell high alcoholic content beer at wholesale. A holder of a special class "AA" permit may only manufacture high alcoholic content beer to be consumed on the licensed premises for which the person also holds a class "C" liquor control license or class "B" beer permit ~~and~~, to be sold to a class "AA" permittee for resale purposes, ~~and to be sold to distributors outside of the state that are authorized by the laws of that jurisdiction to sell high alcoholic content beer at wholesale.~~ A class "B" permit allows the holder to sell beer to consumers at retail for consumption on or off the premises. A class "C" permit allows the holder to sell beer to consumers at retail for consumption off the premises.

Sec. 4. Section 123.127, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

A class "A", ~~or~~ class "AA", special class "A", or special class "AA" permit shall be issued by the administrator to any person who:

Sec. 5. Section 123.128, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. All the information required of ~~a class "A"~~ an applicant by section 123.127, subsection 1, paragraph "a".

Sec. 6. Section 123.128, subsection 2, Code 2015, is amended to read as follows:

2. Fulfills the requirements of section 123.127, subsection 1, paragraph "b", ~~relating to class "A" applicants.~~

Sec. 7. Section 123.129, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. Submits an application electronically, or in a manner prescribed by the administrator, which shall state under oath all the information required of ~~a class "A"~~ an applicant by section 123.127, subsection 1, paragraph "a".

Sec. 8. Section 123.130, Code 2015, is amended to read as follows:

123.130 Authority under class "A", class "AA", special class "A", and special class "AA" permits.

1. Any person holding a class "A" ~~or class "AA"~~ 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" permits, or liquor control licenses issued in accordance with the provisions of this chapter. A class "A", class "AA", special class "A", or special class "AA" permit does not grant authority to manufacture wine as defined in section 123.3, subsection 47.

2. All class "A" and class "AA" premises shall be located within the state. All beer received by the holder of a class "A" ~~or class "AA"~~ permit from the holder of a certificate of compliance before being resold must first come to rest on the licensed premises ~~licensed by the class "A" of the permit holder~~, must be inventoried, and is subject to the barrel tax when resold as

provided in section 123.136. A class "A" or class "AA" permittee shall not store beer overnight except on premises licensed under a class "A" or class "AA" permit.

3. All special class "A" and special class "AA" premises shall be located within the state. A person who holds a special class "A" or special class "AA" permit for the same location at which the person holds a class "C" liquor control license or class "B" beer permit may manufacture and sell beer to be consumed on the premises and, may sell beer to a class "A" or class "AA" permittee for resale purposes, and may sell beer to distributors outside of the state that are authorized by the laws of that jurisdiction to sell beer at wholesale.

Sec. 9. Section 123.135, Code 2015, is amended to read as follows:

123.135 Certificate of compliance — civil penalty.

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" or class "AA" 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 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.

2. At the time of applying for a certificate of compliance, each applicant shall file with the division a list of all class "A" and class "AA" permittees with whom it intends to do business and shall designate the geographic area in which its products are to be distributed by such permittee. The listing of class "A" and class "AA" permittees and geographic area as filed with the division may be amended from time to time by the holder of a certificate of compliance.

3. All class "A" and class "AA" permit holders shall sell only those brands of beer which are manufactured, brewed, bottled, shipped, or imported by a person holding a current certificate of compliance. Any employee or agent working for or representing the holder of a certificate of compliance within this state shall submit electronically, or in a manner prescribed by the administrator, the employee's or agent's name and address with the division.

4. It shall be unlawful for any holder of a certificate of compliance or the holder's agent, or any class "A" or class "AA" permit holder or the permit holder's agent, to grant to any retail beer permit holder, directly or indirectly, any rebates, free goods, or quantity discounts on beer which are not uniformly offered to all retail permittees.

5. Notwithstanding any other penalties provided by this chapter, any holder of a certificate of compliance or any class "A" or class "AA" permit holder who violates this chapter or the rules adopted pursuant to this chapter is subject to a civil penalty not to exceed one thousand dollars or suspension of the holder's certificate or permit for a period not to exceed one year, or both such civil penalty and suspension. Civil penalties imposed under this section shall be collected and retained by the division.

Sec. 10. Section 123.136, Code 2015, is amended to read as follows:

123.136 Barrel tax.

1. In addition to the annual permit fee to be paid by all class "A" and class "AA" 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" and special class "AA" permittees on all beer manufactured for consumption on the premises, 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" or class "AA" permittee or sold by one class "A" or class "AA" permittee to another class "A" or class "AA" permittee.

2. All revenue derived from the barrel tax shall accrue to the state general fund.

3. All of the provisions of this chapter relating to the administration of the barrel tax on beer shall apply to this section.

Sec. 11. Section 123.137, subsection 1, Code 2015, is amended to read as follows:

1. A person holding a class "A" ~~or, class "AA", special class "A", or special class "AA"~~ permit shall on or before the tenth day of each calendar month commencing on the tenth day of the calendar month following the month in which the person is issued a permit, make a report under oath to the division electronically, or in a manner prescribed by the administrator, showing the exact number of barrels of beer, or fractional parts of barrels, sold by the permit holder during the preceding calendar month. The report shall also state information the administrator requires, and permit holders shall at the time of filing a report pay to the division the amount of tax due at the rate fixed in section 123.136.

Sec. 12. Section 123.138, subsection 1, Code 2015, is amended to read as follows:

1. Each class "A" ~~or, class "AA", special class "A", or special class "AA"~~ permittee shall keep proper records showing the amount of beer sold by the permittee, and these records shall be at all times open to inspection by the administrator and to other persons pursuant to section 123.30, subsection 1. Each class "B" permittee, class "C" permittee, or retail liquor control licensee shall keep proper records showing each purchase of beer made by the permittee or licensee, and the date and the amount of each purchase and the name of the person from whom each purchase was made, which records shall be open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the permittee or licensee.

Sec. 13. Section 123.139, Code 2015, is amended to read as follows:

123.139 Separate locations — class "A", class "AA", special class "A", special class "AA".

A class "A" ~~or, class "AA", special class "A", or special class "AA"~~ permittee having more than one place of business is required to have a separate permit for each separate place of business maintained by the permittee where beer is stored, warehoused, or sold.

Sec. 14. Section 123.142, Code 2015, is amended to read as follows:

123.142 Unlawful sale and importation.

1. It is unlawful for the holder of a class "B" or class "C" permit issued under this chapter to sell beer, except beer brewed on the premises covered by a special class "A" ~~or special class "AA"~~ permit or beer purchased from a person holding a class "A" ~~or class "AA"~~ permit issued in accordance with this chapter, and on which the tax provided in section 123.136 has been paid. However, this section does not apply to class "D" liquor control licensees as provided in this chapter.

2. It shall be unlawful for any person not holding a class "A" ~~or class "AA"~~ permit to import beer into this state for the purpose of sale or resale.

Sec. 15. Section 123.143, subsection 3, Code 2015, is amended to read as follows:

3. Barrel tax revenues collected on beer manufactured in this state from a class "A" ~~or class "AA"~~ permittee which owns and operates a 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. 16. Section 123.180, subsection 1, Code 2015, 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 resale by the division or 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 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.

Approved April 24, 2015

CHAPTER 54

CAMPAIGN FINANCE — ELECTRONIC FILING — REGULATORY THRESHOLD AMOUNT S.F. 135

AN ACT relating to campaign finance by requiring electronic filing of certain statements and reports and by raising the minimum dollar amounts that trigger certain regulations.

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

Section 1. Section 68A.102, subsections 5, 12, and 18, Code 2015, are amended to read as follows:

5. "*Candidate's committee*" means the committee designated by the candidate for a state, county, city, or school office to receive contributions in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate, expend funds in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate, or incur indebtedness on behalf of the candidate in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate in any calendar year.

12. "*County statutory political committee*" means a committee as described in section 43.100 that accepts contributions in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate, makes expenditures in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate, or incurs indebtedness in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate in any one calendar year to expressly advocate the nomination, election, or defeat of a candidate for public office.

18. "*Political committee*" means any of the following:

a. A committee, but not a candidate's committee, that accepts contributions in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate, makes expenditures in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate, or incurs indebtedness in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate in any one calendar year to expressly advocate the nomination, election, or defeat of a candidate for public office, or to expressly advocate the passage or defeat of a ballot issue.

b. An association, lodge, society, cooperative, union, fraternity, sorority, educational institution, civic organization, labor organization, religious organization, or professional organization that accepts contributions in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate, makes expenditures in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate, or incurs indebtedness in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate in any one calendar year to expressly advocate the nomination, election, or defeat of a candidate for public office, or to expressly advocate the passage or defeat of a ballot issue.

c. A person, other than an individual, that accepts contributions in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate, makes expenditures in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate, or incurs indebtedness in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate in any one calendar year to expressly advocate that an individual should or should not seek election to a public office prior to the individual becoming a candidate as defined in subsection 4.

Sec. 2. Section 68A.201, subsection 2, paragraph e, Code 2015, is amended to read as follows:

e. A signed statement by the treasurer of the committee and the candidate, in the case of a candidate's committee, which shall verify that they are aware of the requirement to

file disclosure reports if the committee, the committee officers, the candidate, or both the committee officers and the candidate receive contributions in excess of ~~seven hundred fifty one thousand~~ seven hundred fifty one thousand dollars in the aggregate, make expenditures in excess of ~~seven hundred fifty one thousand~~ seven hundred fifty one thousand dollars in the aggregate, or incur indebtedness in excess of ~~seven hundred fifty one thousand~~ seven hundred fifty one thousand dollars in the aggregate in a calendar year to expressly advocate the nomination, election, or defeat of any candidate for public office. In the case of political committees, statements shall be made by the treasurer of the committee and the chairperson.

Sec. 3. Section 68A.202, subsection 1, Code 2015, is amended to read as follows:

1. Each candidate for state, county, city, or school office shall organize one, and only one, candidate's committee for a specific office sought when the candidate receives contributions in excess of ~~seven hundred fifty one thousand~~ seven hundred fifty one thousand dollars in the aggregate, makes expenditures in excess of ~~seven hundred fifty one thousand~~ seven hundred fifty one thousand dollars in the aggregate, or incurs indebtedness in excess of ~~seven hundred fifty one thousand~~ seven hundred fifty one thousand dollars in the aggregate in a calendar year.

Sec. 4. Section 68A.202, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. A political committee shall not be established to expressly advocate the nomination, election, or defeat of only one candidate for office. However, a political committee may be established to expressly advocate the passage or defeat of approval of a single judge standing for retention. A permanent organization, as defined in section 68A.402, subsection 9, may make a one-time contribution to only one candidate for office in excess of ~~seven hundred fifty one thousand~~ seven hundred fifty one thousand dollars.

Sec. 5. Section 68A.203, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. A person, other than a candidate or committee officer, who receives contributions for a committee shall, not later than fifteen days from the date of receipt of the contributions or on demand of the treasurer, render to the treasurer the contributions and an account of the total of all contributions, including the name and address of each person making a contribution in excess of ~~ten twenty-five~~ ten twenty-five dollars, the amount of the contributions, and the date on which the contributions were received.

Sec. 6. Section 68A.203, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. The name and mailing address of every person making contributions in excess of ~~ten twenty-five~~ ten twenty-five dollars, and the date and amount of the contribution.

Sec. 7. Section 68A.401, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

All statements and reports required to be filed under this chapter shall be filed with the board as provided in this section and section 68A.402, subsection 1. The board shall post on its internet site all statements and reports filed under this chapter. For purposes of this section, the term "statement" does not include a bank statement.

Sec. 8. Section 68A.401, subsection 1, paragraphs a, b, c, and d, Code 2015, are amended to read as follows:

a. A state statutory political committee, a county statutory political committee, a political committee expressly advocating for or against the nomination, election, or defeat of a candidate for statewide office or the general assembly, and a candidate's committee of a candidate for statewide office or the general assembly shall file all statements and reports in an electronic format by 4:30 p.m. of the day the filing is due and according to rules adopted by the board.

~~b. Effective January 1, 2011, a county statutory political committee shall file all statements and reports in an electronic format by 4:30 p.m. of the day the filing is due and according to rules adopted by the board.~~

~~c. Effective January 1, 2011, any~~ Any other candidate or committee involved in a county, city, school, or other political subdivision election that accepts monetary or in-kind

contributions in excess of two thousand dollars, or incurs indebtedness in excess of two thousand dollars in the aggregate in a calendar year, or makes expenditures in excess of two thousand dollars in a calendar year to expressly advocate for or against a clearly identified candidate or ballot issue shall file all statements and reports in an electronic format by 4:30 p.m. of the day the filing is due and according to rules adopted by the board. The committee shall continue to file subsequent statements and reports in an electronic format until being certified as dissolved under section 68A.402B.

d. Any Effective January 1, 2016, any other candidate or political committee not otherwise required to file a statement or report in an electronic format under this section described in paragraphs "a" and "c" shall file the all statements and reports in either an electronic format as prescribed by rule or by one of the methods specified in section 68A.402, subsection 1 by 4:30 p.m. of the day the filing is due according to rules adopted by the board pursuant to chapter 17A.

Sec. 9. Section 68A.403, subsection 1, Code 2015, is amended to read as follows:

1. Unless filed in an electronic format ~~in accordance with section 68A.401, subsection 1~~, a report or statement required to be filed under this chapter shall be signed by the person filing the report.

Sec. 10. Section 68A.404, subsection 1, Code 2015, is amended to read as follows:

1. As used in this section, "*independent expenditure*" means one or more expenditures in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate for a communication that expressly advocates the nomination, election, or defeat of a clearly identified candidate or the passage or defeat of a ballot issue that is made without the prior approval or coordination with a candidate, candidate's committee, or a ballot issue committee.

Sec. 11. Section 68A.404, subsection 4, paragraph a, Code 2015, is amended to read as follows:

a. An independent expenditure statement shall be filed within forty-eight hours of the making of an independent expenditure in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate, or within forty-eight hours of disseminating the communication to its intended audience, whichever is earlier. For purposes of this section, an independent expenditure is made when the independent expenditure communication is purchased or ordered regardless of whether or not the person making the independent expenditure has been billed for the cost of the independent expenditure.

Sec. 12. Section 68A.501, Code 2015, is amended to read as follows:

68A.501 Funds from unknown source — escheat.

The expenditure of funds from an unknown or unidentifiable source received by a candidate or committee is prohibited. Such funds received by a candidate or committee shall escheat to the state. Any candidate or committee receiving such contributions shall remit such contributions to the board which shall forward it to the treasurer of state for deposit in the general fund of the state. Persons requested to make a contribution at a fundraising event shall be advised that it is illegal to make a contribution in excess of ~~ten~~ twenty-five dollars unless the person making the contribution also provides the person's name and address.

Sec. 13. Section 68B.2, subsection 5, Code 2015, is amended to read as follows:

5. "*Candidate's committee*" means the committee designated by a candidate for a state, county, city, or school office, as provided under chapter 68A, to receive contributions in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate, expend funds in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate, or incur indebtedness on behalf of the candidate in excess of ~~seven hundred fifty one thousand~~ one thousand dollars in the aggregate in any calendar year.

CHAPTER 55

COMPENSATION OF ELECTIVE COUNTY OFFICERS

S.F. 167

AN ACT related to the compensation of elective county officers.

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

Section 1. Section 331.401, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The board shall not approve for payment to the auditor, treasurer, recorder, sheriff, county attorney, or to a supervisor a separation allowance or severance pay.

Sec. 2. Section 331.434, subsection 5, Code 2015, is amended to read as follows:

5. 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, 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.

b. If the budget to be approved pursuant to paragraph "a" contains any increase in compensation from the county budget for the prior fiscal year for one or more elective county offices, the board shall first adopt a separate detailed resolution to specifically approve any such increase for inclusion in the budget.

Approved April 24, 2015

CHAPTER 56

PERSONS AND ACTIVITIES REGULATED BY BOARD OF NURSING

S.F. 203

AN ACT relating to persons and activities regulated by the board of nursing.

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

Section 1. Section 125.2, subsection 11, Code 2015, is amended to read as follows:

11. "Psychiatric advanced registered nurse practitioner" means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification in psychiatric mental health care and who is ~~registered with~~ licensed by the board of nursing as an advanced registered nurse practitioner.

Sec. 2. Section 135G.1, subsection 1, Code 2015, is amended to read as follows:

1. "Advanced registered nurse practitioner" means a person currently licensed as a registered nurse under chapter 152 or 152E who is ~~registered with~~ licensed by the board of nursing as an advanced registered nurse practitioner.

Sec. 3. Section 147.107, subsection 8, Code 2015, is amended to read as follows:

8. Notwithstanding subsection 1, but subject to the limitations contained in subsections 2 and 3, a registered nurse who is licensed ~~and registered~~ as an advanced registered nurse practitioner ~~and who qualifies for and is registered in a recognized nursing specialty~~ may prescribe substances or devices, including controlled substances or devices, if the nurse is engaged in the practice of a nursing specialty regulated under rules adopted by the board of nursing in consultation with the board of medicine and the board of pharmacy.

Sec. 4. Section 152.1, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 01. “*Advanced registered nurse practitioner*” means a person who is currently licensed as a registered nurse under chapter 152 or 152E who is licensed by the board of nursing as an advanced registered nurse practitioner.

Sec. 5. Section 152.1, subsection 4, paragraph c, Code 2015, is amended to read as follows:

c. Make the pronouncement of death for a patient whose death is anticipated if the death occurs in a licensed hospital, a licensed health care facility, a Medicare-certified home health agency, a Medicare-certified hospice program or facility, or an assisted living facility or residential care facility, with notice of the death to a physician ~~and in accordance with any directions of a physician,~~ advanced registered nurse practitioner, or physician assistant.

Sec. 6. Section 152.1, subsection 5, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The “*practice of nursing*” means the practice of a registered nurse, ~~or a licensed practical nurse, or an advanced registered nurse practitioner.~~ It does not mean any of the following:

Sec. 7. Section 152.1, subsection 5, paragraph b, Code 2015, is amended to read as follows:

b. The performance of nursing services by an unlicensed student enrolled in a nursing education program if performance is part of the course of study. Individuals who have been licensed as registered nurses, ~~or licensed practical or vocational nurses, or advanced registered nurse practitioners~~ in any state or jurisdiction of the United States are not subject to this exemption.

Sec. 8. Section 152.1, subsection 6, paragraph e, Code 2015, is amended to read as follows:

e. Make the pronouncement of death for a patient whose death is anticipated if the death occurs in a licensed hospital, a licensed health care facility, a Medicare-certified home health agency, a Medicare-certified hospice program or facility, an assisted living facility, or a residential care facility, with notice of the death to a physician ~~and in accordance with any directions of a physician,~~ advanced registered nurse practitioner, or physician assistant.

Sec. 9. Section 152.4, Code 2015, is amended to read as follows:

152.4 Appropriations.

The board may apply appropriated funds to:

1. The administration and enforcement of the provisions of this chapter ~~and of chapter chapters 147, 152E, and 272C.~~
2. The elevation of the standards of the schools of nursing.
3. The promotion of educational and professional standards of nurses in this state.
4. The collection, analysis, and dissemination of nursing workforce data.

Sec. 10. Section 152.5, Code 2015, is amended to read as follows:

152.5 Education programs — ~~record checks.~~

1. All programs preparing a person to be a registered nurse or a licensed practical nurse shall be approved by the board. The board shall not recognize a program unless it:

- a. Is of recognized standing.
- b. Has provisions for adequate physical and clinical facilities and other resources with which to conduct a sound education program.
- c. Requires, for graduation of a registered nurse applicant, the completion of at least a two academic year course of study.
- d. Requires, for graduation of a licensed practical nurse applicant, the completion of at least a one academic year course of study as prescribed by the board.

2. All advanced postlicense formal academic nursing education programs shall also be approved by the board.

- ~~3. a. For the purposes of this subsection:~~

~~(1) “Nursing program” means a nursing program that is approved by the board pursuant to subsection 1 or 2.~~

~~(2) “Student” means a person applying for, enrolled in, or returning to the clinical education component of a nursing program.~~

~~b. A nursing program may access the single contact repository established pursuant to section 135C.33 as necessary for the nursing program to initiate record checks of students.~~

~~c. A nursing program shall request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks in this state on the nursing program’s students.~~

~~d. If a student has a criminal record or a record of founded child or dependent adult abuse, upon request of the nursing program, the department of human services shall perform an evaluation to determine whether the record warrants prohibition of the person’s involvement in a clinical education component of a nursing program involving children or dependent adults. The department of human services shall utilize the criteria provided in section 135C.33 in performing the evaluation and shall report the results of the evaluation to the nursing program. The department of human services has final authority in determining whether prohibition of the person’s involvement in a clinical education component is warranted.~~

Sec. 11. NEW SECTION. 152.5A Student record checks.

1. For the purposes of this section:

a. “Nursing program” means a nursing program that is approved by the board pursuant to section 152.5.

b. “Student” means a person applying for, enrolled in, or returning to the clinical education component of a nursing program.

2. A nursing program may access the single contact repository established pursuant to section 135C.33 as necessary for the nursing program to initiate record checks of students.

3. A nursing program shall request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks in this state on the nursing program’s students.

4. If a student has a criminal record or a record of founded child or dependent adult abuse, upon request of the nursing program, the department of human services shall perform an evaluation to determine whether the record warrants prohibition of the person’s involvement in a clinical education component of a nursing program involving children or dependent adults. The department of human services shall utilize the criteria provided in section 135C.33 in performing the evaluation and shall report the results of the evaluation to the nursing program. The department of human services has final authority in determining whether prohibition of the person’s involvement in a clinical education component is warranted.

Sec. 12. Section 152.6, Code 2015, is amended to read as follows:

152.6 Licenses — professional abbreviations.

The board may license a natural person to practice as a registered nurse, ~~or as a licensed practical nurse, or as an advanced registered nurse practitioner.~~ However, only a person currently licensed as a registered nurse in this state may use that title and the letters “R.N.” after the person’s name; only a person currently licensed as a licensed practical nurse in this state may use that title and the letters “L.P.N.” after the person’s name; and only a person currently licensed as an advanced registered nurse practitioner may use that title and the letters “A.R.N.P.” after the person’s name. For purposes of this section, “currently licensed” includes persons licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3.

Sec. 13. Section 152.7, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. An applicant to be licensed as an advanced registered nurse practitioner shall have the following qualifications:

a. Hold a current license as a registered nurse.

b. Satisfactory completion of a formal advanced practice educational program of study in a nursing specialty area approved by the board.

c. Hold an advanced level certification by a recognized national certifying body.

Sec. 14. Section 152.10, subsection 2, paragraph h, subparagraph (2), Code 2015, is amended to read as follows:

(2) The board may, upon probable cause, request a licensee to submit to an appropriate medical examination evaluation by a designated physician health care provider. If requested by the licensee, the licensee may also designate a physician health care provider for an independent medical examination evaluation. ~~The reasonable costs of such examinations and medical reports to the board shall be paid by the board.~~ Refusal or failure of a licensee to complete such examinations evaluations shall constitute an admission of any allegations relating to such condition. All objections shall be waived as to the admissibility of the examining physicians' health care provider's testimony or examination evaluation reports on the grounds that they constitute privileged communication. The medical testimony or examination evaluation reports shall not be used against a registered nurse, ~~or~~ licensed practical nurse, ~~or~~ advanced registered nurse practitioner in another proceeding and shall be confidential. At reasonable intervals, a registered nurse, ~~or~~ licensed practical nurse, ~~or~~ advanced registered nurse practitioner shall be afforded an opportunity to demonstrate that the registered nurse, ~~or~~ licensed practical nurse, ~~or~~ advanced registered nurse practitioner can resume the competent practice of nursing with reasonable skill and safety to patients.

Sec. 15. Section 225C.6, subsection 4, paragraph c, subparagraph (1), Code 2015, is amended to read as follows:

(1) A comprehensive set of wraparound services for persons who have had or are at imminent risk of having acute or crisis mental health symptoms that do not permit the persons to remain in or threatens removal of the persons from their home and community, but who have been determined by a mental health professional and a licensed health care professional, subject to the professional's scope of practice, not to need inpatient acute hospital services. For the purposes of this subparagraph, "*mental health professional*" means the same as defined in section 228.1 and "*licensed health care professional*" means a person licensed under chapter 148 to practice medicine and surgery or osteopathic medicine and surgery, an advanced registered nurse practitioner licensed under chapter 152 or 152E ~~and registered with the board of nursing~~, or a physician assistant licensed to practice under the supervision of a physician as authorized in chapters 147 and 148C.

Sec. 16. Section 228.1, subsection 6, paragraph b, Code 2015, is amended to read as follows:

b. The individual holds a current Iowa license if practicing in a field covered by an Iowa licensure law and is a psychiatrist, an advanced registered nurse practitioner who holds a national certification in psychiatric mental health care ~~registered licensed~~ by the board of nursing, a physician assistant practicing under the supervision of a psychiatrist, or an individual who holds a doctorate degree in psychology and is licensed by the board of psychology.

Sec. 17. Section 229.1, subsection 13, Code 2015, is amended to read as follows:

13. "*Psychiatric advanced registered nurse practitioner*" means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification in psychiatric mental health care and who is ~~registered with~~ licensed by the board of nursing as an advanced registered nurse practitioner.

Sec. 18. Section 231B.21, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. If administration of medications is delegated to the elder group home by the tenant or tenant's legal representative, the medications shall be administered by a registered nurse, licensed practical nurse, ~~or~~ advanced registered nurse practitioner licensed ~~or registered~~ in Iowa, ~~or~~ by the individual to whom such licensed ~~or registered~~ individuals may properly delegate administration of medications.

Sec. 19. Section 231C.16A, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. If administration of medications is delegated to the program by the tenant or tenant's legal representative, the medications shall be administered by a registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed or registered in Iowa, or by the individual to whom such licensed or registered individuals may properly delegate administration of medications.

Sec. 20. Section 231D.13A, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. If administration of medications is delegated to the program by the participant or the participant's legal representative, the medications shall be administered by a registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed or registered in Iowa, or by the individual to whom such licensed or registered individuals may properly delegate administration of medications.

Sec. 21. Section 235A.15, subsection 2, paragraph c, subparagraph (14), Code 2015, is amended to read as follows:

(14) To a nursing program that is approved by the state board of nursing under section 152.5, if the data relates to a record check performed pursuant to section ~~152.5~~ 152.5A.

Sec. 22. Section 235B.6, subsection 2, paragraph e, subparagraph (12), Code 2015, is amended to read as follows:

(12) A nursing program that is approved by the state board of nursing under section 152.5, if the information relates to a record check performed pursuant to section ~~152.5~~ 152.5A.

Sec. 23. Section 321.186, subsection 4, Code 2015, is amended to read as follows:

4. A physician licensed under chapter 148, an advanced registered nurse practitioner licensed under chapter 152 ~~and registered with the board of nursing~~, a physician assistant licensed under chapter 148C, or an optometrist licensed under chapter 154 may report to the department the identity of a person who has been diagnosed as having a physical or mental condition which would render the person physically or mentally incompetent to operate a motor vehicle in a safe manner. The physician, advanced registered nurse practitioner, physician assistant, or optometrist shall make reasonable efforts to notify the person who is the subject of the report, in writing. The written notification shall state the nature of the disclosure and the reason for the disclosure. A physician, advanced registered nurse practitioner, physician assistant, or optometrist making a report under this section shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of the report. A physician, advanced registered nurse practitioner, physician assistant, or optometrist has no duty to make a report or to warn third parties with regard to any knowledge concerning a person's mental or physical competency to operate a motor vehicle in a safe manner. Any report received by the department from a physician, advanced registered nurse practitioner, physician assistant, or optometrist under this section shall be kept confidential. Information regulated by chapter 141A shall be subject to the confidentiality provisions and remedies of that chapter.

Sec. 24. Section 514F.6, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. "Advanced registered nurse practitioner" means a licensed nurse who is also registered to practice in an advanced role person currently licensed as a registered nurse under chapter 152 or 152E who is licensed by the board of nursing as an advanced registered nurse practitioner.

CHAPTER 57**PUBLIC HEALTH PROGRAMS AND SERVICES — HEARING AID SPECIALISTS AND
MEDICAL RESIDENCY TRAINING GRANTS**

S.F. 274

AN ACT relating to programs and services under the purview of the department of public health including the board of hearing aid dispensers and the medical residency training matching grants program and including effective date and retroactive applicability provisions.

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

**DIVISION I
HEARING AID SPECIALISTS**

Section 1. Section 147.1, subsections 3 and 6, Code 2015, are amended to read as follows:

3. “*Licensed*” or “*certified*”, when applied to a physician and surgeon, podiatric physician, osteopathic physician and surgeon, physician assistant, psychologist, chiropractor, nurse, dentist, dental hygienist, dental assistant, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, orthotist, prosthetist, pedorthist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, social worker, massage therapist, athletic trainer, acupuncturist, nursing home administrator, hearing aid ~~dispenser~~ specialist, or sign language interpreter or transliterator means a person licensed under this subtitle.

6. “*Profession*” means medicine and surgery, podiatry, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, pharmacy, physical therapy, physical therapist assisting, occupational therapy, occupational therapy assisting, respiratory care, cosmetology arts and sciences, barbering, mortuary science, marital and family therapy, mental health counseling, social work, dietetics, massage therapy, athletic training, acupuncture, nursing home administration, practice as a hearing aid dispensing specialist, sign language interpreting or transliterating, orthotics, prosthetics, or pedorthics.

Sec. 2. Section 147.2, subsection 1, Code 2015, is amended to read as follows:

1. A person shall not engage in the practice of medicine and surgery, podiatry, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, physical therapist assisting, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, occupational therapy, occupational therapy assisting, orthotics, prosthetics, pedorthics, respiratory care, pharmacy, cosmetology arts and sciences, barbering, social work, dietetics, marital and family therapy or mental health counseling, massage therapy, mortuary science, athletic training, acupuncture, nursing home administration, ~~hearing aid dispensing~~, or sign language interpreting or transliterating, or shall not practice as a physician assistant or a hearing aid specialist, unless the person has obtained a license for that purpose from the board for the profession.

Sec. 3. Section 147.13, subsection 22, Code 2015, is amended to read as follows:

22. For hearing aid ~~dispensing specialists~~, the board of hearing aid ~~dispensers~~ specialists.

Sec. 4. Section 147.14, subsection 1, paragraph v, Code 2015, is amended to read as follows:

v. For hearing aid ~~dispensers~~ specialists, three licensed hearing aid ~~dispensers~~ specialists and two members who are not licensed hearing aid ~~dispensers~~ specialists who shall represent the general public. No more than two members of the board shall be employees of, or ~~dispensers~~ specialists principally for, the same hearing aid manufacturer.

Sec. 5. Section 154A.1, subsections 1, 3, 6, 7, and 9, Code 2015, are amended to read as follows:

1. "~~Board~~" means the board of hearing aid ~~dispensers~~ specialists.

3. "~~Dispense~~" or "~~sell~~" means a transfer of title or of the right to use by lease, bailment, or any other means, but excludes a wholesale transaction with a distributor or ~~dispenser~~ hearing aid specialist, and excludes the temporary, charitable loan or educational loan of a hearing aid without remuneration.

6. "~~Hearing aid fitting~~" means the measurement of human hearing by any means for the purpose of selections, adaptations, and sales of hearing aids, ~~and the instruction and counseling pertaining thereto to the selections, adaptations, and sales of hearing aids, and demonstration of techniques in the use of hearing aids, and the making of earmold impressions as part of the fitting of hearing aids.~~

7. "~~License~~" means a license issued by the state under this chapter to a hearing aid dispenser specialist.

9. "~~Temporary permit~~" means a permit issued while the applicant is in training to become a licensed hearing aid ~~dispenser~~ specialist.

Sec. 6. Section 154A.1, subsection 5, Code 2015, is amended by striking the subsection.

Sec. 7. Section 154A.1, Code 2015, is amended by adding the following new subsection:
NEW SUBSECTION. 6A. "~~Hearing aid specialist~~" means any person engaged in the fitting, dispensing, and sale of hearing aids and providing hearing aid services or maintenance, by means of procedures stipulated by this chapter or the board.

Sec. 8. Section 154A.13, Code 2015, is amended to read as follows:

154A.13 Temporary permit.

A person who has not been licensed as a hearing aid ~~dispenser~~ specialist may obtain a temporary permit from the department upon completion of the application accompanied by the written verification of employment from a licensed hearing aid ~~dispenser~~ specialist. The department shall issue a temporary permit for one year which shall not be renewed or reissued. The fee for issuance of the temporary permit shall be set by the board in accordance with the provisions for establishment of fees in section 147.80. The temporary permit entitles an applicant to engage in the fitting or selection and sale of hearing aids under the supervision of a person holding a valid license.

Sec. 9. Section 154A.19, Code 2015, is amended to read as follows:

154A.19 Exceptions.

1. This chapter shall not prohibit a corporation, partnership, trust, association, or other organization maintaining an established business address from engaging in the business of selling or offering for sale hearing aids at retail without a license if it employs only licensed hearing aid ~~dispensers~~ specialists in the direct fitting or selection and sale of hearing aids. Such an organization shall file annually with the board a list of all licensed hearing aid ~~dispensers~~ specialists and persons holding temporary permits directly or indirectly employed by it. Such an organization shall also file with the board a statement on a form approved by the board that the organization submits itself to the rules and regulations of the board and the provisions of this chapter which the department deems applicable.

2. This chapter shall not apply to a person who engages in the practices covered by this chapter if this activity is part of the academic curriculum of an accredited institution of higher education, or part of a program conducted by a public or charitable institution, or nonprofit organization, unless the institution or organization also dispenses or sells hearing aids.

3. This chapter shall not prevent any person from engaging in practices covered by this chapter, provided the person, or organization employing the person, does not dispense or sell hearing aids.

Sec. 10. Section 154A.20, Code 2015, is amended to read as follows:

154A.20 Rights of purchaser.

1. A hearing aid ~~dispenser~~ specialist shall deliver, to each person supplied with a hearing aid, a receipt which contains the licensee's signature and shows the licensee's business

address and the number of the license, together with specifications as to the make, model, and serial number of the hearing aid furnished, and full terms of sale clearly stated, including the date of consummation of the sale of the hearing aid. If a hearing aid is sold which is not new, the receipt and the container must be clearly marked "used" or "reconditioned", with the terms of guarantee, if any.

2. The receipt shall bear the following statement in type no smaller than the largest used in the body copy portion of the receipt:

The purchaser has been advised that any examination or representation made by a licensed hearing aid ~~dispenser~~ specialist in connection with the fitting or selection and selling of this hearing aid is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this state and therefore, must not be regarded as medical opinion or advice.

3. Whenever any of the following conditions are found to exist either from observations by the licensed hearing aid ~~dispenser~~ specialist or person holding a temporary permit or on the basis of information furnished by a prospective hearing aid user, the hearing aid ~~dispenser~~ specialist or person holding a temporary permit shall, prior to fitting and selling a hearing aid to any individual, suggest to that individual in writing that the individual's best interests would be served if the individual would consult a licensed physician specializing in diseases of the ear, or if no such licensed physician is available in the community, then a duly licensed physician:

- a. Visible congenital or traumatic deformity of the ear.
- b. History of, or active drainage from the ear within the previous ninety days.
- c. History of sudden or rapidly progressive hearing loss within the previous ninety days.
- d. Acute or chronic dizziness.
- e. Unilateral hearing loss of sudden or recent onset within the previous ninety days.
- f. Significant air-bone gap (~~greater greater~~ greater than or equal to 15dB ANSI 500, 1000 and 2000 Hz. ~~average~~) average.
- g. Obstruction of the ear canal, by structures of undetermined origin, such as foreign bodies, impacted cerumen, redness, swelling, or tenderness from localized infections of the otherwise normal ear canal.

4. A copy of the written recommendation shall be retained by the licensed hearing aid ~~dispenser~~ specialist for the period of seven years. A person receiving the written recommendation who elects to purchase a hearing aid shall sign a receipt for the same, and the receipt shall be kept with the other papers retained by the licensed hearing aid ~~dispenser~~ specialist for the period of seven years. Nothing in this section required to be performed by a licensed hearing aid ~~dispenser~~ specialist shall mean that the hearing aid ~~dispenser~~ specialist is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited by this chapter.

5. No hearing aid shall be sold by any individual licensed under this chapter to a person twelve years of age or younger, unless within the preceding six months a recommendation for a hearing aid has been made by a physician specializing in otolaryngology. A replacement of an identical hearing aid within one year shall be an exception to this requirement.

6. A licensed hearing aid ~~dispenser~~ specialist shall, upon the consummation of a sale of a hearing aid, keep and maintain records in the ~~dispenser's~~ specialist's office or place of business at all times and each such record shall be kept and maintained for a seven-year period. These records shall include:

- a. Results of test techniques as they pertain to fitting of the hearing aids.
- b. A copy of the written receipt and the written recommendation.

Sec. 11. Section 154A.21, Code 2015, is amended to read as follows:

154A.21 Notice of address.

1. A licensee or person holding a temporary permit shall notify the department in writing of the address of the place where the licensee or permittee engages or intends to engage in business as a hearing aid ~~dispenser~~ specialist. The department shall keep a record of the place of business of licensees and persons holding temporary permits.

2. Any notice required to be given by the department to a licensee shall be adequately served if sent by certified mail to the address of the last place of business recorded.

Sec. 12. Section 154A.24, subsection 3, paragraphs e and i, Code 2015, are amended to read as follows:

e. Representing that the service or advice of a person licensed to practice medicine, or one who is certificated as a clinical audiologist by the board of speech pathology and audiology or its equivalent, will be used or made available in the fitting or selection, adjustment, maintenance, or repair of hearing aids when that is not true, or using the words “doctor”, “clinic”, “clinical audiologist”, “state approved”, or similar words, abbreviations, or symbols which tend to connote the medical or other professions, except where the title “certified hearing aid audiologist” has been granted by the national hearing aid society, or that the hearing aid ~~dispenser~~ specialist has been recommended by this state or the board when such is not accurate.

i. Directly or indirectly giving or offering to give, or permitting or causing to be given, money or anything of value to a person who advises another in a professional capacity, as an inducement to influence the person or cause the person to influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid ~~dispenser~~ specialist, or to influence others to refrain from dealing in the products of competitors.

Sec. 13. Section 154A.25, subsection 2, Code 2015, is amended to read as follows:

2. Purchase or procure by barter a license or temporary permit with intent to use it as evidence of the holder’s qualifications to engage in business as a hearing aid ~~dispenser~~ specialist.

Sec. 14. Section 154F.2, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. Hearing aid fitting, the dispensing or sale of hearing aids, and the providing of hearing aid service and maintenance by a hearing aid ~~dispenser~~ specialist or holder of a temporary permit as defined and licensed under chapter 154A.

Sec. 15. Section 154F.2, subsection 2, Code 2015, is amended to read as follows:

2. A person exempted from the provisions of this chapter by this section shall not use the title “speech pathologist” or “audiologist” or any title or device indicating or representing in any manner that the person is a speech pathologist or is an audiologist; provided, a hearing aid ~~dispenser~~ specialist licensed under chapter 154A may use the title “certified hearing aid audiologist” when granted by the national hearing aid society; and provided, persons who meet the requirements of section 154F.3, subsection 1, who are certified by the department of education as speech clinicians may use the title “speech pathologist” and persons who meet the requirements of section 154F.3, subsection 2, who are certified by the department of education as hearing clinicians may use the title “audiologist”, while acting within the scope of their employment.

Sec. 16. Section 216E.7, Code 2015, is amended to read as follows:

216E.7 Exemptions.

This chapter does not apply to a hearing aid sold, leased, or transferred to a consumer by an audiologist licensed under chapter 154F, or a hearing aid ~~dispenser~~ specialist licensed under chapter 154A, if the audiologist or ~~dispenser~~ specialist provides either an express warranty for the hearing aid or provides for service and replacement of the hearing aid.

Sec. 17. Section 272C.1, subsection 6, paragraph v, Code 2015, is amended to read as follows:

v. The board of hearing aid ~~dispensers~~ specialists, created pursuant to chapter 154A.

DIVISION II
MEDICAL RESIDENCY TRAINING STATE MATCHING GRANTS PROGRAM —
REENACTMENT

Sec. 18. NEW SECTION. 135.176 Medical residency training state matching grants program.

1. The department shall establish a medical residency training state matching grants program to provide matching state funding to sponsors of accredited graduate medical education residency programs in this state to establish, expand, or support medical residency training programs. Funding for the program may be provided through the health care workforce shortage fund or the medical residency training account created in section 135.175. For the purposes of this section, unless the context otherwise requires, “*accredited*” means a graduate medical education program approved by the accreditation council for graduate medical education or the American osteopathic association. The grant funds may be used to support medical residency programs through any of the following:

a. The establishment of new or alternative campus accredited medical residency training programs. For the purposes of this paragraph, “*new or alternative campus accredited medical residency training program*” means a program that is accredited by a recognized entity approved for such purpose by the accreditation council for graduate medical education or the American osteopathic association with the exception that a new medical residency training program that, by reason of an insufficient period of operation is not eligible for accreditation on or before the date of submission of an application for a grant, may be deemed accredited if the accreditation council for graduate medical education or the American osteopathic association finds, after consultation with the appropriate accreditation entity, that there is reasonable assurance that the program will meet the accreditation standards of the entity prior to the date of graduation of the initial class in the program.

b. The provision of new residency positions within existing accredited medical residency or fellowship training programs.

c. The funding of residency positions which are in excess of the federal residency cap. For the purposes of this paragraph, “*in excess of the federal residency cap*” means a residency position for which no federal Medicare funding is available because the residency position is a position beyond the cap for residency positions established by the federal Balanced Budget Act of 1997, Pub. L. No. 105-33.

2. The department shall adopt rules pursuant to chapter 17A to provide for all of the following:

a. Eligibility requirements for and qualifications of a sponsor of an accredited graduate medical education residency program to receive a grant. The requirements and qualifications shall include but are not limited to all of the following:

(1) Only a sponsor that establishes a dedicated fund to support a residency program that meets the specifications of this section shall be eligible to receive a matching grant. A sponsor funding residency positions in excess of the federal residency cap, as defined in subsection 1, paragraph “c”, exclusive of funds provided under the medical residency training state matching grants program established in this section, is deemed to have satisfied this requirement and shall be eligible for a matching grant equal to the amount of funds expended for such residency positions, subject to the limitation on the maximum award of grant funds specified in paragraph “e”.

(2) A sponsor shall demonstrate, through documented financial information as prescribed by rule of the department, that funds have been reserved and will be expended by the sponsor in the amount required to provide matching funds for each residency proposed in the request for state matching funds.

(3) A sponsor shall demonstrate, through objective evidence as prescribed by rule of the department, a need for such residency program in the state.

b. The application process for the grant.

c. Criteria for preference in awarding of the grants, including preference in the residency specialty.

d. Determination of the amount of a grant. The total amount of a grant awarded to a sponsor shall be limited to no more than twenty-five percent of the amount that the sponsor

has demonstrated through documented financial information has been reserved and will be expended by the sponsor for each residency sponsored for the purpose of the residency program.

e. The maximum award of grant funds to a particular individual sponsor per year. An individual sponsor shall not receive more than twenty-five percent of the state matching funds available each year to support the program. However, if less than ninety-five percent of the available funds has been awarded in a given year, a sponsor may receive more than twenty-five percent of the state matching funds available if total funds awarded do not exceed ninety-five percent of the available funds. If more than one sponsor meets the requirements of this section and has established, expanded, or supported a graduate medical residency training program, as specified in subsection 1, in excess of the sponsor's twenty-five percent maximum share of state matching funds, the state matching funds shall be divided proportionately among such sponsors.

f. Use of the funds awarded. Funds may be used to pay the costs of establishing, expanding, or supporting an accredited graduate medical education program as specified in this section, including but not limited to the costs associated with residency stipends and physician faculty stipends.

Sec. 19. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 20. APPLICABILITY. This division of this Act applies retroactively to June 30, 2014.

DIVISION III MEDICAL RESIDENCY TRAINING STATE MATCHING GRANTS PROGRAM — AMENDMENTS

Sec. 21. Section 135.176, as enacted in this Act, is amended to read as follows:

135.176 Medical residency training state matching grants program.

1. The department shall establish a medical residency training state matching grants program to provide matching state funding to sponsors of accredited graduate medical education residency programs in this state to establish, expand, or support medical residency training programs. Funding for the program may be provided through the health care workforce shortage fund or the medical residency training account created in section 135.175. For the purposes of this section, unless the context otherwise requires, "accredited" means a graduate medical education program approved by the accreditation council for graduate medical education or the American osteopathic association. The grant funds may be used to support medical residency programs through any of the following:

a. The establishment of new or alternative campus accredited medical residency training programs. For the purposes of this paragraph, "new or alternative campus accredited medical residency training program" means a program that is accredited by a recognized entity approved for such purpose by the accreditation council for graduate medical education or the American osteopathic association with the exception that a new medical residency training program that, by reason of an insufficient period of operation is not eligible for accreditation on or before the date of submission of an application for a grant, may be deemed accredited if the accreditation council for graduate medical education or the American osteopathic association finds, after consultation with the appropriate accreditation entity, that there is reasonable assurance that the program will meet the accreditation standards of the entity prior to the date of graduation of the initial class in the program.

b. The provision of new residency positions within existing accredited medical residency or fellowship training programs.

c. The funding of residency positions which are in excess of the federal residency cap. For the purposes of this paragraph, "in excess of the federal residency cap" means a residency position for which no federal Medicare funding is available because the residency position is a position beyond the cap for residency positions established by the federal Balanced Budget Act of 1997, Pub. L. No. 105-33.

2. The department shall adopt rules pursuant to chapter 17A to provide for all of the following:

a. Eligibility requirements for and qualifications of a sponsor of an accredited graduate medical education residency program to receive a grant. The requirements and qualifications shall include but are not limited to all of the following:

~~(1) Only a sponsor that establishes a dedicated fund to support a residency program that meets the specifications of this section shall be eligible to receive a matching grant. A sponsor funding residency positions in excess of the federal residency cap, as defined in subsection 1, paragraph "c", exclusive of funds provided under the medical residency training state matching grants program established in this section, is deemed to have satisfied this requirement and shall be eligible for a matching grant equal to the amount of funds expended for such residency positions, subject to the limitation on the maximum award of grant funds specified in paragraph "e".~~

~~(2) A sponsor shall demonstrate, through documented financial information as prescribed by rule of the department, that funds have been reserved budgeted and will be expended by the sponsor in the amount required to provide matching funds for each residency proposed in the request for state matching funds.~~

~~(3) (2) A sponsor shall demonstrate, through objective evidence as prescribed by rule of the department, a need for such residency program in the state.~~

b. The application process for the grant.

c. Criteria for preference in awarding of the grants, including preference in the residency specialty.

d. Determination of the amount of a grant. The total amount of a grant awarded to a sponsor proposing the establishment of a new or alternative campus accredited medical residency training program as defined in subsection 1, paragraph "a", shall be limited to no more than twenty-five one hundred percent of the amount the sponsor has budgeted as demonstrated under paragraph "a". The total amount of a grant awarded to a sponsor proposing the provision of a new residency position within an existing accredited medical residency or fellowship training program as specified in subsection 1, paragraph "b" or the funding of residency positions which are in excess of the federal residency cap as defined in subsection 1, paragraph "c", shall be limited to no more than twenty-five percent of the amount that the sponsor has demonstrated through documented financial information has been reserved and will be expended by the sponsor budgeted for each residency position sponsored for the purpose of the residency program.

e. The maximum award of grant funds to a particular individual sponsor per year. An individual sponsor that establishes a new or alternative campus accredited medical residency training program as defined in subsection 1, paragraph "a" shall not receive more than twenty-five fifty percent of the state matching funds available each year to support the program. However, if less than ninety-five percent of the available funds has been awarded in a given year, a sponsor may receive more than twenty-five percent of the state matching funds available if total funds awarded do not exceed ninety-five percent of the available funds. If more than one sponsor meets the requirements of this section and has established, expanded, or supported a graduate medical residency training program, as specified in subsection 1, in excess of the sponsor's twenty-five percent maximum share of state matching funds, the state matching funds shall be divided proportionately among such sponsors. An individual sponsor proposing the provision of a new residency position within an existing accredited medical residency or fellowship training program as specified in subsection 1, paragraph "b" or the funding of residency positions which are in excess of the federal residency cap as defined in subsection 1, paragraph "c", shall not receive more than twenty-five percent of the state matching funds available each year to support the program.

f. Use of the funds awarded. Funds may be used to pay the costs of establishing, expanding, or supporting an accredited graduate medical education program as specified in this section, including but not limited to the costs associated with residency stipends and physician faculty stipends.

CHAPTER 58**JUVENILE COURT RECORDS — CONFIDENTIALITY***S.F. 292*

AN ACT relating to the confidentiality of certain juvenile court records.

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

Section 1. Section 232.147, subsections 1, 2, 3, and 8, Code 2015, are amended to read as follows:

1. Juvenile court social records shall be confidential. They shall not be inspected and their contents shall not be disclosed except as provided in this section or as authorized by other provisions in this chapter.

2. Official juvenile court records in cases alleging delinquency, including complaints under section 232.28, shall be public records, subject to the following restrictions:

a. Records containing a dismissal of a complaint or an informal adjustment of a complaint when no petition is filed relating to the complaint, shall not be available to the public and may only be inspected by or disclosed to the following:

(1) The judge and professional court staff, including juvenile court officers.

(2) The child's counsel or guardian ad litem.

(3) The county attorney and county attorney's assistants.

(4) The superintendent or the superintendent's designee of the school district for the school attended by the child or the authorities in charge of an accredited nonpublic school attended by the child.

(5) A member of the armed forces of the United States who is conducting a background investigation of an individual pursuant to federal law.

(6) The statistical analysis center for the purposes stated in section 216A.136.

(7) The state public defender.

a. b. Official juvenile court records containing a petition or complaint alleging delinquency filed prior to January 1, 2007, shall be public records subject to a confidentiality order under section 232.149A or sealing under section 232.150.

b. c. Official juvenile court records containing a petition or complaint alleging delinquency filed on or after January 1, 2007, shall be public records subject to a confidentiality order under section 232.149A or sealing under section 232.150. The official records shall not be available to the public or any governmental agency through the internet or in an electronic customized data report unless the child has been adjudicated delinquent. However, the following shall have access to official juvenile court records through the internet or in an electronic customized data report prior to the child being adjudicated delinquent:

(1) The judge and professional court staff, including juvenile court officers.

(2) The child's counsel or guardian ad litem.

(3) The county attorney and the county attorney's assistants.

(4) A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court proceeding.

(5) A state or local law enforcement agency.

(6) The state public defender.

(7) The division of criminal and juvenile justice planning of the department of human rights.

e. d. If the court has excluded the public from a hearing under division II of this chapter, the transcript of the proceedings shall not be deemed a public record and inspection and disclosure of the contents of the transcript shall not be permitted except pursuant to court order or unless otherwise provided in this chapter.

f. e. Complaints under section 232.28 shall be released in accordance with section 915.25. Other official juvenile court records may be released under this section by a juvenile court officer.

3. Official juvenile court records in all cases except those alleging delinquency shall be confidential and are not public records but may be inspected and their contents shall be disclosed to the following without court order:

- a. The judge and professional court staff, including juvenile court officers.
- b. The child and the child's counsel.
- c. The child's parent, guardian or custodian, court appointed special advocate, and guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.
- d. The county attorney and the county attorney's assistants.
- e. An agency, association, facility or institution which has custody of the child, or is legally responsible for the care, treatment or supervision of the child.
- f. A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court proceeding.
- g. The child's foster parent or an individual providing preadoptive care to the child.
- h. The state public defender.

8. All Subject to restrictions imposed by sections 232.48, subsection 4, and 232.97, subsection 3, all juvenile court records shall be made available for inspection and their contents shall be disclosed to any party to the case and the party's counsel and to any trial or appellate court in connection with an appeal pursuant to division VI of this chapter.

Sec. 2. Section 232.149, Code 2015, is amended by adding the following new subsection:
NEW SUBSECTION. 2A. Records and files of a criminal or juvenile justice agency concerning a defendant transferred under section 803.6 to the juvenile court for the alleged commission of a public offense are public records, except that release of criminal history data, intelligence data, and law enforcement investigatory files is subject to the provisions of section 22.7 and chapter 692, and juvenile court social records shall be deemed confidential criminal identification files under section 22.7, subsection 9. The records are subject to sealing under section 232.150.

Approved April 24, 2015

CHAPTER 59

COMMUNICATION AND VISITATION BETWEEN ADULT WARDS AND OTHER PERSONS

S.F. 306

AN ACT relating to communication and visitation between an adult ward and another person.

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

Section 1. Section 633.635, subsection 1, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Of.* Placing reasonable time, place, or manner restrictions on communication, visitation, or interaction between the adult ward and another person.

Sec. 2. Section 633.635, subsection 2, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* Denying all communication, visitation, or interaction by an adult ward with a person with whom the adult ward has expressed a desire to communicate, visit, or interact or with a person who seeks to communicate, visit, or interact with the adult ward. 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.

Sec. 3. NEW SECTION. **633.637A Rights of ward under guardianship.**

An adult ward under a guardianship has the right of communication, visitation, or interaction with other persons upon the consent of the adult ward, subject to section 633.635, subsection 1, paragraph “*of*”, and section 633.635, subsection 2, paragraph “*d*”. If an adult ward is unable to give express consent to such communication, visitation, or interaction with a person due to a physical or mental condition, consent of an adult ward may be presumed by a guardian or a court based on an adult ward’s prior relationship with such person.

Approved April 24, 2015

CHAPTER 60

RELEASE OF MEDICAL EXAMINER, AUTOPSY, AND PATIENT INFORMATION — ORGAN PROCUREMENT ORGANIZATIONS

S.F. 335

AN ACT relating to the release of certain information to a procurement organization.

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

Section 1. Section 22.7, subsection 41, Code 2015, is amended to read as follows:

41. a. Medical examiner records and reports, including preliminary reports, investigative reports, and autopsy reports. ~~However, medical examiner~~

b. Notwithstanding paragraph “a”, the following shall be released as follows:

(1) Medical examiner-authored records and reports, including preliminary reports, investigative reports, and autopsy reports, shall be released to a law enforcement agency that is investigating the death, upon the request of the law enforcement agency.

(2) Preliminary reports of investigations by the medical examiner and autopsy reports for a decedent by whom an anatomical gift was made in accordance with chapter 142C shall be released to an organ procurement organization as defined in section 142C.2, upon the request of such organ procurement organization, unless such disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.¹

(3) Autopsy reports shall be released to the decedent’s immediate next of kin, upon the request of the decedent’s immediate next of kin, unless disclosure to the decedent’s immediate next of kin would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

c. Information regarding the cause and manner of death shall not be kept confidential under this subsection, unless disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

Sec. 2. Section 142C.7, Code 2015, is amended to read as follows:

142C.7 Confidential information.

A hospital, licensed or certified health care professional pursuant to chapter 148, 148C, or 152, or medical examiner ~~may~~ shall release patient information to a procurement organization as part of a referral or retrospective review of the patient as a potential donor, unless such disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual. Any information regarding a patient, including the patient’s identity, however, constitutes confidential medical information and

¹ See chapter 138, §12 herein

under any other circumstances is prohibited from disclosure without the written consent of the patient or the patient's legal representative.

Approved April 24, 2015

CHAPTER 61
SUBACUTE CARE FACILITIES
S.F. 401

AN ACT relating to subacute care facilities.

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

Section 1. Section 135G.6, subsection 2, Code 2015, is amended to read as follows:

2. a. The department of human services has submitted written approval of the application based upon the process used by the department of human services to identify the best qualified providers. ~~The process implemented by the department of human services shall utilize a request for proposals process to identify the best qualified providers, limit the number of subacute care facility beds,~~ and ensure the geographic dispersion of subacute mental health services.

b. The department of human services shall not give approval to an application which would cause the number of publicly funded subacute care facility beds licensed under this chapter to exceed ~~fifty~~ seventy-five beds.

c. ~~The subacute care facility beds identified by the request for proposals process initiated on or after the effective date of this Act shall be existing beds which have been awarded a certificate of need pursuant to chapter 135~~ new beds located in hospitals and facilities licensed as a subacute care facility under this chapter. Such beds shall not be required to obtain an additional certificate of need upon conversion to licensed subacute care facility beds.

Sec. 2. Section 229.13, subsection 1, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. If the court orders evaluation and treatment of the respondent on an inpatient basis under this section, the court may order the respondent placed under the care of an appropriate subacute care facility licensed under chapter 135G.

Sec. 3. Section 229.14, subsection 2, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. If the court orders placement and treatment of the respondent on an inpatient basis under this section, the court may order the respondent placed under the care of an appropriate subacute care facility licensed under chapter 135G.

Sec. 4. DEPARTMENT OF INSPECTIONS AND APPEALS — RULES. The administrative rules adopted by the department of inspections and appeals relating to eligibility requirements for individualized subacute mental health services in subacute care facilities licensed under chapter 135G shall allow for the treatment of persons involuntarily hospitalized under chapter 229.

Sec. 5. DEPARTMENT OF HUMAN SERVICES — RULES. The department of human services shall adopt rules pursuant to chapter 17A to administer the section of this Act amending section 135G.6.

Approved April 24, 2015

CHAPTER 62**JUVENILE JUSTICE — DISPOSITION OF DELINQUENCY AND CHILD IN NEED OF ASSISTANCE CASES**

S.F. 412

AN ACT relating to child welfare, including provisions relating to child in need of assistance and delinquency cases.

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

Section 1. Section 232.8, Code 2015, is amended by adding the following new subsection: NEW SUBSECTION. 4A. a. Juvenile court services may provide follow-up services for a child adjudicated to have committed a delinquent act upon the child reaching eighteen years of age until the child is twenty-one years of age, if the child and juvenile court services determine the child should remain under the guidance of a juvenile court officer. Follow-up services shall be made available to the child, as necessary, to meet the long-term needs of the child aging into adulthood.

b. A child who remains under the guidance of juvenile court services under paragraph “a” who is alleged to have committed a subsequent public offense shall be prosecuted as an adult.

Sec. 2. Section 232.97, subsections 1 and 3, Code 2015, are amended to read as follows:

1. The court shall not make a disposition of the petition until ~~two~~ five working days after a social report has been submitted to the court and counsel for the child and has been considered by the court. The court may waive the ~~two-day~~ five-day requirement upon agreement by all the parties. The court may direct either the juvenile court officer or the department of human services or any other agency licensed by the state to conduct a social investigation and to prepare a social report which may include any evidence provided by an individual providing foster care for the child. A report prepared shall include any founded reports of child abuse.

3. The social report shall not be disclosed except as provided in this section and except as otherwise provided in this chapter. ~~Prior~~ At least five days prior to the hearing at which the disposition is determined, the court shall ~~permit send a copy of the social report to counsel for the child, counsel for the child’s parent, guardian, or custodian, and the guardian ad litem to inspect any social report to be considered by the court.~~ The court may in its discretion order counsel not to disclose parts of the report to the child, or to the parent, guardian, or custodian if disclosure would seriously harm the treatment or rehabilitation of the child or would violate a promise of confidentiality given to a source of information. If the report indicates the child has behaved in a manner that threatened the safety of another person, has committed a violent act causing bodily injury to another person, or has been a victim or perpetrator of sexual abuse, unless otherwise ordered by the court, the child’s parent, guardian, or foster parent or other person with custody of the child shall be provided with that information.

Approved April 24, 2015

CHAPTER 63**CONTINUING EDUCATION REQUIREMENTS FOR LICENSED BARBERS**

S.F. 434

AN ACT relating to continuing education requirements for licensed barbers.

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

Section 1. NEW SECTION. **158.11 Continuing education.**

1. A person licensed pursuant to this chapter shall be required to complete no more than three hours of continuing education every two years that meets the requirements established by the board. The continuing education compliance period shall extend for a two-year period beginning on July 1 and ending on June 30 of each even-numbered year.

2. A member of the board shall not provide the continuing education required by this section.

Sec. 2. Section 272C.2A, Code 2015, is amended to read as follows:

272C.2A Continuing education minimum requirements — ~~barbering and cosmetology arts and sciences.~~

The ~~board of barbering and the~~ board of cosmetology arts and sciences, created pursuant to chapter 147, shall ~~each~~ require, as a condition of license renewal, a minimum of six hours of continuing education in the two years immediately prior to a licensee's license renewal. The board of cosmetology arts and sciences may notify cosmetology arts and sciences licensees on a quarterly basis regarding continuing education opportunities.

Approved April 24, 2015

CHAPTER 64

PARI-MUTUEL WAGERING — EXCHANGE WAGERING STUDY

S.F. 438

AN ACT requiring the racing and gaming commission to conduct a study on exchange wagering.

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

Section 1. RACING AND GAMING COMMISSION — EXCHANGE WAGERING STUDY.

1. The state racing and gaming commission shall conduct a study concerning the possible authorization of exchange wagering, a form of wagering in which two or more persons place identically opposing wagers in a given market, as a form of pari-mutuel wagering in Iowa. The study shall consider the current state of pari-mutuel wagering in Iowa, the potential revenue impact of authorizing exchange wagering, the possible regulatory framework necessary if exchange wagering is authorized for licensees regulated under chapters 99D and 99F, including any necessary consumer protections, the manner of collecting wagering taxes for exchange wagering, and the general impact of authorizing exchange wagering as a form of pari-mutuel wagering.

2. In conducting the study, the commission shall consult with the Iowa horsemen's benevolent and protective association, and may consult with the horse racetrack located in Polk county and any other parties the commission deems necessary.

3. The commission shall submit a written report on its findings to the general assembly by December 1, 2015. The commission is not required to make specific recommendations regarding the legalization of exchange wagering in Iowa. The cost of the study shall be treated as an additional cost to the racing and gaming commission.

Approved April 24, 2015

CHAPTER 65**COMMISSION OF CLASS "A" FELONIES BY PERSONS UNDER THE AGE OF EIGHTEEN***S.F. 448*

AN ACT relating to the commission of a class "A" felony by a person under eighteen years of age, providing penalties, and including effective date and applicability provisions.

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

Section 1. Section 902.1, subsection 2, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

2. a. Notwithstanding subsection 1, a defendant convicted of murder in the first degree in violation of section 707.2, and who was under the age of eighteen at the time the offense was committed shall receive one¹ the following sentences:

(1) Commitment to the director of the department of corrections for the rest of the defendant's life with no possibility of parole unless the governor commutes the sentence to a term of years.

(2) Commitment to the custody of the director of the department of corrections for the rest of the defendant's life with the possibility of parole after serving a minimum term of confinement as determined by the court.

(3) Commitment to the custody of the director of the department of corrections for the rest of the defendant's life with the possibility of parole.

b. (1) The prosecuting attorney shall provide reasonable notice to the defendant, after conviction and prior to sentencing, of the state's intention to seek a life sentence with no possibility of parole under paragraph "a", subparagraph (1).

(2) In determining which sentence to impose, the court shall consider all circumstances including but not limited to the following:

(a) The impact of the offense on each victim, as defined in section 915.10, through the use of a victim impact statement, as defined in section 915.10, under any format permitted by section 915.13. The victim impact statement may include comment on the sentence of the defendant.

(b) The impact of the offense on the community.

(c) The threat to the safety of the public or any individual posed by the defendant.

(d) The degree of participation in the murder by the defendant.

(e) The nature of the offense.

(f) The defendant's remorse.

(g) The defendant's acceptance of responsibility.

(h) The severity of the offense, including any of the following:

(i) The commission of the murder while participating in another felony.

(ii) The number of victims.

(iii) The heinous, brutal, cruel manner of the murder, including whether the murder was the result of torture.

(i) The capacity of the defendant to appreciate the criminality of the conduct.

(j) Whether the ability to conform the defendant's conduct with the requirements of the law was substantially impaired.

(k) The level of maturity of the defendant.

(l) The intellectual and mental capacity of the defendant.

(m) The nature and extent of any prior juvenile delinquency or criminal history of the defendant, including the success or failure of previous attempts at rehabilitation.

(n) The mental health history of the defendant.

(o) The level of compulsion, duress, or influence exerted upon the defendant, but not to such an extent as to constitute a defense.

(p) The likelihood of the commission of further offenses by the defendant.

(q) The chronological age of the defendant and the features of youth, including immaturity, impetuosity, and failure to appreciate risks and consequences.

¹ See chapter 138, §50 herein

- (r) The family and home environment that surrounded the defendant.
- (s) The circumstances of the murder including the extent of the defendant's participation in the conduct and the way familial and peer pressure may have affected the defendant.
- (t) The competencies associated with youth, including but not limited to the defendant's inability to deal with peace officers or the prosecution or the defendant's incapacity to assist the defendant's attorney in the defendant's defense.
- (u) The possibility of rehabilitation.
- (v) Any other information considered relevant by the sentencing court.

Sec. 2. Section 902.1, Code 2015, is amended by adding the following new subsections:

NEW SUBSECTION. 3. a. Notwithstanding subsections 1 and 2, a defendant convicted of a class "A" felony, other than murder in the first degree in violation of section 707.2, and who was under the age of eighteen at the time the offense was committed shall receive one of the following sentences:

(1) Commitment to the custody of the director of the department of corrections for the rest of the defendant's life with the possibility of parole after serving a minimum term of confinement as determined by the court.

(2) Commitment to the custody of the director of the department of corrections for the rest of the defendant's life with the possibility of parole.

b. In determining which sentence to impose, the court shall consider all circumstances including but not limited to the following:

(1) The impact of the offense on each victim, as defined in section 915.10, through the use of a victim impact statement, as defined in section 915.10, under any format permitted by section 915.13. The victim impact statement may include comment on the sentence of the defendant.

(2) The impact of the offense on the community.

(3) The threat to the safety of the public or any individual posed by the defendant.

(4) The degree of participation in the offense by the defendant.

(5) The nature of the offense.

(6) The defendant's remorse.

(7) The defendant's acceptance of responsibility.

(8) The severity of the offense, including any of the following:

(a) The commission of the offense while participating in another felony.

(b) The number of victims.

(c) The heinous, brutal, cruel manner of the offense, including whether the offense involved torture.

(9) The capacity of the defendant to appreciate the criminality of the conduct.

(10) Whether the ability to conform the defendant's conduct with the requirements of the law was substantially impaired.

(11) The level of maturity of the defendant.

(12) The intellectual and mental capacity of the defendant.

(13) The nature and extent of any prior juvenile delinquency or criminal history of the defendant, including the success or failure of previous attempts at rehabilitation.

(14) The mental health history of the defendant.

(15) The level of compulsion, duress, or influence exerted upon the defendant, but not to such an extent as to constitute a defense.

(16) The likelihood of the commission of further offenses by the defendant.

(17) The chronological age of the defendant and the features of youth, including immaturity, impetuosity, and failure to appreciate risks and consequences.

(18) The family and home environment that surrounded the defendant.

(19) The circumstances of the offense including the extent of the defendant's participation in the conduct and the way the familial and peer pressure may have affected the defendant.

(20) The competencies associated with youth, including but not limited to the defendant's inability to deal with peace officers or the prosecution or the defendant's incapacity to assist the defendant's attorney in the defendant's defense.

(21) The possibility of rehabilitation.

(22) Any other information considered relevant by the sentencing court.

NEW SUBSECTION. 4. If a defendant is paroled pursuant to subsection 2 or 3, the defendant shall be subject to the same set of procedures set out in chapters 901B, 905, 906, and 908, and rules adopted under those chapters for persons on parole.

Sec. 3. Section 903A.2, subsection 5, Code 2015, is amended to read as follows:

5. Earned time accrued by inmates serving life sentences imposed under section 902.1 shall not reduce the life sentence, ~~but~~ or any mandatory minimum sentence imposed under section 902.1, except that earned time accrued shall be credited against the inmate's life sentence if the life sentence is commuted to a term of years under section 902.2, but shall not reduce any mandatory minimum sentence imposed under section 902.1.

Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 5. APPLICABILITY. The sentencing provisions of this Act shall apply to a person who was convicted of a class "A" felony prior to, on, or after the effective date of this Act and who was under the age of eighteen at the time the offense was committed.

Approved April 24, 2015

CHAPTER 66

REGULATION OF RETAIL SALE OF BEER FOR OFF-PREMISES CONSUMPTION

S.F. 456

AN ACT concerning the sale and off-premises transportation and consumption of certain containers of beer.

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

Section 1. Section 123.132, Code 2015, is amended to read as follows:

123.132 Authority under class "C" permit.

1. The holder of a class "C" permit shall be allowed to sell beer to consumers at retail for consumption off the premises. The sales made pursuant to this section shall be made in original containers ~~only~~ except as provided in subsection 2.

2. Subject to the rules of the division, sales made pursuant to this section may be made in a container other than the original container only if all of the following requirements are met:

a. The beer is transferred from the original container to the container to be sold on the licensed premises at the time of sale.

b. The person transferring the beer from the original container to the container to be sold shall be eighteen years of age or more.

c. The container to be sold shall be no larger than seventy-two ounces.

d. The container to be sold shall be securely sealed by a method authorized by the division that is designed so that if the sealed container is reopened or the seal tampered with, it is visibly apparent that the seal on the container of beer has been tampered with or the sealed container has otherwise been reopened.

3. A container of beer other than the original container that is sold and sealed in compliance with the requirements of subsection 2 and the division's rules shall not be deemed an open container subject to the requirements of sections 321.284 and 321.284A if the sealed container is unopened and the seal has not been tampered with.¹

¹ See chapter 138, §13 herein

4. The holder of a class “C” permit or the permittee’s agents or employees shall not sell beer to other retail license or permit holders knowing or having reasonable cause to believe that the beer will be resold in another licensed establishment.

Approved April 24, 2015

CHAPTER 67

OPEN MEETINGS — CLOSED SESSION MINUTES AND RECORDINGS — OMBUDSMAN ACCESS

S.F. 457

AN ACT allowing the office of ombudsman access in the performance of its duties to the minutes and audio recording of a closed session.

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

Section 1. Section 21.5, subsection 4, Code 2015, is amended to read as follows:

4. *a.* A governmental body shall keep detailed minutes of all discussion, persons present, and action occurring at a closed session, and shall also audio record all of the closed session.

b. (1) The detailed minutes and audio recording of a closed session shall be sealed and shall not be public records open to public inspection. However, upon order of the court in an action to enforce this chapter, the detailed minutes and audio recording shall be unsealed and examined by the court in camera. The court shall then determine what part, if any, of the minutes should be disclosed to the party seeking enforcement of this chapter for use in that enforcement proceeding. In determining whether any portion of the minutes or recording shall be disclosed to such a party for this purpose, the court shall weigh the prejudicial effects to the public interest of the disclosure of any portion of the minutes or recording in question, against its probative value as evidence in an enforcement proceeding. After such a determination, the court may permit inspection and use of all or portions of the detailed minutes and audio recording by the party seeking enforcement of this chapter. A governmental body shall keep the detailed minutes and audio recording of any closed session for a period of at least one year from the date of that meeting, except as otherwise required by law.

(2) This paragraph “b” does not require the office of ombudsman to obtain a court order to examine the detailed minutes and audio recording of a closed session when such examination is relevant to an investigation under chapter 2C and the information sought is not available through other reasonable means. Any portion of the minutes or recording released by a governmental body to the office of ombudsman shall remain confidential pursuant to section 2C.9.

Approved April 24, 2015

CHAPTER 68**EPINEPHRINE — MAINTENANCE AND ADMINISTRATION IN SCHOOLS AND OTHER FACILITIES**

S.F. 462

AN ACT relating to the maintenance and administration of epinephrine in schools and certain other facilities.

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

Section 1. **NEW SECTION. 135.185 Epinephrine auto-injector supply.**

1. For purposes of this section, unless the context otherwise requires:

a. “*Epinephrine auto-injector*” means the same as provided in section 280.16.

b. “*Facility*” means a food establishment as defined in section 137F.1, a carnival as defined in section 88A.1, a recreational camp, a youth sports facility, or a sports area.

c. “*Licensed health care professional*” means the same as provided in section 280.16.

d. “*Personnel authorized to administer epinephrine*” means an employee or agent of a facility who is trained and authorized to administer an epinephrine auto-injector.

2. Notwithstanding any other provision of law to the contrary, a licensed health care professional may prescribe epinephrine auto-injectors in the name of a facility to be maintained for use as provided in this section.

3. A facility may obtain a prescription for epinephrine auto-injectors and maintain a supply of such auto-injectors in a secure location at each location where a member of the public may be present for use as provided in this section. A facility that obtains such a prescription shall replace epinephrine auto-injectors in the supply upon use or expiration. Personnel authorized to administer epinephrine may possess and administer epinephrine auto-injectors from the supply as provided in this section.

4. Personnel authorized to administer epinephrine may provide or administer an epinephrine auto-injector from the facility’s supply to an individual present at the facility if such personnel reasonably and in good faith believe the individual is having an anaphylactic reaction.

5. The following persons, provided they have acted reasonably and in good faith, shall not be liable for any injury arising from the provision, administration, or assistance in the administration of an epinephrine auto-injector as provided in this section:

a. Any personnel authorized to administer epinephrine who provide, administer, or assist in the administration of an epinephrine auto-injector to an individual present at the facility who such personnel believe to be having an anaphylactic reaction.

b. The owner or operator of the facility.

c. The prescriber of the epinephrine auto-injector.

6. The department of public health, the board of medicine, the board of nursing, and the board of pharmacy shall adopt rules pursuant to chapter 17A to implement and administer this section, including but not limited to standards and procedures for the prescription, distribution, storage, replacement, and administration of epinephrine auto-injectors, and for training and authorization to be required for personnel authorized to administer epinephrine.

Sec. 2. Section 280.16, Code 2015, is amended to read as follows:

280.16 Self-administration of asthma or other airway constricting disease medication or epinephrine auto-injectors.

1. *Definitions.* For purposes of this section:

a. “*Epinephrine auto-injector*” means a device for immediate self-administration or administration by another trained individual of a measured dose of epinephrine to a person at risk of anaphylaxis.

b. “*Licensed health care professional*” means a person licensed under chapter 148 to practice medicine and surgery or osteopathic medicine and surgery, an advanced registered nurse practitioner licensed under chapter 152 or 152E and registered with the board of nursing, or a physician assistant licensed to practice under the supervision of a physician as authorized in chapters 147 and 148C.

~~a. c.~~ “Medication” means a drug that meets the definition provided in section 126.2, subsection 8, has an individual prescription label, is prescribed by a physician licensed health care professional for a student, and pertains to the student’s asthma or other airway constricting disease or risk of anaphylaxis.

~~b.~~ “Physician” means a ~~person licensed under chapter 148, or a physician’s assistant, advanced registered nurse practitioner, or other person licensed or registered to distribute or dispense a prescription drug or device in the course of professional practice in this state in accordance with section 147.107, or a person licensed by another state in a health field in which, under Iowa law, licensees in this state may legally prescribe drugs.~~

~~e. d.~~ “Self-administration” means a student’s discretionary use of medication prescribed by a physician licensed health care professional for the student.

2. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall permit the self-administration of medication by a student with asthma or other airway constricting disease or the use of an epinephrine auto-injector by a student with a risk of anaphylaxis if the following conditions are met:

a. The student’s parent or guardian provides to the school written authorization for the self-administration of medication or for the use of an epinephrine auto-injector.

b. The student’s parent or guardian provides to the school a written statement from the student’s physician licensed health care professional containing the following information:

(1) The name and purpose of the medication or epinephrine auto-injector.

(2) The prescribed dosage.

(3) The times at which or the special circumstances under which the medication or epinephrine auto-injector is to be administered.

c. The parent or guardian and the school meet the requirements of subsection 3.

3. The school district or accredited nonpublic school shall notify the parent or guardian of the student, in writing, that the school district or accredited nonpublic school and its employees are to incur no liability, except for gross negligence, as a result of any injury arising from self-administration of medication or use of an epinephrine auto-injector by the student. The parent or guardian of the student shall sign a statement acknowledging that the school district or nonpublic school is to incur no liability, except for gross negligence, as a result of self-administration of medication or use of an epinephrine auto-injector by the student. A school district or accredited nonpublic school and its employees acting reasonably and in good faith shall incur no liability for any improper use of medication or an epinephrine auto-injector as defined in this section or for supervising, monitoring, or interfering with a student’s self-administration of medication or use of an epinephrine auto-injector as defined in this section.

4. The permission for self-administration of medication or use of an epinephrine auto-injector is effective for the school year for which it is granted and shall be renewed each subsequent school year upon fulfillment of the requirements of this section. However, the parent or guardian shall immediately notify the school of any changes in the conditions listed under subsection 2.

5. Provided that the requirements of this section are fulfilled, a student with asthma or other airway constricting disease may possess and use the student’s medication and a student with a written statement from a licensed health care professional on file pursuant to subsection 2, paragraph “a”, may use an epinephrine auto-injector while in school, at school-sponsored activities, under the supervision of school personnel, and before or after normal school activities, such as while in before-school or after-school care on school-operated property. If the student misuses this privilege, the privilege may be withdrawn. A school district or nonpublic school shall notify a student’s parent or guardian before withdrawing the privilege to use an epinephrine auto-injector.

6. Information provided to the school under subsection 2 shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school’s administrator.

7. The Iowa braille and sight saving school, the state school for the deaf, and the institutions under the control of the department of human services as provided in section 218.1 are exempt from the provisions of this section.

Sec. 3. NEW SECTION. 280.16A Epinephrine auto-injector supply.

1. For purposes of this section, unless the context otherwise requires:
 - a. “*Epinephrine auto-injector*” means the same as provided in section 280.16.
 - b. “*Licensed health care professional*” means the same as provided in section 280.16.
 - c. “*Personnel authorized to administer epinephrine*” means a school nurse or other employee of a school district or accredited nonpublic school trained and authorized to administer an epinephrine auto-injector.
2. Notwithstanding any other provision of law to the contrary, a licensed health care professional may prescribe epinephrine auto-injectors in the name of a school district or accredited nonpublic school to be maintained for use as provided in this section.
3. The board of directors in charge of each school district and the authorities in charge of each accredited nonpublic school may obtain a prescription for epinephrine auto-injectors and maintain a supply of such auto-injectors in a secure location at each school for use as provided in this section. The board and the authorities shall replace epinephrine auto-injectors in the supply upon use or expiration. Personnel authorized to administer epinephrine may possess and administer epinephrine auto-injectors from the supply as provided in this section.
4. Personnel authorized to administer epinephrine may provide or administer an epinephrine auto-injector from the school’s supply to a student or other individual if such personnel reasonably and in good faith believe the student or other individual is having an anaphylactic reaction.
5. The following persons, provided they have acted reasonably and in good faith, shall not be liable for any injury arising from the provision, administration, or assistance in the administration of an epinephrine auto-injector as provided in this section:
 - a. Any personnel authorized to administer epinephrine who provide, administer, or assist in the administration of an epinephrine auto-injector to a student or other individual present at the school who such personnel believe to be having an anaphylactic reaction.
 - b. A school district or accredited nonpublic school employing the personnel.
 - c. The board of directors in charge of the school district or authorities in charge of the accredited nonpublic school.
 - d. The prescriber of the epinephrine auto-injector.
6. The department of education, the board of medicine, the board of nursing, and the board of pharmacy shall, in consultation with an organization representing school nurses, adopt rules pursuant to chapter 17A to implement and administer this section, including but not limited to standards and procedures for the prescription, distribution, storage, replacement, and administration of epinephrine auto-injectors, and for training and authorization to be required for personnel authorized to administer epinephrine.

Approved April 24, 2015

CHAPTER 69

MENTAL HEALTH AND DISABILITY SERVICES — REGIONAL SERVICE DELIVERY SYSTEM S.F. 463

AN ACT relating to the redesign of mental health and disabilities services administered by regions comprised of counties.

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

Section 1. Section 135.180, subsection 3, Code 2015, is amended to read as follows:

3. The program shall provide stipends to support psychiatrist positions with an emphasis on securing and retaining medical directors at community mental health centers, ~~providers~~

~~of mental health services to county residents pursuant to a waiver approved under section 225C.7, subsection 3, Code 2011, designated under chapter 230A and hospital psychiatric units that are located in mental health professional shortage areas.~~

Sec. 2. Section 222.1, Code 2015, is amended to read as follows:

222.1 Purpose of chapter — state resource centers — special unit at state mental health institute.

1. This chapter addresses the public and private services available in this state to meet the needs of persons with an intellectual disability. The responsibility of the mental health and disability services regions formed by counties and of the state for the costs and administration of publicly funded services shall be as set out in section 222.60 and other pertinent sections of this chapter.

~~1.~~ 2. The Glenwood state resource center and the Woodward state resource center are established and shall be maintained as the state's regional resource centers for the purpose of providing treatment, training, instruction, care, habilitation, and support of persons with an intellectual disability or other disabilities in this state, and providing facilities, services, and other support to the communities located in the region being served by a state resource center. In addition, the state resource centers are encouraged to serve as a training resource for community-based program staff, medical students, and other participants in professional education programs. A resource center may request the approval of the council on human services to change the name of the resource center for use in communication with the public, in signage, and in other forms of communication.

~~2.~~ 3. A special intellectual disability unit may be maintained at one of the state mental health institutes for the purposes set forth in sections 222.88 to 222.91.

Sec. 3. Section 222.2, subsection 3, Code 2015, is amended by striking the subsection.

Sec. 4. Section 222.2, Code 2015, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. "Mental health and disability services region" means a mental health and disability services region formed in accordance with section 331.389.

NEW SUBSECTION. 5B. "Regional administrator" means the regional administrator of a mental health and disability services region, as defined in section 331.388.

Sec. 5. Section 222.6, Code 2015, is amended to read as follows:

222.6 State districts.

The administrator shall divide the state into two districts in such manner that one of the resource centers shall be located within each of the districts. Such districts may from time to time be changed. After such districts have been established, the administrator shall notify all boards of supervisors, ~~county auditors,~~ regional administrators of the mental health and disability services regions, and clerks of the district courts of the action. Thereafter, unless the administrator otherwise orders, all admissions of persons with an intellectual disability from a district shall be to the resource center located within such district.

Sec. 6. Section 222.12, subsection 2, Code 2015, is amended to read as follows:

2. Notice of the death of the patient, and the cause of death, shall be sent to the ~~county board of supervisors~~ regional administrator of the mental health and disability services region of the patient's county of residence. The fact of death with the time, place, and alleged cause shall be entered upon the docket of the court.

Sec. 7. Section 222.13, Code 2015, is amended to read as follows:

222.13 Voluntary admissions.

1. If an adult person is believed to be a person with an intellectual disability, the adult person or the adult person's guardian may submit a request in writing through the central point of coordination process for the county board of supervisors of the adult person's county of residence to apply to the department and the superintendent of any state resource center for the voluntary admission of the adult person either as an inpatient or an outpatient of the resource center. ~~The board of supervisors shall, on forms prescribed by the department's administrator, apply to the superintendent of the resource center in the district for the~~

~~admission of the adult person to the resource center. If the expenses of the person's admission or placement are payable in whole or in part by the person's county of residence, application for the admission shall be made through the regional administrator. An application for admission to a special unit of any adult person believed to be in need of any of the services provided by the special unit under section 222.88 may be made in the same manner, upon request of the adult person or the adult person's guardian. The superintendent shall accept the application if a preadmission diagnostic evaluation, performed through the central point of coordination process, confirms or establishes the need for admission, except that an application shall not be accepted if the institution does not have adequate facilities available or if the acceptance will result in an overcrowded condition.~~

2. If the resource center ~~has no~~ does not have an appropriate program for the treatment of an adult or minor person with an intellectual disability applying under this section or section 222.13A, the ~~board of supervisors regional administrator for the person's county of residence or the department, as applicable,~~ shall arrange for the placement of the person in any public or private facility within or without the state, approved by the director of the department of human services, which offers appropriate services for the person, ~~as determined through the central point of coordination process. If the expenses of the placement are payable in whole or in part by a county, the placement shall be made by the regional administrator for the county.~~

3. ~~Upon applying for admission~~ If the expenses of an admission of an adult or minor person to a resource center, or a special unit, or ~~upon arranging for~~ of the placement of the person in a public or private facility are payable in whole or in part by a mental health and disability services region, the ~~board of supervisors regional administrator~~ shall make a full investigation into the financial circumstances of that ~~the~~ person and those liable for that ~~the~~ person's support under section 222.78 to determine whether or not any of them are able to pay the expenses arising out of the admission of the person to a resource center, special treatment unit, or public or private facility. If the ~~board regional administrator~~ finds that the person or those legally responsible for the person are presently unable to pay the expenses, the ~~board shall direct that regional administrator shall pay the expenses be paid by the county.~~ The ~~board regional administrator~~ may review its ~~such a~~ finding at any subsequent time while the person remains at the resource center, or is otherwise receiving care or treatment for which this chapter obligates the ~~county region~~ to pay. If the ~~board regional administrator~~ finds upon review that the person or those legally responsible for the person are presently able to pay the expenses, the finding shall apply only to the charges incurred during the period beginning on the date of the review and continuing thereafter, unless and until the ~~board regional administrator~~ again changes its ~~such a~~ finding. If the ~~board regional administrator~~ finds that the person or those legally responsible for the person are able to pay the expenses, the ~~board shall direct that regional administrator shall collect the charges be so paid to the extent required by section 222.78, and the county auditor regional administrator shall be responsible for the collection payment of the remaining charges.~~

Sec. 8. Section 222.13A, Code 2015, is amended to read as follows:

222.13A Voluntary admissions — minors.

1. If a minor is believed to be a person with an intellectual disability, the minor's parent, guardian, or custodian may ~~request the county board of supervisors to apply to the department~~ for admission of the minor as a voluntary patient in a state resource center. If the resource center does not have appropriate services for the minor's treatment, the ~~board of supervisors department~~ may arrange for the admission of the minor in a public or private facility within or without the state, approved by the director of human services, which offers appropriate services for the minor's treatment.

2. Upon receipt of an application for voluntary admission of a minor, the ~~board of supervisors department~~ shall provide for a preadmission diagnostic evaluation of the minor to confirm or establish the need for the admission. The preadmission diagnostic evaluation shall be performed by a person who meets the qualifications of a qualified intellectual disability professional who is designated ~~through the central point of coordination process by the department.~~

3. During the preadmission diagnostic evaluation, the minor shall be informed both orally and in writing that the minor has the right to object to the voluntary admission. If the preadmission diagnostic evaluation determines that the voluntary admission is appropriate but the minor objects to the admission, the minor shall not be admitted to the state resource center unless the court approves of the admission. A petition for approval of the minor's admission may be submitted to the juvenile court by the minor's parent, guardian, or custodian.

4. As soon as practicable after the filing of a petition for approval of the voluntary admission, the court shall determine whether the minor has an attorney to represent the minor in the proceeding. If the minor does not have an attorney, the court shall assign to the minor an attorney. If the minor is unable to pay for an attorney, the attorney shall be compensated by the county mental health and disability services region at an hourly rate to be established by the county board of supervisors regional administrator in substantially the same manner as provided in section 815.7.

5. The court shall order the admission of a minor who objects to the admission, only after a hearing in which it is shown by clear and convincing evidence that both of the following circumstances exist:

- a. The minor needs and will substantially benefit from treatment or habilitation.
- b. A placement which involves less restriction of the minor's liberties for the purposes of treatment or habilitation is not feasible.

Sec. 9. Section 222.14, Code 2015, is amended to read as follows:

222.14 Care by county region pending admission.

If the institution is unable to receive a patient, the superintendent shall notify the county board of supervisors of regional administrator for the county from which the application in behalf of residence of the prospective patient was made of the time when such person may be received. Until such time as the patient is able to be received by the institution, or when application has been made for admission to a public or private facility as provided in section 222.13 and the application is pending, the care of ~~said person~~ the patient shall be provided as arranged by the county board of supervisors regional administrator.

Sec. 10. Section 222.59, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Upon receiving a request from an authorized requester, the superintendent of a state resource center shall coordinate with the central point of coordination process regional administrator for the person's county of residence or the department, as applicable, in assisting the requester in identifying available community-based services as an alternative to continued placement of a patient in the state resource center. For the purposes of this section, "authorized requester" means the parent, guardian, or custodian of a minor patient, the guardian of an adult patient, or an adult patient who does not have a guardian. The assistance shall identify alternatives to continued placement which are appropriate to the patient's needs and shall include but are not limited to any of the following:

Sec. 11. Section 222.60, subsections 1 and 2, Code 2015, are amended to read as follows:

1. All necessary and legal expenses for the cost of admission or for the treatment, training, instruction, care, habilitation, support, and transportation of persons with an intellectual disability, as provided for in the county applicable regional service system management plan provisions implemented pursuant to section ~~331.439, subsection 1,~~ 331.393 in a state resource center, or in a special unit, or any public or private facility within or without the state, approved by the director of human services, shall be paid by either:

- a. The regional administrator for the person's county of residence.
- b. The state when the person is a resident in another state or in a foreign country, or when the person's residence is unknown. The payment responsibility shall be deemed to be a state case.

2. a. Prior to the regional administrator for a county of residence approving the payment of expenses for a person under this section, the county regional administrator may require that the person be diagnosed to determine if the person has an intellectual disability or that

the person be evaluated to determine the appropriate level of services required to meet the person's needs relating to an intellectual disability. The diagnosis and the evaluation may be performed concurrently and shall be performed by an individual or individuals approved by the regional administrator for the person's county who are qualified to perform the diagnosis or the evaluation. Following the initial approval for payment of expenses, the county regional administrator may require that an evaluation be performed at reasonable time periods.

b. The cost of a ~~county-required~~ regional administrator-required diagnosis and an evaluation is at the ~~county's~~ mental health and disability services region's expense. For a state case, the state may apply the diagnosis and evaluation provisions of this subsection at the state's expense.

c. A diagnosis or an evaluation under this section may be part of a ~~county's central point of coordination process under section 331.440,~~ diagnosis and assessment process implemented by the applicable regional administrator, provided that a diagnosis is performed only by an individual qualified as provided in this section.

Sec. 12. Section 222.61, Code 2015, is amended to read as follows:

222.61 Residency determined.

When a county receives an application on behalf of any person for admission to a resource center or a special unit, the ~~board of supervisors~~ application shall ~~refer the determination of residency be forwarded to the central point of coordination process~~ regional administrator for the county to determine and certify that the residence of the person is in one of the following:

1. In the county in which the application is received.
2. In some other county of the state.
3. In another state or in a foreign country.
4. Unknown.

Sec. 13. Section 222.62, Code 2015, is amended to read as follows:

222.62 Residency in another county.

When the ~~board of supervisors determines through the central point of coordination process~~ regional administrator for the county determines that the residency of the person is other than in the county in which the application is received, the determination shall be certified to the superintendent of the resource center or the special unit where the person is a patient. The certification shall be accompanied by a copy of the evidence supporting the determination. ~~The~~ If the person is not eligible for the medical assistance program, the superintendent shall charge the expenses already incurred and unadjusted, ~~and all future expenses of the patient,~~ to the ~~county certified to be~~ mental health and disability services region for the county of the person's residency.

Sec. 14. Section 222.63, Code 2015, is amended to read as follows:

222.63 Finding of residency — objection.

A ~~board of supervisors' certification utilizing the central point of coordination process through the regional administrator for a county~~ that a person's residency is in another county shall be sent to the ~~auditor of~~ regional administrator for the county of residence. The certification shall be accompanied by a copy of the evidence supporting the determination. The ~~auditor of~~ regional administrator for the county of residence shall submit the certification to the ~~board of supervisors of the auditor's~~ regional administrator for the county and it shall be conclusively presumed that the patient has residency in that county unless the regional administrator for that county disputes the determination of residency as provided in section 331.394.

Sec. 15. Section 222.64, Code 2015, is amended to read as follows:

222.64 Foreign state or country or unknown residency.

If the residency of the person is determined by a regional administrator on behalf of a county or by the state to be in a foreign state or country or is determined to be unknown, the county regional administrator or the state shall certify the determination ~~to the administrator.~~ The certification shall be accompanied by a copy of the evidence supporting the determination. The care of the person shall be as arranged by the county regional

administrator or the state. Application for admission may be made pending investigation by the administrator.

Sec. 16. Section 222.73, subsection 2, paragraph a, subparagraph (6), Code 2015, is amended to read as follows:

(6) A county mental health and disability services region shall not be billed for the cost of a patient unless the patient's admission is authorized through the applicable central point of coordination process regional administrator. The state resource center and the county regional administrator shall work together to locate appropriate alternative placements and services, and to educate patients and the family members of patients regarding such alternatives.

Sec. 17. Section 222.73, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. The per diem costs billed to each county mental health and disability services region shall not exceed the per diem costs billed to the county in the fiscal year beginning July 1, 1996. However, the per diem costs billed to a county may be adjusted ~~in for~~ a fiscal year to reflect increased costs to the extent of the percentage increase in the ~~total of county fixed budgets pursuant to the allowed growth factor adjustment authorized~~ statewide per capita expenditure target amount, if any per capita growth amount is authorized by the general assembly for that fiscal year in accordance with section ~~331.439~~ 331.424A.

Sec. 18. Section 222.92, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. Moneys received by the state from billings to counties and regional administrators for the counties.

Sec. 19. Section 225.1, Code 2015, is amended to read as follows:

225.1 Establishment — definitions.

1. ~~There shall be established a~~ The state psychiatric hospital, is established. The hospital shall be especially designed, kept, and administered for the care, observation, and treatment of those persons who are afflicted with abnormal mental conditions.

2. For the purposes of this chapter, unless the context otherwise requires:

a. "Mental health and disability services region" means a mental health and disability services region approved in accordance with section 331.389.

b. "Regional administrator" means the administrator of a mental health and disability services region, as defined in section 331.388.

Sec. 20. Section 225.10, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Persons suffering from mental diseases may be admitted to the state psychiatric hospital as voluntary public patients if a physician authorized to practice medicine or osteopathic medicine in the state of Iowa files information with the ~~board of supervisors~~ regional administrator of the person's county of residence ~~or the board's designee~~, stating all of the following:

Sec. 21. Section 225.11, Code 2015, is amended to read as follows:

225.11 Initiating commitment procedures.

When a court finds upon completion of a hearing held pursuant to section 229.12 that the contention that a respondent is seriously mentally impaired has been sustained by clear and convincing evidence, and the application filed under section 229.6 also contends or the court otherwise concludes that it would be appropriate to refer the respondent to the state psychiatric hospital for a complete psychiatric evaluation and appropriate treatment pursuant to section 229.13, the judge may order that a financial investigation be made in the manner prescribed by section 225.13. If the costs of a respondent's evaluation or treatment are payable in whole or in part by a county, an order under this section shall be for referral of the respondent through the ~~central point of coordination process regional administrator for the respondent's county of residence~~ for an evaluation and referral of the

respondent to an appropriate placement or service, which may include the state psychiatric hospital for additional evaluation or treatment. ~~For purposes of this chapter, “central point of coordination process” means the same as defined in section 331.440.~~

Sec. 22. Section 225.12, Code 2015, is amended to read as follows:

225.12 Voluntary public patient — physician’s report.

A physician filing information under section 225.10 shall include a written report to the ~~county board of supervisors or the board’s designee~~ regional administrator for the county of residence of the person named in the information, giving a history of the case as will be likely to aid in the observation, treatment, and hospital care of the person ~~named in the information~~ and describing the history in detail.

Sec. 23. Section 225.13, Code 2015, is amended to read as follows:

225.13 Financial condition.

The ~~county board of supervisors or the board’s designee~~ regional administrator of the county of residence of a person being admitted to the state psychiatric hospital is responsible for investigating the financial condition of a ~~person being admitted to the state psychiatric hospital~~ the person and of those legally responsible for the person’s support.

Sec. 24. Section 225.15, Code 2015, is amended to read as follows:

225.15 Examination and treatment.

1. When a respondent arrives at the state psychiatric hospital, the admitting physician shall examine the respondent and determine whether or not, in the physician’s judgment, the respondent is a fit subject for observation, treatment, and hospital care. If, upon examination, the physician decides that the respondent should be admitted to the hospital, the respondent shall be provided a proper bed in the hospital. The physician who has charge of the respondent shall proceed with observation, medical treatment, and hospital care as in the physician’s judgment are proper and necessary, in compliance with sections 229.13 to 229.16. After the respondent’s admission, the observation, medical treatment, and hospital care of the respondent may be provided by a mental health professional, as defined in section 228.1, who is licensed as a physician, advanced registered nurse practitioner, or physician assistant.

2. A proper and competent nurse shall also be assigned to look after and care for the respondent during observation, treatment, and care. Observation, treatment, and hospital care under this section which are payable in whole or in part by a county shall only be provided as determined through the ~~central point of coordination process~~ regional administrator of the respondent’s county of residence.

Sec. 25. Section 225.16, subsection 1, Code 2015, is amended to read as follows:

1. If the ~~county board of supervisors or the board’s designee~~ regional administrator for a person’s county of residence finds from the physician’s information which was filed under the provisions of section 225.10 that it would be appropriate for the person to be admitted to the state psychiatric hospital, and the report of the ~~county board of supervisors or the board’s designee~~ regional administrator made pursuant to section 225.13 shows that the person and those who are legally responsible for the person are not able to pay the expenses incurred at the hospital, or are able to pay only a part of the expenses, the person shall be considered to be a voluntary public patient and the ~~board of supervisors~~ regional administrator shall direct that the person shall be sent to the state psychiatric hospital at the state university of Iowa for observation, treatment, and hospital care.

Sec. 26. Section 225.17, subsection 2, Code 2015, is amended to read as follows:

2. When the respondent arrives at the hospital, the respondent shall receive the same treatment as is provided for committed public patients in section 225.15, in compliance with sections 229.13 to 229.16. However, observation, treatment, and hospital care under this section of a respondent whose expenses are payable in whole or in part by a county shall only be provided as determined through the ~~central point of coordination process~~ regional administrator of the respondent’s county of residence.

Sec. 27. Section 225.18, Code 2015, is amended to read as follows:

225.18 Attendants.

The ~~county board of supervisors or the board's designee~~ regional administrator may appoint ~~a person an attendant~~ to accompany the committed public patient or the voluntary public patient or the committed private patient from the place where the patient may be to the state psychiatric hospital, or to accompany the patient from the hospital to a place as may be designated by the ~~county~~ regional administrator. If a patient is moved pursuant to this section, at least one attendant shall be of the same gender as the patient.

Sec. 28. Section 225.19, Code 2015, is amended to read as follows:

225.19 Compensation for attendant.

An individual appointed by the ~~county board of supervisors or the board's designee~~ regional administrator in accordance with section 225.18 to accompany a person to or from the hospital or to make an investigation and report on any question involved in the matter shall receive three dollars per day for the time actually spent in making the investigation and actual necessary expenses incurred in making the investigation or trip. This section does not apply to an appointee who receives fixed compensation or a salary.

Sec. 29. Section 225.21, Code 2015, is amended to read as follows:

225.21 Compensation claims — filing — approval.

The person making claim to compensation under section 225.19 shall file the claim in the office of the ~~county auditor~~ regional administrator for the person's county of residence. The claim is subject to review and approval by the ~~board of supervisors or the board's designee~~ regional administrator for the county.

Sec. 30. Section 225.24, Code 2015, is amended to read as follows:

225.24 Collection of preliminary expense.

Unless a committed private patient or those legally responsible for the patient's support offer to settle the amount of the claims, the ~~county auditor or~~ regional administrator for the person's county of residence shall collect, by action if necessary, the amount of all claims for per diem and expenses that have been approved by the ~~county board of supervisors or the board's designee~~ regional administrator for the county and paid by the ~~county~~ regional administrator as provided under section 225.21. Any amount collected shall be credited to the ~~county treasury~~ mental health and disabilities services fund created in accordance with section 331.424A.

Sec. 31. Section 225.27, Code 2015, is amended to read as follows:

225.27 Discharge — transfer.

The state psychiatric hospital may, at any time, discharge any patient as recovered, as improved, or as not likely to be benefited by further treatment. If the patient being so discharged was involuntarily hospitalized, the hospital shall notify the committing judge or court of the discharge as required by section 229.14 or section 229.16, whichever is applicable, and the applicable regional administrator. Upon receiving the notification, the court shall issue an order confirming the patient's discharge from the hospital or from care and custody, as the case may be, and shall terminate the proceedings pursuant to which the order was issued. The court or judge shall, if necessary, appoint a person to accompany the discharged patient from the state psychiatric hospital to such place as the hospital or the court may designate, or authorize the hospital to appoint such attendant.

Sec. 32. Section 225C.2, subsection 2, Code 2015, is amended by striking the subsection.

Sec. 33. Section 225C.5, subsection 1, paragraph f, Code 2015, is amended to read as follows:

f. Two members shall be staff members of regional administrators of the central point of coordination process established in accordance with section 331.440 selected from nominees submitted by the community services affiliate of the Iowa state association of counties.

Sec. 34. Section 225C.6, subsection 1, paragraph i, subparagraph (1), Code 2015, is amended to read as follows:

(1) The extent to which services to persons with disabilities are actually available to persons in each county and mental health and disability services region in the state and the quality of those services.

Sec. 35. Section 225C.6, subsection 1, paragraph m, Code 2015, is amended to read as follows:

m. Identify disability services outcomes and indicators to support the ability of eligible persons with a disability to live, learn, work, and recreate in communities of the persons' choice. The identification duty includes but is not limited to responsibility for identifying, collecting, and analyzing data as necessary to issue reports on outcomes and indicators at the county, region, and state levels.

Sec. 36. Section 225C.13, subsection 1, Code 2015, is amended to read as follows:

1. The administrator assigned, in accordance with section 218.1, to control the state mental health institutes and the state resource centers may enter into agreements under which a facility or portion of a facility administered by the administrator is leased to a department or division of state government, a county or group of counties, a mental health and disability services region, or a private nonprofit corporation organized under chapter 504. A lease executed under this section shall require that the lessee use the leased premises to deliver either disability services or other services normally delivered by the lessee.

Sec. 37. Section 225C.14, Code 2015, is amended to read as follows:

225C.14 Preliminary diagnostic evaluation.

1. Except in cases of medical emergency, a person shall be admitted to a state mental health institute as an inpatient only after a preliminary diagnostic evaluation performed through the ~~central point of coordination process~~ regional administrator of the person's county of residence has confirmed that the admission is appropriate to the person's mental health needs, and that no suitable alternative method of providing the needed services in a less restrictive setting or in or nearer to the person's home community is currently available. If provided for through the ~~central point of coordination process~~ regional administrator, the evaluation may be performed by a community mental health center or by an alternative diagnostic facility. The policy established by this section shall be implemented in the manner and to the extent prescribed by sections 225C.15, 225C.16 and 225C.17.

2. As used in this section and sections 225C.15, 225C.16 and 225C.17, the term "*medical emergency*" means a situation in which a prospective patient is received at a state mental health institute in a condition which, in the opinion of the chief medical officer, or that officer's physician designee, requires the immediate admission of the person notwithstanding the policy stated in subsection 1.

Sec. 38. Section 225C.15, Code 2015, is amended to read as follows:

225C.15 County implementation of evaluations.

The ~~board of supervisors of~~ regional administrator for a county shall, ~~no later than July 1, 1982,~~ require that the policy stated in section 225C.14 be followed with respect to admission of persons from that county to a state mental health institute. A community mental health center which is supported, directly or in affiliation with other counties, by that county may perform the preliminary diagnostic evaluations for that county, unless the performance of the evaluations is not covered by the agreement entered into by the ~~county~~ regional administrator and the center, and the center's director certifies to the ~~board of supervisors~~ regional administrator that the center does not have the capacity to perform the evaluations, in which case the ~~board of supervisors~~ regional administrator shall proceed under section 225C.17.

Sec. 39. Section 225C.16, Code 2015, is amended to read as follows:

225C.16 Referrals for evaluation.

1. The chief medical officer of a state mental health institute, or that officer's physician designee, shall advise a person residing in that county who applies for voluntary admission, or a person applying for the voluntary admission of another person who resides in that county,

in accordance with section 229.41, that the ~~board of supervisors~~ regional administrator for the county has implemented the policy stated in section 225C.14, and shall advise that a preliminary diagnostic evaluation of the prospective patient be sought, if that has not already been done. This subsection does not apply when voluntary admission is sought in accordance with section 229.41 under circumstances which, in the opinion of the chief medical officer or that officer's physician designee, constitute a medical emergency.

2. The clerk of the district court in that county shall refer a person applying for authorization for voluntary admission, or for authorization for voluntary admission of another person, in accordance with section 229.42, to the ~~appropriate entity designated through the central point of coordination process~~ regional administrator of the person's county of residence under section 225C.14 for the preliminary diagnostic evaluation unless the applicant furnishes a written statement from the appropriate entity which indicates that the evaluation has been performed and that the person's admission to a state mental health institute is appropriate. This subsection does not apply when authorization for voluntary admission is sought under circumstances which, in the opinion of the chief medical officer or that officer's physician designee, constitute a medical emergency.

3. Judges of the district court in that county or the judicial hospitalization referee appointed for that county shall so far as possible arrange for the entity designated through the ~~central point of coordination process~~ regional administrator under section 225C.14 to perform a prehearing examination of a respondent required under section 229.8, subsection 3, paragraph "b".

4. The chief medical officer of a state mental health institute shall promptly submit to the appropriate entity designated through the ~~central point of coordination process~~ regional administrator under section 225C.14 a report of the voluntary admission of a patient under the medical emergency ~~elapses~~ provisions of subsections 1 and 2. The report shall explain the nature of the emergency which necessitated the admission of the patient without a preliminary diagnostic evaluation by the designated entity.

Sec. 40. Section 225C.17, Code 2015, is amended to read as follows:

225C.17 Alternative diagnostic facility.

If a county is not served by a community mental health center having the capacity to perform the required preliminary diagnostic evaluations, the ~~board of supervisors regional administrator for the county~~ shall arrange for the evaluations to be performed by an alternative diagnostic facility for the period until the county is served by a community mental health center with the capacity to provide that service. An alternative diagnostic facility may be the outpatient service of a state mental health institute or any other mental health facility or service able to furnish the requisite professional skills to properly perform a preliminary diagnostic evaluation of a person whose admission to a state mental health institute is being sought or considered on either a voluntary or an involuntary basis.

Sec. 41. Section 225C.19, subsection 3, paragraphs a, b, and c, Code 2015, are amended to read as follows:

a. Standards for accrediting or approving emergency mental health crisis services providers. Such providers may include but are not limited to a community mental health center designated under chapter 230A, ~~a provider approved in a waiver adopted by the commission to provide services to a county in lieu of a community mental health center,~~ a unit of the department or other state agency, a county, a mental health and disability services region, or any other public or private provider who meets the accreditation or approval standards for an emergency mental health crisis services provider.

b. Identification by the division of geographic regions, groupings of mental health and disability services regions, service areas, or other means of distributing and organizing the emergency mental health crisis services system to ensure statewide availability of the services.

c. Coordination of emergency mental health crisis services with all of the following:

- (1) The district and juvenile courts.
- (2) Law enforcement.
- (3) Judicial district departments of correctional services.

(4) ~~County central point of coordination processes~~ Mental health and disability services regions.

(5) Other mental health, substance abuse, and co-occurring mental illness and substance abuse services available through the state and counties to serve both children and adults.

Sec. 42. Section 225C.20, Code 2015, is amended to read as follows:

225C.20 Responsibilities of ~~counties~~ mental health and disabilities services regions for individual case management services.

Individual case management services funded under medical assistance shall be provided by the department except when a county or a consortium of counties contracts with the department to provide the services. A ~~county or consortium of counties~~ regional administrator may contract for one or more counties of the region to be the provider at any time and the department shall agree to the contract so long as the contract meets the standards for case management adopted by the department. The ~~county or consortium of counties~~ regional administrator may subcontract for the provision of case management services so long as the subcontract meets the same standards. A ~~county board of supervisors~~ regional administrator may change the provider of individual case management services at any time. If the current or proposed contract is with the department, the ~~county board of supervisors~~ regional administrator shall provide written notification of a change at least ninety days before the date the change will take effect.

Sec. 43. Section 225C.54, subsection 1, Code 2015, is amended to read as follows:

1. The mental health services system for children and youth shall be initially implemented by the division commencing with the fiscal year beginning July 1, 2008. The division shall begin implementation by utilizing a competitive bidding process to allocate state block grants to develop services through existing community mental health centers, ~~providers approved in a waiver adopted by the commission to provide services to a county in lieu of a community mental health center,~~ designated under chapter 230A and other local service partners. The implementation shall be limited to the extent of the appropriations provided for the children's system.

Sec. 44. Section 226.1, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 4. For the purposes of this chapter, unless the context otherwise requires:

a. "Administrator" means the person assigned by the director of human services to control the state mental health institutes.

b. "Department" means the department of human services.

c. "Mental health and disability services region" means a mental health and disability services region formed in accordance with section 331.389.

d. "Regional administrator" means the regional administrator of a mental health and disability services region, as defined in section 331.388.

Sec. 45. Section 226.9C, subsection 2, paragraphs a and c, Code 2015, are amended to read as follows:

a. ~~A county may split the~~ The charges payable by a county may be split between the county's mental health and disabilities services fund created pursuant to section 331.424A and the county's budget for ~~substance abuse~~ substance-related disorder expenditures.

c. (1) Prior to an individual's admission for dual diagnosis treatment, the individual shall have been prescreened. The person performing the prescreening shall be either the mental health professional, as defined in section 228.1, who is contracting with the ~~county central point of coordination process~~ regional administrator for the county's mental health and disability services region to provide the prescreening or a mental health professional with the requisite qualifications. A mental health professional with the requisite qualifications shall meet all of the following qualifications: is a mental health professional as defined in section 228.1, is an alcohol and drug counselor certified by the nongovernmental Iowa board of substance abuse certification, and is employed by or providing services for a facility, as defined in section 125.2.

(2) Prior to an individual's admission for dual diagnosis treatment, the individual shall have been screened through a county's ~~central point of coordination process implemented pursuant to section 331.440~~ regional administrator to determine the appropriateness of the treatment.

Sec. 46. Section 226.32, Code 2015, is amended to read as follows:

226.32 Overcrowded conditions.

The administrator shall order the discharge or removal from the hospital of incurable and harmless patients whenever it is necessary to make room for recent cases. If a patient who is to be so discharged entered the hospital voluntarily, the administrator shall notify the ~~auditor~~ of regional administrator for the county interested at least ten days in advance of the day of actual discharge.

Sec. 47. Section 226.34, subsection 2, Code 2015, is amended to read as follows:

2. If a patient in a mental health institute dies from any cause, the superintendent of the institute shall within three days of the date of death, send by certified mail a written notice of death to all of the following:

- a. The decedent's nearest relative.
- b. The clerk of the district court of the county from which the patient was committed.
- c. The sheriff of the county from which the patient was committed.
- d. The regional administrator for the county from which the patient was committed.

Sec. 48. Section 227.1, Code 2015, is amended to read as follows:

227.1 Supervision Definitions — supervision.

1. For the purposes of this chapter, unless the context otherwise requires:

- a. "Administrator" means the person assigned by the director of human services in the appropriate division of the department to administer mental health and disability services.
- b. "Department" means the department of human services.
- c. "Mental health and disability services region" means a mental health and disability services region formed in accordance with section 331.389.
- d. "Regional administrator" means the regional administrator of a mental health and disability services region, as defined in section 331.388.

2. ~~All~~ The regulatory requirements for county and private institutions wherein where persons with mental illness or an intellectual disability are kept admitted, committed, or placed shall be under the supervision of the administrator.

Sec. 49. Section 227.2, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The director of inspections and appeals shall make, or cause to be made, at least one licensure inspection each year of every county care facility. Either the administrator of the division or the director of the department of inspections and appeals, in cooperation with each other, upon receipt of a complaint or for good cause, may make, or cause to be made, a review of a county care facility or of any other private or county institution where persons with mental illness or an intellectual disability reside. A licensure inspection or a review shall be made by a competent and disinterested person who is acquainted with and interested in the care of persons with mental illness and persons with an intellectual disability. The objective of a licensure inspection or a review shall be an evaluation of the programming and treatment provided by the facility. After each licensure inspection of a county care facility, the person who made the inspection shall consult with the ~~county authorities~~ regional administrator for the county in which the facility is located on plans and practices that will improve the care given patients ~~and~~. The person shall also make recommendations to the administrator of the division and the director of public health for coordinating and improving the relationships between the administrators of county care facilities, the administrator of the division, the director of public health, the superintendents of state mental health institutes and resource centers, community mental health centers, mental health and disability services regions, and other cooperating agencies, to cause improved and more satisfactory care of patients. A written report of each licensure inspection of a

county care facility under this section shall be filed by the person with the administrator of the division and the director of public health and shall include:

Sec. 50. Section 227.2, subsection 1, paragraph f, Code 2015, is amended to read as follows:

f. The recommendations given to and received from ~~county authorities~~ the regional administrator on methods and practices that will improve the conditions under which the county care facility is operated.

Sec. 51. Section 227.2, subsection 2, Code 2015, is amended to read as follows:

2. A copy of the written report prescribed by subsection 1 shall be furnished to the county board of supervisors, to the ~~county mental health and intellectual disability coordinating board or to its advisory board if the county board of supervisors constitutes ex officio the coordinating board~~ regional administrator for the county, to the administrator of the county care facility inspected and to its certified volunteer long-term care ombudsman, and to the department on aging.

Sec. 52. Section 227.4, Code 2015, is amended to read as follows:

227.4 Standards for care of persons with mental illness or an intellectual disability in county care facilities.

The administrator, in cooperation with the department of inspections and appeals, shall recommend and the mental health and disability services commission created in section 225C.5 shall adopt, or amend and adopt, standards for the care of and services to persons with mental illness or an intellectual disability residing in county care facilities. The standards shall be enforced by the department of inspections and appeals as a part of the licensure inspection conducted pursuant to chapter 135C. The objective of the standards is to ensure that persons with mental illness or an intellectual disability who are residents of county care facilities are not only adequately fed, clothed, and housed, but are also offered reasonable opportunities for productive work and recreational activities suited to their physical and mental abilities and offering both a constructive outlet for their energies and, if possible, therapeutic benefit. When recommending standards under this section, the administrator shall designate an advisory committee representing administrators of county care facilities, ~~county mental health and developmental disabilities regional planning councils~~ regional administrators, mental health and disability services region governing boards, and county care facility certified volunteer long-term care ombudsmen to assist in the establishment of standards.

Sec. 53. Section 227.10, Code 2015, is amended to read as follows:

227.10 Transfers from county or private institutions.

Patients who have been admitted at public expense to any institution to which this chapter is applicable may be involuntarily transferred to the proper state hospital for persons with mental illness in the manner prescribed by sections 229.6 to 229.13. The application required by section 229.6 may be filed by the administrator of the division or the administrator's designee, or by the administrator of the institution where the patient is then being maintained or treated. If the patient was admitted to that institution involuntarily, the administrator of the division may arrange and complete the transfer, and shall report it as required of a chief medical officer under section 229.15, subsection 5. The transfer shall be made at ~~county~~ the mental health and disabilities services region's expense, and the expense recovered, as provided in section 227.7. However, transfer under this section of a patient whose expenses are payable in whole or in part by a ~~county~~ the mental health and disabilities services region is subject to an authorization for the transfer through the ~~central point of coordination process~~ regional administrator for the patient's county of residence.¹

Sec. 54. Section 227.11, Code 2015, is amended to read as follows:

227.11 Transfers from state hospitals.

¹ See chapter 138, §27 herein

A regional administrator for the county chargeable with the expense of a patient in a state hospital for persons with mental illness shall transfer the patient to a county or private institution for persons with mental illness that is in compliance with the applicable rules when the administrator of the division or the administrator's designee orders the transfer on a finding that the patient is suffering from ~~chronic mental illness or from senility~~ a serious mental illness and will receive equal benefit by being so transferred. A county mental health and disability services region shall transfer to its a county care facility any patient in a state hospital for persons with mental illness upon request of the superintendent of the state hospital in which the patient is confined pursuant to the superintendent's authority under section 229.15, subsection 5, and approval by the ~~board of supervisors of regional administrator for the county~~ of the patient's residence. In no case shall a patient be thus transferred except upon compliance with section 229.14A or without the written consent of a relative, friend, or guardian if such relative, friend, or guardian pays the expense of the care of such patient in a state hospital. Patients transferred to a public or private facility under this section may subsequently be placed on convalescent or limited leave or transferred to a different facility for continued full-time custody, care, and treatment when, in the opinion of the attending physician or the chief medical officer of the hospital from which the patient was so transferred, the best interest of the patient would be served by such leave or transfer. For any patient who is involuntarily committed, any transfer made under this section is subject to the placement hearing requirements of section 229.14A.

Sec. 55. Section 227.12, Code 2015, is amended to read as follows:

227.12 Difference of opinion.

When a difference of opinion exists between the administrator of the division and the authorities in charge of any private or county hospital in regard to the ~~removal transfer of a patient or patients as herein provided in sections 227.10 and 227.11~~, the matter shall be submitted to the district court of the county in which such hospital is situated and shall be summarily tried as an equitable action, and the judgment of the district court shall be final.

Sec. 56. Section 227.14, Code 2015, is amended to read as follows:

227.14 Caring for persons with mental illness from other counties.

~~Boards of supervisors of counties having no~~ The regional administrator for a county that does not have proper facilities for caring for persons with mental illness may, with the consent of the administrator of the division, provide for such care at the expense of the county mental health and disabilities² services region in any convenient and proper county or private institution for persons with mental illness which is willing to receive them the persons.

Sec. 57. Section 229.1, subsection 3, Code 2015, is amended by striking the subsection.

Sec. 58. Section 229.1, Code 2015, is amended by adding the following new subsections:
NEW SUBSECTION. 8A. "Mental health and disability services region" means a mental health and disability services region formed in accordance with section 331.389.

NEW SUBSECTION. 14A. "Regional administrator" means the regional administrator of a mental health and disability services region, as defined in section 331.388.

Sec. 59. Section 229.1B, Code 2015, is amended to read as follows:

229.1B Central point of coordination process Regional administrator.

Notwithstanding any provision of this chapter to the contrary, any person whose hospitalization expenses are payable in whole or in part by a county mental health and disabilities³ services region shall be subject to all administrative requirements of the central point of coordination process regional administrator for the county.

² See chapter 138, §28 herein

³ See chapter 138, §29 herein

Sec. 60. Section 229.2, subsection 1, paragraph b, subparagraph (3), Code 2015, is amended to read as follows:

(3) As soon as is practicable after the filing of a petition for juvenile court approval of the admission of the minor, the juvenile court shall determine whether the minor has an attorney to represent the minor in the hospitalization proceeding, and if not, the court shall assign to the minor an attorney. If the minor is financially unable to pay for an attorney, the attorney shall be compensated by the county mental health and disabilities⁴ services region at an hourly rate to be established by the county board of supervisors regional administrator for the county in which the proceeding is held in substantially the same manner as provided in section 815.7.

Sec. 61. Section 229.8, subsection 1, Code 2015, is amended to read as follows:

1. Determine whether the respondent has an attorney who is able and willing to represent the respondent in the hospitalization proceeding, and if not, whether the respondent is financially able to employ an attorney and capable of meaningfully assisting in selecting one. In accordance with those determinations, the court shall if necessary allow the respondent to select, or shall assign to the respondent, an attorney. If the respondent is financially unable to pay an attorney, the attorney shall be compensated by the county mental health and disabilities⁵ services region at an hourly rate to be established by the county board of supervisors regional administrator for the county in which the proceeding is held in substantially the same manner as provided in section 815.7.

Sec. 62. Section 229.10, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. An examination of the respondent shall be conducted by one or more licensed physicians, as required by the court's order, within a reasonable time. If the respondent is detained pursuant to section 229.11, subsection 1, paragraph "b", the examination shall be conducted within twenty-four hours. If the respondent is detained pursuant to section 229.11, subsection 1, paragraph "a" or "c", the examination shall be conducted within forty-eight hours. If the respondent so desires, the respondent shall be entitled to a separate examination by a licensed physician of the respondent's own choice. The reasonable cost of the examinations shall, if the respondent lacks sufficient funds to pay the cost, be paid by the regional administrator from county mental health and disabilities⁶ services region funds upon order of the court.

Sec. 63. Section 229.11, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

If the applicant requests that the respondent be taken into immediate custody and the judge, upon reviewing the application and accompanying documentation, finds probable cause to believe that the respondent has a serious mental impairment and is likely to injure the respondent or other persons if allowed to remain at liberty, the judge may enter a written order directing that the respondent be taken into immediate custody by the sheriff or the sheriff's deputy and be detained until the hospitalization hearing. The hospitalization hearing shall be held no more than five days after the date of the order, except that if the fifth day after the date of the order is a Saturday, Sunday, or a holiday, the hearing may be held on the next succeeding business day. If the expenses of a respondent are payable in whole or in part by a county mental health and disabilities⁷ services region, for a placement in accordance with paragraph "a", the judge shall give notice of the placement to the central point of coordination process regional administrator for the county in which the court is located, and for a placement in accordance with paragraph "b" or "c", the judge shall order the placement in a hospital or facility designated through the central point of coordination process regional administrator. The judge may order the respondent detained for the period of time until the hearing is held, and no longer, in accordance with paragraph "a", if possible,

⁴ See chapter 138, §30 herein

⁵ See chapter 138, §31 herein

⁶ See chapter 138, §32 herein

⁷ See chapter 138, §33 herein

and if not then in accordance with paragraph “b”, or, only if neither of these alternatives is available, in accordance with paragraph “c”. Detention may be:

Sec. 64. Section 229.13, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. The court shall order a respondent whose expenses are payable in whole or in part by a county mental health and disabilities⁸ services region placed under the care of an appropriate hospital or facility designated through the ~~central point of coordination process~~ county’s regional administrator on an inpatient or outpatient basis.

Sec. 65. Section 229.14, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. For a respondent whose expenses are payable in whole or in part by a county mental health and disabilities⁹ services region, placement as designated through the ~~central point of coordination process~~ county’s regional administrator in the care of an appropriate hospital or facility on an inpatient or outpatient basis, or other appropriate treatment, or in an appropriate alternative placement.

Sec. 66. Section 229.14A, subsections 7 and 9, Code 2015, are amended to read as follows:

7. If a respondent’s expenses are payable in whole or in part by a county mental health and disabilities¹⁰ services region through the ~~central point of coordination process~~ county’s regional administrator, notice of a placement hearing shall be provided to the county attorney and the ~~county’s central point of coordination process~~ regional administrator. At the hearing, the county may present evidence regarding appropriate placement.

9. A placement made pursuant to an order entered under section 229.13 or 229.14 or this section shall be considered to be authorized through the ~~central point of coordination process~~ county’s regional administrator.

Sec. 67. Section 229.24, subsection 3, unnumbered paragraph 1, Code 2015, is amended to read as follows:

If all or part of the costs associated with hospitalization of an individual under this chapter are chargeable to a county of residence, the clerk of the district court shall provide to the regional administrator for the county of residence and to the regional administrator for the county in which the hospitalization order is entered the following information pertaining to the individual which would be confidential under subsection 1:

Sec. 68. Section 229.42, subsection 1, Code 2015, is amended to read as follows:

1. If a person wishing to make application for voluntary admission to a mental hospital established by chapter 226 is unable to pay the costs of hospitalization or those responsible for the person are unable to pay the costs, application for authorization of voluntary admission must be made through a ~~central point of coordination process~~ regional administrator before application for admission is made to the hospital. The person’s county of residence shall be determined through the ~~central point of coordination process~~ regional administrator and if the admission is approved through the ~~central point of coordination process~~ regional administrator, the person’s admission to a mental health hospital shall be authorized as a voluntary case. The authorization shall be issued on forms provided by the department of human services’ administrator. The costs of the hospitalization shall be paid by the county of residence through the regional administrator to the department of human services and credited to the general fund of the state, provided that the mental health hospital rendering the services has certified to the county auditor of the county of residence and the regional administrator the amount chargeable to the county mental health and disabilities services region and has sent a duplicate statement of the charges to the department of human services. A county mental health and disabilities services region shall not be billed for the cost of a patient unless the patient’s admission is authorized through the ~~central point of coordination~~

⁸ See chapter 138, §34 herein

⁹ See chapter 138, §35 herein

¹⁰ See chapter 138, §36 herein

~~process regional administrator.~~ The mental health institute and the ~~county regional administrator~~ shall work together to locate appropriate alternative placements and services, and to educate patients and family members of patients regarding such alternatives.¹¹

Sec. 69. Section 230.1, subsection 3, Code 2015, is amended to read as follows:

3. A mental health and disabilities¹² services region or county of residence is not liable for costs and expenses associated with a person with mental illness unless the costs and expenses are for services and other support authorized for the person through the ~~central point of coordination process~~ county's regional administrator. For the purposes of this chapter, ~~"central point of coordination process"~~ "regional administrator" means the same as defined in section ~~331.440~~ 331.388.

Sec. 70. Section 230.3, Code 2015, is amended to read as follows:

230.3 Certification of residence.

If a person's county of residence is determined by the county's ~~central point of coordination process~~ regional administrator to be in another county of this state, the ~~county regional administrator~~ making the determination shall certify the determination to the superintendent of the hospital to which the person is admitted or committed. The certification shall be accompanied by a copy of the evidence supporting the determination. Upon receiving the certification, the superintendent shall charge the expenses already incurred and unadjusted, and all future expenses of the person, to the regional administrator of the county determined to be the county of residence.

Sec. 71. Section 230.20, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. The per diem costs billed to each ~~county mental health and disabilities services region~~ shall not exceed the per diem costs billed to the county in the fiscal year beginning July 1, 1996. However, the per diem costs billed to a ~~county mental health and disabilities services region~~ may be adjusted annually to reflect increased costs, to the extent of the percentage increase in the ~~total of county fixed budgets pursuant to the allowed growth factor adjustment statewide per capita expenditure target amount, if any per capita growth amount is authorized by the general assembly for the fiscal year in accordance with section 331.439~~ 426B.3.¹³

Sec. 72. Section 232.2, subsection 4, paragraph f, subparagraph (3), Code 2015, is amended to read as follows:

(3) The transition plan shall be developed and reviewed by the department in collaboration with a child-centered transition team. The transition team shall be comprised of the child's caseworker and persons selected by the child, persons who have knowledge of services available to the child, and any person who may reasonably be expected to be a service provider for the child when the child becomes an adult or to become responsible for the costs of services at that time. If the child is reasonably likely to need or be eligible for adult services, the transition team membership shall include representatives from the adult services system. The adult services system representatives may include but are not limited to the administrator of county general relief under chapter 251 or 252 or ~~of the central point of coordination process implemented under section 331.440~~ regional administrator of the county mental health and disability services region, as defined in section 331.388. The membership of the transition team and the meeting dates for the team shall be documented in the transition plan.

Sec. 73. Section 235.7, subsection 2, Code 2015, is amended to read as follows:

2. *Membership.* The department may authorize the governance boards of decategorization of child welfare and juvenile justice funding projects established under section 232.188 to appoint the transition committee membership and may utilize the boundaries of decategorization projects to establish the service areas for transition committees. The

¹¹ See chapter 138, §37 herein

¹² See chapter 138, §38 herein

¹³ See chapter 138, §39 herein

committee membership may include but is not limited to department of human services staff involved with foster care, child welfare, and adult services, juvenile court services staff, staff involved with county general relief under chapter 251 or 252, or ~~of the central point of coordination process implemented under section 331.440~~ a regional administrator of the county mental health and disability services region, as defined in section 331.388, in the area, school district and area education agency staff involved with special education, and a child's court appointed special advocate, guardian ad litem, service providers, and other persons knowledgeable about the child.

Sec. 74. Section 235A.15, subsection 2, paragraph c, subparagraph (9), Code 2015, is amended to read as follows:

(9) To the administrator of an agency providing mental health, intellectual disability, or developmental disability services under a ~~county management plan developed pursuant to section 331.439~~ regional service system management plan implemented in accordance with section 331.393, if the data concerns a person employed by or being considered by the agency for employment.

Sec. 75. Section 235B.6, subsection 2, paragraph c, subparagraph (6), Code 2015, is amended to read as follows:

(6) To the administrator of an agency providing mental health, intellectual disability, or developmental disability services under a ~~county management plan developed pursuant to section 331.439~~ regional service system management plan implemented in accordance with section 331.393, if the information concerns a person employed by or being considered by the agency for employment.

Sec. 76. Section 426B.2, subsection 2, Code 2015, is amended to read as follows:

2. As used in this chapter, and in ~~sections 331.438 and 331.439~~ section 331.424A, for purposes of population-based funding calculations, "population" means the population shown by the latest preceding certified federal census or the latest applicable population estimate issued by the federal government, whichever is most recent and available as of July 1 of the fiscal year preceding the fiscal year to which the funding calculations apply.

Sec. 77. Section 426B.5, subsection 1, Code 2015, is amended by striking the subsection.

Sec. 78. Section 426B.5, subsections 2 and 3, Code 2015, are amended to read as follows:

2. *Risk pool.*

a. For the purposes of this ~~subsection~~ section, unless the context otherwise requires, "*services fund*":

(1) "*Mental health and disability services region*" means a mental health and disability services region formed in accordance with section 331.389.

(2) "*Regional administrator*" means the regional administrator of a mental health and disability services region, as defined in section 331.388.

(3) "*Services fund*" means a county's mental health and disabilities services fund created in section 331.424A.

b. A risk pool is created in the property tax relief fund. The pool shall consist of the moneys credited to the pool by law.

c. A risk pool board is created. The board shall consist of two county supervisors, two county auditors, a member of the mental health and disability services commission who is not a member of a county board of supervisors, a member of the county finance committee created in chapter 333A who is not an elected official, a representative of a provider of mental health or developmental disabilities services selected from nominees submitted by the Iowa association of community providers, and two ~~central point of coordination process staff members of regional~~ administrators of county mental health and disability services¹⁴, all appointed by the governor; and one member appointed by the director of human services. All members appointed by the governor shall be subject to confirmation by the senate. Members shall serve for three-year terms. A vacancy shall be filled in the same manner

¹⁴ See chapter 138, §41 herein

as the original appointment. Expenses and other costs of the risk pool board members representing counties shall be paid by the county of origin. Expenses and other costs of risk pool board members who do not represent counties shall be paid from a source determined by the governor. Staff assistance to the board shall be provided by the department of human services and counties. Actuarial expenses and other direct administrative costs shall be charged to the pool.

d. A county regional administrator must apply to the risk pool board for assistance from the risk pool on or before October 31. The purpose of the assistance shall be to provide financial support for services provided by one or more of the counties comprising the regional administrator's mental health and disability services region. The risk pool board shall make its final decisions on or before December 15 regarding acceptance or rejection of the applications for assistance and the total amount accepted shall be considered obligated.

e. Basic eligibility for risk pool assistance requires that a county mental health and disability services region meet all of the following conditions:

(1) The county mental health and disability services region is in compliance with the regional service system management plan requirements of section 331.439 331.393.

(2) The county counties comprising the mental health and disability services region each levied the maximum amount allowed for the county's services fund under section 331.424A for the fiscal year of application for risk pool assistance.

(3) In the fiscal year that commenced two years prior to the fiscal year of application, the county's ending balance, under generally accepted accounting principles, of the mental health and disability services region's combined services fund ending balance under generally accepted accounting principles funds was equal to or less than twenty percent of the county's actual gross expenditures of the counties comprising the mental health and disability services region for that fiscal year.

f. The board shall review the fiscal year-end financial records for all counties mental health and disability services regions that are granted risk pool assistance. If the board determines a county's mental health and disability services region's actual need for risk pool assistance was less than the amount of risk pool assistance granted to the county mental health and disability services region, the county mental health and disability services region shall refund the difference between the amount of assistance granted and the actual need. The county mental health and disability services region shall submit the refund within thirty days of receiving notice from the board. Refunds shall be credited to the risk pool. The mental health and disability services commission shall adopt rules pursuant to chapter 17A providing criteria for the purposes of this lettered paragraph and as necessary to implement the other provisions of this subsection.

g. The board shall determine application requirements to ensure prudent use of risk pool assistance. The board may accept or reject an application for assistance in whole or in part. The decision of the board is final.

h. The total amount of risk pool assistance shall be limited to the amount available in the risk pool for a fiscal year. Any unobligated balance in the risk pool at the close of a fiscal year shall remain in the risk pool for distribution in the succeeding fiscal year.

i. Risk pool assistance shall only be made available to address one or more of the following circumstances:

(1) Continuing support for mandated services.

(2) Avoiding the need for reduction or elimination of critical services when the reduction or elimination places consumers' health or safety at risk.

(3) Avoiding the need for reduction or elimination of a mobile crisis team or other critical emergency services when the reduction or elimination places the public's health or safety at risk.

(4) Avoiding the need for reduction or elimination of the services or other support provided to entire disability populations.

(5) Avoiding the need for reduction or elimination of services or other support that maintain consumers in a community setting, creating a risk that the consumers would be placed in more restrictive, higher cost settings.

j. Subject to the amount available and obligated from the risk pool for a fiscal year, the department of human services shall annually calculate the amount of moneys due to

eligible ~~counties~~ mental health and disability services regions in accordance with the board's decisions and that amount is appropriated from the risk pool to the department for payment of the moneys due. The department shall authorize the issuance of warrants payable to the ~~county treasurer~~ mental health and disability services regions for the amounts due and the warrants shall be issued on or before January 1.

k. On or before March 1 and September 1 of each fiscal year, the department of human services shall provide the risk pool board with a report of the financial condition of each funding source administered by the board. The report shall include but is not limited to an itemization of the funding source's balances, types and amount of revenues credited, and payees and payment amounts for the expenditures made from the funding source during the reporting period.

l. If the board has made its decisions but has determined that there are otherwise qualifying requests for risk pool assistance that are beyond the amount available in the risk pool fund for a fiscal year, the board shall compile a list of such requests and the supporting information for the requests. The list and information shall be submitted to the mental health and disability services commission, the department of human services, and the general assembly.

3. *Incentive pool.*

a. An incentive pool is created in the property tax relief fund. The incentive pool shall consist of the moneys credited to the incentive pool by law.

b. Moneys available in the incentive pool for a fiscal year shall be distributed to those ~~counties~~ mental health and disability services regions that either meet or show progress toward meeting the purposes ~~and intent~~ described in section ~~331.439, subsection 1,~~ ~~paragraph "e"~~ 225C.1. The moneys received by a ~~county region~~ county region from the incentive pool shall be used to build community capacity to support individuals covered by the ~~county's~~ region's regional service system management plan approved under section ~~331.439, 331.393~~ in meeting such purposes.

Sec. 79. REPEAL. Section 226.47, Code 2015, is repealed.

Approved April 24, 2015

CHAPTER 70

POLYSOMNOGRAPHY — REGULATION AND LICENSURE

H.F. 203

AN ACT providing for the licensing of respiratory care and polysomnography practitioners and polysomnographic technologists and exceptions thereto, making penalties applicable, and including effective date provisions.

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

Section 1. Section 135.24, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. Procedures for registration of health care providers deemed qualified by the board of medicine, the board of physician assistants, the dental board, the board of nursing, the board of chiropractic, the board of psychology, the board of social work, the board of behavioral science, the board of pharmacy, the board of optometry, the board of podiatry, the board of physical and occupational therapy, the board of respiratory care and polysomnography, and the Iowa department of public health, as applicable.

Sec. 2. Section 147.1, subsections 3 and 6, Code 2015, are amended to read as follows:

3. "*Licensed*" or "*certified*", when applied to a physician and surgeon, podiatric physician, osteopathic physician and surgeon, physician assistant, psychologist, chiropractor, nurse,

dentist, dental hygienist, dental assistant, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, orthotist, prosthetist, pedorthist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, respiratory care and polysomnography practitioner, polysomnographic technologist, social worker, massage therapist, athletic trainer, acupuncturist, nursing home administrator, hearing aid dispenser, or sign language interpreter or transliterator means a person licensed under this subtitle.

6. “*Profession*” means medicine and surgery, podiatry, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, pharmacy, physical therapy, physical therapist assisting, occupational therapy, occupational therapy assisting, respiratory care, cosmetology arts and sciences, barbering, mortuary science, marital and family therapy, mental health counseling, polysomnography, social work, dietetics, massage therapy, athletic training, acupuncture, nursing home administration, hearing aid dispensing, sign language interpreting or transliterating, orthotics, prosthetics, or pedorthics.

Sec. 3. Section 147.2, subsection 1, Code 2015, is amended to read as follows:

1. A person shall not engage in the practice of medicine and surgery, podiatry, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, physical therapist assisting, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, occupational therapy, occupational therapy assisting, orthotics, prosthetics, pedorthics, respiratory care, pharmacy, cosmetology arts and sciences, barbering, social work, dietetics, marital and family therapy or mental health counseling, massage therapy, mortuary science, polysomnography, athletic training, acupuncture, nursing home administration, hearing aid dispensing, or sign language interpreting or transliterating, or shall not practice as a physician assistant, unless the person has obtained a license for that purpose from the board for the profession.

Sec. 4. Section 147.13, subsection 18, Code 2015, is amended to read as follows:

18. For respiratory care and polysomnography, the board of respiratory care and polysomnography.

Sec. 5. Section 147.14, subsection 1, paragraph o, Code 2015, is amended to read as follows:

o. For respiratory care and polysomnography, one licensed physician with training in respiratory care, ~~three~~ two respiratory care practitioners who have practiced respiratory care for a minimum of six years immediately preceding their appointment to the board and who are recommended by the society for respiratory care, one polysomnographic technologist who has practiced polysomnography for a minimum of six years immediately preceding appointment to the board and who is recommended by the Iowa sleep society, and one member not licensed to practice medicine, osteopathic medicine, polysomnography, or respiratory care who shall represent the general public.

Sec. 6. Section 147.74, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 23A. A person who is licensed to engage in the practice of polysomnography shall have the right to use the title “polysomnographic technologist” or the letters “P.S.G.T.” after the person’s name. No other person may use that title or letters or any other words or letters indicating that the person is a polysomnographic technologist.

Sec. 7. NEW SECTION. 148G.1 Definitions.

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

1. “*Board*” means the board of respiratory care and polysomnography established in chapter 147.

2. “*Direct supervision*” means that the respiratory care and polysomnography practitioner or the polysomnographic technologist providing supervision must be present where the polysomnographic procedure is being performed and immediately available to furnish assistance and direction throughout the performance of the procedure.

3. “*General supervision*” means that the polysomnographic procedure is provided under a physician’s or qualified health care professional prescriber’s overall direction and control, but the physician’s or qualified health care professional prescriber’s presence is not required during the performance of the procedure.

4. “*Physician*” means a person who is currently licensed in Iowa to practice medicine and surgery or osteopathic medicine and surgery and who is board certified and who is actively involved in the sleep medicine center or laboratory.

5. “*Polysomnographic student*” means a person who is enrolled in a program approved by the board and who may provide sleep-related services under the direct supervision of a respiratory care and polysomnography practitioner or a polysomnographic technologist as a part of the person’s educational program.

6. “*Polysomnographic technician*” means a person who has graduated from a program approved by the board, but has not yet received an accepted national credential awarded from an examination program approved by the board and who may provide sleep-related services under the direct supervision of a licensed respiratory care and polysomnography practitioner or a licensed polysomnographic technologist for a period of up to thirty days following graduation while awaiting credentialing examination scheduling and results.

7. “*Polysomnographic technologist*” means a person licensed by the board to engage in the practice of polysomnography under the general supervision of a physician or a qualified health care professional prescriber.

8. “*Practice of polysomnography*” means as described in section 148G.2.

9. “*Qualified health care practitioner*” means an individual who is licensed under section 147.2, and who holds a credential listed on the board of registered polysomnographic technologists list of accepted allied health credentials.

10. “*Qualified health care professional prescriber*” means a physician assistant operating under the prescribing authority granted in section 147.107 or an advanced registered nurse practitioner operating under the prescribing authority granted in section 147.107.

11. “*Sleep-related services*” means acts performed by polysomnographic technicians, polysomnographic students, and other persons permitted to perform those services under this chapter, in a setting described in this chapter that would be considered the practice of polysomnography if performed by a respiratory care and polysomnography practitioner or a polysomnographic technologist.

Sec. 8. NEW SECTION. 148G.2 Practice of polysomnography.

The practice of polysomnography consists of but is not limited to the following tasks as performed for the purpose of polysomnography, under the general supervision of a licensed physician or qualified health care professional prescriber:

1. Monitoring, recording, and evaluating physiologic data during polysomnographic testing and review during the evaluation of sleep-related disorders, including sleep-related respiratory disturbances, by applying any of the following techniques, equipment, or procedures:

a. Noninvasive continuous, bilevel positive airway pressure, or adaptive servo-ventilation titration on spontaneously breathing patients using a mask or oral appliance; provided, that the mask or oral appliance does not extend into the trachea or attach to an artificial airway.

b. Supplemental low-flow oxygen therapy of less than six liters per minute, utilizing a nasal cannula or incorporated into a positive airway pressure device during a polysomnogram.

c. Capnography during a polysomnogram.

d. Cardiopulmonary resuscitation.

e. Pulse oximetry.

f. Gastroesophageal pH monitoring.

g. Esophageal pressure monitoring.

h. Sleep stage recording using surface electroencephalography, surface electrooculography, and surface submental electromyography.

i. Surface electromyography.

j. Electrocardiography.

k. Respiratory effort monitoring, including thoracic and abdominal movement.

l. Plethysmography blood flow monitoring.

- m. Snore monitoring.
- n. Audio and video monitoring.
- o. Body movement monitoring.
- p. Nocturnal penile tumescence monitoring.
- q. Nasal and oral airflow monitoring.
- r. Body temperature monitoring.

2. Monitoring the effects that a mask or oral appliance used to treat sleep disorders has on sleep patterns; provided, however, that the mask or oral appliance shall not extend into the trachea or attach to an artificial airway.

3. Observing and monitoring physical signs and symptoms, general behavior, and general physical response to polysomnographic evaluation and determining whether initiation, modification, or discontinuation of a treatment regimen is warranted.

4. Analyzing and scoring data collected during the monitoring described in this section for the purpose of assisting a physician in the diagnosis and treatment of sleep and wake disorders that result from developmental defects, the aging process, physical injury, disease, or actual or anticipated somatic dysfunction.

5. Implementation of a written or verbal order from a physician or qualified health care professional prescriber to perform polysomnography.

6. Education of a patient regarding the treatment regimen that assists the patient in improving the patient's sleep.

7. Use of any oral appliance used to treat sleep-disordered breathing while under the care of a licensed polysomnographic technologist during the performance of a sleep study, as directed by a licensed dentist.

Sec. 9. NEW SECTION. 148G.3 Location of services.

The practice of polysomnography shall take place only in a facility that is accredited by a nationally recognized sleep medicine laboratory or center accrediting agency, in a facility operated by a hospital or a hospital licensed under chapter 135B, or in a patient's home pursuant to rules adopted by the board; provided, however, that the scoring of data and the education of patients may take place in another setting.

Sec. 10. NEW SECTION. 148G.4 Scope of chapter.

Nothing in this chapter shall be construed to limit or restrict a health care practitioner licensed in this state from engaging in the full scope of practice of the individual's profession.

Sec. 11. NEW SECTION. 148G.5 Rulemaking.

The board shall adopt rules necessary for the implementation and administration of this chapter and the applicable provisions of chapters 147 and 272C.

Sec. 12. NEW SECTION. 148G.6 Licensing requirements.

1. Beginning January 1, 2017, a person seeking licensure as a respiratory care and polysomnography practitioner or as a polysomnographic technologist shall apply to the board and pay the fees established by the board for the type of license for which the applicant is applying. Beginning with the March 31, 2016, license renewal period, a person licensed as a respiratory care practitioner who seeks a respiratory care and polysomnography practitioner license shall make such application with the application for license renewal and pay the fees established by the board. The fees established by the board for a respiratory care and polysomnography practitioner license shall not exceed one hundred twenty percent of the cost of a respiratory care practitioner license issued pursuant to chapter 152B or a polysomnographic technologist license issued pursuant to this section. The application for a respiratory care and polysomnography practitioner license must meet the requirements of this section. Upon receipt of an application, the board shall conduct a background check of the applicant. An application for either type of licensure shall show that the applicant is of good moral character and is at least eighteen years of age, and shall include proof that the person has satisfied one of the following educational requirements:

a. Graduation from a polysomnographic educational program that is accredited by the committee on accreditation for polysomnographic technologist education or an equivalent program as determined by the board.

b. Graduation from a respiratory care educational program that is accredited by the commission on accreditation for respiratory care or by a committee on accreditation for the commission on accreditation of allied health education programs, and any of the following:

(1) Completion of the curriculum for a polysomnographic certificate established and accredited by the commission on accreditation of allied health education programs as an extension of the respiratory care program.

(2) Obtaining the sleep disorder specialist credential from the national board for respiratory care.

(3) Obtaining the registered polysomnographic technologist credential from the board of registered polysomnographic technologists.

(4) Completing or obtaining any other certificate or credential program as recognized by the board.

c. Graduation from an electroneurodiagnostic technologist educational program that is accredited by the committee on accreditation for education in electroneurodiagnostic technology or by a committee on accreditation for the commission on accreditation of allied health education programs, and completion of the curriculum for a polysomnographic certificate established and accredited by the commission on accreditation of allied health education programs as an extension of the electroneurodiagnostic educational program or an equivalent program as determined by the board.

2. Notwithstanding subsection 1, beginning January 1, 2017, the board shall issue a license to perform polysomnography to an individual who holds an active license under section 147.2 in a profession other than polysomnography and who is in good standing with the board for that profession upon application to the board demonstrating any of the following:

a. Successful completion of an educational program in polysomnography approved by the board.

b. Successful completion of an examination in polysomnography approved by the board.

c. Verification from the medical director of the individual's current employer or the medical director's designee that the individual has completed on-the-job training in the field of polysomnography, along with written verification from the medical director of the individual's current employer or the medical director's designee that the individual is competent to perform polysomnography.

3. Notwithstanding subsection 1, beginning January 1, 2017, a person who is working in the field of sleep medicine on January 1, 2017, may apply to the board for a license to perform polysomnography. The board shall issue a license to the person, without examination, provided the application contains verification that the person has completed five hundred hours of paid clinical or nonclinical polysomnographic work experience within the three years prior to submission of the application. The application shall also contain verification from the medical director of the person's current employer or the medical director's designee that the person is competent to perform polysomnography.

4. A person who is working in the field of sleep medicine on January 1, 2017, who is not otherwise eligible to obtain a license pursuant to this section shall have until January 1, 2018, to achieve a passing score on an examination as designated by the board. The board shall allow the person to attempt the examination and be awarded a license as a polysomnographic technologist by meeting or exceeding the passing point established by the board. After January 1, 2018, only persons licensed as respiratory care and polysomnography practitioners or as polysomnographic technologists pursuant to this chapter, or excepted from the requirements of this chapter may perform sleep-related services.

5. The fees assessed by the board shall be sufficient to cover all costs associated with the administration of this chapter.

Sec. 13. NEW SECTION. 148G.7 Persons exempt from licensing requirement.

1. The following persons may provide sleep-related services without being licensed as a respiratory care and polysomnography practitioner or as a polysomnographic technologist under this chapter:

a. A qualified health care practitioner may provide sleep-related services under the direct supervision of a licensed respiratory care and polysomnography practitioner or a licensed polysomnographic technologist for a period of up to six months while gaining the

clinical experience necessary to meet the admission requirements for a polysomnographic credentialing examination. The board may grant a one-time extension of up to six months.

b. A polysomnographic student may provide sleep-related services under the direct supervision of a respiratory care and polysomnography practitioner or a polysomnographic technologist as a part of the student's educational program while actively enrolled in a polysomnographic educational program that is accredited by the commission on accreditation of allied health education programs or an equivalent program as determined by the board.

2. Before providing any sleep-related services, a polysomnographic technician or polysomnographic student who is obtaining clinical experience shall give notice to the board that the person is working under the direct supervision of a respiratory care and polysomnography practitioner or a polysomnographic technologist in order to gain the experience to be eligible to sit for a national certification examination. The person shall wear a badge that appropriately identifies the person while providing such services.

Sec. 14. NEW SECTION. 148G.8 Licensing sanctions.

The board may impose sanctions for violations of this chapter as provided in chapters 147 and 272C.

Sec. 15. Section 152B.1, subsection 1, Code 2015, is amended to read as follows:

1. "Board" means the board of respiratory care and polysomnography created under chapter 147.

Sec. 16. Section 272C.1, subsection 6, paragraph z, Code 2015, is amended to read as follows:

z. The board of respiratory care and polysomnography in licensing respiratory care practitioners pursuant to chapter 152B, respiratory care and polysomnography practitioners pursuant to chapter 152B, and polysomnographic technologists pursuant to chapter 148G.

Sec. 17. **INITIAL APPOINTMENT OF POLYSOMNOGRAPHIC TECHNOLOGIST TO BOARD.** For the initial appointment of the polysomnographic member to the board of respiratory care and polysomnography pursuant to section 147.14, as amended in this Act, such appointee must be eligible for licensure pursuant to this Act. The appointment shall be effective upon the first expiration of the term of an existing respiratory care board member which occurs after the effective date of this section of this Act.

Sec. 18. **EFFECTIVE DATE.** The following provision or provisions of this Act take effect January 1, 2017:

1. The section of this Act amending section 147.2, subsection 1.

Approved April 24, 2015

CHAPTER 71

STRIP SEARCHES CONDUCTED AT JAILS OR MUNICIPAL HOLDING FACILITIES

H.F. 227

AN ACT relating to strip searches of persons at a jail or municipal holding facility.

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

Section 1. **NEW SECTION. 702.24 Visual strip search.**

A “*visual strip search*” means having a person remove or arrange some or all of the person’s clothing so as to permit a visual inspection of the genitalia, buttocks, anus, female breasts, or undergarments of that person.

Sec. 2. Section 804.30, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

804.30 Strip searches and visual strip searches of persons arrested for scheduled violations or simple misdemeanors.

1. a. A person arrested for a simple misdemeanor who is housed in the general population of a county jail or municipal holding facility may be subject to a visual strip search. Such a person may be subject to a strip search if there is probable cause to believe that the person is concealing a weapon or contraband and written authorization of the supervisor on duty is obtained.

b. (1) A person arrested for a simple misdemeanor who is not housed in the general population of a county jail or municipal holding facility shall not be subjected to either a strip search or a visual strip search unless there is probable cause to believe that the person is concealing a weapon or contraband and written authorization of the supervisor on duty is obtained.

(2) A person arrested for a scheduled violation who is not housed in the general population of a county jail or municipal holding facility shall not be subject to either a strip search or a visual strip search unless there is probable cause to believe that the person is concealing a weapon or contraband, and a search warrant is obtained.

c. A strip search conducted pursuant to this section that involves the physical probing of a body cavity, other than the mouth, ears, or nose, shall require a search warrant and shall only be performed by a licensed physician unless voluntarily waived in writing by the arrested person.

2. Any person arrested for a scheduled violation or a simple misdemeanor may be subjected to a search probing the mouth, ears, or nose.

3. All searches conducted pursuant to this section shall be performed under sanitary conditions.

4. All searches conducted pursuant to this section, except for the probing of the mouth, ears, or nose, shall be conducted in a place where the search cannot be observed by persons not conducting the search.

5. All searches conducted pursuant to this section shall be conducted by a person of the same sex as the arrested person, except for the probing of the mouth, ears, or nose, unless the search is conducted by a physician.

6. Subsequent to a strip search pursuant to this section, a written report shall be prepared which includes the written authorization required by this section, the name of the person subjected to the search, the names of the persons conducting the search, the time, date, and place of the search, and a copy of the search warrant, if applicable authorizing the search. A copy of the report shall be provided to the person searched.

Approved April 24, 2015

CHAPTER 72

COUNTERFEIT, NONFUNCTIONAL, OR UNSAFE AIR BAGS

H.F. 287

AN ACT relating to counterfeit, nonfunctional, or unsafe air bags, providing penalties, and including effective date provisions.

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

Section 1. Section 321.1, Code 2015, is amended by adding the following new subsection:
NEW SUBSECTION. 01A. “Air bag” or “airbag” means a motor vehicle inflatable occupant restraint system that operates in the event of a crash and is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed. “Air bag” includes all component parts to a motor vehicle inflatable occupant restraint system, including but not limited to the cover, sensors, controllers, inflators, wiring, and seat belt systems.

Sec. 2. Section 321.71A, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

321.71A Counterfeit, nonfunctional, and unsafe air bags.

1. As used in this section:

a. “Counterfeit air bag” means an air bag displaying a mark identical or similar to the genuine mark of a motor vehicle manufacturer without authorization from the manufacturer.

b. “Nonfunctional air bag” means an air bag that was previously deployed or damaged, or has an electric fault that is detected by a motor vehicle’s air bag diagnostic system after the air bag is installed in the motor vehicle.

2. A person who manufactures, imports, installs, reinstalls, sells, or offers to sell any device with the intent that the device replace an air bag in a motor vehicle, and who knows that the device is a counterfeit air bag, nonfunctional air bag, or air bag that does not comply with federal safety requirements as provided in 49 C.F.R. §571.208, is guilty of an aggravated misdemeanor.

3. A person who manufactures, imports, installs, reinstalls, sells, offers to sell, or tampers with any device that causes a motor vehicle’s diagnostic system to inaccurately indicate that the motor vehicle is equipped with a functional air bag when a counterfeit or nonfunctional air bag is installed, or when no air bag is installed, with the intent to mislead the owner or operator of the motor vehicle into believing that the motor vehicle is equipped with a functional air bag, is guilty of an aggravated misdemeanor.

4. A violation of this section is an unlawful practice under section 714.16.

Sec. 3. Section 714H.3, subsection 2, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Section 321.71A.

Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 24, 2015

CHAPTER 73

IOWA HEALTH INFORMATION NETWORK

H.F. 381

AN ACT relating to the Iowa health information network, and including effective date provisions.

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

DIVISION I

IOWA HEALTH INFORMATION NETWORK — FUTURE ADMINISTRATION BY DESIGNATED ENTITY

Section 1. **NEW SECTION. 135D.1 Short title.**

This chapter shall be known and may be cited as the “*Iowa Health Information Network Act*”.

Sec. 2. **NEW SECTION. 135D.2 Definitions.**

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

1. “*Board of directors*” or “*board*” means the entity that governs and administers the Iowa health information network.
2. “*Care coordination*” means the management of all aspects of a patient’s care to improve health care quality.
3. “*Department*” means the department of public health.
4. “*Designated entity*” means the nonprofit corporation designated by the department through a competitive process as the entity responsible for administering and governing the Iowa health information network.
5. “*Exchange*” means the authorized electronic sharing of health information between health care professionals, payors, consumers, public health agencies, the designated entity, the department, and other authorized participants utilizing the Iowa health information network and Iowa health information network services.
6. “*Health care professional*” means a person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.
7. “*Health information*” means health information as defined in 45 C.F.R. §160.103 that is created or received by an authorized participant.
8. “*Health information technology*” means the application of information processing, involving both computer hardware and software, that deals with the storage, retrieval, sharing, and use of health care information, data, and knowledge for communication, decision making, quality, safety, and efficiency of clinical practice, and may include but is not limited to:
 - a. An electronic health record that electronically compiles and maintains health information that may be derived from multiple sources about the health status of an individual and may include a core subset of each care delivery organization’s electronic medical record such as a continuity of care record or a continuity of care document, computerized physician order entry, electronic prescribing, or clinical decision support.
 - b. A personal health record through which an individual and any other person authorized by the individual can maintain and manage the individual’s health information.
 - c. An electronic medical record that is used by health care professionals to electronically document, monitor, and manage health care delivery within a care delivery organization, is the legal record of the patient’s encounter with the care delivery organization, and is owned by the care delivery organization.
 - d. A computerized provider order entry function that permits the electronic ordering of diagnostic and treatment services, including prescription drugs.
 - e. A decision support function to assist physicians and other health care providers in making clinical decisions by providing electronic alerts and reminders to improve compliance with best practices, promote regular screenings and other preventive practices, and facilitate diagnosis and treatments.
 - f. Tools to allow for the collection, analysis, and reporting of information or data on adverse events, the quality and efficiency of care, patient satisfaction, and other health care-related performance measures.
9. “*Health Insurance Portability and Accountability Act*” or “*HIPAA*” means the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, including amendments thereto and regulations promulgated thereunder.
10. “*Hospital*” means a licensed hospital as defined in section 135B.1.
11. “*Interoperability*” means the ability of two or more systems or components to exchange information or data in an accurate, effective, secure, and consistent manner and to use the information or data that has been exchanged and includes but is not limited to:
 - a. The capacity to connect to a network for the purpose of exchanging information or data with other users.

b. The ability of a connected, authenticated user to demonstrate appropriate permissions to participate in the instant transaction over the network.

c. The capacity of a connected, authenticated user to access, transmit, receive, and exchange usable information with other users.

12. “*Iowa health information network*” or “*network*” means the statewide health information technology network that is the sole statewide network for Iowa pursuant to this chapter.

13. “*Iowa Medicaid enterprise*” means the centralized medical assistance program infrastructure, based on a business enterprise model, and designed to foster collaboration among all program stakeholders by focusing on quality, integrity, and consistency.

14. “*Participant*” means an authorized health care professional, payor, patient, health care organization, public health agency, or the department that has agreed to authorize, submit, access, or disclose health information through the Iowa health information network in accordance with this chapter and all applicable laws, rules, agreements, policies, and standards.

15. “*Patient*” means a person who has received or is receiving health services from a health care professional.

16. “*Payor*” means a person who makes payments for health services, including but not limited to an insurance company, self-insured employer, government program, individual, or other purchaser that makes such payments.

17. “*Protected health information*” means protected health information as defined in 45 C.F.R. §160.103 that is created or received by an authorized participant.

18. “*Public health activities*” means actions taken by a participant in its capacity as a public health authority under the Health Insurance Portability and Accountability Act or as required or permitted by other federal or state law.

19. “*Public health agency*” means an entity that is governed by or contractually responsible to a local board of health or the department to provide services focused on the health status of population groups and their environments.

20. “*Record locator service*” means the functionality of the Iowa health information network that queries data sources to locate and identify potential patient records.

Sec. 3. NEW SECTION. 135D.3 Iowa health information network — findings and intent.

1. The general assembly finds all of the following:

a. Technology used to support health care-related functions is known as health information technology. Health information technology provides a mechanism to transform the delivery of health and medical care in Iowa and across the nation.

b. Health information technology is rapidly evolving to contribute to the goals of improving the experience of care, improving the health of populations, and reducing per capita costs of health care.

c. A health information network involves the secure electronic sharing of health information across the boundaries of individual practice and institutional health settings and with consumers. The broad use of health information technology and a health information network should improve health care quality and the overall health of the population, increase efficiencies in administrative health care, reduce unnecessary health care costs, and help prevent medical errors.

d. All health information technology efforts shall endeavor to represent the interests and meet the needs of consumers and the health care sector, protect the privacy of individuals and the confidentiality of individuals’ information, promote best practices, and make information easily accessible to the members of the patient-centered care coordination team, including but not limited to patients, providers, and payors.

2. It is the intent of the general assembly that the Iowa health information network shall not constitute a health benefit network or a health insurance network.

Sec. 4. NEW SECTION. 135D.4 Iowa health information network — principles — technical infrastructure requirements.

1. The Iowa health information network shall be administered and governed by a designated entity using, at a minimum, the following principles:

- a. Be patient-centered and market-driven.
- b. Comply with established national standards.
- c. Protect the privacy of consumers and the security and confidentiality of all health information.
- d. Promote interoperability.
- e. Increase the accuracy, completeness, and uniformity of data.
- f. Preserve the choice of the patient to have the patient's health information available through the record locator service.
- g. Provide education to the general public and provider communities on the value and benefits of health information technology.

2. Widespread adoption of health information technology is critical to a successful Iowa health information network and is best achieved when all of the following occur:

a. The network, through the designated entity complying with chapter 504 and reporting as required under this chapter, operates in an entrepreneurial and businesslike manner in which it is accountable to all participants utilizing the network's products and services.

b. The network provides a variety of services from which to choose in order to best fit the needs of the user.

c. The network is financed by all who benefit from the improved quality, efficiency, savings, and other benefits that result from use of health information technology.

d. The network is operated with integrity and freedom from political influence.

3. The Iowa health information network technical infrastructure shall provide a mechanism for all of the following:

a. The facilitation and support of the secure electronic exchange of health information between participants.

b. Participants without an electronic health records system to access health information from the Iowa health information network.

4. Nothing in this chapter shall be interpreted to impede or preclude the formation and operation of regional, population-specific, or local health information networks or the participation of such networks in the Iowa health information network.

Sec. 5. NEW SECTION. 135D.5 Designated entity — administration and governance.

1. The Iowa health information network shall be administered and governed by a designated entity selected by the department through a competitive process. The designated entity shall be established as a nonprofit corporation organized under chapter 504. Unless otherwise provided in this chapter, the corporation is subject to the provisions of chapter 504. The designated entity shall be established for the purpose of administering and governing the statewide Iowa health information network.

2. The designated entity shall collaborate with the department, but the designated entity shall not be considered, in whole or in part, an agency, department, or administrative unit of the state.

a. The designated entity 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.

b. The designated entity does not have authority to pledge the credit of the state. The assets and liabilities of the designated entity shall be separate from the assets and liabilities of the state and the state shall not be liable for the debts or obligations of the designated entity. All debts and obligations of the designated entity shall be payable solely from the designated entity's funds. The state shall not guarantee any obligation of or have any obligation to the designated entity.

3. The articles of incorporation of the designated entity shall provide for its governance and its efficient management. In providing for its governance, the articles of the designated entity shall address the following:

a. A board of directors to govern the designated entity.

b. The appointment of a chief executive officer by the board to manage the designated entity's daily operations.

c. The delegation of such powers and responsibilities to the chief executive officer as may be necessary for the designated entity's efficient operation.

d. The employment of personnel necessary for the efficient performance of the duties assigned to the designated entity. 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 designated entity 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 designated entity.

Sec. 6. NEW SECTION. 135D.6 Board of directors — composition — duties.

1. The designated entity shall be administered by a board of directors.

2. A single industry shall not be disproportionately represented as voting members of the board. The board shall include at least one member who is a consumer of health services and a majority of the voting members of the board shall be representative of participants in the Iowa health information network. The director of public health or the director's designee and the director of the Iowa Medicaid enterprise or the director's designee shall act as voting members of the board. The commissioner of insurance shall act as an ex officio, nonvoting member of the board. Individuals serving in an ex officio, nonvoting capacity shall not be included in the total number of individuals authorized as members of the board.

3. The board of directors shall do all of the following:

a. Ensure that the designated entity enters into contracts with each state agency necessary for state reporting requirements.

b. Develop, implement, and enforce the following:

(1) A single patient identifier or alternative mechanism to share secure patient information that is utilized by all health care professionals.

(2) Standards, requirements, policies, and procedures for access to, use, secondary use, privacy, and security of health information exchanged through the Iowa health information network, consistent with applicable federal and state standards and laws.

c. Direct a public and private collaborative effort to promote the adoption and use of health information technology in the state to improve health care quality, increase patient safety, reduce health care costs, enhance public health, and empower individuals and health care professionals with comprehensive, real-time medical information to provide continuity of care and make the best health care decisions.

d. Educate the public and the health care sector about the value of health information technology in improving patient care, and methods to promote increased support and collaboration of state and local public health agencies, health care professionals, and consumers in health information technology initiatives.

e. Work to align interstate and intrastate interoperability standards in accordance with national health information exchange standards.

f. Provide an annual budget and fiscal report for the Iowa health information network to the governor, the department of public health, the department of management, the chairs and ranking members of the legislative government oversight standing committees, and the legislative services agency. The report shall also include information about the services provided through the network and information on the participant usage of the network.

Sec. 7. NEW SECTION. 135D.7 Legal and policy — liability — confidentiality.

1. The board shall implement industry-accepted security standards, policies, and procedures to protect the transmission and receipt of protected health information exchanged through the Iowa health information network, which shall, at a minimum, comply with HIPAA and shall include all of the following:

a. A secure and traceable electronic audit system to document and monitor the sender and recipient of health information exchanged through the Iowa health information network.

b. A required standard participation agreement which defines the minimum privacy and security obligations of all participants using the Iowa health information network and services available through the Iowa health information network.

c. The opportunity for a patient to decline exchange of the patient's health information through the record locator service of the Iowa health information network.

(1) A patient shall not be denied care or treatment for declining to exchange the patient's health information, in whole or in part, through the network.

(2) The board shall provide the means and process by which a patient may decline participation. The means and process utilized shall minimize the burden on patients and health care professionals.

(3) Unless otherwise authorized by law or rule, a patient's decision to decline participation means that none of the patient's health information shall be accessible through the record locator service function of the Iowa health information network. A patient's decision to decline having health information shared through the record locator service function shall not limit a health care professional with whom the patient has or is considering a treatment relationship from sharing health information concerning the patient through the secure messaging function of the Iowa health information network.

(4) A patient who declines participation in the Iowa health information network may later decide to have health information shared through the network. A patient who is participating in the network may later decline participation in the network.

2. A participant shall not be compelled by subpoena, court order, or other process of law to access health information through the Iowa health information network in order to gather records or information not created by the participant.

3. A participant exchanging health information and data through the Iowa health information network shall grant to other participants of the network a nonexclusive license to retrieve and use that information in accordance with applicable state and federal laws, and the policies and standards established by the board.

4. A health care professional who relies reasonably and in good faith upon any health information provided through the Iowa health information network in treatment of a patient who is the subject of the health information shall be immune from criminal or civil liability arising from the damages caused by such reasonable, good-faith reliance. Such immunity shall not apply to acts or omissions constituting negligence, recklessness, or intentional misconduct.

5. A participant who has disclosed health information through the Iowa health information network in compliance with applicable law and the standards, requirements, policies, procedures, and agreements of the network shall not be subject to criminal or civil liability for the use or disclosure of the health information by another participant.

6. The following records shall be confidential records pursuant to chapter 22, unless otherwise ordered by a court or consented to by the patient or by a person duly authorized to release such information:

a. The health information contained in, stored in, submitted to, transferred or exchanged by, or released from the Iowa health information network.

b. Any health information in the possession of the board due to its administration of the Iowa health information network.

7. Unless otherwise provided in this chapter, when sharing health information through the Iowa health information network or a private health information network maintained in this state that complies with the privacy and security requirements of this chapter for the purposes of patient treatment, payment or health care operations, as such terms are defined in HIPAA, or for the purposes of public health activities or care coordination, a participant authorized by the designated entity to use the record locator service is exempt from any other state law that is more restrictive than HIPAA that would otherwise prevent or hinder the exchange of patient information by the participant.

8. A patient aggrieved or adversely affected by the designated entity's failure to comply with subsection 1, paragraph "c", may bring a civil action for equitable relief as the court deems appropriate.

Sec. 8. REPEAL. Sections 135.154, 135.155, 135.155A, 135.156, 135.156A, 135.156B, 135.156C, 135.156D, 135.156E, and 135.156F, are repealed upon the assumption of the administration and governance, including but not limited to the assumption of the assets and liabilities, of the Iowa health information network by the designated entity. The department

of public health shall notify the Code editor of the date of such assumption by the designated entity.

Sec. 9. EFFECTIVE DATES. This division of this Act takes effect upon the assumption of the administration and governance, including but not limited to the assumption of the assets and liabilities, of the Iowa health information network by the designated entity. The department of public health shall notify the Code editor of the date of such assumption by the designated entity.

DIVISION II
SELECTION OF DESIGNATED ENTITY
AND TRANSITION PROVISIONS

Sec. 10. Section 135.154, Code 2015, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. “*Care coordination*” means the management of all aspects of a patient’s care to improve health care quality.

NEW SUBSECTION. 19A. “*Public health activities*” means actions taken by a participant in its capacity as a public health authority under the Health Insurance Portability and Accountability Act or as required or permitted by other federal or state law.

NEW SUBSECTION. 23. “*Record locator service*” means the functionality of the Iowa health information network that queries data sources to locate and identify potential patient records.

Sec. 11. Section 135.155, subsection 2, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Preserve the choice of the patient to have the patient’s health information available through the record locator service.

Sec. 12. Section 135.156E, subsections 2 and 13, Code 2015, are amended to read as follows:

2. A patient shall have the opportunity to decline exchange of the patient’s health information through the record locator service of the Iowa health information network. A patient shall not be denied care or treatment for declining to exchange the patient’s health information, in whole or in part, through the record locator service of the Iowa health information network. The board shall provide by rule the means and process by which patients may decline participation. The means and process utilized under the rules shall minimize the burden on patients and health care professionals.

13. Unless otherwise provided in this division, when using sharing health information through the Iowa health information network or a private health information network maintained in this state that complies with the privacy and security requirements of this chapter for the purposes of patient treatment, payment, or health care operations, as such terms are defined in the Health Insurance Portability and Accountability Act, or for the purposes of public health activities or care coordination, a ~~health care professional or a hospital participant~~ authorized to use the record locator service is exempt from any other state law that is more restrictive than the Health Insurance Portability and Accountability Act that would otherwise prevent or hinder the exchange of patient information by ~~the patient’s health care professional or hospital~~ such participant.

Sec. 13. SELECTION OF A DESIGNATED ENTITY. The department of public health shall utilize a competitive process to select a designated entity to administer and govern the Iowa health information network.

Sec. 14. CONTINUATION OF PARTICIPATION AGREEMENTS. If the department of public health selects a designated entity pursuant to this division of this Act, the designated entity shall continue any agreement between an authorized participant and the Iowa health information network existing upon the transition of the assumption of the administration and governance, including but not limited to the assumption of the assets and liabilities of

the Iowa health information network by the designated entity, under the same terms through completion of the original agreement period.

Sec. 15. IOWA HEALTH INFORMATION NETWORK FUND. If the department of public health selects a designated entity pursuant to this division of this Act, any moneys remaining in the Iowa health information network fund established pursuant to section 135.156C, Code 2015, that are obligated or encumbered for expenses related to the Iowa health information network prior to the assumption of the administration and governance, including but not limited to the assumption of the assets and liabilities, of the Iowa health information network by the designated entity, shall be retained by the department. The remainder of the moneys in the fund shall be transferred to the designated entity upon the assumption of the administration and governance of the Iowa health information network.

Sec. 16. TRANSFER OF ASSETS AND LIABILITIES AND ADMINISTRATIVE RESPONSIBILITIES TO THE DESIGNATED ENTITY. If the department of public health selects a designated entity pursuant to this division of this Act, the department shall continue to provide administrative support to the Iowa health information network as provided in section 135.156, Code 2015, until such time as the designated entity assumes such responsibilities. Upon selection of the designated entity, the assets and liabilities of the Iowa health information network shall be transferred to the designated entity.

Sec. 17. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 24, 2015

CHAPTER 74

PRIVATE PROVIDERS OF VETERANS BENEFITS SERVICES — DISCLOSURE REQUIREMENTS

H.F. 414

AN ACT requiring disclosures by private providers of veterans benefits services and including penalties.

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

Section 1. Section 35A.5, Code 2015, is amended by adding the following new subsection:
NEW SUBSECTION. 18. In coordination with the county commissions of veteran affairs, develop a written disclosure statement for use by private providers of veterans benefits services under section 546B.3. At a minimum, the written disclosure statement shall include a signature line, contact information for the department, and a statement that veterans benefits services are offered at no cost by federally chartered veteran service organizations and by county commission of veteran affairs offices, as maintained pursuant to section 35B.6.

Sec. 2. Section 546B.1, Code 2015, is amended by adding the following new subsections:
NEW SUBSECTION. 4. “*Veterans benefits services*” means services which a veteran, or a family member of a veteran, might reasonably utilize in order to obtain federal, state, or county veterans benefits.

NEW SUBSECTION. 5. “*Written disclosure statement*” means the written disclosure statement developed by the department of veteran affairs pursuant to section 35A.5, subsection 18.

Sec. 3. Section 546B.2, Code 2015, is amended by adding the following new subsection:
NEW SUBSECTION. 3. This section does not apply to the owner or personnel of any medium in which an advertisement appears or through which an advertisement is disseminated.

Sec. 4. Section 546B.3, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

546B.3 Veterans benefits services disclosure requirements — civil penalties.

1. A person who provides veterans benefits services in exchange for compensation shall provide a written disclosure statement to each client or prospective client. Before a person enters into such an agreement to provide veterans benefits services or accepts money or any other thing of value for the provision of veterans benefits services, the person must obtain the signature of the client on a written disclosure statement containing an attestation by the client that the client has read and understands the written disclosure statement.

2. A person who violates the provisions of this section is subject to a civil penalty not to exceed one thousand dollars for each violation. Civil penalties shall be assessed by the district court in an action initiated by the attorney general. For the purposes of computing the amount of each civil penalty, each service provided by the person constitutes a separate violation. Additionally, the attorney general may accept a civil penalty as determined by the attorney general in settlement of an investigation of a violation of this section regardless of whether an action has been filed pursuant to this section. Any civil penalty recovered shall be deposited in the veterans trust fund created in section 35A.13.

Approved April 24, 2015

CHAPTER 75

MENTAL HEALTH TREATMENT FACILITIES — CRISIS STABILIZATION PROGRAMS — PSYCHIATRIC BED TRACKING SYSTEM

H.F. 449

AN ACT relating to mental health crisis facilities.

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

Section 1. Section 225C.19A, Code 2015, is amended to read as follows:

225C.19A Crisis stabilization programs.

The department shall accredit, certify, or apply standards of review to authorize the operation of crisis stabilization programs including crisis stabilization programs operating in a psychiatric medical institution for children pursuant to chapter 135H that provide children with mental health, substance abuse, and co-occurring mental health and substance abuse services. In authorizing the operation of a crisis stabilization program, the department shall apply the relevant requirements for an emergency mental health crisis services provider and system under section 225C.19. A program authorized to operate under this section is not required to be licensed under chapter 135B, 135C, or 135G, or certified under chapter 231C. The commission shall adopt rules to implement this section. The department shall accept accreditation of a crisis stabilization program by a national accrediting organization in lieu of applying the rules adopted in accordance with this section to the program.

Sec. 2. **PSYCHIATRIC BED TRACKING SYSTEM — DEPARTMENT OF HUMAN SERVICES.** The department of human services shall expend the sum of two hundred thousand dollars, or so much thereof as is necessary, for the fiscal year beginning July 1, 2015, and ending June 30, 2016, to be used for the development and initial implementation

of a psychiatric bed tracking system, including psychiatric beds in a subacute care facility, in accordance with this section.

1. In developing the requirements for procurement of the system, the department of human services shall engage the group of magistrates and hospital personnel that assisted the department in developing the hospital bed tracking system report submitted to the general assembly in December 2013, pursuant to 2013 Iowa Acts, chapter 130, section 56. The department shall also engage other interested representatives, including representatives of the regional mental health and disability services system, the state mental health institutes, a nonprofit agency licensed under chapter 135H, the Iowa behavioral health association, the Iowa state sheriffs' and deputies' association, the Iowa hospital association, the Iowa psychiatric society, and the Iowa association of community providers. The procedural issues addressed by the group shall include but are not limited to the responsibility for data entry and verification, timeliness of data entry, confidentiality requirements associated with the data needed to ensure the usefulness of the system, and key characteristics and capacity information about the beds in the system.

2. The department shall base the procurement requirements on the recommendation option contained in the December 2013 report that projected the lowest annual maintenance and operating costs rather than the other option.

3. The goal of the psychiatric bed tracking system is to provide for the reservation of psychiatric beds for patients being transported to a facility with a vacant bed; however, reservation of a bed through the psychiatric bed tracking system shall be consistent with state and federal laws, shall be held for a period of at least twelve hours, and shall be communicated to the receiving facility and approved by the receiving facility. In addition, it is the goal of the psychiatric bed tracking system that the psychiatric bed tracking system be utilized by clerks of the district courts, hospital personnel, and other appropriate entities as determined by the department of human services.

Approved April 24, 2015

CHAPTER 76

APPOINTMENT OF MENTAL HEALTH ADVOCATES

H.F. 468

AN ACT relating to the appointment of mental health advocates.

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

Section 1. Section 229.1, Code 2015, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "Advocate" means a mental health advocate.

NEW SUBSECTION. 14A. "Region" means a mental health and disability services region formed in accordance with section 331.389.

Sec. 2. Section 229.9A, Code 2015, is amended to read as follows:

229.9A Advocate informed.

The court shall direct the clerk to ~~shall~~ furnish the advocate of the respondent's county of residence with appointed for the county in which an application is completed a copy of the application and any order issued pursuant to section 229.8, subsection 3. The advocate may attend the hospitalization hearing of any respondent for whom the advocate has received notice of a hospitalization hearing.

Sec. 3. Section 229.12, subsection 2, Code 2015, is amended to read as follows:

2. All persons not necessary for the conduct of the proceeding shall be excluded, except that the court may admit persons having a legitimate interest in the proceeding and shall permit the advocate from the ~~respondent's county of residence where the respondent is located~~ to attend the hearing. Upon motion of the county attorney, the judge may exclude the respondent from the hearing during the testimony of any particular witness if the judge determines that witness's testimony is likely to cause the respondent severe emotional trauma.

Sec. 4. Section 229.19, Code 2015, is amended to read as follows:

229.19 Advocates — appointment — duties — employment and compensation — state and county liability.

1. ~~a. In each county with a population of three hundred thousand or more inhabitants the board of supervisors shall appoint an individual who has demonstrated by prior activities an informed concern for the welfare and rehabilitation of persons with mental illness, and who is not an officer or employee of the department of human services nor, an officer or employee of a region, an officer or employee of a county performing duties for a region, or an officer or employee of any agency or facility providing care or treatment to persons with mental illness, to act as an advocate representing the interests of patients involuntarily hospitalized by the court, in any matter relating to the patients' hospitalization or treatment under section 229.14 or 229.15. In each county with a population of under three hundred thousand inhabitants, the chief judge of the judicial district encompassing the county shall appoint the advocate.~~

~~b. The committing court or, if the advocate is appointed by the county board of supervisors, the board shall assign the advocate appointed from a patient's county of residence to represent the interests of the patient. If a patient has no county of residence or the patient is a state case, the court or, if the advocate is appointed by the county board of supervisors, the board shall assign the advocate appointed from the county where the hospital or facility is located to represent the interests of the patient shall assign the advocate for the county where the patient is located. A county or region may seek reimbursement from the patient's county of residence or from the region in which the patient's county of residence is located.~~

c. The advocate's responsibility with respect to any patient shall begin at whatever time the attorney employed or appointed to represent that patient as respondent in hospitalization proceedings, conducted under sections 229.6 to 229.13, reports to the court that the attorney's services are no longer required and requests the court's approval to withdraw as counsel for that patient. However, if the patient is found to be seriously mentally impaired at the hospitalization hearing, the attorney representing the patient shall automatically be relieved of responsibility in the case and an advocate shall be assigned to the patient at the conclusion of the hearing unless the attorney indicates an intent to continue the attorney's services and the court so directs. If the court directs the attorney to remain on the case, the attorney shall assume all the duties of an advocate. The clerk shall furnish the advocate with a copy of the court's order approving the withdrawal and shall inform the patient of the name of the patient's advocate.

d. With regard to each patient whose interests the advocate is required to represent pursuant to this section, the advocate's duties shall include all of the following:

(1) To review each report submitted pursuant to sections 229.14 and 229.15.

(2) If the advocate is not an attorney, to advise the court at any time it appears that the services of an attorney are required to properly safeguard the patient's interests.

(3) To be readily accessible to communications from the patient and to originate communications with the patient within five days of the patient's commitment.

(4) To visit the patient within fifteen days of the patient's commitment and periodically thereafter.

(5) To communicate with medical personnel treating the patient and to review the patient's medical records pursuant to section 229.25.

(6) To file with the court quarterly reports, and additional reports as the advocate feels necessary or as required by the court, in a form prescribed by the court. The reports shall state what actions the advocate has taken with respect to each patient and the amount of time spent.

(7) To utilize the related best practices for the duties identified in this paragraph “d” developed and promulgated by the judicial council.

e. An advocate may also be appointed assigned pursuant to this section for an individual who has been diagnosed with a co-occurring mental illness and substance-related disorder.

2. The hospital or facility to which a patient is committed shall grant all reasonable requests of the advocate to visit the patient, to communicate with medical personnel treating the patient, and to review the patient’s medical records pursuant to section 229.25. An advocate shall not disseminate information from a patient’s medical records to any other person unless done for official purposes in connection with the advocate’s duties pursuant to this chapter or when required by law.

3. ~~The court or, if the advocate is appointed by the county board of supervisors, the board shall prescribe reasonable compensation for the services of the advocate. The compensation shall be based upon the reports filed by the advocate with the court the duties performed by the advocate and in accordance with the personnel policies set forth by the board for county employees. The advocate’s compensation shall be paid by the county in which the court is located, either on order of the court or, if the advocate is appointed by the county board of supervisors, on the direction of the board. If the advocate is appointed by the court, the advocate is an employee of the state for purposes of chapter 669. If the advocate is appointed by the county board of supervisors, the~~ The advocate is an employee of the county, including for purposes of chapter chapters 97B and 670. If the patient or the person who is legally liable for the patient’s support is not indigent, the board shall recover the costs of compensating the advocate from that person. If that person has an income level as determined pursuant to section 815.9 greater than one hundred percent but not more than one hundred fifty percent of the poverty guidelines, at least one hundred dollars of the advocate’s compensation shall be recovered in the manner prescribed by the county board of supervisors. If that person has an income level as determined pursuant to section 815.9 greater than one hundred fifty percent of the poverty guidelines, at least two hundred dollars of the advocate’s compensation shall be recovered in substantially the same manner prescribed by the county board of supervisors as provided in section 815.9.

4. The state mental health and disability services commission created in section 225C.5, in consultation with advocates and county and judicial branch representatives, shall adopt rules pursuant to chapter 17A relating to advocates that include but are not limited to all of the following topics:

- a. Quarterly and annual reports.
- b. Data collection requirements.
- c. Juvenile patient representation.
- d. Grievance procedures.
- e. Conflict of interest provisions.
- f. Workforce coverage.
- g. Confidentiality.
- h. Minimum professional qualifications and educational requirements.
- i. Caseload criteria.
- j. Caseload audits.
- k. Quality assurance measures.
- l. Territory assignments.

5. An advocate appointed by the chief judge of a judicial district or by the county board of supervisors prior to July 1, 2015, shall be considered to be appointed by the county board of supervisors on July 1, 2015, as required in subsection 1. Such an advocate shall be compensated at a minimum at the advocate’s wage and benefit level in place immediately prior to July 1, 2015.

CHAPTER 77**VETERINARY CARE SERVICES — PARTNERSHIPS, LIMITED LIABILITY COMPANIES,
AND CORPORATIONS***H.F. 525*

AN ACT allowing a professional limited liability company or a partnership of veterinarians to provide veterinary care.

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

Section 1. Section 169.4A, Code 2015, is amended to read as follows:

169.4A Provision of veterinary services.

1. A person, including a corporation, limited liability company, or partnership, established on or after July 1, 1994, other than either a professional corporation organized under chapter 496C or a veterinarian licensed under this chapter, shall not provide veterinary medical services, own a veterinary clinic, or practice veterinary medicine in this state, except as otherwise provided in this chapter. However, this section

2. Subsection 1 shall not prohibit do any of the following:

a. Apply to a veterinarian licensed under this chapter, a partnership formed under chapter 486A and composed of licensed veterinarians, a limited liability partnership formed under chapter 486A and composed of licensed veterinarians, a professional limited liability company organized under chapter 489 and engaging in the practice of veterinary medicine, or a professional corporation organized under chapter 496C and engaging in the practice of veterinary medicine.

b. Prohibit a person from owning an interest in real property or a building where a veterinary clinic is located, if veterinary medical services or a veterinary medicine practice is conducted by at the clinic by a professional corporation or a veterinarian licensed under this chapter person described in paragraph "a".

Approved April 24, 2015

CHAPTER 78**DISORDERLY CONDUCT AT FUNERALS OR MEMORIAL SERVICES***H.F. 558*

AN ACT relating to disorderly conduct by persons at funeral or memorial services and making penalties applicable.

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

Section 1. Section 723.5, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

A person shall not do any of the following within ~~five hundred one thousand~~ feet of the building or other location where a funeral or memorial service is being conducted, or within ~~five hundred one thousand~~ feet of a funeral procession or burial:

Approved April 24, 2015

CHAPTER 79**GARNISHMENT AND LEVY — NOTICE TO DEBTOR***H.F. 569*

AN ACT relating to notice of garnishment and levy to a judgment debtor.

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

Section 1. Section 626.50, Code 2015, is amended to read as follows:

626.50 Duty to levy — notice of ownership or exemption — notice to defendant.

1. An officer is bound to levy an execution on any personal property in the possession of, or that the officer has reason to believe belongs to, the defendant, or on which the plaintiff directs the officer to levy, after having received written instructions for the levy from the plaintiff or the attorney who had the execution issued to the sheriff, unless the officer has received notice in writing under oath from some other person, or that person's agent or attorney, that the property belongs to the person, stating the nature of the person's interests in the property, how and from whom the person acquired the property, and the consideration paid for the property; or from the defendant, that the property is exempt from execution.

2. *a.* The officer making the levy in subsection 1 shall promptly serve written notice of the levy on the defendant. The notice shall be served in the same manner as provided for original notice.

b. ~~This section subsection~~ subsection is not applicable to garnishment proceedings.

Sec. 2. Section 642.5, subsection 2, Code 2015, is amended to read as follows:

2. The sheriff shall ~~append file the answers to the examination to the sheriff's return~~ within seven business days of receiving the answers.

Sec. 3. Section 642.14, Code 2015, is amended to read as follows:

642.14 Notice of garnishment proceedings.

Judgment against the garnishee shall not be entered until notice as required by section 642.14A or 642.14B has been served upon the defendant in the main action ~~has had ten days' notice of the garnishment proceedings, to be served in the same manner as original notices.~~ However, if the garnishment is to earnings owed such defendant by the garnishee, judgment may be entered if notice to the defendant is served with the notice of garnishment to the garnishee who shall deliver the notice to the defendant with the remainder of or in lieu of the defendant's earnings. ~~The garnishee shall state in answer to the service of notice of garnishment whether or not service of notice was delivered to the defendant.~~

The notice required by this section shall contain the full text of section 630.3A.

Sec. 4. Section 642.14A, Code 2015, is amended to read as follows:

642.14A Notice of garnishment and levy to defendant — non-employer garnishees.

1. ~~Within seven~~ If the garnishment is to property other than earnings an employer owes a defendant, the judgment creditor shall serve upon a debtor who is a natural person not later than seven business days after execution is served upon a garnishee, the sheriff shall send the sheriff's filing of a garnishee's answers pursuant to section 642.5, subsection 2, which show that the garnishee is indebted to the defendant, a notice of garnishment and levy to the defendant in the main action ~~informing~~ notifying the defendant that certain real and personal property of the defendant may be exempt from execution or garnishment and that a hearing process is available for the defendant to claim such exemptions of the information required in subsection 3.

2. The notice required by this section shall be served by personal service or restricted certified mail and first class mail to the last known address of the defendant ~~and to the defendant's attorney.~~ The judgment creditor shall provide the sheriff with the last known address of the defendant and the defendant's attorney if there is an attorney of record. Service shall not be made by a party to the action or an attorney for a party to the action. Service may be made by taking acknowledgment of service from the defendant. Proof of mailing or personal such service by the sheriff shall be by affidavit filed with the court.

3. The notice required by this section shall:

a. Inform the defendant that judgment has been entered in the main action and the defendant's funds or other property is subject to execution under the judgment.

b. Inform the defendant that the defendant has the right to claim funds or other property exempt from execution or garnishment and a right to be timely heard on those claims request and have a timely hearing before a judge to claim such exemptions.

c. Inform the defendant that if the defendant does not file a motion or other appropriate pleading to claim funds or other property exempt from execution or garnishment under state or federal law, the defendant may lose any such rights and the funds or other property may be applied to the judgment against the defendant.

d. Inform the defendant that state and federal laws may place limits on the amount of earnings that may be garnished annually and per pay period and limits on other funds and property that may be garnished or levied against.

e. Contain the full text of section 630.3A.

f. State that the defendant may wish to consult a lawyer for advice as to the meaning of the notice.

g. Inform the defendant that any garnishment for fines imposed on a defendant in a criminal case is subject to section 909.6, including the provision that any law which exempts a person's personal property from any lien or legal process is not applicable for such garnishment.

4. An additional court filing fee shall not be assessed for proceedings under this section.

Sec. 5. NEW SECTION. 642.14B **Notice to defendant — employer garnishees.**

If the garnishment is to earnings an employer owes a defendant, the employer shall deliver the notice of garnishment to the defendant with the remainder of or in lieu of the defendant's earnings. The garnishee shall state in answer to the sheriff's examination whether or not service of the notice of garnishment was delivered to the defendant. The notice required by this section shall contain the information required by section 642.14A, subsection 3, and shall be delivered by personal service, mail, or electronic means.

Sec. 6. NEW SECTION. 642.25 **Sheriff not an agent.**

The sheriff's actions under this chapter, including service of notice, shall not be construed to be that of an agent of any person or party in the proceedings.

Approved April 24, 2015

CHAPTER 80

REGULATION OF HEALTH CARE FACILITIES, ELDER GROUP HOMES, ASSISTED LIVING PROGRAMS, AND ADULT DAY SERVICES PROGRAMS

H.F. 579

AN ACT relating to the regulation of health care facilities, elder group homes, assisted living programs, and adult day services programs.

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

Section 1. Section 135C.10, subsection 9, Code 2015, is amended to read as follows:

9. In the case of an application ~~by an existing licensee~~ for a new or newly acquired facility, continuing or repeated failure of the licensee to operate any previously licensed facility or facilities in compliance with the provisions of this chapter, the rules adopted pursuant to this chapter, or equivalent provisions that the facility is subject to in this state or any other state.

Sec. 2. Section 135C.36, subsection 4, Code 2015, is amended to read as follows:

~~4. Any state penalty, including a fine or citation, issued as a result of the federal survey and certification process following a state licensure and federal certification survey or investigation shall be dismissed if the corresponding federal deficiency or citation is dismissed or removed. Any state penalty, including a fine or citation, shall be retained or reinstated if the federal deficiency is retained or reinstated.~~

Sec. 3. Section 135C.41, subsection 2, Code 2015, is amended to read as follows:

2. If the facility desires to contest the citation, notify the director that the facility desires to contest the citation and ~~request do either of the following:~~

a. Request an informal conference with an independent reviewer pursuant to section 135C.42. Upon the conclusion of an informal conference, in the case of an affirmed or modified citation, the facility may request a contested case hearing in writing within five days after receipt of the written explanation of the independent reviewer.

b. Request a contested case hearing in the manner provided by chapter 17A for contested cases. The formal hearing shall be conducted in accordance with chapter 17A and rules adopted by the department.

Sec. 4. Section 135C.42, subsection 1, Code 2015, is amended to read as follows:

1. The director shall provide an independent reviewer to hold an informal conference with the facility within ten working days after receipt of a request made under section 135C.41, subsection 2, paragraph "a". At the conclusion of the conference the independent reviewer may affirm or may modify or dismiss the citation. The independent reviewer shall state in writing the specific reasons for the affirmation, modification, or dismissal and immediately transmit copies of the statement to the director, and to the facility. If the facility does not desire to further contest an affirmed or modified citation, it shall comply with section 135C.41, subsection 1, within five working days after ~~the informal conference, or after receipt of the written explanation of the independent reviewer, as the case may be, comply with section 135C.41, subsection 1.~~

Sec. 5. Section 135C.43, Code 2015, is amended to read as follows:

135C.43 Formal contest — judicial ~~Judicial~~ review.

~~1. A facility that desires to further contest an affirmed or modified citation for a class I, class II, or class III violation may do so in the manner provided by chapter 17A for contested cases. Notice of intent to formally contest a citation shall be given the department in writing within five days after the informal conference or after receipt of the written explanation of the independent reviewer provided to hold the informal conference, whichever is applicable, in the case of an affirmed or modified citation. A facility which has exhausted all adequate administrative remedies and is aggrieved by the final action of the department may petition for judicial review in the manner provided by chapter 17A.~~

2. Hearings on petitions for judicial review brought under this section shall be set for trial at the earliest possible date and shall take precedence on the court calendar over all other cases except matters to which equal or superior precedence is specifically granted by law. The times for pleadings and for hearings in such actions shall be set by the judge of the court with the object of securing a decision in the matter at the earliest possible time.

Sec. 6. Section 135C.43A, Code 2015, is amended to read as follows:

135C.43A Reduction of penalty amount.

~~If a facility has been assessed a penalty, does not request a formal hearing pursuant to section 135C.43 135C.41, subsection 2, paragraph "b", or withdraws its request for a formal hearing within thirty days of the date that the penalty was assessed, and the penalty is paid within thirty days of the receipt of notice or service, the amount of the penalty shall be reduced by thirty-five percent. The citation which includes the civil penalty shall include a statement to this effect.~~

Sec. 7. Section 231B.9, Code 2015, is amended to read as follows:

231B.9 ~~Public disclosure~~ Disclosure of findings.

Upon completion of a monitoring evaluation or complaint investigation of an elder group home by the department pursuant to this chapter, the department's final findings with respect to compliance by the elder group home with requirements for certification shall be made available to the public in a readily available form and place. Other information relating to an elder group home that is obtained by the department which does not constitute the department's final findings from a monitoring evaluation or complaint investigation of the elder group home shall not be made available to the public except in proceedings involving the assessment of a civil penalty pursuant to section 231B.14 or the denial, suspension, or revocation of a certificate under this chapter.

Sec. 8. Section 231B.9A, Code 2015, is amended to read as follows:

231B.9A Informal conference — formal contest — judicial review.

1. Within twenty business days after issuance of the final findings, the elder group home shall notify the director if the home desires to contest the findings and request do either of the following:

a. Request an informal conference with an independent reviewer pursuant to subsection 2. Upon the conclusion of an informal conference, if the elder group home desires to further contest an affirmed or modified regulatory insufficiency, it may do so by giving notice of intent to formally contest the regulatory insufficiency, in writing, to the department within five days after receipt of the written decision of the independent reviewer.

b. Request a contested case hearing in the manner provided by chapter 17A for contested cases. The formal hearing shall be conducted in accordance with chapter 17A and rules adopted by the department.

2. a. The department shall provide an independent reviewer to hold an informal conference with an elder group home within ten working days after receiving a request from the home pursuant to subsection 1, paragraph "a". At the conclusion of the informal conference, the independent reviewer may affirm, modify, or dismiss a contested regulatory insufficiency. The independent reviewer shall state in writing the specific reasons for the affirmation, modification, or dismissal and immediately transmit copies of the statement to the department and to the home.

3. b. An independent reviewer shall be licensed as an attorney in the state of Iowa and shall not be employed or have been employed by the department in the past eight years or have appeared in front of the department on behalf of an elder group home in the past eight years. Preference shall be given to an attorney with background knowledge, experience, or training in long-term care. The department may issue a request for proposals to enter into a contract for the purpose of providing one or more independent reviewers for informal conferences.

~~4. An elder group home that desires to further contest an affirmed or modified regulatory insufficiency may do so in the manner provided by chapter 17A for contested cases. The home shall give notice of intent to formally contest a regulatory insufficiency, in writing, to the department within five days after receipt of the written decision of the independent reviewer. The formal hearing shall be conducted in accordance with chapter 17A and rules adopted by the department.~~

5. ~~3.~~ An elder group home that has exhausted all adequate administrative remedies and is aggrieved by the final action of the department may petition for judicial review in the manner provided by chapter 17A.

Sec. 9. Section 231B.10, subsection 1, paragraphs f and i, Code 2015, are amended to read as follows:

~~f.~~ Founded dependent adult abuse as defined in section 235B.2 235E.1.

~~i.~~ In the case of an application by an existing certificate holder for a new or newly acquired elder group home, continuing or repeated failure of the certificate holder to operate any previously certified elder group home or homes in compliance with the provisions of this chapter, the rules adopted pursuant to this chapter, or equivalent provisions that the elder group home is subject to in this state or any other state.

Sec. 10. Section 231C.9, Code 2015, is amended to read as follows:

231C.9 Public disclosure Disclosure of findings.

Upon completion of a monitoring evaluation or complaint investigation of an assisted living program by the department pursuant to this chapter, the department's final findings with respect to compliance by the assisted living program with requirements for certification shall be made available to the public in a readily available form and place. Other information relating to an assisted living program that is obtained by the department which does not constitute the department's final findings from a monitoring evaluation or complaint investigation of the assisted living program shall not be made available to the public except in proceedings involving the assessment of a civil penalty pursuant to section 231C.14 or the denial, suspension, or revocation of a certificate under this chapter.

Sec. 11. Section 231C.9A, Code 2015, is amended to read as follows:

231C.9A Informal conference — formal contest — judicial review.

1. Within twenty business days after issuance of the final findings, the assisted living program shall notify the director if the program desires to contest the findings and request do either of the following:

a. Request an informal conference with an independent reviewer pursuant to subsection 2. Upon the conclusion of an informal conference, if the assisted living program desires to further contest an affirmed or modified regulatory insufficiency, it may do so by giving notice of intent to formally contest the regulatory insufficiency, in writing, to the department within five days after receipt of the written decision of the independent reviewer.

b. Request a contested case hearing in the manner provided by chapter 17A for contested cases. The formal hearing shall be conducted in accordance with chapter 17A and rules adopted by the department.

2. a. The department shall provide an independent reviewer to hold an informal conference with an assisted living program within ten working days after receiving a request from the program pursuant to subsection 1, paragraph "a". At the conclusion of the informal conference, the independent reviewer may affirm, modify, or dismiss a contested regulatory insufficiency. The independent reviewer shall state in writing the specific reasons for the affirmation, modification, or dismissal and immediately transmit copies of the statement to the department and to the program.

3. b. An independent reviewer shall be licensed as an attorney in the state of Iowa and shall not be employed or have been employed by the department in the past eight years or have appeared in front of the department on behalf of an assisted living program in the past eight years. Preference shall be given to an attorney with background knowledge, experience, or training in long-term care. The department may issue a request for proposals to enter into a contract for the purpose of providing one or more independent reviewers for informal conferences.

~~4. An assisted living program that desires to further contest an affirmed or modified regulatory insufficiency may do so in the manner provided by chapter 17A for contested cases. The program shall give notice of intent to formally contest a regulatory insufficiency, in writing, to the department within five days after receipt of the written decision of the independent reviewer. The formal hearing shall be conducted in accordance with chapter 17A and rules adopted by the department.~~

5. 3. An assisted living program that has exhausted all adequate administrative remedies and is aggrieved by the final action of the department may petition for judicial review in the manner provided by chapter 17A.

Sec. 12. Section 231C.10, subsection 1, paragraph i, Code 2015, is amended to read as follows:

i. In the case of an application ~~by an existing certificate holder~~ for a new or newly acquired assisted living program, continuing or repeated failure of the certificate holder to operate any previously certified assisted living program or programs in compliance with the provisions of this chapter, the rules adopted pursuant to this chapter, or equivalent provisions that the assisted living program is subject to in this state or any other state.

Sec. 13. Section 231D.5, subsection 1, paragraphs g and k, Code 2015, are amended to read as follows:

g. Founded dependent adult abuse as defined in section ~~235B.2~~ 235E.1.

k. In the case of an application ~~by an existing certificate holder~~ for a new or newly acquired adult day services program, continuing or repeated failure of the certificate holder to operate any previously certified adult day services program or programs in compliance with the provisions of this chapter, the rules adopted pursuant to this chapter, or equivalent provisions that the adult day services program is subject to in this state or any other state.

Sec. 14. Section 231D.10, Code 2015, is amended to read as follows:

231D.10 Public disclosure Disclosure of findings.

Upon completion of a monitoring evaluation or complaint investigation of an adult day services program by the department pursuant to this chapter, the department's final findings with respect to compliance by the adult day services program with requirements for certification shall be made available to the public in a readily available form and place. Other information relating to an adult day services program that is obtained by the department which does not constitute the department's final findings from a monitoring evaluation or complaint investigation of the adult day services program shall not be made available to the public except in proceedings involving the assessment of a civil penalty pursuant to section 231D.11 or the denial, suspension, or revocation of a certificate under this chapter.

Sec. 15. Section 231D.10A, Code 2015, is amended to read as follows:

231D.10A Informal conference — formal contest — judicial review.

1. Within twenty business days after issuance of the final findings, the adult day services program shall notify the director if the program desires to contest the findings and ~~request do either of the following:~~

a. Request an informal conference with an independent reviewer pursuant to subsection

2. Upon the conclusion of an informal conference, if the adult day services program desires to further contest an affirmed or modified regulatory insufficiency, it may do so by giving notice of intent to formally contest the regulatory insufficiency, in writing, to the department within five days after receipt of the written decision of the independent reviewer.

b. Request a contested case hearing in the manner provided by chapter 17A for contested cases. The formal hearing shall be conducted in accordance with chapter 17A and rules adopted by the department.

2. a. The department shall provide an independent reviewer to hold an informal conference with an adult day services program within ten working days after receiving a request from the program pursuant to subsection 1, paragraph "a". At the conclusion of the informal conference, the independent reviewer may affirm, modify, or dismiss a contested regulatory insufficiency. The independent reviewer shall state in writing the specific reasons for the affirmation, modification, or dismissal and immediately transmit copies of the statement to the department and to the program.

3. b. An independent reviewer shall be licensed as an attorney in the state of Iowa and shall not be employed or have been employed by the department in the past eight years or have appeared in front of the department on behalf of an adult day services program in the past eight years. Preference shall be given to an attorney with background knowledge, experience, or training in long-term care. The department may issue a request for proposals to enter into a contract for the purpose of providing one or more independent reviewers for informal conferences.

~~4. An adult day services program that desires to further contest an affirmed or modified regulatory insufficiency may do so in the manner provided by chapter 17A for contested cases. The program shall give notice of intent to formally contest a regulatory insufficiency, in writing, to the department within five days after receipt of the written decision of the independent reviewer. The formal hearing shall be conducted in accordance with chapter 17A and rules adopted by the department.~~

5. 3. An adult day services program that has exhausted all adequate administrative remedies and is aggrieved by the final action of the department may petition for judicial review in the manner provided by chapter 17A.

Sec. 16. Section 235E.2, subsection 6, paragraph d, Code 2015, is amended to read as follows:

d. In every case involving dependent adult abuse which is substantiated by the department and which results in a judicial proceeding on behalf of the dependent adult, legal counsel shall be appointed by the court to represent the dependent adult in the proceedings. The court may also appoint a guardian ad litem to represent the dependent adult if necessary to protect the dependent adult's best interests. The same attorney ~~may~~ shall not be appointed to serve both as legal counsel and as guardian ad litem. Before legal counsel or a guardian ad litem is appointed pursuant to this paragraph, the court shall require the dependent adult and any person legally responsible for the support of the dependent adult to complete under oath a detailed financial statement. If, on the basis of that financial statement, the court deems that the dependent adult or the legally responsible person is able to bear all or a portion of the cost of the legal counsel or guardian ad litem, the court shall so order. In cases where the dependent adult or the legally responsible person is unable to bear the cost of the legal counsel or guardian ad litem, the expense shall be paid by the county.

Approved April 24, 2015

CHAPTER 81

SNOW AND ICE TREATMENT AND REMOVAL — LIGHTING DEVICES AND REFLECTORS

S.F. 75

AN ACT relating to the use of blue and white lighting devices and reflectors during snow and ice treatment and removal, making penalties applicable, and including sunset date provisions.

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

Section 1. Section 321.323A, subsection 2, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The operator of a motor vehicle approaching a stationary towing or recovery vehicle, a stationary utility maintenance vehicle, a stationary municipal maintenance vehicle, or a stationary highway maintenance vehicle, that is displaying flashing yellow, amber, blue, white, or red lights, shall approach the vehicle with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer:

Sec. 2. Section 321.393, Code 2015, is amended by adding the following new subsection:

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

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

Sec. 3. Section 321.423, subsection 3, paragraph a, Code 2015, is amended by adding the following new subparagraph:

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

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

Sec. 4. Section 321.423, subsection 7, paragraph a, Code 2015, is amended by adding the following new subparagraph:

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

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

Sec. 5. **USE OF BLUE AND WHITE LIGHTING DEVICES — REPORT.** The department of transportation shall document the effectiveness of displaying blue and white lighting devices on equipment used by the department for snow and ice treatment or removal on the public streets or highways. The department shall utilize existing staff and accident reporting systems to perform the documentation. Before July 1, 2019, the department shall submit a report to the general assembly containing the documentation.

Approved May 1, 2015

CHAPTER 82

CAMPAIGN FINANCE — INDEPENDENT EXPENDITURES

S.F. 199

AN ACT making changes to the campaign finance laws relating to independent expenditures and making penalties applicable.

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

Section 1. Section 68A.201, subsection 1, Code 2015, is amended to read as follows:

1. a. Every committee, as defined in this chapter, shall file a statement of organization within ten days from the date of its organization. Unless formal organization has previously occurred, a committee is deemed to have organized as of the date that committee transactions exceed the financial activity threshold established in section 68A.102, subsection 5 or 18. If committee transactions exceed the financial activity threshold prior to the due date for filing a disclosure report as established under section 68A.402, the committee shall file a disclosure report whether or not a statement of organization has been filed by the committee.

b. A person who makes one or more independent expenditures and files all statements required by section 68A.404 shall not be required to organize a committee or file the statement of organization required under this section.

Sec. 2. Section 68A.402B, subsection 3, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

3. A person who makes one or more independent expenditures and files all statements required by section 68A.404 shall not be required to file a statement of dissolution under this section.

Sec. 3. Section 68A.404, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. ~~An entity~~ A person, other than an individual or individuals, shall not make an independent expenditure or disburse funds from its treasury to pay for, in whole or in part, an independent expenditure made by another person without the authorization of a majority of the ~~entity's~~ person's board of directors, executive council, or similar organizational leadership body of the use of treasury funds for an independent expenditure involving a candidate or ballot issue committee. Such authorization must occur in the same calendar year in which the independent expenditure is incurred.

Sec. 4. Section 68A.404, subsection 2, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. This section does not apply to a candidate, candidate's committee, state statutory political committee, county statutory political committee, or a political committee. This section does not apply to a federal committee or an out-of-state committee that makes an independent expenditure. A person who makes one or more independent expenditures and files all statements required by this section shall not be required to organize a committee or file the statement of organization required under section 68A.201.

Sec. 5. Section 68A.404, subsection 3, Code 2015, is amended to read as follows:

3. A person, other than a committee registered under this chapter, that makes one or more independent expenditures shall file an independent expenditure statement. All statements and reports required by this section shall be filed in an electronic format as prescribed by rule.

~~a. Subject to paragraph "b", the person filing the independent expenditure statement shall file reports under sections 68A.402 and 68A.402A. An initial report shall be filed at the same time as the independent expenditure statement. Subsequent reports shall be filed according to the same schedule as the office or election to which the independent expenditure was directed.~~

~~(1) A supplemental report shall be filed on the same dates as in section 68A.402, subsection 2, paragraph "b", if the person making the independent expenditure either raises or expends more than one thousand dollars.~~

~~(2) A report filed as a result of this paragraph "a" shall not require the identification of individual members who pay dues to a labor union, organization, or association, or individual stockholders of a business corporation. A report filed as a result of this paragraph "a" shall not require the disclosure of any donor or other source of funding to the person making the independent expenditure except when the donation or source of funding, or a portion of the donation or source of funding, was provided for the purpose of furthering the independent expenditure.~~

~~b. This section does not apply to a candidate, candidate's committee, state statutory political committee, county statutory political committee, or a political committee. This section does not apply to a federal committee or an out-of-state committee that makes an independent expenditure.~~

Sec. 6. Section 68A.404, subsection 5, paragraph g, Code 2015, is amended to read as follows:

g. A certification by an officer of the corporation representing the person, if the person is other than an individual or individuals, that the board of directors, executive council, or similar organizational leadership body expressly authorized the independent expenditure or use of treasury funds for the independent expenditure by resolution or other affirmative action within the calendar year when the independent expenditure was incurred.

Sec. 7. Section 68A.404, subsection 5, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. The name and address of every contributor or source of funding that provided anything of value that was provided for the purpose of furthering the independent expenditure. A person making an independent expenditure shall not be required to disclose the names and addresses of individual members who pay dues to a labor union, organization, or association or individual stockholders of a business corporation.

Approved May 1, 2015

CHAPTER 83**NOT-GUILTY VERDICTS AND DISMISSED CRIMINAL CHARGES — EXPUNGEMENT OF RECORDS**

S.F. 385

AN ACT relating to the expungement of not-guilty verdicts and dismissed criminal-charge records, and including effective date and applicability provisions.

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

Section 1. NEW SECTION. 901C.1 Not-guilty verdicts and criminal-charge dismissals — expungement.

1. As used in this section, unless the context otherwise requires, “expunge” and “expungement” mean the same as expunged in section 907.1.

2. *a.* Except as provided in paragraph “b”, upon application of a defendant or a prosecutor in a criminal case, or upon the court’s own motion in a criminal case, the court shall enter an order expunging the record of such criminal case if the court finds that the defendant has established that all of the following have occurred, as applicable:

(1) The criminal case contains one or more criminal charges in which an acquittal was entered for all criminal charges, or in which all criminal charges were otherwise dismissed.

(2) All court costs, fees, and other financial obligations ordered by the court or assessed by the clerk of the district court have been paid.

(3) A minimum of one hundred eighty days have passed since entry of the judgment of acquittal or of the order dismissing the case relating to all criminal charges, unless the court finds good cause to waive this requirement for reasons including but not limited to the fact that the defendant was the victim of identity theft or mistaken identity.

(4) The case was not dismissed due to the defendant being found not guilty by reason of insanity.

(5) The defendant was not found incompetent to stand trial in the case.

b. The court shall not enter an order expunging the record of a criminal case under paragraph “a” unless all the parties in the case have had time to object on the grounds that one or more of the relevant conditions in paragraph “a” have not been established.

3. The record in a criminal case expunged 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 request and without court order, to the defendant or to an agency or person granted access to the deferred judgment docket under section 907.4, subsection 2.

4. This chapter does not apply to dismissals related to a deferred judgment under section 907.9.

5. This chapter applies to all public offenses, as defined under section 692.1.

6. The court shall advise the defendant of the provisions of this chapter upon either the acquittal or the dismissal of all criminal charges in a case.

7. The supreme court may prescribe rules governing the procedures applicable to the expungement of the record of a criminal case under this chapter.

8. This section shall apply to all relevant criminal cases that occurred prior to, on, or after the effective date of this Act.

Sec. 2. **EFFECTIVE DATE.** This Act takes effect January 1, 2016.

Approved May 1, 2015

CHAPTER 84**SHORTHAND REPORTERS — REGULATION AND CERTIFICATION***S.F. 404*

AN ACT relating to the certification and regulation of shorthand reporters.

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

Section 1. Section 602.3105, Code 2015, is amended to read as follows:

602.3105 Applications.

Applications for certification shall be on forms prescribed and furnished by the board and the board shall not require that the application contain a photograph of the applicant. An applicant shall not be denied certification because of age, citizenship, sex, race, religion, marital status, or national origin although the application may require citizenship information. ~~The board may consider the past felony record of an applicant.~~ Character references may be required, but shall not be obtained from certified shorthand reporters.

Sec. 2. NEW SECTION. **602.3108 Certification.**

The board may issue a certificate to a person of good moral character and fitness who makes application on a form prescribed and furnished by the board and who satisfies the education, experience, and examination requirements of this article and rules prescribed by the supreme court pursuant to this article. The board may consider the applicant's past record of any felony conviction and the applicant's past record of disciplinary action with respect to certification as a shorthand reporter in any jurisdiction. The board may deny certification if the board finds the applicant has committed any of the acts listed in section 602.3203 or has made a false statement of material fact on the application for certification.

Sec. 3. Section 602.3203, Code 2015, is amended by adding the following new subsection: NEW SUBSECTION. 8. Noncompliance with section 602.3204.

Sec. 4. NEW SECTION. **602.3204 Transcript integrity.**

A certified shorthand reporter taking a deposition, or any other person with whom the certified shorthand reporter has a principal-agent or employer-employee relationship, shall not enter into an agreement for reporting services that requires the certified shorthand reporter to relinquish control of an original deposition transcript and copies of the transcript before it is certified and delivered to the custodial attorney.

Sec. 5. NEW SECTION. **602.3205 Audio recordings.**

1. Except as provided in subsection 2 or 3, a certified shorthand reporter's audio recordings used solely for the purpose of providing a verbatim written transcript of a court proceeding or a proceeding conducted in anticipation of use in a court proceeding shall be considered the personal property and private work product of the certified shorthand reporter.

2. An audio recording of a certified shorthand reporter appointed under section 602.6603 shall be provided to the presiding judge or chief judge for an in-camera review upon court order for good cause shown.

3. *a.* An audio recording of a certified shorthand reporter shall be provided to the board upon request by the board if a disciplinary proceeding is pending regarding the certified shorthand reporter who is a respondent under the provisions of section 602.3203 or the rules of the board of examiners of shorthand reporters, Iowa court rules, ch. 46.

b. The audio recordings provided in ¹ this subsection shall be kept confidential by the board in a manner as provided in section 272C.6, subsection 4.

Approved May 1, 2015

¹ See chapter 138, §47 herein

CHAPTER 85
ADMINISTRATION OF ELECTIONS
S.F. 415

AN ACT related to elections administration.

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

Section 1. Section 43.45, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding any requirement to the contrary in subsection 1 and subsection 2, paragraph “c”, the commissioner of a county using digital ballot counting technology may direct the precinct election officials to tally and record write-in votes at the precincts after the closing of the polls or may direct the precinct election officials to sort the ballots by¹ write-in votes for delivery to the special precinct board to tally and record the write-in votes on any day following election day and prior to the canvass by the board of supervisors under section 43.49. For the purposes of this subsection “*digital ballot counting technology*” is technology in which digital images of write-in votes are printed by the precinct election officials at the polling place after the close of voting.

Sec. 2. Section 50.24, subsection 2, Code 2015, is amended to read as follows:

2. Upon convening, the board shall open and canvass the tally lists and shall prepare abstracts stating the number of votes cast in the county, or in that portion of the county in which the election was held, for each office and on each question on the ballot for the election. The board shall contact the chairperson of the special precinct board before adjourning and include in the canvass any write-in votes tallied and recorded by the special precinct board or any absentee ballots which were received after the polls closed in accordance with section 53.17 and which were canvassed by the special precinct board after election day. The 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 named received for that office, and the number of votes for and against each question submitted to the voters at the election. The votes of all write-in candidates who each received less than five percent of the votes cast for an office shall be reported collectively under the heading “scattering”.

Sec. 3. Section 53.20, subsection 1, Code 2015, is amended to read as follows:

1. There is established in each county a special precinct to be known as the absentee ballot and special voters precinct. Its jurisdiction shall be conterminous with the borders of the county, for the purposes specified by sections 53.22 and 53.23, and the requirement that precincts not cross the boundaries of legislative districts shall not be applicable to it. The commissioner shall draw up an election board panel for the special precinct in the manner prescribed by section 49.15, having due regard for the nature and extent of the duties required of members of the election board and the election officers to be appointed from the panel, including, if directed by the commissioner, the tallying and recording of write-in votes.

Approved May 1, 2015

¹ See chapter 138, §13 herein

CHAPTER 86**INCOME TAX — BROADCASTERS — APPORTIONMENT OF GROSS RECEIPTS**

S.F. 479

AN ACT concerning the apportionment of certain gross receipts of a broadcaster for purposes of Iowa income tax, and including retroactive applicability provisions.

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

Section 1. Section 422.33, subsection 2, paragraph a, subparagraph (2), Code 2015, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (0e) (i) Notwithstanding subparagraph division (c), where income is derived by a broadcaster from broadcasting, the part attributable to business within the state shall be in the proportion that the gross receipts from broadcasting derived from customers whose commercial domicile is in this state bears to the total gross receipts from broadcasting.

(ii) Notwithstanding subparagraph subdivision (i) or subparagraph division (c), where income is derived by a broadcaster from national or local political advertising that is directed exclusively at one or more markets in this state, all gross receipts from such advertising shall be attributable to business within the state.

(iii) For purposes of this subparagraph division:

(A) “*Broadcaster*” means a taxpayer who is engaged in the business of broadcasting. “*Broadcaster*” includes a television network, a cable program network, and a television distribution company. “*Broadcaster*” does not include a cable system operator, a direct broadcast satellite system operator, or a television or radio station licensed by the federal communications commission.

(B) “*Broadcasting*” means the transmission of film programming by an electronic or other signal conducted by microwaves, wires, lines, coaxial cables, wave guides, fiber optics, satellite transmissions, or through any other means of communication directly or indirectly to viewers and listeners.

(C) “*Customer*” means a person who has a direct contractual relationship with a broadcaster from whom the broadcaster derives gross receipts. “*Customer*” includes but is not limited to an advertiser or licensee.

(D) “*Gross receipts from broadcasting*” means gross receipts of a broadcaster from transactions and activities in the regular course of its business, including but not limited to advertising, licensing, and distribution, but excluding gross receipts from the sale of real property or tangible personal property.

Sec. 2. Section 422.33, subsection 2, paragraph a, subparagraph (2), subparagraph division (e), Code 2015, is amended to read as follows:

(e) Where income consists of more than one class of income as provided in subparagraph divisions (a) through (d) (0e) of this subparagraph, it shall be reasonably apportioned by the business activity ratio provided in rules adopted by the director.

Sec. 3. **RETROACTIVE APPLICABILITY.** This Act applies retroactively to January 1, 2015, for tax years beginning on or after that date.

Approved May 1, 2015

CHAPTER 87**SALE OF PORTABLE ELECTRONICS INSURANCE — REGULATION AND LICENSURE****S.F. 487**

AN ACT regulating the sale of portable electronics insurance, including requiring licensure, providing for fees and penalties, and including effective date provisions.

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

Section 1. NEW SECTION. 522E.1 Definitions.

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

1. “*Commissioner*” means the commissioner of insurance.
2. “*Consumer*” means a person who purchases portable electronics in a retail transaction.
3. “*Endorsee*” means an unlicensed employee or authorized representative of a licensed portable electronics vendor.
4. “*Enrollment*” means the process of soliciting or accepting enrollments or applications from a consumer under a portable electronics insurance policy, which includes informing the consumer of the availability of coverage, preparing and delivery of the certificate of insurance or notice of proposed insurance, or otherwise assisting the consumer in making an informed decision whether or not to elect to purchase portable electronics insurance.
5. “*Free-trial offer*” means an offer to a consumer under which portable electronics insurance is provided free of charge for a limited time period subsequent to which a charge is made to the consumer for the insurance.
6. *a.* “*License period*” means all of that three-year period beginning as described in paragraph “*b*”, subparagraph (1) or (2), as applicable, and ending the second succeeding year on the last calendar day of the month in which the initial license was issued.
 - b.* A license period shall be determined for each person as follows:
 - (1) Upon initial licensing, the license period shall start on the date the license is issued.
 - (2) For a subsequent license, the license period shall start on the first day following the month in which the initial license was issued.
 - c.* A license shall be renewed on or before the expiration date of the license period.
7. *a.* “*Portable electronics*” means any of the following devices:
 - (1) Personal, self-contained, easily carried by an individual, battery-operated electronic communication, viewing, listening, recording, gaming, computing, or global positioning devices, including cell or satellite phones, pagers, personal global positioning satellite units, portable computers, portable audio listening, video viewing or recording devices, digital cameras, video camcorders, portable gaming systems, docking stations, and automatic answering devices, including their accessories and service related to the use of the devices.
 - (2) Any other electronic device that is portable in nature that the commissioner approves.*b.* “*Portable electronics*” does not include telecommunications switching equipment, transmission wires, cell site transceiver equipment, or other equipment and systems used by telecommunications companies to provide telecommunications service to consumers.
8. *a.* “*Portable electronics insurance*” means a contract providing coverage for the repair or replacement of portable electronics against any one or more of the following causes of loss: loss, theft, mechanical failure, malfunction, damage, or other applicable perils.
 - b.* “*Portable electronics insurance*” does not include any of the following:
 - (1) A service contract or extended warranty providing coverage limited to the repair, replacement, or maintenance of property for the operational or structural failure of property due to a defect in materials, workmanship, accidental damage from handling, power surges, or normal wear and tear.
 - (2) A policy of insurance covering a seller’s or a manufacturer’s obligations under a warranty.
 - (3) A homeowner’s, renter’s, private passenger automobile, commercial multiperil, or similar policy.
9. “*Portable electronics insurance license*” means a document issued by the commissioner pursuant to this chapter authorizing a portable electronics vendor to offer or sell portable electronics insurance in this state.

10. “*Portable electronics vendor*” means any person in the business, directly or indirectly, of selling, reselling, soliciting, or leasing portable electronics, their accessories, and related services to consumers.

Sec. 2. NEW SECTION. 522E.2 Licensure required.

A person shall not offer or sell any form of portable electronics insurance in this state unless the person is licensed as an insurance producer pursuant to chapter 522B, is issued a portable electronics insurance license pursuant to this chapter, or is an endorsee who is in compliance with section 522E.6.

Sec. 3. NEW SECTION. 522E.3 Portable electronics insurance license.

A portable electronics vendor that applies for a license and complies with the requirements of this chapter shall be issued a portable electronics insurance license by the commissioner that authorizes the licensee and the licensee’s endorsees to offer or sell portable electronics insurance to a consumer in connection with, and incidental to, the sale of portable electronics or the sale and provision of accessories or services related to the use of portable electronics.

Sec. 4. NEW SECTION. 522E.4 Application and fees.

1. A portable electronics vendor applying for a portable electronics insurance license under this chapter shall submit all of the following to the commissioner:

a. A written application for licensure, signed by the applicant or an officer of the applicant, in the form prescribed by the commissioner.

b. A certificate by the insurer that is to be named in the portable electronics insurance license, stating that the insurer is satisfied that the named applicant is trustworthy and competent to act as a portable electronics insurance licensee limited to this purpose and that the insurer will appoint the applicant to act as its agent to transact the kind or kinds of insurance that are permitted by this chapter if the portable electronics insurance license applied for is issued by the commissioner. The certification shall be subscribed by an officer or managing agent of the insurer on a form prescribed by the commissioner.

c. An application fee of the lesser of fifty dollars per each endorsee at a location of the vendor or five hundred dollars per location valid for a three-year period and, for each three-year period thereafter, a renewal fee in the same amount. A maximum fee of five thousand dollars shall apply for licensure of a portable electronics vendor with multiple locations. The fees collected shall be deposited as provided in section 505.7.

2. Costs associated with any enforcement action against or investigation of a portable electronics vendor licensed under this chapter shall be paid for by the portable electronics vendor.

Sec. 5. NEW SECTION. 522E.5 License renewal.

1. Not less than sixty days before a portable electronics insurance license will expire, the commissioner may use an electronic delivery method, including electronic mail or other similar electronic method of delivery, to deliver, or may mail, to the latest electronic mail or mailing address appearing in the commissioner’s records, an application to the licensee to renew a portable electronics insurance license for the appropriate succeeding license term. It is the licensee’s responsibility to renew the license, whether or not a renewal notice is received.

2. The commissioner may accept a late renewal without penalty, provided that the licensee’s failure to comply is due to a clerical error or inadvertence.

3. An application for renewal of a portable electronics insurance license may be filed on or before the expiration date of the license. An application for renewal of an expired license may be filed after the expiration date and until that same month and date of the next succeeding year.

4. The commissioner shall impose a penalty fee equal to one-half of the renewal fee for the portable electronics insurance license for any application for renewal that is filed after the expiration date of the license.

Sec. 6. NEW SECTION. 522E.6 Endorsee requirements.

An endorsee of a portable electronics vendor that has been issued a portable electronics insurance license pursuant to this chapter may sell or offer insurance products under the authority of the vendor's portable electronics insurance license if all of the following conditions have been met:

1. The endorsee is eighteen years of age or older.
2. The portable electronics vendor, at the time of submission of an application for a portable electronics insurance license pursuant to section 522E.4, includes a list of all locations in this state at which the vendor intends to offer coverage under a policy of portable electronics insurance. The list shall be maintained by the portable electronics vendor in a form prescribed by, or format acceptable to, the commissioner, shall be updated annually, and shall be made available to the commissioner for review and inspection upon request.
3. The portable electronics vendor provides for the training of its endorsees under a program developed by a licensed property and casualty insurance producer prior to allowing its endorsees to offer or sell portable electronics insurance. The training shall meet the following minimum standards:
 - a. Each endorsee shall receive instruction about the applicable kinds or types of portable electronics insurance authorized for sale to prospective consumers in this state as provided in section 522E.9, subsection 5.
 - b. Each endorsee shall receive training about ethical sales practices.
 - c. Each endorsee shall receive training about the disclosures to be given to prospective consumers pursuant to section 522E.9.
 - d. The retraining of endorsees shall be conducted whenever there is a material change in the insurance products sold that requires modification of the training materials, but in no event less frequently than every three years for each endorsee.
 - e. The portable electronics vendor shall maintain a list of its endorsees who have completed the required training, and make the list available to the commissioner upon request.

Sec. 7. NEW SECTION. 522E.7 Endorsee conduct.

An endorsee may act on behalf of and under the supervision of a licensed portable electronics vendor in matters relating to transacting portable electronics insurance under that vendor's license. The conduct of an endorsee acting within the scope of the endorsee's employment or agency shall be deemed the conduct of the licensed portable electronics vendor for purposes of this chapter.

Sec. 8. NEW SECTION. 522E.8 Violations and penalties.

1. If a licensed portable electronics vendor or endorsee violates any provision of this chapter or any other provision of this title, the commissioner may do any of the following:
 - a. After notice and hearing, suspend or revoke the license of the portable electronics vendor.
 - b. After notice and hearing, impose penalties on the portable electronics vendor for its conduct or that of its endorsees.
 - c. After notice and hearing, impose other penalties that the commissioner deems necessary and convenient to carry out the purposes of this chapter, including suspending the privilege of transacting portable electronics insurance pursuant to this chapter at specific business locations of the portable electronics vendor where violations have occurred, imposing penalties on the portable electronics vendor, and suspending or revoking the ability of individual endorsees to act under the vendor's license.
2. If any person sells insurance in connection with, or incidental to, the sale of portable electronics or the sale or provision of accessories or services related thereto, or holds oneself or an organization out as a licensed portable electronics vendor without obtaining the license required by this chapter, or as being an insurance producer licensed pursuant to chapter 522B without obtaining that license, the commissioner may issue a cease and desist order.

Sec. 9. NEW SECTION. 522E.9 Requirements at time of sale.

A licensed portable electronics vendor shall not sell portable electronics insurance pursuant to this chapter unless, at the time of sale, or reasonably thereafter with respect to a sale or enrollment occurring by telephone, all of the following conditions are satisfied:

1. The portable electronics vendor provides brochures or other written materials to the prospective consumer that do all of the following:

a. Summarize the material terms and conditions of coverage offered, including the identity of the insurer.

b. Describe the process for filing a claim, including a toll-free telephone number to report a claim.

c. Disclose any additional information on the price, benefits, exclusions, conditions, or other limitations of those policies that the commissioner may, by rule, prescribe.

d. Provide the name, address, telephone number, and license number of the portable electronics vendor or the property and casualty insurance broker-agent appointed by the insurer issuing portable electronics insurance coverage to the portable electronics vendor.

2. The portable electronics vendor or its endorsees make all of the following disclosures, which shall either be acknowledged in writing by the consumer, be provided in writing to the consumer, or, for sales made in person, shall be displayed by clear and conspicuous signs that are posted at every location where portable electronics insurance contracts are executed, such as the counter where the consumer signs the portable electronics insurance contract:

a. That the purchase by the consumer of the kinds of insurance prescribed in this chapter is not required in order to purchase portable electronics, accessories, or related services.

b. That the insurance policies offered by the portable electronics vendor may provide a duplication of coverage already provided by other insurance policies covering the consumer.

c. That the vendor or endorsee of the portable electronics vendor is not qualified or authorized to evaluate the adequacy of the consumer's existing insurance coverages, unless that person is licensed pursuant to chapter 522B.

d. That the consumer may cancel the insurance at any time. If the consumer cancels, any unearned premium will be refunded in accordance with applicable law.

3. The material terms and conditions of coverage are provided to every person who elects to purchase the coverage.

4. Costs for the insurance are separately itemized in any billing statement for the insurance. However, if the portable electronics insurance is included with the purchase or lease of portable electronics and accessories or related services, the portable electronics vendor shall clearly and conspicuously disclose to the consumer that the insurance coverage is included with the purchase of the portable electronics or related services and shall disclose the stand-alone cost of the premium for the same or similar insurance, if any, on the consumer's bill and in any marketing materials made available at the point of sale.

5. The portable electronics insurance is provided under an individual policy issued to the consumer, or under a group or master policy issued to an organization through a licensed insurance producer or through a licensed portable electronics vendor by an insurer authorized to transact the applicable kinds or types of insurance in this state.

6. Portable electronics insurance shall not be sold through a free-trial offer.

Sec. 10. NEW SECTION. 522E.10 Charges and collection of moneys.

1. Charges for portable electronics insurance may be billed and collected by a licensed portable electronics vendor. A licensed vendor shall not be required to maintain those moneys in a segregated account if the insurer represented by the vendor has provided in writing that the moneys need not be segregated from moneys received by the portable electronics vendor on account of the sale or lease of portable electronics or related services or accessories.

2. All moneys received by a licensed portable electronics vendor from a consumer for the sale of portable electronics insurance shall be considered moneys held in trust by the portable electronics vendor in a fiduciary capacity for the benefit of the insurer. A licensed portable electronics vendor may receive compensation for billing and collection services.

Sec. 11. NEW SECTION. 522E.11 Other restrictions.

1. Under the authority of a portable electronics insurance license, a portable electronics vendor shall not do any of the following:

a. Offer to sell insurance except in conjunction with, and incidental to, the business of selling portable electronics, their accessories, or related services.

b. Advertise, represent, or otherwise portray itself or its endorsees as licensed insurers or property and casualty insurance broker-agents.

c. Pay an endorsee compensation based primarily on the number of consumers electing coverage under the portable electronics vendor's license. However, this chapter does not prohibit the payment of compensation to an endorsee of a portable electronics vendor for activities under the vendor's license that is incidental to the endorsee's overall compensation. The incidental compensation shall not exceed fifteen dollars per transaction for portable electronics insurance coverage.

2. Unless lawfully transacting the business of insurance pursuant to a certificate of authority issued for the appropriate class of insurance, a person obligated to perform under a contract offered in or from this state that meets the definition of portable electronics insurance shall be deemed to be unlawfully transacting the business of insurance.

Sec. 12. NEW SECTION. 522E.12 Policy forms.

An insurer that provides insurance to be sold by a licensed portable electronics vendor shall file a copy of the policy form issued to a consumer, or of any policy or certificate issued under a group or master policy to an organization through an insurance producer licensed under chapter 522B or through a licensed portable electronics vendor, with the commissioner, who shall make the policy form available to the public.

Sec. 13. NEW SECTION. 522E.13 Portable electronics insurance policy changes.

1. An insurer may terminate a portable electronics insurance policy or otherwise change the terms and conditions of a portable electronics insurance policy only upon providing the licensed portable electronics vendor that is the policyholder and enrolled consumers with at least thirty calendar days' written notice.

2. If the insurer changes the terms and conditions of a policy of portable electronics insurance, the insurer shall provide the licensed portable electronics vendor that is the policyholder with a revised policy or endorsement and each enrolled consumer with a revised certificate, endorsement, updated brochure, or other evidence indicating that a change in the terms and conditions of the policy has occurred and a summary of those changes.

3. Notwithstanding subsection 1, an insurer may terminate an enrolled consumer's enrollment under a portable electronics insurance policy upon fifteen calendar days' notice for discovery of fraud or material misrepresentation in obtaining coverage or in the presentation of a claim under the policy.

4. Notwithstanding subsection 1, an insurer may immediately terminate an enrolled consumer's enrollment under a portable electronics insurance policy without prior notice for any of the following reasons:

a. Nonpayment of premium.

b. If the enrolled consumer ceases to have an active service with the licensed portable electronics vendor that is the policyholder.

c. If the enrolled consumer exhausts the aggregate limit of liability, if any, under the terms of the portable electronics insurance policy and the insurer sends notice of termination to the enrolled consumer within thirty calendar days after exhaustion of the limit. However, if notice is not sent within thirty calendar days, enrollment shall continue notwithstanding the aggregate limit of liability until thirty calendar days from the date the insurer sends notice of termination to the enrolled consumer.

5. If a portable electronics insurance policy is terminated by the licensed portable electronics vendor that is the policyholder, the portable electronics vendor shall mail or deliver 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 address specified for that purpose and to its affected enrolled consumers' last known mailing addresses on file with the insurer or the portable electronics vendor. 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. 14. NEW SECTION. 522E.14 Rules.

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

Sec. 15. NEW SECTION. 522E.15 Other law.

Nothing in this chapter regulating the sale of portable electronics insurance shall be construed to impair or impede the application of any other law regulating the sale of portable electronics insurance.

Sec. 16. EFFECTIVE DATE. This Act takes effect January 1, 2016.

Approved May 1, 2015

CHAPTER 88

LICENSURE OF CHILD CARE PROGRAMS PROVIDED BY SCHOOLS

H.F. 347

AN ACT relating to the licensure of child care programs operated or contracted for by a school district or accredited nonpublic school and including effective date provisions.

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

Section 1. Section 237A.1, subsection 3, paragraph b, Code 2015, is amended by striking the paragraph.

Sec. 2. Section 279.49, subsection 1, Code 2015, is amended by striking the subsection.

Sec. 3. Section 279.49, subsections 2 and 3, Code 2015, are amended to read as follows:

2. The board of directors of a school corporation may operate or contract for the operation of a program to provide child care to children not enrolled in school or to students enrolled in kindergarten through grade six before and after school, or to both. Programs operated or contracted by a board shall ~~either meet standards for child care programs adopted by the state board of education or shall~~ be licensed by the department of human services under chapter 237A as a child care center unless the program is exempt from licensure under chapter 237A. A program operated by a board under contract which is not located on property owned or leased by the board must be licensed by the department of human services. Notwithstanding requirements of the department of human services regarding space allocated to child care centers licensed under chapter 237A, a program operated or contracted by a board which is located on school grounds may define alternative spaces, in policy and procedures, appropriate to meet the needs of children in the program if the primary space is required for another use.

3. a. The person employed to be responsible for a program operated or contracted by a board that is not licensed by the department of human services shall be an appropriately licensed teacher under chapter 272 or shall meet other standards adopted by the state board of education collaborate with that board in the operation of that program.

b. An employee of a program operated or contracted by a board shall be subject to a background investigation at least once every five years after the employee's initial date of hire.

Sec. 4. Section 280.3A, Code 2015, is amended to read as follows:

280.3A Accredited nonpublic school child care programs.

Authorities in charge of an accredited nonpublic schools school may operate or contract for the operation of a child care programs, as defined program, as described in section 279.49, ~~subsection 1~~. The provisions of section 279.49 as they relate to child care programs of a school corporation and its board of directors apply to the child care programs of the accredited nonpublic school and the authority in charge.

Sec. 5. EFFECTIVE DATE AND IMPLEMENTATION. This Act takes effect January 1, 2016, except that the department of human services may begin implementation prior to January 1, 2016, to the extent necessary to transition to full implementation of the provisions of this Act.

Approved May 1, 2015

CHAPTER 89

WIRELESS COMMUNICATIONS SERVICE PROVIDERS — CALL LOCATION INFORMATION — EMERGENCIES

H.F. 447

AN ACT requiring wireless communications service providers to provide call locations in circumstances of emergency, making penalties applicable, and including effective date provisions.

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

Section 1. NEW SECTION. **34A.16 Request for call location.**

1. A wireless communications service provider shall provide call location information concerning a device to a law enforcement agency or officer or a public safety answering point upon a request for that information if the law enforcement agency or public safety answering point determines the information is needed in an emergency situation that involves the risk of death or serious physical harm.

2. Notwithstanding any provision of law to the contrary, nothing in this section prohibits a wireless communications service provider from establishing protocols by which the provider could voluntarily disclose call location information to a law enforcement agency or officer or a public safety answering point upon a request for that information.

3. A claim or cause of action may not be brought against any wireless communications service provider or employee for providing call location information while acting reasonably and in good faith and in accordance with the provisions of this section.

4. *a.* Wireless communications service providers authorized to do business in the state of Iowa, or submitting to the jurisdiction of Iowa, shall submit contact information to the department of public safety in order to facilitate requests from law enforcement agencies or public safety answering points pursuant to this section. Wireless communications service providers shall submit this contact information annually by June 15 or immediately upon any change in contact information.

b. The department of public safety shall maintain a database containing emergency contact information for all wireless communications service providers authorized to do business in the state and shall make the information immediately available upon request to any law enforcement agency or public safety answering point in the state.

5. A person filing a false report with, or providing false information to, a law enforcement agency or a public safety answering point that results in a request for call location information under this section may be subject to criminal penalty pursuant to section 718.6.

6. Nothing in this section shall be construed as requiring a wireless communications service provider to act in a manner inconsistent with or in violation of federal law.

Sec. 2. RULES. The department of public safety shall, by December 31, 2015, adopt rules to implement and administer this Act.

Sec. 3. EFFECTIVE DATE. The section of this Act enacting section 34A.16 takes effect January 1, 2016.

Approved May 1, 2015

CHAPTER 90

WASTEWATER, SEWER SYSTEM, STORM WATER DRAINAGE, AND SEWAGE TREATMENT SERVICES — DELINQUENT ACCOUNTS

H.F. 507

AN ACT relating to certain delinquent accounts for wastewater, sewer system, storm water drainage, and sewage treatment services.

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

Section 1. Section 384.84, subsection 3, Code 2015, is amended by adding the following new paragraphs:

NEW PARAGRAPH. e. (1) A legal entity created pursuant to chapter 28E by a city or cities, or other political subdivisions, and public or private agencies for the purposes of providing wastewater, sewer system, storm water drainage, or sewage treatment services shall have the same powers and duties as a city utility or enterprise under this subsection with respect to account holders and subsequent owners, or with respect to properties and premises, associated with a delinquent account under this subsection.

(2) The governing body of a city utility, combined city utility, city enterprise, or combined city enterprise may enter into an agreement with a legal entity described in subparagraph (1) to discontinue water service to a property or premises if an account owed the legal entity for wastewater, sewer system, storm water drainage, or sewage treatment services provided to that customer's property or premises becomes delinquent. The customer shall be responsible for all costs associated with discontinuing and reestablishing water service disconnected pursuant to this paragraph.

(3) This paragraph shall not apply to a property or premises if, prior to July 1, 2015, the account holder for that property or premises had an established account with a legal entity described in subparagraph (1) for the provision of wastewater, sewer system, storm water drainage, or sewage treatment services to the property or premises.

NEW PARAGRAPH. f. (1) A legal entity providing wastewater, sewer system, storm water drainage, or sewage treatment services to a city or cities or other political subdivisions pursuant to a franchise or other agreement shall have the same powers and duties as a city utility or enterprise under this subsection with respect to account holders and subsequent owners, or with respect to properties and premises, associated with a delinquent account under this subsection.

(2) The governing body of a city utility, combined city utility, city enterprise, or combined city enterprise may enter into an agreement with a legal entity described in subparagraph (1) to discontinue water service to a property or premises if an account owed the legal entity for wastewater, sewer system, storm water drainage, or sewage treatment services

provided to that customer's property or premises becomes delinquent. The customer shall be responsible for all costs associated with discontinuing and reestablishing water service disconnected pursuant to this paragraph.

(3) This paragraph shall not apply to a property or premises if, prior to July 1, 2015, the account holder for that property or premises had an established account with a legal entity described in subparagraph (1) for the provision of wastewater, sewer system, storm water drainage, or sewage treatment services to the property or premises.

Sec. 2. Section 384.84, subsection 6, Code 2015, is amended to read as follows:

6. a. The governing body of a city utility or city enterprise providing wastewater, sewer system, storm water drainage, or sewage treatment services may file suit in the appropriate court against a customer if the customer's account for such services becomes delinquent pursuant to subsection 3. The governing body may recover the costs for providing such services to the customer's property or premises and reasonable attorney fees actually incurred.

b. A legal entity described in subsection 3, paragraph "e" or "f", shall have the same powers and duties as a city utility or enterprise under paragraph "a" with respect to filing suit in an appropriate court against a customer if the customer's account for such services becomes delinquent.

Approved May 1, 2015

CHAPTER 91

DISTRIBUTED ELECTRIC GENERATION FACILITY SAFETY REQUIREMENTS

H.F. 548

AN ACT requiring the Iowa utilities board to adopt administrative rules relating to the safety of distributed electric generation facilities.

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

Section 1. **NEW SECTION. 476.58 Safety of distributed generation facilities — disconnection device required — rules.**

1. For purposes of this section:

a. "Disconnection device" means a lockable visual disconnect or other disconnection device capable of disconnecting and de-energizing the residual voltage in a distributed generation facility.

b. "Distributed generation facility" means any of the following:

(1) A cogeneration facility or a small power production facility that is a qualifying facility under 18 C.F.R. pt. 292, subpt. B, used by an interconnection customer to generate electricity that operates in parallel with the electric distribution system, and that typically includes an electric generator and the equipment required to interconnect safely with the electric distribution system or local electric power system.

(2) An alternate energy production facility as defined in section 476.42.

(3) A small hydro facility as defined in section 476.42.

c. "Electric distribution system" means the facilities and equipment owned and operated by an electric utility that are used to transmit electricity to ultimate usage points from interchanges with higher voltage transmission networks which transport bulk power over long distances and that generally operate at less than one hundred kilovolts of electricity.

d. "Electric meter" means a device used by an electric utility that measures and registers the integral of an electrical quantity with respect to time.

e. "Electric utility" means a public utility that furnishes electricity to the public for compensation.

f. “*Interconnection customer*” means a person that interconnects a distributed generation facility to an electric distribution system.

2. Consistent with the board’s safety jurisdiction pursuant to section 476.1, the board shall adopt rules pursuant to chapter 17A relating to the safe installation and operation of interconnections between distributed generation facilities and electric distribution systems. The rules shall include but not be limited to the following:

a. For installations placed in service on or after July 1, 2015, a requirement that a disconnection device be installed at a location that is easily visible and adjacent to an interconnection customer’s electric meter. For installations placed in service prior to July 1, 2015, a requirement that an interconnection customer provide and attach a permanent placard at the electric meter that clearly identifies the presence and location of disconnection devices for distributed generation facilities on the property.

b. A requirement that interconnection customers notify local paid or volunteer fire departments of the location of distributed generation facilities and associated disconnection devices upon completion of installation and procedures for such notifications.

c. Procedures for electric utilities to deny or disconnect service for safety reasons to a person who does not comply with rules adopted pursuant to this subsection.

3. Procedures and requirements provided in rules adopted pursuant to subsection 2 shall apply to all electric utilities and all interconnection customers in this state. However, only those rule provisions concerning interconnections between distributed generation facilities and electric distribution systems and safety issues shall apply to utilities over which the board’s jurisdiction is limited by section 476.1A or 476.1B.

4. This section shall not be construed to expand the board’s jurisdiction over a utility over which the board’s jurisdiction is limited by section 476.1A or 476.1B. This section shall not be construed to authorize the board to require that an installation or connection of a distributed generation facility, disconnection device, or interconnection between a distributed generation facility and an electric distribution system be performed by a licensed electrician, installer, or professional engineer. This section shall not be construed to require inspection of a distributed generation facility, disconnection device, or interconnection between a distributed generation facility and an electric distribution system pursuant to chapter 103.

Approved May 1, 2015

CHAPTER 92

REGULATION OF ANIMAL TRUCK WASH FACILITIES

H.F. 583

AN ACT relating to the control of effluent from animal truck wash facilities, by requiring certain permits, regulating storage and application of effluent, and making penalties applicable.

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

Section 1. Section 459A.101, Code 2015, is amended to read as follows:

459A.101 Title.

This chapter shall be known and may be cited as the “*Animal Agriculture Compliance Act for Open Feedlot Operations*” *Operations and Animal Truck Wash Facilities*”.

Sec. 2. Section 459A.102, Code 2015, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. “*Animal truck wash effluent*” means a combination of manure, washwater-induced runoff, or other runoff derived from an animal truck wash facility, which may include solids.

NEW SUBSECTION. 3B. “*Animal truck wash effluent structure*” means an impoundment which is part of an animal truck wash facility, if the primary function of the impoundment is to collect and store animal truck wash effluent.

NEW SUBSECTION. 3C. “*Animal truck wash facility*” means an operation engaged in washing single-unit trucks, truck-tractors, semitrailers, or trailers used to transport animals.

NEW SUBSECTION. 7A. “*Concentrated animal feeding operation*” means the same as defined in 40 C.F.R. §122.23.

NEW SUBSECTION. 7B. “*Confinement feeding operation*” means the same as defined in section 459.102.

NEW SUBSECTION. 11A. “*Effluent*” means open feedlot effluent or animal truck wash effluent.

NEW SUBSECTION. 11B. “*Federal Water Pollution Control Act*”, means the federal Water Pollution Control Act of 1972, 33 U.S.C. ch. 26, as amended, and 40 C.F.R., pts. 122 and 412.

NEW SUBSECTION. 11C. “*Formed animal truck wash effluent structure*” means a covered or uncovered impoundment used to store effluent from an animal truck wash facility, which has walls and a floor constructed of concrete, concrete block, wood, steel, or similar materials.

NEW SUBSECTION. 13A. “*Karst terrain*” means the same as defined in section 459.102.

NEW SUBSECTION. 13B. “*Manure storage structure*” means the same as defined in section 459.102.

NEW SUBSECTION. 13C. “*NPDES permit*” means a permit issued by the department under the national pollutant discharge elimination system pursuant to the federal Water Pollution Control Act of 1972, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pts. 122 and 412.

NEW SUBSECTION. 19A. “*Owner*” means a person who holds legal or equitable title to any of the following:

a. The property where an open feedlot operation or animal truck wash facility is located.

b. An open feedlot operation structure which is part of an open feedlot operation or an animal truck wash effluent structure which is part of an animal truck wash facility.

NEW SUBSECTION. 19B. “*Professional engineer*” means the same as defined in section 459.102.

NEW SUBSECTION. 23A. “*Small animal feeding operation*” means the same as defined in section 459.102.

NEW SUBSECTION. 23B. “*Small animal truck wash facility*” means an animal truck wash facility, if all of the following apply:

a. The animal truck wash facility and all single-unit trucks, truck-tractors, semitrailers, or trailers that are washed at the facility are owned by the same person.

b. The average total per day volume of washwater used by the animal truck wash facility does not exceed two thousand gallons as calculated on a monthly basis.

NEW SUBSECTION. 23C. a. “*Solids*” means that portion of effluent that meets all of the following requirements:

(1) Does not flow perceptibly under pressure.

(2) Is not capable of being transported through a mechanical pumping device designed to move a liquid.

(3) The constituent molecules do not flow freely among themselves but do show the tendency to separate under stress.

b. “*Solids*” includes settleable solids and scraped solids.

NEW SUBSECTION. 25A. “*Structure*” means any of the following:

a. An open feedlot operation structure.

b. An animal truck wash effluent structure.

NEW SUBSECTION. 25B. “*Unformed animal truck wash effluent structure*” means a covered or uncovered impoundment used to store animal truck wash effluent, other than a formed animal truck wash effluent structure.

Sec. 3. Section 459A.102, subsections 14, 16, and 25, Code 2015, are amended to read as follows:

14. “*Nutrient management plan*” or “*plan*” means a plan which provides for the management of open feedlot effluent, or animal truck wash effluent, including the application of effluent as provided in section 459A.208.

16. “*Open feedlot effluent*” or “*effluent*” means a combination of manure, precipitation-induced runoff, or other runoff from an open feedlot before its settleable solids have been removed.

25. “*Stockpile*” means to store solids from an any of the following:

a. An open feedlot operation outside of an open feedlot operation structure, or outside of an area that drains to an open feedlot operation structure.

b. An animal truck wash facility, outside an animal truck wash facility, or outside an area that drains to an animal truck wash facility.

Sec. 4. Section 459A.102, subsections 19 and 21, Code 2015, are amended by striking the subsections.

Sec. 5. Section 459A.103, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. Notwithstanding paragraph “a”, only for purposes of determining whether an open feedlot operation must obtain ~~an operating~~ a NPDES permit, the animal unit capacity of the animal feeding operation includes the animal unit capacities of both the open feedlot operation and the confinement feeding operation if the animals in the open feedlot operation and the confinement feeding operation are all in the same category or type of animals as used in the definitions of large and medium concentrated animal feeding operations in 40 C.F.R. pt. 122. In all other respects the confinement feeding operation shall be governed by chapter 459 and the open feedlot operation shall be governed by this chapter.

Sec. 6. Section 459A.103, Code 2015, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. An animal truck wash facility is considered to be part of an animal feeding operation if the animal truck wash facility and animal feeding operation are under common ownership or management and the animal truck wash facility is located within one thousand two hundred fifty feet of the animal feeding operation.

NEW SUBSECTION. 3B. a. If an open feedlot operation structure or animal truck wash effluent structure contains effluent from both an open feedlot operation and an animal truck wash facility, the animal truck wash effluent shall be deemed to be open feedlot effluent.

b. If a manure storage structure or animal truck wash effluent structure contains both manure from a confinement feeding operation and animal truck wash effluent from an animal truck wash facility, the effluent shall be deemed to be manure.

Sec. 7. Section 459A.103, subsection 6, Code 2015, is amended to read as follows:

6. The regulation of ~~open feedlot effluent under this chapter~~ shall be construed as also regulating ~~settled open feedlot effluent and solids~~.

Sec. 8. Section 459A.103, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 8. An animal truck wash facility may be part of either a confinement feeding operation or an open feedlot operation. An animal truck wash effluent structure may also be the same as any of the following:

a. A manure storage structure that is part of the confinement feeding operation, so long as the primary function of such impoundment is to collect and store effluent from both the animal truck wash facility and manure from the confinement feeding operation.

b. A settled open feedlot effluent basin that is part of the open feedlot operation, so long as the primary function of such impoundment is to collect and store effluent from both the animal truck wash facility and open feedlot operation.

Sec. 9. Section 459A.104, Code 2015, is amended to read as follows:

459A.104 General authority — commission and department — purpose — compliance.

1. The commission shall establish by rule adopted pursuant to chapter 17A, requirements relating to the construction, including expansion, or operation of ~~open~~ all of the following:

a. Open feedlot operations, including any related open feedlot operation structures.

b. Animal truck wash facilities, including any related animal truck wash effluent structures.

2. Any provision referring generally to compliance with the requirements of this chapter as applied to open feedlot operations or animal truck wash facilities also includes compliance with requirements in rules adopted by the commission pursuant to this section, orders issued by the department as authorized under this chapter, and the terms and conditions applicable to licenses, certifications, permits, or nutrient management plans required under this chapter.

3. a. The purpose of this chapter is to provide requirements relating to the construction, including the expansion, and operation of open all of the following:

(1) Open feedlot operations, and the control of open feedlot effluent, which.

(2) Animal truck wash facilities, and the control of animal truck wash effluent.

b. The provisions of this chapter shall be construed to supplement applicable provisions of chapter 459. If there is a conflict between the provisions of this chapter and chapter 459, the provisions of this chapter shall prevail.

Sec. 10. Section 459A.105, Code 2015, is amended to read as follows:

459A.105 Exception to regulation.

1. a. Except as provided in ~~subsection 2~~ paragraph “b”, the requirements of this chapter which regulate open feedlot operations, including rules adopted by the ~~department~~ commission pursuant to section 459A.104, shall not apply to research activities and experiments performed under the authority and regulations of a research college, if the research activities and experiments relate to an open feedlot operation structure or the disposal or treatment of effluent originating from an open feedlot operation.

~~2. b.~~ The requirements of section 459A.410, including rules adopted by the ~~department~~ commission under that section, apply to research activities and experiments performed under the authority and regulations of a research college.

2. a. Except as provided in paragraph “b”, the requirements of this chapter, including rules adopted by the commission pursuant to section 459A.104, shall not apply to a small animal truck wash facility.

b. The requirements of section 459A.205, including rules adopted by the commission pursuant to that section shall apply to a small animal truck wash facility only to the extent required by section 459A.205, subsection 4A. The requirements of sections 459A.404 and 459A.410, including rules adopted by the commission under those provisions, apply to a small animal truck wash facility.¹

Sec. 11. Section 459A.201, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. (1) A nutrient management plan as provided in section 459A.208 shall be approved or disapproved as part of a construction permit application pursuant to section 459A.205.

(2) ~~If For an open feedlot operation,~~ if the nutrient management plan is not part of an application for a construction permit, the nutrient management plan shall be approved or disapproved within sixty days from the date that the department receives the nutrient management plan.

Sec. 12. Section 459A.205, subsection 1, Code 2015, is amended to read as follows:

1. a. The department shall approve or disapprove applications for permits for the construction, including the expansion, of ~~settled the following structures:~~

(1) Settled open feedlot effluent basins and alternative technology systems, which are part of open feedlot operations as provided in this chapter.

(2) Animal truck wash effluent structures which are part of animal truck wash facilities as provided in this chapter.

b. The department’s decision to approve or disapprove a permit for the construction of a ~~basin or alternative system~~ structure described in paragraph “a” shall be based on whether the application is submitted according to procedures and standards required by this chapter. A person shall not begin construction of a ~~basin or alternative system~~ requiring a permit such a structure under this section, unless the department first approves the person’s application and issues to the person a construction permit.

¹ See chapter 138, §59 herein

Sec. 13. Section 459A.205, subsection 3, Code 2015, is amended to read as follows:

3. ~~The department shall not approve an~~ An application for a construction permit ~~unless the applicant submits shall include~~ all of the following:

a. ~~For an open feedlot operation submitting an application for a construction permit on or after April 30, 2007, a~~ A nutrient management plan as provided in section 459A.208.

b. An engineering report, construction plans, and specifications prepared by a licensed professional engineer or the natural resources conservation service of the United States department of agriculture ~~certifying~~.

(1) For an open feedlot operation, the professional engineer must certify that the construction of the settled open feedlot effluent basin or alternative technology system complies with the construction design standards required in this chapter.

(2) For an animal truck wash facility, the professional engineer must certify that the construction of the animal truck wash effluent structure complies with the construction design standards required in this chapter. However, an animal truck wash facility electing to use a formed animal truck wash effluent structure, in lieu of an engineering report, may submit a construction design statement that meets the requirements of sections 459.306 and 459.307.

Sec. 14. Section 459A.205, subsection 4, unnumbered paragraph 1, Code 2015, is amended to read as follows:

~~An~~ For an open feedlot operation, ~~must be issued~~ a construction permit must be issued prior to any of the following:

Sec. 15. Section 459A.205, subsection 4, paragraph a, Code 2015, is amended to read as follows:

a. The construction, including expansion, of a settled open feedlot effluent basin or alternative technology system if the open feedlot operation is required to be issued ~~an operating~~ a NPDES permit.

Sec. 16. Section 459A.205, subsection 4, paragraph b, unnumbered paragraph 1, Code 2015, is amended to read as follows:

~~The~~ When the department has previously issued the open feedlot operation a construction permit and any of the following applies:

Sec. 17. Section 459A.205, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. For an animal truck wash facility, a construction permit must be issued prior to any of the following:

a. The construction, including expansion, of an animal truck wash effluent structure.

b. When the department has previously issued the animal truck wash facility a construction permit and the volume of the animal truck wash effluent would be more than the volume approved by the department in the previous construction permit.

c. When the animal truck wash facility is part of a confinement feeding operation, and all of the following apply:

(1) The department has issued a construction permit under section 459.303 or a letter approving a construction design statement in lieu of a construction permit as provided by rules adopted by the commission under section 459.103.

(2) The animal truck wash effluent will be added to an existing manure storage structure resulting in a total stored volume greater than that approved in the construction permit or the construction design statement approval letter.

d. When the animal truck wash facility is part of an open feedlot operation, and all of the following apply:

(1) The department has issued a construction permit under this section or a NPDES permit under section 459A.401.

(2) The animal truck wash effluent will be added to an existing settled open feedlot effluent basin resulting in a total stored volume greater than that approved in the construction permit or NPDES permit.

e. When the animal truck wash facility is constructed or expanded as part of a small animal feeding operation that includes a manure storage structure, and the animal truck wash effluent will be added to the manure storage structure. However, a construction permit is not required under this section for a small animal truck wash facility or for a small animal truck wash facility that is part of a small animal feeding operation.

Sec. 18. Section 459A.205, subsection 6, unnumbered paragraph 1, Code 2015, is amended to read as follows:

~~The~~ For an open feedlot operation, the application for ~~the~~ a construction permit shall include all of the following:

Sec. 19. Section 459A.205, subsection 6, paragraph f, Code 2015, is amended to read as follows:

f. An engineering report, construction plans, and specifications prepared by a licensed professional engineer or by the United States natural resources conservation service, for the settled open feedlot operation effluent basin or alternative technology system.

Sec. 20. Section 459A.205, subsection 6, paragraph h, subparagraph (3), Code 2015, is amended to read as follows:

(3) A public water supply system as defined in section 455B.171 or a drinking water well which is located within a distance from the open feedlot operation as prescribed by rules adopted by the department commission.

Sec. 21. Section 459A.205, subsection 6, paragraph i, subparagraphs (1) and (3), Code 2015, are amended to read as follows:

(1) Information showing that the proposed open feedlot operation meets criteria for siting as established by rules adopted by the department commission. However, if the site does not meet the criteria, the information shall show substantially equivalent alternatives to meeting such criteria.

(3) A conceptual design of the proposed alternative technology system, as developed by a licensed professional engineer.

Sec. 22. Section 459A.205, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. For an animal truck wash facility, the application for the construction permit shall include all of the following:

a. The name of the owner of the animal truck wash facility and the name of the animal truck wash facility, including a mailing address and telephone number for the owner and the animal truck wash facility.

b. The name of the contact person for the animal truck wash facility, including the person's mailing address and telephone number.

c. The location of the animal truck wash facility.

d. A statement providing that the application is for any of the following:

(1) The construction or expansion of an animal truck wash effluent structure for an existing animal truck wash facility which is not expanding.

(2) The construction or expansion of an animal truck wash effluent structure for an existing animal truck wash facility which is expanding.

(3) The construction of an animal truck wash effluent structure for a proposed new animal truck wash facility.

e. An engineering report, construction plans, and specifications prepared by a professional engineer or by the United States natural resources conservation service, for the animal truck effluent structure.

(1) The engineering report must demonstrate that the storage capacity of its animal truck wash effluent structure is equal to or greater than the amount of effluent to be stored for any six-month period, in addition to two feet of freeboard.

(2) If an animal truck wash effluent structure is to be constructed on karst terrain, the engineering report must establish that the construction complies with the requirements of section 459A.404.

- f. A soils and hydrogeologic report of the site, as required in section 459A.206.
- g. Information, including but not limited to maps, drawings, and aerial photos that clearly show the location of the animal truck wash facility and all animal truck wash effluent structures.

Sec. 23. Section 459A.205, subsection 7, paragraph a, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Except as provided in paragraph “b”, a construction permit for an open feedlot operation or animal truck wash facility expires as follows:

Sec. 24. Section 459A.205, subsection 8, Code 2015, is amended to read as follows:

8. The department may suspend or revoke a construction permit, modify the terms or conditions of a construction permit, or disapprove a request to extend the time to begin or complete construction as provided in this section, if it determines that the operation of the open feedlot operation or animal truck wash facility constitutes a clear, present, and impending danger to public health or the environment.

Sec. 25. Section 459A.206, subsection 1, Code 2015, is amended to read as follows:

1. A settled open feedlot effluent basin or an ² animal truck wash effluent structure required to be constructed pursuant to a construction permit issued pursuant to section 459A.205 shall meet design standards as required by a soils and hydrogeologic report.

Sec. 26. Section 459A.207, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The owner of an open feedlot operation who is issued a construction permit for a settled open feedlot effluent basin or the owner of an animal truck wash facility who is issued a construction permit for an animal truck wash effluent structure as provided in section 459A.205 after July 1, 2005, shall submit to the department a construction certification from a licensed professional engineer certifying all of the following:

Sec. 27. Section 459A.207, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. The basin or structure was inspected by the licensed professional engineer after completion of construction and before commencement of operation.

Sec. 28. Section 459A.208, subsections 1, 3, and 4, Code 2015, are amended to read as follows:

1. The following persons shall develop and implement a nutrient management plan meeting the requirements of this section:

a. The owner of an open feedlot operation which has an animal unit capacity of one thousand animal units or more or which is required to be issued an operating a NPDES permit shall develop and implement a nutrient management plan meeting the requirements of this section.

b. The owner of an animal truck wash facility, other than a small animal truck wash facility, which has an animal truck wash effluent structure. However, for an animal truck wash facility which is part of a confinement feeding operation, in lieu of submitting a nutrient management plan, the owner of the animal truck wash facility may submit an original manure management plan and an updated manure management plan to the department as required by section 459.312, including rules adopted by the commission pursuant to that section.

3. a. A person shall not remove open feedlot effluent from an open feedlot operation structure which is part of an open feedlot operation or animal truck wash effluent from an animal truck wash effluent structure for which a nutrient management plan is required under this section, unless the department approves a nutrient management plan as required in this section. The department

b. Notwithstanding paragraph “a”, the commission may adopt rules allowing a person to remove open feedlot effluent from an open feedlot operation structure or animal truck wash

² See chapter 138, §60 herein

effluent structure until the nutrient management plan is approved or disapproved by the department according to terms and conditions required by rules adopted by the ~~department commission~~.

4. The department shall not approve an application for a permit to construct a settled open feedlot effluent basin or animal truck wash effluent structure, unless the owner of the open feedlot operation or animal truck wash facility, applying for approval submits a nutrient management plan together with the application for the construction permit as provided in section 459A.205. The owner of the open feedlot operation shall also submit proof that the owner has published a notice for public comment as provided in this section. The department shall approve or disapprove the nutrient management plan as provided in section 459A.201.

Sec. 29. Section 459A.208, subsection 5, unnumbered paragraph 1, Code 2015, is amended to read as follows:

~~Prior~~ For an animal feeding operation, prior to approving or disapproving a nutrient management plan as required in this section, the department may receive comments exclusively to determine whether the nutrient management plan is submitted according to procedures required by the department and that the nutrient management plan complies with the provisions of this chapter.

Sec. 30. Section 459A.208, subsections 6, 7, and 9, Code 2015, are amended to read as follows:

6. A nutrient management plan must be authenticated by the owner of the open feedlot operation or the owner of the animal truck wash facility as required by the department in accordance with section 459A.201.

7. A nutrient management plan shall include all of the following:

a. Restrictions on the application of open feedlot effluent or animal truck wash effluent based on all of the following:

(1) Calculations necessary to determine the land area required for the application of ~~open feedlot the effluent from an open feedlot operation~~ based on nitrogen use levels in order to obtain optimum crop yields according to a crop schedule specified in the nutrient management plan, and according to requirements adopted by the department.

(2) A phosphorus index established pursuant to section 459.312.

b. Information relating to the application of the ~~open feedlot~~ effluent, including all of the following:

(1) Nutrient levels concentrations of the ~~open feedlot~~ effluent.

(2) Application methods, the timing of the application, and the location of the land where the application occurs.

c. If the application is on land other than land owned or rented for crop production by the owner of ~~the open feedlot operation~~, the plan shall include a copy of each written agreement executed by the owner of ~~the open feedlot operation~~ and the landowner or the person renting the land for crop production where the ~~open feedlot~~ effluent may be applied.

d. An estimate of the ~~open feedlot~~ effluent volume or weight produced by the open feedlot operation or animal truck wash facility.

e. Information which shows all of the following:

(1) There is adequate storage for open feedlot effluent or animal truck wash effluent, including procedures to ensure proper operation and maintenance of ~~the storage structures~~ an open feedlot operation structure or animal truck wash effluent structure.

(2) ~~The~~ For an animal feeding operation, all of the following:

(a) ~~The~~ The proper management of animal mortalities to ensure that animals are not disposed of in an open feedlot operation structure or a treatment system that is not specifically designed to treat animal mortalities.

(b) Animals kept in the open feedlot operation do not have direct contact with any waters of the United States.

(3) (a) Surface drainage prior to contact with an open feedlot structure is diverted, as appropriate, from the open feedlot operation.

(b) Surface drainage prior to contact with an animal truck wash facility is diverted, as appropriate, from the animal truck wash facility.

(4) ~~Animals kept in the open feedlot operation do not have direct contact with any waters of the United States.~~

(5) Chemicals or other contaminants handled on-site are not disposed of in an open feedlot operation structure, an animal truck wash facility, or a treatment system that is not specifically designed to treat such chemicals or contaminants.

9. The owner of an open feedlot operation or animal truck wash facility who is required to develop and implement a nutrient management plan shall maintain a current nutrient management plan and maintain records sufficient to demonstrate compliance with the nutrient management plan.

Sec. 31. Section 459A.301, Code 2015, is amended to read as follows:

459A.301 Settled open feedlot effluent basins and animal truck wash effluent structures — construction design standards — rules.

If the department requires that a settled open feedlot effluent basin or animal truck wash effluent structure be constructed according to construction design standards, regardless of whether the department requires the owner to be issued a construction permit under section 459A.205, any construction design standards for the basin or structure shall be established by rules as provided in chapter 17A that exclusively account for special design characteristics of open feedlot operations and related basins or animal truck wash facilities and related structures, including but not limited to the dilute composition of settled ~~open feedlot~~ effluent as collected and stored in the basins or structures.

Sec. 32. Section 459A.302, unnumbered paragraph 1, Code 2015, is amended to read as follows:

A settled open feedlot effluent basin or an³ animal truck wash effluent structure required to be constructed pursuant to a construction permit issued pursuant to section 459A.205 shall meet all of the following requirements:

Sec. 33. Section 459A.302, subsection 1, paragraph a, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Prior to constructing a settled open feedlot effluent basin or an animal truck wash effluent structure, the site for the basin⁴ shall be investigated for a drainage tile line by the owner of the open feedlot operation or animal truck wash facility. The investigation shall be made by digging a core trench to a depth of at least six feet deep from ground level at the projected center of the berm of the basin or structure. If a drainage tile line is discovered, one of the following solutions shall be implemented:⁵

Sec. 34. Section 459A.302, subsections 2, 3, 4, and 5, Code 2015, are amended to read as follows:

2. a. The settled open feedlot effluent basin or an⁶ animal truck wash effluent structure shall be constructed with a minimum separation of two feet between the top of the liner of the basin or structure and the seasonal high-water table.

b. If a drainage tile line around the perimeter of the settled open feedlot effluent basin or animal truck wash effluent structure is installed a minimum of two feet below the top of the ~~basin~~ basin's or structure's liner to artificially lower the seasonal high-water table, the top of the ~~basin's~~ basin's liner may be a maximum of four feet below the seasonal high-water table. The seasonal high-water table may be artificially lowered by gravity flow tile lines or other similar system. However, the following shall apply:

(1) Except as provided in subparagraph (2), an open feedlot operation or animal truck wash facility shall not use a nongravity mechanical system that uses pumping equipment.

(2) If the open feedlot operation was constructed before July 1, 2005, the operation may continue to use its existing nongravity mechanical system that uses pumping equipment or it may construct a new nongravity mechanical system that uses pumping equipment. However,

³ See chapter 138, §63 herein

⁴ See chapter 138, §42 herein

⁵ See chapter 138, §64 herein

⁶ See chapter 138, §43 herein

an open feedlot operation that expands the area of its open feedlot on or after April 1, 2011, shall not use a nongravity mechanical system that uses pumping equipment.

3. Drainage tile lines may be installed to artificially lower the seasonal high-water table at a settled open feedlot effluent basin or animal truck wash effluent structure, if all of the following conditions are satisfied:

a. A device to allow monitoring of the water in the drainage tile lines and a device to allow shutoff of the flow in the drainage tile lines are installed, if the drainage tile lines do not have a surface outlet accessible on the property where the ~~settled open feedlot effluent basin~~ or structure is located.

b. Drainage tile lines are installed horizontally at least twenty-five feet away from the ~~settled open feedlot effluent~~ basin or structure. Drainage tile lines shall be placed in a vertical trench and encased in granular material which extends upward to the level of the seasonal high-water table.

4. A settled open feedlot effluent basin or animal truck wash effluent structure shall be constructed with at least four feet between the bottom of the basin or structure and a bedrock formation.

5. A settled open feedlot effluent basin or animal truck wash effluent structure constructed on a floodplain or within a floodway of a river or stream shall comply with rules ~~of~~ adopted by the department commission.⁷

Sec. 35. Section 459A.302, subsection 6, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The liner of a settled open feedlot effluent basin or⁸ animal truck wash effluent structure shall comply with all of the following:

Sec. 36. Section 459A.302, subsection 7, Code 2015, is amended to read as follows:

7. The owner of an open feedlot operation using a settled open feedlot effluent basin or animal truck wash facility using an animal truck wash effluent structure shall inspect the berms of the basin or structure at least semiannually for evidence of erosion. If the inspection reveals erosion which may impact the basin's or structure's structural stability or the integrity of the basin's or structure's liner, the owner shall repair the berms.⁹

Sec. 37. Section 459A.303, subsection 2, Code 2015, is amended to read as follows:

2. The ~~department~~ commission shall adopt rules establishing requirements for the construction and operation of alternative technology systems.

Sec. 38. Section 459A.401, subsection 2, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

2. Notwithstanding subsection 1, an open feedlot operation that is a concentrated animal feeding operation shall comply with applicable NPDES permit requirements as provided in the federal Water Pollution Control Act, pursuant to rules that shall be adopted by the commission. Any rules adopted pursuant to this subsection shall be no more stringent than requirements under the federal Act.

Sec. 39. Section 459A.401, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. If the open feedlot operation is designed, constructed, and operated in accordance with the requirements of an open feedlot effluent control system as provided in rules adopted by the commission, the operation shall be deemed to be in compliance with this section, unless a discharge from the operation causes a violation of state water quality standards as provided in chapter 455B, division III.

⁷ See chapter 138, §66 herein

⁸ See chapter 138, §67 herein

⁹ See chapter 138, §68 herein

Sec. 40. Section 459A.401, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. (1) The open feedlot operation shall not discharge open feedlot effluent from an open feedlot operation structure into any waters of the United States, unless the discharge is pursuant to ~~an operating~~ a NPDES permit.

(2) The open feedlot operation shall not be required to be issued ~~an operating~~ a NPDES permit if the operation does not discharge open feedlot effluent into any waters of the United States.

Sec. 41. NEW SECTION. **459A.404 Animal truck wash facility — construction regulations.**

1. a. An animal truck wash effluent structure shall not be constructed, including expanded, within one thousand two hundred fifty feet from a residence not owned by the titleholder of the animal truck wash facility, a commercial enterprise, a bona fide religious institution, an educational institution, or a public use area, as those terms are defined in section 459.102, and as provided in rules adopted by the commission pursuant to section 459.103, and as provided in rules adopted by the commission pursuant to section 459A.104.

b. An animal truck wash effluent structure shall not be constructed or expanded within one hundred feet from a public thoroughfare as defined in section 459.102.

c. Paragraph “a” does not apply if a residence, educational institution, commercial enterprise, or bona fide religious institution was constructed or expanded, or if the boundaries of the public use area were expanded, after the date that the animal truck wash facility was established. The date the animal truck wash facility was established is the date on which the animal truck wash facility commenced operating. A change in ownership or expansion of the animal truck wash facility shall not change the established date of operation.

d. Paragraph “a” or “b” does not apply if the titleholder of the land benefiting from the separation distance requirement, including a person so authorized by the titleholder, executes a written waiver with the titleholder of the land where the animal truck wash effluent structure is located. The structure shall be constructed or expanded under such terms and conditions that the parties negotiate. The state or a political subdivision constructing or maintaining the public thoroughfare benefiting from the separation distance requirement may execute a written waiver with the titleholder of the land where the structure is located. The animal truck wash effluent structure shall be constructed or expanded under such terms and conditions that the parties negotiate.¹⁰

e. An unformed animal truck wash effluent structure shall not be constructed or expanded within the following minimum separation distances from any of the following:

- (1) One thousand feet from a public shallow well.
- (2) Four hundred feet from a public deep well.
- (3) Four hundred feet from a private well.

2. a. Any separation distance required for a confinement feeding operation structure and a location or object specified in section 459.310, subsection 1, shall also apply to an animal truck wash effluent structure and that same location or object.

b. Any requirement, qualification, or exception that applies to a separation distance required for a confinement feeding operation structure and a location or object specified in section 459.310, subsections 1 and 3, shall also apply to the separation distance required for an animal truck wash effluent structure and that same location or object. A separation distance requirement shall not apply to any of the following:

(1) An animal truck wash effluent structure and a farm pond or privately owned lake, as defined in section 462A.2.

(2) An animal truck wash effluent structure constructed with a secondary containment barrier in accordance with rules adopted by the commission. The rules shall correspond to rules adopted pursuant to section 459.310, subsection 3.

3. a. An animal truck wash effluent structure shall not be constructed, including expanded, on land that is part of a one hundred year floodplain as designated by rules adopted by

¹⁰ See chapter 138, §69 herein

the commission pursuant to section 459A.104. The rules shall correspond to rules adopted pursuant to section 459.310, subsections 2 and 4.

b. For purposes of section 459.310, subsection 4, the provisions relating to an unformed manure storage structure shall apply to an unformed animal truck wash effluent structure and the provisions relating to a formed manure storage structure shall apply to a formed animal truck wash effluent structure.¹¹

c. Notwithstanding section 459.310, subsection 4, a requirement relating to animal weight capacity or animal unit capacity shall not apply. In addition, the capacity of a replacement animal truck wash effluent structure shall not exceed the amount required to store animal truck wash effluent for any eighteen-month period.

4. A person shall not construct or expand an unformed animal truck wash effluent structure within an agricultural drainage well area as provided in section 460.205.

5. A person shall not construct an unformed animal truck wash effluent structure on karst terrain or on an area that drains into a known sinkhole. However, a person may construct an animal truck wash effluent structure if there is a twenty-five foot vertical separation distance between the bottom of the structure and underlying limestone, dolomite, or other soluble rock as documented in the engineering report submitted to the department pursuant to section 459A.205.

Sec. 42. Section 459A.410, Code 2015, is amended to read as follows:

459A.410 Effluent application requirements.

1. Open feedlot effluent or animal truck wash effluent shall be applied in a manner which does not cause surface water or groundwater pollution. Application in accordance with the provisions of state law, including this chapter, rules adopted pursuant to the provisions of state law, including this chapter, and guidelines adopted pursuant to this chapter, shall be deemed as compliance with this section.

2. A separation distance in section 459.314 that applies to the land application of liquid manure from a confinement feeding operation shall also apply to animal truck wash effluent from an animal truck wash effluent structure in accordance with rules adopted by the commission.

3. A person shall not apply animal truck wash effluent on land located within seven hundred fifty feet from a residence not owned by the titleholder of the land in accordance with rules adopted by the commission. This separation distance does not apply to the following:

a. The animal truck wash effluent is injected into the soil or incorporated within the soil not later than twenty-four hours from the original application, as provided by rules adopted by the commission.

b. The titleholder of the land benefiting from the separation distance requirement executes a written waiver with the titleholder of the land where the animal truck wash effluent is applied.

c. The animal truck wash effluent is from a small animal truck wash facility or an animal truck wash facility that is part of a small animal feeding operation.

Sec. 43. Section 459A.411, Code 2015, is amended to read as follows:

459A.411 Discontinuance of operations.

~~The owner of an open feedlot operation or animal truck wash facility who discontinues the use of the~~ its operation shall remove all ~~open feedlot~~ effluent from related open feedlot operation structures or animal truck wash effluent structures used to store ~~open feedlot~~ effluent, as soon as practical but not later than six months following the date the ~~operations of the open feedlot operation or animal truck wash facility is~~¹² discontinued.

Approved May 1, 2015

¹¹ See chapter 138, §44 herein

¹² See chapter 138, §45 herein

CHAPTER 93

REORGANIZATION OR DISSOLUTION OF SCHOOL DISTRICTS — DIVISION OF ASSETS AND LIABILITIES

H.F. 599

AN ACT relating to the division of assets and liabilities of school districts involved in a reorganization or dissolution and including applicability provisions.

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

Section 1. Section 275.12, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. *a.* The area education agency board in reviewing a petition as provided in sections 275.15 and 275.16 that is not subject to the division of assets and liabilities provisions in sections 275.29 through 275.31 shall review the proposal for dividing liability for payment of outstanding bonds issued under section 423E.5 or 423F.4, required to be included under section 275.28, and may change or amend the proposal in any manner, including to specify a different division for the reorganized districts or a different method of payment or retirement of the bonds as may be required by law, justice, equity, and the interest of the people. The review conducted by the area education agency, including any resulting change to the proposal, shall ensure that the reorganized district's estimated revenue under section 423F.2 is sufficient for the payment of principal and interest on the outstanding bonds required to be paid in the budget year following the reorganization.

b. For bonds issued under section 423E.5 or 423F.4, the approval of the reorganization at election creates a lien on the revenues from the secure an advanced vision for education fund received by the reorganized district designated in the proposal approved by the area education agency, subject to the same priority as provided by the affected school district that issued the bonds.

Sec. 2. Section 275.28, Code 2015, is amended to read as follows:

275.28 Plan of division of assets and liabilities.

In addition to setting up the territory to comprise the reorganized districts, a reorganization petition ~~may shall~~ provide for a division of assets and liabilities of the ~~old districts between affected among the~~ reorganized districts. ~~If no provision is made in the petition for division of assets and liabilities, or if~~ However, if territory is excluded from the reorganized district by the petition or by the area education agency board of directors, the division of all assets and liabilities shall be made under the provisions of sections 275.29 to 275.31.

Sec. 3. Section 275.29, Code 2015, is amended to read as follows:

275.29 Division of assets and liabilities after reorganization.

1. ~~Between July 1 and July 20, or on a date determined by agreement of the initial board and the boards of districts receiving territory of the school districts affected, but not later than August 30, the initial board of directors of the newly formed school district shall meet with the boards of the school districts affected by the organization of the new school corporation, including the boards of districts receiving territory of the school districts affected, for the purpose of reaching joint agreement on an equitable division of the assets of the several school corporations or parts of school corporations and an equitable distribution of the liabilities of the school districts affected corporations or parts of corporations. In addition, if outstanding bonds are general obligation indebtedness is in existence in any district, the initial board of directors of the newly formed school district shall meet with the boards of all school districts affected prior to April 15 prior to the school year the reorganization is effective to determine the distribution of liability for payment of the general obligation bonded indebtedness between the districts so that the newly formed district may certify its budget under the procedures specified in chapter 24. The boards shall consider the mandatory levy required in section 76.2 and shall assure the satisfaction of outstanding obligations of each affected school corporation. If the petition includes plans for the distribution of the bonded indebtedness, the exclusion of territory from the~~

~~reorganized district does not require action pursuant to this section. If a school district affected by the reorganization has outstanding bonds issued under section 423E.5 or 423F.4, the joint agreement shall assure that the estimated revenue under section 423F.2 for each district to which liability for payment of such bonds is assigned is sufficient for the payment of principal and interest on the outstanding bonds required to be paid in the budget year following reorganization.~~

2. For bonds issued under section 423E.5 or 423F.4, the approval of the joint agreement creates a lien on the revenues from the secure an advanced vision for education fund received by the school district to which liability is assigned, subject to the same priority as provided by the affected school district that issued the bonds.

Sec. 4. Section 275.30, Code 2015, is amended to read as follows:

275.30 Arbitration.

1. If the boards cannot agree on such division and distribution, the matters on which they differ shall be decided by disinterested arbitrators, one selected by the initial board of directors of the newly formed district, ~~one by each of the boards of directors of the school districts affected,~~ and one selected jointly by the boards of directors of contiguous districts receiving territory of the school ~~district~~ districts affected. ~~If the number of arbitrators selected is even, a disinterested arbitrator shall be added,~~ and one selected by the area education agency administrator.

2. The decision of the arbitrators shall be made in writing and filed with the secretary of the new corporation, and a party to the proceedings may appeal the decision to the district court by serving notice on the secretary of the new corporation within twenty days after the decision is filed. The appeal shall be tried in equity and a decree entered determining the entire matter, including the levy, collection, and distribution of any necessary taxes.

3. *a.* If a school district affected by the reorganization has outstanding bonds issued under section 423E.5 or 423F.4, the arbitrators' decision and any decision of the court on appeal shall assure that the estimated revenue under section 423F.2 for each district to which liability for payment of such bonds is assigned is sufficient for the payment of principal and interest on the outstanding bonds required to be paid in the budget year following reorganization.

b. The issuance of the arbitrators' decision or court decision on appeal creates a lien on the revenues from the secure an advanced vision for education fund received by the district to which the liability for payment of the bonds were assigned, subject to the same priority as provided by the affected school district that issued the bonds.

Sec. 5. Section 275.53, subsection 1, Code 2015, is amended to read as follows:

1. The commission shall send a copy of its dissolution proposal or shall inform the board that it cannot agree upon a dissolution proposal not later than one year following the date of the organizational meeting of the commission. If the dissolving school district has outstanding bonds issued under section 423E.5 or 423F.4, the proposal shall require each school district receiving territory from the dissolving district to assume liability for the payment of a portion of such bonds that is equal to the percentage of the total number of resident pupils from the dissolving district who lived in the territory received during the last year of the dissolving district's existence. The commission shall also send a copy of the dissolution proposal to the boards of directors of all school districts to which area of the affected dissolving school district will be attached. If the board of a district to which area of the affected dissolving school district will be attached objects to the attachment, within ten days following receipt of the dissolution proposal the board shall send its objections in writing to the commission. The commission may consider the objections and may modify the dissolution proposal. If the dissolution proposal is modified, the commission shall notify the boards of directors of all school districts to which area of the affected dissolving school district will be attached.

Sec. 6. Section 275.54, subsection 4, Code 2015, is amended to read as follows:

4. *a.* If the board of a district to which area of the affected dissolving school district will be attached objects to the division of assets and liabilities contained in the dissolution proposal, the matter shall be decided by a panel of disinterested arbitrators. The panel shall consist of

one arbitrator selected ~~jointly by each affected district districts~~ objecting to the provisions of the dissolution proposal, one selected jointly by each the affected district districts in favor of the provisions of the dissolution proposal, and one selected by ~~each the dissolving district~~. If the number of arbitrators selected is even, a disinterested arbitrator shall be selected by the administrator of the area education agency to which the dissolving district ~~or districts belong belongs~~. The decision of the arbitrators shall be made in writing and filed with the secretary of ~~the new corporation each affected school district~~. A party to the proceedings may appeal the decision to the district court by serving notice on the secretary of ~~the new school corporation each affected school district~~ within twenty days after the decision is filed. The appeal shall be tried in equity and a decree entered determining the entire matter, including the levy, collection, and distribution of any necessary taxes.

b. If the dissolving district has outstanding bonds issued under section 423E.5 or 423F.4, the arbitrators' decision and any decision of the court on appeal shall require each school district receiving territory from the dissolving district to assume liability for the payment of a portion of such bonds that is equal to the percentage of the total number of resident pupils from the dissolving district who lived in the territory received during the last year of the dissolving district's existence.

Sec. 7. Section 275.55, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 5. For bonds issued under section 423E.5 or 423F.4, the approval of the dissolution at election creates a lien on the revenues from the secure an advanced vision for education fund received by the district to which liability for payment of a portion of such bonds, subject to the same priority as provided by the dissolving school district. However, such a lien is limited to the extent required to satisfy payments for the portion of the liability assigned to the district.

Sec. 8. **APPLICABILITY.** This Act applies to reorganization petitions and dissolution proposals filed under chapter 275 on or after July 1, 2015.

Approved May 1, 2015

CHAPTER 94

STREAMLINED SALES AND USE TAX AGREEMENT — ADMINISTRATION

H.F. 621

AN ACT relating to the administration of the streamlined sales and use tax agreement by the department of revenue.

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

Section 1. Section 423.3, subsection 57, paragraph f, subparagraph (3), Code 2015, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (e) Food sold that ordinarily requires additional cooking by the consumer prior to consumption.

Sec. 2. Section 423.52, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 3. *a.* Sellers and certified service providers are relieved from liability to this state or its local taxing jurisdictions for having charged and collected the incorrect amount of sales or use tax resulting from the seller or certified service provider relying on erroneous data provided in the state's taxability matrix.

b. Sellers and certified service providers that rely upon a prior version of the state's taxability matrix shall be relieved of liability to the state and its local taxing jurisdictions

until the first day of the calendar month that is at least 30 days after notice of a change to the taxability matrix is submitted by the state to the governing board.

Approved May 1, 2015

CHAPTER 95

REGULATION OF CHILD LABOR

H.F. 397

AN ACT relating to the state child labor law and including effective date provisions.

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

Section 1. Section 92.2, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

A person over ten and under sixteen years of age cannot be employed, with or without compensation, in street occupations or migratory labor as defined in section 92.1, unless the person holds a work permit issued pursuant to this chapter and the school the person attends has certified that the person is regularly attending school and the potential employment will not interfere with the person's progress in school. A written agreement, as defined in section 92.11, subsection 1, shall not be required for the issuance of a work permit under this section.

Sec. 2. Section 92.11, unnumbered paragraph 1, Code 2015, is amended to read as follows:

A work permit, except for migrant laborers, shall be issued only by the superintendent of schools or department of workforce development, or by a person authorized by said superintendent in writing, or, where there is no superintendent of schools, by a person authorized in writing by the local school board where such child resides, labor commissioner upon the application of the parent, guardian, or custodian of the child desiring such permit. The person authorized to issue work permits application shall not issue any such permit unless the person has received, examined, approved, and filed include the following:

Sec. 3. Section 92.11, subsection 1, Code 2015, is amended to read as follows:

1. A ~~written agreement~~ statement from the person, firm, or corporation into whose service the child under sixteen years of age is about to enter, promising to give such child employment, and describing the industry and in which the work to will be performed.

Sec. 4. Section 92.12, Code 2015, is amended to read as follows:

92.12 Migrant labor permits.

1. Every person, firm, or corporation employing migrant laborers shall obtain and keep on file, accessible to any officer charged with the enforcement of this chapter, a work permit, ~~prior to the employment of such migratory laborer.~~

2. Work permits for migrant workers shall be issued by the ~~superintendent of schools, or the superintendent's designee, nearest the temporary living quarters of the family or by the department of workforce development,~~ labor commissioner upon application of the parent or head of the migrant family. The person authorized to issue such permits for migratory workers application shall not issue such permit until the person has received, examined, and approved include documentation of proof of age as described in section 92.11, subsection 2.

3. One copy of the permit issued shall be given to the employer to be kept on file for the length of employment and upon termination of employment shall be returned to the labor commissioner. ~~One copy of the permit shall be kept by the issuing officer, and one copy forwarded to the commissioner.~~ The blank forms for the application for a work permit for

migratory workers and the work permit for migratory workers shall be formulated by the commissioner and furnished by the commissioner to the issuing officer.

Sec. 5. Section 92.13, Code 2015, is amended to read as follows:

92.13 Optional refusal of permit.

The labor commissioner ~~or the issuing officer~~ may refuse to grant a permit if, in the commissioner's ~~or officer's~~ judgment, the best interests of the minor would be served by such refusal and the commissioner ~~or officer~~ shall keep a record of such refusals, and the reasons therefor.

Sec. 6. Section 92.14, Code 2015, is amended to read as follows:

92.14 Contents of work permit.

Every work permit shall state the date of issuance, name, sex, the date and place of birth, the residence of the child in whose name it is issued, ~~the color of hair and eyes, the height and weight,~~ the proof of age, the school grade completed, the name and location of the establishment where the child is to be employed, the industry, ~~specified occupation, a brief description of duties for which the permit is issued,~~ and that the papers required for its issuance have been duly examined, approved, and filed, ~~and that the person named therein has personally appeared before the officer issuing the permit and has been examined.~~

Sec. 7. Section 92.15, Code 2015, is amended to read as follows:

92.15 Duplicate Application to labor commissioner.

~~A duplicate of every such~~ An application for a work permit issued pursuant to section 92.11 or section 92.12 shall be filled out and forwarded submitted to the office of the labor commissioner within one week three days after it is issued the child begins work.

Sec. 8. Section 92.16, Code 2015, is amended to read as follows:

92.16 Forms for permits furnished formulated.

The proper forms for the application for a work permit, the work permit, the employer's agreement, the school record, the certificate of age, and the physician's certificate shall be formulated by the labor commissioner and ~~furnished to the issuing authorities.~~

Sec. 9. Section 92.17, subsection 1, Code 2015, is amended by striking the subsection.

Sec. 10. EFFECTIVE DATE. This Act takes effect June 1, 2015.

Approved May 7, 2015

CHAPTER 96

VICTIMS OF DOMESTIC ABUSE, DOMESTIC ABUSE ASSAULT, SEXUAL ABUSE, STALKING, AND HUMAN TRAFFICKING — ADDRESS CONFIDENTIALITY PROGRAM

H.F. 585

AN ACT establishing an address confidentiality program in the office of the secretary of state for a victim of domestic abuse, domestic abuse assault, sexual abuse, stalking, and human trafficking and providing for a fee and including effective date provisions.

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

Section 1. **NEW SECTION. 9.8 Address confidentiality program revolving fund.**

1. An address confidentiality program revolving fund is created in the state treasury. The fund shall consist of moneys collected by the clerk of the district court and transferred to the office of the secretary of state pursuant to section 602.8108, subsection 6A. The moneys in the fund are subject to appropriation by the general assembly. The office of the secretary of

state shall administer the fund. The office of the secretary of state shall provide an annual report to the department of management and the legislative services agency on expenditures from the fund in a format as determined by the department of management in consultation with the legislative services agency.¹

2. To meet cash flow needs for the address confidentiality program established in chapter 9E, the office of secretary of state may temporarily use funds from the general fund of the state to pay expenses in excess of moneys available in the revolving fund for purposes of the program if those additional expenditures can be fully reimbursed with moneys collected pursuant to section 602.8108, subsection 6A, and the office of the secretary of state reimburses the general fund of the state and ensures that all moneys are repaid in full by the close of the fiscal year. Because any general fund moneys used shall be fully reimbursed, such temporary use of funds from the general fund of the state shall not constitute an appropriation for purposes of calculating the state general fund expenditure limitation pursuant to section 8.54.

3. Section 8.33 does not apply to any moneys² appropriated to the revolving fund.

Sec. 2. NEW SECTION. 9E.1 Purpose.

The general assembly finds that individuals attempting to escape from actual or threatened domestic abuse, domestic abuse assault, sexual abuse, stalking, or human trafficking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for data without disclosing the location of a victim of domestic abuse, domestic abuse assault, sexual abuse, stalking, or human trafficking; to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic abuse, domestic abuse assault, sexual abuse, stalking, or human trafficking; and to enable program participants to use an address designated by the secretary of state as a substitute mailing address for the purposes specified in this chapter. In addition, the purpose of this chapter is to prevent such victims from being physically located through a public records search.

Sec. 3. NEW SECTION. 9E.2 Definitions.

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

1. “*Address*” means a residential street address, school address, or work address of an individual, as specified on the individual’s application to be a program participant under this chapter.

2. “*Applicant*” means an adult, a parent or guardian acting on behalf of an eligible minor, or a guardian acting on behalf of an incapacitated person as defined in section 633.701.

3. “*Designated address*” means the mailing address assigned to a program participant by the secretary.

4. “*Domestic abuse*” means the same as defined in section 236.2.

5. “*Domestic abuse assault*” means the same as defined in section 708.2A.

6. a. “*Eligible person*” means a person who is all of the following:

(1) A resident of this state.

(2) An adult, a minor, or an incapacitated person as defined in section 633.701.

(3) A victim of domestic abuse, domestic abuse assault, sexual abuse, stalking, or human trafficking as evidenced by the filing of a petition pursuant to section 236.3 or a criminal complaint or information pursuant to section 708.2A, 708.11, or 710A.2, or any violation contained in chapter 709.

b. For purposes of this subsection, a person determined to be a sexually violent predator pursuant to section 229A.7 or a similar law of another state is not an eligible person.

7. “*Human trafficking*” means a crime described in section 710A.2.

8. “*Mail*” means first-class letters and flats delivered via the United States postal service, including priority, express, and certified mail, and excluding packages, parcels, periodicals,

¹ See chapter 141, §34 herein

² See chapter 141, §35 herein

and catalogues, unless they are clearly identifiable as pharmaceuticals or clearly indicate that they are sent by a state or county government agency.

9. “*Program*” means the address confidentiality program established in this chapter.

10. “*Program participant*” means an individual certified by the secretary as a program participant under section 9E.3.

11. “*Secretary*” means the secretary of state.

12. “*Sexual abuse*” means a violation of any provision of chapter 709.

13. “*Stalking*” means the same as defined in section 708.11.

Sec. 4. **NEW SECTION. 9E.3 Address confidentiality program.**

1. *Application.* The secretary shall certify an eligible person as a program participant if the secretary receives an application containing all of the following information:

a. The full legal name of the eligible person.

b. A statement by the applicant that the applicant has good reason to believe any of the following:

(1) Either of the following:

(a) The eligible person listed on the application is a victim of domestic abuse, domestic abuse assault, sexual abuse, stalking, or human trafficking.

(b) The eligible person fears for the person’s safety, the safety of another person who resides in the same household as the eligible person, or the safety of persons on whose behalf the application is made.

(2) The eligible person is not applying for certification as a program participant in order to avoid prosecution.

c. A designation of the secretary as the agent for service of process and for the purpose of receipt of mail.

d. The telephone number or telephone numbers where the secretary can contact the applicant or eligible person.

e. The residential address of the eligible person, disclosure of which could lead to an increased risk of domestic abuse, domestic abuse assault, sexual abuse, stalking, or human trafficking.

f. If mail cannot be delivered to the residential address of the eligible person, the address to which mail can be sent to the eligible person.

g. A statement whether the eligible person would like information on becoming an absentee ballot recipient pursuant to section 9E.6.

h. A statement from the eligible person that gives the secretary consent to confirm the eligible person’s participation in the program to a third party.

i. The signature of the applicant indicating the applicant’s authority to act on behalf of the eligible person, if appropriate.

j. The date the application was signed.

k. Any other information as required by the secretary pursuant to rule.

2. *Filing.* Applications shall be filed with the secretary.

3. *Certification.* Upon filing a complete application, the secretary shall certify the eligible person as a program participant. A program participant shall be certified for four years following the date the application is certified by the secretary unless the certification is canceled, withdrawn, or invalidated. The secretary shall establish by rule a renewal procedure for recertification.

4. *Changes in information.* A program participant or an applicant shall inform the secretary of any changes in the program participant’s information submitted on the application.

5. *Designated address.* The secretary shall assign a designated address to which all mail for a program participant shall be sent.

6. *Attaining age of majority.* An individual who was a minor when the person was certified as a program participant is responsible for changes in information and renewal after the individual reaches the age of eighteen.

7. *Liability.* A governmental body, as defined in section 21.2, or an entity created pursuant to chapter 28E, shall not be liable for acts or omissions relating to this chapter.

Sec. 5. **NEW SECTION. 9E.4 Certification cancellation.**

1. The secretary may cancel a program participant's certification under any of the following circumstances:

a. The program participant's legal name or contact information changes, unless the program participant provides the secretary with prior written notice of the name change or contact information.

b. Mail forwarded by the secretary to the program participant's address is returned as undeliverable by the United States postal service.

c. The program participant is no longer eligible for the program.

d. The program participant does not accept service of process or is unavailable for delivery of service of process as described in section 9E.5, subsection 4.

2. The secretary shall cancel a program participant's certification if the program participant's application contains false information.

Sec. 6. NEW SECTION. 9E.5 Use of designated address.

1. When a program participant presents the program participant's designated address to any person, that designated address shall be accepted as the address of the program participant. The person shall not require the program participant to submit any other address that could be used to physically locate the program participant either as a substitute address or in addition to the designated address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the program participant's physical location.

2. A program participant may use the designated address as the program participant's work address.

3. The secretary shall forward all mail sent to the designated address to the program participant.

4. The office of the secretary of state shall act as agent of the program participant for purposes of service of process. The secretary of state shall forward any service of process received by the office of the secretary of state by certified mail, return receipt requested to the designated address of the program participant within three days of receipt in the office of the secretary of state. A program participant shall either accept or reject service of process and the secretary of state shall notify the person initiating the service of process, unless such person is not ascertainable from the service of process documents, of the date of the program participant's acceptance or rejection of the service of process. The date of service of the service of process is the date of the participant's acceptance or rejection.

5. If a program participant has notified a person in writing, on a form prescribed by the secretary, that the individual is a program participant and of the requirements of this section, the person shall not knowingly disclose the program participant's address, unless any of the following:

a. The person to whom the address is disclosed also lives, works, or goes to school at the address disclosed.

b. The program participant has provided written consent to disclosure of the program participant's name and address for the purpose for which the disclosure will be made.

6. This section does not apply to documents or records relating to real property. The secretary shall offer a program participant information relating to the purchase of real property utilizing limited liability companies, trusts, or other legal entities in order to protect the participant's identity for purposes of this program when purchasing real property.

Sec. 7. NEW SECTION. 9E.6 Voting by program participant — absentee ballot.

1. A program participant who is an eligible elector may register to vote with the state commissioner of elections, pursuant to section 48A.8, subsection 1. The name, address, and telephone number of a program participant shall not be listed in the statewide voter registration system.

2. a. A program participant who is otherwise eligible to vote may annually register with the state commissioner of elections as an absentee voter. As soon as practicable before each election, the state commissioner of elections shall determine the precinct in which the residential address of the program participant is located and shall request and receive from the county commissioner of elections the ballot for that precinct and shall forward the

absentee ballot to the program participant with the other materials for absentee balloting as required of the county commissioner of elections by section 53.8.

b. The program participant shall complete the ballot and return it to the state commissioner of elections, who shall review the ballot in the manner provided by sections 53.18 and 53.19. If the materials comply with the requirements of section 53.18, the materials shall be certified by the state commissioner of elections as the ballot of a program participant, and shall be forwarded to the appropriate county commissioner of elections for tabulation by the special voters precinct election board appointed pursuant to section 53.23.

c. The state commissioner of elections, to the extent practicable, shall administer this section in accordance with the provisions of chapters 48A and 53 applicable to county commissioners of elections.

Sec. 8. NEW SECTION. 9E.7 Confidentiality of information.

1. a. Except as otherwise provided in subsection 2, information collected, created, or maintained by the secretary related to applicants, eligible persons, and program participants is confidential unless otherwise ordered by a court or released by the lawful custodian of the records pursuant to state or federal law.

b. A program participant's name and address maintained by a local governmental body that is part of an ongoing investigation or inspection of an alleged health code, building code, fire code, or city ordinance violation allegedly committed by the program participant is confidential information.

2. Upon request from the department of public safety, the secretary may share confidential information with the department of public safety. Such confidential information received by the department of public safety may be released to a law enforcement agency upon verification that the release will aid the law enforcement agency in responding to an emergency situation, a criminal complaint, or an ongoing investigation.

3. This section shall not be construed to prohibit the dissemination of information relating to the program to any agency or organization if necessary for carrying out the official duties of the agency or organization, or to a person if disseminated for an official purpose, or to any other person if necessary to protect a person or property from a threat of imminent serious harm.

4. If a program participant has notified the program participant's landlord in writing that the individual is a program participant pursuant to this chapter, a local ordinance or the landlord shall not allow the display of the program participant's name at an address otherwise protected under this chapter.

5. This section shall not be construed to prohibit the enforcement of a lease agreement between a program participant and a program participant's landlord.

Sec. 9. Section 48A.8, subsection 1, Code 2015, is amended to read as follows:

1. An eligible elector may request that a voter registration form be mailed to the elector. The completed form may be mailed or delivered by the registrant or the registrant's designee to the commissioner in the county where the person resides or to the state commissioner of elections for a program participant, as provided in section 9E.6. A separate voter registration form shall be signed by each individual registrant.

Sec. 10. Section 53.2, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 9. A registered voter who is a program participant under section 9E.6 may register to vote as an absentee voter with the state commissioner of elections pursuant to section 9E.6, subsection 2.

Sec. 11. Section 252B.9, subsection 3, paragraph i, Code 2015, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (07) The unit receives notification that an individual is a certified program participant as provided in chapter 9E.

Sec. 12. Section 252B.9, subsection 3, paragraph i, subparagraph (7), Code 2015, is amended to read as follows:

(7) The unit receives notification, as the result of a request under section 252B.9A, of the existence of any finding, order, safety plan, certification, or founded allegation referred to in subparagraphs (1) through ~~(6)~~ (07) of this paragraph.

Sec. 13. Section 602.8102, subsection 135A, Code 2015, is amended to read as follows:

135A. Assess the surcharges provided by sections 911.1, 911.2, 911.2A, 911.2B, 911.2C, 911.3, and 911.4.

Sec. 14. Section 602.8108, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. The clerk of the district court shall remit all moneys collected from the assessment of the surcharges provided in sections 911.2B and 911.2C to the state court administrator for deposit in the address confidentiality program revolving fund created in section 9.8.

Sec. 15. **NEW SECTION. 911.2B Domestic abuse assault, sexual abuse, stalking, and human trafficking victim surcharge.**

1. In addition to any other surcharge, the court or clerk of the district court shall assess a domestic abuse assault, sexual abuse, stalking, and human trafficking victim surcharge of one hundred dollars if an adjudication of guilt or a deferred judgment has been entered for a violation of section 708.2A, 708.11, or 710A.2, or chapter 709.

2. In the event of multiple offenses, the surcharge shall be imposed for each applicable offense.

3. The surcharge shall be remitted by the clerk of court as provided in section 602.8108, subsection 6A.

Sec. 16. **NEW SECTION. 911.2C Domestic abuse protective order contempt surcharge.**

1. In addition to any other surcharge, the court or clerk of the district court shall assess a domestic abuse protective order contempt surcharge of fifty dollars against a defendant who is held in contempt of court for violating a domestic abuse protective order issued pursuant to chapter 236.

2. In the event of multiple violations, the surcharge shall be imposed for each applicable violation.

3. The surcharge shall be remitted by the clerk of court as provided in section 602.8108, subsection 6A.

Sec. 17. **EFFECTIVE DATE.** Except for the sections of this Act amending sections 602.8102 and 602.8108 and enacting sections 9.8, 911.2B and 911.2C, imposing a domestic abuse assault, sexual abuse, stalking, and human trafficking victim surcharge and a domestic abuse protective order contempt surcharge, this Act takes effect January 1, 2016.

Approved May 7, 2015

CHAPTER 97

RURAL IMPROVEMENT ZONES

H.F. 615

AN ACT relating to the establishment, operation, and dissolution of rural improvement zones.

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

Section 1. Section 357H.1, subsection 1, Code 2015, is amended to read as follows:

1. The board of supervisors of a county with less than twenty thousand residents, not counting persons admitted or committed to an institution enumerated in section 218.1 or 904.102, based upon the ~~2000~~ most recent certified federal census, and with a private lake development ~~shall~~ may designate an area surrounding the lake, if it is an unincorporated area of the county, a rural improvement zone upon receipt of a petition pursuant to section 357H.2, and upon the board's determination that the area is in need of improvements.

Sec. 2. Section 357H.1, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. "Improvements" means dredging, installation of erosion control measures, water quality activities, land acquisition, and related improvements, including soil conservation practices, within or outside of the boundaries of the zone.

Sec. 3. Section 357H.1, subsection 2, Code 2015, is amended by adding the following new paragraphs:

NEW PARAGRAPH. c. "Lake" means a body of water that is located entirely in a single county and that has a surface area of at least eighty acres.

NEW PARAGRAPH. d. "Water quality activities" includes but is not limited to creation or maintenance of grass waterways or wetlands, bank stabilization, watershed protection, activities on lands outside the rural improvement zone which affect water quality within the zone, and any other activity which will improve water quality of a stream, river, or lake.

Sec. 4. Section 357H.2, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. The need for the proposed zone, which shall be based upon a report of a licensed professional engineer prepared not more than two years before the date the petition is filed, and that includes all of the following:

- (1) Surface area of the lake in acres.
- (2) Number of acres of land comprising the lake's watershed.
- (3) Soil classification of the land comprising the lake's watershed.
- (4) Description of all current land uses within the lake's watershed.
- (5) Estimate of historical annual silt accumulation for the lake during the twenty years immediately preceding the year in which the engineer's report was completed.
- (6) Estimate of the amount of silt currently accumulated in the lake.
- (7) Estimates of annual silt accumulation in the lake for the twenty-year period following establishment of the rural improvement zone.
- (8) Estimate of remaining space available to the proposed zone in existing detention basins for storage of dredged and removed silt.
- (9) Estimate of storage space that will be required to store dredged and removed silt from the lake for the twenty-year period following establishment of the rural improvement zone.
- (10) Assessment of the current water quality of the lake.
- (11) Assessment of the current need for preventative practices to improve the water quality of the lake.
- (12) Assessment of the impact preventative practices will have on the water quality of the lake.
- (13) Estimate of the cost to effectively address erosion control and water quality for the twenty-year period following establishment of the rural improvement zone.

Sec. 5. Section 357H.2, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. A copy of the report prepared by the licensed professional engineer and used to prepare the petition shall be submitted with the petition under this section.

Sec. 6. Section 357H.3, Code 2015, is amended to read as follows:

357H.3 Time of public hearing.

1. The If the petition substantially meets the requirements of section 357H.2, the public hearing required in section 357H.2 shall be held within ~~thirty~~ sixty days of the presentation

of the petition. Notice of hearing shall be given by publication as provided in section 331.305. Holding a public hearing pursuant to this section is not dispositive of the approval or denial of a petition by the board under this chapter.

2. If the board determines that the petition or the engineer's report does not substantially meet the requirements of section 357H.2, the board may, within thirty days of presentation of the petition, request additional information from the petitioners. The board's request for additional information shall be limited to the information required under section 357H.2 that was not contained in the petition or the accompanying engineer's report. The board shall be limited to one request for additional information under this section. The public hearing required in section 357H.2 shall be held within sixty days of receiving the additional information. Notice of hearing shall be given in the same manner as required under subsection 1.

Sec. 7. Section 357H.4, Code 2015, is amended to read as follows:

357H.4 Hearing on petition — action by board.

1. ~~At the public hearing required in section 357H.3,~~ the board may consider the boundaries of a proposed rural improvement zone, whether the boundaries shall be as described in the petition or otherwise, and for that purpose may amend the petition and change the boundaries of the proposed zone as stated in the petition. The board may adjust the boundaries of a proposed zone as needed to exclude land that has no reasonable likelihood of benefit from inclusion in a rural improvement zone. However, the boundaries of a proposed zone shall not be changed to incorporate property which is not included in the original petition.

2. ~~Within ten~~ thirty days after the hearing, the board shall establish the rural improvement zone by resolution or disallow the petition. However, the zone shall not include any area which is part of an urban renewal area under chapter 403.

Sec. 8. Section 357H.8, subsection 2, Code 2015, is amended to read as follows:

2. Certificates may be issued with respect to a single improvement project or multiple projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates. However, certificates, including certificates to refund outstanding certificates under subsection 3, shall not be issued after January 1, 2007, except to refund other certificates as provided in subsection 3 if the maturity date of the certificates would be after the date the rural improvement zone is, at the time of issuing the certificates, to be dissolved by law under section 357H.10.

Sec. 9. Section 357H.9, subsection 1, Code 2015, is amended to read as follows:

1. a. The board of trustees shall provide by resolution that taxes levied on the taxable property in a rural improvement zone each year by or for the benefit of the state, city, county, school district, or other taxing district after the effective date of the resolution shall, except as provided in this section, be divided as provided in section 403.19, subsections 1 and 2, in the same manner as if the taxable property in the rural improvement zone was taxable property in an urban renewal area and the resolution was an ordinance within the meaning of those subsections. The taxes received by the board of trustees shall be allocated to, and when collected be paid into, a special fund and may be irrevocably pledged by the trustees to pay the principal of and interest on the certificates, contracts, or other obligations approved by the board of trustees to finance or refinance, in whole or in part, an improvement project.

b. (1) For fiscal years beginning on or after July 1, 2016, when calculating the amount of taxes subject to the division of taxes in a rural improvement zone established on or after July 1, 2004, if the assessed value of the taxable property in the rural improvement zone used to calculate the amount of taxes under section 403.19, subsection 1, is less than the greater of the base year taxable value and fifty percent of the assessed value of the taxable property in the rural improvement zone used to calculate the total amount of property taxes in the rural improvement zone for the fiscal year in which the taxes are due and payable, the assessed value used to calculate the amount of taxes under section 403.19, subsection 1, shall be increased for that fiscal year until the amount is equal to the greater of the base year taxable value and fifty percent of the assessed value used to calculate the total amount of

property taxes in the rural improvement zone for the fiscal year in which the taxes are due and payable.

(2) However, for the period of ten consecutive fiscal years beginning with the first fiscal year in which the zone receives revenue from a division of taxes under this section, the division of taxes authorized under this section shall be calculated subject to the provisions of subparagraph (1), except that any references to fifty percent in subparagraph (1) shall be forty percent.

c. For fiscal years beginning on or after July 1, 2016, when calculating the amount of taxes subject to the division of taxes in a rural improvement zone established before July 1, 2004, if the assessed value of the taxable property in the rural improvement zone used to calculate the amount of taxes under section 403.19, subsection 1, is less than the greater of the base year taxable value and sixty percent of the assessed value of the taxable property in the rural improvement zone used to calculate the total amount of property taxes in the rural improvement zone for the fiscal year in which the taxes are due and payable, the assessed value used to calculate the amount of taxes under section 403.19, subsection 1, shall be increased for that fiscal year until the amount is equal to the greater of the base year taxable value and sixty percent of the assessed value used to calculate the total amount of property taxes in the rural improvement zone for the fiscal year in which the taxes are due and payable.

d. (1) In lieu of the valuation adjustments required under section 403.20, this paragraph "d" shall be used in determining the assessed value of property within a rural improvement zone that is subject to a division of taxes in the manner provided in section 403.19.

(2) The difference between the actual value of the property as determined by the assessor each year and the percentage of adjustment certified for that year by the director of revenue on or before November 1 pursuant to section 441.21, subsection 9, multiplied by the actual value of the property as determined by the assessor, shall be subtracted from the actual value of the property as determined pursuant to section 403.19, subsection 1.

(3) If the assessed value of the property as determined pursuant to section 403.19, subsection 1, is reduced to zero due to the reduction under subparagraph (2), or if the reduction in the assessed value is limited by operation of paragraph "b" or "c", the additional valuation reduction shall be subtracted from the actual value of the property as determined by the assessor.

(4) If the actual value of the property as determined by the assessor is reduced to zero due to the reduction under subparagraph (3), the remaining valuation reduction, notwithstanding the limitation in paragraph "b" or "c", shall be subtracted from the assessed value of the property as determined pursuant to section 403.19, subsection 1.

e. The board of trustees may enter into an agreement with the board that modifies the allocation of the taxes levied in the rural improvement zone. Such an agreement shall not, however, provide an allocation to the other taxing districts that is less than the amount of taxes resulting from application of paragraph "b" or "c", as applicable.

f. As used in this section, "~~taxes~~":

(1) "Base year taxable value" means the actual value of the property as determined in section 403.19, subsection 1, multiplied by the percentage of adjustment certified for the assessment year specified in section 403.19, subsection 1, by the director of revenue on or before November 1 pursuant to section 441.21, subsection 9.

(2) "Taxes" includes but is not limited to all levies on an ad valorem basis upon land or real property located in the rural improvement zone.

Sec. 10. Section 357H.9, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. Each board of trustees that has by resolution provided for a division of ~~revenue~~ taxes in the rural improvement zone during the most recently ended fiscal year shall complete and file with the department of management a tax increment financing report by December 1 following the end of such fiscal year. The report shall be approved by the affirmative vote of a majority of the board of trustees and be prepared in the format and submitted electronically pursuant to the instructions prescribed by the department of management in consultation with the legislative services agency.

Sec. 11. NEW SECTION. 357H.9A Annual financial report — audit.

1. Not later than December 1 of each year on forms and pursuant to the instructions prescribed by the department of management, the board of trustees shall file with the county auditor an annual financial report showing the rural improvement zone's financial condition as of June 30 and the results of operations for the year then ended.

2. A rural improvement zone is subject to annual audit by the auditor of state. In lieu of an audit by the auditor of state, the rural improvement zone may contract with or employ a certified public accountant to conduct the audit pursuant to the applicable terms and conditions prescribed by sections 11.6, 11.14, 11.19, and 11.41. The audit format shall be as prescribed by the auditor of state. The rural improvement zone shall pay all expenses incurred by the auditor of state in conducting an audit under this section.

Sec. 12. Section 357H.10, Code 2015, is amended to read as follows:

357H.10 Dissolution of zone.

1. The Prior to the date required for dissolution under subsection 2, a rural improvement zone shall may be dissolved upon the adoption of a resolution of the board of trustees which specifies that all improvements have been made in the zone, the need for the zone, as identified under section 357H.2, subsection 1, has been satisfied, and all indebtedness has been paid.

2. a. Unless dissolved by resolution of the board of trustees under subsection 1, or an extension is approved under paragraph "b", each rural improvement zone is dissolved on June 30, 2019, or twenty years after the first day of the fiscal year following the fiscal year in which the zone first receives revenue from the division of taxes under section 357H.9, whichever date is later.

b. The date required under this subsection for dissolution of a rural improvement zone may be extended by resolution of the board adopted prior to the date required for dissolution under paragraph "a" or a date prior to the date to which the rural improvement zone was previously extended by the board under this paragraph "b" or by operation of law under subparagraph (1). Each extension approved by the board under this paragraph "b" shall be for a period of twenty years. Prior to approval of an extension by the board under this paragraph "b", all of the following requirements shall be met:

(1) Not more than forty-eight months nor less than thirty-six months prior to the date required for dissolution, the board of trustees shall file a written request with the board for an extension of the zone's dissolution date. The request shall state the improvements needed in the rural improvement zone beyond the dissolution date otherwise required under this section. The board shall, within ninety days after receiving the request, either adopt a resolution granting the twenty-year extension without further proceedings or notify the board of trustees in writing of the board's intent to review the zone's dissolution date under subparagraphs (2) through (4). The board may, as part of its notice to the board of trustees, request a report prepared by a licensed professional engineer containing all of the information required under section 357H.2, subsection 1. If the board fails to either approve the extension by resolution or notify the board of trustees of the board's intent to review the zone's dissolution date under subparagraphs (2) through (4) within the ninety-day period, the request for a twenty-year extension shall be deemed approved.

(2) Following receipt of the board's notice of intent to review and not less than twenty-four months prior to the date required for dissolution, the board of trustees shall, if requested by the board under subparagraph (1), submit to the board a report prepared by a licensed professional engineer that includes the information required under section 357H.2, subsection 1, paragraph "a". If the board determined that the engineer's report does not substantially meet the requirements of section 357H.2 or that additional relevant information is needed, the board may, within thirty days of the date the request was filed under subparagraph (1), request additional information from the board of trustees. The board shall be limited to one request for additional information.

(3) Not more than sixty days after receiving the engineer's report required or the additional information requested under subparagraph (2), whichever is later, the board shall hold a public hearing to determine the need for improvements in the rural improvement zone. Notice of hearing shall be given by publication as provided in section 331.305. Holding

a public hearing pursuant to this subparagraph is not dispositive of the approval or denial of a request for an extension of the dissolution date by the board under this chapter.

(4) Within thirty days after the public hearing, the board shall either find a need for improvements in the rural improvement zone and adopt a resolution approving the twenty-year extension or find that the area is no longer in need of improvements. If the board fails to either approve or deny the extension within the thirty-day period, the request for a twenty-year extension is deemed approved.

3. Upon dissolution of the zone, all assets shall be deeded or otherwise transferred to a nonprofit corporation whose members are property owners of the improvement zone.

4. Upon dissolution of the zone, the collection of the property tax authorized under section 357H.8, subsection 4, and the division of taxes authorized under section 357H.9 shall cease immediately.

Sec. 13. NEW SECTION. 357H.11 Agreements.

Any agreement or other instrument in connection with an agreement between a board of trustees and a board in effect on July 1, 2015, relating to the division of taxes under section 357H.9, the dissolution date of a rural improvement zone, or the criteria used for determining the need for improvements in the rural improvement zone that is inconsistent with this chapter shall be null and void. However, nothing in this chapter shall be construed to prohibit the board of trustees and the board from entering into an agreement on or after July 1, 2015, relating to the division of taxes under section 357H.9, the dissolution date of the rural improvement zone, or the criteria used for determining the need for improvements in the rural improvement zone, so long as such agreement does not violate the provisions of this chapter.

Approved May 7, 2015

CHAPTER 98

RECALCULATION OF PUBLIC SAFETY PEACE OFFICER DISABILITY RETIREMENT BENEFITS

S.F. 366

AN ACT relating to the reexamination and recalculation of disability retirement benefits for beneficiaries under the public safety peace officers' retirement, accident, and disability system.

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

Section 1. Section 97A.6, subsection 7, paragraph a, subparagraph (1), Code 2015, is amended to read as follows:

(1) Should any beneficiary for either ordinary or accidental disability, except a beneficiary who is fifty-five years of age or over and would have completed twenty-two years of service if the beneficiary had remained in active service, be engaged in a gainful occupation paying more than the difference between the member's net retirement allowance and one and one-half times the current earnable compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement, then the amount of the retirement allowance shall be reduced, subject to the requirements of this subparagraph, to an amount such that the member's net retirement allowance plus the amount earned by the member shall equal one and one-half times the amount of the current earnable compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement. Should the member's earning capacity be later changed, the amount of the retirement allowance may be further modified, subject to the requirements of this subparagraph, provided that the new retirement

allowance shall not exceed the amount of the retirement allowance originally granted adjusted by annual readjustments of pensions pursuant to subsection 14 of this section nor an amount which would cause the member's net retirement allowance, when added to the amount earned by the beneficiary, to equal one and one-half times the amount of the current earnable compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement. However, a member's retirement allowance payable in a calendar year shall not be reduced pursuant to this subparagraph to an amount that is less than half of the member's ordinary disability or accidental disability retirement benefit allowance calculated without regard to this paragraph "a", and otherwise payable to the member in a calendar year. A beneficiary restored to active service at a salary less than the average final compensation upon the basis of which the member was retired at age fifty-five or greater, shall not again become a member of the retirement system and shall have the member's retirement allowance suspended while in active service. If the rank or position held by the retired member is subsequently abolished, adjustments to the allowable limit on the amount of income which can be earned in a gainful occupation shall be computed in the same manner as provided in subsection 14, paragraph "c", of this section for readjustment of pensions when a rank or position has been abolished. If the salary scale associated with a member's rank at retirement is changed after the member retires, earnable compensation for purposes of this section shall be based upon the salary an active member currently would receive at the same rank and with seniority equal to that of the retired member at the time of retirement. For purposes of this paragraph, "net retirement allowance" means the amount determined by subtracting the amount paid during the previous calendar year by the beneficiary for health insurance or similar health care coverage for the beneficiary and the beneficiary's dependents from the amount of the member's retirement allowance paid for that year pursuant to this chapter. The beneficiary shall submit sufficient documentation to the board of trustees to permit the system to determine the member's net retirement allowance for the applicable year.

Approved May 15, 2015

CHAPTER 99

GAMES OF SKILL OR CHANCE AND RAFFLES — MISCELLANEOUS CHANGES

S.F. 482

AN ACT concerning social and charitable gambling and making penalties applicable.

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

DIVISION I

SOCIAL AND CHARITABLE GAMBLING

Section 1. Section 99B.1, subsection 1, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

1. "Amusement concession" means a game of skill or game of chance with an instant win possibility where, if the participant completes a task, the participant wins a prize. "Amusement concession" includes but is not limited to carnival-style games that are conducted by a person for profit. "Amusement concession" does not include casino-style games or amusement devices required to be registered pursuant to section 99B.53.

Sec. 2. Section 99B.1, subsections 2, 3, 5, 6, 15, 16, 17, 20, 21, and 26, Code 2015, are amended to read as follows:

2. "Amusement device" means an electrical or mechanical device possessed and used in accordance with ~~section 99B.10~~ this chapter. When possessed and used in accordance with

~~that section~~ this chapter, an amusement device is not a game of skill or game of chance, and is not a gambling device.

3. "Applicant" means an individual or an organization applying for a license under this chapter.

5. "Bingo" means a game, whether known as bingo or any other name, in which each participant uses one or more cards each of which is marked off into spaces arranged in horizontal and vertical rows of spaces, with each space being designated by number, letter, symbol, or picture, or combination of numbers, and letters, symbols, or pictures. No two cards being shall be identical, with. In the game of bingo, players covering shall cover spaces on the card or cards as the operator of the game announces to the players the number, letter, symbol, or picture, or combination of numbers, and letters, symbols, or pictures, appearing on an object selected by chance, either manually or mechanically, from a receptacle in which have been placed objects bearing numbers, letters, symbols, or pictures, or combinations of numbers, and letters, symbols, or pictures corresponding to the system used for designating the spaces, with the. The winner of each game being is the player or players first properly covering a predetermined and announced pattern of spaces on a card being used by the player or players. Each determination of a winner by the method described in ~~the preceding sentence~~ this subsection is a single bingo game at any bingo occasion.

6. "Bingo occasion" means a single gathering or session at which successive a series of bingo games are is played. A bingo occasion ~~commences~~ begins when the operator of the a bingo game ~~begins to announce the~~ selects an object with a number, letter, symbol, or picture, or combination of numbers, or letters, symbols, or pictures through which the winner of ~~a single the first~~ the first bingo game in a series of bingo games will be determined. A bingo occasion ends when at least one hour has elapsed since a bingo game is played or when an announcement by the operator of the bingo game is made that the bingo occasion is over, whichever first occurs.

15. "Game of chance" means a game whereby the result is determined by chance and the player in order to win aligns completes activities, such as aligning objects or balls in a prescribed pattern or order or makes certain color patterns appear and. "Game of chance" specifically includes but is not limited to ~~the game defined as bingo.~~ Game of chance "Game of chance" does not include a slot machine or amusement device.

16. "Game of skill" means a game whereby the result is determined by the player player's ability to do a task, such as directing or throwing objects to designated areas or targets, or by maneuvering water or an object into a designated area, or by maneuvering a dragline device to pick up particular items, or by shooting a gun or rifle.

17. "Gross receipts" means the total revenue received from the sale of rights to participate in a game of skill, game of chance, bingo, or raffle and admission fees or charges.

20. "Merchandise" means goods or services that are bought and sold in the regular course of business. "Merchandise" includes lottery tickets or shares sold or authorized under chapter 99G. The value of the lottery ticket or share is the price of the lottery ticket or share as established by the Iowa lottery authority pursuant to chapter 99G. "Merchandise" includes a gift card if the gift card is not redeemable for cash.

21. "Net receipts" means gross receipts less amounts awarded as prizes and less state and local sales tax paid upon the gross receipts. ~~Reasonable expenses, charges, fees, taxes other than the state and local sales tax, and deductions allowed by the department shall not exceed twenty-five percent of net receipts.~~

26. "Raffle" means a lottery in which each participant buys a ~~ticket~~ an entry for a chance at a prize with the winner determined by a random method and the winner is not required to be present to win. "Raffle" does not include a slot machine.

Sec. 3. Section 99B.1, subsections 4, 10, 12, 13, 18, 19, 23, 24, 27, and 28, Code 2015, are amended by striking the subsections.

Sec. 4. Section 99B.1, subsection 8, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

8. “*Bookmaking*” means the determining of odds and receipt and paying off of bets by an individual or publicly or privately owned enterprise not present when the wager or bet was undertaken.

Sec. 5. Section 99B.1, Code 2015, is amended by adding the following new subsections:

NEW SUBSECTION. 8A. “*Build-up or pyramid*” means a raffle or a game in which a prize must be returned in order to play another game or to be eligible for another bigger prize, a game in which a prize must be forfeited if a later game is lost, or a raffle which is multi-step and requires the participant to win at multiple steps to win the grand prize.

NEW SUBSECTION. 8B. “*Calendar raffle*” means a raffle where a single entry is entered in one raffle where winners will be selected over multiple dates.

NEW SUBSECTION. 8C. “*Casino-style games*” means any house banking game, including but not limited to casino-style card games such as poker, baccarat, chemin de fer, blackjack, and pai gow, and casino games such as roulette, craps, and keno. “*Casino-style games*” does not include a slot machine.

NEW SUBSECTION. 8D. “*Charitable uses*” includes uses benefiting a definite number of persons who are the victims of loss of home or household possessions through explosion, fire, flood, or storm when the loss is uncompensated by insurance, and uses benefiting a definite number of persons suffering from a seriously disabling disease or injury, causing severe loss of income or incurring extraordinary medical expense when the loss is uncompensated by insurance.

NEW SUBSECTION. 12A. “*Educational, civic, public, charitable, patriotic, or religious uses*” includes uses benefiting a society for the prevention of cruelty to animals or animal rescue league; uses benefiting an indefinite number of persons either by bringing them under the influence of education or religion or relieving them from disease, suffering, or constraint, or by erecting or maintaining public buildings or works, or otherwise lessening the burden of government; and uses benefiting any bona fide nationally chartered fraternal or military veterans’ corporation or organization which operates in Iowa a clubroom, post, dining room, or dance hall, but does not include the erection, acquisition, improvement, maintenance, or repair of real, personal, or mixed property unless it is used for one or more of the uses described in this subsection.

NEW SUBSECTION. 14A. “*Gambling*” means any activity where a person risks something of value or other consideration for a chance to win a prize.

NEW SUBSECTION. 14B. “*Game night*” means an event at which casino-style games may be conducted, in addition to games of skill and games of chance, within one consecutive twenty-four-hour period.

NEW SUBSECTION. 17A. “*Licensed qualified organization*” means a qualified organization that is issued a license under this chapter and that complies with the requirements for a qualified organization issued a license under this chapter.

NEW SUBSECTION. 24A. “*Public uses*” specifically includes dedication of net receipts to political parties as defined in section 43.2.

Sec. 6. Section 99B.1, subsection 25, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

25. “*Qualified organization*” means an organization that has an active membership of not less than twelve persons, does not have a self-perpetuating governing body and officers, and meets any of the following requirements:

a. Is exempt from federal income taxes under section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code as defined in section 422.3.

b. Is an agency or instrumentality of the United States government, this state, or a political subdivision of this state.

c. Is a parent-teacher organization or booster club that is recognized as a fund-raiser and supporter for a school district organized pursuant to chapter 274 or for a school within the

school district, in a notarized letter signed by the president of the board of directors, the superintendent of the school district, or a principal of a school within that school district.

d. Is a political party, as defined in section 43.2, or a nonparty political organization that has qualified to place a candidate as its nominee for statewide office pursuant to chapter 44, or to a candidate's committee as defined in section 68A.102.

Sec. 7. Section 99B.3, Code 2015, is amended to read as follows:

99B.3 Amusement concessions.

1. ~~A game of skill or game of chance is lawful when conducted by a person at an amusement concession, but only~~ A person may conduct an amusement concession if all of the following are ~~complied with~~ conditions are met:

a. ~~The location where the game is conducted by the person has been authorized as provided in section 99B.4.~~

b. The person conducting the game amusement concession has submitted a license application and a fee of fifty dollars for each game amusement concession, and has been issued a license for the game amusement concession, and prominently displays the license at the playing area of the game amusement concession. A license is valid for a period of one year from the date of issue.

~~e. Gambling other than the licensed game is not conducted or engaged in at the amusement concession.~~

~~d. b.~~ The game is rules of the amusement concession are prominently posted and the visible from all playing positions.

c. The cost to play the game a single amusement concession does not exceed ~~three~~ five dollars.

~~e. d.~~ A prize is not displayed which cannot be won.

~~f. e.~~ Cash prizes are not awarded and merchandise prizes are not repurchased.

~~g. f.~~ The game amusement concession is not operated on a build-up or pyramid basis.

~~g.~~ A pet, as defined in section 717E.1, is not awarded.

h. The actual retail value of any prize does not exceed fifty one hundred dollars. If a prize consists of more than one item, unit, or part, the aggregate retail value of all items, units, or parts shall not exceed fifty one hundred dollars.

i. Merchandise prizes are not repurchased from the participants. However, a participant may have the option, at no additional cost to the participant, of trading multiple smaller prizes for a single larger prize.

~~j.~~ Concealed numbers or conversion charts are not used to play the game and the game amusement concession.

k. The amusement concession is not designed or adapted with any control device to permit manipulation of the game amusement concession by the operator in order to prevent a player from winning or to predetermine who the winner will be, ~~and the object target, block or~~

~~l.~~ The object of the game amusement concession must be attainable and possible to perform under the rules stated from the all playing position of the player positions.

~~j. m.~~ The game amusement concession is conducted in a fair and honest manner.

2. ~~It is lawful for an~~ An individual other than a person conducting the game to amusement concession may participate in a game of skill or game of chance conducted at an amusement concession, whether or not the amusement concession is conducted in compliance with subsection 1 this section.

Sec. 8. Section 99B.5A, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. "*Community group*" means an Iowa nonprofit, tax-exempt organization which is open to the general public and established for the promotion and development of the arts, history, culture, ethnicity, historic preservation, tourism, economic development, festivals, or municipal libraries. "*Community group*" does not include a school, college, university, political party, labor union, ~~state or federal government agency~~, fraternal organization, church, convention or association of churches, or organizations operated primarily for religious purposes, or which are operated, supervised, controlled, or principally supported by a church, convention, or association of churches.

Sec. 9. Section 99B.5A, subsection 2, paragraphs a, c, and e, Code 2015, are amended to read as follows:

a. Bingo is conducted by the sponsor of the fair or community festival or a qualified organization licensed under section ~~99B.7~~ 99B.12B that has received permission from the sponsor of the fair or community festival to conduct bingo.

c. The number of bingo occasions conducted by a licensee under this section shall be limited to one for each day of the duration of the fair or community festival.

e. Except as provided in this section, the provisions of ~~sections 99B.2 and 99B.7~~ this chapter related to bingo shall apply.

Sec. 10. Section 99B.5A, subsection 4, Code 2015, is amended to read as follows:

4. Bingo occasions held under a license under this section shall not be counted in determining whether a qualified organization has conducted more than ~~fourteen~~ fifteen bingo occasions per month. In addition, bingo occasions held under this license shall not be limited to four consecutive hours.

Sec. 11. Section 99B.6, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

99B.6 Social gambling in licensed alcohol establishments.

1. Social gambling is lawful on the premises of an establishment for which a class "A", class "B", class "C", special class "C", or class "D" liquor control license, or class "B" beer permit has been issued pursuant to chapter 123 when, subject to the provisions of section 99B.42, all of the following requirements are met:

a. The liquor control licensee or beer permittee has submitted an application for a social gambling license and a license fee of one hundred fifty dollars to the department, and a license has been issued.

b. The license is prominently displayed on the premises of the establishment.

c. The social gambling licensee or any agent or employee of the licensee does not participate in, sponsor, conduct, promote, or act as cashier or banker for any social gambling, except as a participant while playing on the same basis as every other participant.

d. A person under the age of twenty-one years shall not participate in the social games. A social gambling licensee or an agent or employee of the licensee who knowingly allows a person under the age of twenty-one to participate in the gambling prohibited by this section or a person who knowingly participates in gambling with a person under the age of twenty-one, is subject to a penalty under section 99B.15.

2. A liquor control licensee or beer permittee with a social gambling license issued pursuant to this section may conduct a sports betting pool if all of the requirements of this subsection are met.

a. The pool shall be publicly displayed and the rules of the pool, including the cost per participant and the amount or amounts that will be won, shall be conspicuously displayed on or near the pool.

b. A participant shall not wager more than five dollars in the pool.

c. The maximum winnings awarded to all participants in the pool shall not exceed five hundred dollars.

d. The provisions of section 99B.42, except section 99B.42, subsection 1, paragraphs "a" and "h", are applicable to pools conducted under this subsection.

e. The use of concealed numbers in the pool is permissible. If the pool involves the use of concealed numbers, the numbers shall be selected by a random method and no person shall be aware of the numbers at the time wagers are made in the pool.

f. All moneys wagered in the pool shall be awarded as winnings to participants.

3. An establishment issued a social gambling license under this section that is required to obtain a new liquor license or permit under chapter 123 due to a change in ownership shall be required to obtain a new social gambling license under this section to conduct social gambling.

Sec. 12. Section 99B.7A, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

99B.7A Manufacturers and distributors — bingo equipment and supplies — electronic raffle systems — transfer or use.

1. As used in this section, unless the context otherwise requires, “*manufacturer or distributor*” means a person engaged in business in this state who originally produces, or purchases from a business that originally produces, equipment or supplies which are specifically used in the conduct of a bingo occasion or an electronic raffle.

2. A person shall not engage in business in this state as a manufacturer or distributor without first obtaining a license from the department.

a. Upon receipt of an application and a fee of one thousand dollars for a manufacturer or distributor license, the department may issue an annual license.

b. A license may be renewed annually upon submission of an application, payment of the annual license fee, and compliance with this section and the rules adopted pursuant to this section.

3. A licensed manufacturer or distributor may sell bingo equipment or supplies or an electronic raffle system directly to a licensed qualified organization.

4. A licensed qualified organization under this chapter may dispose of, transfer, or sell excess bingo equipment or supplies on a nonroutine basis to another licensed qualified organization.

5. A licensed qualified organization shall not sublease, rent, borrow, or otherwise use another qualified organization’s electronic raffle system.

Sec. 13. Section 99B.7B, subsection 1, Code 2015, is amended to read as follows:

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

a. “*Card game*” ~~means only~~ includes but is not limited to poker, pinochle, pitch, gin rummy, bridge, euchre, hearts, or cribbage.

b. “*Qualified organization representing veterans*” means any licensed qualified organization representing which represents veterans, which is a post, branch, or chapter of a national association of veterans of the armed forces of the United States which is a federally chartered corporation, dedicates the net receipts of a game of skill, game of chance, or raffle as provided in section ~~99B.7~~ 99B.14A, and is exempt from federal income taxes under section 501(c)(19) of the Internal Revenue Code as defined in section 422.3, ~~has an active membership of not less than twelve persons, and does not have a self-perpetuating governing body and officers.~~

Sec. 14. Section 99B.7B, subsection 2, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0a.* The qualified organization representing veterans has been issued a license pursuant to section 99B.12B. The license application shall identify the premises where the card game tournaments are to be conducted and the occupancy limit of the premises, and shall include documentation that the qualified organization representing veterans has conducted regular meetings of the organization at the premises during the previous eight months.

Sec. 15. Section 99B.7B, subsection 2, paragraphs a, b, c, d, e, and g, Code 2015, are amended to read as follows:

a. ~~The qualified organization conducting the card game tournament has been issued a license pursuant to subsection 4 and representing veterans prominently displays that the license in the playing area of the card game tournament.~~

b. The card games to be conducted during a card game tournament, including the rules of each card game and how winners are determined, shall be displayed prominently in the playing area of the card game tournament.

0c. Each card game shall be conducted in a fair and honest manner ~~and~~.

00c. Each card game shall not be operated on a build-up or pyramid basis.

000c. Every participant in a card game tournament must be given the same chances of winning the tournament and shall not be allowed any second chance entries or multiple entries in the card game tournament.

c. Participation in a card game tournament ~~conducted by a qualified organization representing veterans~~ shall only be open to members of the qualified organization representing veterans and guests of members of the qualified organization participating in the tournament, subject to the requirements of this section.

0d. The total number of members and guests participating in a card game tournament shall not exceed the occupancy limit of the premises where the card game tournament is being conducted.

00d. Participants in a card game tournament shall be at least twenty-one years of age.

d. (1) If the card game tournament is limited to one guest for each member of the qualified organization representing veterans participating in the tournament, then the requirements of this subparagraph (1) shall apply. The cost to participate in a card game tournament under this subparagraph (1) shall be limited to one hundred dollars and shall be the same for every participant in the card game tournament. Cash or merchandise prizes may be awarded during a card game tournament under this subparagraph (1) and shall not exceed one thousand dollars and no participant shall win more than a total of five hundred dollars.

(2) If the card game tournament is not limited to one guest for each member of the qualified organization representing veterans participating in the tournament, then the requirements of this subparagraph (2) shall apply. The cost to participate in a card game tournament under this subparagraph (2) shall be limited to twenty-five dollars and shall be the same for every participant in the card game tournament. Cash or merchandise prizes may be awarded during a card game tournament under this subparagraph (2) and shall not exceed three hundred dollars and no participant shall win more than a total of two hundred dollars.

~~(3)~~ 0e. A qualified organization representing veterans shall distribute amounts awarded as prizes on the day they are won and merchandise prizes shall not be repurchased. An organization conducting a card game tournament shall only display prizes in the playing area of the card game tournament that can be won.

e. The qualified organization representing veterans shall conduct each card game tournament and any card game conducted during the tournament and shall not contract with or permit another person to conduct the card game tournament or any card game during the tournament. ~~In addition, the~~

0f. ~~The~~ card game tournament and any card game conducted during the tournament shall be conducted only on the premises of the qualified organization representing veterans as identified in the license application ~~pursuant to~~ as required by this subsection 4.

g. A qualified organization representing veterans licensed under this section shall not hold more than two card game tournaments per month and shall not hold a card game tournament within seven calendar days of another card game tournament conducted by that qualified organization representing veterans. Card game tournaments held ~~under an annual~~ during a game night license conducted pursuant to section 99B.26 shall not count toward the limit of one card game tournament per week for a license holder. A qualified organization representing veterans shall be allowed to hold only one card game tournament during any period of twenty-four consecutive hours, starting from the time the card game tournament begins.

Sec. 16. Section 99B.7B, subsection 2, paragraph h, Code 2015, is amended by striking the paragraph.

Sec. 17. Section 99B.7B, subsection 3, Code 2015, is amended to read as follows:

3. The qualified organization representing veterans licensed to hold card game tournaments under this section shall keep a journal of all dates of events, amount of gross receipts, amount given out as prizes, expenses, amount collected for taxes, and the amount collected as revenue.

a. The qualified organization representing veterans shall dedicate and distribute the net receipts from each card game tournament as provided in section 99B.7, ~~subsection 3,~~ paragraph "b" 99B.14A.

b. Each qualified organization representing veterans shall withhold that portion of the gross receipts subject to taxation pursuant to section 423.2, subsection 4, which shall be kept in a separate account and sent to the state along with the organization's annual report required by section ~~99B.2~~ 99B.16A.

c. A qualified organization representing veterans licensed to conduct card game tournaments ~~is allowed to~~ may withhold no more than five percent of the gross receipts from each card game tournament for qualified expenses. Qualified expenses include but are not limited to the purchase of supplies and materials used in conducting card games. Any money collected for expenses and not used by the end of the state fiscal year shall be donated for educational, civic, public, charitable, patriotic, or religious uses ~~as described in section 99B.7, subsection 3, paragraph "b"~~. The qualified organization representing veterans shall attach a receipt for any donation made to the annual report required to be submitted pursuant to section ~~99B.2~~ 99B.16A.

d. Each qualified organization representing veterans licensed under this section shall make recordkeeping and all deposit receipts available as provided in section ~~99B.2, subsection 2~~ 99B.16A.

Sec. 18. Section 99B.7B, subsection 4, Code 2015, is amended by striking the subsection.

Sec. 19. Section 99B.9, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

99B.9 Social gambling in public places.

Social gambling in a public place is lawful, subject to the provisions of section 99B.42, if all of the following requirements are met:

1. The social gambling is conducted at any public place owned, leased, rented, or otherwise occupied by the licensee.

2. The person occupying the premises of the public place as an owner or tenant has submitted an application for a license and a fee of one hundred dollars to the department, and a license has been issued.

3. The license is prominently displayed on the premises of the public place.

4. The licensee or any agent or employee of the licensee does not participate in, sponsor, conduct, promote, or act as cashier or banker for any gambling activities, except as a participant while playing on the same basis as every other participant.

Sec. 20. Section 99B.10A, Code 2015, is amended to read as follows:

99B.10A Electrical and or mechanical amusement device manufacturers, distributors, and for-profit owners — registration.

1. A person engaged in business in this state as a manufacturer, ~~manufacturer's representative~~, distributor, or for-profit owner of electrical and or mechanical amusement devices required to be registered as provided in section ~~99B.10, subsection 1, paragraph "f"~~ 99B.53, shall register with the department. Each person who registers with the department under this section shall pay an annual registration fee in an amount as provided in subsection 2. Registration shall be submitted on application forms designated by the department that shall contain the information required by the department by rule. The department shall adopt rules establishing the criteria for approval or denial of a registration application and providing for the submission of information to the department by a person registered pursuant to this section if information in the initial registration is changed, including discontinuing the business in this state.

2. For purposes of this section, the annual registration fee shall be as follows:

a. For a manufacturer ~~or manufacturer's representative~~, two thousand five hundred dollars.

b. For a distributor, five thousand dollars.

c. For an owner of no more than ~~two~~ four electrical and or mechanical amusement devices registered as provided in section ~~99B.10, subsection 1, paragraph "f"~~ 99B.53, at a single location or premises that is not ~~an a qualified organization that meets the requirements of section 99B.7, subsection 1, paragraph "m"~~, two thousand five hundred dollars.

Sec. 21. Section 99B.10B, Code 2015, is amended to read as follows:

99B.10B Revocation of registration — electrical and or mechanical amusement devices — suspension of liquor license or beer permit.

1. *a.* The department may deny, suspend, or revoke a registration issued pursuant to section ~~99B.10~~ or 99B.10A or 99B.53, if the department finds that an applicant, registrant, or an agent of a registrant violated or permitted a violation of a provision of section ~~99B.10, 99B.10A, or 99B.10C, 99B.52, or 99B.53,~~ or a departmental rule adopted pursuant to chapter 17A, or for any other cause for which the director of the department would be or would have been justified in refusing to issue a registration, or upon the conviction of a person of a violation of this chapter or a rule adopted under this chapter which occurred on the premises where the registered amusement device is or is to be located. ~~However, the~~

b. The denial, suspension, or revocation of a registration for one amusement device does not require, but may result in, the denial, suspension, or revocation of the registration for a different amusement device held by the same distributor or owner.

~~*b. c.*~~ *c.* ~~However,~~ A person who commits an offense of failing to include a security mechanism on an amusement device as required pursuant to section ~~99B.10, subsection 1, paragraph “m”~~ 99B.52, subsection 4, shall be subject to a civil penalty in the amount of two hundred fifty dollars. A person who commits, within two years, a second offense of failing to include a security mechanism on an amusement device shall be subject to the provisions of paragraph “a”.

2. *a.* A person who commits an offense of awarding a cash prize of fifty dollars or less in violation of section ~~99B.10, subsection 1, paragraph “b”~~ 99B.52, subsection 3, pursuant to rules adopted by the department, shall be subject to a civil penalty in the amount of two hundred fifty dollars. Additional sanctions beyond the civil penalty prescribed by this paragraph, including but not limited to the suspension or revocation of any liquor control license issued pursuant to chapter 123 or registration issued pursuant to section 99B.10A or 99B.53, shall not be applicable.

b. A person who commits, within two years, a second offense of awarding a cash prize of fifty dollars or less in violation of section ~~99B.10, subsection 1, paragraph “b”~~ 99B.52, subsection 3, or a person who commits an offense of awarding a cash prize of more than fifty dollars in violation of section ~~99B.10, subsection 1, paragraph “b”~~ 99B.52, subsection 3, pursuant to rules adopted by the department, shall be subject to revocation of the person’s registration and the following:

(1) If the person whose registration is revoked under this paragraph “b”, is a person for which a class “A”, class “B”, class “C”, special class “C”, or class “D” liquor control license has been issued pursuant to chapter 123, the person’s liquor control license shall be suspended for a period of fourteen days in the same manner as provided in section 123.50, subsection 3, paragraph “a”.

(2) If the person whose registration is revoked under this paragraph “b”, is a person for which only a class “B” or class “C” beer permit has been issued pursuant to chapter 123, the person’s class “B” or class “C” beer permit shall be suspended for a period of fourteen days in the same manner as provided in section 123.50, subsection 3, paragraph “a”.

(3) If a person owning or employed by an establishment having a class “A”, class “B”, class “C”, special class “C”, or class “D” liquor control license issued pursuant to chapter 123 commits an offense as provided in this paragraph “b”, the liquor control license of the establishment shall be suspended for a period of fourteen days in the same manner as provided in section 123.50, subsection 3, paragraph “a”.

(4) If a person owning or employed by an establishment having a class “B” or class “C” beer permit issued pursuant to chapter 123 commits an offense as provided in this paragraph “b”, the beer permit of the establishment shall be suspended for a period of fourteen days in the same manner as provided in section 123.50, subsection 3, paragraph “a”.

3. *a.* The process for denial, suspension, or revocation of a registration issued pursuant to section ~~99B.10 or 99B.10A, or 99B.53,~~ shall commence by delivering to the applicant or registrant by certified mail, return receipt requested, or by personal service a notice, by means authorized by section 17A.18, setting forth the proposed action and the particular reasons for such action.

b. (1) If a written request for a hearing is not received within thirty days after ~~the mailing or service of the~~ the delivery of notice as provided by paragraph "a", the denial, suspension, or revocation of a registration shall become effective pending a final determination by the department. The proposed action in the notice may be affirmed, modified, or set aside by the department in a written decision.

(2) If a request for a hearing is timely received by the department, the applicant or registrant shall be given an opportunity for a prompt and fair hearing before the department and the denial, suspension, or revocation shall be deemed suspended until the department makes a final determination. However, the director of the department may suspend a registration prior to a hearing if the director finds that the public integrity of the registered activity is compromised or there is a risk to public health, safety, or welfare. In addition, at any time during or prior to the hearing, the department may rescind the notice of the denial, suspension, or revocation upon being satisfied that the reasons for the denial, suspension, or revocation have been or will be removed. On the basis of any such hearing, the proposed action in the notice may be affirmed, modified, or set aside by the department in a written decision. The procedure governing hearings authorized by this paragraph shall be in accordance with the rules promulgated by the department and chapter 17A.

c. A copy of the final decision of the department shall be sent by electronic mail or certified mail, with return receipt requested, or served personally upon the applicant or registrant. The applicant or registrant may seek judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

d. If the department finds cause for denial of a registration issued pursuant to section ~~99B.10 or 99B.10A, or 99B.53~~, the applicant shall not reapply for the same registration for a period of two years. If the department finds cause for a suspension or revocation, the registration shall be suspended or revoked for a period not to exceed two years.

Sec. 22. Section 99B.10C, Code 2015, is amended to read as follows:

99B.10C ~~Electrical and Registered electrical or mechanical amusement devices — persons under twenty-one — penalties.~~

1. A person under the age of twenty-one years shall not participate in the operation of ~~an a registered electrical and or mechanical amusement device~~. A person who violates this subsection commits a scheduled violation under section 805.8C, subsection 4.

2. A person owning or leasing ~~an a registered electrical and or mechanical amusement device~~, or an employee of a person owning or leasing ~~an a registered electrical and or mechanical amusement device~~, who knowingly allows a person under the age of twenty-one years to participate in the operation of ~~an a registered electrical and or mechanical amusement device~~, or a person who knowingly participates in the operation of ~~an a registered electrical and or mechanical amusement device~~ with a person under the age of twenty-one years, is guilty of a simple misdemeanor.

3. For purposes of this section, ~~an electrical and mechanical amusement device~~ "registered electrical or mechanical amusement device" means an electrical ~~and or~~ mechanical amusement device required to be registered as provided in section ~~99B.10, subsection 1, paragraph "f"~~ 99B.53.

Sec. 23. Section 99B.10D, Code 2015, is amended to read as follows:

99B.10D ~~Electrical and or mechanical amusement devices — special fund.~~

Fees collected by the department pursuant to sections ~~99B.10 and 99B.10A and 99B.53~~ shall be deposited in a special fund created in the state treasury. Moneys in the fund are appropriated to the department of inspections and appeals and the department of public safety for administration and enforcement of ~~sections 99B.10, 99B.10A, 99B.10B, and 99B.10C~~ this subchapter, including employment of necessary personnel. The distribution of moneys in the fund to the department of inspections and appeals and the department of public safety shall be pursuant to a written policy agreed upon by the departments. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys remaining in the fund at the end of a fiscal year shall not revert to the general fund of the state.

Sec. 24. Section 99B.11, Code 2015, is amended to read as follows:

99B.11 Bona fide contests.

1. ~~It is lawful for a~~ A person to may conduct, without a license, any of the contests specified in subsection 2, and to may offer and pay awards to persons winning in those contests whether or not entry fees, participation fees, or other charges are assessed against or collected from the participants, but only if all of the following requirements are complied with met:

~~a. The contest is not held at an amusement concession.~~

~~b. No~~ A ~~gambling device is not used in conjunction with, or incident to the contest.~~

~~e. b.~~ The contest is not conducted in whole or in part on or in any property subject to chapter 297, relating to schoolhouses and schoolhouse sites, unless the contest and the person conducting the contest has the express written approval of the governing body of that school district.

~~d. c.~~ The contest is conducted in a fair and honest manner.

d. A contest shall not be designed or adapted to permit the operator of the contest to prevent a participant from winning or to predetermine who the winner will be, and the.

e. The object of the contest must be attainable and possible to perform under the rules stated.

f. If the contest is a tournament, the tournament operator shall prominently display all tournament rules.

2. A contest, including a contest in a league or tournament, is not lawful unless only if it falls into one of the following contests event categories:

a. Athletic or sporting events. Athletic or sporting contests, leagues or tournaments, Events in this category include basketball, volleyball, football, baseball, softball, soccer, wrestling, swimming, track and field, racquetball, tennis, squash, badminton, table tennis, rodeos, horse shows, golf, bowling, trap or skeet shoots, fly casting, tractor pulling, rifle, pistol, musket, or muzzle-loader shooting, pool billiards, darts, archery, and horseshoe contests, leagues, or tournaments horseshoes.

b. Racing and skill-type events. Horse Events in this category include horse races, harness racing, ski, airplane, snowmobile, raft, boat, bicycle, and motor vehicle races.

c. Arts and crafts-type events. Contests or exhibitions of Events in this category include cooking, horticulture, livestock, poultry, fish or other animals, artwork, hobbywork or, and craftwork, except those prohibited by chapter 717A.

d. Card game-type and board game-type events. Cribbage, Events in this category include cribbage, bridge, euchre, chess, checkers, dominoes, and pinochle and similar contests, leagues or tournaments. The provisions of this paragraph are retroactive to August 15, 1975.

e. Trivia and trading card events.

f. Video game-type and video sporting-type events. A video machine golf tournament game which is an interactive bona fide contest. A player operates a video machine golf tournament game with a trackball assembly which acts as the golfer's swing and determines the results of play and tournament scores. A video machine golf tournament game is capable of receiving program and data information from an off-site location. A tournament operator shall prominently display all tournament rules. Events in this category include pinball games, video games, and video machine golf tournament games, where skill is the predominant factor in determining the result of play and tournament scores. To be lawful, a player shall operate a video machine with a device which directly impacts the results of the game.

3. A poker, blackjack, craps, keno, or roulette contest, league, or tournament shall not be considered a bona fide contest under this section.

Sec. 25. **NEW SECTION. 99B.11A Definitions.**

As used in this subchapter and subchapter III, unless the context otherwise requires:

1. "Electronic bingo equipment" means an electronic device that assists an individual with a disability in the use of a bingo card during a bingo game.

2. "Large raffle" means a raffle where the cumulative value of cash and prizes is more than ten thousand dollars but not more than one hundred thousand dollars.

3. "Small raffle" means a raffle where the cumulative value of cash and prizes is more than one thousand dollars but not more than ten thousand dollars.

4. “*Very large raffle*” means a raffle where the cumulative value of cash and prizes is more than one hundred thousand dollars but not more than two hundred thousand dollars or the prize is real property.

5. “*Very small raffle*” means a raffle where the cumulative value of the cash prize or prizes is one thousand dollars or less and the value of all entries sold is one thousand dollars or less, or the cumulative value of the donated merchandise prize or prizes is five thousand dollars or less and the value of all entries sold is five thousand dollars or less.

Sec. 26. Section 99B.12, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

99B.12 Social gambling between individuals.

1. An individual may participate in social gambling if, subject to the requirements of section 99B.42, all of the following requirements are met:

a. The gambling is not participated in, either wholly or in part, on or in any schoolhouses, schoolhouse sites, or other property subject to chapter 297.

b. All participants in the gambling are individuals.

c. In any game requiring a dealer or operator, the participants must have the option to take their turn at dealing or operating the game in a regular order according to the standard rules of the game.

2. Social gambling allowed under this section is limited to any of the following:

a. Games of skill and games of chance, except casino-style games other than poker.

b. Wagers or bets between two or more individuals who are physically in the presence of each other with respect to any of the following:

(1) A contest specified in section 99B.11, except that no individual shall win or lose more than a total of two hundred dollars or equivalent consideration in one or more contests at any time during any period of twenty-four consecutive hours or over that entire period.

(2) Any other event or outcome which does not depend upon gambling or the use of a gambling device that is unlawful in this state.

Sec. 27. **NEW SECTION. 99B.12B Qualified organization licenses — general provisions — types of licenses.**

1. *General provisions.*

a. A qualified organization shall submit an application for a license, along with any required fees, to the department at least thirty days in advance of the beginning of the gambling activity, including the sale of entries or promotion of the sale of entries for raffles.

b. For purposes of this section, a license is deemed to be issued on the first day of the period for which the license is issued.

c. An applicant that has not submitted an annual report required pursuant to section 99B.16A shall submit such report prior to approval of the application.

d. A license shall not be issued to an applicant whose previous license issued under this chapter or chapter 123 has been revoked until the period of revocation or revocations has elapsed.

e. The license fee is not refundable.

2. *Two-year qualified organization license.*

a. The license fee for a two-year qualified organization license is one hundred fifty dollars.

b. An applicant for a license under this subsection shall be a qualified organization that has been in existence for at least five years, or is a local chapter or an affiliate of a national tax-exempt organization that has been in existence for at least two years and has provided written authorization from the national organization to the department. The national tax-exempt organization shall be exempt from federal income taxes as described in section 99B.1, subsection 25, paragraph “a”, and have been in existence at least five years.

c. A qualified organization issued a two-year qualified organization license may conduct the following activities:

(1) Unlimited games of skill or games of chance except for bingo.

(2) An unlimited number of very small raffles and an unlimited number of small raffles, including electronic raffles.

(3) One large raffle, including an electronic raffle, each calendar year during the two-year period, subject to the requirements of section 99B.24.

(4) Up to three bingo occasions per week and up to fifteen bingo occasions per month.

(5) One game night each calendar year during the two-year period, subject to the requirements of section 99B.26.

3. *One-year qualified organization raffle license.*

a. The license fee for a one-year qualified organization raffle license is one hundred fifty dollars.

b. A qualified organization issued a one-year qualified organization raffle license may conduct the following activities:

(1) An unlimited number of very small raffles and an unlimited number of small raffles.

(2) Up to eight large raffles with each large raffle conducted in a different county during the one-year period, subject to the requirements of section 99B.24.

(3) One game night during the one-year period, subject to the requirements of section 99B.26.

4. *One hundred eighty-day qualified organization raffle license.*

a. The license fee for a one hundred eighty-day qualified organization raffle license is seventy-five dollars.

b. A qualified organization issued a one hundred eighty-day qualified organization raffle license may conduct the following activities:

(1) An unlimited number of very small raffles and an unlimited number of small raffles.

(2) One large raffle during the period of one hundred eighty days, subject to the requirements of section 99B.24.

(3) One game night during the period of one hundred eighty days, subject to the requirements of section 99B.26.

5. *Ninety-day qualified organization raffle license.*

a. The license fee for a ninety-day qualified organization raffle license is forty dollars.

b. A qualified organization issued a ninety-day qualified organization raffle license may conduct the following activities:

(1) An unlimited number of very small raffles and an unlimited number of small raffles.

(2) One large raffle during the period of ninety days, subject to the requirements of section 99B.24.

(3) One game night during the period of ninety days, subject to the requirements of section 99B.26.

6. *Fourteen-day qualified organization license.*

a. The license fee for a fourteen-day qualified organization license is fifteen dollars.

b. A qualified organization issued a fourteen-day qualified organization license may conduct the following activities:

(1) Unlimited games of skill or games of chance except for bingo.

(2) An unlimited number of very small raffles and an unlimited number of small raffles.

(3) One large raffle during the period of fourteen days, subject to the requirements of section 99B.24.

(4) Two bingo occasions during the period of fourteen days with no limit on the number of bingo games or the number of hours played during each designated bingo day. Bingo occasions conducted pursuant to a fourteen-day qualified organization license do not count toward the fifteen bingo occasions per month authorized for a two-year qualified organization license.

(5) One game night during the period of fourteen days, subject to the requirements of section 99B.26.

7. *Qualified organizations — school provisions.* A school district or a public or nonpublic school may be issued a qualified organization license under this section subject to the following additional restrictions:

a. The application for a license shall be authorized by the board of directors of a school district for public schools within that district, or the policymaking body of a nonpublic school for a nonpublic school.

b. Activities authorized by the license may be held at bona fide school functions such as carnivals, fall festivals, bazaars, and similar events.

c. Each school shall obtain a license pursuant to this section prior to permitting the games or activities on the premises of that school.

d. The board of directors of a public school district may also be issued a license under this section. A board of directors of a public school district shall not spend or authorize the expenditure of public funds for the purpose of purchasing a license.

e. Upon written approval by the board of directors of a school district for public schools within that district or the policymaking body of a nonpublic school, the license may be used by any school group or parent support group in the district or at the nonpublic school to conduct activities authorized by this section. The board of directors or policymaking body shall not authorize a school group or parent support group to use the license to conduct more than two events in a calendar year.

8. *Qualified organizations — miscellaneous provisions.* A political party or party organization may contract with other qualified organizations to conduct the games of skill, games of chance, and raffles which may lawfully be conducted by the political party or party organization. A licensed qualified organization may promote the games of skill, games of chance, and raffles which it may lawfully conduct.

Sec. 28. NEW SECTION. **99B.13A Licensed qualified organizations — general requirements.**

A qualified organization licensed pursuant to section 99B.12B shall, as a condition of licensure under section 99B.12B, comply with the requirements of this section.

1. *Authorized gambling activities — display of license.* A licensed qualified organization may only conduct gambling activities as authorized by the license and shall prominently display the license in the playing area where the gambling activities are conducted.

2. *Location requirements.*

a. Gambling activities, as authorized by the type of license, may be conducted on premises owned, leased, or rented by the licensee. The amount imposed and collected for rental or lease of such premises shall not be a percentage of, or otherwise related to, the amount of the receipts for the authorized gambling activities.

b. A gambling activity shall not take place on a gaming floor, as defined in section 99F.1, licensed by the state racing and gaming commission created in section 99D.5.

3. *Participation requirements.*

a. A person shall not receive or have any fixed or contingent right to receive, directly or indirectly, any profit, remuneration, or compensation from or related to a gambling activity conducted by a licensee, except any amount which the person may win as a participant on the same basis as the other participants.

b. The price to participate in a gambling activity, including any discounts for the gambling activity, shall be the same for each participant during the course of the gambling activity.

c. The person conducting the gambling activity shall not participate in the game.

4. *Gambling activity requirements.*

a. A gambling activity shall not be operated on a build-up or pyramid basis.

b. Bookmaking shall not be allowed.

c. Concealed numbers or conversion charts shall not be used in conducting any gambling activity.

d. A gambling activity shall not be adapted with any control device to permit manipulation of the gambling activity by the operator in order to prevent a player from winning or to predetermine who the winner will be.

e. The object of the gambling activity must be attainable and possible to perform under the rules stated from the playing position of the player.

f. The gambling activity shall be conducted in a fair and honest manner.

g. Rules for each gambling activity shall be posted.

h. Casino-style games shall only be allowed during a game night as specified under section 99B.26 or during card game tournaments under section 99B.7B.

Sec. 29. Section 99B.14, Code 2015, is amended to read as follows:

99B.14 License denial, suspension, and revocation.

1. The department may deny, suspend, or revoke a license if the department finds that an applicant, licensee, or an agent of the licensee violated or permitted a violation of a provision of this chapter or a departmental rule adopted pursuant to chapter 17A, or for any other cause for which the director of the department would be or would have been justified in refusing to issue a license, or upon the conviction of a person of a violation of this chapter or a rule adopted under this chapter which occurred on the licensed premises. However, the denial, suspension, or revocation of one type of gambling license does not require, but may result in, the denial, suspension, or revocation of a different type of gambling license held by the same licensee. ~~In addition, a~~

2. ~~A person whose license is revoked under this section who is a person for which whom~~ a class "A", class "B", class "C", or class "D" liquor control license has been issued pursuant to chapter 123 shall have the person's liquor control license suspended for a period of fourteen days in the same manner as provided in section 123.50, subsection 3, paragraph "a". ~~In addition, a~~

3. ~~A person whose license is revoked under this section who is a person for which whom~~ only a class "B" or class "C" beer permit has been issued pursuant to chapter 123 shall have the person's class "B" or class "C" beer permit suspended for a period of fourteen days in the same manner as provided in section 123.50, subsection 3, paragraph "a".

~~2.~~ 4. The process for denial, suspension, or revocation of a license shall commence by delivering to the applicant or licensee ~~by certified mail, return receipt requested, or by personal service~~ a notice, by means authorized by section 17A.18, setting forth the particular reasons for such action.

a. If a written request for a hearing is not received within thirty days after ~~the mailing or service of the~~ delivery of notice as provided in this subsection, the denial, suspension, or revocation of a license shall become effective pending a final determination by the department. The determination involved in the notice may be affirmed, modified, or set aside by the department in a written decision.

b. If a request for a hearing is timely received by the department, the applicant or licensee shall be given an opportunity for a prompt and fair hearing before the department and the denial, suspension, or revocation shall be deemed suspended until the department makes a final determination. However, the director may suspend a license prior to a hearing if the director finds that the public integrity of the licensed activity is compromised or there is a risk to public health, safety, or welfare. In addition, at any time during or prior to the hearing the department may rescind the notice of the denial, suspension, or revocation upon being satisfied that the reasons for the denial, suspension, or revocation have been or will be removed. On the basis of any such hearing, the determination involved in the notice may be affirmed, modified, or set aside by the department in a written decision.

~~3.~~ 5. A copy of the final decision of the department shall be sent by electronic mail or certified mail, with return receipt requested, or served personally upon the applicant or licensee. The applicant or licensee may seek judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

4. 6. The procedure governing hearings authorized by this section shall be in accordance with the rules promulgated by the department and chapter 17A.

5. 7. If the department finds cause for denial of a license, the applicant may not reapply for the same license for a period of two years. If the department finds cause for suspension, the license shall be suspended for a period determined by the department. If the department finds cause for revocation, the license shall be revoked for a period not to exceed two years.

Sec. 30. NEW SECTION. 99B.14A Distribution of proceeds — licensed qualified organizations.

1. A licensed qualified organization shall certify that the receipts from all charitable gambling conducted by the organization under this chapter, less reasonable expenses, charges, fees, taxes, and deductions, either will be distributed as prizes to participants or will be dedicated and distributed for educational, civic, public, charitable, patriotic, or religious uses. Reasonable expenses, charges, fees, taxes other than the state and local sales tax, and deductions allowed by the department shall not exceed forty percent of net receipts.

2. A licensed qualified organization shall dedicate and distribute the balance of the net receipts received within a calendar year and remaining after deduction of reasonable expenses, charges, fees, taxes, and deductions allowed by this chapter, before the annual report required under section 99B.16A is due.

a. A person desiring to hold the net receipts for a period longer than permitted under this subsection shall apply to the department for special permission and upon good cause shown the department may grant the request.

b. If permission is granted to hold the net receipts, the person shall, as a part of the annual report required by section 99B.16A, report the amount of money being held and all expenditures of the funds. This report shall be filed even if the person no longer holds a gambling license.

3. Proceeds coming into the possession of a person under this section are deemed to be held in trust for payment of expenses and dedication to educational, civic, public, charitable, patriotic, or religious uses as required by this section.

4. A licensed qualified organization or agent of the organization who willfully fails to dedicate the required amount of proceeds to educational, civic, public, charitable, patriotic, or religious uses as required by this section commits a fraudulent practice under chapter 714.

5. Proceeds distributed to another charitable organization to satisfy the sixty percent dedication requirement shall not be used by the donee to pay any expenses in connection with the conducting of any gambling activity by the donor organization, or for any use that would not constitute a valid dedication under this section.

Sec. 31. Section 99B.15, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

99B.15 Penalties.

In addition to any other penalty specified in this chapter, the following penalties shall apply:

1. A person who knowingly fails to comply with the requirements of this chapter and the rules adopted pursuant to chapter 17A commits a serious misdemeanor.

2. A person who intentionally files a false or fraudulent report or application as required by this chapter commits a fraudulent practice under chapter 714.

Sec. 32. NEW SECTION. **99B.15A Prizes awarded by licensed qualified organizations.**

1. Unless otherwise provided, a prize awarded by a licensed qualified organization shall comply with the following requirements:

a. Only merchandise prizes whose value does not exceed ten thousand dollars may be awarded for games of skill and games of chance. If a prize consists of more than one item, unit, or part, the aggregate value of all items, units, or parts shall not exceed ten thousand dollars.

b. A merchandise prize shall not be repurchased.

c. No prize shall be displayed which cannot be won.

d. A cash prize may only be awarded in bingo and raffles.

e. A prize shall be distributed on the day the prize is won, except that if the winner is not present, notification to the winner shall be made as soon as practical.

2. A licensed qualified organization awarding a prize for bingo is subject to the restrictions provided in section 99B.21A. A licensed qualified organization awarding a prize for a raffle is subject to the restrictions provided in section 99B.24.

Sec. 33. NEW SECTION. **99B.16A Records and reports — licensed qualified organization.**

1. A qualified organization licensed pursuant to section 99B.12B, unless otherwise provided, shall maintain proper books of account and records showing, in addition to any other information required by the department, the following:

a. Gross receipts and the amount of the gross receipts taxes collected or accrued with respect to gambling activities conducted by the licensed qualified organization.

b. All expenses, charges, fees, and other deductions.

c. The cash amounts, or the cost to the licensee of goods or other noncash valuables, distributed to participants in the licensed activity.

d. The amounts dedicated and the date and name and address of each person to whom distributed.

2. The books of account and records shall be made available to the department or a law enforcement agency for inspection at reasonable times, with or without notice. A failure to permit inspection is a serious misdemeanor.

3. A licensed qualified organization required to maintain records shall submit an annual report to the department on forms furnished by the department. The annual report shall be submitted by January 31 of each year for the prior calendar year period of January 1 through December 31.

Sec. 34. Section 99B.17, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

99B.17 Allowable forms for payment.

1. Social gambling, registered amusement devices, and amusement concessions not at a permanent location, require payment solely by cash.

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

3. The department shall adopt rules setting minimum standards to ensure compliance with applicable federal law and for the protection of personal information consistent with payment card industry compliance regulations.

Sec. 35. Section 99B.21, Code 2015, is amended to read as follows:

99B.21 Tax on prizes.

All prizes awarded pursuant to a gambling activity under this chapter are Iowa earned income and are subject to state and federal income tax laws. A person conducting a game of skill, game of chance, bingo, or a raffle shall deduct state income taxes, pursuant to section 422.16, subsection 1, from a cash prize awarded to an individual. An amount deducted from the prize for payment of a state tax shall be remitted to the department of revenue on behalf of the prize winner.

Sec. 36. NEW SECTION. **99B.21A Bingo.**

A licensed qualified organization shall comply with the requirements of this section for the purposes of conducting bingo at a bingo occasion.

1. *Operational requirements.*

a. A bingo occasion shall not last for longer than four consecutive hours.

b. Only one licensed qualified organization may conduct bingo occasions within the same structure or building.

c. A licensed qualified organization shall not conduct or offer free bingo games.

d. A licensed qualified organization shall not conduct bingo within a building or structure that is licensed pursuant to chapter 99D or 99F.

2. *Prize requirements.*

a. A cash or merchandise prize may be awarded in the game of bingo.

b. A cash prize shall not exceed two hundred fifty dollars per game of bingo.

c. A merchandise prize may be awarded in the game of bingo, but the actual retail value of the prize, or if the prize consists of more than one item, unit, or part, the aggregate retail value of all items, units, or parts, shall not exceed two hundred fifty dollars in value.

d. A jackpot bingo game may be conducted twice during any twenty-four-hour period in which the prize may begin at not more than five hundred dollars in cash or actual retail value of merchandise prizes and may be increased by not more than two hundred dollars after each bingo occasion to a maximum prize of one thousand dollars for the first jackpot bingo game and two thousand five hundred dollars for the second jackpot bingo game.

3. *Equipment requirements.*

a. A licensed qualified organization conducting bingo shall purchase bingo equipment and supplies only from a manufacturer or distributor licensed by the department.

b. A licensed qualified organization may lease electronic bingo equipment from a manufacturer or distributor licensed by the department for the purposes of aiding individuals with disabilities during a bingo occasion.

4. *Accounting requirements.* A qualified organization conducting bingo occasions under a two-year qualified organization license and expecting annual gross receipts of more than ten thousand dollars shall establish and maintain one regular checking account designated the “bingo account” and may also maintain one or more interest-bearing savings accounts designated as “bingo savings account”. The accounts shall be maintained in a financial institution in Iowa.

a. Funds derived from the conduct of bingo, less the amount awarded as cash prizes, shall be deposited in the bingo account.

(1) No other funds except limited funds of the organization deposited to pay initial or unexpected emergency expenses shall be deposited in the bingo account.

(2) Deposits shall be made no later than the next business day following the day of the bingo occasion on which the receipts were obtained.

b. Payments shall be paid from the bingo account only for the following purposes:

(1) The payment of reasonable expenses permitted under section 99B.14A, subsection 1, incurred and paid in connection with the conduct of bingo.

(2) The disbursement of net proceeds derived from the conduct of bingo for educational, civic, public, charitable, patriotic, or religious uses as required by section 99B.14A, subsection 1.

(3) The transfer of net proceeds derived from the conduct of bingo to a bingo savings account pending disbursement for educational, civic, public, charitable, patriotic, or religious uses.

(4) To withdraw initial or emergency funds deposited under paragraph “a”.

(5) To pay prizes if the qualified organization decides to pay prizes by check rather than cash.

c. Except as permitted by paragraph “a”, gross receipts derived from the conduct of bingo shall not be commingled with other funds of the licensed qualified organization. Except as permitted by paragraph “b”, subparagraphs (3) and (4), gross receipts shall not be transferred to another account maintained by the licensed qualified organization.

Sec. 37. NEW SECTION. 99B.24 Raffles.

1. *General provisions.* A licensed qualified organization may conduct a raffle as permitted by the applicable license and in accordance with the following requirements:

a. The winner of a raffle shall not be required to be present to win.

b. If the winner is not present to win, notification to the winner shall be made as soon as practical.

c. A cash or merchandise prize may be awarded in a raffle. If a merchandise prize is awarded, the actual retail value of the prize, or if the prize consists of more than one item, unit, or part, the aggregate retail value of all items, units, or parts, shall not exceed the maximum value allowed for that raffle.

d. Calendar raffles and build-up or pyramid raffles are prohibited.

e. If a raffle is conducted at a fair, the licensed qualified organization shall receive written permission from the sponsor of the fair to conduct the raffle.

f. A licensed qualified organization shall, regardless of the number of licenses issued, only conduct one large raffle per calendar year. However, a licensed qualified organization issued a one-year qualified organization raffle license may conduct up to eight large raffles with each large raffle conducted in a different county during the one-year period.

2. *Very large raffles.* A licensed qualified organization may conduct one very large raffle per calendar year subject to the provisions of this subsection.

a. The licensed qualified organization shall submit a very large raffle license application and a fee of one hundred dollars to the department and be issued a license.

b. The licensed qualified organization shall prominently display the license at the drawing area of the raffle.

c. If the raffle prize is real property, the real property shall be acquired by gift or donation or shall have been owned by the licensed qualified organization for a period of at least five years.

d. The department shall conduct a special audit of a very large raffle to verify compliance with the applicable requirements of this chapter concerning raffles and very large raffles.

e. The licensed qualified organization shall submit to the department within sixty days of the very large raffle drawing a cumulative report for the raffle on a form determined by the department and one percent of the gross receipts from the very large raffle. The one percent of the gross receipts shall be retained by the department to pay for the cost of the special audit.

3. *Very small raffles.* A qualified organization may conduct one very small raffle per calendar year without obtaining a qualified organization license. A qualified organization conducting a very small raffle as authorized by this subsection shall comply with the requirements for conducting a raffle by a licensed qualified organization, including payment of applicable sales tax. However, a qualified organization holding only one very small raffle per calendar year shall be exempt from the reporting requirements in section 99B.16A.

Sec. 38. NEW SECTION. 99B.25 Electronic raffles.

1. A qualified organization with a two-year qualified organization license may conduct a raffle using an electronic raffle system, if the qualified organization complies with the requirements of section 99B.24 and this section.

2. The licensed qualified organization shall only use an electronic raffle system purchased from a manufacturer or distributor licensed pursuant to section 99B.7A and certified by an entity approved by the department. The electronic raffle system may include stationary and portable or wireless raffle sales units.

3. A licensed qualified organization shall hold only one raffle using an electronic raffle system per calendar day. A licensed qualified organization shall not hold a very large raffle using an electronic raffle system and may hold only one large raffle using an electronic raffle system per calendar year. A large raffle conducted using an electronic raffle system counts toward the limit of one large raffle per calendar year under section 99B.24, subsection 1, paragraph "f".

4. Except for a large raffle conducted using an electronic raffle system, the prize for an electronic raffle shall be limited to the amount allowed for a small raffle.

5. Entries for a raffle using an electronic raffle system shall not be preprinted and shall be provided to the purchaser at the time of sale.

6. The electronic raffle receipt shall contain the following information:

a. The name of the licensed qualified organization.

b. The license identification number of the qualified organization.

c. The location, date, and time of the corresponding raffle drawing.

d. The unique printed entry number, or multiple entry numbers, of the raffle entry.

e. The price of the raffle entry.

f. An explanation of the prize to be awarded.

g. The statement, "Need not be present to win", and the contact information, including name, telephone number, and electronic mail address, of the individual from the qualified organization responsible for prize disbursements.

h. The date by which the prize shall be claimed which shall be no fewer than fourteen days following the drawing.

7. Each electronic raffle entry shall reflect a single unique printed entry number on the entry.

8. The licensed qualified organization shall use a manual draw procedure for the electronic raffle which ensures a draw number is randomly selected as a winner from the entries sold.

a. The winning entry shall be verified as a sold and valid entry prior to awarding the prize.

b. The drawing of the winning entry shall be done in such manner as to allow the purchasers to observe the drawing.

9. If the prize is not claimed, the licensed qualified organization shall donate the unclaimed prize to an educational, civic, public, charitable, patriotic, or religious use.

10. The department may determine any other requirements for conducting an electronic raffle by rule.

Sec. 39. NEW SECTION. 99B.26 Game nights.

1. A licensed qualified organization may conduct one game night per calendar year subject to the provisions of this section.

2. A licensed qualified organization conducting a game night may do any of the following during the game night:

a. Charge an entrance fee or a fee to participate in the games.

b. Award cash or merchandise prizes in any games of skill, games of chance, casino-style games, or card games in an aggregate amount not to exceed ten thousand dollars and no participant shall win more than a total of five thousand dollars.

c. Allow participants at the game night that do not have a bona fide social relationship with the sponsor of the game night.

d. Allow participants to wager their own funds and pay an entrance or other fee for participation, but participants shall not be allowed to expend more than a total of two hundred fifty dollars for all fees and wagers.

3. Except as provided by section 99B.62, a person or organization that has not been issued a qualified organization license under section 99B.12B shall not be authorized to conduct a game night as authorized by this section.

Sec. 40. NEW SECTION. 99B.41 Definitions.

For purposes of this subchapter, unless the context otherwise requires:

1. “*Public place*” means an indoor or outdoor area, whether privately or publicly owned, to which the public has access by right or by invitation, expressed or implied, whether by payment of money or not, but not a place when used exclusively by one or more individuals for a private gathering or other personal purpose.

2. “*Social gambling*” means an activity in which social games are played between individuals for any sum of money or other property of any value.

3. “*Social games*” or “*social game*” means card and parlor games, including but not limited to poker, pinochle, pitch, gin rummy, bridge, euchre, hearts, cribbage, dominoes, checkers, chess, backgammon, pool, and darts. “*Social games*” do not include casino-style games, except poker.

4. “*Sports betting pool*” or “*pool*” means a game in which the participants select a square on a grid corresponding to numbers on two intersecting sides of the grid and winners are determined by whether the square selected corresponds to numbers relating to an athletic event in the manner prescribed by the rules of the game.

Sec. 41. NEW SECTION. 99B.42 Social gambling general requirements.

1. Social gambling is lawful under section 99B.6, 99B.9, or 99B.12, when all of the following requirements are met:

a. The gambling occurs between two or more people who are together for purposes other than social gambling. A social relationship must exist beyond that apparent in the gambling situation.

b. The gambling shall not take place on a gaming floor, as defined in section 99F.1, licensed by the state racing and gaming commission created in section 99D.5.

c. Concealed numbers or conversion charts are not used to play any game.

d. A game is not adapted with any control device to permit manipulation of the game by the operator in order to prevent a player from winning or to predetermine who the winner will be.

e. The object of the game is attainable and possible to perform under the rules stated from the playing position of the player.

f. The game must be conducted in a fair and honest manner.

g. A person shall not receive or have any fixed or contingent right to receive, directly or indirectly, any amount wagered or bet or any portion of amounts wagered or bet, except an amount which the person wins as a participant while playing on the same basis as every other participant.

h. A cover charge, participation charge, or other charge shall not be imposed upon a person for the privilege of participating in or observing the social gambling, and a rebate, discount, credit, or other method shall not be used to discriminate between the charge for the sale of goods or services to participants in the social gambling and the charge for the sale of goods or services to nonparticipants. Satisfaction of an obligation into which a member of an organization enters to pay at regular periodic intervals a sum fixed by that organization for the maintenance of that organization is not a charge which is prohibited by this paragraph.

i. A participant shall not win or lose more than a total of two hundred dollars or equivalent consideration in one or more games permitted by this subchapter at any time during any period of twenty-four consecutive hours or over that entire period.

j. A participant is not participating as an agent of another person.

k. A representative of the department or a law enforcement agency is immediately admitted, upon request, to the premises with or without advance notice.

l. A person shall not engage in bookmaking on the premises.

m. A person shall not participate in any wager, bet, or pool which relates to an athletic event or contest and which is authorized or sponsored by one or more schools, educational institutions, or interscholastic athletic organizations, if the person is a coach, official, player, or contestant in the athletic event or contest.

2. The social gambling licensee is strictly accountable for compliance with this section. Proof of an act constituting a violation is grounds for revocation of the license issued pursuant to section 99B.6 or 99B.9 if the licensee permitted the violation to occur when the licensee knew or had reasonable cause to know of the act constituting the violation.

3. A participant in a social game or pool which is not in compliance with this section shall only be subject to a penalty under section 99B.15 if the participant has knowledge of or reason to know the facts constituting the violation.

4. The social gambling licensee, and every agent of the licensee who is required by the licensee to exercise control over the use of the premises, who knowingly permits or engages in an act or omission which constitutes a violation of this subchapter is subject to a penalty under section 99B.15. A licensee has knowledge of an act or omission if any agent of the licensee has knowledge of the act or omission.

Sec. 42. NEW SECTION. **99B.51 Definitions.**

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

1. “*Distributor*” means a person who owns an electrical or mechanical amusement device registered as provided in section 99B.53 that is offered for use at more than a single location or premise.

2. “*Manufacturer*” means a person who originally produces, or purchases an originally produced amusement device or an originally produced motherboard that will be installed into, an amusement device required to be registered under this subchapter for the purposes of reselling such device or motherboard.

3. “*Owner*” means a person who owns an operable amusement device required to be registered under section 99B.53 at no more than a single location or premise.

Sec. 43. NEW SECTION. **99B.52 Electrical or mechanical amusement devices.**

1. A person may own, possess, and offer for use at any location an electrical or mechanical amusement device, except for an amusement device required to be registered pursuant to section 99B.53. If the provisions of this section and other applicable provisions of this subchapter are complied with, the use of an electrical or mechanical amusement device shall not be deemed gambling. All electrical or mechanical amusement devices shall comply with this section.

2. A prize of merchandise not exceeding fifty dollars in value shall be awarded for use of an electrical or mechanical amusement device. An electrical or mechanical amusement device may be designed or adapted to award a prize of one or more free games or portions of games without payment of additional consideration by the participant.

3. A prize of cash shall not be awarded for use of an electrical or mechanical amusement device.

4. An amusement device shall not be designed or adapted to cause or to enable a person to cause the release of free games or portions of games when designated as a potential award for use of the device, and shall not contain any meter or other measurement device for recording the number of free games or portions of games which are awarded.

5. An amusement device shall not be designed or adapted to enable a person using the device to increase the chances of winning free games or portions of games by paying more than is ordinarily required to play the game.

6. An award given for the use of an amusement device shall only be redeemed on the premises where the device is located and only for merchandise sold in the normal course of business for the premises.

7. The department may determine any other requirements by rule. Rules adopted pursuant to this section shall be formulated in consultation with affected state agencies and industry and consumer groups.

Sec. 44. NEW SECTION. 99B.53 Electrical or mechanical amusement devices — registration required.

1. In addition to the requirements of section 99B.52, an electrical or mechanical amusement device in operation or distributed in this state that awards a prize where the outcome is not primarily determined by skill or knowledge of the operator shall be registered by the department as provided in this section.

2. Except as provided in subsection 3, an electrical or mechanical amusement device requiring registration may be located on premises for which a class "A", class "B", class "C", special class "C", or class "D" liquor control license has been issued pursuant to chapter 123.

3. *a.* An electrical or mechanical amusement device requiring registration may be located on premises for which a class "B" or class "C" beer permit has been issued pursuant to chapter 123, but the department shall not initially register an electrical or mechanical amusement device to an owner or distributor for a location for which a class "B" or class "C" beer permit has been issued pursuant to chapter 123 on or after April 28, 2004.

b. A distributor that owns an amusement device at a location for which only a class "B" or class "C" beer permit has been issued pursuant to chapter 123 shall not relocate an amusement device registered as provided in this section to a location other than a location for which a class "A", class "B", class "C", special class "C", or class "D" liquor license has been issued and shall not transfer, assign, sell, or lease an amusement device registered as provided in this section to another person for which only a class "B" or class "C" beer permit has been issued pursuant to chapter 123 after April 28, 2004.

c. If ownership of the location changes, the class "B" or class "C" beer permit does not lapse, and the device is not removed from the location, the device may remain at the location.

4. An electrical or mechanical amusement device required to be registered and at a location for which only a class "B" or class "C" beer permit has been issued pursuant to chapter 123 shall include on the device a security mechanism which prevents the device from being operated by a person until action is taken by the owner or owner's designee to allow the person to operate the device.

5. No more than four electrical or mechanical amusement devices registered as provided in this section shall be permitted or offered for use in any single location or premises meeting the requirements of this section.

6. The total number of electrical or mechanical amusement devices registered by the department under this section shall not exceed six thousand nine hundred twenty-eight.

7. Each person owning an electrical or mechanical amusement device in this state shall submit annually an application form designated by the department that shall contain the information required by the department by rule and a fee of twenty-five dollars for each device required to be registered. If approved, the department shall issue an annual registration tag.

8. A new amusement device registration tag shall be obtained if electronic or mechanical components have been adapted, altered, or replaced and such adaptation, alteration, or replacement changes the operational characteristics of the amusement device including but not limited to the game being changed. The amusement device shall not be placed into operation prior to obtaining a new amusement device registration tag.

9. An electrical or mechanical amusement device required to be registered under this section shall only be leased or purchased from a manufacturer or distributor registered with the department under section 99B.10A.

10. A person owning or leasing an electrical or mechanical amusement device required to be registered by this section shall display the registration tag as required by rules adopted by the department.

11. A person owning or leasing an electrical or mechanical amusement device required to be registered by this section shall not allow the electrical or mechanical amusement device to be operated or made available for operation with an expired registration.

12. A person or employee of a person owning or leasing an electrical or mechanical amusement device required to be registered by this section shall not advertise or promote the availability of the device to the public as anything other than an electrical or mechanical amusement device pursuant to rules adopted by the department.

13. A person owning or leasing an electrical or mechanical amusement device required to be registered by this section shall not relocate and place into operation an amusement device in any location other than a location which has been issued an appropriate liquor control license in good standing and to which the device has been appropriately registered with the department.

14. A counting mechanism which establishes the volume of business of the electrical or mechanical amusement device shall be included on each device required to be registered by this section. The department and the department of public safety shall have immediate access to the information provided by the counting mechanism.

15. An electrical or mechanical amusement device required to be registered as provided by this section shall not be a gambling device, as defined in section 725.9, or a device that plays poker, blackjack, or keno.

Sec. 45. NEW SECTION. 99B.54 Electrical or mechanical amusement devices — criminal penalties.

1. A person who violates any provision of section 99B.52 or 99B.53, except as specified in subsection 2, commits a serious misdemeanor.

2. A person who violates any provision of section 99B.52, subsection 2 or 6; or section 99B.53, subsection 4, 8, 10, 11, 12, or 13, shall be subject to the following:

a. For a first offense under an applicable subsection, the person commits a simple misdemeanor, punishable as a scheduled violation pursuant to section 805.8C, subsection 4, paragraph “b”.

b. For a second or subsequent offense under the same applicable subsection, the person commits a serious misdemeanor.

3. Notwithstanding any provision of section 99B.52 or 99B.53 to the contrary, the following shall apply:

a. An individual other than an owner or distributor of an amusement device may operate an amusement device, whether or not the amusement device is owned, possessed, or offered for use in compliance with section 99B.52 or 99B.53.

b. A distributor shall not be liable for a violation of section 99B.52 or 99B.53 unless the distributor or an employee of the distributor intentionally violates a provision of section 99B.52 or 99B.53.

Sec. 46. NEW SECTION. 99B.62 Game nights — licensing exceptions.

1. A person other than a qualified organization may lawfully conduct a game night without a license, and may award cash or merchandise prizes, under the following conditions:

a. A bona fide social, employment, or trade or professional association relationship exists between the sponsors and the participants.

b. The participants pay no consideration of any nature, either directly or indirectly, to participate in the games.

c. All money, play money, or other items of no intrinsic value which may be wagered are provided to the participant free, and the sponsor conducting the game receives no consideration, either directly or indirectly, other than goodwill.

d. The games may be conducted at any location, except at a fair or a location for which a license is required pursuant to section 99B.3.

e. During the entire time activities permitted by this subsection are being engaged in, no other gambling is engaged in at the same location.

2. A person or an organization may sponsor one or more game nights using play money for participation by students without the person or organization obtaining a license otherwise required by this chapter if the person or organization obtains prior approval for the game night from the board of directors of the accredited public school or the authorities in charge of the nonpublic school accredited by the state board of education for whose students the game night is to be held.

3. A gambling device intended for use or used as provided in this section is exempt from the provisions of section 725.9, subsection 2.

Sec. 47. REPEAL. Sections 99B.2, 99B.4, 99B.5, 99B.7, 99B.8, 99B.9A, 99B.10, 99B.16, and 99B.18, Code 2015, are repealed.

Sec. 48. LICENSED QUALIFIED ORGANIZATION — INITIAL ANNUAL REPORT. Notwithstanding any provision of section 99B.16A, subsection 3, to the contrary, the first annual report submitted by a licensed qualified organization to the department of inspections and appeals after July 1, 2015, shall be submitted by January 31, 2017, and shall cover the period of July 1, 2015, through December 31, 2016.

DIVISION II COORDINATING AMENDMENTS

Sec. 49. Section 99.1A, unnumbered paragraph 2, Code 2015, is amended to read as follows:

The provisions of this section do not apply to ~~games of skill, games of chance, or raffles social and charitable gambling~~ conducted pursuant to chapter 99B or to devices lawful under section ~~99B.10~~ 99B.52 or 99B.53.

Sec. 50. Section 99D.8, unnumbered paragraph 1, Code 2015, is amended to read as follows:

A qualifying organization, as defined in section 513(d)(2)(C) of the Internal Revenue Code, as defined in section 422.3, exempt from federal income taxation under sections 501(c)(3), 501(c)(4), or 501(c)(5) of the Internal Revenue Code or a nonprofit corporation organized under the laws of this state, whether or not it is exempt from federal income taxation, which is organized to ~~promote those purposes enumerated in section 99B.7, subsection 3, paragraph "b"~~ distribute funds for educational, civic, public, charitable, patriotic, or religious uses, as defined in section 99B.1, or which regularly conducts an agricultural and educational fair or exposition for the promotion of the horse, dog, or other livestock breeding industries of the state, or an agency, instrumentality, or political subdivision of the state, may apply to the commission for a license to conduct horse or dog racing. The application shall be filed with the administrator of the commission at least sixty days before the first day of the horse race or dog race meeting which the organization proposes to conduct, shall specify the day or days when and the exact location where it proposes to conduct racing, and shall be in a form and contain information as the commission prescribes.

Sec. 51. Section 99F.5, subsection 1, Code 2015, 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.7, subsection 3, paragraph "b"~~ 99B.1, that averages at least three percent of the adjusted gross 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. 52. Section 99F.6, subsection 4, paragraph a, subparagraph (2), Code 2015, 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.7, subsection 3, paragraph "b"~~ 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 for each license year for educational, civic, public, charitable, patriotic, or religious uses as defined in section ~~99B.7, subsection 3, paragraph "b"~~ 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.

Sec. 53. Section 331.304, subsection 2, Code 2015, is amended by striking the subsection.

Sec. 54. Section 423.3, subsection 62, Code 2015, is amended to read as follows:

62. The sales price from the sale of raffle tickets for a raffle licensed and conducted at a fair pursuant to section 99B.5 99B.24.

Sec. 55. Section 805.8C, subsection 4, Code 2015, is amended to read as follows:

4. *Electrical ~~and~~ or mechanical amusement device violations.*

a. For violations of legal age for operating an electrical ~~and~~ or mechanical amusement device required to be registered as provided in section ~~99B.10, subsection 1, paragraph "f"~~ 99B.53, pursuant to section 99B.10C, subsection 1, the scheduled fine is two hundred fifty 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.

b. For first offense violations concerning electrical ~~and~~ or mechanical amusement devices as provided in section ~~99B.10, subsection 3~~ 99B.54, subsection 2, the scheduled fine is two hundred fifty dollars.

DIVISION III CODE EDITOR DIRECTIVES

Sec. 56. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

- a. Section 99B.3 to section 99B.31.
- b. Section 99B.5A to section 99B.22.
- c. Section 99B.6 to section 99B.43.
- d. Section 99B.7A to section 99B.32.
- e. Section 99B.7B to section 99B.27.
- f. Section 99B.9 to section 99B.44.
- g. Section 99B.10A to section 99B.56.
- h. Section 99B.10B to section 99B.55.
- i. Section 99B.10C to section 99B.57.
- j. Section 99B.10D to section 99B.58.
- k. Section 99B.11 to section 99B.61.
- l. Section 99B.11A, as enacted in this Act, to section 99B.11.
- m. Section 99B.12 to section 99B.45.

- n. Section 99B.12A to section 99B.23.
 - o. Section 99B.12B, as enacted in this Act, to section 99B.12.
 - p. Section 99B.13 to section 99B.2.
 - q. Section 99B.13A, as enacted in this Act, to section 99B.13.
 - r. Section 99B.14 to section 99B.3.
 - s. Section 99B.14A, as enacted in this Act, to section 99B.14.
 - t. Section 99B.15 to section 99B.4.
 - u. Section 99B.15A, as enacted in this Act, to section 99B.15.
 - v. Section 99B.16A, as enacted in this Act, to section 99B.16.
 - w. Section 99B.17 to section 99B.5.
 - x. Section 99B.19 to section 99B.6.
 - y. Section 99B.20 to section 99B.7.
 - z. Section 99B.21 to section 99B.8.
 - aa. Section 99B.21A, as enacted in this Act, to section 99B.21.
2. The Code editor is directed to create seven new subchapters in chapter 99B as follows:
- a. Subchapter I shall be entitled “general provisions” and include sections 99B.1 through 99B.10.
 - b. Subchapter II shall be entitled “qualified organizations” and include sections 99B.11 through 99B.20.
 - c. Subchapter III shall be entitled “charitable gambling” and include sections 99B.21 through 99B.30.
 - d. Subchapter IV shall be entitled “other activities requiring licensure” and include sections 99B.31 through 99B.40.
 - e. Subchapter V shall be entitled “social gambling” and include sections 99B.41 through 99B.50.
 - f. Subchapter VI shall be entitled “electrical or mechanical amusement devices” and include sections 99B.51 through 99B.60.
 - g. Subchapter VII shall be entitled “activities not requiring licensure” and include sections 99B.61 and 99B.62.
3. The Code editor may modify subchapter titles if necessary and is directed to correct internal references in the Code as necessary due to enactment of this section.

Approved May 15, 2015

CHAPTER 100

REGULATION OF AIR QUALITY — FEES, FUNDS, AND APPROPRIATIONS

S.F. 488

AN ACT relating to air quality, by providing for the establishment, imposition, and collection of fees, the creation or administration of funds and programs, making appropriations, and including effective date provisions.

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

Section 1. Section 455B.133, subsection 8, paragraph a, Code 2015, is amended to read as follows:

- a. (1) Adopt rules consistent with the federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549, including those amendments effective on January 1, 1991, regulations promulgated by the United States environmental protection agency pursuant to that Act, the provisions of this chapter, and rules adopted by the commission pursuant to this chapter, which require the owner or operator of an air contaminant source to obtain an operating permit prior to operation of the source. The rules shall specify the information required to

be submitted with the application for a an operating permit and the conditions under which a permit may be granted, modified, suspended, terminated, revoked, reissued, or denied. For sources subject to the provisions of Tit. IV of the federal Clean Air Act Amendments of 1990, operating permit conditions shall include emission allowances for sulfur dioxide emissions.

(2) (a) The commission may ~~impose~~ establish fees to be imposed and collected by the department, including operating permit application fees and fees upon regulated pollutants emitted from an air contaminant source, in an amount sufficient to cover, on a state fiscal year basis as described in section 455B.133B, all reasonable costs, direct and indirect, required to ~~develop~~ implement and administer the operating permit program as described in subparagraph (1) in conformance with the federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549. Affected units regulated under Tit. IV of the federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549, shall pay operating permit fees in the same manner as other sources subject to operating permit requirements, except as provided in section 408 of the federal that Act.

(b) The fees collected by the department pursuant to this subsection subparagraph division (a) shall be ~~deposited in~~ credited to the appropriate accounts of the air contaminant source fund created pursuant to section 455B.133B, and shall be utilized solely to cover all reasonable costs required to ~~develop~~ implement and administer the programs required by Tit. V of the federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549, including the operating permit program pursuant to section 502 of the federal that Act and the small business stationary source technical and environmental assistance program pursuant to section 507 of the federal that Act. The amount of the fees credited to and expended from each account of the air contaminant source fund shall be subject to the limitations provided in section 455B.133B.

(c) Fees established pursuant to this subparagraph (2) shall not be imposed for the regulation of an activity that exceeds the requirements of the federal Clean Air Act Amendments of 1990.

Sec. 2. Section 455B.133B, Code 2015, is amended to read as follows:

455B.133B Air contaminant source fund created — fees and appropriations.

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

a. “Federal Clean Air Act Amendments of 1990” means Pub. L. No. 101-549, including those amendments effective on January 1, 1991, regulations promulgated by the United States environmental protection agency pursuant to that Act, the provisions of this chapter, and rules adopted by the commission pursuant to this chapter.

b. “State fiscal year” means the fiscal year described in section 3.12.

2. An air contaminant source fund is created in the office of the treasurer of state under the control of the department. The fund shall be composed of an air emission fee account and an operating permit application fee account as provided in this section.

1. Moneys received from the fees assessed pursuant to section 455B.133, subsection 8, shall be deposited in the fund.

2. Moneys in the fund shall be used solely to defray the costs related to the permit, monitoring, and inspection program, including the small business stationary source technical and environmental compliance assistance program required pursuant to the federal Clean Air Act Amendments of 1990, section 502, Pub. L. No. 101-549, and as provided in section 455B.133A.

3. In establishing fees to be imposed and collected by the department pursuant to section 455B.133, subsection 8, the commission shall use the calculated estimate described in this section. The fees collected pursuant to section 455B.133, subsection 8, shall be credited to the fund. The fund may include any other moneys appropriated by the general assembly or otherwise available to and obtained or accepted by the department for deposit in the fund.

4. a. The commission shall establish each fee amount based on the department’s calculated estimate of total revenues from all fees predicted to be credited to each account in the fund, but not to exceed a ceiling amount for each account as provided in this section. However, this subsection does not require that an account have a zero ending balance at the close of a state fiscal year.

b. Each state fiscal year the department shall recompute its calculated estimate and obtain approval from the commission if an established fee amount must be adjusted.

c. (1) The department shall annually convene a Title V fees stakeholder meeting. The department shall provide a report on the fees and budgets to the stakeholders. The department shall consider any recommendations of the stakeholders when computing its calculated estimate for the following state fiscal year.

(2) A person invited to attend a stakeholder meeting is not entitled to receive a per diem as specified in section 7E.6 and shall be not reimbursed for expenses incurred while attending the meeting.

5. a. The air emission fee account shall include all fees established by the commission to be imposed and collected by the department for emission fees for regulated pollutants submitted by major sources as defined in section 502 of the federal Clean Air Act Amendments of 1990, 42 U.S.C. §7661, and as defined in 567 IAC ch. 22.

b. (1) The department's calculated estimate for the air emission fee account shall be computed to produce total revenues sufficient to pay for reasonable direct and indirect costs of implementing and administering the operating permit program as provided in section 455B.133, subsection 8, on a state fiscal year basis.

(2) The reasonable direct and indirect costs described in subparagraph (1) shall be limited to all of the following:

(a) General administrative costs of administering the operating permit program, including the supporting and tracking of operating permit applications, compliance certification, and related data entry.

(b) Costs of implementing and enforcing the terms of an operating permit, not including any court costs or other costs associated with an enforcement action, including adequate resources to determine which sources are subject to the program.

(c) Costs of emissions and ambient site-specific monitors.

(d) Costs of Title V source-specific modeling, analyses, or demonstrations.

(e) Costs of preparing inventories and tracking emissions.

(f) Costs of providing direct support to sources under the small business stationary source technical and environmental compliance assistance program as provided in section 455B.133A.

(3) The department shall not include in its computations for a calculated estimate, and the commission shall not establish fees, for greenhouse gas emissions as defined in 40 C.F.R. §70.12.

c. The department's calculated estimate for the air emission fee account shall not produce total revenues in excess of eight million two hundred fifty thousand dollars during any state fiscal year.

d. (1) Moneys in the air emission fee account are appropriated to the department to pay for the reasonable direct and indirect costs specified in paragraph "b", subparagraph (2).

(2) Notwithstanding subparagraph (1), moneys in the air emission fee account are also appropriated to the department to pay for costs associated with implementing and administering regulatory activities, including programs, provided for in division II of this chapter, other than costs covered by any of the following:

(a) Operating permit application fees credited to the operating permit application fee account as provided in subsection 6.

(b) New source review application fees credited to the major source account of the air quality fund as provided in section 455B.133C, subsection 5.

(c) New source review application fees credited to the minor source account of the air quality fund as provided in section 455B.133C, subsection 6.

(d) Notification fees credited to the asbestos account of the air quality fund as provided in section 455B.133C, subsection 7.

6. a. The operating permit application fee account shall include all fees established by the commission to be imposed and collected by the department for accepting applications for operating permits submitted by major sources as defined in section 502 of the federal Clean Air Act Amendments of 1990, 42 U.S.C. §7661, and as defined in 567 IAC ch. 22.

b. (1) The department's calculated estimate for the operating permit application fee account shall be computed to produce total revenues sufficient to provide for the reasonable

direct and indirect costs of implementing and administering operating permit programs described in paragraph “a”.

(2) The reasonable direct and indirect costs described in subparagraph (1) shall be limited to all of the following:

(a) Costs of reviewing and acting on any application for an operating permit or operating permit revision.

(b) General administrative costs of administering the operating permit program, including the supporting and tracking of operating permit applications and related data entry.

c. The department’s calculated estimate for the operating permit application fee account shall not produce total revenues in excess of one million two hundred fifty thousand dollars during any state fiscal year.

d. Moneys in the operating permit application fee account are appropriated to the department to pay for reasonable direct and indirect costs specified in paragraph “b”, subparagraph (2).

7. a. The commission or department shall not transfer moneys credited from one account to another account of the fund.

b. Notwithstanding section 8.33, any unexpended balance in ~~the an~~ an account of the fund at the end of each state fiscal year shall be retained in ~~the fund that~~ that account.

c. Notwithstanding section 12C.7, any interest and earnings on investments from ~~money moneys in the fund~~ an account of the fund shall be credited to ~~the fund that~~ that account.

Sec. 3. NEW SECTION. 455B.133C Air quality fund — fees and appropriations.

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

a. “*Federal Clean Air Act Amendments of 1990*” means the same as defined in section 455B.133B.

b. “*State fiscal year*” means the fiscal year described in section 3.12.

2. An air quality fund is created in the office of the treasurer of state under the control of the department. The fund shall be composed of a major source account, a minor source account, and an asbestos account as provided in this section.

3. The commission may establish fees to be imposed and collected by the department upon air contaminant sources required by 567 IAC ch. 22, 31, or 33, to obtain a permit, registration, template, or permit by rule, or to provide notification under 567 IAC 23.1(3). In establishing the fees, the commission shall use the calculated estimate described in this section. The fees collected shall be credited to the fund. The fund may include any other moneys appropriated by the general assembly or otherwise available to and obtained or accepted by the department for deposit in the fund.

4. a. The commission shall establish each fee amount based on the department’s calculated estimate of total revenues from all fees predicted to be credited to each account in the fund, but not to exceed a ceiling amount for each account as provided in this section. However, this subsection does not require that an account have a zero ending balance at the close of a state fiscal year.

b. Each state fiscal year the department shall recompute its calculated estimate and obtain approval from the commission if an established fee amount must be adjusted.

c. (1) The department shall annually convene air quality fees stakeholder meetings. The department shall provide a report on the fees and budgets to the stakeholders regarding each account described in this section. The department shall consider any recommendations of the stakeholders when computing its calculated estimate for the following state fiscal year.

(2) A person invited to attend a stakeholder meeting is not entitled to receive a per diem as specified in section 7E.6 and shall be not reimbursed for expenses incurred while attending the meeting.

5. a. The major source account shall include all fees established by the commission to be imposed and collected by the department for accepting applications for new source review permits including permit revisions submitted by major sources as defined in section 502 of the federal Clean Air Act Amendments of 1990, 42 U.S.C. §7661, under new source review programs pursuant to that federal Act, including as provided under 567 IAC ch. 22, 31, and 33.

b. (1) The department’s calculated estimate for the major source account shall be computed to produce total revenues sufficient to pay for reasonable direct and indirect costs

of implementing and administering new source review programs described in paragraph "a" on a state fiscal year basis.

(2) The reasonable direct and indirect costs described in subparagraph (1) shall be limited to all of the following:

(a) Reviewing and acting on any application for a new source review permit, including the determination of all applicable requirements and dispersion modeling as part of the processing of a permit or permit revision, or an applicability determination.

(b) General administrative costs of administering new source review programs including supporting and tracking of any application for a new source review permit and related data entry.

(c) (i) Developing and implementing an expedited new source review permit application process.

(ii) Additional fees associated with subparagraph subdivision (i).

c. (1) The department's calculated estimate for the major source account shall not produce total revenues in excess of one million five hundred thousand dollars during any state fiscal year.

(2) Notwithstanding subparagraph (1), the department's calculated estimate for the major source account shall not include the additional fees described in paragraph "b", subparagraph (2), subparagraph division (c), subparagraph subdivision (ii).

d. Moneys in the major source account are appropriated to the department to pay for reasonable direct and indirect costs of implementing and administering new source review programs as specified in paragraph "b", subparagraph (2).

6. a. The minor source account shall include all fees established by the commission to be imposed and collected by the department for accepting applications submitted by minor air contaminant sources for construction permits or for providing for registrations, permits by rule, or template permits in lieu of obtaining construction permits, under minor source new source review programs pursuant to the federal Clean Air Act Amendments of 1990, including as provided under 567 IAC ch. 22.

b. (1) The department's calculated estimate for the minor source account shall be computed to produce total revenues sufficient to pay for reasonable direct and indirect costs of implementing and administering minor source new source review programs as described in paragraph "a" on a state fiscal year basis.

(2) The reasonable direct and indirect costs described in subparagraph (1) shall include costs associated with a new, modified, or existing minor air contaminant source, and related control equipment.

c. The department's calculated estimate for the minor source account shall not produce total revenues in excess of two hundred fifty thousand dollars during any state fiscal year.

d. Moneys in the minor source account are appropriated to the department to pay for reasonable direct and indirect costs of implementing and administering minor source new source review programs as specified in paragraph "b".

7. a. The asbestos account shall include all fees established by the commission to be imposed and collected by the department for accepting notifications involving demolition or renovation projects under the asbestos national emission standard for hazardous air pollutants program pursuant to 567 IAC ch. 23.

b. The department's calculated estimate for the asbestos account shall be computed to produce total revenues sufficient to pay for reasonable direct and indirect costs of implementing and administering the asbestos national emission standard for hazardous air pollutants program as provided in paragraph "a" on a state fiscal year basis.

c. The department's calculated estimate for the asbestos account shall not produce total revenues in excess of four hundred fifty thousand dollars during any state fiscal year.

d. Moneys in the asbestos account are appropriated to the department to pay for reasonable direct and indirect costs of implementing and administering the asbestos national emission standard for hazardous air pollutants program as specified in paragraph "b".

8. Fees established pursuant to this section shall not be imposed for the regulation of an activity that exceeds the requirements of the federal Clean Air Act Amendments of 1990.

9. a. The commission or department shall not transfer moneys credited from one account to another account of the fund.

b. Notwithstanding section 8.33, any unexpended balance in an account of the fund at the end of each state fiscal year shall be retained in that account.

c. Notwithstanding section 12C.7, any interest and earnings on investments from moneys in an account of the fund shall be credited to that account.

Sec. 4. EFFECTIVE DATE OF FEES. Notwithstanding section 455B.133B, as amended in this Act, or section 455B.133C, as enacted in this Act, the environmental protection commission may establish a designated fee effective on and after January 1, 2016. A designated fee is limited to a fee required under this Act to be credited to any of the following funds or accounts:

1. For the air contaminant source fund, the operating permit application fee account as provided in section 455B.133B, subsection 6, as enacted in this Act.

2. For the air quality fund, any of the following:

a. The major source account as provided in section 455B.133C, subsection 5, as enacted in this Act.

b. The minor source account as provided in section 455B.133C, subsection 6, as enacted in this Act.

c. The asbestos account as provided in section 455B.133C, subsection 7, as enacted in this Act.

Sec. 5. CONTINUING EFFECTIVENESS OF EXISTING FEES. Any fee established by the environmental protection commission pursuant to section 455B.133, subsection 8, which is in effect immediately prior to the effective date of this Act shall remain in effect and shall be subject to the provisions of this Act. The fee amount for such a fee in effect immediately prior to the effective date of this Act shall remain in effect until such fee amount is adjusted by the commission as provided in this Act.

Sec. 6. TRANSFER OF MONEYS. Any moneys remaining in the air contaminant source fund, as created in section 455B.133B, on the effective date of this Act, shall be transferred to the air emission fee account established within the air contaminant source fund as provided in this Act.

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

Approved May 15, 2015

CHAPTER 101

REGULATION OF FREE OFFERS AND BUYING CLUB MEMBERSHIPS

H.F. 229

AN ACT relating to the regulation of free offers and buying club memberships.

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

Section 1. Section 552A.3, Code 2015, is amended to read as follows:

552A.3 Right of cancellation — requirement of writing.

The requirements of sections 555A.1 through 555A.5, relating to door-to-door sales, shall apply to sales of buying club memberships, irrespective of the place or manner of sale or the purpose for which they are purchased, except that in connection with the sale of a buying club membership transacted through the internet by a company primarily engaged in the sale of goods through the internet, section 555A.4, subsections 1 and 3 shall not apply. In addition to the requirements of chapter 555A, a contract shall not be enforceable against a

person acquiring a membership in a buying club unless the contract is in writing and signed by the purchaser.

Sec. 2. Section 714.16, subsection 2, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. o. (1) It is an unlawful practice for a person to make a free offer to a consumer, or impose a financial obligation on the consumer as a result of the consumer's acceptance of a free offer, unless the person provides the consumer with clear and conspicuous information regarding the terms of the free offer before the consumer agrees to accept the free offer, including at a minimum all of the following:

(a) Identification of all goods or services, or enrollments in a membership, subscription, or service contract, that the consumer will receive or incur a financial obligation for as a result of accepting the free offer.

(b) The cost to the consumer of any financial obligation the consumer will incur if the consumer accepts the free offer, including any fees or charges.

(c) Any requirement, if applicable, that the consumer take affirmative action to reject the free offer and instructions about how the consumer is to indicate the consumer's rejection of the free offer.

(d) A statement, if applicable, that by accepting the free offer, the consumer will become obligated for additional goods or services, or enrollment in a membership, subscription, or service contract, unless the consumer takes affirmative action to cancel the free offer or otherwise reject receipt of the additional goods or services or the enrollment in a membership, subscription, or service contract.

(e) The consumer's right to cancel the free offer using procedures specifically intended for that purpose that, at a minimum, enable the consumer to cancel by calling a toll-free telephone number or to cancel in a manner substantially similar to that by which the consumer accepted the free offer.

(f) The time period during which the consumer must cancel in order to avoid incurring a financial obligation as a result of accepting the free offer.

(g) If applicable, the consumer's right to receive a credit on goods or services received as a result of accepting the free offer when the goods or services are returned or rejected, and the time period during which the goods or services must be returned or rejected for the purpose of receiving a credit.

(2) It is an unlawful practice for a person to cause a consumer to incur a financial obligation as a result of accepting a free offer unless one of the following occurs:

(a) The person obtains the consumer's billing information directly from the consumer. For purposes of this subparagraph division, a person obtains a consumer's billing information directly from the consumer if the billing information is obtained by the person or by the person's agent or employee.

(b) The consumer gives affirmative consent at the time the consumer accepts a free offer for the person to provide billing information to a person other than the person making the free offer.

(3) It is an unlawful practice for a person to impose a financial obligation on a consumer as a result of the consumer's acceptance of a free offer unless the consumer's affirmative consent to the terms of the free offer as disclosed in subparagraph (1) is obtained.

(4) It is an unlawful practice for a person that makes a free offer to a consumer to fail or refuse to cancel the free offer if the consumer has used, or made reasonable efforts to attempt to use, one of the procedures required to be available to the consumer as described in subparagraph (1), subparagraph division (e).

(5) This paragraph "o" does not apply to free offers made in connection with services that are subject to the federal Communications Act of 1934, 47 U.S.C. §151 et seq.

(6) For purposes of this paragraph "o":

(a) "*Affirmative consent*" means a consumer's agreement to incur a financial obligation as a result of accepting a free offer, or to provide the consumer's billing information, given or made in the manner specifically identified for the consumer to indicate the consumer's agreement.

(b) “*Billing information*” means any record or information compiled or maintained with respect to a consumer that identifies the consumer and provides a means by which the consumer’s financial obligation incurred by accepting a free offer may be paid or otherwise satisfied, including but not limited to information pertaining to a consumer’s credit card, payment card, charge card, debit card, checking, savings, or other banking account, and electronic funds transfer information.

(c) “*Clear and conspicuous information*” means language that is readily understandable and presented in such size, color, contrast, and location, or audibility and cadence, compared to other language, as to be readily noticed and understood, and that is in close proximity to the request for consent to a free offer.

(d) “*Consumer*” means an individual who seeks to accept or accepts a free offer.

(e) (i) “*Free offer*” means an offer of goods or services without cost, or for a one-time payment to cover only incidental charges such as shipping or handling, to a consumer that, if accepted, causes the consumer to incur a financial obligation for any of the following:

(A) The goods or services received.

(B) Additional goods or services other than those initially received.

(C) Enrollment in a membership, subscription, or service contract as a result of accepting the offer.

(ii) “*Free offer*” does not include a free good or service that is received by a consumer as a result of the consumer’s entering into an agreement for enrollment in a membership, subscription, or service contract that is not otherwise a free offer or a consequence of the consumer’s agreement to accept a free offer.

(iii) “*Free offer*” does not include enrollment in a subscription to a publication, including but not limited to a magazine, newspaper, or other periodical, if the consumer may cancel the subscription at any time and receive a refund for issues not yet distributed, or in the case of a newspaper, a refund for newspapers that would otherwise be distributed after the expiration of the current month.

Approved May 15, 2015

CHAPTER 102

VEHICLE RENTAL AGREEMENT FEES

H.F. 622

AN ACT relating to certain fees charged in connection with vehicle rental agreements and making penalties applicable.

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

Section 1. Section 516D.3, subsection 6, paragraph a, Code 2015, is amended to read as follows:

a. “*Mandatory charge*” does not include an airport-imposed fee or a vehicle license recovery fee if the existence and amount of the fee are clearly and conspicuously disclosed immediately adjacent to any advertised rental price. The customer must be informed of the amount of the fee when the reservation is made. When an advertisement encompasses more than one rental location, the fee may be expressed as the maximum fee or range of fees.

Sec. 2. Section 516D.3, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 12. “*Vehicle license recovery fee*” means a charge that may be separately stated and charged on a vehicle rental transaction originating in this state to recover fees paid to this state by a rental company to license, title, register, and plate rental vehicles.

Sec. 3. NEW SECTION. **516D.3A Vehicle license recovery fee.**

1. A rental company may include separately stated charges in a rental agreement pursuant to the provisions of this chapter for the recovery of fees paid to this state to license, title, register, and plate rental vehicles.

2. If a rental company includes a vehicle license recovery fee as a separately stated charge in a rental transaction, the amount of the fee shall represent the rental company's good-faith estimate of the rental company's average per vehicle portion of the rental company's total annual titling and registration fees paid to this state.

3. If the total amount of the vehicle license recovery fees collected by a rental company under this section in any calendar year exceeds the rental company's actual fees paid to this state to license, title, register, and plate rental vehicles for that calendar year, the rental company shall do both of the following:

a. Retain the excess amount to be held in a vehicle license recovery fee fund as a consumer credit for the following year.

b. Lower the estimated average per vehicle titling and registration charge for the following calendar year by the corresponding amount in the vehicle license recovery fee fund.

Approved May 15, 2015

CHAPTER 103

PRODUCTS, PROGRAMS, AND RESOURCES REGULATED BY THE DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

H.F. 634

AN ACT providing for the department of agriculture and land stewardship's administration of certain functions, including by eliminating past dates relating to a determination of Iowa-foaled horse and to the rehabilitation and conservation of land affected by coal mining, providing for payment by the department for the examination of certain articles, allowing the department to adopt by reference certain federal publications affecting milk and milk products, modifying the definition of biobutanol, eliminating departmental duties and fees relating to weights and measures, providing for purchased-grain fees paid into the Iowa grain indemnity fund, and changing the name of the division of soil and water conservation and the name of its appointed administrative official.

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

DIVISION I REGULATORY PROVISIONS

Section 1. Section 99D.22, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. All thoroughbred horses, quarter horses, or standardbred horses foaled in Iowa ~~prior to January 1, 1985~~, which are registered by the jockey club, American quarter horse association, or United States trotting association as Iowa foaled shall be considered to be Iowa foaled.

Sec. 2. Section 99D.22, subsection 2, paragraph b, unnumbered paragraph 1, Code 2015, is amended to read as follows:

~~After January 1, 1985, eligibility~~ Eligibility for brood mare residence shall be achieved by meeting at least one of the following rules:

Sec. 3. Section 189.6, Code 2015, is amended to read as follows:

189.6 Taking of samples.

The department may, without the consent of the owner, examine or open any package containing, or believed to contain, any article or product which it suspects may be prepared, manufactured, offered, or exposed for sale, sold, or held in possession in violation of the provisions of this subtitle, in order to secure a sample for analysis or examination, and the sample and damage to container shall be paid for at the current market price ~~out of the contingent fund of~~ by the department.

Sec. 4. Section 192.101A, Code 2015, is amended by adding the following new subsection:
NEW SUBSECTION. 1A. “*Federal publication*” means a publication produced by the United States department of health and human services including the United States public health service and United States food and drug administration.

Sec. 5. Section 192.102, Code 2015, is amended to read as follows:

192.102 Grade “A” pasteurized milk ordinance.

The department shall adopt, ~~by rule,~~ rules incorporating or incorporating by reference the federal publication entitled “Grade ‘A’ Pasteurized Milk Ordinance, 2005 Revision”, including a subsequent revision of the ordinance Ordinance”. If the ordinance specifies that compliance with a provision of the ordinance’s appendices is mandatory, the department shall also adopt that provision. The department shall not amend the ordinance, unless the department explains each amendment and reasons for the amendment in the Iowa administrative bulletin when the rules are required to be published pursuant to chapter 17A. The department shall administer this chapter consistent with the provisions of the ordinance.

Sec. 6. Section 192.110, subsection 1, Code 2015, is amended to read as follows:

1. The person has a pasteurized milk and milk products sanitation compliance rating of ninety percent or more as calculated according to the rating system as contained in rules adopted by the department incorporating or incorporating by reference the federal public health service publications, entitled “Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers 2003” Shipments and “Method “Methods of Making Sanitation Ratings of Milk Supplies, 2003 Revision” Shippers”. ~~The applicable provisions of these publications are incorporated into this section by this reference.~~ A copy of each publication shall be on file with the department or in the office of the person subject to an inspection contract as provided in section 192.108.

Sec. 7. Section 192.111, subsection 3, paragraph b, Code 2015, is amended by striking the paragraph.

Sec. 8. Section 192.118, Code 2015, is amended to read as follows:

192.118 Certified laboratories.

1. To insure uniformity in the tests and reporting, an employee certified by the United States public health service of the bacteriological laboratory of the department shall annually certify, in accordance with ~~the United States food and drug administration rules adopted by the department incorporating or incorporating by reference the federal publication entitled “Evaluation of Milk Laboratories” (1995 revision)~~, all laboratories doing work in the sanitary quality of milk and dairy products for public report. The approval by the department shall be based on the evaluation of these laboratories as to personnel training, laboratory methods used, and reporting. The results on tests made by approved laboratories shall be reported to the department on request, on forms prescribed by the secretary of agriculture, and such reports may be used by the department.

2. The department shall annually certify, in accordance with rules adopted by the department incorporating or incorporating by reference the United States food and drug administration federal publication entitled “Evaluation of Milk Laboratories” (1995 revision), every laboratory in the state doing work in the sanitary quality of milk and dairy products for public report. The certifying officer may enter any such place at any reasonable hour to make the survey. The management of the laboratory shall afford free access to every part of the premises and render all aid and assistance necessary to enable the certifying officer to make a thorough and complete examination.

Sec. 9. Section 199.3, subsection 6, Code 2015, is amended to read as follows:

6. Seed sold on or from the farm, which is exempt from the permit requirements by section 199.15, shall be labeled on the basis of tests performed by the Iowa state university of science and technology seed testing laboratory, ~~department of agriculture and land stewardship seed laboratory~~, or a commercial seed laboratory personally supervised by a registered seed technologist. Tests for labeling shall be as provided in section 199.10.

Sec. 10. Section 199.10, subsection 2, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Charges for seed testing by the Iowa state university ~~or department of agriculture and land stewardship seed testing laboratory~~ shall be determined by the Iowa state university laboratory. Separate fee schedules shall be published for:

Sec. 11. Section 199.10, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. Integrate seed testing so as to avoid unnecessary duplication of personnel and equipment. ~~The department of agriculture and land stewardship seed laboratory shall be primarily concerned with seed testing for seed law enforcement purposes.~~ The Iowa state university seed testing laboratory shall promote seed education and research and shall conduct service testing for farmers and seed dealers.

Sec. 12. Section 203D.1, subsection 14, Code 2015, is amended to read as follows:

14. a. *“Purchased grain”* means grain which is entered in the company-owned paid position as evidenced on the grain dealer’s daily position record.

b. *“Purchased grain”* does not include grain that is subject to an exempt transaction based on documentation satisfactory to the department showing that the grain dealer did any of the following:

(1) Purchased the grain from the United States government or any of its subdivisions or agencies.

(2) Purchased the grain from a person licensed as a grain dealer in any jurisdiction.

(3) Purchased the grain under a credit-sale contract.

(4) Entered the grain in the company-owned paid position as a cancellation of a collateral warehouse receipt.

(5) Entered the grain in the company-owned paid position as an intra-company location transfer.

Sec. 13. Section 203D.3A, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. A per-bushel fee shall be assessed on all purchased grain. ~~However, if the grain dealer provides documentation regarding the transaction satisfactory to the department, the following transactions shall be excluded from the per-bushel fee:~~

~~(1) Grain purchased from the United States government or any of its subdivisions or agencies.~~

~~(2) Grain purchased from a person licensed as a grain dealer in any jurisdiction.~~

~~(3) Grain purchased under a credit-sale contract.~~

Sec. 14. Section 203D.5, subsection 2, paragraph a, subparagraph (1), Code 2015, is amended to read as follows:

(1) For a licensed grain dealer, not more than fourteen thousandths of a cent per bushel assessed on all purchased grain ~~entered in the company-owned paid position~~ during the grain dealer’s last fiscal year at each location at which records are maintained for transactions of the grain dealer, as determined according to information submitted by the grain dealer to the department for the issuance or renewal of a license as provided in section 203.5.

Sec. 15. Section 203D.5, subsection 4, unnumbered paragraph 1, Code 2015, is amended to read as follows:

If, ~~at the end of any three-month period,~~ on the last date of the fund's fiscal year as provided in section 203D.3 the assets of the fund exceed eight million dollars, less any encumbered balances or pending or unsettled claims, all of the following apply:

Sec. 16. Section 206.32, subsection 1, Code 2015, is amended to read as follows:

1. A person shall not offer for sale, sell, purchase, apply, or use chlordane in this state, ~~on or after January 1, 1989.~~

Sec. 17. Section 207.1, subsection 1, Code 2015, is amended to read as follows:

1. It is the policy of this state to provide for the rehabilitation and conservation of land affected by coal mining and preserve natural resources, protect and perpetuate the taxable value of property, and protect and promote the health, and safety, ~~and general welfare~~ of the people of this state.

Sec. 18. Section 207.21, subsection 3, paragraphs a and b, Code 2015, are amended to read as follows:

a. The protection of public health, safety, ~~general welfare,~~ and property from extreme danger of adverse effects of coal mining practices.

b. The protection of public health, and safety, ~~and general welfare~~ from adverse effects of coal mining practices.

Sec. 19. Section 207.23, subsection 1, Code 2015, is amended to read as follows:

1. Within six months after the completion of a project to restore, reclaim, abate, control, or prevent adverse effects of past coal mining practices on privately owned land, the division shall itemize the money expended on the project and may file a lien statement in the office of the district court clerk of each county in which a portion of the property affected by the project is located, together with a notarized appraisal by an independent appraiser of the value of the land before the restoration, reclamation, abatement, control, or prevention of adverse effects of past mining practices if the money so expended results in a significant increase in property value. A copy of the lien statement and the appraisal, if required, shall be served upon affected property owners in the manner provided for service of an original notice. The lien shall not exceed the amount determined by the appraiser to be the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of adverse effects of past coal mining practices. A lien shall not be filed in accordance with this subsection against the property of a person who ~~owned the surface prior to May 2, 1977, and who~~ neither consented to, participated in, nor exercised control over the mining operation which necessitated the reclamation performed.

Sec. 20. Section 214A.1, subsection 3, Code 2015, is amended to read as follows:

3. "*Biobutanol*" means isobutyl or n-butyl alcohol that is to be blended with gasoline if it meets the standards provided in section 214A.2.

Sec. 21. Section 214A.2, subsection 3, paragraph c, subparagraph (1), Code 2015, is amended to read as follows:

(1) Biobutanol must be an agriculturally derived isobutyl or n-butyl alcohol that meets A.S.T.M. international specification D7862 for butanol for blending with gasoline for use as automotive spark-ignition engine fuel, or a successor A.S.T.M. international specification, as established by rules adopted by the department.

Sec. 22. Section 215.17, subsection 1, Code 2015, is amended to read as follows:

1. A person engaged in scale repair work for hire shall use only test weights sealed by a laboratory approved by the department in determining the effectiveness of repair work and the test weights shall be sealed as to their accuracy once each year. However, a person shall not claim to be an official scale inspector and shall not use the test weights except to determine the accuracy of scale repair work done by the person and the person shall not be entitled to a

fee for their use. A fee shall be charged and collected at time of inspection for the inspection of such weights as follows:

All weights up to and including 25 pounds	\$ 1.10 each
Over 25 pounds capacity, up to and including 50 pounds	2.25 each
Over 50 pounds capacity, up to and including 100 pounds	3.00 each
Over 100 pounds capacity, up to and including 500 pounds	4.50 each
Over 500 pounds capacity, up to and including 1,000 pounds	7.50 each

Sec. 23. Section 215.17, subsection 2, Code 2015, is amended by striking the subsection.

DIVISION II
SOIL CONSERVATION AND WATER QUALITY

Sec. 24. Section 159.5, subsection 12, Code 2015, is amended to read as follows:

12. ~~Establish~~ Create and maintain a division of soil conservation and water quality as provided in chapter 161A. ~~The division administrator~~ division's director shall be appointed by the secretary from a list of names of persons recommended by the soil conservation committee, pursuant to section 161A.4, ~~subsection 6, paragraph "c",~~ and shall serve at the pleasure of the secretary. The director shall be the administrator responsible for carrying out the provisions of chapters 207 and 208.

Sec. 25. Section 159.18, subsection 1, Code 2015, is amended to read as follows:

1. As used in this section, "farm programs" includes but is not limited to financial incentive programs established within the ~~department's~~ division of soil conservation of the department of agriculture and land stewardship and water quality as provided in section 161A.70 and the beginning farmer loan program administered by the Iowa finance authority as provided in ~~section 16.75~~ chapter 16.

Sec. 26. Section 161A.3, subsection 7, Code 2015, is amended to read as follows:

7. "Division" means the division of soil conservation and water quality created within the department pursuant to section 159.5.

Sec. 27. Section 161A.4, subsection 1, Code 2015, is amended to read as follows:

1. ~~The soil conservation division is established~~ of soil conservation and water quality created within the department to pursuant to section 159.5 shall perform the functions conferred upon it in this chapter and chapters 161C, 161E, 161F, 207, and 208. The division shall be administered in accordance with the policies of the state soil conservation committee, which shall advise the division and which shall approve administrative rules proposed by the division for the administration of this chapter and chapters 161C, 161E, 161F, 207, and 208 before the rules are adopted pursuant to section 17A.5. If a difference exists between the committee and secretary regarding the content of a proposed rule, the secretary shall notify the chairperson of the committee of the difference within thirty days from the committee's action on the rule. The secretary and the committee shall meet to resolve the difference within thirty days after the secretary provides the committee with notice of the difference.

Sec. 28. Section 161A.4, subsection 2, unnumbered paragraph 1, Code 2015, is amended to read as follows:

In addition to other duties and powers conferred upon the division of soil conservation and water quality, the division has the following duties and powers:

Sec. 29. Section 161A.4, subsection 6, paragraph c, Code 2015, is amended to read as follows:

c. The committee shall recommend three persons to the secretary of agriculture who shall appoint from the persons recommended an ~~administrative~~ a director to head the division and serve at the pleasure of the secretary. After reviewing the names submitted, the secretary may request that the soil conservation committee submit additional names for consideration.

Sec. 30. Section 161A.6, unnumbered paragraph 4, Code 2015, is amended to read as follows:

The commissioners may call upon the attorney general of the state for such legal services as they may require. The commissioners may delegate to their chairperson, to one or more commissioners or to one or more agents, or employees, such powers and duties as they may deem proper. The commissioners shall furnish to the division ~~of soil conservation~~, upon request, copies of such ordinances, rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties under this chapter.

Sec. 31. Section 161A.7, subsection 1, paragraph n, subparagraph (2), Code 2015, is amended to read as follows:

(2) The title page of the district plan and a notification stating where the plan may be reviewed shall be recorded with the recorder in the county in which the district is located, and updated as necessary, after the committee approves and the ~~administrator~~ director of the division signs the district plan. The commissioners shall provide notice of the recording and may provide a copy of the approved district plan to the county board of supervisors in the county where the district is located. The district plan shall be filed with the division as part of the state soil and water resource conservation plan provided in section 161A.4.

Sec. 32. Section 161A.18, Code 2015, is amended to read as follows:

161A.18 Certification.

Following the entry in the official minutes of the soil and water conservation district commissioners of the creation of the subdistrict, the commissioners shall certify this fact on a separate form, authentic copies of which shall be recorded with the county recorder of each county in which any portion of the subdistrict lies, and with the division ~~of soil conservation~~.

Sec. 33. Section 161A.61, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. Bring the farm unit which is the subject of the order into compliance with a plan developed for that farm unit by the commissioners, in accordance with guidelines established by the division ~~of soil conservation~~, and presented to the court as a part of the commissioners' petition, if a farm unit soil conservation plan has not previously been agreed upon for that farm unit. A plan presented to the court by the commissioners under this paragraph shall specify as many alternative approved soil and water conservation practices as feasible, among which the owner or occupant of the farm unit may choose in taking the steps necessary to comply with the court's order.

Sec. 34. Section 161A.80, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. The principal and interest from any bluffslands protection loan outstanding on July 1, 2015, and payable to the bluffslands protection revolving fund, shall be paid to the ~~administrative~~ director of the division of soil conservation and water quality created in section 159.5 on or after July 1, 2015, pursuant to the terms of the loan agreement and shall be credited to the rebuild Iowa infrastructure fund.

Sec. 35. Section 161C.1, subsection 4, Code 2015, is amended to read as follows:

4. "Division" means the division of soil conservation and water quality created within the department pursuant to section 159.5.

Sec. 36. Section 161D.1, subsection 2, Code 2015, is amended to read as follows:

2. The mission of the authority is to develop and coordinate plans for projects related to the unique natural resource, rural development, and infrastructure problems of counties in the deep loess region of western Iowa. The erosion and degradation of stream channels in the deep loess soils has occurred due to historic channelization of the Missouri river and straightening stream channels of its tributaries. This erosion of land has damaged the rural infrastructure of this area, destroyed public roads and bridges, adversely impacted stream water quality and riparian habitat, and affected other public and private improvements. Stabilization of stream channels is necessary to protect the rural infrastructure in the deep loess soils area of the state. The authority shall cooperate with the division of soil conservation ~~of~~ and water quality created within the department of agriculture and land stewardship pursuant to section 159.5, the affected soil and water conservation districts, the department of natural resources, and the state department of transportation in carrying out its mission and duties. The authority shall also cooperate with appropriate federal agencies, including the United States environmental protection agency, the United States department of interior, and the United States department of agriculture natural resources conservation service. The authority shall make use of technical resources available through member counties and cooperating agencies.

Sec. 37. Section 161D.8, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The authority shall submit to the department of management, the legislative services agency, and the division of soil conservation and water quality of the department of agriculture and land stewardship, on or before December 31 annually, a report including information regarding all of the following:

Sec. 38. Section 161D.11, subsection 3, Code 2015, is amended to read as follows:

3. The authority shall cooperate with the division of soil conservation and water quality of the department of agriculture and land stewardship, and the affected soil and water conservation districts, the department of natural resources, and the state department of transportation in carrying out its mission and duties. The authority shall also cooperate with appropriate federal agencies, including the United States environmental protection agency, the United States department of interior, and the United States department of agriculture natural resources conservation service. The authority shall make use of technical resources available through member counties and cooperating agencies.

Sec. 39. Section 161D.13, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The southern Iowa development and conservation authority shall submit to the department of management, the legislative services agency, and the division of soil conservation and water quality of the department of agriculture and land stewardship, on or before December 31 annually, a report including information regarding all of the following:

Sec. 40. Section 207.2, subsections 1 and 3, Code 2015, are amended to read as follows:

1. “*Administrator*” means the ~~division~~ administrator of the division ~~of soil conservation~~ or a designee.

3. “*Division*” means the division of soil conservation and water quality created within the department of agriculture and land stewardship pursuant to section 159.5.

Sec. 41. Section 208.2, subsections 1 and 4, Code 2015, are amended to read as follows:

1. “*Administrator*” means the administrator of the division ~~of soil conservation~~ or a designee.

4. “*Division*” means the division of soil conservation and water quality created within the department of agriculture and land stewardship pursuant to section 159.5.

Sec. 42. Section 455A.1, subsection 6, Code 2015, is amended by striking the subsection.

Sec. 43. Section 455A.19, subsection 1, paragraph c, Code 2015, is amended to read as follows:

c. Twenty percent shall be allocated to the soil and water enhancement account. The moneys shall be used to carry out soil and water enhancement programs including, but not limited to, reforestation, woodland protection and enhancement, wildlife habitat preservation and enhancement, protection of highly erodible soils, and clean water programs. The division of soil conservation and water quality within the department of agriculture and land stewardship, by rule, shall establish procedures for eligibility, application, review, and selection of projects and practices to implement the requirements of this paragraph. There is appropriated from the soil and water enhancement account to the ~~soil conservation~~ division of soil conservation and water quality the amount in that account, or so much thereof as is necessary, to carry out the programs as specified in this paragraph. Remaining funds of the soil and water enhancement account shall be allocated to the accounts of the water protection fund authorized in section 161C.4. Annually, fifty percent of the soil and water enhancement account funds shall be allocated to the water quality protection projects account. The balance of the funds shall be allocated to the water protection practices account. An appropriation made under this paragraph shall continue in force for two fiscal years after the fiscal year in which the appropriation was made or until completion of the project for which the appropriation was made, whichever date is earlier. All unencumbered or unobligated funds remaining at the close of the fiscal year in which the project is completed or at the close of the third fiscal year, whichever date is earlier, shall revert to the soil and water enhancement account.

Sec. 44. Section 456.11, subsection 10, Code 2015, is amended to read as follows:

10. *Copies furnished.* The state geologist shall provide the division of soil conservation and water quality created within the department of agriculture and land stewardship pursuant to section 159.5 a copy of each map and map extension received by the geologist under this section.

Sec. 45. Section 460.101, Code 2015, is amended by adding the following new unnumbered paragraph before subsection 1:

NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless the context otherwise requires:

Sec. 46. Section 460.101, subsection 6, Code 2015, is amended to read as follows:

6. "Division" means the division of soil conservation ~~division of and water quality created within~~ the department of agriculture and land stewardship pursuant to section 159.5.

Sec. 47. Section 460.303, subsection 1, Code 2015, is amended to read as follows:

1. An agricultural drainage well water quality assistance fund is created in the state treasury under the control of the ~~soil conservation~~ division. The fund is composed of moneys appropriated by the general assembly, and moneys available to and obtained or accepted by the division or the state soil conservation committee established pursuant to section 161A.4, from the United States or private sources for placement in the fund.

Sec. 48. Section 460.304, subsection 1, Code 2015, is amended to read as follows:

1. The ~~soil conservation~~ division shall establish an agricultural drainage well water quality assistance program as provided by rules which shall be adopted by the division pursuant to chapter 17A. The program shall be supported from moneys deposited in the agricultural drainage well water quality assistance fund created pursuant to section 460.303.

Sec. 49. Section 461.33, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. Soil conservation and watershed protection, including by supporting the ~~soil conservation~~ division of soil conservation and water quality within the department of agriculture and land stewardship and soil and water conservation district commissioners. The department may provide for the installation of conservation practices and watershed protection improvements as provided in chapters 161A, 161C, 461A, 466, and 466A.

Sec. 50. Section 466A.1, subsection 3, Code 2015, is amended to read as follows:

3. “*Division*” means the division of soil conservation and water quality created within the department of agriculture and land stewardship as established in pursuant to section 161A.4 159.5.

Sec. 51. Section 466A.5, Code 2015, is amended to read as follows:

466A.5 Administration.

The ~~soil conservation~~ division of soil conservation and water quality created within the department of agriculture and land stewardship pursuant to section 159.5 shall provide administrative support to the board. Not more than one percent of the total moneys deposited in the general account of the watershed improvement fund on July 1 of a fiscal year or fifty thousand dollars, whichever is less, is appropriated each fiscal year to the division for the purposes of assisting the watershed improvement review board in administering this chapter.

Sec. 52. Section 466B.3, subsection 4, paragraph b, Code 2015, is amended to read as follows:

b. The director of the division of soil conservation division of and water quality within the department of agriculture and land stewardship or the director’s designee.

Sec. 53. Section 466B.41, subsection 3, Code 2015, is amended to read as follows:

3. “*Division*” means the division of soil conservation and water quality created within the department of agriculture and land stewardship as established in pursuant to section 161A.4 159.5.

Sec. 54. Section 466B.48, subsection 2, paragraph g, Code 2015, is amended to read as follows:

g. The ~~administrative director of the soil conservation division of the department of agriculture and land stewardship as provided in chapter 161A,~~ or the administrative director’s designee.

Approved May 15, 2015

CHAPTER 104

WINE GALLONAGE SALES AND TAXES — REPORTS AND PAYMENTS

H.F. 638

AN ACT concerning the reporting and payment of wine gallonage sales and taxes.

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

Section 1. Section 123.184, Code 2015, is amended to read as follows:

123.184 Report of gallonage sales — penalty.

1. Each class “A” wine permit holder on or before the tenth day of each calendar month commencing on the tenth day of the calendar month following the month in which the person is issued a permit, shall make a report under oath to the division electronically, or in a manner prescribed by the administrator, showing the exact number of gallons of wine and fractional parts of gallons, sold by that permit holder during the preceding calendar month. The report also shall state whatever reasonable additional information the administrator requires. The permit holder at the time of filing this report shall pay to the division the amount of tax due at the rate fixed in section 123.183. A penalty of ten percent of the amount of the tax shall be assessed and collected if the report required to be filed pursuant to this subsection is not filed and the tax paid within the time required by this section subsection.

2. Each wine direct shipper license holder shall make a report under oath to the division electronically, or in a manner prescribed by the administrator, on or before the tenth day of the calendar months of June and December, showing the exact number of gallons of wine and fractional parts of gallons sold and shipped pursuant to section 123.187 during the preceding six-month calendar period. The report shall also state whatever reasonable additional information the administrator requires. The license holder at the time of filing this report shall pay to the division the amount of tax due at the rate fixed in section 123.183. A penalty of ten percent of this amount shall be assessed and collected if the report required to be filed pursuant to this subsection is not filed and the tax paid within the time required by this subsection.

Sec. 2. Section 123.187, subsection 4, paragraph a, Code 2015, is amended to read as follows:

a. In addition to the annual license fee, a wine direct shipper licensee shall remit to the division an amount equivalent to the wine gallonage tax on wine subject to direct shipment at the rate specified in section 123.183 for deposit as provided in section 123.183, subsections 2 and 3. The amount shall be remitted at the same time and in the same manner as provided in section 123.184, subsection 2, and the ten percent penalty specified therein shall be applicable.

Approved May 15, 2015

CHAPTER 105

SCHOOL FINANCE — PHYSICAL PLANT AND EQUIPMENT LEVY — TRANSPORTATION EQUIPMENT REPAIR

H.F. 646

AN ACT relating to the use of revenues resulting from the physical plant and equipment levy and including applicability provisions.

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

Section 1. Section 298.3, subsection 1, paragraph i, Code 2015, is amended to read as follows:

i. Purchase The purchase of transportation equipment for transporting students and the repair of such transportation equipment if the cost of the repair exceeds two thousand five hundred dollars. For the purposes of this paragraph, “repair” means restoring an existing item of equipment to its original condition, as near as may be, after gradual obsolescence or physical and functional depreciation due to wear and tear, corrosion and decay, or partial destruction, and includes maintenance of an item of equipment.

Sec. 2. **APPLICABILITY.** This Act applies to school budget years beginning on or after July 1, 2015.

Approved May 15, 2015

CHAPTER 106**COMMUNITY COLLEGES — APPROVAL AND IMPOSITION OF FACILITIES,
EQUIPMENT REPLACEMENT, AND PROGRAM SHARING PROPERTY TAX LEVIES**

S.F. 486

AN ACT relating to the approval and imposition of the facilities property tax levy and the equipment replacement and program sharing property tax levy for a merged area and including effective date and applicability provisions.

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

Section 1. Section 260C.15, subsection 1, Code 2015, is amended to read as follows:

1. Regular elections held by the merged area for the election of members of the board of directors as required by section 260C.11 or for any other matter authorized by law and designated for election by the board of directors of the merged area, shall be held on the date of the school election as fixed by section 277.1. However, elections held for the ~~renewal imposition, rate increase, or discontinuance~~ of the twenty and one-fourth cents per thousand dollars of assessed valuation levy authorized in section 260C.22 shall be held either on the date of the school election as fixed by section 277.1 or at a special election held on the second Tuesday in September of the even-numbered year. The election notice shall be made a part of the local school election notice published as provided in section 49.53 in each local school district where voting is to occur in the merged area election and the election shall be conducted by the county commissioner of elections pursuant to chapters 39 through 53 and section 277.20.

Sec. 2. Section 260C.22, subsection 1, paragraphs a and b, Code 2015, are amended to read as follows:

a. In addition to the tax authorized under section 260C.17 and upon resolution of the board of directors, the voters in a merged area may at the regular school election or at a special election held on the second Tuesday in September of the even-numbered year vote a tax not exceeding twenty and one-fourth cents per thousand dollars of assessed value in any one year for a period not to exceed ten years, unless otherwise provided under subsection 2, for the purchase of grounds, construction of buildings, payment of debts contracted for the construction of buildings, purchase of buildings and equipment for buildings, and the acquisition of libraries, for the purpose of paying costs of utilities, and for the purpose of maintaining, remodeling, improving, or expanding the community college of the merged area. If the tax levy is approved under this section, the costs of utilities shall be paid from the proceeds of the levy. The tax shall be collected by the county treasurers and remitted to the treasurer of the merged area as provided in section 331.552, subsection 29. The proceeds of the tax shall be deposited in a separate and distinct fund to be known as the voted tax fund, to be paid out upon warrants drawn by the president and secretary of the board of directors of the merged area district for the payment of costs incurred in providing the school facilities for which the tax was ~~voted~~ authorized.

b. In order to make immediately available to the merged area the proceeds of the voted tax ~~hereinbefore~~ 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 ~~hereinbefore~~ 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 ~~must mature within the number of years for which the tax has been voted~~ and 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 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 ~~hereinbefore~~ 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 ~~voted~~ authorized.

Sec. 3. Section 260C.22, subsections 2 and 3, Code 2015, are amended by striking the subsections and inserting in lieu thereof the following:

2. Following approval of the tax at two consecutive elections under subsection 1 where the question of imposing the tax appeared on the ballot, if the tax has been imposed for a period of at least twenty consecutive years, the board of directors of the merged area may, by resolution adopted at any time before the end of the most recently authorized period of time for imposing the tax, continue to impose the voted tax each year for an additional period not to exceed ten years at a rate not to exceed the maximum rate approved at election until the tax is discontinued or the maximum rate is increased following an election pursuant to subsection 3. An increase in the maximum rate of the voted tax, not to exceed the maximum rate specified in subsection 1, shall be approved at election pursuant to the requirements of subsection 3.

3. A voted tax imposed under this section may be discontinued, or its maximum rate increased, by petition and election. Upon receipt of a petition containing the required number of signatures, the board of directors of a merged area shall direct the county commissioner of elections responsible under section 47.2 for conducting elections in the merged area to submit to the voters of the merged area the question of whether to discontinue the authority of the board of directors to impose the voted tax under this section or to increase the maximum rate of the voted tax, whichever is applicable. The petition must be signed by eligible electors equal in number to not less than twenty-five percent of the votes cast at the last preceding election in the merged area where the question of the imposition of the tax appeared on the ballot and received by the board of directors by June 1 of the year in which the election is to be held. The question shall be submitted at an election held on a date authorized for an election under subsection 1, paragraph "a". If a majority of those voting on the question of discontinuance of the board of directors' authority to impose the tax favors discontinuance, the board shall not impose the tax for any fiscal year beginning after expiration of the period of time for imposing the tax approved at the last election under subsection 1 or the period of time for imposing the tax established by resolution of the board under subsection 2 that is in effect on the date the petition for the election is filed with the board, whichever is applicable, unless following discontinuance the voted tax is again authorized at election under subsection 1. If the question of whether to discontinue the authority of the board of directors to impose the tax fails to gain approval at election, the question shall not be submitted to the voters of the merged area for a period of ten years following the date of the election. If a majority of those voting on the question to increase the maximum rate of the voted tax favors the proposed increase, the new maximum rate shall apply to fiscal years beginning after the date of the election.

Sec. 4. Section 260C.22, subsection 4, Code 2015, is amended by striking the subsection.

Sec. 5. Section 260C.28, subsection 3, Code 2015, is amended to read as follows:

3. a. If the board of directors wishes to certify for a levy under subsection 2, the board shall direct the county commissioner of elections to submit the question of such authorization for the board at an election held on a date specified in section 39.2, subsection 4, paragraph "c". If a majority of those voting on the question at the election favors authorization of the board to make such a levy, the board may certify for a levy as provided under subsection 2 during each of the ten years following the election, unless otherwise authorized under paragraph "b".

If a majority of those voting on the question at the election does not favor authorization of the board to make a levy under subsection 2, the board may submit the question to the voters again at an election held on a date specified in section 39.2, subsection 4, paragraph "c".

b. Following approval of the additional tax authorized under subsection 2 at two consecutive elections under paragraph "a" where the question of imposing the additional tax appeared on the ballot, if the additional tax has been imposed for a period of at least twenty consecutive years and either the period of time for imposing the additional tax approved at the last election under paragraph "a" or the period of time for imposing the tax established previously by resolution under this paragraph "b" is due to expire, the board of directors of the merged area may, by resolution, continue to impose the additional tax each year for an additional period not to exceed ten years at a rate not to exceed the maximum rate authorized under subsection 2, until the tax is discontinued following an election pursuant to paragraph "c".

c. The additional tax authorized under subsection 2 may be discontinued by petition and election. Upon receipt of a petition containing the required number of signatures, the board of directors of a merged area shall direct the county commissioner of elections responsible under section 47.2 for conducting elections in the merged area to submit to the voters of the merged area the question of whether to discontinue the authority of the board of directors to impose the additional tax under subsection 2. The petition must be signed by eligible electors equal in number to not less than twenty-five percent of the votes cast at the last preceding election in the merged area where the question of the imposition of the additional tax appeared on the ballot. The question shall be submitted at an election held on a date specified in section 39.2, subsection 4, paragraph "c". If a majority of those voting on the question of discontinuance of the board of directors' authority to impose the additional tax favors discontinuance, the board shall not impose the additional tax for any fiscal year beginning after the expiration of the period of time for imposing the tax approved at the last election under paragraph "a" or the period of time for imposing the additional tax established by resolution of the board under paragraph "b" that is in effect on the date the petition for the election is filed with the board, whichever is applicable, unless following discontinuance the additional tax is again authorized at election under paragraph "a". If the question of whether to discontinue the authority of the board of directors to impose the additional tax fails to gain approval at election, the question shall not be submitted to the voters of the merged area for a period of ten years following the date of the election.

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

Sec. 7. APPLICABILITY.

1. This Act applies to merged area voted taxes under section 260C.22 in effect on the effective date of this Act and merged area voted taxes approved at election under section 260C.22 on or after the effective date of this Act.

2. This Act applies to merged area taxes under section 260C.28, subsections 2 and 3, in effect on the effective date of this Act and merged area taxes approved at election under section 260C.28, subsection 3, on or after the effective date of this Act.

Approved May 22, 2015

CHAPTER 107**INTERSTATE POSTSECONDARY EDUCATION INSTITUTION RECIPROCITY
AGREEMENTS AND TUITION REFUNDS****S.F. 501**

AN ACT relating to interstate student tuition reciprocity agreements involving certain postsecondary educational institutions, creating a tuition refund fund, appropriating moneys from the fund, and including effective date provisions.

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

Section 1. Section 261G.4, subsections 1 and 2, Code 2015, are amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, a participating nonresident institution shall not be required to register under chapter 261B or to comply with the registration and disclosure requirements of chapter 261 or 261B or section 714.17, subsections 2 and 3, or sections 714.18, 714.20, and 714.21, and 714.23, or section 714.24, subsections 1, 2, 3, 4, and 5, or section 714.25, if the provisions of an interstate reciprocity agreement prohibit such registration or compliance.

2. Notwithstanding any other provision of law to the contrary, a participating resident institution shall be required to register under chapter 261B or to comply with the registration and disclosure requirements of chapter 261 or 261B or section 714.17, subsections 2 and 3, or sections 714.18, 714.20, and 714.21, 714.23, or section 714.24, subsections 1, 2, 3, 4, and 5, or section 714.25, if the provisions of the interstate reciprocity agreement require such registration or compliance.

Sec. 2. Section 714.23, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. *a.* A student who does not receive a tuition refund up to the full refund of tuition charges due to the effect of an interstate reciprocity agreement under ¹ 261G.4, subsection 1, may apply to the attorney general for a refund in a sum that represents the difference between any tuition refund received from the school and the full refund of tuition charges. For purposes of this subsection, “*full refund of tuition charges*” means the monetary sum of the refund for which the student would be eligible pursuant to the application of this section.

b. A tuition refund fund is created as a separate fund in the office of the treasurer of state under the control of the attorney general. Moneys credited to the fund shall include amounts appropriated by the general assembly and moneys received as a result of a court order, judgment, or settlement which specifically directs that moneys be used for the purpose of providing student tuition refunds, or which authorizes the attorney general to use moneys for any other purpose at the discretion of the attorney general. All moneys credited to the fund are appropriated and made available to the attorney general for such purposes. For each fiscal year, the attorney general may expend all moneys in the fund to provide tuition refunds to eligible students. Notwithstanding section 8.33, any balance in the fund on June 30 of each fiscal year shall not revert to the general fund of the state, but shall be available for purposes of this subsection in subsequent fiscal years. Notwithstanding section 12C.7, interest or earnings on the moneys in the fund shall be credited to the fund.

Sec. 3. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 22, 2015

¹ See chapter 138, §49 herein

CHAPTER 108**INSURANCE — DELIVERY AND POSTING OF NOTICES AND DOCUMENTS —
INSURANCE PRODUCER DUTIES AND RESPONSIBILITIES***H.F. 504*

AN ACT relating to insurance, including electronic delivery and posting of insurance notices and documents and to certain duties, responsibilities, and liabilities of insurance producers.

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

Section 1. Section 505B.1, subsection 2, Code 2015, is amended to read as follows:

2. a. Subject to subsection 4 the requirements of this section, except for a notice of cancellation, nonrenewal, or termination, any notice to a party or any other document required under applicable law in an insurance transaction or that is to serve as evidence of insurance coverage may be delivered, stored, or presented by electronic means so long as the notice or document meets the requirements of chapter 554D.

b. A notice of cancellation, nonrenewal, or termination shall be delivered by mail as provided by law and shall not be delivered by electronic means unless the notice is sent and received as required pursuant to section 554D.117 in a manner that is verifiable and is approved by the commissioner by rules adopted pursuant to chapter 17A. Delivery of a notice or document by electronic means in a manner that meets the requirements of chapter 554D and this chapter, and in a manner that is verifiable and is approved by the commissioner by rule, may be used in lieu of delivery by mail. Nothing in this section shall prohibit the delivery of a courtesy copy of a notice of cancellation, nonrenewal, or termination by electronic means even if the manner of electronic delivery has not been approved by the commissioner by rule if both of the following requirements are met:

(1) The notice of cancellation, nonrenewal, or termination is properly delivered by mail as provided by law.

(2) The requirements of subsection 4 are satisfied.

Sec. 2. Section 505B.1, subsection 4, paragraph b, subparagraphs (1), (2), (3), and (4), Code 2015, are amended to read as follows:

(1) ~~Any~~ ~~The right or option of~~ the party to have the notice or document provided or made available in paper ~~or another nonelectronic form.~~

(2) The right of the party to withdraw consent to have a notice or document delivered by electronic means and any fees, conditions, or consequences imposed in the event consent is withdrawn.

(3) Whether the party's consent applies as follows:

(a) Only to the particular transaction as to which the notice or document must be provided.

(b) To notices of cancellation, nonrenewal, or termination.

~~(b)~~ (c) To other identified categories of notices or documents that may be delivered by electronic means during the course of the parties' relationship.

(4) ~~(a)~~ The means, after consent is given, by which a party may obtain a paper copy of a notice or document delivered by electronic means.

~~(b) The fee, if any, for the paper copy.~~

Sec. 3. Section 505B.1, subsection 4, paragraph d, subparagraph (1), subparagraph division (b), Code 2015, is amended to read as follows:

(b) The right of the party to withdraw consent without the imposition of any fee, condition, or consequence that was not disclosed under paragraph "b", subparagraph (2).

Sec. 4. Section 505B.1, subsection 10, Code 2015, is amended to read as follows:

10. If the consent of a party to receive certain notices or documents in an electronic form is on file with an insurer before July 1, 2014, and pursuant to this section an insurer intends to deliver additional notices or documents to such party in an electronic form, then prior to

delivering such additional notices or documents electronically, the insurer shall ~~notify the party~~ do all of the following:

a. Provide the party with a statement that describes all of the following:

~~a.~~ (1) The notices or documents that ~~may~~ will be delivered by electronic means under this section that were not previously delivered electronically.

~~b.~~ (2) The party's right to withdraw consent to have notices or documents delivered by electronic means without the imposition of any condition or consequence that was not disclosed at the time of initial consent.

b. Comply with all of the requirements of subsection 4, paragraph "b".

Sec. 5. Section 505B.1, subsection 11, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

11. An insurer shall deliver a notice or document by any other delivery method permitted by law other than electronic means if either of the following occurs:

a. The insurer attempts to deliver the notice or document by electronic means and has a reasonable basis for believing that the notice or document has not been received by the party.

b. The insurer becomes aware that the electronic mail address provided by the party is no longer valid.

Sec. 6. Section 505B.1, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 11A. It shall be the exclusive responsibility of an insurer to satisfy the requirements of this section and to deliver any notice or document sent to a party pursuant to this section.

Sec. 7. Section 505B.2, Code 2015, is amended to read as follows:

505B.2 Posting of policies on the internet.

1. Notwithstanding any contrary provision of chapter 554D, an insurer may mail, deliver, or post on the insurer's internet site insurance documents, including policies, riders, endorsements, and annuity contracts that do not contain personally identifiable information. If the insurer elects to post an insurance policy or endorsement on the insurer's internet site in lieu of mailing or delivering the policy or endorsement to the insured, the insurer must comply with all of the following conditions:

~~1.~~ a. The policy or endorsement must be accessible and remain accessible to the insured and to the licensed insurance producer of record for as long as the policy or endorsement is in force.

~~2.~~ b. After the expiration of the policy or endorsement, the insurer must archive the expired policy or endorsement for a period of five years or other period required by law, and make the policy or endorsement available upon request.

~~3.~~ c. The policy or endorsement must be posted in a manner that enables the insured and the licensed insurance producer of record to print and save the policy or endorsement using programs and applications that are widely available on the internet and free to use.

~~4.~~ d. The insurer must provide the following information in, or simultaneously with, each declarations page provided at the time of issuance of the initial policy and any renewal of that policy:

~~a.~~ (1) A description of the exact policy or endorsement purchased by the insured.

~~b.~~ (2) A method by which the insured may obtain description of the insured's right to receive, upon request and without charge, a paper copy of the insured's policy or endorsement by mail.

~~c.~~ (3) An internet address where the insured's policy or endorsement is posted.

e. The insurer, upon request and without charge, must deliver a paper copy of the policy or endorsements to the insured by mail.

~~5.~~ f. The insurer must provide notice, in the format preferred by the insured, of any changes to the policy or endorsement, the insured's right to obtain, upon request and without charge, a paper copy of such policy or endorsement, and the internet address where such policy or endorsement is posted.

2. Nothing in this section shall be construed to affect the timing or content of any notice or document required to be provided or made available to any insured under applicable law.

Sec. 8. Section 522B.11, subsection 7, paragraph e, Code 2015, is amended by striking the paragraph and inserting in lieu thereof the following:

e. An insurance producer owes any duties and responsibilities referred to in this subsection only to the policy owner, a person in privity of contract with the insurance producer, and the principal in an agency relationship with the insurance producer. If a person to whom an insurance producer owes duties and responsibilities is deceased or incapacitated, a direct and specifically identified beneficiary referenced in a written instrument required by the insurer and delivered to the insurance producer prior to the death or incapacity may enforce the insurance producer's duties and responsibilities. An insurance producer does not owe any duty or responsibility to a person who was a direct and specifically identified beneficiary if the policy owner changes the beneficiary in the manner required by the policy or contract to remove the person as a beneficiary.

Approved May 22, 2015

CHAPTER 109

TAXATION — APPEALS PROCESSES — POWERS AND DUTIES OF DEPARTMENT AND DIRECTOR OF REVENUE

H.F. 626

AN ACT relating to the processes for appealing tax matters in this state by extending the future repeal of the property assessment appeal board, providing for the future repeal of the state board of tax review, providing for appeals to the director of revenue for certain tax matters and modifying the powers and duties of the director of revenue, and including effective date provisions.

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

DIVISION I

EXTENSION OF FUTURE REPEAL OF PROPERTY ASSESSMENT APPEAL BOARD

Section 1. 2005 Iowa Acts, chapter 150, section 134, as amended by 2013 Iowa Acts, chapter 123, section 62, is amended to read as follows:

SEC. 134. FUTURE REPEAL.

1. The sections of this division of this Act amending sections 7E.6, 13.7, 428.4, 441.19, 441.35, 441.38, 441.39, 441.43, 441.49, and 445.60, and enacting sections 421.1A and 441.37A, are repealed effective July 1, ~~2018~~ 2021.

2. The portion of the section of this division of this Act amending section 441.28 relating only to the property assessment appeal board is repealed effective July 1, ~~2018~~ 2021.

3. The repeals provided for in subsections 1 and 2 shall include all subsequent amendments to such sections relating to the property assessment appeal board.

DIVISION II

FUTURE REPEAL OF STATE BOARD OF TAX REVIEW — TRANSITION

Sec. 2. Section 421.1, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 6. *Future repeal.*

a. Notwithstanding subsection 5 or any other provision of law to the contrary, a party shall not appeal to the state board, nor shall the state board accept for review, any decision, order, directive, or assessment of the director of revenue or the department on or after the effective date of this division of this Act.

b. This section is repealed upon the occurrence of one of the following, whichever is earlier:

(1) The final disposition by the state board of all cases pending before the board on the effective date of this division of this Act. The chairperson of the board shall notify the Iowa Code editor upon the occurrence of this condition.

(2) July 1, 2016.

Sec. 3. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III
CORRESPONDING CHANGES RELATED TO DIVISION II

Sec. 4. Section 68B.35, subsection 2, paragraph e, Code 2015, is amended to read as follows:

e. Members of the state banking council, the ethics and campaign disclosure board, the credit union review board, the economic development authority, the employment appeal board, the environmental protection commission, the health facilities council, the Iowa finance authority, the Iowa public employees' retirement system investment board, the board of the Iowa lottery authority, the natural resource commission, the board of parole, the petroleum underground storage tank fund board, the public employment relations board, the state racing and gaming commission, the state board of regents, ~~the tax review board,~~ the transportation commission, the office of consumer advocate, the utilities board, the Iowa telecommunications and technology commission, and any full-time members of other boards and commissions as defined under section 7E.4 who receive an annual salary for their service on the board or commission. The Iowa ethics and campaign disclosure board shall conduct an annual review to determine if members of any other board, commission, or authority should file a statement and shall require the filing of a statement pursuant to rules adopted pursuant to chapter 17A.

Sec. 5. Section 421.17, subsection 19, paragraph b, Code 2015, is amended to read as follows:

b. (1) The provisions of sections 17A.10 to 17A.18A relating to contested cases shall not apply to any matters involving the equalization of valuations of classes of property as authorized by this chapter and chapter 441.

(2) (a) This exemption from the provisions of sections 17A.10 to 17A.18A shall not apply to a hearing before the state board of tax review.

(b) This subparagraph is repealed July 1, 2016.

(3) This exemption from the provisions of sections 17A.10 to 17A.18A shall not apply to a hearing before the director as provided in section 441.49, subsection 5.

Sec. 6. Section 421.60, subsection 4, paragraph a, unnumbered paragraph 1, Code 2015, is amended to read as follows:

A prevailing taxpayer in an administrative hearing or a court proceeding related to the determination, collection, or refund of a tax, penalty, or interest may be awarded reasonable litigation costs by the department, ~~state board of tax review,~~ or a court, that are incurred subsequent to the issuance of the notice of assessment or denial of claim for refund in the proceeding, based upon the following:

Sec. 7. Section 425.7, subsection 3, Code 2015, is amended to read as follows:

3. a. If the ~~director~~ department of revenue determines that a claim for homestead credit has been allowed by the board of supervisors which is not justifiable under the law and not substantiated by proper facts, the ~~director~~ department may, at any time within thirty-six months from July 1 of the year in which the claim is allowed, set aside the allowance. Notice of the disallowance shall be given to the county auditor of the county in which the claim has been improperly granted and a written notice of the disallowance shall also be addressed to the claimant at the claimant's last known address. The claimant or board of supervisors may appeal to the ~~state board of tax review pursuant to section 421.1, subsection 5~~ director of revenue within thirty days from the date of the notice of disallowance. The director shall grant a hearing and if, upon the hearing, the director determines that the disallowance was

incorrect, the director shall set aside the disallowance. The director shall notify the claimant and the board of supervisors of the result of the hearing. The claimant or the board of supervisors may seek judicial review of the action of the state board of tax review director of revenue in accordance with chapter 17A.

b. If a claim is disallowed by the ~~director~~ department of revenue and not appealed to the ~~state board of tax review director of revenue~~ or appealed to the ~~state board of tax review director of revenue~~ and thereafter upheld upon final resolution, including any judicial review, any amounts of credits allowed and paid from the homestead credit fund including the penalty, if any, become a lien upon the property on which credit was originally granted, if still in the hands of the claimant, and not in the hands of a bona fide purchaser, and any amount so erroneously paid including the penalty, if any, shall be collected by the county treasurer in the same manner as other taxes and the collections shall be returned to the department of revenue and credited to the homestead credit fund. The director of revenue may institute legal proceedings against a homestead credit claimant for the collection of payments made on disallowed credits and the penalty, if any. If a person makes a false claim or affidavit with fraudulent intent to obtain the homestead credit, the person is guilty of a fraudulent practice and the claim shall be disallowed in full. If the credit has been paid, the amount of the credit plus a penalty equal to twenty-five percent of the amount of credit plus interest, at the rate in effect under section 421.7, from the time of payment shall be collected by the county treasurer in the same manner as other property taxes, penalty, and interest are collected and when collected shall be paid to the director of revenue. If a homestead credit is disallowed and the claimant failed to give written notice to the assessor as required by section 425.2 when the property ceased to be used as a homestead by the claimant, a civil penalty equal to five percent of the amount of the disallowed credit is assessed against the claimant.

Sec. 8. Section 425.17, subsection 3, Code 2015, is amended to read as follows:

3. “Gross rent” means rental paid at arm’s length for the right of occupancy of a homestead or manufactured or mobile home, including rent for space occupied by a manufactured or mobile home not to exceed one acre. If the ~~director~~ department of revenue determines that the landlord and tenant have not dealt with each other at arm’s length, and the ~~director~~ department of revenue is satisfied that the gross rent charged was excessive, the ~~director~~ department shall adjust the gross rent to a reasonable amount as determined by the ~~director~~ department.

Sec. 9. Section 425.18, Code 2015, is amended to read as follows:

425.18 Right to file a claim.

The right to file a claim for reimbursement or credit under this division may be exercised by the claimant or on behalf of a claimant by the claimant’s legal guardian, spouse, or attorney, or by the executor or administrator of the claimant’s estate. If a claimant dies after having filed a claim for reimbursement for rent constituting property taxes paid, the amount of the reimbursement may be paid to another member of the household as determined by the ~~director~~ department of revenue. If the claimant was the only member of the household, the reimbursement may be paid to the claimant’s executor or administrator, but if neither is appointed and qualified within one year from the date of the filing of the claim, the reimbursement shall escheat to the state. If a claimant dies after having filed a claim for credit for property taxes due, the amount of credit shall be paid as if the claimant had not died.

Sec. 10. Section 425.26, subsection 2, Code 2015, is amended to read as follows:

2. The ~~director~~ department may require any additional proof necessary to support a claim.

Sec. 11. Section 425.27, Code 2015, is amended to read as follows:

425.27 Audit — recalculation or denial — appeals.

If on the audit of a claim for credit or reimbursement under this division, the ~~director~~ department of revenue determines the amount of the claim to have been incorrectly calculated or that the claim is not allowable, the ~~director~~ department shall recalculate the claim and notify the claimant of the recalculation or denial and the reasons for it. The recalculation of the claim shall be final unless appealed to the director within thirty days from the date of notice of recalculation or denial. The director shall grant a hearing, and upon hearing

determine the correct claim, if any, and notify the claimant of the decision by mail. The ~~director~~ department of revenue shall not adjust a claim after three years from October 31 of the year in which the claim was filed. If the claim for reimbursement has been paid, the amount may be recovered by assessment in the same manner that income taxes are assessed under sections 422.26 and 422.30. If the claim for credit has been paid, the ~~director~~ department of revenue shall give notification to the claimant and the county treasurer of the recalculation or denial of the claim and the county treasurer shall proceed to collect the tax owed in the same manner as other property taxes due and payable are collected, if the property on which the credit was granted is still owned by the claimant, and repay the amount to the director upon collection. If the property on which the credit was granted is not owned by the claimant, the amount may be recovered from the claimant by assessment in the same manner that income taxes are assessed under sections 422.26 and 422.30. ~~The recalculation of the claim~~ decision of the director shall be final unless appealed as provided in section 425.31. Section 422.70 is applicable with respect to this division.

Sec. 12. Section 425.29, Code 2015, is amended to read as follows:

425.29 False claim — penalty.

A person who makes a false affidavit for the purpose of obtaining credit or reimbursement provided for in this division or who knowingly receives the credit or reimbursement without being legally entitled to it or makes claim for the credit or reimbursement in more than one county in the state without being legally entitled to it is guilty of a fraudulent practice. The claim for credit or reimbursement shall be disallowed in full and if the claim has been paid the amount shall be recovered in the manner provided in section 425.27. The ~~director~~ department of revenue shall send a notice of disallowance of the claim.

Sec. 13. Section 425.31, Code 2015, is amended to read as follows:

425.31 Appeals.

Any person aggrieved by an act or decision of the director of revenue or the department of revenue under this division shall have the same rights of appeal and review as provided in ~~sections 421.1 and~~ section 423.38 and the rules of the department of revenue.

Sec. 14. Section 426A.6, Code 2015, is amended to read as follows:

426A.6 Setting aside allowance.

If the ~~director~~ department of revenue determines that a claim for military service tax exemption has been allowed by a board of supervisors which is not justifiable under the law and not substantiated by proper facts, the ~~director~~ department may, at any time within thirty-six months from July 1 of the year in which the claim is allowed, set aside the allowance. Notice of the disallowance shall be given to the county auditor of the county in which the claim has been improperly granted and a written notice of the disallowance shall also be addressed to the claimant at the claimant's last known address. The claimant or the board of supervisors may appeal to the ~~state board of tax review pursuant to section 421.1, subsection 5~~ director of revenue within thirty days from the date of the notice of disallowance. The director shall grant a hearing and if, upon the hearing, the director determines that the disallowance was incorrect, the director shall set aside the disallowance. The director shall notify the claimant and the board of supervisors of the result of the hearing. The claimant or the board of supervisors may seek judicial review of the action of the ~~state board of tax review~~ director of revenue in accordance with chapter 17A. If a claim is disallowed by the ~~director~~ department of revenue and not appealed to the ~~state board of tax review~~ director of revenue or appealed to the ~~state board of tax review~~ director of revenue and thereafter upheld upon final resolution, including judicial review, the credits allowed and paid from the general fund of the state become a lien upon the property on which the credit was originally granted, if still in the hands of the claimant and not in the hands of a bona fide purchaser, the amount so erroneously paid shall be collected by the county treasurer in the same manner as other taxes, and the collections shall be returned to the department of revenue and credited to the general fund of the state. The director of revenue may institute legal proceedings against a military service tax exemption claimant for the collection of payments made on disallowed exemptions.

Sec. 15. Section 426C.7, Code 2015, is amended to read as follows:

426C.7 Audit — recalculation or denial.

1. If on the audit of a credit provided under this chapter, the ~~director~~ department of revenue determines the amount of the credit to have been incorrectly calculated or that the credit is not allowable, the ~~director~~ department shall recalculate the credit and notify the claimant and the county auditor of the recalculation or denial and the reasons for it. The ~~director~~ department shall not adjust a credit after three years from October 31 of the year in which the claim for the credit was filed. If the credit has been paid, the ~~director~~ department shall give notification to the claimant, the county treasurer, and the applicable assessor of the recalculation or denial of the credit and the county treasurer shall proceed to collect the tax owed in the same manner as other property taxes due and payable are collected, if the parcel or property unit for which the credit was allowed is still owned by the claimant. If the parcel or property unit for which the credit was allowed is not owned by the claimant, the amount may be recovered from the claimant by assessment in the same manner that income taxes are assessed under sections 422.26 and 422.30. The amount of such erroneous credit, when collected, shall be deposited in the fund.

2. The claimant or board of supervisors may appeal any decision of the ~~director~~ department of revenue to the ~~state board of tax review pursuant to section 421.1, subsection 5~~ director of revenue within thirty days from the date of the notice of the recalculation or denial provided to the claimant and county auditor. The director shall grant a hearing, and upon hearing the director shall determine the correct credit, if any, and notify the claimant, board of supervisors, county auditor, and county treasurer of the decision by mail. The claimant, or the board of supervisors, or the director of revenue may seek judicial review of the action of the state board of tax review director of revenue in accordance with chapter 17A.

Sec. 16. Section 426C.8, Code 2015, is amended to read as follows:

426C.8 False claim — penalty.

A person who makes a false claim for the purpose of obtaining a credit provided for in this chapter or who knowingly receives the credit without being legally entitled to it is guilty of a fraudulent practice. The claim for a credit of such a person shall be disallowed and if the credit has been paid the amount shall be recovered in the manner provided in section 426C.7. In such cases, the ~~director~~ department of revenue shall send a notice of disallowance of the credit.

Sec. 17. Section 428.28, Code 2015, is amended to read as follows:

428.28 Annual report by utility.

1. Every individual, partnership, corporation, or association operating for profit, waterworks, other than waterworks taxed under chapter 437B, or gasworks or pipelines other than natural gas pipelines permitted pursuant to chapter 479, annually on or before May 1 of each calendar year, shall make a report on blanks to be provided by the department of revenue of all of the property owned by such individual, partnership, corporation, or association within the incorporated limits of any city in the state, and give such other information as the ~~director~~ department of revenue shall require.

2. Every individual, partnership, corporation, or association which operates a public utility on a nonprofit basis other than a utility subject to tax under chapter 437A or chapter 437B, as defined in section 428.24 shall annually, on or before May 1 of each calendar year, make a report on blanks to be provided by the department of revenue of all of the property owned by the individual, partnership, corporation, or association within the incorporated limits of any city in the state, and give other information the ~~director~~ department of revenue requires.

Sec. 18. Section 428.29, Code 2015, is amended to read as follows:

428.29 Assessment and certification.

The ~~director~~ department of revenue shall on or before October 31 each year proceed to determine, upon the basis of the data required in the report under section 428.28 and any other information the ~~director~~ department may obtain, the actual value of all property, subject to the ~~director's~~ department's jurisdiction, of said individual, partnership, corporation, or association, and shall make assessments upon the taxable value of the

property, as provided by section 441.21. The ~~director~~ department of revenue shall, on or before October 31, certify to the county auditor of every county in the state the valuations fixed for assessment upon all such property in each and every taxing district in each county by the department of revenue. This valuation shall then be spread upon the books in the same manner as other valuations fixed by the department of revenue upon property assessed under the department's jurisdiction.

Sec. 19. Section 429.1, Code 2015, is amended to read as follows:

429.1 Notice of assessment.

The ~~director~~ department of revenue shall, at the time of making the assessment of property as provided in chapters 428, 433, 434, 437, and 438, inform the person assessed, by mail, of the valuation put upon the taxpayer's property. The notice shall contain a notice of the taxpayer's right of appeal to the ~~state board of tax review~~ director of revenue as provided in section 429.2.

Sec. 20. Section 429.2, Code 2015, is amended to read as follows:

429.2 Appeal.

1. ~~Notwithstanding the provisions of chapter 17A, the~~ The taxpayer shall have thirty days from the date of the notice of assessment to appeal the assessment to the ~~state board of tax review~~ director of revenue. Thereafter, the proceedings before the ~~state board of tax review~~ director of revenue shall conform to the provisions of subsection 2, ~~section 421.1, subsection 5,~~ and chapter 17A.

2. The following rules shall apply to the appeal proceedings in addition to those stated in ~~section 421.1, subsection 5, and~~ chapter 17A:

a. The department's assessment shall be presumed correct and the burden of proof shall be on the taxpayer with respect to all issues raised on appeal, including any challenge of the ~~director's~~ department's valuation.

b. The burden of proof must be carried by a preponderance of the evidence.

c. The ~~board~~ director of revenue shall consider all evidence and witnesses offered by the taxpayer ~~and the department~~, including, but not limited to, evidence relating to the proper valuation of the property involved.

d. The ~~board~~ director of revenue shall make an independent determination of the value of the property based solely upon ~~its~~ the director's review of the evidence presented.

e. Upon the request of a party, the ~~board~~ director of revenue shall set the case for hearing within one year of the date of the request, unless for good cause shown, by application and ruling thereon after notice and not ex parte, the hearing date is continued by the ~~board~~ director of revenue.

Sec. 21. Section 429.3, Code 2015, is amended to read as follows:

429.3 Judicial review.

Judicial review of the action of the ~~state board of tax review~~ director of revenue may be sought by the taxpayer ~~or the director of revenue~~ in accordance with the terms of chapter 17A.

Sec. 22. Section 433.1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Every telegraph and telephone company operating a line in this state shall, on or before the first day of May in each year, furnish to the ~~director~~ department of revenue a statement verified by its president or secretary showing:

Sec. 23. Section 433.2, Code 2015, is amended to read as follows:

433.2 Additional statement.

Upon the receipt of the statements required in section 433.1 from the several companies, the ~~director~~ department of revenue shall examine the statements. If the ~~director~~ department deems the statements insufficient and that further information is requisite, the ~~director~~ department shall require the officer making the statements to make such other or further statement as the ~~director~~ department may desire.

Sec. 24. Section 433.3, Code 2015, is amended to read as follows:

433.3 Failure to make statement.

In case of failure or refusal of any company to make out or deliver to the ~~director~~ department of revenue the statements required in section 433.1, such company shall forfeit and pay to the state one hundred dollars for each day such report is delayed beyond the first day of May, to be sued and recovered in any proper form of action in the name of the state, and on the relation of the director of revenue, and such penalty, when collected, shall be paid into the general fund of the state.

Sec. 25. Section 433.4, subsection 1, Code 2015, is amended to read as follows:

1. The ~~director~~ department of revenue shall on or before October 31 each year, find the actual value of the property of telegraph and telephone companies in this state that is used by the companies in the transaction of telegraph and telephone business, taking into consideration the information obtained from the statements required, and any further information the ~~director~~ department can obtain, using the same as a means for determining the actual value of the property of the companies within this state. The ~~director~~ department shall also take into consideration the valuation of all property of the companies, including franchises and the use of the property in connection with lines outside the state, and making these deductions as may be necessary on account of extra value of property outside the state as compared with the value of property in the state, in order that the actual value of the property of the company within this state may be ascertained. The assessment shall include all property of every kind and character whatsoever, real, personal, or mixed, used by the companies in the transaction of telegraph and telephone business. The property so included in the assessment shall not be taxed in any other manner than as provided in this chapter.

Sec. 26. Section 433.5, Code 2015, is amended to read as follows:

433.5 Actual value per mile — exemption value per mile.

1. The ~~director~~ department of revenue shall ascertain the actual value per mile of the property of each company within this state by dividing the total actual value, as ascertained under section 433.4, subsection 1, by the number of miles of line of such company within the state, and the result shall be deemed and held to be the actual value per mile of line of the property of such company within this state.

2. The ~~director~~ department of revenue shall ascertain the exemption value per mile of the property of each company within this state by dividing the amount of the exemption for that company determined under section 433.4, subsection 2, by the number of miles of line of such company within the state, and the result shall be deemed and held to be the exemption value per mile of line for that company.

Sec. 27. Section 433.7, Code 2015, is amended to read as follows:

433.7 Hearing.

At the time of determination of value by the ~~director~~ department of revenue, any company interested shall have the right to appear, by its officers or agents, before the ~~director~~ department of revenue and be heard on the question of the valuation of its property for taxation.

Sec. 28. Section 433.8, Code 2015, is amended to read as follows:

433.8 Assessment in each county — how certified.

The ~~director~~ department of revenue shall, for the purpose of determining what amount shall be assessed to each company in each county of the state into which the line of the said company extends, certify to the several county auditors of the respective counties into, over, or through which said line extends the number of miles of line in the county for that company, the actual value per mile of line for that company, and the exemption value per mile of line for that company.

Sec. 29. Section 433.9, Code 2015, is amended to read as follows:

433.9 Entry of certificate.

At the first meeting of the board of supervisors held after the certification made under section 433.8 is received by the county auditor, the board shall cause such certification to

be entered in its minute book, and make and enter therein an order stating the length of the lines, the actual value of the property, and the exempted value of the property of each of said companies situated in each city, township, or lesser taxing district in its county, as fixed by the director department of revenue. The value certified by the director department of revenue, following application of the percentage of actual value under section 441.21, and following the application of the exemption value certified by the director department of revenue, shall constitute the taxable value of said property for taxing purposes, and the taxes on said property when collected by the county treasurer shall be disposed of as other taxes on real estate. The county auditor shall transmit a copy of said order to the council or trustees of each city or township in which the lines of said company extend.

Sec. 30. Section 434.2, unnumbered paragraph 1, Code 2015, is amended to read as follows:

On or before October 31 each year, the director department of revenue shall assess all the property of each railway corporation in the state, excepting the lands, lots, and other real estate belonging thereto not used in the operation of any railway, and excepting railway bridges across the Mississippi and Missouri rivers, and excepting grain elevators; and for the purpose of making such assessment its president, vice president, general manager, general superintendent, receiver, or such other officer as the director department of revenue may designate, shall, on or before the first day of April in each year, furnish the department of revenue a verified statement showing in detail for the year ended December 31 next preceding:

Sec. 31. Section 434.2, subsection 8, Code 2015, is amended to read as follows:

8. Any and all other movable property owned by said railway within the state, classified and scheduled in such manner as may be required by the director department of revenue.

Sec. 32. Section 434.12, Code 2015, is amended to read as follows:

434.12 Refusal to obey.

If any railway company shall fail or refuse to obey or conform to the rules, regulations, method, and requirements so made or prescribed by the director of revenue under the provisions of sections 434.7 to 434.11 or to make the reports therein provided, the director department of revenue shall proceed to assess the property of such railway company so failing or refusing, according to the best information obtainable, and shall then add to the taxable valuation of such railway company twenty-five percent thereof, which valuation and penalty shall be separately shown, and together shall constitute the assessment for that year.

Sec. 33. Section 434.14, Code 2015, is amended to read as follows:

434.14 Amended statement.

The director department of revenue may demand, in writing, detailed, explanatory, and amended statements of any of the items mentioned in section 434.2, or any other items deemed by the director department important, to be furnished the director department by such railway corporation within thirty days from such demand, in such form as the director department may designate, which shall be verified as required for the original statement. The returns, both original and amended, shall show such other facts as the director department, in writing, shall require.

Sec. 34. Section 434.15, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The said property shall be valued at its actual value, and the assessments shall be made upon the taxable value of the entire railway within the state, except as otherwise provided, and the actual value so ascertained shall be assessed as provided by section 441.21, and shall include the right-of-way, roadbed, bridges, culverts, rolling stock, depots, station grounds, shops, buildings, gravel beds, and all other property, real and personal, exclusively used in the operation of such railway. In assessing said railway and its equipments, the director department of revenue shall take into consideration the gross earnings per mile for the year ending January 1, preceding, and any and all other matters necessary to enable the director department to make a just and equitable assessment of said railway property. If a part of any

railway is without this state, then, in estimating the value of its rolling stock and movable property, the ~~director~~ department shall take into consideration the proportion which the business of that part of the railway lying within the state bears to the business of the railway without this state.

Sec. 35. Section 434.16, Code 2015, is amended to read as follows:

434.16 Assessment of sleeping and dining cars.

The ~~director~~ department of revenue shall, at the time of the assessment of other railway property for taxation, assess for taxation the average number of sleeping and dining cars as provided in section 434.6 so used by such corporation each month and the assessed value of said cars shall bear the same proportion to the entire value thereof that the monthly average number of miles such cars have been run or operated within the state shall bear to the monthly average number of miles such cars have been used or operated within and without the state. Such valuation shall be in the same ratio as that of the property of individuals, and shall be added to the assessed valuation of the corporation, fixed under section 434.15.

Sec. 36. Section 434.17, Code 2015, is amended to read as follows:

434.17 Certification to county auditors.

On or before October 31 each year, the ~~director~~ department of revenue shall transmit to the county auditor of each county, through and into which any railway may extend, a statement showing the length of the main track within the county, and the assessed value per mile of the same, as fixed by a ratable distribution per mile of the assessed valuation of the whole property.

Sec. 37. Section 434.22, Code 2015, is amended to read as follows:

434.22 Levy and collection of tax.

At the first meeting of the board of supervisors held after said statement is received by the county auditor, the board shall cause the same to be entered on its minute book, and make and enter in the minute book an order stating the length of the main track and the assessed value of each railway lying in each city, township, or lesser taxing district in its county, through or into which the railway extends, as fixed by the ~~director~~ department of revenue, which shall constitute the taxable value of the property for taxing purposes; and the taxes on the property, when collected by the county treasurer, shall be disposed of as other taxes. The county auditor shall transmit a copy of the order to the council or trustees of the city or township.

Sec. 38. Section 437.2, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Every company owning or operating a transmission line or lines for the conduct of electric energy and which line or lines are located within the state, and which said line or lines are also located wholly or partly outside cities, shall, on or before the first day of May in each year, furnish to the ~~director~~ department of revenue a verified statement as to its entire line or lines within this state, when all of said line or lines are located outside cities, and as to such portion of its line or lines within this state as are located outside cities, when such line or lines are located partly outside and partly inside cities, showing:

Sec. 39. Section 437.4, Code 2015, is amended to read as follows:

437.4 Additional statement.

Upon receipt of the statements from the companies, the ~~director~~ department of revenue shall examine the statements, and if the ~~director~~ department deems them insufficient, and that further information is required, the ~~director~~ department shall require the company making the statements to make other or further statement as the ~~director~~ department deems necessary, notifying the company by mail.

Sec. 40. Section 437.5, Code 2015, is amended to read as follows:

437.5 Failure to furnish.

In case of the total failure or refusal to make any statement required by sections 437.2 and 437.4 to be made by May 1 in any year, or of failure or refusal to make other or further

statement within thirty days from the time the notice is received by the company that the additional statement is required by the ~~director~~ department of revenue, the company shall forfeit and pay to the state, one hundred dollars for each day the total failure or refusal to make any report is continued beyond the first day of May of the year in which it is required, or in case of any other or further report required by the ~~director~~ department for each day it is delayed beyond thirty days from the receipt of the notice by the company that the additional report is required. The forfeiture shall be sued for and recovered in any proper form of action in the name of the state and on relation of the director of revenue of the state, and the penalty, when collected, shall be paid into the general fund of the state.

Sec. 41. Section 437.6, Code 2015, is amended to read as follows:

437.6 Actual value.

On or before October 31 each year, the ~~director~~ department of revenue shall proceed to find the actual value of that part of such transmission line or lines referred to in section 437.2, owned or operated by any company, that is located within this state but outside cities, including the whole of such line or lines when all of such line or lines owned or operated by said company is located wholly outside of cities, taking into consideration the information obtained from the statements required by this chapter, and any further information obtainable, using the same as a means of determining the actual cash value of such transmission line or lines or part thereof, within this state, located outside of cities. The ~~director~~ department shall then ascertain the value per mile of such transmission line or lines owned or operated by each company specified in section 437.2, by dividing the total value as above ascertained by the number of miles of line of such company within the state located outside of cities, and the result shall be deemed and held to be the actual value per mile of said transmission line or lines of each of said companies within the state located outside of cities.

Sec. 42. Section 437.7, Code 2015, is amended to read as follows:

437.7 Taxable value.

The taxable value of such line or lines of which the ~~director~~ department of revenue by this chapter is required to find the value, shall be determined by taking the percentage of the actual value so ascertained, as provided by section 441.21, and the ratio between the actual value and the assessed or taxable value of the transmission line or lines of each of said companies located outside of cities shall be the same as in the case of the property of private individuals.

Sec. 43. Section 437.8, Code 2015, is amended to read as follows:

437.8 Hearing.

At the time of determination of value by the ~~director~~ department of revenue, any company interested shall have the right to appear by its officers, agents, and attorneys before the ~~director~~ department, and be heard on the question of the value of its property for taxation.

Sec. 44. Section 437.9, Code 2015, is amended to read as follows:

437.9 County assessment — certification.

The ~~director~~ department of revenue shall, for the purpose of determining what amount shall be assessed to any one of said companies in each county of the state into which the line or lines of the company extend, multiply the assessed or taxable value per mile of line of said company, as ascertained according to the provisions of this chapter, by the number of miles of line in each of said counties, and the result thereof shall be by the ~~director~~ department certified to the several county auditors of the respective counties into, over, or through which said line or lines extend.

Sec. 45. Section 437.10, Code 2015, is amended to read as follows:

437.10 Entry of certificate.

At the first meeting of the board of supervisors held after said statements are received by the county auditor, the board shall cause such statement to be entered in its minute book and make and enter in the minute book an order stating the length of the lines and the assessed value of the property of each of the companies situated in each township or lesser taxing district in each county outside cities, as fixed by the ~~director~~ department of revenue, which shall constitute the taxable value of the property for taxing purposes. The county auditor

shall transmit a copy of the order to the trustees of each township and to the proper taxing boards in lesser taxing districts into which the line or lines of the company extend in the county. The taxes on the property when collected by the county treasurer shall be disposed of as other taxes on real estate.

Sec. 46. Section 437.12, Code 2015, is amended to read as follows:

437.12 Assessment exclusive.

Every transmission line or part of a transmission line, of which the ~~director~~ department of revenue is required by this chapter to find the value, shall be exempt from other assessment or taxation either under sections 428.24 to 428.26, or under any other law of this state except as provided in this chapter.

Sec. 47. Section 438.3, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Every pipeline company having lines in the state of Iowa shall annually, on or before the first day of April in each year, make out and deliver to the ~~director~~ department of revenue a statement, verified by the oath of an officer or agent of such pipeline company making such statement, showing in detail for the year ended December 31 next preceding:

Sec. 48. Section 438.4, Code 2015, is amended to read as follows:

438.4 Real estate holdings.

Every pipeline company required by law to report to the ~~director~~ department of revenue under the provisions of this chapter shall, on or before the first day of April 1932, make to the ~~director~~ department a detailed statement showing the amount of real estate owned or used by it on December 31, 1931, for pipeline purposes, the county in which said real estate is situated, including the rights-of-way, pumping or station grounds, buildings, storage or tank yards, equipment grounds for any and all purposes, with the estimated actual value thereof, in such manner as may be required by the ~~director~~ department.

Sec. 49. Section 438.5, Code 2015, is amended to read as follows:

438.5 Statement deemed permanent.

Only one such detailed statement by any pipeline company shall be necessary, and when received by the ~~director~~ department of revenue, it shall become the record of the pipeline lands of such company, and be deemed as annually thereafter reported for valuation and assessment by the ~~director~~ department.

Sec. 50. Section 438.6, Code 2015, is amended to read as follows:

438.6 Additional corrective statements.

On or before the first day of April of each subsequent year, such company shall, in like manner, report all real estate acquired for any of the pipeline purposes above named during the preceding calendar year; and also, a list of any real estate, previously reported, disposed of during the same period, which disposition shall be noted by the ~~director~~ department of revenue in an appropriate column opposite to the description of said tract in the original report of the same in the record of pipeline land.

Sec. 51. Section 438.7, Code 2015, is amended to read as follows:

438.7 Consolidated list of real estate.

The ~~director~~ department of revenue shall, by some convenient method of binding, arrange the statements required to be made by sections 438.4 to 438.6 so as to form a consolidated list of all real estate reported to the ~~director~~ department as being owned or used for pipeline purposes within the state of Iowa.

Sec. 52. Section 438.8, Code 2015, is amended to read as follows:

438.8 Gross earnings.

For the purpose of making reports to the ~~director~~ department of revenue, the gross earnings of a pipeline company, owning or operating a line or lines within this state, shall be computed and reported by said company upon such bases as the director may by rule require.

Sec. 53. Section 438.9, Code 2015, is amended to read as follows:

438.9 Accounts — regulation.

The director of revenue may prescribe such rules with respect to the keeping of accounts by the pipeline companies doing business or having property in this state as will insure the accurate division of the accounts and the information to be reported, and uniformity in reporting the same to the director department.

Sec. 54. Section 438.11, Code 2015, is amended to read as follows:

438.11 Refusal to comply — penalty.

If any pipeline company shall fail or refuse to obey and conform to the rules, method and requirements so made and prescribed by the director of revenue under the provisions of this chapter, or to make the reports herein provided, the director department shall proceed to assess the property of such pipeline company so failing or refusing, according to the best information obtainable, and shall then add to the director's department's valuation of such pipeline company twenty-five percent thereof, which valuation and penalty shall be separately shown, and together shall constitute the assessment for that year.

Sec. 55. Section 438.12, Code 2015, is amended to read as follows:

438.12 Amended and explanatory statements.

The director department of revenue may demand, in writing, detailed, explanatory and amended statements of any of the items mentioned in section 438.3, or any other item deemed to be important, to be furnished to the director department by such pipeline company within thirty days from such demand in such form as the director department may designate, which shall be verified as required for the original statement. The returns, both original and amended, shall show such other facts as the director department, in writing, shall require.

Sec. 56. Section 438.13, Code 2015, is amended to read as follows:

438.13 Basis of valuation and assessment.

The said property shall be valued at its actual value, and the assessments shall be made upon the taxable value of the entire pipeline property within the state, except as otherwise provided, and the actual and taxable value so ascertained shall be assessed as provided by section 441.21; and shall include the rights-of-way, easements, the pipelines, stations, grounds, shops, buildings, pumps and all other property, real and personal exclusively used in the operation of such pipeline. In assessing said pipeline company and its equipment, the director department of revenue shall take into consideration the gross earnings and the net earnings for the entire property, and per mile, for the year ending December 31 preceding, and any and all other matters necessary to enable the director department to make a just and equitable assessment of said pipeline property.

Sec. 57. Section 438.14, Code 2015, is amended to read as follows:

438.14 Valuation and certification.

The director department of revenue shall on or before October 31 each year determine the value of pipeline property located in each taxing district of the state, and in fixing the value shall take into consideration the structures, equipment, pumping stations, etc., located in the taxing district, and shall transmit to the county auditor of each such county through and into which any pipeline may extend, a statement showing the assessed value of the property in each of the taxing districts of the county. The property shall then be taxed in the county and lesser taxing districts, based upon the valuation so certified, in the same manner as in other property.

Sec. 58. Section 438.15, Code 2015, is amended to read as follows:

438.15 Assessed value in each taxing district — record.

At the first meeting of the board of supervisors held after said statement is received by the county auditor, the board shall cause the same to be entered on its minute book, and make and enter in the minute book an order describing and stating the assessed value of each pipeline lying in each city, township, or lesser taxing district in its county, through or into which the pipeline extends, as fixed by the director department of revenue, which shall constitute the assessed value of the property for taxing purposes; and the taxes on the property, when

collected by the county treasurer, shall be disposed of as other taxes. The county auditor shall transmit a copy of the order to the council of the city, or the trustees of the township, as the case may be.

Sec. 59. Section 440.2, Code 2015, is amended to read as follows:

440.2 Assessment of omitted property.

When the ~~director~~ department of revenue is vested with the power and duty to assess property and an assessment has, for any reason, been omitted, the ~~director~~ department shall proceed to assess the property at any time within two years from the date at which such assessment should have been made. The omitted assessment may apply to not more than the assessment year in which the omitted assessment is made and the prior assessment year. Chapter 429 shall apply to assessments of omitted property.

Sec. 60. Section 440.5, Code 2015, is amended to read as follows:

440.5 Procedure — penalty.

If it is made to appear that the property is assessable by the ~~director~~ department of revenue as omitted property, the ~~director~~ department shall proceed in the manner in which the ~~director~~ department would have proceeded had the assessment not been omitted, except that the ~~director~~ department shall find the value of the omitted property for each year during which it has been omitted but for not more than the two previous assessment years and shall add ten percent to each yearly value as a penalty.

Sec. 61. Section 440.6, Code 2015, is amended to read as follows:

440.6 Fraudulent withholding — penalty.

In case the property has been fraudulently withheld from assessment, the ~~director~~ department of revenue may, in addition to said ten percent add any additional percent, not exceeding fifty percent.

Sec. 62. Section 440.7, Code 2015, is amended to read as follows:

440.7 Entry on tax books.

Should an assessment be made at such time in the year that, in the opinion of the ~~director~~ department of revenue, said assessment cannot conveniently be entered on the current tax books, the ~~director~~ department may direct that the assessment be entered on the first ensuing tax books.

Sec. 63. Section 441.17, subsection 9, Code 2015, is amended to read as follows:

9. Furnish to the ~~director~~ department of revenue any information which the assessor may have relative to the ownership of any property that may be assessable within this state, but not assessable or subject to being listed for taxation by the assessor.

Sec. 64. Section 441.21, subsection 1, paragraph i, subparagraphs (2), (4), and (5), Code 2015, are amended to read as follows:

(2) The conference board shall respond to the department within thirty days of receipt of the notice of noncompliance. The conference board may respond to the notice by asserting that the assessor is in compliance with the rules, guidelines, and forms of the department or by informing the department that the conference board intends to submit a plan of action to achieve compliance. If the conference board responds to the notification by asserting that the assessor is in compliance, a hearing before the director of revenue shall be scheduled on the matter. Judicial review of the decision of the director of revenue may be sought by the conference board in accordance with chapter 17A.

(4) By January 1 of the assessment year following the calendar year in which the plan was submitted to the department, the conference board shall submit a report to the department indicating that the plan of action was followed and compliance has been achieved. The department may conduct a field inspection to ensure that the assessor is in compliance. By January 31, the department shall notify the assessor and the conference board, by restricted certified mail, either that compliance has been achieved or that the assessor remains in noncompliance. If the department determines that the assessor remains in noncompliance, the department shall take steps to withhold up to five percent of the reimbursement payment

authorized in section 425.1 until the ~~director~~ department of revenue determines that the assessor is in compliance.

(5) If the conference board disputes the determination of the department, the chairperson of the conference board may appeal the determination to the ~~state board of tax review~~ director of revenue within thirty days from the date of the notice that the assessor remains in noncompliance. The director of revenue shall grant a hearing, and upon hearing shall determine the correctness of the department's determination of noncompliance. The director of revenue shall notify the conference board of the decision by mail. Judicial review of the decision of the director of revenue may be sought by the chairperson of the conference board in accordance with chapter 17A.

Sec. 65. Section 441.21, subsection 4, Code 2015, is amended to read as follows:

4. For valuations established as of January 1, 1979, the percentage of actual value at which agricultural and residential property shall be assessed shall be the quotient of the dividend and divisor as defined in this section. The dividend for each class of property shall be the dividend as determined for each class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, plus six percent of the amount so determined. However, if the difference between the dividend so determined for either class of property and the dividend for that class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, is less than six percent, the 1979 dividend for the other class of property shall be the dividend as determined for that class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, plus a percentage of the amount so determined which is equal to the percentage by which the dividend as determined for the other class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, is increased in arriving at the 1979 dividend for the other class of property. The divisor for each class of property shall be the total actual value of all such property in the state in the preceding year, as reported by the assessors on the abstracts of assessment submitted for 1978, plus the amount of value added to said total actual value by the revaluation of existing properties in 1979 as equalized by the director of revenue pursuant to section 441.49. The director shall utilize information reported on abstracts of assessment submitted pursuant to section 441.45 in determining such percentage. For valuations established as of January 1, 1980, and each assessment year thereafter beginning before January 1, 2013, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which agricultural and residential property shall be assessed shall be calculated in accordance with the methods provided in this subsection, including the limitation of increases in agricultural and residential assessed values to the percentage increase of the other class of property if the other class increases less than the allowable limit adjusted to include the applicable and current values as equalized by the director of revenue, except that any references to six percent in this subsection shall be four percent. For valuations established as of January 1, 2013, and each assessment year thereafter, the percentage of actual value as equalized by the ~~director~~ department of revenue as provided in section 441.49 at which agricultural and residential property shall be assessed shall be calculated in accordance with the methods provided in this subsection, including the limitation of increases in agricultural and residential assessed values to the percentage increase of the other class of property if the other class increases less than the allowable limit

adjusted to include the applicable and current values as equalized by the ~~director~~ department of revenue, except that any references to six percent in this subsection shall be three percent.

Sec. 66. Section 441.21, subsection 5, paragraphs b and c, Code 2015, are amended to read as follows:

b. For valuations established on or after January 1, 2013, commercial property, excluding properties referred to in section 427A.1, subsection 8, shall be assessed at a percentage of its actual value, as determined in this paragraph "b". For valuations established for the assessment year beginning January 1, 2013, the percentage of actual value as equalized by the ~~director~~ department of revenue as provided in section 441.49 at which commercial property shall be assessed shall be ninety-five percent. For valuations established for the assessment year beginning January 1, 2014, and each assessment year thereafter, the percentage of actual value as equalized by the ~~director~~ department of revenue as provided in section 441.49 at which commercial property shall be assessed shall be ninety percent.

c. For valuations established on or after January 1, 2013, industrial property, excluding properties referred to in section 427A.1, subsection 8, shall be assessed at a percentage of its actual value, as determined in this paragraph "c". For valuations established for the assessment year beginning January 1, 2013, the percentage of actual value as equalized by the ~~director~~ department of revenue as provided in section 441.49 at which industrial property shall be assessed shall be ninety-five percent. For valuations established for the assessment year beginning January 1, 2014, and each assessment year thereafter, the percentage of actual value as equalized by the ~~director~~ department of revenue as provided in section 441.49 at which industrial property shall be assessed shall be ninety percent.

Sec. 67. Section 441.21, subsection 10, Code 2015, is amended to read as follows:

10. The percentage of actual value computed by the ~~director~~ department of revenue for agricultural property, residential property, commercial property, industrial property, multiresidential property, property valued by the department of revenue pursuant to chapter 434, and property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 and used to determine assessed values of those classes of property does not constitute a rule as defined in section 17A.2, subsection 11.

Sec. 68. Section 441.21, subsection 13, paragraph b, Code 2015, is amended to read as follows:

b. For valuations established for the assessment year beginning January 1, 2015, the percentage of actual value as equalized by the ~~director~~ department of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of eighty-six and twenty-five hundredths percent or the percentage of actual value determined by the ~~director~~ department of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2016, the percentage of actual value as equalized by the ~~director~~ department of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of eighty-two and five-tenths percent or the percentage of actual value determined by the ~~director~~ department of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2017, the percentage of actual value as equalized by the ~~director~~ department of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of seventy-eight and seventy-five hundredths percent or the percentage of actual value determined by the ~~director~~ department of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2018, the percentage of actual value as equalized by the ~~director~~ department of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of seventy-five percent or the percentage of actual value determined by the ~~director~~ department of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1,

2019, the percentage of actual value as equalized by the ~~director~~ department of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of seventy-one and twenty-five hundredths percent or the percentage of actual value determined by the ~~director~~ department of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2020, the percentage of actual value as equalized by the ~~director~~ department of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of sixty-seven and five-tenths percent or the percentage of actual value determined by the ~~director~~ department of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2021, the percentage of actual value as equalized by the ~~director~~ department of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be the greater of sixty-three and seventy-five hundredths percent or the percentage of actual value determined by the ~~director~~ department of revenue at which property assessed as residential property is assessed for the same assessment year under subsection 4. For valuations established for the assessment year beginning January 1, 2022, and each assessment year thereafter, the percentage of actual value as equalized by the ~~director~~ department of revenue as provided in section 441.49 at which multiresidential property shall be assessed shall be equal to the percentage of actual value determined by the ~~director~~ department of revenue at which property assessed as residential property is assessed under subsection 4 for the same assessment year.

Sec. 69. Section 441.24, subsection 1, Code 2015, is amended to read as follows:

1. If a person refuses to furnish the verified statements required in connection with the assessment of property by the assessor, or to list the corporation's or person's property, the ~~director~~ department of revenue, or assessor, as the case may be, shall proceed to list and assess the property according to the best information obtainable, and shall add to the taxable valuation one hundred percent thereof, which valuation and penalty shall be separately shown, and shall constitute the assessment; and if the valuation of the property is changed by a board of review, or on appeal from a board of review, a like penalty shall be added to the valuation thus fixed.

Sec. 70. Section 441.26, subsections 2 and 3, Code 2015, are amended to read as follows:

2. The notice in 1981 and each odd-numbered year thereafter shall contain a statement that the assessments are subject to equalization pursuant to an order issued by the ~~director~~ department of revenue, that the county auditor shall give notice on or before October 15 by publication in an official newspaper of general circulation to any class of property affected by the equalization order, and that the board of review shall be in session from October 15 to November 15 to hear protests of affected property owners or taxpayers whose valuations have been adjusted by the equalization order.

3. The assessment rolls shall be used in listing the property and showing the values affixed to the property of all persons assessed. The rolls shall be made in duplicate. The duplicate roll shall be signed by the assessor, detached from the original and delivered to the person assessed if there has been an increase or decrease in the valuation of the property. If there has been no change in the valuation, the information on the roll may be printed on computer stock paper and preserved as required by this chapter. If the person assessed requests in writing a copy of the roll, the copy shall be provided to the person. The pages of the assessor's assessment book shall contain columns ruled and headed for the information required by this chapter and that which the ~~director~~ department of revenue deems essential in the equalization work of the ~~director~~ department. The assessor shall return all assessment rolls and schedules to the county auditor, along with the completed assessment book, as provided in this chapter, and the county auditor shall carefully keep and preserve the rolls, schedules, and book for a period of five years from the time of its filing in the county auditor's office.

Sec. 71. Section 441.47, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The director department of revenue on or about August 15, 1977, and every two years thereafter shall order the equalization of the levels of assessment of each class of property in the several assessing jurisdictions by adding to or deducting from the valuation of each class of property such percentage in each case as may be necessary to bring the same to its taxable value as fixed in this chapter and chapters 427 to 443. The director department shall adjust to actual value the valuation of any class of property as set out in the abstract of assessment when the valuation is at least five percent above or below actual value as determined by the director department. For purposes of such value adjustments and before such equalization the director shall adopt, in the manner prescribed by chapter 17A, such rules as may be necessary to determine the level of assessment for each class of property in each county. The rules shall cover:

Sec. 72. Section 441.47, subsection 3, Code 2015, is amended to read as follows:

3. The proposed use of other methods that would assist the director department in arriving at the accurate level of assessment of each class of property in each assessing jurisdiction.

Sec. 73. Section 441.48, Code 2015, is amended to read as follows:

441.48 Notice of adjustment.

Before the director department of revenue shall adjust the valuation of any class of property any such percentage, the director department shall serve ten days' notice by mail, on the county auditor of the county whose valuation is proposed to be adjusted and the director department shall hold an adjourned meeting after such ten days' notice, at which time the county or assessing jurisdiction may appear by its city council or board of supervisors, city or county attorney, and other assessing jurisdiction, city or county officials, and make written or oral protest against such proposed adjustment, which protest shall consist simply of a statement of the error, or errors, complained of with such facts as may lead to their correction, and at such adjourned meeting final action may be taken in reference thereto.

Sec. 74. Section 441.49, subsections 1, 4, 5, and 6, Code 2015, are amended to read as follows:

1. *a.* The director department shall keep a record of the review and adjustment proceedings and finish the proceedings on or before October 1 unless for good cause the proceedings cannot be completed by that date. The director department shall notify each county auditor by mail of the final action taken at the proceedings and specify any adjustments in the valuations of any class of property to be made effective for the jurisdiction.

b. However, an assessing jurisdiction may request the director department to permit the use of an alternative method of applying the equalization order to the property values in the assessing jurisdiction, provided that the final valuation shall be equivalent to the director's department's equalization order. The assessing jurisdiction shall notify the county auditor of the request for the use of an alternative method of applying the equalization order and the director's department's disposition of the request. The request to use an alternative method of applying the equalization order, including procedures for notifying affected property owners and appealing valuation adjustments, shall be made within ten days from the date the county auditor receives the equalization order and the valuation adjustments, and appeal procedures shall be completed by November 30 of the year of the equalization order. Compliance with the provisions of section 441.21 is sufficient grounds for the director department to permit the use of an alternative method of applying the equalization order.

4. The local board of review shall reconvene in special session from October 15 to November 15 for the purpose of hearing the protests of affected property owners or taxpayers within the jurisdiction of the board whose valuation of property if adjusted pursuant to the equalization order issued by the director department of revenue will result in a greater value than permitted under section 441.21. The board of review shall accept protests only during the first ten days following the date the local board of review reconvenes. The board of review shall limit its review to only the timely filed protests. The board of review may adjust all or a part of the percentage increase ordered by the director department of revenue by

adjusting the actual value of the property under protest to one hundred percent of actual value. Any adjustment so determined by the board of review shall not exceed the percentage increase provided for in the ~~director's department's~~ equalization order. The determination of the board of review on filed protests is final, subject to appeal to the property assessment appeal board. A final decision by the local board of review, or the property assessment appeal board, if the local board's decision is appealed, is subject to review by the director of revenue for the purpose of determining whether the board's actions substantially altered the equalization order. In making the review, the director has all the powers provided in chapter 421, and in exercising the powers the director is not subject to chapter 17A. Not later than fifteen days following the adjournment of the board, the board of review shall submit to the director of revenue, on forms prescribed by the director, a report of all actions taken by the board of review during this session.

5. Not later than ten days after the date the final equalization order is issued, the city or county officials of the affected county or assessing jurisdiction may appeal the final equalization order to the ~~state board of tax review~~ director of revenue. The appeal shall not delay the implementation of the equalization orders. The director shall grant a hearing, and upon hearing the director shall determine the correctness of the final equalization order, and notify city or county officials of the affected county or assessing jurisdiction of the decision by mail. Judicial review of the decision of the director of revenue may be sought by the city or county officials in accordance with chapter 17A.

6. Tentative and final equalization orders issued by the ~~director~~ department of revenue are not rules as defined in section 17A.2, subsection 7.

Sec. 75. EFFECTIVE DATES.

1. Except as provided in subsection 2, this division of this Act, being deemed of immediate importance, takes effect upon enactment.

2. The following provisions of this division of this Act take effect July 1, 2016:

- a. The section of this Act amending section 68B.35.
- b. The section of this Act amending section 421.60.

Approved May 22, 2015

CHAPTER 110

FAMILY SUPPORT, CHILD SUPPORT, AND ESTABLISHMENT OF PARENTAGE

S.F. 500

AN ACT relating to family support programs and provisions including those relating to child support and establishment of paternity.

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

DIVISION I

UNIFORM INTERSTATE FAMILY SUPPORT ACT

Section 1. NEW SECTION. 252K.100 Title.

This chapter shall be known and may be cited as the “*Uniform Interstate Family Support Act*”.

Sec. 2. Section 252K.101, Code 2015, is amended to read as follows:

252K.101 Definitions.

In this chapter:

1. “*Child*” means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual’s parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

2. “*Child support order*” means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

3. “*Convention*” means the convention on the international recovery of child support and other forms of family maintenance, concluded at the Hague on November 23, 2007.

3. 4. “*Duty of support*” means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

5. “*Foreign country*” means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and which meets any of the following conditions:

a. Has been declared under the law of the United States to be a foreign reciprocating country.

b. Has established a reciprocal arrangement for child support with this state as provided in section 252K.308.

c. Has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this chapter.

d. In which the convention is in force with respect to the United States.

6. “*Foreign support order*” means a support order of a foreign tribunal.

7. “*Foreign tribunal*” means a court, administrative agency, or quasi-judicial entity of a foreign country which is authorized to establish, enforce, or modify support orders or to determine parentage of a child. The term includes a competent authority under the convention.

4. 8. “*Home state*” means the state or foreign country in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

5. 9. “*Income*” includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

6. 10. “*Income withholding order*” means an order or other legal process directed to an obligor’s employer or other payor of income, as defined by the income withholding law of this state, to withhold support from the income of the obligor.

7. “*Initiating state*” means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

8. 11. “*Initiating tribunal*” means the authorized tribunal in an initiating of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed or forwarded to another state or foreign country.

12. “*Issuing foreign country*” means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

9. 13. “*Issuing state*” means the state in which a tribunal issues a support order or renders a judgment determining parentage of a child.

10. 14. “*Issuing tribunal*” means the tribunal of a state or foreign country that issues a support order or renders a judgment determining parentage of a child.

11. 15. “*Law*” includes decisional and statutory law and rules and regulations having the force of law.

12. 16. “*Obligee*” means any of the following:

a. An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage of a child has been rendered issued.

b. A foreign country, state or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee in place of child support.

c. An individual seeking a judgment determining parentage of the individual's child.

d. A person that is a creditor in a proceeding under Article 7.

13. 17. "Obligor" means an individual, or the estate of a decedent, to which any of the following applies:

a. Who owes or is alleged to owe a duty of support.

b. Who is alleged but has not been adjudicated to be a parent of a child.

c. Who is liable under a support order.

d. Who is a debtor in a proceeding under Article 7.

18. "Outside this state" means a location in another state or a country other than the United States, whether or not the country is a foreign country.

19. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

20. "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.

14. 21. "Register" means to file in a tribunal of this state a support order or judgment determining parentage of a child issued in the appropriate location for the filing of foreign judgments another state or foreign country.

15. 22. "Registering tribunal" means a tribunal in which a support order or judgment determining parentage of a child is registered.

16. 23. "Responding state" means a state in which a proceeding petition or comparable pleading for support or to determine parentage of a child is filed or to which a proceeding petition or comparable pleading is forwarded for filing from an initiating another state under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act or foreign country.

17. 24. "Responding tribunal" means the authorized tribunal in a responding state or foreign country.

18. 25. "Spousal support order" means a support order for a spouse or former spouse of the obligor.

19. 26. "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 under the jurisdiction of the United States. The term includes:

a. ~~An~~ an Indian nation or tribe.

b. A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

20. 27. "Support enforcement agency" means a public official, government entity, or private agency authorized to seek do any of the following:

a. ~~Enforcement~~ Seek enforcement of support orders or laws relating to the duty of support.

b. ~~Establishment~~ Seek establishment or modification of child support.

c. ~~Determination~~ Request determination of parentage of a child.

d. ~~Location of Attempt to locate~~ obligors or their assets.

e. Request determination of the controlling child support order.

21. 28. "Support order" means a judgment, decree, or order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement, and for financial assistance provided to an individual obligee in place of child support. The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.

22. 29. "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

Sec. 3. Section 252K.102, Code 2015, is amended to read as follows:

252K.102 ~~Tribunals of this state~~ State tribunal and support enforcement agency.

1. The child support recovery unit when the unit establishes or modifies an order, upon ratification by the court, and the court, are the tribunals of this state.
2. The child support recovery unit is the support enforcement agency of this state.

Sec. 4. Section 252K.103, Code 2015, is amended to read as follows:

252K.103 Remedies cumulative.

1. Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law or the recognition of a foreign support order on the basis of comity.
2. This chapter does not do either of the following:
 - a. Provide the exclusive method of establishing or enforcing a support order under the law of this state.
 - b. Grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this chapter.

Sec. 5. NEW SECTION. **252K.104 Application of chapter to resident of foreign country and foreign support proceeding.**

1. A tribunal of this state shall apply Articles 1 through 6 and, as applicable, Article 7, to a support proceeding involving any of the following:
 - a. A foreign support order.
 - b. A foreign tribunal.
 - c. An obligee, obligor, or child residing in a foreign country.
2. A tribunal of this state that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provisions of Articles 1 through 6.
3. Article 7 applies only to a support proceeding under the convention. In such a proceeding, if a provision of Article 7 is inconsistent with Articles 1 through 6, Article 7 controls.

Sec. 6. Section 252K.201, Code 2015, is amended to read as follows:

252K.201 Bases for jurisdiction over nonresident.

1. In a proceeding to establish, ~~or enforce, or modify~~ a support order or to determine parentage of a child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if any of the following applies:
 1. a. The individual is personally served with notice within this state.
 2. b. The individual submits to the jurisdiction of this state by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.
 3. c. The individual resided with the child in this state.
 4. d. The individual resided in this state and provided prenatal expenses or support for the child.
 5. e. The child resides in this state as a result of the acts or directives of the individual.
 6. f. The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse.
 7. g. The individual asserted parentage of a child in the declaration of paternity registry maintained in this state by the Iowa department of public health pursuant to section 144.12A or established paternity by affidavit under section 252A.3A.
 8. h. There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.
2. The bases of personal jurisdiction set forth in subsection 1 or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a child support order of another state unless the requirements of section 252K.611 are met, or, in the case of a foreign support order, unless the requirements of section 252K.615 are met.

Sec. 7. Section 252K.202, Code 2015, is amended to read as follows:

252K.202 ~~Procedure when exercising~~ Duration of personal jurisdiction over nonresident.

~~A Personal jurisdiction acquired by a tribunal of this state exercising personal jurisdiction over a nonresident under section 252K.201 may apply section 252K.316 to receive evidence from another in a proceeding under this chapter or other law of this state, and section 252K.318 to obtain discovery through relating to a support order continues as long as a tribunal of another this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided in sections 252K.205, 252K.206, and 252K.211. In all other respects, articles 3 through 7 do not apply and the tribunal shall apply the procedural and substantive law of this state, including the rules on choice of law other than those established by this chapter.~~

Sec. 8. Section 252K.203, Code 2015, is amended to read as follows:

252K.203 Initiating and responding tribunal of this state.

Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to a tribunal of another state, and as a responding tribunal for proceedings initiated in another state or foreign country.

Sec. 9. Section 252K.204, Code 2015, is amended to read as follows:

252K.204 Simultaneous proceedings in another state.

1. A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign country only if all of the following apply:

a. The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country.

b. The contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country.

c. If relevant, this state is the home state of the child.

2. A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if all of the following apply:

a. The petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state.

b. The contesting party timely challenges the exercise of jurisdiction in this state.

c. If relevant, the other state or foreign country is the home state of the child.

Sec. 10. Section 252K.205, Code 2015, is amended to read as follows:

252K.205 Continuing, exclusive jurisdiction to modify child support order.

1. A tribunal of this state issuing that has issued a child support order consistent with the law of this state has and shall exercise continuing, exclusive jurisdiction over a to modify its child support order if the order is controlling and any of the following applies:

a. ~~As long as~~ At the time of the filing of a request for modification this state remains is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued.

b. ~~Until all of the parties who are individuals have filed written consents with the tribunal of~~ Even if this state for a is not the residence of the obligor, the individual obligee, or the child for whose benefit the order is issued, the parties consent in a record or in open court that the tribunal of another this state may continue to exercise jurisdiction to modify the its order and assume continuing, exclusive jurisdiction.

2. A tribunal of this state issuing that has issued a child support order consistent with the law of this state may not exercise its continuing, exclusive jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to this chapter or a law substantially similar to this chapter. any of the following applies:

a. All of the parties who are individuals file consent in a record with the tribunal of this state that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction.

b. Its order is not the controlling order.

3. If a child support order of this state is modified by a tribunal of another state has issued a child support order pursuant to this chapter the uniform interstate family support Act or a law substantially similar to this chapter, that Act which modifies a child support order of a tribunal of this state loses its, tribunals of this state shall recognize the continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this of the tribunal of the other state, and may only:

a. Enforce the order that was modified as to amounts accruing before the modification.

b. Enforce nonmodifiable aspects of that order.

e. Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

4. A tribunal of this state shall recognize the that lacks continuing, exclusive jurisdiction of a to modify a child support order may serve as an initiating tribunal of another state which has issued a child support order pursuant to request a tribunal of another state to modify a support order issued in this chapter or a law substantially similar to this chapter that state.

5. A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

6. A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

Sec. 11. Section 252K.206, Code 2015, is amended to read as follows:

252K.206 Enforcement and modification of support order by tribunal having continuing Continuing jurisdiction to enforce child support order.

1. A tribunal of this state that has issued a child support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state. any of the following:

a. The order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the uniform interstate family support Act.

b. A money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.

2. A tribunal of this state having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply section 252K.316 to receive evidence from another state and section 252K.318 to obtain discovery through a tribunal of another state.

3. A tribunal of this state which lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.

Sec. 12. Section 252K.207, Code 2015, is amended to read as follows:

252K.207 Recognition Determination of controlling child support order.

1. If a proceeding is brought under this chapter and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.

2. If a proceeding is brought under this chapter, and two or more child support orders have been issued by tribunals of this state, or another state, or a foreign country with regard to the same obligor and same child, a tribunal of this state having personal jurisdiction over both the obligor and individual obligee shall apply the following rules in determining and by order shall determine which order to recognize for purposes of continuing, exclusive jurisdiction controls and must be recognized:

a. If only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls and must be so recognized.

b. If more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, an order one of the following shall apply:

(1) An order issued by a tribunal in the current home state of the child controls, and must be so recognized, but if

(2) If an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized.

c. If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state ~~having jurisdiction over the parties~~ shall issue a child support order, which controls ~~and must be so recognized~~.

3. If two or more child support orders have been issued for the same obligor and same child and if the obligor or the individual obligee resides in this state, upon request of a party may request who is an individual or that is a support enforcement agency, a tribunal of this state to having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls and must be so recognized under subsection 2. The request must may be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination filed with a registration for enforcement or registration for modification pursuant to Article 6, or may be filed as a separate proceeding.

4. A request to determine which is the controlling order must be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

5. The tribunal that issued the controlling order under subsection 1, 2, or 3 is the tribunal that has continuing, exclusive jurisdiction under to the extent provided in section 252K.205 or 252K.206.

5. 6. A tribunal of this state which that determines by order the identity of which is the controlling order under subsection 2, paragraph "a" or "b" or subsection 3, or which that issues a new controlling order under subsection 2, paragraph "c", shall state in that order: the

a. The basis upon which the tribunal made its determination.

b. The amount of prospective support, if any.

c. The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided in section 252K.209.

6. 7. Within thirty days after issuance of an order determining the identity of which is the controlling order, the party obtaining the order shall file a certified copy of it with in each tribunal that issued or registered an earlier order of child support. A party who obtains or support enforcement agency obtaining the order and that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

8. An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section must be recognized in proceedings under this chapter.

Sec. 13. Section 252K.208, Code 2015, is amended to read as follows:

252K.208 Multiple child Child support orders for two or more obligees.

In responding to multiple registrations or requests for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state or a foreign country, a tribunal of this state shall enforce those orders in the same manner as if the ~~multiple~~ orders had been issued by a tribunal of this state.

Sec. 14. Section 252K.209, Code 2015, is amended to read as follows:

252K.209 Credit for payments.

Amounts A tribunal of this state shall credit amounts collected and credited for a particular period pursuant to a any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of this state, another state, must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this state a foreign country.

Sec. 15. **NEW SECTION. 252K.210 Application of chapter to nonresident subject to personal jurisdiction.**

A tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under this chapter, under other law of this state relating to a support order, or recognizing a foreign support order may receive evidence from outside this state pursuant to section 252K.316, communicate with a tribunal outside this state pursuant to section 252K.317, and obtain discovery through a tribunal outside this state pursuant to section 252K.318. In all other respects, Articles 3 through 6 do not apply, and the tribunal shall apply the procedural and substantive law of this state.

Sec. 16. **NEW SECTION. 252K.211 Continuing, exclusive jurisdiction to modify spousal support order.**

1. A tribunal of this state issuing a spousal support order consistent with the law of this state has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.

2. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state or a foreign country having continuing, exclusive jurisdiction over that order under the law of that state or foreign country.

3. A tribunal of this state that has continuing, exclusive jurisdiction over a spousal support order may serve as any of the following:

a. An initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in this state.

b. A responding tribunal to enforce or modify its own spousal support order.

Sec. 17. Section 252K.301, Code 2015, is amended to read as follows:

252K.301 Proceedings under this chapter.

1. Except as otherwise provided in this chapter, this article applies to all proceedings under this chapter.

2. ~~This chapter provides for the following proceedings:~~

~~a. Establishment of an order for spousal support or child support pursuant to article 4.~~

~~b. Enforcement of a support order and income withholding order of another state without registration pursuant to article 5.~~

~~c. Registration of an order for spousal support or child support of another state for enforcement pursuant to article 6.~~

~~d. Modification of an order for child support or spousal support issued by a tribunal of this state pursuant to article 2, part 2.~~

~~e. Registration of an order for child support of another state for modification pursuant to article 6.~~

~~f. Determination of parentage pursuant to article 7.~~

~~g. Assertion of jurisdiction over nonresidents pursuant to article 2, part 1.~~

3. An individual movant or a support enforcement agency may ~~commence~~ initiate a proceeding authorized under this chapter by filing a petition or a comparable pleading in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state or a foreign country which has or can obtain personal jurisdiction over the respondent or nonmoving party.

Sec. 18. Section 252K.302, Code 2015, is amended to read as follows:

252K.302 Action Proceeding by minor parent.

A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

Sec. 19. Section 252K.303, Code 2015, is amended to read as follows:

252K.303 Application of law of this state.

Except as otherwise provided by this chapter, a responding tribunal of this state shall do all of the following:

1. Apply the procedural and substantive law, ~~including the rules on choice of law~~, generally applicable to similar proceedings originating in this state, and may exercise all powers and provide all remedies available in those proceedings.

2. Determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

Sec. 20. Section 252K.304, Code 2015, is amended to read as follows:

252K.304 Duties of initiating tribunal.

1. Upon the filing of a petition or comparable pleading authorized by this chapter, an initiating tribunal of this state shall forward ~~three copies~~ of the petition or comparable pleading and its accompanying documents:

a. To the responding tribunal or appropriate support enforcement agency in the responding state.

b. If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

2. ~~If a requested by the responding state has not enacted this law or a law or procedure substantially similar to this chapter, a tribunal, a tribunal of this state may shall~~ issue a certificate or other document and make findings required by the law of the responding state. If the responding state tribunal is in a foreign jurisdiction country, upon request the tribunal may of this state shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rates as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding state foreign tribunal.

Sec. 21. Section 252K.305, Code 2015, is amended to read as follows:

252K.305 Duties and powers of responding tribunal.

1. When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to section 252K.301, subsection ~~3~~ 2, it shall cause the petition or pleading to be filed and notify the movant where and when it was filed.

2. A responding tribunal of this state, to the extent ~~otherwise authorized~~ not prohibited by other law, may do one or more of the following:

a. ~~Issue~~ Establish or enforce a support order, modify a child support order, determine the controlling child support order, or ~~render a judgment to~~ determine parentage of a child.

b. Order an obligor to comply with a support order, specifying the amount and the manner of compliance.

c. Order income withholding.

d. Determine the amount of any arrearages, and specify a method of payment.

e. Enforce orders by civil or criminal contempt, or both.

f. Set aside property for satisfaction of the support order.

g. Place liens and order execution on the obligor's property.

h. Order an obligor to keep the tribunal informed of the obligor's current residential address, electronic mail address, telephone number, employer, address of employment, and telephone number at the place of employment.

i. Issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants.

j. Order the obligor to seek appropriate employment by specified methods.

k. Award reasonable attorney's fees and other fees and costs.

l. Grant any other available remedy.

3. A responding tribunal of this state shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.

4. A responding tribunal of this state may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.

5. If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order to the movant and the respondent and to the initiating tribunal, if any.

6. If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated

in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

Sec. 22. Section 252K.306, Code 2015, is amended to read as follows:

252K.306 Inappropriate tribunal.

If a petition or comparable pleading is received by an inappropriate tribunal of this state, ~~it~~ the tribunal shall forward the pleading and accompanying documents to an appropriate tribunal ~~in~~ in of this state or another state and notify the movant where and when the pleading was sent.

Sec. 23. Section 252K.307, Code 2015, is amended to read as follows:

252K.307 Duties of support enforcement agency.

1. A In a proceeding under this chapter, a support enforcement agency of this state, upon request, shall:

a. Shall provide services to a movant in a proceeding under this chapter residing in a state.

b. Shall provide services to a movant requesting services through a central authority of a foreign country as described in section 252K.101, subsection 5, paragraph "a" or "d".

c. May provide services to a movant who is an individual not residing in a state.

2. A support enforcement agency of this state that is providing services to the movant as appropriate shall:

a. Take all steps necessary to enable an appropriate tribunal in of this state, or another state, or a foreign country to obtain jurisdiction over the respondent.

b. Request an appropriate tribunal to set a date, time, and place for a hearing.

c. Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties.

d. Within five ten days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the movant.

e. Within five ten days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the movant.

f. Notify the movant if jurisdiction over the respondent cannot be obtained.

3. A support enforcement agency of this state that requests registration of a child support order in this state for enforcement or for modification shall make reasonable efforts to do either of the following:

a. To ensure that the order to be registered is the controlling order.

b. If two or more child support orders exist and the identity of the controlling order has not been determined, to ensure that a request for such determination is made in a tribunal having jurisdiction to do so.

4. A support enforcement agency of this state that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.

5. A support enforcement agency of this state shall issue or request a tribunal of this state to issue a child support order and an income withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to section 252K.319.

6. This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

Sec. 24. Section 252K.308, Code 2015, is amended to read as follows:

252K.308 Duty of attorney general.

1. If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

2. The attorney general may determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination.

Sec. 25. Section 252K.310, Code 2015, is amended to read as follows:

252K.310 Duties of state information agency.

1. The child support recovery unit is the state information agency under this chapter.
2. The state information agency shall:
 - a. Compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under this chapter and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state.
 - b. Maintain a register of names and addresses of tribunals and support enforcement agencies received from other states.
 - c. Forward to the appropriate tribunal in the place in this state in which the ~~individual obligee who is an individual or the obligor~~ resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from ~~an initiating tribunal or the state information agency of the initiating state~~ another state or a foreign country.
 - d. Obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

Sec. 26. Section 252K.311, Code 2015, is amended to read as follows:

252K.311 Pleadings and accompanying documents.

1. ~~A In a proceeding under this chapter, a movant seeking to establish a support order, to determine parentage of a child, or to register and modify a support order of a tribunal of another state or to determine parentage in a proceeding under this chapter a foreign country must verify the file a petition or comparable pleading. Unless otherwise ordered under section 252K.312, the petition, comparable pleading, or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number, and date of birth of each child for whom whose benefit support is sought or whose parentage is to be determined. The Unless filed at the time of registration, the petition or comparable pleading must be accompanied by a certified copy of any support order in effect known to have been issued by another tribunal. The petition or comparable pleading may include any other information that may assist in locating or identifying the respondent.~~
2. ~~The petition or comparable pleading must specify the relief sought. The petition or comparable pleading and accompanying documents shall must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.~~

Sec. 27. Section 252K.312, Code 2015, is amended to read as follows:

252K.312 Nondisclosure of information in exceptional circumstances.

~~Upon a finding, which may be made ex parte, If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be unreasonably put at risk jeopardized by the disclosure of specific identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information must be sealed and may not be disclosed to the other party or the public. After a hearing in a pleading or other document filed in a proceeding under this chapter which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.~~

Sec. 28. Section 252K.313, Code 2015, is amended to read as follows:

252K.313 Costs and fees.

1. The movant ~~shall~~ may not be required to pay a filing fee or other costs.
2. If an obligee prevails, a responding tribunal of this state may assess against an obligor filing fees, reasonable attorney fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or ~~the~~ responding state or foreign country, except as provided by other law. Attorney fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.
3. The tribunal shall order the payment of costs and reasonable attorney's fees if ~~the tribunal~~ it determines that a hearing was requested primarily for delay. In a proceeding under ~~article~~ Article 6, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

Sec. 29. Section 252K.314, Code 2015, is amended to read as follows:

252K.314 Limited immunity of movant.

1. Participation by a movant in a proceeding under this chapter before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the movant in another proceeding.
2. A movant is not amenable to service of civil process while physically present in this state to participate in a proceeding under this chapter.
3. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while physically present in this state to participate in the proceeding.

Sec. 30. Section 252K.316, Code 2015, is amended to read as follows:

252K.316 Special rules of evidence and procedure.

1. The physical presence of ~~the movant~~ a nonresident party who is an individual in a ~~responding~~ tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.
2. ~~A verified petition, An affidavit, a document substantially complying with federally mandated forms, and or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under oath penalty of perjury by a party or witness residing in another outside this state.~~
3. A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.
4. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.
5. Documentary evidence transmitted from ~~another~~ outside this state to a tribunal of this state by telephone, telecopier, or other electronic means that do not provide an original writing record may not be excluded from evidence on an objection based on the means of transmission.
6. In a proceeding under this chapter, a tribunal of this state ~~may~~ shall permit a party or witness residing ~~in another~~ outside this state to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location ~~in that state~~. A tribunal of this state shall cooperate with other tribunals of ~~other states~~ in designating an appropriate location for the deposition or testimony.
7. If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self incriminating, the trier of fact may draw an adverse inference from the refusal.
8. A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.

9. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

10. A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of a child.

Sec. 31. Section 252K.317, Code 2015, is amended to read as follows:

252K.317 Communications between tribunals.

A tribunal of this state may communicate with a tribunal ~~of another~~ outside this state in ~~writing a record~~, or by telephone, electronic mail, or other means, to obtain information concerning the laws ~~of that state~~, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding ~~in the other state~~. A tribunal of this state may furnish similar information by similar means to a tribunal ~~of another~~ outside this state.

Sec. 32. Section 252K.318, Code 2015, is amended to read as follows:

252K.318 Assistance with discovery.

A tribunal of this state may:

1. Request a tribunal ~~of another~~ outside this state to assist in obtaining discovery.
2. Upon request, compel a person over ~~whom~~ which it has jurisdiction to respond to a discovery order issued by a tribunal ~~of another~~ outside this state.

Sec. 33. Section 252K.319, Code 2015, is amended to read as follows:

252K.319 Receipt and disbursement of payments.

1. A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or a tribunal of another state or a foreign country a certified statement by the custodian of the record of the amounts and dates of all payments received.

2. If neither the obligor, nor the obligee who is an individual, nor the child resides in this state, upon request from the support enforcement agency of this state or another state, the child support recovery unit or a tribunal of this state shall:

a. Direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services.

b. Issue and send to the obligor's employer a conforming income withholding order or an administrative notice of change of payee, reflecting the redirected payments.

3. The support enforcement agency of this state receiving redirected payments from another state pursuant to a law similar to subsection 2 shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

Sec. 34. Section 252K.401, Code 2015, is amended to read as follows:

252K.401 ~~Petition to establish~~ Establishment of support order.

1. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state with personal jurisdiction over the parties may issue a support order if any of the following applies:

a. The individual seeking the order resides ~~in another~~ outside this state.

b. The support enforcement agency seeking the order is located ~~in another~~ outside this state.

2. The tribunal may issue a temporary child support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is any of the following applies:

a. ~~The respondent has signed a verified statement acknowledging parentage~~ A presumed father of the child.

b. ~~The respondent has been determined by or pursuant~~ Petitioning to law to be the parent have his paternity adjudicated.

c. ~~There is other clear and convincing evidence that the respondent is the child's parent~~ Identified as the father of the child through genetic testing.

d. An alleged father who has declined to submit to genetic testing.

e. Shown by clear and convincing evidence to be the father of the child.

f. An acknowledged father as provided by section 252A.3A.

g. The mother of the child.

h. An individual who has been ordered to pay child support in a previous proceeding and the order has been reversed or vacated.

3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 252K.305.

Sec. 35. **NEW SECTION. 252K.402 Proceeding to determine parentage.**

A tribunal of this state authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under this chapter or a law or procedure substantially similar to this chapter.

Sec. 36. Section 252K.501, Code 2015, is amended to read as follows:

252K.501 Employer's receipt of income withholding order of another state.

An income withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person ~~or entity~~ defined as the obligor's employer under the income withholding law of this state without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

Sec. 37. Section 252K.502, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. The person ~~or agency~~ designated to receive payments and the address to which the payments are to be forwarded.

Sec. 38. Section 252K.503, Code 2015, is amended to read as follows:

252K.503 Compliance Employer's compliance with multiple two or more income withholding orders.

If an obligor's employer receives multiple two or more income withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple two or more child support obligees.

Sec. 39. Section 252K.504, Code 2015, is amended to read as follows:

252K.504 Immunity from civil liability.

An employer ~~who~~ that complies with an income withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

Sec. 40. Section 252K.505, Code 2015, is amended to read as follows:

252K.505 Penalties for noncompliance.

An employer ~~who~~ that willfully fails to comply with an income withholding order issued by in another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

Sec. 41. Section 252K.506, Code 2015, is amended to read as follows:

252K.506 Contest by obligor.

1. An obligor may contest the validity or enforcement of an income withholding order issued in another state and received directly by an employer in this state by registering the order in a tribunal of this state and filing a contest to that order as provided in Article 6, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state. ~~Section 252K.604 applies to the contest.~~

2. The obligor shall give notice of the contest to:

a. A support enforcement agency providing services to the obligee.

b. Each employer that has directly received an income withholding order relating to the obligor.

c. The person ~~or agency~~ designated to receive payments in the income withholding order, or if no person ~~or agency~~ is designated, to the obligee.

Sec. 42. Section 252K.507, subsection 1, Code 2015, is amended to read as follows:

1. A party or support enforcement agency seeking to enforce a support order or an income withholding order, or both, issued by a tribunal of in another state or a foreign support order may send the documents required for registering the order to a support enforcement agency of this state.

Sec. 43. Section 252K.601, Code 2015, is amended to read as follows:

252K.601 Registration of order for enforcement.

A support order or an income withholding order issued by a tribunal of in another state or a foreign support order may be registered in this state for enforcement.

Sec. 44. Section 252K.602, Code 2015, is amended to read as follows:

252K.602 Procedure to register order for enforcement.

1. A Except as otherwise provided in section 252K.706, a support order or income withholding order of another state or a foreign support order may be registered in this state by sending the following documents and information records to the appropriate tribunal in this state:

- a. A letter of transmittal to the tribunal requesting registration and enforcement.
- b. Two copies, including one certified copy, of all orders the order to be registered, including any modification of an the order.
- c. A sworn statement by the party seeking person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage.
- d. The name of the obligor and, if known:
 - (1) The obligor's address and social security number.
 - (2) The name and address of the obligor's employer and any other source of income of the obligor.
 - (3) A description and the location of property of the obligor in this state not exempt from execution.

e. The Except as otherwise provided in section 252K.312, the name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

2. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as an order of a tribunal of another state or a foreign judgment support order, together with one copy of the documents and information, regardless of their form.

3. A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

4. If two or more orders are in effect, the person requesting registration shall:

a. Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section.

b. Specify the order alleged to be the controlling order, if any.

c. Specify the amount of consolidated arrears, if any.

5. A request for determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

Sec. 45. Section 252K.603, Code 2015, is amended to read as follows:

252K.603 Effect of registration for enforcement.

1. A support order or income withholding order issued in another state or a foreign support order is registered when the order is filed in the registering tribunal of this state.

2. A registered support order issued in another state or a foreign country is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

3. Except as otherwise provided in this article chapter, a tribunal of this state shall recognize and enforce, but may not modify, a registered support order if the issuing tribunal had jurisdiction.

Sec. 46. Section 252K.604, Code 2015, is amended to read as follows:

252K.604 Choice of law.

1. ~~The~~ Except as otherwise provided in subsection 4, the law of the issuing state or foreign country governs the:

a. ~~The nature, extent, amount, and duration of current payments and other obligations of under a registered support and the order.~~

b. ~~The computation and payment of arrearages and accrual of interest on the arrearages under the support order.~~

c. ~~The existence and satisfaction of other obligations under the support order.~~

2. ~~In a proceeding for arrearages arrears under a registered support order, the statute of limitation under the laws of this state or of the issuing state or foreign country, whichever is longer, applies.~~

3. ~~A responding tribunal of this state shall apply the procedures and remedies of this state to enforce current support and collect arrears and interest due on a support order of another state or a foreign country registered in this state.~~

4. ~~After a tribunal of this state or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this state shall prospectively apply the law of the state or foreign country issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears.~~

Sec. 47. Section 252K.605, Code 2015, is amended to read as follows:

252K.605 Notice of registration of order.

1. ~~When a support order or income withholding order issued in another state or a foreign support order is registered, the registering tribunal of this state shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.~~

2. ~~The~~ A notice must inform the nonregistering party:

a. ~~That a registered support order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state.~~

b. ~~That a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after the date of mailing or personal service of the notice unless the registered order is contested under section 252K.707.~~

c. ~~That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted.~~

d. ~~Of the amount of any alleged arrearages.~~

3. ~~If the registering party asserts that two or more orders are in effect, a notice must also:~~

a. ~~Identify the two or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, if any.~~

b. ~~Notify the nonregistering party of the right to a determination of which is the controlling order.~~

c. ~~State that the procedures provided in subsection 2 apply to the determination of which is the controlling order.~~

d. ~~State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.~~

4. ~~Upon registration of an income withholding order for enforcement, the support enforcement agency or the registering tribunal shall notify the obligor's employer pursuant to the income withholding law of this state.~~

Sec. 48. Section 252K.606, Code 2015, is amended to read as follows:

252K.606 Procedure to contest validity or enforcement of registered support order.

1. ~~A nonregistering party seeking to contest the validity or enforcement of a registered support order in this state shall request a hearing within twenty days after the date of mailing or personal service of notice of the registration the time required by section 252K.605. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation~~

of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 252K.607.

2. If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

3. If a nonregistering party requests a hearing to contest the validity or enforcement of the registered support order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

Sec. 49. Section 252K.607, Code 2015, is amended to read as follows:

252K.607 Contest of registration or enforcement.

1. A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

a. The issuing tribunal lacked personal jurisdiction over the contesting party.

b. The order was obtained by fraud.

c. The order has been vacated, suspended, or modified by a later order.

d. The issuing tribunal has stayed the order pending appeal.

e. There is a defense under the law of this state to the remedy sought.

f. Full or partial payment has been made.

g. The statute of limitation under section 252K.604 precludes enforcement of some or all of the alleged arrearages.

h. The alleged controlling order is not the controlling order.

2. If a party presents evidence establishing a full or partial defense under subsection 1, a tribunal may stay enforcement of the a registered support order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all remedies available under the law of this state.

3. If the contesting party does not establish a defense under subsection 1 to the validity or enforcement of the a registered support order, the registering tribunal shall issue an order confirming the order.

Sec. 50. Section 252K.608, Code 2015, is amended to read as follows:

252K.608 Confirmed order.

Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

Sec. 51. Section 252K.609, Code 2015, is amended to read as follows:

252K.609 Procedure to register child support order of another state for modification.

A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner provided in ~~part 4~~ sections 252K.601 through 252K.608 if the order has not been registered. A petition or comparable pleading for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

Sec. 52. Section 252K.610, Code 2015, is amended to read as follows:

252K.610 Effect of registration for modification.

A tribunal of this state may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered support order may be modified only if the requirements of section 252K.611 or 252K.613 have been met.

Sec. 53. Section 252K.611, Code 2015, is amended to read as follows:

252K.611 Modification of child support order of another state.

1. ~~After~~ If section 252K.613 does not apply, upon petition or comparable pleading, a tribunal of this state may modify a child support order issued in another state ~~has been which is~~ registered in this state, ~~the responding tribunal of this state may modify that order only if~~ section 252K.613 does not apply and after notice and hearing it the tribunal finds that paragraph "a" or "b" applies:

a. The following requirements are met:

(1) ~~The Neither the child, nor the individual obligee who is an individual, and nor the obligor do not reside~~ resides in the issuing state.

(2) A movant who is a nonresident of this state seeks modification.

(3) The respondent is subject to the personal jurisdiction of the tribunal of this state.

b. ~~The This state is the state of residence of the child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of this state, and all of the parties who are individuals have filed written consents in a record in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this chapter, the consent otherwise required of an individual residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order.~~

2. Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner.

3. A tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and must be so recognized under section 252K.207 establishes the aspects of the support order which are nonmodifiable.

4. In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this state.

5. On the issuance of an order by a tribunal of this state modifying a child support order issued in another state, a the tribunal of this state becomes the tribunal having continuing, exclusive jurisdiction.

6. Notwithstanding subsections 1 through 5 and section 252K.201, subsection 2, a tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this state if both of the following apply:

a. One party resides in another state.

b. The other party resides outside the United States.

Sec. 54. Section 252K.612, Code 2015, is amended to read as follows:

252K.612 Recognition of order modified in another state.

~~A tribunal of this state shall recognize~~ If a modification of its earlier child support order issued by a tribunal of this state is modified by a tribunal of another state which assumed jurisdiction pursuant to this chapter or a law substantially similar to this chapter and, upon request, except as otherwise provided in this chapter, shall a tribunal of this state:

1. ~~Enforce the~~ May enforce its order that was modified only as to amounts arrearages and interest accruing before the modification.

2. ~~Enforce only nonmodifiable aspects of that order.~~

3. ~~Provide other~~ May provide appropriate relief only for violations of the its order which occurred before the effective date of the modification.

4. ~~3. Recognize~~ Shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

Sec. 55. NEW SECTION. 252K.615 Jurisdiction to modify child support order of foreign country.

1. Except as otherwise provided in section 252K.711, if a foreign country lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its laws, a tribunal of this state may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether the consent to modification of a child support order otherwise required of the individual pursuant to section 252K.611 has been given or whether the individual seeking modification is a resident of this state or of the foreign country.

2. An order issued by a tribunal of this state modifying a foreign child support order pursuant to this section is the controlling order.

Sec. 56. NEW SECTION. 252K.616 Procedures to register child support order of foreign country for modification.

A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child support order not under the convention may register that order in this state under sections 252K.601 through 252K.608 if the order has not been registered. A petition or comparable pleading for modification may be filed at the same time as a request for registration, or at another time. The pleading must specify the grounds for modification.

Sec. 57. Section 252K.701, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

252K.701 Definitions.

In this article:

1. “*Application*” means a request under the convention by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority.

2. “*Central authority*” means the entity designated by the United States or a foreign country described in section 252K.101, subsection 5, paragraph “d”, to perform the functions specified in the convention.

3. “*Convention support order*” means a support order of a tribunal of a foreign country described in section 252K.101, subsection 5, paragraph “d”.

4. “*Direct request*” means a petition for support filed by an individual in a tribunal of this state in a proceeding involving an obligee, obligor, or a child residing outside the United States.

5. “*Foreign central authority*” means the entity designated by a foreign country described in section 252K.101, subsection 5, paragraph “d”, to perform the functions specified in the convention.

6. “*Foreign support agreement*”:

a. Means an agreement for support in a record that:

(1) Is enforceable as a support order in the country of origin.

(2) Has been formally drawn up or registered as an authentic instrument by a foreign tribunal or authenticated by, or concluded, registered, or filed with a foreign tribunal.

(3) May be reviewed and modified by a foreign tribunal.

b. “*Foreign support agreement*” includes a maintenance arrangement or authentic instrument under the convention.

7. “*United States central authority*” means the secretary of the United States department of health and human services.

Sec. 58. NEW SECTION. 252K.702 Applicability.

This article applies only to a support proceeding under the convention. In such a proceeding, if a provision of this article is inconsistent with Articles 1 through 6, this article controls.

Sec. 59. NEW SECTION. 252K.703 Relationship of child support recovery unit to United States central authority.

The child support recovery unit of this state is recognized as the agency designated by the United States central authority to perform specific functions under the convention.

Sec. 60. NEW SECTION. 252K.704 Initiation by child support recovery unit of support proceeding under convention.

1. In a support proceeding under this article, the child support recovery unit of this state shall:

a. Transmit and receive applications.

b. Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this state.

2. The following support proceedings are available to an obligee under the convention:

a. Recognition or recognition and enforcement of a foreign support order.

- b. Enforcement of a support order issued or recognized in this state.
 - c. Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child.
 - d. Establishment of a support order if recognition of a foreign support order is refused under section 252K.708, subsection 2, paragraph “b”, “d”, or “i”.
 - e. Modification of a support order of a tribunal of this state.
 - f. Modification of a support order of a tribunal of another state or a foreign country.
3. The following support proceedings are available under the convention to an obligor against which there is an existing support order:
- a. Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this state.
 - b. Modification of a support order of a tribunal of this state.
 - c. Modification of a support order of a tribunal of another state or a foreign country.
 4. A tribunal of this state may not require security, bond, or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the convention.

Sec. 61. NEW SECTION. 252K.705 Direct request.

1. A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this state applies.
2. A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, sections 252K.706 through 252K.713 apply.
3. In a direct request for recognition and enforcement of a convention support order or foreign support agreement:
 - a. A security, bond, or deposit is not required to guarantee the payment of costs and expenses.
 - b. An obligee or obligor that in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the law of this state under the same circumstances.
4. A petitioner filing a direct request is not entitled to assistance from the child support recovery unit.
5. This article does not prevent the application of laws of this state that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.

Sec. 62. NEW SECTION. 252K.706 Registration of convention support order.

1. Except as otherwise provided in this article, a party who is an individual or a support enforcement agency seeking recognition of a convention support order shall register the order in this state as provided in Article 6.
2. Notwithstanding section 252K.311 and section 252K.602, subsection 1, a request for registration of a convention support order must be accompanied by:
 - a. A complete text of the support order.
 - b. A record stating that the support order is enforceable in the issuing country.
 - c. If the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal.
 - d. A record showing the amount of arrears, if any, and the date the amount was calculated.
 - e. A record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations.
 - f. If necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country.
3. A request for registration of a convention support order may seek recognition and partial enforcement of the order.
4. A tribunal of this state may vacate the registration of a convention support order without the filing of a contest under section 252K.707 only if, acting on its own motion, the tribunal

finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

5. The tribunal shall promptly notify the parties of the registration or the order vacating the registration of a convention support order.

Sec. 63. NEW SECTION. 252K.707 Contest of registered convention support order.

1. Except as otherwise provided in this article, sections 252K.605 through 252K.608 apply to a contest of a registered convention support order.

2. A party contesting a registered convention support order shall file a contest not later than thirty days after notice of the registration, but if the contesting party does not reside in the United States, the contest must be filed not later than sixty days after notice of the registration.

3. If the nonregistering party fails to contest the registered convention support order by the time specified in subsection 2, the order is enforceable.

4. A contest of a registered convention support order may be based only on grounds set forth in section 252K.708. The contesting party bears the burden of proof.

5. In a contest of a registered convention support order, a tribunal of this state:

a. Is bound by the findings of fact on which the foreign tribunal based its jurisdiction.

b. May not review the merits of the order.

6. A tribunal of this state deciding a contest of a registered convention support order shall promptly notify the parties of its decision.

7. A challenge or appeal, if any, does not stay the enforcement of a convention support order unless there are exceptional circumstances.

Sec. 64. NEW SECTION. 252K.708 Recognition and enforcement of registered convention support order.

1. Except as otherwise provided in subsection 2, a tribunal of this state shall recognize and enforce a registered convention support order.

2. The following grounds are the only grounds on which a tribunal of this state may refuse recognition and enforcement of a registered convention support order:

a. Recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard.

b. The issuing tribunal lacked personal jurisdiction consistent with section 252K.201.

c. The order is not enforceable in the issuing country.

d. The order was obtained by fraud in connection with a matter of procedure.

e. A record transmitted in accordance with section 252K.706 lacks authenticity or integrity.

f. A proceeding between the same parties and having the same purpose is pending before a tribunal of this state and that proceeding was the first to be filed.

g. The order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under this chapter in this state.

h. Payment, to the extent alleged arrears have been paid in whole or in part.

i. In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country, any of the following is applicable:

(1) If the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard.

(2) If the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal.

j. The order was made in violation of section 252K.711.

3. If a tribunal of this state does not recognize a convention support order under subsection 2, paragraph "b", "d", or "i":

a. The tribunal may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new convention support order.

b. The child support recovery unit shall take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received under section 252K.704.

Sec. 65. NEW SECTION. **252K.709 Partial enforcement.**

If a tribunal of this state does not recognize and enforce a convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a convention support order.

Sec. 66. NEW SECTION. **252K.710 Foreign support agreement.**

1. Except as otherwise provided in subsections 3 and 4, a tribunal of this state shall recognize and enforce a foreign support agreement registered in this state.

2. An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by:

a. A complete text of the foreign support agreement.

b. A record stating that the foreign support agreement is enforceable as an order of support in the issuing country.

3. A tribunal of this state may vacate the registration of a foreign support agreement only if, acting on its own motion, the tribunal finds that recognition and enforcement would be manifestly incompatible with public policy.

4. In a contest of a foreign support agreement, a tribunal of this state may refuse recognition and enforcement of the agreement if it finds any of the following:

a. Recognition and enforcement of the agreement is manifestly incompatible with public policy.

b. The agreement was obtained by fraud or falsification.

c. The agreement is incompatible with a support order involving the same parties and having the same purpose in this state, another state, or a foreign country if the support order is entitled to recognition and enforcement under this chapter in this state.

d. The record submitted under subsection 2 lacks authenticity or integrity.

5. A proceeding for recognition and enforcement of a foreign support agreement must be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.

Sec. 67. NEW SECTION. **252K.711 Modification of convention child support order.**

1. A tribunal of this state may not modify a convention child support order if the obligee remains a resident of the foreign country where the support order was issued unless any of the following applies:

a. The obligee submits to the jurisdiction of a tribunal of this state, either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity.

b. The foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order.

2. If a tribunal of this state does not modify a convention child support order because the order is not recognized in this state, section 252K.708, subsection 3, applies.

Sec. 68. NEW SECTION. **252K.712 Personal information — limit on use.**

Personal information gathered or transmitted under this article may be used only for the purposes for which it was gathered or transmitted.

Sec. 69. NEW SECTION. **252K.713 Record in original language — English translation.**

A record filed with a tribunal of this state under this article must be in the original language and, if not in English, must be accompanied by an English translation.

Sec. 70. Section 252K.801, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. On the demand by of the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

Sec. 71. Section 252K.802, subsections 1 and 2, Code 2015, are amended to read as follows:

1. Before making a demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.

2. If, under this chapter, or a law substantially similar to this chapter, ~~the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act,~~ the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

Sec. 72. Section 252K.901, Code 2015, is amended to read as follows:

252K.901 Uniformity of application and construction.

~~This chapter shall be applied and construed In applying and construing this uniform Act, consideration must be given to the need to effectuate its general purpose to make uniform promote uniformity of the law with respect to the subject of this chapter matter among states enacting that enact it.~~

Sec. 73. Section 252K.903, Code 2015, is amended to read as follows:

252K.903 Severability clause.

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Sec. 74. Section 252K.904, Code 2015, is amended to read as follows:

252K.904 Effective date — pending matters.

1. This chapter takes effect ~~January 1, 1998~~ July 1, 2015.
2. A tribunal of this state shall apply this chapter beginning ~~January 1, 1998~~ July 1, 2015, with the following conditions:
 - a. Matters pending on ~~January 1, 1998~~ July 1, 2015, shall be governed by this chapter.
 - b. Pleadings and accompanying documents on pending matters are sufficient if the documents substantially comply with the requirements of this chapter 252A in effect on ~~December 31, 1997~~ June 30, 2015.

Sec. 75. REPEAL. Section 252K.902, Code 2015, is repealed.

Sec. 76. CODE EDITOR DIRECTIVES. The Code editor shall do all of the following:

1. Eliminate the part designations and titles under Article 2 of chapter 252K.
2. Retitle Article 4 of chapter 252K “Establishment of support order or determination of parentage”.
3. Retitle Article 5 of chapter 252K “Enforcement of support order without registration”.
4. Retitle Article 6 of chapter 252K “Registration, enforcement, and modification of support order”.
5. Retitle Article 6, part 1, of chapter 252K “Registration for enforcement of support order”.
6. Retitle Article 6, part 3, of chapter 252K “Registration and modification of child support order of another state”.
7. Create a new part 4 of Article 6 of chapter 252K, entitled “Registration and modification of foreign child support order” which shall include sections 252K.615 and 252K.616, as enacted in this Act.
8. Retitle Article 7 of chapter 252K “Support proceeding under convention”, which shall include sections 252K.701, 252K.702, 252K.703, 252K.704, 252K.705, 252K.706, 252K.707,

252K.708, 252K.709, 252K.710, 252K.711, 252K.712, and 252K.713, as amended and enacted in this Act.

DIVISION II
CONFORMING CHANGES — UNIFORM INTERSTATE FAMILY SUPPORT ACT

Sec. 77. Section 252A.2, subsection 10, Code 2015, is amended by striking the subsection.

Sec. 78. Section 252A.3, subsection 9, Code 2015, is amended to read as follows:

9. Notwithstanding the fact that the respondent has obtained in any state or foreign country a final decree of divorce or separation from the respondent's spouse or a decree dissolving the marriage, the respondent shall be deemed legally liable for the support of any dependent child of such marriage.

Sec. 79. Section 252A.3, subsection 10, paragraph d, Code 2015, is amended to read as follows:

d. By establishment of paternity in a another state or foreign jurisdiction country in any manner provided for by the laws of that jurisdiction.

Sec. 80. Section 252A.6A, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. If the prior determination of paternity is based on an administrative or court order or by any other means, pursuant to the laws of a another state or foreign jurisdiction country, an action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless the party requests and is granted a stay of an action to establish child or medical support, the action shall proceed as otherwise provided.

Sec. 81. Section 252A.18, Code 2015, is amended to read as follows:

252A.18 Registration of foreign support order — notice.

Registration of a support order of another state or foreign support order country shall be in accordance with chapter 252K except that, with regard to service, promptly upon registration, the clerk of the court shall ~~send a notice~~, by restricted certified mail, or the child support recovery unit shall, as provided in section 252B.26, send to the respondent, notice of the registration with a copy of the registered support order or the respondent may be personally served with the notice and the copy of the order in the same manner as original notices are personally served. The clerk shall also docket the case and notify the prosecuting attorney of the action. The clerk shall maintain a registry of all support orders registered pursuant to this section. The filing is in equity.

Sec. 82. Section 252B.1, subsection 6, Code 2015, is amended to read as follows:

6. "*Obligor*" means the person legally responsible for the support of a child as defined in section 252D.16 or 598.1 under a support order issued in this state or a pursuant to the laws of another state or foreign jurisdiction country.

Sec. 83. Section 252B.3, subsection 4, paragraph b, Code 2015, is amended to read as follows:

b. This subsection shall not apply unless all the children for whom support is ordered reside with both parents, except that a child may be absent from the home due to a foster care placement pursuant to chapter 234 or a comparable law of a another state or foreign jurisdiction country.

Sec. 84. Section 252B.4, subsection 5, paragraph b, Code 2015, is amended to read as follows:

b. A foreign reciprocating country or foreign country with which the state has an arrangement as provided in 42 U.S.C. §659a as defined in chapter 252K.

Sec. 85. Section 252B.9, subsection 3, paragraph i, subparagraphs (4) and (7), Code 2015, are amended to read as follows:

(4) The unit receives ~~notification that a copy, regular on its face, of a notarized affidavit or a pleading, which was signed by and made under oath by a party, under chapter 252K, the uniform interstate family support Act, or the comparable law of another state, alleging the health, safety, or liberty of the party or child would be jeopardized by the disclosure of specific identifying information unless a tribunal has issued an order under chapter 252K, the uniform interstate family support Act, or the comparable law of another state, that the address or other~~ ordered the identifying information of a party or child not be disclosed.

(7) The unit receives notification, as the result of a request under section 252B.9A, of the existence of any finding, order, affidavit, pleading, safety plan, or founded allegation referred to in subparagraphs (1) through (6) of this paragraph.

Sec. 86. Section 252B.14, Code 2015, is amended to read as follows:

252B.14 Support payments — collection services center or comparable government entity in another state — clerk of the district court.

1. For the purposes of this section, “support order” includes any order entered pursuant to chapter 234, 252A, 252C, 598, 600B, or any other support chapter or proceeding which establishes support payments as defined in section 252D.16 or 598.1.

2. For support orders being enforced by the child support recovery unit, support payments made pursuant to the order shall be directed to and disbursed by the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K.

3. With the exception of support payments to which subsection 2 or 4 applies, support payments made pursuant to an order shall be directed to and disbursed by the clerk of the district court in the county in which the order for support is filed. The clerk of the district court may require the obligor to submit payments by bank draft or money order if the obligor submits an insufficient funds support payment to the clerk of the district court.

4. ~~By October 1, 1999, for~~ For a support order to which subsection 2 does not apply, regardless of the terms of the support order directing or redirecting the place of payment, support payments made through income withholding by a payor of income as provided in chapter 252D shall be directed to and disbursed by the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K. The judicial branch and the department shall develop and implement a plan to notify payors of income of this requirement and the effective date of the requirement applicable to the respective payor of income.

5. If the collection services center is receiving and disbursing payments pursuant to a support order, but the unit is not providing other services under Tit. IV-D of the federal Social Security Act, or if the order is not being enforced by the unit, the parties to that order are not considered to be receiving services under this chapter.

6. Payments to persons other than the clerk of the district court or the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K, do not satisfy the support obligations created by a support order or judgment, except as provided for in sections 598.22 and 598.22A.

Sec. 87. Section 252B.15, Code 2015, is amended to read as follows:

252B.15 Processing and disbursement of support payments.

1. The collection services center shall notify the clerk of the district court of any order for which the child support recovery unit is providing enforcement services. The clerk of the district court shall forward any support payment made pursuant to the order, along with any support payment information, to the collection services center. Unless the agreement developed pursuant to section 252B.13A otherwise provides, ~~by October 1, 1999,~~ the clerk of the district court shall forward any support payment made and any support payment information provided through income withholding pursuant to chapter 252D, to the collection services center. The collection services center shall process and disburse the payment in accordance with federal requirements.

2. Unless otherwise provided under federal law, if it is possible to identify the support order to which a payment is to be applied and if sufficient information is provided to identify the obligee, a payment received by the collection services center or the clerk of the district court shall be disbursed to the appropriate individual or office within two working days in accordance with section 598.22.

3. If the collection services center receives an incorrectly submitted payment, the collection services center shall promptly return the payment to the sender and, if known, provide information about where to send the payment.

4. Chapter 556 shall not apply to payments received by the collection services center.

Sec. 88. Section 252B.16, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 4. As provided in sections 252K.307 and 252K.319, the unit may issue and file with the clerk of the district court, a notice redirecting support payments to a comparable government entity responsible for the processing and disbursement of support payments in another state. The unit shall send a copy of the notice by regular mail to the last known addresses of the obligor and obligee and, where applicable, shall notify the payor of income to make payments as specified in the notice. The issuance and filing of the notice is the equivalent of a court order redirecting support.

Sec. 89. Section 252C.1, subsection 3, Code 2015, is amended to read as follows:

3. ~~“Court order” means a judgment or order of a court of this state or another state~~ requiring the payment of a set or determinable amount of monetary support. For orders entered on or after July 1, 1990, unless the court specifically orders otherwise, medical support, as defined in section 252E.1, is not included in the amount of monetary support.

Sec. 90. Section 252C.4, subsection 1, paragraph c, Code 2015, is amended to read as follows:

c. If the action is the result of a request from ~~a another state or foreign jurisdiction country~~ to establish support by a responsible person located in Iowa, in the county in which the responsible person resides.

Sec. 91. Section 252C.4, subsection 7, paragraph b, Code 2015, is amended to read as follows:

b. If the prior determination of paternity is based on an administrative or court order or other means, pursuant to the laws of ~~a another state or foreign jurisdiction country~~, an action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless the responsible person requests and is granted a stay of an action initiated under this chapter to establish child or medical support, the action shall proceed as otherwise provided by this chapter.

Sec. 92. Section 252D.1, Code 2015, is amended to read as follows:

252D.1 Delinquent support payments.

If support payments ordered under this chapter or chapter 232, 234, 252A, 252C, 252E, 252F, 598, 600B, or any other applicable chapter, or under a comparable statute of ~~a another state or foreign jurisdiction country~~, as certified to the child support recovery unit established in section 252B.2, are not paid to the clerk of the district court or the collection services center pursuant to section 598.22 or, as appropriate, a comparable government entity in another state as provided in chapter 252K, and become delinquent in an amount equal to the payment for one month, the child support recovery unit may enter an ex parte order or, upon application of a person entitled to receive the support payments, the district court may enter an ex parte order, notifying the person whose income is to be withheld, of the delinquent amount, of the amount of income to be withheld, and of the procedure to file a motion to quash the order for income withholding, and ordering the withholding of specified sums to be deducted from the delinquent person's income as defined in section 252D.16 sufficient to pay the support obligation and, except as provided in section 598.22, requiring the payment of such sums to the clerk of the district court or the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K. ~~Beginning October 1, 1999, all~~ All income withholding payments shall be paid to the collection services center or, as

appropriate, a comparable government entity in another state as provided in chapter 252K. Notification of income withholding shall be provided to the obligor and to the payor of income pursuant to section 252D.17.

Sec. 93. Section 252D.16, subsection 3, Code 2015, is amended to read as follows:

3. “Support” or “support payments” means any amount which the court or administrative agency may require a person to pay for the benefit of a child under a temporary order or a final judgment or decree entered under chapter 232, 234, 252A, 252C, 252F, 252H, 598, 600B, or any other comparable chapter, and may include child support, maintenance, medical support as defined in chapter 252E, spousal support, and any other term used to describe these obligations. These obligations may include support for a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability. The obligations may include support for a child eighteen or more years of age with respect to whom a child support order has been issued pursuant to the laws of a another state or foreign jurisdiction country. These obligations shall not include amounts for a postsecondary education subsidy as defined in section 598.1.

Sec. 94. Section 252D.16A, Code 2015, is amended to read as follows:

252D.16A Income withholding order — child support recovery unit.

If support payments are ordered under this chapter, chapter 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or any other applicable chapter, or under a comparable statute of a another state or foreign jurisdiction country, and if income withholding relative to such support payments is allowed under this chapter, the child support recovery unit may enter an ex parte order notifying the person whose income is to be withheld of the procedure to file a motion to quash the order for income withholding, and ordering the withholding of sums to be deducted from the delinquent person’s income as defined in section 252D.16 sufficient to pay the support obligation and requiring the payment of such sums to the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K. The child support recovery unit shall include the amount of any delinquency and the amount to be withheld in the notice provided to the obligor pursuant to section 252D.17A. Notice of income withholding shall be provided to the obligor and to the payor of income pursuant to sections 252D.17 and 252D.17A.

Sec. 95. Section 252D.17, subsection 1, paragraphs e, f, and h, Code 2015, are amended to read as follows:

e. The payor shall send the amounts withheld to the collection services center or the clerk of the district court pursuant to section 252B.14 or, as appropriate, a comparable government entity in another state as provided in chapter 252K, within seven business days of the date the obligor is paid. “Business day” means a day on which state offices are open for regular business.

f. The payor may combine amounts withheld from the obligors’ income in a single payment to the clerk of the district court or to the collection services center or a comparable government entity in another state as provided in chapter 252K, as appropriate. Whether combined or separate, payments shall be identified by the name of the obligor, account number, amount, and the date withheld. If payments for multiple obligors are combined, the portion of the payment attributable to each obligor shall be specifically identified.

h. If the payor, with actual knowledge and intent to avoid legal obligation, fails to withhold income or to pay the amounts withheld to the collection services center or the clerk of court or, as appropriate, a comparable government entity in another state as provided in chapter 252K in accordance with the provisions of the order, the notice of the order, or the notification of payors of income provisions established in section 252B.13A, the payor commits a simple misdemeanor for a first offense and is liable for the accumulated amount which should have been withheld, together with costs, interest, and reasonable attorney fees related to the collection of the amounts due from the payor. For each subsequent offense prescribed under this paragraph, the payor commits a serious misdemeanor and is liable for the accumulated amount which should have been withheld, together with costs, interest, and reasonable attorney fees related to the collection of the amounts due from the payor.

Sec. 96. Section 252D.18, subsection 3, Code 2015, is amended to read as follows:

3. The court or the child support recovery unit may, by ex parte order, terminate an income withholding order when the current support obligation has terminated and when the delinquent support obligation has been fully satisfied as applicable to all of the children covered by the income withholding order. The unit may, by ex parte order, terminate an income withholding order when the unit will no longer be providing services under chapter 252B, or when a another state or foreign jurisdiction country will be providing services under Tit. IV-D of the federal Social Security Act or a comparable law in a foreign country.

Sec. 97. Section 252D.20, Code 2015, is amended to read as follows:

252D.20 Administration of income withholding procedures.

The child support recovery unit is designated as the entity of the state to administer income withholding in accordance with the procedures specified for keeping adequate records to document, track, and monitor support payments on cases subject to Tit. IV-D of the federal Social Security Act. ~~Until October 1, 1999, the clerks of the district court are designated as the entities for administering income withholding on cases which are not subject to Tit. IV-D. Beginning October 1, 1999, the~~ The collection services center is designated as the entity for administering income withholding for cases which are not subject to Tit. IV-D. The collection services center's responsibilities for administering income withholding in cases not subject to Tit. IV-D are limited to the receipt, recording, and disbursement of income withholding payments and to responding to requests for information on the current status of support payments pursuant to section 252B.13A. Notwithstanding section 622.53, in cases where the court or the child support recovery unit is enforcing a an order of another state or foreign judgment country through income withholding, a certified copy of the underlying judgment is sufficient proof of authenticity.

Sec. 98. Section 252D.24, Code 2015, is amended to read as follows:

252D.24 Applicability to support orders of foreign other jurisdictions.

1. An income withholding order may be entered to enforce a support order of a another state or foreign jurisdiction country. ~~The foreign~~ That support order may be entered and filed with the clerk of the district court at the time the income withholding order is entered. Entry of the foreign support order of another state or foreign country under this subsection does not constitute registration of the order.

2. Income withholding for a support order issued by a another state or foreign jurisdiction country is governed by chapter 252K, ~~article 5 or 6,~~ and this chapter, as appropriate.

Sec. 99. Section 252D.31, subsection 3, Code 2015, is amended to read as follows:

3. The payor shall withhold and transmit the amount specified in the order or notice of the order of income withholding to the clerk of the district court or the collection services center or a comparable government entity in another state as provided in chapter 252K, as appropriate, until the notice that a motion to quash has been granted is received.

Sec. 100. Section 252E.1, subsections 3 and 13, Code 2015, are amended to read as follows:

3. "Child" means a person for whom child or medical support may be ordered pursuant to chapter 234, 239B, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any other chapter of the Code or pursuant to a comparable statute of a another state or foreign jurisdiction country.

13. "Order" means a support order entered pursuant to chapter 234, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any other support chapter, or pursuant to a comparable statute of a another state or foreign jurisdiction country, or an ex parte order entered pursuant to section 252E.4. "Order" also includes a notice of such an order issued by the department.

Sec. 101. Section 252E.2, subsection 4, Code 2015, is amended to read as follows:

4. A medical support order of a another state or foreign jurisdiction country may be entered or filed with the clerk of the district court. However, entry of such a medical support order under this subsection does not constitute registration of that medical support order.

Sec. 102. Section 252F.3, subsection 3, paragraph a, subparagraph (3), Code 2015, is amended to read as follows:

(3) If the action is the result of a request from a another state or foreign jurisdiction country to establish paternity of a putative father located in Iowa, in the county in which the putative father resides.

Sec. 103. Section 252F.3, subsection 6, paragraph f, Code 2015, is amended to read as follows:

f. An original copy of the test results shall be filed with the clerk of the district court in the county where the notice was filed. The child support recovery unit shall issue a copy of the filed test results to each party in person, or by regular mail to the last known address of each, or if applicable, to the last known address of the attorney for each. However, if the action is the result of a request from a another state or foreign jurisdiction country, the unit shall issue a copy of the results to the initiating agency in that foreign jurisdiction.

Sec. 104. Section 252H.2, subsection 2, paragraphs g, l, and m, Code 2015, are amended to read as follows:

g. “*Determination of controlling order*” means the process of identifying a child support order which must be recognized pursuant to section 252K.207 and 28 U.S.C. §1738B, when more than one state has issued a support order for the same child and the same obligor, and may include a reconciliation of arrearages with information related to the calculation. Registration of a ~~foreign~~ an order of another state or foreign country is not necessary for a court or the unit to make a determination of controlling order.

l. “*State*” means “*state*” as defined in ~~section 252K.101~~ chapter 252K.

m. “*Support order*” means an order for support issued pursuant to chapter 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or any other applicable chapter, or under a comparable statute of a another state or foreign jurisdiction country as registered with the clerk of court or certified to the child support recovery unit.

Sec. 105. Section 252H.8, subsection 5, paragraph h, Code 2015, is amended to read as follows:

h. A certified copy of each order, issued by another state or foreign country, considered in determining the controlling order.

Sec. 106. Section 252H.14, subsection 2, Code 2015, is amended to read as follows:

2. The unit may periodically initiate a request to a child support agency of another state or to a foreign country to conduct a review of a support order ~~entered in that state~~ when the right to any ongoing child or medical support obligation due under the order is currently assigned to the state of Iowa or if the order does not include provisions for medical support.

Sec. 107. Section 252I.2, subsection 2, Code 2015, is amended to read as follows:

2. An obligor is subject to the provisions of this chapter if the obligor’s support obligation is being enforced by the child support recovery unit, and if the support payments ordered under chapter 232, 234, 252A, 252C, 252D, 252E, 252F, 598, 600B, or any other applicable chapter, or under a comparable statute of a another state or foreign jurisdiction country, as certified to the child support recovery unit, are not paid to the clerk of the district court or the collection services center pursuant to section 598.22 and become delinquent in an amount equal to the support payment for one month.

Sec. 108. Section 252J.1, subsection 9, Code 2015, is amended to read as follows:

9. “*Support order*” means an order for support issued pursuant to chapter 232, 234, 252A, 252C, 252D, 252E, 252F, 252H, 598, 600B, or any other applicable chapter, or under a comparable statute of a another state or foreign jurisdiction country as registered with the clerk of the district court or certified to the child support recovery unit.

Sec. 109. Section 252J.6, subsection 2, paragraph d, subparagraph (1), subparagraph division (b), Code 2015, is amended to read as follows:

(b) If the action is a result of section 252J.2, subsection 2, paragraph “b”, and the individual is not an obligor, in the county in which the dependent child or children reside if the child or children reside in Iowa; in the county in which the dependent child or children last received public assistance if the child or children received public assistance in Iowa; or in the county in which the individual resides if the action is the result of a request from a child support agency in a another state or foreign jurisdiction country.

Sec. 110. Section 252J.9, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. If the action is a result of section 252J.2, subsection 2, paragraph “b”, and the individual is not an obligor, in a county in which the dependent child or children reside if the child or children reside in Iowa; in the county in which the dependent child or children last received public assistance if the child or children received public assistance in Iowa; or in the county in which the individual resides if the action is the result of a request from a child support agency in a another state or foreign jurisdiction country.

Sec. 111. Section 598.2A, Code 2015, is amended to read as follows:

598.2A Choice of law.

In a proceeding to establish, modify, or enforce a child support order the forum state’s law shall apply except as follows:

1. ~~In interpreting a child support order, a court shall apply the law of the state of the court or administrative agency that issued the order.~~

2. ~~In an action to enforce a child support order, a court shall apply the statute of limitations of the forum state or the state of the court or administrative agency that issued the order, whichever statute provides the longer period of limitations provided in section 252K.604.~~

Sec. 112. Section 598.21E, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. If a determination of paternity is based on an administrative or court order or other means pursuant to the laws of a another state or foreign jurisdiction country as defined in chapter 252K, any action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless a stay of the action initiated in this state to establish child or medical support is requested and granted by the court, pending a resolution of the contested paternity issue by the other state or foreign jurisdiction country as defined in chapter 252K, the action shall proceed.

Sec. 113. Section 598.22, Code 2015, is amended to read as follows:

598.22 Support payments — clerk of court — collection services center or comparable government entity in another state — defaults — security.

1. Except as otherwise provided in section 598.22A, this section applies to all initial or modified orders for support entered under this chapter, chapter 234, 252A, 252C, 252F, 600B, or any other chapter of the Code. All orders or judgments entered under chapter 234, 252A, 252C, 252F, or 600B, or under this chapter or any other chapter which provide for temporary or permanent support payments shall direct the payment of those sums to the clerk of the district court or the collection services center in accordance with section 252B.14, or as appropriate, a comparable government entity in another state as provided in chapter 252K for the use of the person for whom the payments have been awarded. ~~Beginning October 1, 1999, all~~ All income withholding payments shall be directed to the collection services center, or as appropriate, a comparable government entity in another state as provided in chapter 252K. Payments to persons other than the clerk of the district court, ~~and~~ the collection services center, or as appropriate, a comparable government entity in another state as provided in chapter 252K do not satisfy the support obligations created by the orders or judgments, except as provided for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, for tax refunds or rebates in section 602.8102, subsection 47, or for dependent benefits paid to the child support obligee as the result of disability benefits awarded to the child support obligor under the federal Social Security Act. For trusts governed by the

federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the order for income withholding or notice of the order for income withholding shall require the payment of such sums to the alternate payee in accordance with the federal Act. For dependent benefits paid to the child support obligee as a result of disability benefits awarded to the child support obligor under the federal Social Security Act, the provisions of section 598.22C shall apply.

2. An income withholding order or notice of the order for income withholding shall be entered under the terms and conditions of chapter 252D. However, for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the payor shall transmit the payments to the alternate payee in accordance with the federal Act.

3. An order or judgment entered by the court for temporary or permanent support or for income withholding shall be filed with the clerk. The orders have the same force and effect as judgments when entered in the judgment docket and lien index and are records open to the public. Unless otherwise provided by federal law, if it is possible to identify the support order to which a payment is to be applied, and if sufficient information identifying the obligee is provided, the clerk or the collection services center, as appropriate, shall disburse the payments received pursuant to the orders or judgments within two working days of the receipt of the payments. All moneys received or disbursed under this section shall be entered in records kept by the clerk, or the collection services center, as appropriate, and the records kept by the clerk shall be available to the public. The clerk or the collection services center shall not enter any moneys paid in the record book if not paid directly to the clerk or the center, as appropriate, except as provided for trusts and federal social security disability payments in this section, and for tax refunds or rebates in section 602.8102, subsection 47, or as appropriate, a comparable government entity in another state as provided in chapter 252K.

4. If the sums ordered to be paid in a support payment order are not paid to the clerk or the collection services center, or a comparable government entity in another state as provided in chapter 252K, as appropriate, at the time provided in the order or judgment, the clerk or the collection services center, as appropriate, shall certify a default to the court which may, on its own motion, proceed as provided in section 598.23.

5. Prompt payment of sums required to be paid under sections 598.10, 598.21A, 598.21B, 598.21C, 598.21E, and 598.21F is the essence of such orders or judgments and the court may act pursuant to section 598.23 regardless of whether the amounts in default are paid prior to the contempt hearing.

6. Upon entry of an order for support or upon the failure of a person to make payments pursuant to an order for support, the court may require the person to provide security, a bond, or other guarantee which the court determines is satisfactory to secure the payment of the support. Upon the person's failure to pay the support under the order, the court may declare the security, bond, or other guarantee forfeited.

7. For the purpose of enforcement, medical support is additional support which, upon being reduced to a dollar amount, may be collected through the same remedies available for the collection and enforcement of child support.

8. The clerk of the district court in the county in which the order for support is filed and to whom support payments are made pursuant to the order may require the person obligated to pay support to submit payments by bank draft or money order if the obligor submits an insufficient funds support payment to the clerk of the district court.

Sec. 114. Section 598.22B, subsection 1, Code 2015, is amended to read as follows:

1. All such orders or judgments shall direct each party to file with the clerk of court or the child support recovery unit, as appropriate, upon entry of the order, and to update as appropriate, information on location and identity of the party, including social security number, residential and mailing addresses, electronic mail address, telephone number, driver's license number, and name, address, and telephone number of the party's employer. The order shall also include a provision that the information filed will be disclosed and used pursuant to this section. The party shall file the information with the clerk of court, or, if all support payments are to be directed to the collection services center as provided in section 252B.14, subsection 2, and section 252B.16, with the child support recovery unit.

Sec. 115. Section 598.23A, subsection 1, Code 2015, is amended to read as follows:

1. If a person against whom an order or decree for support has been entered pursuant to this chapter or chapter 234, 252A, 252C, 252F, 600B, or any other support chapter, or a comparable chapter of a another state or foreign jurisdiction country as defined in chapter 252K, fails to make payments or provide medical support pursuant to that order or decree, the person may be cited and punished by the court for contempt under section 598.23 or this section. Failure to comply with a seek employment order entered pursuant to section 252B.21 is evidence of willful failure to pay support.

Sec. 116. Section 600B.41A, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. A paternity determination made in or by a another state or foreign jurisdiction country as defined in chapter 252K or a paternity determination which has been made in or by a ~~foreign~~ that jurisdiction and registered in this state in accordance with section 252A.18 or chapter 252K.

Sec. 117. Section 602.8102, subsection 47, Code 2015, is amended to read as follows:

47. Record support payments made pursuant to an order entered under chapter 252A, 252F, 598, or 600B, or under a comparable statute of a another state or foreign jurisdiction country as defined in chapter 252K, and through setoff of a state or federal income tax refund or rebate, as if the payments were received and disbursed by the clerk; forward support payments received under section 252A.6 to the department of human services and furnish copies of orders and decrees awarding support to parties receiving welfare assistance as provided in section 252A.13.

Sec. 118. REPEAL. Section 252A.17, Code 2015, is repealed.

DIVISION III SUSPENSION OF SUPPORT

Sec. 119. Section 252B.20, Code 2015, is amended to read as follows:

252B.20 Suspension of support — request by mutual consent.

1. If the unit is providing child support enforcement services pursuant to this chapter, the parents of a dependent child for whom support has been ordered pursuant to chapter 252A, 252C, 252F, 598, 600B, or any other chapter, may jointly request the assistance of the unit in suspending the obligation for support if all of the following conditions exist:

a. The parents have reconciled and are cohabiting, and the child for whom support is ordered is living in the same residence as the parents, or the child is currently residing with the parent who is ordered to pay support. If the basis for suspension under this paragraph applies to at least one but not all of the children for whom support is ordered, the condition of this paragraph is met only if the support order includes a step change.

b. The child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of a another state or foreign jurisdiction country, unless the person against whom support is ordered is considered to be a member of the same household as the child for the purposes of public assistance eligibility.

c. The parents have signed a notarized affidavit attesting to the conditions under paragraphs “a” and “b”, have consented to suspension of the support order or obligation, and have submitted the affidavit to the unit.

d. No prior request for suspension has been filed with the unit under this section and no prior request for suspension has been served by the unit under section 252B.20A during the two-year period preceding the request, unless the request was filed during the two-year period preceding July 1, 2005, the unit denied the request because the suspension did not apply to all children for whom support is ordered, and the parents jointly file a request on or after July 1, 2005.

e. Any other criteria established by rule of the department.

2. Upon receipt of the application for suspension and properly executed and notarized affidavit, the unit shall review the application and affidavit to determine that the necessary criteria have been met. The unit shall then do one of the following:

a. Deny the request and notify the parents in writing that the application is being denied, providing reasons for the denial and notifying the parents of the right to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

b. Approve the request and prepare an order which shall be submitted, along with the affidavit, to a judge of a district court for approval, suspending the accruing support obligation and, if requested by the obligee, and if not prohibited by chapter 252K, satisfying the obligation of support due the obligee. If the basis for suspension applies to at least one but not all of the children for whom support is ordered and the support order includes a step change, the unit shall prepare an order suspending the accruing support obligation for each child to whom the basis for suspension applies.

3. An order approved by the court for suspension of an accruing support obligation is effective upon the date of filing of the suspension order. The satisfaction of an obligation of support due the obligee shall be final upon the filing of the suspension order. A support obligation which is satisfied is not subject to the reinstatement provisions of this section.

4. An order suspending an accruing support obligation entered by the court pursuant to this section shall be considered a temporary order for the period of six months from the date of filing of the suspension order. However, the six-month period shall not include any time during which an application for reinstatement is pending before the court.

5. During the six-month period the unit may request that the court reinstate the accruing support order or obligation if any of the following conditions exist:

a. Upon application to the unit by either parent or other person who has physical custody of the child.

b. Upon the receipt of public assistance benefits, pursuant to chapter 239B, 249A, or a comparable law of a another state or foreign jurisdiction country, by the person entitled to receive support and the child on whose behalf support is paid, provided that the person owing the support is not considered to be a member of the same household as the child for the purposes of public assistance eligibility.

6. If a condition under subsection 5 exists, the unit may request that the court reinstate an accruing support obligation as follows:

a. If the basis for the suspension no longer applies to any of the children for whom an accruing support obligation was suspended, the unit shall request that the court reinstate the accruing support obligations for all of the children.

b. If the basis for the suspension continues to apply to at least one but not all of the children for whom an accruing support obligation was suspended and if the support order includes a step change, the unit shall request that the court reinstate the accruing support obligation for each child for whom the basis for the suspension no longer applies.

7. Upon filing of an application for reinstatement, service of the application shall be made either in person or by first class mail upon both parents. Within ten days following the date of service, the parents may file a written objection with the clerk of the district court to the entry of an order for reinstatement.

a. If no objection is filed, the court may enter an order reinstating the accruing support obligation without additional notice.

b. If an objection is filed, the clerk of court shall set the matter for hearing and send notice of the hearing to both parents and the unit.

8. The reinstatement is effective as follows:

a. For reinstatements initiated under subsection 5, paragraph "a", the date the notices were served on both parents pursuant to subsection 7.

b. For reinstatements initiated under subsection 5, paragraph "b", the date the child began receiving public assistance benefits during the suspension of the obligation.

c. Support which became due during the period of suspension but prior to the reinstatement is waived and not due and owing unless the parties requested and agreed to the suspension under false pretenses.

9. If the order suspending a support obligation has been on file with the court for a period exceeding six months as computed pursuant to subsection 4, the order becomes final by operation of law and terminates the support obligation, and thereafter, a party seeking to

establish a support obligation against either party shall bring a new action for support as provided by law.

10. This section shall not limit the rights of the parents or the unit to proceed by other means to suspend, terminate, modify, reinstate, or establish support.

11. This section does not provide for the suspension or retroactive modification of support obligations which accrued prior to the entry of an order suspending enforcement and collection of support pursuant to this section. However, if in the application for suspension, an obligee elects to satisfy an obligation of accrued support due the obligee, the suspension order may satisfy the obligation of accrued support due the obligee.

12. Nothing in this section shall prohibit or limit the unit or a party entitled to receive support from enforcing and collecting any unpaid or unsatisfied support that accrued prior to the suspension of the accruing obligation.

13. For the purposes of chapter 252H, subchapter II, regarding the criteria for a review or for a cost-of-living alteration under chapter 252H, subchapter IV, if a support obligation is terminated or reinstated under this section, such termination or reinstatement shall not be considered a modification of the support order.

14. As used in this section, unless the context otherwise requires, “*step change*” means a change designated in a support order specifying the amount of the child support obligation as the number of children entitled to support under the order changes.

15. As specified in this section, if the child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, upon agreement of the parents, the unit may facilitate the suspension of the child support order or obligation if the child is residing with a caretaker, who is a natural person, and who has not requested the unit to provide services under this chapter. The parents and the caretaker shall sign a notarized affidavit attesting to the conditions under this section, consent to the suspension of the support order or obligation, and submit the affidavit to the unit. Upon the receipt of public assistance benefits pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, by the child on whose behalf support is ordered, or upon application to the unit by either parent or the caretaker, the unit may, within the time periods specified in this section, request the reinstatement of the accruing support order or obligation pursuant to this section.

16. The department may adopt all necessary and proper rules to administer and interpret this section.

Sec. 120. NEW SECTION. 252B.20A Suspension of support — request by one party.

1. If the unit is providing child support enforcement services pursuant to this chapter, the obligor who is ordered to pay support for the dependent child pursuant to chapter 252A, 252C, or 252F, may request the assistance of the unit in suspending the obligation for support if all of the following conditions exist:

a. The child is currently residing with the obligor and has been for more than sixty consecutive days. If the basis for suspension under this paragraph applies to at least one but not all of the children for whom support is ordered, the condition of this paragraph is met only if the support order includes a step change.

b. There is no order in effect regarding legal custody, physical care, visitation, or other parenting time for the child.

c. It is reasonably expected that the basis for suspension under this section will continue for not less than six months.

d. The child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, unless the obligor is considered to be a member of the same household as the child for the purposes of public assistance eligibility.

e. The obligor has signed a notarized affidavit, provided by the unit, attesting to the existence of the conditions under paragraphs “a” through “d”, has requested suspension of the support order or obligation, and has submitted the affidavit to the unit.

f. No prior request for suspension has been served under this section, and no prior request for suspension has been filed with the unit pursuant to section 252B.20, during the two-year period preceding the request.

g. Any other criteria established by rule of the department.

2. Upon receipt of the application for suspension and properly executed and notarized affidavit, the unit shall review the application and affidavit to determine that the criteria have been met. The unit shall then do one of the following:

a. If the unit determines the criteria have not been met, deny the request and notify the obligor in writing that the application is being denied, providing reasons for the denial and notifying the obligor of the right to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

b. If the unit determines the criteria have been met, serve a copy of the notice and supporting documents on the obligee by any means provided in section 252B.26. The notice to the obligee shall include all of the following:

(1) Information sufficient to identify the parties and the support order affected.

(2) An explanation of the procedure for suspension and reinstatement of support under this section.

(3) An explanation of the rights and responsibilities of the obligee, including the applicable procedural time frames.

(4) A statement that within twenty days of service, the obligee must submit a signed and notarized response to the unit objecting to at least one of the assertions in subsection 1, paragraphs "a" through "d". The statement shall inform the obligee that if, within twenty days of service, the obligee fails to submit a response as specified in this subparagraph, notwithstanding rules of civil procedure 1.972(2) and 1.972(3), the unit will prepare and submit an order as provided in subsection 3, paragraph "b".

3. No sooner than thirty days after service on the obligee under subsection 2, paragraph "b", the unit shall do one of the following:

a. If the obligee submits a signed and notarized objection to any assertion in subsection 1, paragraphs "a" through "d", deny the request and notify the parties in writing that the application is denied, providing reasons for the denial, and notifying the parties of the right to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

b. If the obligee does not timely submit a signed and notarized objection to the unit, prepare an order which shall be submitted, along with supporting documents, to a judge of a district court for approval, suspending the accruing support obligation. If the basis for suspension applies to at least one but not all of the children for whom support is ordered and the support order includes a step change, the unit shall prepare an order suspending the accruing support obligation for each child to whom the basis for suspension applies.

4. An order approved by the court for suspension of an accruing support obligation is effective upon the date of filing of the suspension order.

5. An order suspending an accruing support obligation entered by the court pursuant to this section shall be considered a temporary order for the period of six months from the date of filing of the suspension order. However, the six-month period shall not include any time during which an application for reinstatement is pending before the court.

6. During the six-month period, the unit may request that the court reinstate the accruing support order or obligation if any of the following conditions exist:

a. Upon application to the unit by either party or other person who has physical custody of the child.

b. Upon the receipt of public assistance benefits pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, by the person entitled to receive support and the child on whose behalf support is paid, provided that the person owing the support is not considered to be a member of the same household as the child for the purposes of public assistance eligibility.

7. If a condition under subsection 6 exists, the unit may request that the court reinstate an accruing support obligation as follows:

a. If the basis for the suspension no longer applies to any of the children for whom an accruing support obligation was suspended, the unit shall request that the court reinstate the accruing support obligations for all of the children.

b. If the basis for the suspension continues to apply to at least one but not all of the children for whom an accruing support obligation was suspended and if the support order includes a

step change, the unit shall request that the court reinstate the accruing support obligation for each child for whom the basis for the suspension no longer applies.

8. Upon filing of an application for reinstatement, service of the application shall be made either in person or by first class mail upon the parties. Within ten days following the date of service, a party may file a written objection with the clerk of the district court to the entry of an order for reinstatement.

a. If no objection is filed, the court may enter an order reinstating the accruing support obligation without additional notice.

b. If an objection is filed, the clerk of court shall set the matter for hearing and send notice of the hearing to the parties and the unit.

9. a. The reinstatement is effective as follows:

(1) For reinstatements initiated under subsection 6, paragraph "a", the date the notices were served on the parties pursuant to subsection 8.

(2) For reinstatements initiated under subsection 6, paragraph "b", the date the child began receiving public assistance benefits during the suspension of the obligation.

b. Support which became due during the period of suspension but prior to the reinstatement is waived and not due and owing unless the suspension was made under false pretenses.

10. If the order suspending a support obligation has been on file with the court for a period exceeding six months as computed pursuant to subsection 5, the order becomes final by operation of law and terminates the support obligation, and thereafter, a party seeking to establish a support obligation against either party shall bring a new action for support as provided by law.

11. Legal representation of the unit shall be provided pursuant to section 252B.7, subsection 4.

12. This section shall not limit the rights of a party or the unit to proceed by other means to suspend, terminate, modify, reinstate, or establish support.

13. This section does not provide for the suspension or retroactive modification of support obligations which accrued prior to the entry of an order suspending enforcement and collection of support pursuant to this section.

14. Nothing in this section shall prohibit or limit the unit or a party entitled to receive support from enforcing and collecting any unpaid or unsatisfied support that accrued prior to the suspension of the accruing obligation.

15. For the purposes of chapter 252H regarding the criteria for a review under subchapter II of that chapter or for a cost-of-living alteration under subchapter IV of that chapter, if a support obligation is terminated or reinstated under this section, such termination or reinstatement shall not be considered a modification of the support order.

16. As used in this section, unless the context otherwise requires, "step change" means a change designated in a support order specifying the amount of the child support obligation as the number of children entitled to support under the order changes.

17. As specified in this section, if the child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, upon request by the obligor, the unit may facilitate the suspension of the child support order or obligation if the child is residing with a caretaker, who is a natural person, and who has not requested the unit to provide services under this chapter. The obligor and the caretaker shall sign a notarized affidavit attesting to the conditions under this section, consent to the suspension of the support order or obligation, and submit the affidavit to the unit. Upon the receipt of public assistance benefits pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, by the child on whose behalf support is ordered, or upon application to the unit by either party or the caretaker, the unit may, within the time periods specified in this section, request the reinstatement of the accruing support order or obligation pursuant to this section.

18. The department may adopt all necessary and proper rules to administer and interpret this section.

Sec. 121. Section 252B.26, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Notwithstanding any provision of law to the contrary, the unit may serve a petition, notice, or rule to show cause under this chapter or chapter 252A, 252C, 252F, 252H, 252K, 598, or 665 as specified in each chapter, or as follows:

Sec. 122. ADMINISTRATIVE RULES — TRANSITION. Until the department of human services adopts rules pursuant to chapter 17A necessary to administer this division of this Act, all of the following shall apply:

1. The child support recovery unit may initiate proceedings to suspend and reinstate support orders in accordance with section 252B.20, as amended in this division of this Act.

2. The child support recovery unit may, to the extent appropriate, apply and utilize procedures, rules, and forms substantially similar to those applicable and utilized pursuant to section 252B.20 for proceedings initiated in accordance with section 252B.20A, as enacted in this division of this Act.

Sec. 123. EFFECTIVE DATE. This division of this Act takes effect January 1, 2016.

DIVISION IV GENETIC TESTING

Sec. 124. Section 252F.3, subsection 6, paragraph a, Code 2015, is amended to read as follows:

a. If a party contests the establishment of paternity, the party shall submit, within twenty days of service of the notice on the party under subsection 1, a written statement contesting paternity establishment to the unit. Upon receipt of a written challenge of paternity establishment, or upon initiation by the unit, the administrator shall enter ex parte administrative orders requiring the mother, child or children involved, and the putative father to submit to paternity testing, except that if the mother and child or children previously submitted blood or genetic specimens in a prior action to establish paternity against a different putative father, the previously submitted specimens and prior results, if available, may be utilized for testing in this action. Either the mother or putative father may contest paternity under this chapter.

Sec. 125. Section 600B.41, subsection 1, Code 2015, is amended to read as follows:

1. In a proceeding to establish paternity in law or in equity the court may on its own motion, and upon request of a party shall, require the child, mother, and alleged father to submit to blood or genetic tests, except that if the mother and child previously submitted blood or genetic specimens in a prior action to establish paternity against a different alleged father, the previously submitted specimens and prior results, if available, may be utilized for testing in this action.

Approved June 3, 2015

CHAPTER 111

LOESS HILLS — GOVERNMENTAL AGREEMENTS REGARDING PRIVATE LAND AND LAND OWNERS

H.F. 299

AN ACT prohibiting the use of agreements concerning private land owners entered into by the loess hills development and conservation authority or the loess hills alliance.

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

Section 1. **NEW SECTION. 161D.9 Restriction.**

The loess hills development and conservation authority or the board of directors of the loess hills alliance shall not enter into any agreement with a local government or the state or federal government if the agreement regulates, on an involuntary basis, the action of a private landowner or the use of a private landowner's land.

Approved June 18, 2015

CHAPTER 112

WASTE MANAGEMENT — CONVERSION TECHNOLOGIES

H.F. 544

AN ACT regarding the use of waste conversion technologies as a waste management practice.

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

Section 1. Section 455B.301, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 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.

Sec. 2. Section 455B.301A, subsection 1, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0c. Waste conversion technologies.

Sec. 3. **NEW SECTION. 455D.15A Permitting of waste conversion technologies operations — fees.**

A facility using waste conversion technologies, as defined in section 455B.301, shall annually obtain a permit from the department. The department shall establish by rule an annual fee for such permits, which shall be sufficient to cover the costs of administering the permit program. The moneys collected by the department shall be deposited in the waste volume reduction and recycling fund established in section 455D.15 and shall be used for the purposes of administering the permit program.

Approved June 18, 2015

CHAPTER 113

ELECTIVE PUBLIC OFFICER CONTACT INFORMATION

H.F. 550

AN ACT requiring publication on the internet of contact information for elective public officers.

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

Section 1. NEW SECTION. **70A.40 Elective public officer contact information.**

1. Within thirty days of an elective public officer swearing to an oath of office, the governmental entity the officer serves shall provide the officer with designated contact information with the governmental entity. A governmental entity that maintains an internet site shall cause to be published the contact information for each of the entity's elective public officers on the internet site maintained by the entity. An elective public officer may provide additional contact information that would normally be used to make contact with the officer to the governmental entity to be published as provided in this section for designated contact information.

2. a. For the purposes of this section, "contact information" means a telephone number or an electronic mail address.

b. For the purposes of this section, "elective public officer" or "officer" means all of the following:

- (1) Members of the general assembly.
- (2) Members of a county board of supervisors.
- (3) Members of a city council.
- (4) Members of a board of directors of a school district.

Approved June 18, 2015

CHAPTER 114

SALES TAX EXEMPTION FOR SELF-PAY WASHERS AND DRYERS

H.F. 603

AN ACT exempting from the sales tax the sales price for the use of self-pay washers and dryers.

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

Section 1. Section 423.2, subsection 6, paragraph a, Code 2015, is amended to read as follows:

a. The sales price of any of the following enumerated services is subject to the tax imposed by subsection 5: alteration and garment repair; armored car; vehicle repair; battery, tire, and allied; investment counseling; service charges of all financial institutions; barber and beauty; boat repair; vehicle wash and wax; campgrounds; carpentry; roof, shingle, and glass repair; dance schools and dance studios; dating services; dry cleaning, pressing, dyeing, and laundering excluding the use of self-pay washers and dryers; electrical and electronic repair and installation; excavating and grading; farm implement repair of all kinds; flying service; furniture, rug, carpet, and upholstery repair and cleaning; fur storage and repair; golf and country clubs and all commercial recreation; gun and camera repair; house and building moving; household appliance, television, and radio repair; janitorial and building maintenance or cleaning; jewelry and watch repair; lawn care, landscaping, and tree trimming and removal; limousine service, including driver; machine operator; machine repair of all kinds; motor repair; motorcycle, scooter, and bicycle repair; oilers and lubricators; office and business machine repair; painting, papering, and interior decorating; parking facilities; pay television; pet grooming; pipe fitting and plumbing; wood preparation; executive search agencies; private employment agencies, excluding services for placing a person in employment where the principal place of employment of that person is to be located outside of the state; reflexology; security and detective services, excluding private security and detective services furnished by a peace officer with the knowledge and consent of the chief executive officer of the peace officer's law enforcement agency; sewage services for nonresidential commercial operations; sewing and stitching; shoe repair and

shoeshine; sign construction and installation; storage of household goods, mini-storage, and warehousing of raw agricultural products; swimming pool cleaning and maintenance; tanning beds or salons; taxidermy services; telephone answering service; test laboratories, including mobile testing laboratories and field testing by testing laboratories, and excluding tests on humans or animals; termite, bug, roach, and pest eradicators; tin and sheet metal repair; transportation service consisting of the rental of recreational vehicles or recreational boats, or the rental of vehicles subject to registration which are registered for a gross weight of thirteen tons or less for a period of sixty days or less, or the rental of aircraft for a period of sixty days or less; Turkish baths, massage, and reducing salons, excluding services provided by massage therapists licensed under chapter 152C; water conditioning and softening; weighing; welding; well drilling; wrapping, packing, and packaging of merchandise other than processed meat, fish, fowl, and vegetables; wrecking service; wrecker and towing.

Sec. 2. Section 423.3, Code 2015, is amended by adding the following new subsection:
NEW SUBSECTION. 101. The sales price for the use of a self-pay washer or dryer.

Approved June 18, 2015

CHAPTER 115

PUBLIC UTILITY CROSSINGS OF RAILROAD RIGHTS-OF-WAY

H.F. 607

AN ACT expanding the definition of a public utility for purposes of provisions governing public utility crossings of railroad rights-of-way, and including effective date provisions.

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

Section 1. Section 476.27, subsection 1, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0d. "Electric transmission owner" means an individual or entity who owns and maintains electric transmission facilities including transmission lines, wires, or cables that are capable of operating at an electric voltage of thirty-four and one-half kilovolts or greater that are required for rate-regulated electric utilities, municipal electric utilities, and rural electric cooperatives in this state to provide electric service to the public for compensation.*

Sec. 2. Section 476.27, subsection 1, paragraph e, Code 2015, is amended to read as follows:

e. "Public utility" means a public utility as defined in section 476.1, except that, for purposes of this section, "public utility" also includes all mutual telephone companies, municipally owned facilities, unincorporated villages, waterworks, municipally owned waterworks, joint water utilities, rural water districts incorporated under chapter 357A or 504, cooperative water associations, franchise cable television operators, and persons furnishing electricity to five or fewer persons, and electric transmission owners primarily providing service to public utilities as defined in section 476.1.

Sec. 3. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 18, 2015

CHAPTER 116**STATE AND LOCAL TAXES AND RELATED LAWS — PROPERTY, SALES AND USE, AND INCOME TAXES — FLOOD MITIGATION PROGRAM***H.F. 616*

AN ACT relating to state revenue and finance laws including property tax credits, assessments, and exemptions, the sales and use tax, the individual income tax, the flood mitigation program, and including effective date and retroactive and other applicability provisions.

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

DIVISION I
PROPERTY TAX ASSESSMENTS AND
BUSINESS PROPERTY TAX CREDIT

Section 1. Section 426C.1, subsection 4, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

4. a. “Parcel” means as defined in section 445.1.

b. (1) For purposes of business property tax credits claimed for the fiscal year beginning July 1, 2016, “parcel” also means that portion of a parcel assigned a classification of commercial property, industrial property, or railway property under chapter 434 pursuant to section 441.21, subsection 13, paragraph “c”.

(2) For purposes of business property tax credits claimed for fiscal years beginning on or after July 1, 2017, “parcel” also means that portion of a parcel assigned a classification of commercial property or industrial property pursuant to section 441.21, subsection 13, paragraph “c”.

Sec. 2. Section 426C.3, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. (1) Claims for the business property tax credit against taxes due and payable in fiscal years beginning before July 1, 2017, shall be filed not later than March 15 preceding the fiscal year during which the taxes for which the credit is claimed are due and payable.

(2) Claims for the business property tax credit against taxes due and payable in fiscal years beginning on or after July 1, 2017, shall be filed not later than July 1 preceding the fiscal year during which the taxes for which the credit is claimed are due and payable.

Sec. 3. Section 441.21, subsection 13, paragraphs a and c, Code 2015, are amended to read as follows:

a. (1) Beginning with valuations established on or after January 1, 2015, mobile home parks, manufactured home communities, land-leased communities, assisted living facilities, property primarily used or intended for human habitation containing three or more separate dwelling units, and that portion of a building that is used or intended for human habitation and a proportionate share of the land upon which the building is situated, regardless of the number of dwelling units located in the building, if the use for human habitation is not the primary use of the building and such building is not otherwise classified as residential property, shall be valued as a separate class of property known as multiresidential property and, excluding properties referred to in section 427A.1, subsection 8, shall be assessed at a percentage of its actual value, as determined in this subsection.

(2) Beginning with valuations established on or after January 1, 2016, all of the following shall be valued as a separate class of property known as multiresidential property and, excluding properties referred to in section 427A.1, subsection 8, shall be assessed at a percentage of its actual value, as determined in this subsection:

(a) Mobile home parks.

(b) Manufactured home communities.

(c) Land-leased communities.

(d) Assisted living facilities.

(e) A parcel primarily used or intended for human habitation containing three or more separate dwelling units. If a portion of such a parcel is used or intended for a purpose that, if the primary use, would be classified as commercial property or industrial property, each such portion, including a proportionate share of the land included in the parcel, if applicable, shall be assigned the appropriate classification pursuant to paragraph "c".

(f) For a parcel that is primarily used or intended for use as commercial property or industrial property, that portion of the parcel that is used or intended for human habitation, regardless of the number of dwelling units contained on the parcel, including a proportionate share of the land included in the parcel, if applicable. The portion of such a parcel used or intended for use as commercial property or industrial property, including a proportionate share of the land included in the parcel, if applicable, shall be assigned the appropriate classification pursuant to paragraph "c".

c. (1) Accordingly For the assessment year beginning January 1, 2015, for parcels that, in part, satisfy the requirements for classification as multiresidential property, the assessor shall assign to that portion of the parcel the classification of multiresidential property and to such other portions of the parcel the property classification for which such other portions qualify.

(2) Beginning with valuations established on or after January 1, 2016, for parcels for which a portion of the parcel satisfies the requirements for classification as multiresidential property pursuant to paragraph "a", subparagraph (2), subparagraph division (e) or (f), the assessor shall assign to that portion of the parcel the classification of multiresidential property and to such other portions of the parcel the property classification for which such other portions qualify.

Sec. 4. Section 441.26, subsection 1, Code 2015, is amended to read as follows:

1. The director of revenue shall each year prescribe the form of assessment roll to be used by all assessors in assessing property, in this state, also the form of pages of the assessor's assessment book. The assessment rolls shall be in a form that will permit entering, separately, the names of all persons assessed, and shall also contain a notice in substantially the following form:

If you are not satisfied that the foregoing assessment is correct, you may contact the assessor on or after April 1 2, to and including ~~May 4~~ April 25, of the year of the assessment to request an informal review of the assessment pursuant to section 441.30.

If you are not satisfied that the foregoing assessment is correct, you may file a protest against such assessment with the board of review on or after April 7 2, to and including ~~May 5~~ April 30, of the year of the assessment, such protest to be confined to the grounds specified in section 441.37.

Dated: day of (month), (year)

.....

County/City Assessor.

Sec. 5. Section 441.26, subsection 2, Code 2015, is amended to read as follows:

2. The notice in ~~1981 and~~ each odd-numbered year thereafter shall contain a statement that the assessments are subject to equalization pursuant to an order issued by the director of revenue, that the county auditor shall give notice on or before October 15 8 by publication in an official newspaper of general circulation to any class of property affected by the equalization order, that the county auditor shall give notice by mail postmarked on or before October 8 to each property owner or taxpayer whose valuation has been increased by the equalization order, and that the board of review shall be in session from October 15 10 to November 15 to hear protests of affected property owners or taxpayers whose valuations have been adjusted by the equalization order.

Sec. 6. Section 441.28, Code 2015, is amended to read as follows:

441.28 Assessment rolls — change — notice to taxpayer.

The assessment shall be completed not later than April 1 each year. If the assessor makes any change in an assessment after it has been entered on the assessor's rolls, the assessor shall note on the roll, together with the original assessment, the new assessment and the reason for the change, together with the assessor's signature and the date of the change. Provided, however, in the event the assessor increases any assessment the assessor shall give notice of the increase in writing to the taxpayer by mail postmarked no later than April 1. No changes shall be made on the assessment rolls after April 1 except by written agreement of the taxpayer and assessor under section 441.30, by order of the board of review or of the property assessment appeal board, or by decree of court.

Sec. 7. Section 441.30, subsections 1 and 2, Code 2015, are amended to read as follows:

1. Any property owner or aggrieved taxpayer who is dissatisfied with the owner's or taxpayer's assessment may contact the assessor by telephone or in writing by paper or electronic medium on or after April 1 ~~2~~, to and including ~~May 4~~ April 25, of the year of the assessment to inquire about the specifics and accuracy of the assessment. Such an inquiry may also include a request for an informal review of the assessment by the assessor under one or more of the grounds for protest authorized under section 441.37 for the same assessment year.

2. In response to an inquiry under subsection 1, if the assessor, following an informal review, determines that the assessment was incorrect under one or more of the grounds for protest authorized under section 441.37 for the same assessment year, the assessor may, on or before April 25, recommend that the property owner or aggrieved taxpayer file a protest with the local board of review and may file a recommendation with the local board of review related to the informal review, or may enter into a signed written agreement with the property owner or aggrieved taxpayer authorizing the assessor to correct or modify the assessment according to the agreement of the parties.

Sec. 8. Section 441.35, subsection 2, Code 2015, is amended to read as follows:

2. In any year after the year in which an assessment has been made of all of the real estate in any taxing district, the board of review shall meet as provided in section 441.33, and where the board finds the same has changed in value, the board shall revalue and reassess any part or all of the real estate contained in such taxing district, and in such case, the board shall determine the actual value as of January 1 of the year of the revaluation and reassessment and compute the taxable value thereof. If the assessment of any such property is raised, or any property is added to the tax list by the board, the clerk shall give notice in the manner provided in section 441.36. ~~However, if the assessment of~~ If all property in any taxing district is raised revalued and reassessed, the board ~~may shall~~, in addition to notices required to be provided in the manner specified in section 441.36, instruct the clerk to give immediate notice by one publication in one of the official newspapers located in the taxing district, ~~and such published notice shall take the place of the mailed notice provided for in section 441.36, but all other provisions of that section shall apply.~~ The decision of the board as to the foregoing matters shall be subject to appeal to the property assessment appeal board within the same time and in the same manner as provided in section 441.37A and to the district court within the same time and in the same manner as provided in section 441.38.

Sec. 9. Section 441.37, subsection 1, paragraph a, unnumbered paragraph 1, Code 2015, is amended to read as follows:

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 7 ~~2~~, to and including ~~May 5~~ 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 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:

Sec. 10. Section 441.37, subsection 3, Code 2015, is amended to read as follows:

3. For assessment years beginning on or after January 1, 2014, the board of review may allow property owners or aggrieved taxpayers who are dissatisfied with the owner's or taxpayer's assessment to file a protest against such assessment by electronic means. Electronic filing of assessment protests may be authorized for the protest period that begins April 7 ~~2~~, the protest period that begins October 15 ~~9~~, or both. Except for the requirement that a protest be signed, all other requirements of this section for an assessment protest to the board of review shall apply to a protest filed electronically. If electronic filing is authorized by the local board of review, the availability of electronic filing shall be clearly indicated on the assessment roll notice provided to the property owner or taxpayer and included in both the published equalization order notice and the equalization order notice mailed to the property owner or taxpayer if applicable.

Sec. 11. Section 441.49, subsections 2 and 4, Code 2015, are amended to read as follows:

2. a. On or before October 15 ~~8~~ the county auditor shall cause to be published in official newspapers of general circulation the final equalization order. The county auditor shall also notify each property owner or taxpayer whose valuation has been increased by the final equalization order by mail postmarked on or before October 8. The publication and the individual notice mailed to each property owner or taxpayer whose valuation has been increased shall include, in type larger than the remainder of the publication or notice, the following ~~statement~~ statements:

Assessed values are equalized by the department of revenue every two years. Local taxing authorities determine the final tax levies and may reduce property tax rates to compensate for any increase in valuation due to equalization. If you are not satisfied that your assessment as adjusted by the equalization order is correct, you may file a protest against such assessment with the board of review on or after October 9, to and including October 31.

b. Failure to publish the equalization order or to notify property owners or taxpayers of the equalization order has no effect upon the validity of the orders.

4. The local board of review shall reconvene in special session from October 15 ~~10~~ to November 15 for the purpose of hearing the protests of affected property owners or taxpayers within the jurisdiction of the board whose valuation of property if adjusted pursuant to the equalization order issued by the director of revenue will result in a greater value than permitted under section 441.21. The board of review shall accept protests only during the first ten days following the date the local board of review reconvenes period of time from October 9, to and including October 31. The board of review shall limit its review to only the timely filed protests. The board of review may adjust all or a part of the percentage increase ordered by the director of revenue by adjusting the actual value of the property under protest to one hundred percent of actual value. Any adjustment so determined by the board of review shall not exceed the percentage increase provided for in the director's equalization order. The determination of the board of review on filed protests is final, subject to appeal to the property assessment appeal board. A final decision by the local board of review, or the property assessment appeal board, if the local board's decision is appealed, is subject to review by the director of revenue for the purpose of determining whether the board's actions substantially altered the equalization order. In making the review, the director has all the powers provided in chapter 421, and in exercising the powers the director is not subject to chapter 17A. Not later than fifteen days following the adjournment of the board, the board of review shall submit to the director of revenue, on forms prescribed by the director, a report of all actions taken by the board of review during this session.

Sec. 12. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this division of this Act.

Sec. 13. APPLICABILITY. Except for the sections of this division of this Act amending sections 426C.1 and 426C.3, this division of this Act applies to assessment years beginning on or after January 1, 2016.

DIVISION II
SALES AND USE TAXES

Sec. 14. Section 423.1, subsection 25, Code 2015, is amended to read as follows:

25. "Livestock" includes but is not limited to an animal classified as an ostrich, rhea, emu, bison, or farm deer, or preserve whitetail as defined in section 484C.1.

Sec. 15. Section 423.3, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. The sale of preserve whitetail as defined in section 484C.1 if the sale occurred between July 1, 2005, and December 31, 2015.

Sec. 16. Section 423.3, subsection 8, paragraph d, Code 2015, is amended to read as follows:

d. (1) For purposes of this subsection, the following items are exempt under paragraph "a" when used primarily in agricultural production:

(a) A diesel fuel trailer, regardless of the vehicle to which it is to be attached.

(b) A seed tender, regardless of the vehicle to which it is to be attached.

(c) An all-terrain vehicle.

(d) An off-road utility vehicle.

(2) For purposes of this paragraph:

(a) "All-terrain vehicle" means the same as defined in section 321I.1.

~~(a)~~ (b) "Fuel trailer" means a trailer that holds dyed diesel fuel or diesel exhaust fluid and that is used to transport such fuel or fluid to a self-propelled implement of husbandry.

(c) "Off-road utility vehicle" means the same as defined in section 321I.1.

~~(b)~~ (d) "Seed tender" means a trailer that holds seed and that is used to transport seed to an implement of husbandry and load seed into an implement of husbandry.

Sec. 17. REFUNDS. Refunds of taxes, interest, or penalties that arise from claims resulting from the amendment to section 423.1, subsection 25, in this division of this Act, for sales occurring between July 1, 2005, and the effective date of the section amending section 423.1, subsection 25, in this division of this Act, shall not be allowed, notwithstanding any other provision of law to the contrary.

Sec. 18. REFUNDS. Refunds of taxes, interest, or penalties that arise from claims resulting from the enactment of section 423.3, subsection 3A, in this division of this Act, for sales occurring between July 1, 2005, and December 31, 2015, shall not be allowed, notwithstanding any other provision of law to the contrary.

Sec. 19. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act amending section 423.1, subsection 25.

2. The section of this division of this Act enacting section 423.3, subsection 3A.

Sec. 20. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to July 1, 2005:

1. The section of this division of this Act amending section 423.1, subsection 25.

2. The section of this division of this Act enacting section 423.3, subsection 3A.

DIVISION III
DISABLED VETERAN HOMESTEAD
PROPERTY TAX CREDIT APPLICATION

Sec. 21. 2015 Iowa Acts, House File 166,¹ is amended by adding the following new section:

NEW SECTION. SEC. 6. EXCEPTION TO APPLICATION FILING DEADLINE. Notwithstanding the filing deadline under section 425.2, claims for the homestead credit authorized under section 425.15, as amended in this Act, filed after July 1, 2014, but before July 1, 2015, shall be considered to be a claim properly filed for taxes due and payable in the fiscal year beginning July 1, 2015.

Sec. 22. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 23. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to March 5, 2015.

DIVISION IV
PROPERTY TAX EXEMPTION FOR
CERTAIN INSTITUTIONS AND SOCIETIES

Sec. 24. Section 427.1, subsections 6 and 8, Code 2015, are amended to read as follows:

6. *Property of cemetery associations.*

a. Burial grounds, mausoleums, buildings, and equipment owned and operated by cemetery associations and used exclusively for the maintenance and care of the cemeteries devoted to interment of human bodies and human remains. The exemption granted by this subsection shall not apply to any property used for the practice of mortuary science.

b. Agricultural land owned by a cemetery association and leased to another person for agricultural use if the revenues resulting from the lease are used by the cemetery association exclusively for the maintenance and care of cemeteries owned by the cemetery association and devoted to interment of human bodies and human remains.

8. *Property of religious, literary, and charitable societies.*

a. All grounds and buildings used or under construction by literary, scientific, charitable, benevolent, agricultural, and religious institutions and societies solely for their appropriate objects, not exceeding three hundred twenty acres in extent and not leased or otherwise used or under construction with a view to pecuniary profit. However, an organization mentioned in this subsection whose primary objective is to preserve land in its natural state may own or lease land not exceeding three hundred twenty acres in each county for its appropriate objects. For assessment years beginning on or after January 1, 2016, the exemption granted by this subsection shall also apply to grounds owned by a religious institution or society, not exceeding a total of fifty acres, if all monetary and in-kind profits of the religious institution or society resulting from use or lease of the grounds are used exclusively by the religious institution or society for the appropriate objects of the institution or society.

b. All deeds or leases by which such property is held shall be filed for record before the property herein described shall be omitted from the assessment. All such property shall be listed upon the tax rolls of the district or districts in which it is located and shall have ascribed to it an actual fair market value and an assessed or taxable value, as contemplated by section 441.21, whether such property be subject to a levy or be exempted as herein provided and such information shall be open to public inspection.

Sec. 25. IMPLEMENTATION. Section 25B.7 shall not apply to this division of this Act.

¹ Chapter 6 herein

DIVISION V
FLOOD MITIGATION PROGRAM

Sec. 26. Section 418.5, subsections 1 and 6, Code 2015, are amended to read as follows:

1. The flood mitigation board is established consisting of nine voting members and ~~four~~ five ex officio, nonvoting members, and is located for administrative purposes within the department. The director of the department shall provide office space, staff assistance, and necessary supplies and equipment for the board. The director shall budget funds to pay the necessary expenses of the board. In performing its functions, the board is performing a public function on behalf of the state and is a public instrumentality of the state.

6. The board's ex officio membership shall ~~include~~ be comprised of the following:

a. ~~four~~ Four members of the general assembly with one each appointed by 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 an ex officio, nonvoting capacity and is eligible for per diem and expenses as provided in section 2.10.

b. The director of revenue or the director's designee.

DIVISION VI
INDIVIDUAL INCOME TAX EXEMPTION FOR CERTAIN PAYMENTS MADE TO
NONRESIDENT ELECTRIC UTILITY WORKERS

Sec. 27. Section 422.7, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 57. *a.* Subtract, to the extent included, payments received by an individual from an electric utility for the following:

(1) Emergency response work performed in this state for the electric utility pursuant to a mutual aid agreement between this state and any other state if such emergency response work is performed while the individual is a nonresident.

(2) Training received in this state from the electric utility if such training is received while the individual is a nonresident.

b. For purposes of this subsection, "electric utility" means the same as defined in section 476.22.

Sec. 28. Section 422.16, subsection 1, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* Nonresidents engaged in emergency response work or training meeting the requirements of section 422.7, subsection 57, are not subject to withholding by the applicable electric utility for which such emergency response work or training is being performed if the electric utility has applied to the department for exemption from the withholding requirement and the department has determined that the payments received by the nonresidents would be exempt from taxation pursuant to section 422.7, subsection 57.

Sec. 29. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 30. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2015, for tax years beginning on or after that date.

Approved June 18, 2015

CHAPTER 117**CUSTOM FARMING CONTRACT INCOME TAX CREDITS***H.F. 624*

AN ACT increasing the number of years that a taxpayer may claim a custom farming contract tax credit under a contract executed by the holder of agricultural land and a qualified beginning farmer, and including effective date and retroactive applicability provisions.

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

Section 1. Section 16.81, subsection 5, Code 2015, is amended to read as follows:

5. The custom farming contract must provide that the taxpayer pay the qualified beginning farmer on a cash basis. The contract must be in writing for a term of not more than twelve twenty-four months. The total cash payment for each tax year that the tax credit is claimed must equal at least one thousand dollars.

Sec. 2. Section 16.81, subsection 10, Code 2015, is amended to read as follows:

10. a. A taxpayer shall not claim a custom farming contract tax credit unless a tax credit certificate issued by the authority under this section is included with the taxpayer's tax return for the each tax year for which the tax credit is claimed.

b. A taxpayer may submit a single application to the authority for the authority's review and approval of the issuance of a tax credit certificate for either one or two tax years as covered in the custom farming contract. The authority must review and approve an the application ~~for a~~ and each tax credit certificate as provided by rules adopted by the authority. The application must include a copy of the custom farming contract. Either or both parties as required by the authority shall notify the authority of any amendment to the contract or other material changes affecting the application or contract. The authority may require that the parties to the contract provide additional information as determined relevant by the authority. The information may include but is not limited to a list of all custom work completed and a verification of all payments made to the beginning farmer for each tax year that the tax credit may be claimed.

c. The authority may approve an application and issue a tax credit certificate to a taxpayer who has previously been allowed a tax credit under ~~this section~~ another application. The authority may require that the parties to the contract provide additional information as determined relevant by the authority. The authority shall review an application for a tax credit certificate which includes the renewal of a contract to determine that the parties to the renewed contract meet the same qualifications as required for an original application.

d. The authority shall not ~~approve an application or~~ issue a tax credit certificate to a taxpayer for an amount in excess of fifty thousand dollars. In addition, the authority shall not approve an application or issue a tax credit certificate to a taxpayer if any of the following applies:

a. (1) The taxpayer is at fault for terminating another custom farming contract, as determined by the authority.

b. (2) The taxpayer is party to a pending administrative or judicial action, or classified as a habitual violator in the same manner as provided in section 16.80.

e. (3) The contract amount is substantially higher or lower than the market rate for a similar custom farming contract, as determined by the authority.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 4. RETROACTIVE APPLICABILITY. This Act applies retroactively to January 1, 2015, for tax years beginning on or after that date.

Approved June 18, 2015

CHAPTER 118**CITY FRANCHISE FEES — PUBLIC HEARING***H.F. 660*

AN ACT requiring a public hearing prior to increasing the rate of a franchise fee imposed by a city.

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

Section 1. Section 364.2, subsection 4, paragraph f, subparagraph (3), Code 2015, is amended to read as follows:

(3) When considering whether to amend an ordinance imposing a franchise fee to increase the rate of the fee, and after preparation of the revenue purpose statement under subparagraph (2), a city shall hold a public hearing on the question. Notice of the time and place of the hearing shall be published as provided in section 362.3. If a city adopts, amends, or repeals an ordinance imposing a franchise fee, the city shall promptly notify the director of revenue of such action.

Approved June 18, 2015

CHAPTER 119**VITAL STATISTICS — FEES AND BIRTH RECORDS***H.F. 662*

AN ACT relating to vital statistics, including access to birth records and vital statistics fees collected by the state and county registrars of vital statistics.

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

Section 1. Section 144.13A, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The state registrar shall provide the county registrars with access to all birth records available through the electronic birth certificate system, including all records provided in accordance with section 144.13 or section 144.14 and birth records that are prepared and delivered to parents named in an adoption decree pursuant to section 600.13, subsection 5.

Sec. 2. Section 144.46, subsection 1, paragraph b, Code 2015, is amended by striking the paragraph.

Sec. 3. Section 144.46, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The department may establish and maintain, and either the state registrar or the county registrar is authorized to collect, a fee for a search of the files or records when no copy is made, or when no record is found on file.

Approved June 18, 2015

CHAPTER 120**COMMUNITY DEVELOPMENT AND INFRASTRUCTURE — WIRELESS COMMUNICATIONS, REINVESTMENT DISTRICTS, FLOOD MITIGATION, AND BROADBAND ACCESS***H.F. 655*

AN ACT relating to community development by establishing application rules and limitations for wireless communications facilities and infrastructure, by modifying provisions related to reinvestment districts and flood mitigation projects, and by providing for the coordination and facilitation of broadband access in targeted areas of the state, including property tax incentives, and including effective date and retroactive and other applicability provisions.

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

DIVISION I**WIRELESS COMMUNICATIONS FACILITIES AND INFRASTRUCTURE APPLICATIONS****Section 1. NEW SECTION. 8C.1 Short title.**

This chapter shall be known and may be cited as the “*Iowa Cell Siting Act*”.

Sec. 2. NEW SECTION. 8C.2 Definitions.

For the purposes of this chapter, unless the context otherwise requires:

1. “*Applicant*” means any person engaged in the business of providing wireless telecommunications services or the wireless telecommunications infrastructure required for wireless telecommunications services and who submits an application.

2. “*Application*” means a request submitted by an applicant to an authority to construct a new tower, for the initial placement of transmission equipment on a wireless support structure, for the modification of an existing tower or existing base station that constitutes a substantial change to an existing tower or existing base station, or any other request to construct or place transmission equipment that does not meet the definition of an eligible facilities request.

3. “*Authority*”, used as a noun, means a state, county, or city governing body, board, agency, office, or commission authorized by law to make legislative, quasi-judicial, or administrative decisions relative to an application. “*Authority*” does not include state courts having jurisdiction over land use, planning, or zoning decisions made by an authority, the utilities division of the department of commerce, or entities that do not have zoning or permitting authority.

4. a. “*Base station*” means a structure or equipment at a fixed location that enables wireless communications licensed by the federal communications commission or authorized wireless communications between user equipment and a communications network.

b. “*Base station*” does not mean a tower or equipment associated with a tower.

c. “*Base station*” includes but is not limited to equipment associated with wireless communications services such as private, broadcast, and public safety services and unlicensed wireless services and fixed wireless services such as microwave backhaul.

d. “*Base station*” includes but is not limited to radio transceivers, antennas, coaxial or fiberoptic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

e. “*Base station*” includes a structure other than a tower that, at the time the relevant application is filed with the state or local government, supports or houses equipment described in this subsection that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

f. “*Base station*” does not include any structure that at the time the relevant application is filed with the state or local government does not support or house equipment described in this subsection.

5. “*Collocation*” means the mounting or installation of additional transmission equipment on a support structure already in use for the purpose of transmitting or receiving radio frequency signals for communications purposes.

5A. “*Electric utility*” means any owner or operator of electric transmission or distribution facilities subject to the regulation and enforcement activities of the Iowa utilities board relating to safety standards.

6. “*Eligible facilities request*” means a request for modification of an existing tower or base station that does not substantially change the physical dimensions of the tower or base station and involves collocation of new transmission equipment, the removal of transmission equipment, or the replacement of transmission equipment.

7. “*Existing tower*” or “*existing base station*” means a tower or base station that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process. “*Existing tower*” includes a tower that was not reviewed and approved because it was not in a zoned area when it was built and lawfully constructed.

8. “*Initial placement or installation*” means the first time transmission equipment is placed or installed on a wireless support structure.

9. a. “*Site*”, in relation to a tower that is not in the public right-of-way, means the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

b. “*Site*”, in relation to support structures other than towers, means an area in proximity to the structure and to other transmission equipment already deployed on the ground.

10. “*Substantial change*” means a change in the existing support structure which results in one or more of the following:

a. (1) Increase in the height of a tower, other than a tower in the public right-of-way, by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater.

(2) Increase in the height of existing support structures, other than a tower in subparagraph (1), by more than ten percent or more than ten feet, whichever is greater.

(3) Height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops. Otherwise, height shall be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act, Pub. L. No. 112-96, Tit. VI.

b. (1) Addition of an appurtenance to the body of the tower, other than a tower in the public right-of-way, that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.

(2) Addition of an appurtenance to an existing support structure, other than a tower under subparagraph (1), that would protrude from the edge of the structure by more than six feet.

c. (1) Installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets.

(2) Installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the tower in the public right-of-way or base station.

(3) Installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with a tower in the public right-of-way or base station.

d. Excavation or deployment outside the current site.

e. Defeat of concealment elements of the existing support structure.

f. Noncompliance with conditions associated with the siting approval of the construction or modification of the existing support structure or base station equipment, except if the change is noncompliant only in a manner that does not exceed the thresholds identified in paragraphs “a” through “d”.

11. “*Tower*” means a structure built for the sole or primary purpose of supporting an antenna and the associated facilities authorized or licensed by the federal communications commission. “*Tower*” includes structures constructed for wireless communications services, including but not limited to private, broadcast, and public safety services and unlicensed wireless services and fixed wireless services, such as microwave backhaul, and the associated site.

12. “*Transmission equipment*” means equipment that facilitates transmission for a wireless communications service licensed or authorized by the federal communications commission, including but not limited to radio transceivers, antennas, coaxial or fiberoptic cable, and regular and backup power supply. “*Transmission equipment*” includes equipment associated with wireless communications services, including but not limited to private, broadcast, and public safety services, such as wireless local area network services and services utilizing a set of specifications developed by the institute of electrical and electronics engineers for interface between a wireless client and a base station or between two wireless clients, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul.

12A. “*Utility pole*” means a structure owned or operated by a public utility, municipality, or electric utility that is designed specifically for and used to carry lines, cable, or wires for telephone, cable television, or electricity, or to provide lighting.

13. “*Wireless support structure*” means a structure that exists at the time an application is submitted and is capable of supporting the attachment or installation of transmission equipment in compliance with applicable codes, including but not limited to water towers, buildings, and other structures, whether within or outside the public right-of-way. “*Wireless support structure*” does not include a tower or existing base station.

Sec. 3. NEW SECTION. 8C.3 Uniform rules and limitations — applications.

In order to ensure uniformity across this state with respect to the consideration of every application, and notwithstanding any other provision to the contrary, an authority shall not do any of the following:

1. Require an applicant to submit information about, or evaluate an applicant’s business decisions with respect to, the applicant’s designed service, customer demand for service, or quality of the applicant’s service to or from a particular area or site, but may require propagation maps solely for the purpose of identifying the location of the coverage or capacity gap or need for applications for new towers in an area zoned residential.

2. a. Evaluate an application based on the availability of other potential locations for the placement or construction of a tower or transmission equipment.

b. Require the applicant to establish other options for collocation instead of the construction of a new tower or modification of an existing tower or existing base station that constitutes a substantial change to an existing tower or existing base station.

c. Notwithstanding paragraph “b”, an authority shall require an applicant applying for the construction of a new tower to provide an explanation regarding the reason for choosing the proposed location and the reason the applicant did not choose collocation. The explanation shall include a sworn statement from an individual who has responsibility over placement of the tower attesting that collocation within the area determined by the applicant to meet the applicant’s radio frequency engineering requirements for the placement of a site would not result in the same mobile service functionality, coverage, and capacity, is technically infeasible, or is economically burdensome to the applicant.

3. Dictate the type of transmission equipment or technology to be used by the applicant or discriminate between different types of infrastructure or technology.

4. a. Require the removal of existing towers, base stations, or transmission equipment, wherever located, as a condition to approval of an application.

b. Notwithstanding paragraph “a”, the authority may adopt reasonable rules regarding removal of abandoned towers or transmission equipment.

5. Impose environmental testing, sampling, or monitoring requirements, or other compliance measures, for radio frequency emissions from transmission equipment that are categorically excluded under the federal communications commission’s rules for radio frequency emissions pursuant to 47 C.F.R. §1.1307(b)(1).

6. Establish or enforce regulations or procedures for radio frequency signal strength or the adequacy of service quality.

7. Reject an application, in whole or in part, based on perceived or alleged environmental effects of radio frequency emissions, as provided in 47 U.S.C. §332(c)(7)(B)(iv).

8. Prohibit the placement of emergency power systems that comply with federal and state environmental requirements.

9. Charge an application fee, consulting fee, or other fee associated with the submission, review, processing, or approval of an application, unless the fee charged is in compliance with this section. Fees imposed by an authority or by a third-party entity providing review or technical consultation to the authority shall be based on actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of an application. In no case shall total charges and fees exceed five hundred dollars for an eligible facilities request or three thousand dollars for an application for a new tower, for the initial placement or installation of transmission equipment on a wireless support structure, for a modification of an existing tower or existing base station that constitutes a substantial change to an existing tower or base station, or any other application to construct or place transmission equipment that does not constitute an eligible facilities request. An authority or any third-party entity shall not include within its charges any travel expenses incurred in the review of an application for more than one trip to the authority's jurisdiction, and an applicant shall not be required to pay or reimburse an authority for consultant or other third-party fees based on a contingency-based or result-based arrangement.

10. Impose surety requirements, including bonds, escrow deposits, letters of credit, or any other type of financial surety, to ensure that abandoned or unused towers or transmission equipment can be removed, unless requirements are competitively neutral, nondiscriminatory, reasonable in amount, and commensurate with the historical record for local facilities and structures that are abandoned.

11. Condition the approval of an application on the applicant's agreement to provide space on or near the tower, base station, or wireless support structure for authority or local governmental or nongovernmental services at less than the market rate for such space or to provide other services via the structure or facilities at less than the market rate for such services.

12. Limit the duration of the approval of an application, except that construction of the approved structure or facilities shall be commenced within two years of final approval, including the disposition of any appeals, and diligently pursued to completion.

13. Discriminate on the basis of the ownership, including ownership by the authority, of any property, structure, or tower when promulgating rules or procedures for siting wireless facilities or for evaluating applications.

Sec. 4. NEW SECTION. **8C.4 Uniform rules — new tower applications.**

1. An authority may exercise zoning, land use, planning, and permitting authority within the authority's territorial boundaries with regard to the siting of new towers, subject to the provisions of this chapter and federal law.

2. An applicant that proposes to construct a new tower within the jurisdiction of an authority that has adopted planning and zoning regulations shall submit the necessary copies and attachments of the application to the appropriate authority and comply with applicable local ordinances concerning land use and the appropriate permitting processes.

3. All records, documents, and electronic data in the possession or custody of authority personnel are subject to chapter 22. Disclosure of such records shall be consistent with applicable state law.

4. An authority, within one hundred fifty calendar days of receiving an application to construct a new tower, unless another date is specified in a written agreement between the authority and the applicant, shall comply with the following provisions:

a. Review the application for conformity with applicable local zoning regulations, building permit requirements, and consistency with this chapter. An application is deemed to be complete unless the authority notifies the applicant in writing, within thirty calendar days of submission of the application, specifying the deficiencies in the application which, if cured, would make the application complete. The authority's timeframe to review the application is tolled beginning the date the notice is sent. The authority's timeframe of one hundred fifty days for review of the application begins running again when the applicant cures the specified deficiencies. Following the applicant's supplemental submission, the authority has ten days to notify the applicant that the supplemental submission did not provide the information identified in the original notice that specified deficiencies in the application. The authority's timeframe of one hundred fifty days to review the application is tolled in the case

of second or subsequent notices in conformance with this paragraph. The authority shall not include deficiencies in a second or subsequent notice that were not delineated in the original notice. The authority's timeframe for review does not toll if the authority requests information regarding any of the considerations an authority may not consider as described in section 8C.3.

b. Make its final decision to approve or disapprove the application.

c. Advise the applicant in writing of its final decision.

5. If the authority fails to act on an application to construct a new tower within the timeframe for review specified under subsection 4, the application shall be deemed approved.

6. A party aggrieved by the final action of an authority, either by its affirmative disapproval of an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction.

Sec. 5. NEW SECTION. 8C.5 Uniform rules for certain changes.

1. An authority may exercise zoning, land use, planning, and permitting authority within the authority's territorial boundaries with regard to an application for initial placement or installation of transmission equipment on wireless support structures, for modification of an existing tower or existing base station that constitutes a substantial change, or for a request for construction or placement of transmission equipment that does not constitute an eligible facilities request, subject to the provisions of this chapter and federal law.

2. An applicant that proposes an initial placement or installation of transmission equipment on wireless support structures, a modification of an existing tower or existing base station that constitutes a substantial change, or a request for construction or placement of transmission equipment that does not constitute an eligible facilities request, within the jurisdiction of an authority that has adopted planning and zoning ordinances, rules, or regulations shall submit the necessary copies and attachments of the application to the authority and comply with such applicable local ordinances, rules, or regulations concerning land use and zoning and the appropriate local permitting processes.

3. All records, including but not limited to documents and electronic data, in the possession or custody of authority personnel are subject to chapter 22. Disclosure of such records shall be consistent with applicable state law.

4. An authority, within ninety calendar days of receiving an application pursuant to subsection 2, unless another date is specified in a written agreement between the authority and the applicant, shall comply with the following provisions:

a. Review the application for conformity with applicable local zoning ordinances, rules, or regulations, building permit requirements, and consistency with this chapter. An application is deemed to be complete unless the authority notifies the applicant in writing, within thirty calendar days of submission of the application, specifying the deficiencies in the application which, if cured, would make the application complete. The authority's timeframe for review is tolled beginning the date the notice is sent. The authority's ninety-day timeframe for review of the application begins running again when the applicant cures the specified deficiencies. Following the applicant's supplemental submission, the authority has ten days to notify the applicant that the supplemental submission did not provide the information identified in the original notice that specified deficiencies. The authority's ninety-day timeframe to review the application is tolled in the case of second or subsequent notices in conformance with this paragraph. The authority shall not include deficiencies in a second or subsequent notice that were not delineated in the original notice. The authority's ninety-day timeframe for review does not toll if the authority requests information regarding any of the considerations an authority may not consider as described in section 8C.3.

b. Make its final decision to approve or disapprove the application.

c. Advise the applicant in writing of its final decision.

5. If the authority fails to act on an application for an initial placement or installation of transmission equipment on wireless support structures, for a modification of an existing tower or existing base station that constitutes a substantial change, or for a request for construction or placement of transmission equipment that does not constitute an eligible facilities request within the review period specified under subsection 4, the application shall be deemed approved.

6. A party aggrieved by the final action of an authority, either by its affirmative disapproval of an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction.

Sec. 6. NEW SECTION. 8C.6 Use of public lands for towers and transmission equipment.

1. In accordance with other applicable laws, when entering into a lease with an applicant for the applicant's use of public lands, an authority shall offer the market rate value for use of that land. The term of the lease shall be for at least twenty years, but all or a portion of the land may be subject to release for public purposes after fifteen years.

2. *a.* If the authority and the applicant cannot agree on the market rate for lease of the public land and cannot agree on the process to derive the market rate, the appraisals of a three-person panel of appraisers shall determine the market rate. Each party will appoint one appraiser and the two appointed appraisers shall select a third appraiser. Each appraiser shall independently appraise the appropriate market rate for lease of the land. The market rate shall be set at the median value between the highest and lowest market rates determined by the three independent appraisers. However, if the median between the appraisals of the appraisers appointed by each party is greater than or less than ten percent of the appraisal of the appraiser selected by the two appraisers, then the appraisal of the appraiser selected by the two appraisers shall determine the rate for the lease. Each appraiser shall send a copy of the appraisal to the authority and the applicant. The authority shall use the appraisal process under this paragraph to determine the lease rate for purposes of this subsection.

Ob. An authority shall approve or reject the lease rate as determined by the appraisal process pursuant to paragraph "a" within fifteen days following completion and receipt of the appraisals obtained pursuant to paragraph "a". The authority's failure to reject the lease rate as determined by the appraisal process within fifteen days constitutes approval of the lease rate determined pursuant to paragraph "a" as the market rate value for the use of the land for purposes of the lease between the authority and the applicant.

b. The authority and applicant shall conclude the appraisal process within one hundred fifty calendar days from the date the applicant first offered a proposed lease rate to the authority.

c. If using the three-person panel, each party shall bear the cost of its own appointed appraiser and equally share the cost of the third appraiser.

Sec. 7. NEW SECTION. 8C.7 Utility poles.

Notwithstanding any provision to the contrary, an authority shall not mandate, require, or regulate the installation, location, or use of transmission equipment on a utility pole.

Sec. 8. NEW SECTION. 8C.8 Application and construction.

This chapter shall not be construed as:

1. Prohibiting an airport, aviation authority, or municipality from administering and enforcing airport zoning pursuant to the provisions of chapter 329 for the protection of navigable airspace.

2. Infringing upon the jurisdiction of a commission, as defined in section 303.20, to approve or deny applications for proposed alterations to exterior features within an area designated as an area of historical significance.

3. Infringing upon the jurisdiction of a city or county, or any other entity authorized by statute, to approve or deny applications for proposed alterations to exterior features of designated local historic landmarks.

Sec. 9. NEW SECTION. 8C.9 Repeal.

This chapter is repealed July 1, 2020.

Sec. 10. APPLICABILITY. This division of this Act applies to applications submitted on or after the effective date of this division of this Act.

DIVISION II
REINVESTMENT DISTRICTS AND FLOOD MITIGATION

Sec. 11. Section 15J.4, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. The municipality shall submit a copy of the resolution, the proposed district plan, and all accompanying materials adopted pursuant to this section to the board for evaluation. The board shall not approve a proposed district plan ~~or an amendment to an existing district's plan~~ on or after July 1, 2018.

Sec. 12. Section 28F.12, Code 2015, is amended to read as follows:

28F.12 Additional powers of the entity.

1. If the entity is comprised solely of cities, counties, and sanitary districts established under chapter 358, or any combination thereof, the entity shall have in addition to all the powers enumerated in this chapter, the powers ~~which~~ that a county has with respect to solid waste disposal projects.

2. If the entity is comprised solely of cities, counties, and sanitary districts established under chapter 358, or any combination thereof, it is a governmental entity with respect to projects undertaken pursuant to chapter 418 and may exercise all of the powers of a governmental entity under that chapter in connection with the flood mitigation project. Unless otherwise provided in chapter 418, if undertaking a flood mitigation project as a governmental entity under chapter 418, the provisions of chapter 418 shall prevail over any conflicting provision in this chapter.

Sec. 13. Section 418.1, subsection 4, paragraph c, unnumbered paragraph 1, Code 2015, is amended to read as follows:

A joint board or other legal or administrative entity established or designated in an agreement pursuant to chapter 28E or 28F between any of the following:

Sec. 14. Section 418.1, subsection 4, paragraph c, Code 2015, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) One or more counties, one or more cities that are located in whole or in part within those counties, and one or more sanitary districts established under chapter 358 or a combined water and sanitary district as provided for in sections 357.1B and 358.1B, located in whole or in part within those counties.

Sec. 15. Section 418.4, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. A governmental entity as defined in section 418.1, subsection 4, paragraph "c", shall have the power to construct, acquire, own, repair, improve, operate, and maintain a project, may sue and be sued, contract, and acquire and hold real and personal property, subject to the limitation in paragraph "c", and shall have such other powers as may be included in the chapter 28E or 28F agreement. Such a governmental entity may contract with a city or the county participating in the ~~chapter 28E~~ agreement to perform any governmental service, activity, or undertaking that the city or county is authorized by law to perform, including but not limited to contracts for administrative services.

Sec. 16. Section 418.11, subsection 3, paragraph c, Code 2015, is amended to read as follows:

c. For projects approved for a governmental entity as defined in section 418.1, subsection 4, paragraph "c", the area used to determine the sales tax increment shall include the incorporated areas of each participating city ~~that is participating in the chapter 28E agreement~~, the unincorporated areas of the each participating county, and the area of any participating drainage district not otherwise included in the areas of the participating cities or county, and the area served by any sanitary district or combined water and sanitary district and not otherwise included in the areas of the participating cities or counties, as applicable.

Sec. 17. Section 418.11, subsection 3, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* For all projects, the area used to determine the sales tax increment shall not include any parcels of real property that are included in a reinvestment district designated pursuant to chapter 15J.

Sec. 18. Section 418.14, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. Except as otherwise provided in this section, bonds issued pursuant to this section shall not be subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under this section shall not limit or restrict the authority of a governmental entity as defined in section 418.1, subsection 4, paragraphs “a” and “b”, or a city, county, ~~or drainage district, sanitary district, or combined water and sanitary district~~ participating in a governmental entity as defined in section 418.1, subsection 4, paragraph “c”, to issue bonds for the project under other provisions of the Code.

Sec. 19. Section 418.14, subsection 4, paragraph b, Code 2015, is amended to read as follows:

b. If the moneys in the governmental entity’s flood project fund are insufficient to pay the governmental entity’s costs related to bonds, notes, or other obligations issued under this chapter, the amounts necessary to pay such costs may be levied and transferred for deposit in the governmental entity’s flood project fund from the debt service fund of the governmental entity or, if applicable, the debt service fund of a participating city or county for a governmental entity as defined in section 418.1, subsection 4, paragraph “c”, but only if and to the extent provided in the resolution authorizing the issuance of bonds and, if applicable, the chapter 28E or 28F agreement.

Sec. 20. Section 418.15, subsection 4, Code 2015, is amended to read as follows:

4. All property and improvements acquired by a governmental entity as defined in section 418.1, subsection 4, paragraph “c”, relating to a project shall be transferred to the county, city, ~~or drainage district, sanitary district, or combined water and sanitary district~~ designated in the chapter 28E or 28F agreement to receive such property and improvements. The county, city, ~~or drainage district, sanitary district, or combined water and sanitary district~~ to which such property or improvements are transferred shall, unless otherwise provided in the chapter 28E or 28F agreement, be solely responsible for the ongoing maintenance and support of such property and improvements.

Sec. 21. Section 423.2, subsection 11, paragraph b, Code 2015, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (05) Beginning the first day of the calendar quarter beginning on the reinvestment district’s commencement date, subject to remittance limitations established by the economic development authority board pursuant to section 15J.4, subsection 3, transfer to a district account created in the state reinvestment district fund for each reinvestment district established under chapter 15J, the amount of new state sales tax revenue, determined in section 15J.5, subsection 1, paragraph “b”, in the district, that remains after the prior transfers required under this paragraph “b”. Such transfers shall cease pursuant to section 15J.8.

Sec. 22. Section 423.2, subsection 11, paragraph b, subparagraph (6), Code 2015, is amended by striking the subparagraph.

Sec. 23. Section 423.2, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 11A. Of the amount of sales tax revenue actually transferred per quarter pursuant to subsection 11, paragraph “b”, subparagraphs (05) and (5), the department shall retain an amount equal to the actual cost of administering the transfers under subsection 11, paragraph “b”, subparagraphs (05) and (5), or twenty-five thousand dollars, whichever is less. The amount retained by the department pursuant to this subsection shall be divided pro rata each quarter between the amounts that would have been transferred pursuant to

subsection 11, paragraph “b”, subparagraphs (05) and (5), without the deduction made by operation of this subsection. Revenues retained by the department pursuant to this subsection shall be considered repayment receipts as defined in section 8.2.

Sec. 24. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 25. RETROACTIVE AND OTHER APPLICABILITY.

1. Except as provided in subsection 3, this division of this Act applies retroactively to reinvestment districts designated under chapter 15J in existence on or after July 1, 2014.

2. Except as provided in subsection 3, this division of this Act applies to flood mitigation project plan applications received under chapter 418 before, on, or after the effective date of this division of this Act.

3. The sections of this division of this Act amending section 423.2, subsection 11, and enacting section 423.2, subsection 11A, apply to transfers of sales tax revenues made on or after July 1, 2015.

DIVISION III STATEWIDE BROADBAND COORDINATION

Sec. 26. Section 8B.1, Code 2015, is amended by adding the following new subsections:
NEW SUBSECTION. 01. “Broadband” means a high-speed, high-capacity electronic transmission medium, including fixed wireless and mobile wireless mediums, that can carry data signals from independent network sources by establishing different bandwidth channels and that is commonly used to deliver internet services to the public.

NEW SUBSECTION. 001. “Broadband infrastructure” means the physical infrastructure used for the transmission of data that provides broadband services. “Broadband infrastructure” does not include land, buildings, structures, improvements, or equipment not directly used in the transmission of data via broadband.

NEW SUBSECTION. 0001. “Communications service provider” means a service provider that provides broadband service.

NEW SUBSECTION. 00001. “Crop operation” means the same as defined in section 717A.1.

NEW SUBSECTION. 7A. “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 the effective date of this Act.

Sec. 27. Section 8B.1, subsection 1, Code 2015, is amended to read as follows:

1. “Information technology” means computing and electronics applications used to process and distribute information in digital and other forms and includes information technology devices, information technology services, infrastructure services, broadband and broadband infrastructure, and value-added services.

Sec. 28. Section 8B.3, subsection 1, Code 2015, is amended to read as follows:

1. The office is created for the purpose of leading, directing, managing, coordinating, and providing accountability for the information technology resources of state government and for coordinating statewide broadband availability and access.

Sec. 29. Section 8B.4, Code 2015, is amended by adding the following new subsections:

NEW SUBSECTION. 14A. Streamline, consolidate, and coordinate the access to and availability of broadband and broadband infrastructure throughout the state, including but not limited to the facilitation of public-private partnerships, ensuring that all state agencies’ broadband and broadband infrastructure policies and procedures are aligned, resolving issues which arise with regard to implementation efforts, and collecting data and developing metrics or standards against which the data may be measured and evaluated regarding broadband infrastructure installation and deployment.

NEW SUBSECTION. 14B. Administer the broadband grant program pursuant to section 8B.11.

NEW SUBSECTION. 14C. Coordinate the fiberoptic network conduit installation program established in section 8B.25.

Sec. 30. Section 8B.9, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 5. An annual report regarding the status of broadband expansion and coordination, the connecting Iowa farms, schools, and communities broadband grant program established under section 8B.11, and the adequacy of the speed set in the definition of targeted service area in section 8B.1.

Sec. 31. NEW SECTION. **8B.10 Targeted service areas — determination — criteria.**

1. The determination of whether a communications service provider offers or facilitates broadband service meeting the download or 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.

2. The office shall establish procedures to allow challenges to the office's finding on whether an area meets the definition of targeted service area.

Sec. 32. NEW SECTION. **8B.11 Connecting Iowa farms, schools, and communities — broadband grants — fund.**

1. The office shall administer a broadband grant program to award grants to communication service providers that reduce or eliminate targeted service areas by installing broadband infrastructure in targeted service areas in accordance with this section.

2. *a.* A connecting Iowa farms, schools, and communities broadband grant fund is established in the state treasury under the authority of the office. The fund shall consist of moneys available to and obtained or accepted by the office. Moneys in the fund are appropriated to the office to be used for the grant program.

b. The office shall use moneys in the fund to provide grants to communication service providers pursuant to this section. The office shall use moneys in the fund to leverage available federal moneys if possible.

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.

3. Communication 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. 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 a public internet site for applications, results, and performance.

4. *a.* The office shall award grants on a competitive basis after considering the following:

(1) The relative need for broadband infrastructure in the area and the existing broadband service speeds.

(2) The percentage of the homes, farms, schools, and businesses in the targeted service area that will be provided access to broadband service.

(3) The geographic diversity of the project areas of all the applicants.

(4) 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) Other factors the office deems relevant.

b. 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 the application.

5. The office shall not award a grant pursuant to this section that exceeds fifteen percent of the communication service provider's project cost.

6. The office shall provide public notice regarding the application process and receipt of funding.

7. The office shall not award a grant pursuant to this section on or after July 1, 2020.

8. The office shall adopt rules pursuant to chapter 17A, including but not limited to the broadband grant program process, management, and measurements as deemed necessary by the office.

Sec. 33. NEW SECTION. 8B.25 Fiberoptic network conduit installation program.

1. For purposes of this section:

a. “*Fiberoptic network conduit*” means a pipe, vault, or duct used to enclose fiberoptic cable facilities buried alongside a roadway or surface mounted on a bridge, overpass, or other facility where placement below ground is impossible or impractical. “*Fiberoptic network conduit*” does not include electronics or cable.

b. “*Public funding*” does not include a tax exemption authorized under section 427.1, subsection 40.

c. “*Where such conduit does not exist*” means that private or publicly owned fiberoptic cable is not currently within a linear range of five hundred feet or less in any one direction.

2. The office shall lead and coordinate a program to provide for the installation of fiberoptic network conduit where such conduit does not exist. The chief information officer shall consult and coordinate with applicable agencies and entities as determined appropriate to ensure that the opportunity is provided to lay or install fiberoptic network conduit wherever a state-funded construction project involves trenching, boring, a bridge, a roadway, or opening of the ground, or alongside any state-owned infrastructure.

3. Contingent upon the provision of funding for such purposes by the general assembly, the office may contract with a nongovernmental third party to manage, lease, install, or otherwise provide fiberoptic network conduit access for projects described in this section. This section does not require coordination with or approval from the office pursuant to this program or installation of fiberoptic conduit as required by this section for construction projects not using public funding.

Sec. 34. NEW SECTION. 8B.26 Broadband permitting process — expeditious response.

Notwithstanding any other provision to the contrary and in compliance with applicable federal laws and regulations, a political subdivision vested with permitting authority shall approve, approve with modification, or disapprove nonwireless, broadband-related permits within sixty business days following the submission of the necessary application requirements. In the event that no action is taken during the sixty-day period, the application shall be deemed approved.

Sec. 35. Section 8D.3, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. The commission is composed of five voting members appointed by the governor and subject to confirmation by the senate. ~~Members~~ Voting members of the commission shall not serve in any manner or be employed by an authorized user of the network or by an entity seeking to do or doing business with the network.

(1) The governor shall appoint a voting member as the chairperson of the commission from the five voting members ~~appointed by the governor~~, subject to confirmation by the senate.

(2) ~~Members~~ Voting members of the commission shall serve six-year staggered terms as designated by the governor and appointments to the commission are subject to the requirements of sections 69.16, 69.16A, and 69.19. Vacancies shall be filled by the governor for the duration of the unexpired term.

(3) The salary of the voting members of the commission shall be twelve thousand dollars per year, except that the salary of the chairperson shall be seventeen thousand dollars per year. ~~Members~~ Voting members of the commission shall also be reimbursed for all actual and necessary expenses incurred in the performance of duties as members. The benefits and salary paid to the voting members of the commission shall be adjusted annually equal

to the average of the annual pay adjustments, expense reimbursements, and related benefits provided under collective bargaining agreements negotiated pursuant to chapter 20.

Sec. 36. Section 8D.3, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. ~~In addition to the members appointed by the governor, the~~ The auditor of state or the auditor's designee and the chief information officer appointed pursuant to section 8B.2 or the chief information officer's designee shall serve as a nonvoting, ex officio member members of the commission.

Sec. 37. Section 8D.4, Code 2015, is amended to read as follows:

8D.4 Executive director appointed.

~~The commission, in consultation with the director of the department of administrative services and the chief information officer,~~ shall appoint an executive director of the commission, subject to confirmation by the senate. Such individual shall not serve as a member of the commission. The executive director shall serve at the pleasure of the commission. The executive director shall be selected primarily for administrative ability and knowledge in the field, without regard to political affiliation. The governor shall establish the salary of the executive director within range nine as established by the general assembly. The salary and support of the executive director shall be paid from funds deposited in the Iowa communications network fund.

Sec. 38. Section 80.28, subsection 2, Code 2015, is amended to read as follows:

2. The board shall consist of ~~fifteen~~ nineteen voting members, as follows:

a. The following members representing state agencies:

(1) One member representing the department of public safety.

(2) One member representing the state department of transportation.

(3) One member representing the department of homeland security and emergency management.

(4) One member representing the department of corrections.

(5) One member representing the department of natural resources.

(6) One member representing the Iowa department of public health.

(7) One member representing the office of the chief information officer created in section 8B.2.

(8) One member representing the Iowa law enforcement academy created in section 80B.4.

b. The governor shall solicit and consider recommendations from professional or volunteer organizations in appointing the following members:

(1) Two members who are representatives from municipal police departments.

(2) Two members who are representatives of sheriff's offices.

(3) Two members who are representatives from fire departments. One of the members shall be a volunteer fire fighter and the other member shall be a paid fire fighter.

(4) Two members who are law communication center managers employed by state or local government agencies.

(05) One member representing local emergency management coordinators.

(005) One member representing emergency medical service providers.

(5) One at-large member.

DIVISION IV
PROPERTY TAX INCENTIVES AND ASSESSMENT

Sec. 39. Section 421.1A, subsection 3, Code 2015, is amended to read as follows:

3. At the election of a property owner or aggrieved taxpayer or an appellant described in section 441.42, the property assessment appeal board shall review any final decision, finding, ruling, determination, or order of a local board of review relating to protests of an assessment, valuation, or application of an equalization order, or any final decision of the county board of supervisors relating to denial of an application for, or the revocation of, a property tax exemption pursuant to section 427.1, subsection 40.

Sec. 40. Section 421.1A, subsection 4, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0b.* Affirm or reverse a final decision of a county board of supervisors relating to denial of an application for, or the revocation of, a property tax exemption under section 427.1, subsection 40.

Sec. 41. Section 427.1, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 40. *Broadband infrastructure.*

a. The owner of broadband infrastructure shall be entitled to an exemption from taxation to the extent provided in this subsection. For the purposes of this subsection, “*broadband infrastructure*” and “*targeted service area*” mean the same as 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 commenced and completed on or after July 1, 2015, and before July 1, 2020, 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 will take place 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.

c. The tax exemption shall be a one hundred percent exemption from taxation for a period of ten years in an amount equal to the actual value added by installation of the broadband infrastructure.

d. For companies assessed by the department of revenue pursuant to chapter 433, the exemption shall be limited to an amount equal to the actual value added by installation of the broadband infrastructure as of the assessment date as determined by the department and the exemption shall be applied to the unit value prior to any other exemption applicable to the unit value, as determined under that chapter.

e. (1) An application for an exemption shall be filed by the owner of the property with the department of revenue by February 1 of the year in which the broadband infrastructure is first assessed for taxation, or the following two assessment years, and in each case the exemption is allowed for ten years. Applications from applicants whose property is subject to assessment by the department pursuant to chapter 433 shall be reviewed by the department. All other applications shall be reviewed by the applicable county board of supervisors. The department shall forward those applications for exemption that are subject to review by the county board of supervisors to the county board of supervisors of each county in which the property is located.

(2) In lieu of subparagraph (1), and notwithstanding any provision in this subsection to the contrary, an owner may at any time before completion of the project submit a proposal to the department requesting that the department or the board of supervisors, as applicable, allow the owner to file an application for exemption by February 1 of any other assessment year following completion of the project, which year shall be selected by the department or the board, as applicable. If the department approves or if the board, by resolution, approves the proposal, the exemption is allowed for ten years.

f. (1) The application shall be made on forms prescribed by the department. The application shall contain but not be limited to the following information:

(a) The nature of the broadband infrastructure installation.

(b) The percentage of the homes, farms, schools, and businesses in the targeted service area that will be provided access to broadband service.

(c) The actual cost of installing the broadband infrastructure under the project, if available. The application shall contain supporting documents demonstrating the actual cost.

(d) Certification from the office of the chief information officer pursuant to section 8B.10 that the installation is being performed or was completed 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.

(e) Certification of the date of commencement and actual or estimated date of completion.

(f) A copy of any nonwireless broadband-related permit issued by a political subdivision.

(g) If applying pursuant to paragraph “e”, subparagraph (2), the actual cost already incurred for installation of broadband infrastructure, if any, the estimated costs for project completion, and the estimated date of project completion. The application shall contain supporting documents demonstrating the actual cost.

(2) The department and the board of supervisors shall not approve applications that are missing any of the information or documentation required in subparagraph (1). The department or the board of supervisors may consult with the office of the chief information officer to access additional information needed to review an application.

(3) The department or the board of supervisors, as applicable, shall, by March 1, notify an applicant of approval or denial of an application for an exemption under this subsection and shall also notify the applicant of the applicant’s right to an appeal.

(4) The board of supervisors shall forward all approved applications and any necessary information regarding the applications to the appropriate local assessor by March 1 annually. After the tax exemption is granted, the department or the local assessor, as applicable, shall continue to grant the tax exemption for ten years, and applications for exemption for succeeding years shall not be required.

(5) An applicant for a property tax exemption whose application was reviewed by the board of supervisors may appeal denial of the application to the property assessment appeal board within thirty days of the issuance of the denial.

(6) An applicant for a property tax exemption whose application was reviewed by the department may appeal denial of the application to the director of revenue within thirty days of the issuance of the denial.

(7) At any time after the exemption is granted and the broadband service is available in a targeted service area, the department or the board of supervisors, as applicable, under the direction of the office of the chief information officer, may require the property owner receiving the exemption to substantiate that the owner continues to provide the service described in paragraph “b”. If the department or the board of supervisors determines that the property owner no longer provides the service described in paragraph “b”, the department or the board of supervisors shall revoke the exemption. An owner may appeal the decision to revoke the exemption in the same manner as provided in subparagraphs (5) and (6), as applicable.

g. (1) If a company whose property in the county is not assessed by the department of revenue is approved to receive a property tax exemption pursuant to this subsection, the actual value added by installation of the broadband infrastructure shall be determined by the local assessor who shall certify the amount of exemption determined to the county auditor at the time of transmitting the assessment rolls.

(2) Notwithstanding any other provision of law to the contrary, if a company in which all or a portion of the company’s property in the county is assessed by the department pursuant to chapter 433 and the company’s property in the county is approved to receive a property tax exemption pursuant to this subsection, the department shall assess all the company’s property in the county used for operating telegraph and telephone lines, broadband, or cable systems for each assessment year the company receives the exemption, for purposes of determining the actual value added by installation of the broadband infrastructure.

h. The director of revenue shall adopt rules pursuant to chapter 17A for the interpretation and proper administration of the exemption provided in this subsection.

Sec. 42. Section 433.8, Code 2015, is amended to read as follows:

433.8 Assessment in each county — how certified.

The director of revenue shall, for the purpose of determining what amount shall be assessed to each company in each county of the state into which the line of the said company extends, certify to the several county auditors of the respective counties into, over, or through which said line extends the number of miles of line in the county for that company, the actual value

per mile of line for that company, and the exemption value per mile of line for that company for exemptions received pursuant to section 427.1, subsection 40, section 433.4, or any other exemptions. In no case, however, shall the taxable value of the property be reduced below zero.

Sec. 43. RULES. The office of the chief information officer shall adopt rules pursuant to chapter 17A to certify that the installation of broadband infrastructure meets the requirements under section 427.1, subsection 40, as enacted in this division of this Act, for purposes of receiving a property tax exemption.

Sec. 44. IMPLEMENTATION. Section 25B.7 shall not apply to this division of this Act.

Sec. 45. APPLICABILITY. This division of this Act applies to assessment years beginning on or after January 1, 2016.

DIVISION V INFORMATION TECHNOLOGY INFRASTRUCTURE FOR EDUCATION

Sec. 46. Section 423F.3, subsection 6, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0c.* Additionally, “*school infrastructure*” includes the acquisition or installation of information technology infrastructure. For purposes of this paragraph, “*information technology infrastructure*” means the basic, underlying physical framework or system necessary to deliver technology connectivity to a school district and to network school buildings within a school district.

DIVISION VI CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS

Sec. 47. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, takes effect upon enactment.

Sec. 48. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, applies retroactively to July 1, 2015.

Approved June 22, 2015

CHAPTER 121

SCHOOL FINANCE — PROPERTY TAX REPLACEMENT PAYMENTS

S.F. 176

AN ACT relating to school district property tax replacement payments for certain budget years and including effective date provisions.

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

Section 1. Section 257.16B, subsection 2, paragraph b, unnumbered paragraph 1, Code 2015, is amended to read as follows:

For each the budget year beginning ~~on or after~~ July 1, 2014, the department of management shall calculate for each school district all of the following:

Sec. 2. Section 257.16B, subsection 2, paragraph b, subparagraph (3), Code 2015, 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, 2014, 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. 3. Section 257.16B, subsection 2, Code 2015, is amended by adding the following new paragraphs:

NEW PARAGRAPH. c. For the budget year beginning July 1, 2015, 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, 2015, 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 beginning July 1, 2015, 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).

NEW PARAGRAPH. d. For each budget year beginning on or after July 1, 2016, 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, 2016, 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. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 26, 2015

CHAPTER 122

SCHOOL FINANCE — PHYSICAL PLANT AND EQUIPMENT LEVY RATES

S.F. 485

AN ACT relating to the voter-approved physical plant and equipment levy by authorizing school districts to exceed the statutory levy rate limit following the refunding or refinancing of certain loan agreements and including effective date provisions.

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

Section 1. Section 298.2, subsection 1, Code 2015, is amended to read as follows:

1. a. A physical plant and equipment levy of not exceeding one dollar and sixty-seven cents per thousand dollars of assessed valuation in the district is established except as otherwise provided in this subsection. The physical plant and equipment levy consists of the regular physical plant and equipment levy of not exceeding thirty-three cents per thousand dollars of assessed valuation in the district and a voter-approved physical plant and equipment levy of not exceeding one dollar and thirty-four cents per thousand dollars of assessed valuation in the district. However, the voter-approved physical plant and equipment levy may consist of a combination of a physical plant and equipment property tax levy and a physical plant and equipment income surtax as provided in subsection 4 with the maximum amount levied and imposed limited to an amount that could be raised by a one dollar and thirty-four cent property tax levy.

b. For school budget years beginning on or after July 1, 2015, a school district may by resolution of the board of directors adopted prior to April 15 preceding the budget year impose a physical plant and equipment levy at a rate in excess of the levy rate limitations under paragraph “a” if the board has refunded or refinanced a loan agreement entered into under section 297.36 and such refunding or refinancing complies with the maturity period authorized under section 297.36, subsection 1, paragraph “c”, and results in a lower amount of interest on the amount of the loan agreement. However, the rate imposed by a school district under this paragraph shall not exceed the rate imposed during the budget year in which the loan agreement was refunded or refinanced. Authorization to exceed the levy rate limitations of paragraph “a” shall terminate upon the maturity of the loan agreement after refunding or refinancing. Upon adoption of the resolution under this paragraph “b”, the board shall comply with the requirements of section 297.36, subsection 1, paragraph “b”.

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

Approved June 26, 2015

CHAPTER 123

TRANSPORTATION — MISCELLANEOUS CHANGES

H.F. 635

AN ACT relating to matters under the purview of the department of transportation, providing fees, and including effective date provisions.

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

DIVISION I AVIATION

Section 1. Section 23A.2, subsection 9, Code 2015, is amended to read as follows:

9. The state department of transportation may, in accordance with chapter 17A, provide for exemption from the application of subsection 1 for the activities related to highway maintenance, highway design and construction, publication and distribution of transportation maps, ~~state aircraft pool operations~~, inventory sales to other state agencies and political subdivisions, equipment management and disposal, vehicle maintenance and repair services for other state agencies, and other similar essential operations.

Sec. 2. REPEAL. Section 328.38, Code 2015, is repealed.

DIVISION II
TRANSPORTATION DEPARTMENT AND COMMISSION
DEPARTMENT OF TRANSPORTATION

Sec. 3. Section 307.8, Code 2015, is amended to read as follows:

307.8 Expenses.

~~Members of the commission, the~~ The director, and other employees of the department shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses and salaries shall be paid from appropriations for such purposes and the department shall be subject to the budget requirements of chapter 8.

Sec. 4. Section 307.12, subsection 1, paragraphs g and p, Code 2015, are amended to read as follows:

g. Appoint the ~~deputy director of transportation and the~~ administrators of within the department.

p. ~~Administer chapter 327J~~ Apply for, accept, and expend federal, state, or private funds for the improvement of transportation.

Sec. 5. Section 307.12, subsection 1, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. q. Coordinate the transportation research activities within the department.

Sec. 6. Section 307.12, subsection 2, Code 2015, is amended to read as follows:

2. If in the interest of the state, the director may allow a subsistence expense to an employee under the supervision of the department's administrator ~~for highways responsible for highway programs and activities~~ for continuous stay in one location while on duty away from established headquarters and place of domicile for a period not to exceed forty-five days; and allow automobile expenses in accordance with section 8A.363, for moving an employee and the employee's family from place of present domicile to new domicile, and actual transportation expense for moving of household goods. The household goods for which transportation expense is allowed shall not include pets or animals.

Sec. 7. Section 307.21, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The department's administrator of ~~administrative services~~ responsible for the operations and finances of the department shall:

Sec. 8. Section 307.21, subsection 7, Code 2015, is amended to read as follows:

7. The administrator of ~~administrative services~~ may purchase items from the department of administrative services and may cooperate with the director of the department of administrative services by providing purchasing services for the department of administrative services.

Sec. 9. Section 307.22, Code 2015, is amended to read as follows:

307.22 Planning and ~~research~~ programming activities.

1. The department's administrator ~~of~~ responsible for transportation ~~planning and research infrastructure program development~~ shall:

a. Assist the director in planning all modes of transportation in order to develop an integrated transportation system providing adequate transportation services for all citizens of the state.

b. Develop and maintain transportation statistical data for the department.

c. Assist the director in establishing, analyzing, and evaluating alternative transportation policies for the state.

d. Coordinate planning ~~and research~~ duties and responsibilities with the planning functions carried on by other administrators of the department.

e. (1) Annually report by July 1 of each year, for both secondary and farm-to-market systems, miles of earth, granular, and paved surface roads; the daily vehicle miles of travel; and lineal feet of bridge deck under the jurisdiction of each county's secondary road department, as of the preceding January 1, taking into account roads whose jurisdiction has been transferred from the department to a county or from a county to the department during the previous year. The annual report shall include those roads transferred to a county pursuant to section 306.8A.

(2) Miles of secondary and farm-to-market roads shall not include those miles of farm-to-market extensions within cities under five hundred population that are placed under county secondary road jurisdiction pursuant to section 306.4.

(3) The annual report of updated road and bridge data of both the secondary and farm-to-market roads shall be submitted to the Iowa county engineers association service bureau.

f. Advise and assist the director to study and develop highway transport economics to assure availability and productivity of highway transport services.

f. g. Perform such other planning functions as may be assigned by the director.

2. ~~The functions function of planning and research do~~ does not include the detailed design of highways or other modal transportation facilities, but ~~are~~ is restricted to the needs of this state for multimodal transportation systems.

Sec. 10. Section 307.24, Code 2015, is amended to read as follows:

307.24 Administration of highways highway programs and activities.

The department's administrator of highways is responsible for the planning responsible for highway programs and activities shall plan, design, construction construct, and maintenance of maintain the state primary highways and shall administer chapters 306 to through 306C, chapters 309 through 314, chapters 316 through 318, and chapter 320 and perform other duties as assigned by the director. The administration of highways department shall be:

1. Be organized to provide administration assistance for urban systems, for and secondary roads, and to provide other categories of administration assistance as necessary.

2. Devise and adopt standard plans of highway construction and furnish the same to the counties and provide information to the counties on the maintenance practices and policies of the department.

3. Order the removal or alteration of any lights or light-reflecting devices, whether on public or private property, other than railroad signals or crossing lights, located adjacent to a primary road and within three hundred feet of a railroad crossing at grade, which in any way interfere with the vision of or may be confusing to a person operating a motor vehicle on such primary road in observing the approach of trains or in observing signs erected for the purpose of giving warning of such railroad crossing.

4. Order the removal or alteration of any lights or light-reflecting devices, whether on public or private property, located adjacent to a primary road and within three hundred feet of an intersection with another primary road, which in any way interfere with the vision of or may be confusing to a person operating a motor vehicle on such primary road in observing the approach of other vehicles or signs erected for the purpose of giving warning of such intersection.

5. Construct, reconstruct, improve, and maintain state institutional roads and state park roads which are part of the state park, state institution, and other state land road system as defined in section 306.3, and bridges on such roads, roads located on state fairgrounds as defined in chapter 173, and the roads and bridges located on property of community colleges as defined in section 260C.2, upon the request of the state board, department, or commission which has jurisdiction over such roads. This shall be done in such manner as may be agreed upon by the state transportation commission and the state board, department, or commission which has jurisdiction. The commission may contract with any county or municipality for the construction, reconstruction, improvement, or maintenance of such roads and bridges. Any state park road which is an extension of either a primary or secondary highway which both enters and exits from a state park at separate points shall be constructed, reconstructed, improved, and maintained as provided in section 306.4. Funds allocated from the road use

tax fund for the purposes of this subsection shall be apportioned in the following manner and amounts:

- a. For department of natural resources facility roads, forty-five and one-half percent.
- b. For department of human services facility roads, six and one-half percent.
- c. For department of corrections facility roads, five and one-half percent.
- d. For national guard facility roads, four percent.
- e. For state board of regents facility roads, thirty percent.
- f. For state fair board facility roads, two percent.
- g. For department of administrative services facility roads, one-half percent.
- h. For department of education facility roads, six percent.

Sec. 11. Section 307.26, Code 2015, is amended to read as follows:

307.26 ~~Rail and water~~ Administration of modal programs and activities.

The department's administrator responsible for rail and water modal programs and activities shall:

1. Advise and assist the director in conducting research on the basic railroad problems and identify the present capability of the existing railroads in order to determine the present obligation of the railroads to provide acceptable levels of public service the development of aeronautics, including but not limited to the location of air terminals, accessibility of air terminals by other modes of public transportation, protective zoning provisions considering safety factors, noise, and air pollution, facilities for private and commercial aircraft, air freight facilities, and such other physical and technical aspects as may be necessary to meet present and future needs.

2. Advise and assist the director in the study of local and regional transportation of goods and people including intracity and intercity bus systems, dial-a-bus facilities, rural and urban bus and taxi systems, the collection of data from these systems, the study of the feasibility of increased government subsidy assistance and the allocation of such subsidies to each mass transportation system, the study of such other physical and technical aspects which may be necessary to meet present and future needs, and the application for, acceptance of, and expending of federal, state, or private funds for the improvement of mass transit.

2. 3. Advise and assist the director in the development of rail transportation systems and programs for expansion of improving passenger and freight services.

3. 4. Advise and assist the director in developing programs in anticipation of railroad abandonment, including:

a. Development and evaluation of programs which will encourage improvement of rail freight and the upgrading of rail lines in order to improve freight service.

b. Development of alternative modes of transportation to areas and communities which lose rail service.

e. b. Advise Advising the director when it may appear in the best interest of the state to assume the role of advocate in railroad abandonments and railroad rate schedules.

4. 5. Develop and maintain a federal-state relationship of programs relating to railroad safety enforcement, track standards, rail equipment, operating rules, and transportation of hazardous materials.

6. Make surveys, plans, and estimates of cost for the elimination of danger at railroad crossings on highways, and confer with local and railroad officials with reference to elimination of the danger.

5. 7. Advise and assist the director in the conduct of research on railroad-highway grade crossings and encourage and develop a safety program in order to reduce injuries or fatalities including; but not limited to, the following:

a. The implementation of a program of constructing rumble strips at grade crossings on selected hard surface roads.

b. a. The establishment of standards for warning devices for particularly hazardous crossings or for classes of crossings on highways, which standards are shall be designed to reduce injuries, fatalities, and property damage. Such standards shall regulate the use of warning devices and signs, which shall be in addition to the requirements of section 327G.2. Implementation of such standards shall be the responsibility of the government agency or department or political subdivision having jurisdiction and control of the highway and

such implementation shall be deemed adequate for the purposes of railroad grade crossing protection. The department, or the political subdivision having jurisdiction, may direct the installation of temporary protection while awaiting installation of permanent protection. A railroad crossing shall not be found to be particularly hazardous for any purpose unless the department has determined it to be particularly hazardous.

~~e. b.~~ The development and adoption of classifications of crossings on public highways based upon their characteristics, conditions, and hazards, and standards for warning devices, signals, and signs of each crossing classification. The department shall recommend a schedule for implementation of the standards to the government agency, department, or political subdivision having jurisdiction of the highway and shall provide an annual report to the general assembly on the development and adoption of classifications and standards under this paragraph and their implementation, including information about financing installation of warning devices, signals, and signs. The department shall not be liable for the development or adoption of the classifications or standards. A government agency, department, or political subdivision shall not be liable for failure to implement the standards. A crossing warning or improvement installed or maintained pursuant to standards adopted by the department under this paragraph shall be deemed an adequate and appropriate warning for the crossing.

~~6. Apply for, accept, and expend federal, state or private funds for the improvement of rail transportation.~~

~~7. 8. Advise and assist the director on studies for coordination of railway service with that of other to assure availability, efficiency, and productivity of freight and passenger services and to promote the coordination of service between all transportation modes.~~

~~8. 9. Advise and assist the director with studies of regulatory changes deemed necessary to effectuate economical and efficient railroad service.~~

~~9. 10. Advise and assist the director regarding agreements with railroad corporations for the restoration, conservation, or improvement of railroad as defined in section 327D.2, subsection 3, on such terms, conditions, rates, rentals, or subsidy levels as may be in the best interest of the state. The commission may enter into contracts and agreements which are binding only to the extent that appropriations have been or may subsequently be made by the legislature to effectuate the purposes of this subsection.~~

~~10. 11. Administer chapters 324A, 327C through 327H, 327J, 328, 329, and 330.~~

~~12. Administer programs and activities in chapters 306D, 307C, 308A, and 315.~~

~~11. 13. Perform such other duties and responsibilities as may be assigned by the director and the commission.~~

~~12. Advise and assist in the establishment and development of railroad districts upon request.~~

~~13. Conduct innovative experimental programs relating to rail transportation problems within the state.~~

~~14. Enter the role of "applicant" pursuant to the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. No. 94-210, and take such actions as are necessary to accomplish this role.~~

~~15. Identify those segments of railroad trackage which, if improved, may provide increased transportation services for the citizens of this state. The department shall develop and implement programs to encourage the improvement of rail freight services on such railroad trackage.~~

~~16. 14. Promote river transportation and coordinate river programs with other transportation modes.~~

~~17. 15. Advise and assist the director in the development of river transportation and port facilities in the state.~~

Sec. 12. Section 307.27, Code 2015, is amended to read as follows:

307.27 Motor vehicles, motor carriers, and drivers.

The department's administrator responsible for the enforcement and regulation of motor carriers, registration of motor vehicles, and licensing of drivers shall:

1. Administer and supervise the registration of motor vehicles and the licensing of drivers pursuant to chapter 321.

2. Administer and supervise the licensing of motor vehicle manufacturers, distributors, and dealers pursuant to chapter 322.

3. Administer the inspection of motor vehicles pursuant to chapter 321.

4. Administer motor vehicle registration reciprocity pursuant to chapter 326.

5. Administer the provisions of chapters 321A, 321E, 321F, and 321J relating to motor vehicle financial responsibility, the implied consent law, the movement of vehicles of excessive size and weight, and the leasing and renting of vehicles.

6. Administer the regulation of motor vehicle franchisers pursuant to chapter 322A.

7. Administer the regulation of motor carriers pursuant to ~~chapter~~ chapters 325A, 326, and 327B.

8. Administer the registration of interstate authority of motor carriers pursuant to chapter 327B as provided in 49 U.S.C. §14504a and United States department of transportation regulations.

9. Administer chapters 321C, 321D, 321H, 321L, 321M, and 322C.

Sec. 13. Section 307.45, Code 2015, is amended to read as follows:

307.45 State-owned lands — assessment.

1. Cities and counties may assess the cost of a public improvement against the state when the improvement benefits property owned by the state and under the jurisdiction and control of the ~~department's administrator of highways department.~~ The director shall pay from the primary road fund the portion of the cost of the improvement which would be legally assessable against the land if privately owned.

2. Assessments against property under the jurisdiction of the ~~department's administrator of highways department~~ shall be made in the same manner as those made against private property, except that the city or county making the assessment shall cause a copy of the public notice of hearing to be mailed to the director by certified mail.

3. Assessments against property owned by the state and not under the jurisdiction and control of the ~~department's administrator of highways department~~ shall be made in the same manner as those made against private property and payment shall be subject to authorization by the executive council. There is appropriated from moneys in the general fund not otherwise appropriated an amount necessary to pay the expense authorized by the executive council.

Sec. 14. Section 307.47, subsections 1 and 3, Code 2015, are amended to read as follows:

1. The highway materials and equipment revolving fund is created from moneys appropriated out of the primary road fund. From this fund shall be paid all costs for materials and supplies, inventoried stock supplies, maintenance and operational costs of equipment, and equipment replacements incurred in the operation of centralized purchasing under the supervision of the ~~department's administrator of highways~~ administrator responsible for highway programs and activities. Direct salaries and expenses properly chargeable to direct salaries shall be paid from the fund. For each month the ~~director administrator responsible for the operations and finances of the department~~ shall render a statement to each highway unit ~~under the supervision of the administrator of highways~~ for the actual cost of materials and supplies, operational and maintenance costs of equipment, and equipment depreciation used. The expense shall be paid by the administrator of highways responsible for the operations and finances of the department in the same manner as other interdepartmental billings are paid and ~~when the expense is paid by the administrator of highways, the~~ The sum paid shall be credited to the highway materials and equipment revolving fund.

3. ~~When the units under the supervision of the administrator of highways share a highway unit shares equipment with other another administrative units unit of the department, the director shall prorate the costs of the equipment among the administrative units using the equipment.~~

Sec. 15. REPEAL. Sections 307.3, 307.4, 307.5, 307.6, 307.7, 307.9, 307.10, 307.25, 307.35, and 307.43, Code 2015, are repealed.

STATE TRANSPORTATION COMMISSION

Sec. 16. NEW SECTION. 307A.1A Transportation commission.

1. There is created a state transportation commission which shall consist of seven members, not more than four of whom shall be from the same political party. The governor shall appoint the members of the state transportation commission for a term of four years beginning and ending as provided by section 69.19, subject to confirmation by the senate.

2. The commission shall meet in May of each year for the purpose of electing one of its members as chairperson.

Sec. 17. Section 307A.2, subsections 1 and 2, Code 2015, are amended by striking the subsections and inserting in lieu thereof the following:

1. Develop, coordinate, and annually update a comprehensive transportation policy and plan for the state.

2. Promote the coordinated and efficient use of all available modes of transportation for the benefit of the state and its citizens including but not limited to the designation and development of multimodal public transfer facilities if carriers or other private businesses fail to develop such facilities.

Sec. 18. Section 307A.2, subsections 3, 4, 5, 6, 7, 8, 9, 10, and 11, Code 2015, are amended by striking the subsections.

Sec. 19. Section 307A.2, subsection 12, Code 2015, is amended to read as follows:

12. Prepare, adopt, and cause to be published a long-range program for the primary road system, in conjunction with the state transportation plan adopted by the commission. Such program shall be prepared for a period of at least five years and shall be revised, brought up-to-date, and republished at least once every year in order to have a continuing five-year program. The program shall include, insofar as such estimates can be made, an estimate of the money expected to become available during the period covered by the program and a statement of the construction, maintenance, and other work planned to be performed during such period. The commission shall conduct periodic reinspections of the primary roads in order to revise, from time to time, its estimates of future needs to conform to the physical and service conditions of the primary roads. ~~The commission shall annually cause to be published a sufficiency rating report showing the relative conditions of the primary roads.~~ Before the last day of December of each year, the commission shall adopt and cause to be published from its long-range program, a plan of improvements to be accomplished during the next calendar year. However, in years when the federal government is reauthorizing federal highway funding, the commission shall not be required to adopt and publish the annual plan of improvements to be accomplished until at least ninety days from the enactment of the new federal funding formula. This annual program shall list definite projects in order of urgency and shall include a reasonable year's work with the funds estimated to be available. The annual program shall be final and followed by the commission in the next year except that deviations may be made in case of disaster or other unforeseen emergencies or difficulties. The relative urgency of the proposed improvements shall be determined by a consideration of the physical condition, safety, and service characteristics of the various primary roads.

Sec. 20. Section 307A.2, Code 2015, is amended by adding the following new subsection: NEW SUBSECTION. 15. Approve all rules prior to their adoption by the director pursuant to section 307.12, subsection 1, paragraph "j".

Sec. 21. NEW SECTION. 307A.3 Conflict of interest.

A person shall not serve as a member of the commission if the person has an interest in a contract or job of work or material or the profits thereof or service to be performed for the department. Any member of the commission who accepts employment with or acquires any stock, bonds, or other interest in any company or corporation doing business with the department shall be disqualified from remaining a member of the commission.

Sec. 22. NEW SECTION. 307A.4 Vacancies on commission.

Any vacancy in the membership of the commission shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term. In the event the governor fails to make an appointment to fill a vacancy or fails to submit the appointment to the senate for confirmation as required by section 2.32, the senate may make the appointment prior to adjournment of the general assembly.

Sec. 23. NEW SECTION. **307A.5 Compensation — commission members.**

Each member of the commission shall be compensated as provided in section 7E.6.

Sec. 24. NEW SECTION. **307A.6 Commission meetings.**

The commission shall meet at the call of the chairperson or when any four members of the commission file a written request with the chairperson for a meeting. Written notice of the time and place of each meeting shall be given to each member of the commission. A majority of the commission members shall constitute a quorum.

Sec. 25. NEW SECTION. **307A.7 Expenses.**

Members of the commission shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses and salaries shall be paid from appropriations for such purposes and the commission shall be subject to the budget requirements of chapter 8.

Sec. 26. NEW SECTION. **307A.8 Removal from office.**

Any member of the commission may be removed for any of the causes and in the manner provided in chapter 66 and such removal shall not be in lieu of any other punishment that may be prescribed by the laws of this state.

CONFORMING AMENDMENTS

Sec. 27. Section 173.16, unnumbered paragraph 1, Code 2015, is amended to read as follows:

All expenses incurred in maintaining the state fairgrounds and in conducting the annual fair on ~~at~~ the state fairgrounds, including the compensation and expenses of the officers, members, and employees of the board, shall be recorded by the secretary and paid from the state fair receipts, unless a specific appropriation has been provided for that purpose. The board may request special capital improvement appropriations from the state and may request emergency funding from the executive council for natural disasters. The board may request that the department of transportation provide maintenance in accordance with section ~~307A.2~~ 307.24, subsection ~~11~~ 5.

Sec. 28. Section 312.2, subsection 2, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The treasurer of state shall before making the allotments in subsection 1 credit annually to the highway grade crossing safety fund the sum of seven hundred thousand dollars, credit annually from the road use tax fund the sum of nine hundred thousand dollars to the highway railroad grade crossing surface repair fund, credit monthly to the primary road fund the dollars yielded from an allotment of sixty-five hundredths of one percent of all road use tax funds for the express purpose of carrying out section ~~307A.2~~ 307.24, subsection ~~11~~ 5, section 313.4, subsection 2, and section 307.45, and credit annually to the primary road fund the sum of five hundred thousand dollars to be used for paying expenses incurred by the state department of transportation other than expenses incurred for extensions of primary roads in cities. All unobligated funds provided by this subsection, except those funds credited to the highway grade crossing safety fund, shall at the end of each year revert to the road use tax fund. Funds in the highway grade crossing safety fund shall not revert to the road use tax fund except to the extent they exceed five hundred thousand dollars at the end of any biennium. The cost of each highway railroad grade crossing repair project shall be allocated in the following manner:

Sec. 29. Section 312.4, subsection 5, Code 2015, is amended to read as follows:

5. The amount of the road use tax fund which has been credited to carry out the provisions of section ~~307A.2~~ 307.24, subsection ~~4~~ 5, section 313.4, subsection 2, and section 307.45.

Sec. 30. Section 313.4, subsection 2, Code 2015, is amended to read as follows:

2. Such fund is also appropriated and shall be used for the construction, reconstruction, improvement and maintenance of state institutional roads and state park roads and bridges on such roads and roads and bridges on community college property as provided in section ~~307A.2~~ 307.24, subsection ~~4~~ 5, for restoration of secondary roads used as primary road detours and for compensation of counties for such use, for restoration of municipal streets so used and for compensation of cities for such use, and for the payments required in section 307.45.

DIVISION III MOTOR VEHICLES

Sec. 31. Section 321.1, subsection 36C, paragraphs b and c, Code 2015, are 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~~ 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 consecutive days in one location it shall be classed as a manufactured or mobile home regardless of the size limitations provided in this paragraph.

c. “*Fifth-wheel travel trailer*” means a type of travel trailer which is towed by a pickup by a connecting device known as a fifth wheel. However, this type of travel trailer may have an overall length which shall not exceed ~~forty~~ forty-five feet.

Sec. 32. Section 321.19, subsection 1, unnumbered paragraph 2, Code 2015, is amended to read as follows:

The department shall furnish, on application, free of charge, distinguishing plates for vehicles thus exempted, which plates except plates on state patrol vehicles shall bear the word “official” and the department shall keep a separate record. Registration plates issued for state patrol vehicles, except unmarked patrol vehicles, shall bear two red stars on a yellow background, one before and one following the registration number on the plate, which registration number shall be the officer’s badge number. Registration plates issued for county sheriff’s patrol vehicles shall display one seven-pointed gold star followed by the letter “S” and the call number of the vehicle. However, the director of the department of administrative services or the director of transportation may order the issuance of regular registration plates for any exempted vehicle used by peace officers or federal law enforcement officers in the enforcement of the law, persons enforcing chapter 124 and other laws relating to controlled substances, persons in the department of justice, the alcoholic beverages division of the department of commerce, disease investigators of the Iowa department of public health, the department of inspections and appeals, and the department of revenue, who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying “official” state registration plates, persons who are federal agents or officers regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying “official” registration plates, persons in the Iowa lottery authority whose regularly assigned duties relating to security or the carrying of lottery tickets cannot reasonably be conducted with a vehicle displaying “official” registration plates, persons in the economic development authority who are regularly assigned duties relating to existing industry expansion or business attraction, and mental health professionals or health care professionals who provide off-site or in-home medical or mental health services to clients of publicly funded programs. For purposes of sale of exempted vehicles, the exempted governmental body, upon the sale of the exempted vehicle,

may issue for in-transit purposes a pasteboard card bearing the words "Vehicle in Transit", the name of the official body from which the vehicle was purchased, together with the date of the purchase plainly marked in at least one-inch letters, and other information required by the department. The in-transit card is valid for use only within forty-eight hours after the purchase date as indicated on the bill of sale which shall be carried by the driver.

Sec. 33. Section 321.189, subsection 6, Code 2015, 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 ~~one ten~~ 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. 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.

Sec. 34. Section 321.215, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Notwithstanding any provision of this chapter to the contrary, the department may issue a temporary restricted license to a person eligible for a temporary restricted license under this section if the person is also eligible for a temporary restricted license under section 321J.20, provided the requirements of each section are satisfied.

Sec. 35. Section 321E.29, subsection 2, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Annual permits may be issued for vehicles with divisible loads of hay, straw, ~~or~~ stover, or bagged livestock bedding without a finding of special or emergency situations if the movement meets the requirements of this chapter, provided the following limits are not exceeded:

Sec. 36. Section 321J.20, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Notwithstanding any provision of this chapter to the contrary, the department may issue a temporary restricted license to a person eligible for a temporary restricted license under this section if the person is also eligible for a temporary restricted license under section 321.215, provided the requirements of each section are satisfied.

Sec. 37. Section 321L.2, subsection 3, paragraph b, subparagraph (1), Code 2015, is amended to read as follows:

(1) (a) A Subject to subparagraph division (b), a statement printed on it as follows: "Unauthorized use of this placard as indicated in Iowa Code chapter 321L may result in a fine, invalidation of the placard, or revocation of the right to use the placard. This placard shall be displayed only when the vehicle is parked in a persons with disabilities parking space or in a parking space not designated as a persons with disabilities parking space if a wheelchair parking cone is used pursuant to Iowa Code section 321L.2A."

(b) After the department has issued the existing supply of placards bearing the statement set forth in subparagraph division (a), the statement printed on each newly issued placard shall be as follows: "Remove from mirror before operating vehicle."

Sec. 38. Section 322.5, subsection 2, paragraph a, subparagraph (2), Code 2015, is amended to read as follows:

(2) Display, offer for sale, and negotiate sales of new motor vehicles at fair events, as defined in chapter 174, the state fair, as discussed in chapter 173, vehicle shows, and vehicle exhibitions, upon application for and receipt of a temporary permit issued by the department. Such activities may only be conducted at a fair events event, the state fair, a vehicle shows show, and or a vehicle exhibitions that are exhibition, if the fair event, state fair, vehicle show,

or vehicle exhibition is held in the motor vehicle dealer's community, as defined in section 322A.1, for the vehicles that are displayed and offered for sale. A sale of a motor vehicle by a motor vehicle dealer shall not be completed and an agreement for the sale of a motor vehicle shall not be signed at a fair event, the state fair, a vehicle show, or a vehicle exhibition. All such sales shall be consummated at the motor vehicle dealer's principal place of business.

Sec. 39. Section 322C.2, subsection 10, Code 2015, is amended to read as follows:

10. "*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 persons. The vehicle may be up to eight feet six inches in width and its overall length shall not exceed ~~forty~~ forty-five feet. "*Travel trailer*" does not include a vehicle that is so designed to permit it to be towed exclusively by a motorcycle.

Sec. 40. Section 326.14, subsection 3, Code 2015, is amended to read as follows:

3. An application for renewal of registration shall be postmarked or received in the office of motor carrier services of the department no later than the last day of the registration expiration month. A ~~five percent~~ late filing penalty equal to five percent of the fees due to the state of Iowa shall be assessed to an application for renewal postmarked or received on or after the first day following the last day of the registration expiration month, with an additional five percent penalty assessed the first of each month thereafter until the application is filed. The enforcement deadline for failure to display a registration plate and registration is 12:01 a.m. of the first day following the last day of the registration expiration month.

Sec. 41. Section 326.16, subsections 2 and 3, Code 2015, are amended to read as follows:

2. A ~~five percent~~ late payment penalty equal to five percent of the fees due to the state of Iowa shall be assessed if an invoice is not paid within thirty days of the invoice date, with an additional five percent penalty assessed the first of each month thereafter until all fees and penalties are paid. In addition, the fees due for registration in this state shall be a debt due to the state of Iowa.

3. Failure to receive a renewal notice or an invoice by mail, facsimile transmission, or any other means of delivery does not relieve the registrant of the financial responsibility for the renewal fees, invoiced amount, or accrued penalties. Late penalties calculated by the department in accordance with this chapter shall remain due to the state of Iowa until the fees and penalties are received.

Sec. 42. EFFECTIVE DATE. The following provisions of this division of this Act take effect January 1, 2016:

1. The section of this Act amending section 326.14.
2. The section of this Act amending section 326.16.

DIVISION IV RAIL TRANSPORTATION

Sec. 43. REPEAL. Sections 327F.14, 327F.18, 327F.19, 327F.20, 327F.26, 327F.34, 327F.35, 327G.13, 327G.14, 327G.22, 327G.23, 327G.28, and 327H.25, Code 2015, are repealed.

DIVISION V COMMERCIAL LEARNER'S PERMITS

Sec. 44. Section 321.1, subsections 11 and 20A, Code 2015, are amended to read as follows:

11. For purposes of administering and enforcing the commercial driver's license provisions:

- a. "*Commercial driver*" means the operator of a commercial motor vehicle.
- b. "*Commercial driver's license*" means ~~a driver's license valid for the operation of a commercial motor vehicle~~ commercial driver's license as defined in 49 C.F.R. §383.5.

c. “Commercial driver’s license information system” means the national information system established to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

d. “Commercial learner’s permit” means commercial learner’s permit as defined in 49 C.F.R. §383.5.

~~d.~~ e. “Commercial motor carrier” means a person responsible for the safe operation of a commercial motor vehicle.

e. ~~f.~~ “Commercial motor vehicle” means a motor vehicle or combination of vehicles used to transport passengers or property if any of the following apply:

(1) The combination of vehicles has a gross combination weight rating or gross combination weight, whichever is greater, of twenty-six thousand one or more pounds ~~provided the, including a towed vehicle or vehicles have having~~ a gross weight rating or gross combination vehicle weight rating, whichever is greater, of ten thousand one or more pounds.

(2) The motor vehicle has a gross vehicle weight rating or gross vehicle weight, whichever is greater, of twenty-six thousand one or more pounds.

(3) The motor vehicle is designed to transport sixteen or more persons, including the operator, or is of a size and design to transport sixteen or more persons, including the operator, but is redesigned or modified to transport less than sixteen persons with disabilities.

(4) The motor vehicle is used in the transportation of hazardous material of a type or quantity requiring vehicle placarding.

~~f.~~ g. “Employer” means any person, including the United States, a state, the District of Columbia, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns an employee to operate such a vehicle.

~~g.~~ h. “Foreign jurisdiction” means a jurisdiction outside the fifty United States, and the District of Columbia, and Canada.

~~h.~~ i. “Nonresident commercial driver’s license” means a commercial driver’s license issued to a person ~~who is not a resident of the United States or Canada domiciled in a foreign jurisdiction meeting the requirements of 49 C.F.R. §383.23(b)(1), or to a person domiciled in another state meeting the requirements of 49 C.F.R. §383.23(b)(2).~~

~~i.~~ j. “Nonresident commercial learner’s permit” means a commercial learner’s permit issued to a person domiciled in a foreign jurisdiction meeting the requirements of 49 C.F.R. §383.23(b)(1), or to a person domiciled in another state meeting the requirements of 49 C.F.R. §383.23(b)(2).

~~i.~~ k. “Tank vehicle” means a commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more that is either permanently or temporarily attached to the vehicle or chassis. For purposes of this paragraph, “tank” does not include a portable tank with a rated capacity of less than one thousand gallons or a permanent tank with a rated capacity of one hundred nineteen gallons or less. A commercial motor vehicle transporting an empty storage container tank not designed for transportation with a rated capacity of one thousand gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

20A. “Driver’s license” means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to a temporary restricted or temporary license and an instruction, chauffeur’s instruction, commercial driver’s instruction learner’s permit, or temporary permit. For purposes of license suspension, revocation, bar, disqualification, cancellation, or denial under this chapter and chapters 321A, 321C, and 321J, “driver’s license” includes any privilege to operate a motor vehicle.

Sec. 45. Section 321.1A, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. a. For purposes of issuing commercial learner’s permits and commercial driver’s licenses under this chapter, there is a rebuttable presumption that a natural person is a resident of this state if all of the following conditions exist:

(1) The person is enrolled in a commercial driver’s license training program administered by an Iowa-based motor carrier, or its subsidiary, designated by the department as a third-party tester pursuant to section 321.187.

(2) The person is in the process of applying for a commercial learner's permit for the purpose of completing the training program.

(3) The person is residing in this state for the duration of the training program.

b. This subsection shall not apply if such application results in noncompliance with 49 C.F.R. pt. 384.

Sec. 46. Section 321.12, subsection 2, Code 2015, is amended to read as follows:

2. Operating records relating to a person who has been issued a commercial driver's license or commercial learner's permit shall be maintained on file in accordance with rules adopted by the department.

Sec. 47. Section 321.56, subsection 3, Code 2015, is amended to read as follows:

3. For purposes of this section, "*commercial motor vehicle*" means as defined in section 321.1, subsection 11, paragraph "*e*" "*f*", subparagraph (2).

Sec. 48. Section 321.174, subsections 2 and 3, Code 2015, are amended to read as follows:

2. a. A person operating a commercial motor vehicle shall not have more than one driver's license. A nonresident may operate a commercial motor vehicle in Iowa if the nonresident has been issued a license by another state, a nonresident commercial driver's license or nonresident commercial learner's permit, or a driver's license issued by a foreign jurisdiction which the federal highway administration has determined to be issued in conformity with the federal commercial driver testing and licensing standards, if the license, commercial driver's license, commercial learner's permit, or driver's license is valid for the vehicle operated.

b. A person who operates a commercial motor vehicle upon the highways of this state without having been issued a driver's license valid for the vehicle operated commits a simple misdemeanor.

c. A person who operates a commercial motor vehicle upon the highways of this state after the person's commercial driver's license or commercial learner's permit has been downgraded to a noncommercial status pursuant to section 321.207 commits a simple misdemeanor.

3. A licensee shall have the licensee's driver's license in immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a judicial magistrate, district associate judge, district judge, peace officer, or examiner of the department. If the licensee has been issued a commercial learner's permit, the licensee's driver's license includes both the licensee's commercial learner's permit and the licensee's underlying commercial or noncommercial driver's license. However, a person charged with violating this subsection shall not be convicted and the citation shall be dismissed by the court if the person produces to the clerk of the district court, prior to the licensee's court date indicated on the citation, a driver's license issued to that person and valid for the vehicle operated at the time of the person's arrest or at the time the person was charged with a violation of this section. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation.

Sec. 49. Section 321.177, subsection 8, Code 2015, is amended to read as follows:

8. To any person to operate a commercial motor vehicle unless the person is eighteen years of age or older and the person qualifies under federal and state law to be issued a commercial driver's license or commercial learner's permit in this state.

Sec. 50. Section 321.180, subsection 2, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

2. a. The department shall adopt rules to administer commercial learner's permits in compliance with the procedures set forth in 49 C.F.R. §383.73. An applicant for a commercial learner's permit must hold a valid class A, B, C, or D driver's license issued in this state, must be at least eighteen years of age, and must meet the qualifications to obtain a valid commercial driver's license, including the requirements set forth in section 321.188, except for the required driving skills test.

b. A commercial learner's permit shall be a separate document from a commercial or noncommercial driver's license. A person operating a vehicle pursuant to a commercial

learner's permit shall have both the commercial learner's permit and the commercial or noncommercial driver's license issued to the person within the person's possession.

c. A commercial learner's permit shall be valid for a period not to exceed one hundred eighty days. A commercial learner's permit may be renewed for an additional one hundred eighty days without retaking the general and endorsement knowledge tests required by section 321.188.

d. A commercial learner's permit shall be valid for the operation of a commercial motor vehicle only when the permit holder is accompanied by a holder of a valid commercial driver's license with the proper commercial driver's license group designation and endorsements necessary to operate the commercial motor vehicle, and who is at all times physically present in the front passenger seat of the vehicle, or in the case of a passenger vehicle, directly behind or in the first row behind the permit holder in a position to directly observe and supervise the permit holder.

(1) When a commercial learner's permit is issued to the holder of a commercial driver's license, this paragraph "d" only applies to the operation of a commercial motor vehicle for which the permit holder's commercial driver's license is not valid.

(2) When a commercial learner's permit is issued to the holder of a noncommercial driver's license, this paragraph "d" only applies to the operation of a commercial motor vehicle.

e. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license. The issuance of a commercial learner's permit is also a precondition to the upgrade of a commercial driver's license if the upgrade requires a driving skills test. The holder of a commercial learner's permit is not eligible to take a driving skills test required by section 321.188 for the first fourteen days after the permit holder is issued the permit.

f. A commercial learner's permit is not valid for the operation of a vehicle transporting hazardous materials as defined in 49 C.F.R. §383.5.

Sec. 51. Section 321.180, subsection 4, Code 2015, is amended to read as follows:

4. The instruction permit, chauffeur's instruction permit, and commercial ~~driver's instruction~~ learner's permit are subject to suspension or revocation for the same reasons and in the same manner as suspension or revocation of a driver's license.

Sec. 52. Section 321.182, subsection 3, Code 2015, is amended to read as follows:

3. Certify that the applicant has no other driver's license and certify that the applicant is a resident of this state as provided in section 321.1A. However, certification of residency is not required for an applicant for a nonresident commercial driver's license ~~who is a foreign national temporarily present in this state, as determined by the department~~ or nonresident commercial learner's permit.

Sec. 53. Section 321.188, subsections 1 and 6, Code 2015, are amended to read as follows:

1. The department shall adopt rules to administer commercial driver's licenses in compliance with the procedures set forth in 49 C.F.R. §383.73. Before the department issues, renews, or upgrades a commercial driver's license and in addition to the requirements of section 321.182, the license applicant shall do all of the following:

a. Certify whether the applicant is subject to and meets applicable driver qualifications of 49 C.F.R. pt. 391 as adopted by rule by the department.

b. Certify the applicant is not subject to any commercial driver's license disqualification and has committed no offense and has not acted in a manner which either alone or with previous actions or offenses could result in commercial driver's license disqualification.

c. Successfully pass knowledge tests and driving skills tests, provide self-certification of type of driving, and provide a medical examiner's certificate prepared by a medical examiner, as defined in 49 C.F.R. §390.5, and provide all other required information, proofs, and certificates, as required by rule by the department. The rules adopted shall substantially comply with the federal minimum testing and licensing requirements in 49 C.F.R. pt. 383, subpts. E, G, and H, as adopted by rule by the department. Except as required under 49 C.F.R. pt. 383, subpt. E, G, or H, a commercial driver's license is renewable without a driving skills test within one year after its expiration date.

d. Certify the vehicle to be operated in the driving skills tests ~~represents the largest class of vehicle~~ is representative of the class of motor vehicle the applicant will operate on the highway.

e. Certify that the applicant is a resident of Iowa or a resident of a foreign jurisdiction.

f. Identify all states where the applicant has been licensed to drive any type of motor vehicle during the previous ten years.

6. a. The department may waive the requirement that an applicant pass a driving skills test specified in this section for an applicant who is on active duty in the military service, or who has separated from such service in the ~~last ninety days past year~~, who certifies that during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:

(1) The applicant has not had more than one driver's license, other than a military license.

(2) The applicant has not had any driver's license suspended, revoked, or canceled.

(3) The applicant has not been convicted of an offense committed while operating any type of motor vehicle that is listed as a disqualifying offense in 49 C.F.R. §383.51(b).

(4) The applicant has not had more than one conviction for an offense committed while operating any type of motor vehicle that is listed as a serious traffic violation in 49 C.F.R. §383.51(c).

(5) The applicant has not had a conviction for a violation of a military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident and has no record of a traffic accident in which the applicant was at fault.

b. An applicant for a waiver of the driving skills test under this subsection shall certify and provide evidence as required by the department that the following apply:

(1) The applicant is regularly employed or was regularly employed within the ~~last ninety days past year~~ in a military position requiring operation of a commercial motor vehicle.

(2) The applicant was exempt from commercial driver licensing requirements pursuant to section 321.176A, subsection 3, or a comparable law of another state implementing 49 C.F.R. §383.3(c).

(3) The applicant was operating a motor vehicle representative of the class of motor vehicle the applicant operates or expects to operate for at least two years immediately preceding honorable separation from military service as evidenced by the person's certificate of release or discharge from active duty, commonly referred to as a DD214.

c. An applicant who obtains a driving skills test waiver under this subsection shall take and successfully pass the knowledge test required pursuant to subsection 1.

Sec. 54. Section 321.189, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. A commercial driver's license shall include the licensee's address as required under federal regulations, and the words "commercial driver's license" or "CDL" shall appear prominently on the face of the license. A commercial learner's permit shall include the permit holder's address as required under federal regulations, and the words "commercial learner's permit" or "CLP" with a statement that the permit is invalid unless accompanied by the permit holder's underlying driver's license shall appear prominently on the face of the permit. If the applicant is a nonresident, the license must conspicuously display the word "~~nonresident~~" "nondomiciled".

Sec. 55. Section 321.191, subsections 1, 4, 7, and 9, Code 2015, are amended to read as follows:

1. *Instruction permits.* The fee for an instruction permit, other than a special instruction permit, chauffeur's instruction permit, or commercial ~~driver's instruction~~ learner's permit, is six dollars. The fee for a special instruction permit is ten dollars. The fee for a chauffeur's instruction permit or commercial ~~driver's instruction~~ learner's permit is twelve dollars.

4. *Commercial driver's licenses.* The fee for a commercial driver's license, other than ~~an instruction~~ a commercial learner's permit, for the operation of a commercial motor vehicle is eight dollars per year of license validity.

7. *Endorsements and removal of ~~air brake~~ restrictions.* The fee for a double/triple trailer endorsement, tank vehicle endorsement, ~~and or~~ hazardous materials endorsement is five dollars for each endorsement. The fee for a passenger endorsement or a school bus endorsement is ten dollars. The fee for removal of an air brake, full air brake, manual transmission, tractor-trailer, or passenger vehicle restriction on a commercial driver's license or commercial learner's permit is ten dollars. Fees imposed under this subsection for endorsements or removal of restrictions are valid for the period of the license. Upon renewal of a commercial driver's license, no fee is payable for retaining endorsements or the removal of ~~the air brake~~ a restriction for those endorsements or restrictions which do not require the taking of either a knowledge or a driving skills test for renewal.

9. *Upgrading a license class privilege — fee adjustment.*

a. If an applicant wishes to upgrade a license class privilege, the fee charged shall be prorated on full-year fee increments of the new license in accordance with rules adopted by the department. The expiration date of the new license shall be the expiration date of the currently held driver's license. The fee for a commercial driver's license endorsement, the removal of an ~~air brake~~ a restriction, or a commercial ~~driver's license instruction~~ learner's permit shall not be prorated.

b. As used in this subsection "to upgrade a license class privilege" means to add any privilege to a valid driver's license. The addition of a privilege includes converting from a noncommercial to a commercial license, converting from a noncommercial class C to a class D license, converting an instruction or learner's permit to a class license, adding any privilege to a section 321.189, subsection 7, license, adding an instruction or learner's permit privilege, adding a section 321.189, subsection 7, license to an instruction or learner's permit, and adding any privilege relating to a driver's license issued to a minor under section 321.194 or 321.178.

Sec. 56. Section 321.196, subsections 1 and 4, Code 2015, are amended to read as follows:

1. Except as otherwise provided, if the licensee is between the ages of seventeen years eleven months and seventy-two years on the date of issuance of the license, a driver's license, other than an instruction permit, chauffeur's instruction permit, or commercial ~~driver's instruction~~ learner's permit issued under section 321.180, expires eight years from the licensee's birthday anniversary occurring in the year of issuance, but not to exceed the licensee's seventy-fourth birthday. If the licensee is under the age of seventeen years eleven months or age seventy-two or over, the license is effective for a period of two years from the licensee's birthday anniversary occurring in the year of issuance. A licensee whose license is restricted due to vision or other physical deficiencies may be required to renew the license every two years. If a licensee is a foreign national who is temporarily present in this state, the license shall be issued only for the length of time the foreign national is authorized to be present as verified by the department, not to exceed two years.

4. The department in its discretion may authorize the renewal of a valid driver's license other than a commercial driver's license or commercial learner's permit upon application without an examination provided that the applicant meets one of the following conditions:

a. The applicant satisfactorily passes a vision test as prescribed by the department.

b. The applicant files a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department.

c. The applicant is eligible for license renewal electronically, pursuant to rules adopted by the department. An applicant shall not be eligible for electronic renewal of a driver's license if the most recent previous renewal of the applicant's driver's license occurred electronically.

Sec. 57. Section 321.201, subsection 2, Code 2015, is amended to read as follows:

2. a. Upon cancellation of a commercial driver's license or commercial learner's permit for providing false information or committing fraud in the application, the applicant shall not operate a commercial motor vehicle in this state and shall not be issued a license valid to operate a commercial motor vehicle for a period of sixty days.

b. The department shall disqualify the commercial driver's license or commercial learner's permit of a person convicted or suspected of fraud related to the testing for or issuance of

a commercial driver's license or commercial learner's permit. The department shall adopt rules to administer this paragraph that substantially comply with 49 C.F.R. §383.73(k).

Sec. 58. Section 321.204, subsection 2, Code 2015, is amended to read as follows:

2. The department shall notify the commercial driver's license information system and the commercial motor vehicle administrator in the licensing state, if applicable, of the disqualification of a commercial driver within ten days of any of the following:

a. The disqualification of the commercial driver under section 321.201 or section 321.208 if the disqualification is for sixty days or more.

b. The suspension or revocation of a commercial driver's license or commercial learner's permit if the suspension or revocation is for sixty days or more.

c. The cancellation of a commercial driver's license or commercial learner's permit.

Sec. 59. Section 321.206, Code 2015, is amended to read as follows:

321.206 Surrender of license — duty of court.

If a person is convicted in court of an offense for which this chapter requires mandatory revocation of the person's driver's license or, if the person's license is a commercial driver's license or commercial learner's permit and the conviction disqualifies the person from operating a commercial motor vehicle, the court shall require the person to surrender the driver's license held by the person and the court shall destroy the license or forward the license together with a record of the conviction to the department as provided in section 321.491.

Sec. 60. Section 321.207, Code 2015, is amended to read as follows:

321.207 Downgrade of commercial driver's license or commercial learner's permit.

The department shall adopt rules for downgrading a commercial driver's license or commercial learner's permit to a noncommercial status upon a driver's failure to provide a medical examiner's certificate as required pursuant to section 321.188, subsection 1, paragraph "c", or upon a driver's failure to provide a self-certification of type of driving as required pursuant to section 321.188, subsection 1, paragraph "c". The rules shall substantially comply with 49 C.F.R. §383.71 and 383.73, as adopted by rule by the department.

Sec. 61. Section 321.208, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. Operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the person's commercial driver's license or commercial learner's permit is revoked, suspended, or canceled or the person is disqualified from operating a commercial motor vehicle.

Sec. 62. Section 321.208, subsection 2, unnumbered paragraph 1, Code 2015, is amended to read as follows:

A person is disqualified from operating a commercial motor vehicle for one year upon a conviction or final administrative decision that the person has committed any of the following acts or offenses in any state or foreign jurisdiction while operating a commercial motor vehicle or while operating a noncommercial motor vehicle and holding a commercial driver's license or commercial learner's permit:

Sec. 63. Section 321.208, subsections 3, 5, and 6, Code 2015, are amended to read as follows:

3. A person is disqualified from operating a commercial motor vehicle for three years if an act or offense described in subsection 1 or 2 occurred while the person was operating a commercial motor vehicle transporting hazardous ~~material of a type or quantity requiring vehicle placarding~~ materials as defined in 49 C.F.R. §383.5.

5. A person is disqualified from operating a commercial motor vehicle for life upon a conviction that the person used a commercial ~~or noncommercial~~ motor vehicle in the commission of a felony or aggravated misdemeanor involving the manufacturing, distributing, or dispensing of a controlled substance as defined in section 124.101. A person is disqualified from operating a commercial motor vehicle for life upon a conviction

that the person used a noncommercial motor vehicle in the commission of a felony or aggravated misdemeanor involving the manufacturing, distributing, or dispensing of a controlled substance as defined in section 124.101 and held a commercial driver's license or commercial learner's permit at the time the offense was committed.

6. A person is disqualified from operating a commercial motor vehicle if the person receives convictions for committing within any three-year period two or more of the following offenses while operating a commercial motor vehicle, or while operating a noncommercial motor vehicle and holding a commercial driver's license or commercial learner's permit if the convictions result in the revocation, cancellation, or suspension of the person's commercial driver's license, commercial learner's permit, or noncommercial motor vehicle driving privileges:

a. Operating a commercial motor vehicle upon a highway when not issued a commercial driver's license or commercial learner's permit.

b. Operating a commercial motor vehicle upon a highway when not issued the proper class of commercial driver's license, commercial learner's permit, or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

c. Operating a commercial motor vehicle upon a highway without immediate possession of a commercial driver's license or commercial learner's permit valid for the vehicle operated.

d. Speeding fifteen miles per hour or more over the legal speed limit.

e. Reckless driving.

f. Any violation of the traffic laws, except a parking violation or a vehicle weight violation, which arises in connection with a fatal traffic accident.

g. Following another motor vehicle too closely.

h. Improper lane changes in violation of section 321.306.

i. Violating a state or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a commercial motor vehicle.

j. Violating a state or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor vehicle.

Sec. 64. Section 321.208, subsection 9, paragraph b, Code 2015, is amended to read as follows:

b. For one year upon conviction for the first violation and for not less than three years and not more than five years upon conviction for a second or subsequent violation of an out-of-service order while transporting hazardous materials ~~required to be placarded as defined in 49 C.F.R. §383.5~~, or while operating a commercial motor vehicle designed to transport more than fifteen passengers including the driver.

Sec. 65. Section 321.208, subsection 12, paragraph b, Code 2015, is amended to read as follows:

b. The effective date of disqualification shall be thirty days after notification. Immediate notice of disqualification may be served on a person operating a commercial motor vehicle who refused to submit to a test or whose test results indicate an alcohol concentration of 0.04 or more by the peace officer administering the chemical test or, notwithstanding chapter 17A, the department may notify the person by first class mail. If immediate notice is served, the peace officer shall take the commercial driver's license or commercial learner's permit of the driver, if issued within the state, and issue a temporary commercial driver's license or commercial learner's permit effective for only thirty days. The peace officer shall immediately send the person's commercial driver's license or commercial learner's permit to the department in addition to the officer's certification required by this subsection.

Sec. 66. Section 321.208, subsection 13, Code 2015, is amended to read as follows:

13. Upon notice, the disqualified person shall surrender the person's commercial driver's license or commercial learner's permit to the department and the department may issue a driver's license valid only to operate a noncommercial motor vehicle upon payment of ~~a one dollar~~ the fee for a replacement driver's license under section 321.195. The department shall

notify the commercial driver's license information system of the disqualification if required to do so under section 321.204.

Sec. 67. Section 321.208A, subsection 1, Code 2015, is amended to read as follows:

1. A person required to hold a commercial driver's license or commercial learner's permit to operate a commercial motor vehicle shall not operate a commercial motor vehicle on the highways of this state in violation of an out-of-service order issued by a peace officer for a violation of the out-of-service rules adopted by the department. A driver who violates an out-of-service order commits a simple misdemeanor and shall be subject to a fine of not less than two thousand five hundred dollars upon conviction for the first violation of an out-of-service order and not less than five thousand dollars for a second or subsequent violation of an out-of-service order in separate incidents within a ten-year period.

Sec. 68. Section 321.215, subsection 4, Code 2015, is amended to read as follows:

4. The temporary restricted license is not valid to operate a commercial motor vehicle if a commercial driver's license or commercial learner's permit is required for the person's operation of the commercial motor vehicle.

Sec. 69. Section 321.218, subsection 4, Code 2015, is amended to read as follows:

4. A person who operates a commercial motor vehicle upon the highways of this state when disqualified from operating the commercial motor vehicle under section 321.208 or the imminent hazard provisions of 49 C.F.R. §383.52 commits a serious misdemeanor if a commercial driver's license or commercial learner's permit is required for the person to operate the commercial motor vehicle.

Sec. 70. Section 321J.1, subsection 7, Code 2015, is amended to read as follows:

7. "Driver's license" means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to a driver's, commercial driver's, temporary restricted, or temporary license and an instruction, chauffeur's instruction, commercial ~~driver's instruction~~ learner's, or temporary permit.

Sec. 71. Section 321J.8, subsection 1, paragraph c, subparagraph (2), Code 2015, is amended to read as follows:

(2) If the person is operating a noncommercial motor vehicle and holding a commercial driver's license or commercial learner's permit as defined in section 321.1 and either refuses to submit to the test or submits to the test and the results indicate the presence of a controlled substance or other drug or an alcohol concentration equal to or in excess of the level prohibited by section 321J.2, the person is disqualified from operating a commercial motor vehicle for the applicable period under section 321.208 in addition to any revocation of the person's driver's license or nonresident operating privilege which may be applicable under this chapter.

Sec. 72. Section 321J.13, subsection 6, paragraph c, Code 2015, is amended to read as follows:

c. Such a holding by the court in the criminal action is binding on the department, and the department shall rescind the revocation. If the offense for which the revocation was imposed was committed while the person was operating a noncommercial motor vehicle and holding a commercial driver's license or commercial learner's permit and the department disqualified the person from operating a commercial motor vehicle under section 321.208, subsection 2, paragraph "a" or "b", as a result of the revocation, the department shall also rescind the disqualification.

Sec. 73. Section 321J.20, subsection 5, Code 2015, is amended to read as follows:

5. A person holding a temporary restricted license issued by the department under this section shall not operate a commercial motor vehicle on a highway if a commercial driver's license or commercial learner's permit is required for the person's operation of the commercial motor vehicle.

Sec. 74. Section 321M.1, subsections 1 and 5, Code 2015, are amended to read as follows:

1. “*Commercial driver’s license*” means a driver’s license valid for the operation of a commercial motor vehicle, including a commercial learner’s permit, as regulated by chapter 321.

5. “*Driver’s license*” means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to a driver’s, commercial driver’s, temporary restricted, or temporary license and an instruction, chauffeur’s instruction, ~~commercial driver’s instruction~~ learner’s, or temporary permit.

Sec. 75. EMERGENCY RULES. The department of transportation may adopt rules on an emergency basis as provided in section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to implement the provisions of this division of this Act relating to the department’s administration of commercial learner’s permits and commercial driver’s licenses in compliance with the procedures set forth in 49 C.F.R. §383.73 pursuant to this division of this Act, and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any emergency rule adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4, subsection 1.

Sec. 76. EFFECTIVE UPON ENACTMENT. The provisions of this division of this Act relating to emergency rules, being deemed of immediate importance, take effect upon enactment.

Sec. 77. EFFECTIVE UPON ENACTMENT ON OR AFTER JULY 1. Unless otherwise provided, this division of this Act, if approved by the governor on or after July 1, 2015, takes effect upon enactment.

Approved June 26, 2015

CHAPTER 124

SOLAR AND OTHER RENEWABLE ENERGY TAX CREDITS

H.F. 645

AN ACT modifying and enacting provisions relating to specified renewable energy tax credits, and including effective date and retroactive applicability provisions.

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

Section 1. Section 422.11L, subsection 1, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notwithstanding paragraphs “a” and “b” of this subsection, for installations occurring on or after January 1, 2016, the applicable percentages of the federal residential energy efficiency property tax credit related to solar energy and the federal energy credit related to solar energy systems shall be fifty percent.

Sec. 2. Section 422.11L, subsection 4, paragraph a, Code 2015, is amended to read as follows:

a. The cumulative value of tax credits claimed annually by applicants pursuant to this section shall not exceed ~~four five million five hundred thousand~~ four million five hundred thousand dollars. Of this amount, at least one million dollars shall be reserved for claims associated with or resulting from residential solar energy system installations. In the event that the total amount of claims submitted for residential solar energy system installations in a tax year is an amount less than one million dollars, the remaining unclaimed reserved amount shall be made available

for claims associated with or resulting from nonresidential solar energy system installations received for the tax year.

Sec. 3. Section 422.33, subsection 29, paragraph a, Code 2015, is amended to read as follows:

a. The taxes imposed under this division shall be reduced by a solar energy system tax credit equal to sixty percent of the federal energy credit related to solar energy systems provided in section 48(a)(2)(A)(i)(II) and section 48(a)(2)(A)(i)(III) of the Internal Revenue Code, not to exceed twenty thousand dollars. For installations occurring on or after January 1, 2016, the applicable percentage of the federal energy credit related to solar energy systems shall be fifty percent.

Sec. 4. Section 422.60, subsection 12, paragraph a, Code 2015, is amended to read as follows:

a. The taxes imposed under this division shall be reduced by a solar energy system tax credit equal to sixty percent of the federal energy credit related to solar energy systems provided in section 48(a)(2)(A)(i)(II) and section 48(a)(2)(A)(i)(III) of the Internal Revenue Code, not to exceed twenty thousand dollars. For installations occurring on or after January 1, 2016, the applicable percentage of the federal energy credit related to solar energy systems shall be fifty percent.

Sec. 5. Section 476C.1, subsection 6, paragraph b, subparagraph (4), Code 2015, is amended to read as follows:

(4) An electric cooperative association organized pursuant to chapter 499 that sells electricity to end users located in this state, a municipally owned city utility as defined in section 362.2, or a public utility subject to rate regulation pursuant to chapter 476.

Sec. 6. Section 476C.3, subsection 4, paragraph b, Code 2015, is amended to read as follows:

b. The maximum amount of energy production capacity equivalent of all other facilities the board may find eligible under this chapter shall not exceed a combined output of ~~fifty-three~~ sixty-three megawatts of nameplate generating capacity and, annually, one hundred sixty-seven billion British thermal units of heat for a commercial purpose.

(1) Of the maximum amount of energy production capacity equivalent of all other facilities found eligible under this chapter, no more than ten megawatts of nameplate generating capacity or energy production capacity equivalent shall be allocated to any one facility.

(2) Of the maximum amount of energy production capacity equivalent of all other facilities found eligible under this chapter, fifty-five billion British thermal units of heat for a commercial purpose shall be reserved annually for an eligible facility that is a refuse conversion facility for processed, engineered fuel from a multicounty solid waste management planning area. The maximum amount of energy production capacity the board may find eligible for a single refuse conversion facility is, annually, fifty-five billion British thermal units of heat for a commercial purpose.

(3) Of the maximum amount of energy production capacity equivalent of all other facilities found eligible under this chapter, ten megawatts of nameplate generating capacity or energy production equivalent shall be reserved for solar facilities with a generating capacity of one and one-half megawatts or less owned or contracted for by utilities described in section 476C.1, subsection 6, paragraph "b", subparagraphs (4) and (5).

Sec. 7. Section 476C.5, Code 2015, is amended to read as follows:

476C.5 Certificate issuance period.

A producer or purchaser of renewable energy ~~may~~ shall receive renewable energy tax credit certificates for a ten-year period for each eligible renewable energy facility under this chapter. The ten-year period for issuance of the tax credit certificates begins with the date the purchaser of renewable energy first purchases electricity, hydrogen fuel, methane gas or other biogas used to generate electricity, or heat for commercial purposes from the eligible renewable energy facility for which a tax credit is issued under this chapter, or the date the producer of the renewable energy first uses the energy produced by the eligible renewable

energy facility for on-site consumption. Renewable energy tax credit certificates shall not be issued for renewable energy purchased or produced for on-site consumption after December 31, 2026.

Sec. 8. Section 533.329, subsection 2, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. 1. The moneys and credits tax imposed under this section shall be reduced by a solar energy system tax credit allowed under section 422.11L.

Sec. 9. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 10. RETROACTIVE APPLICABILITY.

1. Except as provided in subsection 2, the sections of this Act amending section 476C.3, subsection 4, paragraph “b”, and section 476C.5, apply retroactively to January 1, 2014, for tax years beginning on or after that date.

2. The section¹ of this Act amending section 476C.1, subsection 6, and section 476C.3, subsection 4, paragraph “b”, unnumbered paragraph 1, and enacting section 476C.3, subsection 4, paragraph “b”, subparagraph (3), applies² retroactively to January 1, 2015, for tax years beginning on or after that date.

3. The section of this Act amending section 422.11L, subsection 4, paragraph “a”, applies retroactively to January 1, 2015, for tax years beginning on or after that date.

4. The section of this Act enacting section 533.329, subsection 2, paragraph “1”, applies retroactively to January 1, 2015, for tax years beginning on or after that date.

Approved June 26, 2015

CHAPTER 125

TRUSTS, ESTATES, AND PROBATE — TAXATION, FIDUCIARIES, AND SPOUSAL SHARES

H.F. 661

AN ACT relating to probate and estate-related laws, including the deduction of administrative expenses on the Iowa fiduciary income tax return, the Iowa inheritance tax, fiduciaries’ right to property and information, and the surviving spouse’s elective share, and including retroactive and other applicability provisions.

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

DIVISION I FIDUCIARY INCOME TAX

Section 1. Section 422.7, Code 2015, is amended by adding the following new subsection:
NEW SUBSECTION. 57. On the Iowa fiduciary income tax return, subtract the amount of administrative expenses that were not taken or allowed as a deduction in calculating net income for federal fiduciary income tax purposes.

¹ According to enrolled Act; the word “sections” probably intended

² According to enrolled Act; the word “apply” probably intended

DIVISION II
INHERITANCE TAX

Sec. 2. Section 450.9, Code 2015, is amended to read as follows:

450.9 Individual exemptions.

In computing the tax on the net estate, the entire amount of property, interest in property, and income passing to the surviving spouse, ~~and parents, grandparents, great-grandparents, and other lineal ascendants, children including legally adopted children and biological children entitled to inherit under the laws of this state, stepchildren, and grandchildren, great-grandchildren, and other lineal descendants, and stepchildren and their lineal descendants~~ are exempt from tax. “Lineal descendants” includes descendants by adoption.

DIVISION III
FIDUCIARY WRITTEN REQUESTS

Sec. 3. Section 633.78, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

633.78 Fiduciary written request and third-party protection.

1. A fiduciary under this chapter may present a written request to any person for the purpose of obtaining property owned by a decedent or by a ward of a conservatorship for which the fiduciary has been appointed, or property to which a decedent or ward is entitled, or for information about such property needed to perform the fiduciary’s duties. The request must contain statements confirming all of the following:

a. The fiduciary’s authority has not been revoked, modified, or amended in any manner which would cause the representations in the request to be incorrect.

b. The request has been signed by all fiduciaries acting on behalf of the decedent or ward.

c. The request has been sworn and subscribed to under penalty of perjury before a notary public as provided in chapter 9B.

d. A photocopy of the fiduciary’s letters of appointment is being provided with the request.

2. A person to whom a request is presented under this section may require that the fiduciary presenting the request provide proof of the fiduciary’s identity.

3. A person who in good faith provides the property or information a fiduciary requests under this section, after taking reasonable steps to verify the identity of the fiduciary and who has no knowledge that the representations contained in the request are incorrect, shall not be liable to any person for so acting and may assume without inquiry the existence of the facts contained in the request. The period of time to verify the fiduciary’s authority shall not exceed ten business days from the date the person received the request. Any right or title acquired from the fiduciary in consideration of the provision of property or information under this section is not invalid in consequence of a misapplication by the fiduciary. A transaction, and a lien created by a transaction, entered into by the fiduciary and a person acting in reliance upon a request under this section is enforceable against the assets for which the fiduciary has responsibility.

4. If a person refuses to provide the requested property or information within ten business days after receiving a request under this section, the fiduciary may bring an action to recover the property or information or compel its delivery against the person to whom the fiduciary presented the written request. An action brought under this section must be brought within one year after the date of the act or failure to act. If the court finds that the person acted unreasonably in failing to deliver the property or information as requested in the written request, the court may award any or all of the following to the fiduciary:

a. Damages sustained by the decedent’s or ward’s estate.

b. Costs of the action.

c. A penalty in an amount determined by the court, but not less than five hundred dollars or more than ten thousand dollars.

d. Reasonable attorney fees, as determined by the court, based on the value of the time reasonably expended by the attorney and not by the amount of the recovery on behalf of the fiduciary.

5. This section does not limit or change the right of beneficiaries, heirs, or creditors to estate property to which they are otherwise entitled.

DIVISION IV
ELECTIVE SHARE OF SURVIVING SPOUSE

Sec. 4. Section 633.238, Code 2015, is amended to read as follows:

633.238 Elective share of surviving spouse.

1. The elective share of the surviving spouse shall be limited to all of the following:

a. One-third in value of all the legal or equitable estates in real property possessed by the decedent at any time during the marriage which have not been sold on execution or other judicial sale, and to which the surviving spouse has made no express written relinquishment of right, including but not limited to any relinquishments of rights described in paragraph "d".

b. All personal property that, at the time of death, was in the hands of the decedent as the head of a family, exempt from execution.

c. One-third of all personal property of the decedent that is not necessary for the payment of debts and charges.

d. (1) One-third in value of the property held in trust not necessary for the payment of debts and charges over which the decedent was a grantor settlor and retained at the time of death the power to alter, amend, or revoke the trust, or over which the decedent waived or rescinded any such power within one year of the date of death, and to which the surviving spouse has not made any express written relinquishment in compliance with subparagraph (2).

(2) The elective share of the surviving spouse shall not include the value of the property held in a trust described in subparagraph (1), if both of the following are true:

(a) The decedent created the trust after the date of decedent's marriage to the surviving spouse.

(b) Every transfer of property into the trust, except for tangible personal property, included a written statement which complied with this subparagraph division. The written statement shall be in boldface type of a minimum size of ten points, signed and dated by the surviving spouse with a valid notarial acknowledgment, and in substantially the following form:

By signing below, I acknowledge that I am giving up all rights to enjoyment of the property described above, regardless of whether or not I survive my spouse and regardless of any rights Iowa law otherwise gives to me with respect to such property. I am specifically waiving my elective share in the property described in this waiver.

This waiver shall apply regardless of any changes made to the trust in the future, including any change to the beneficiaries of the trust.

2. When a settlor of a revocable trust transfers real property to the trustee of the revocable trust and the settlor's spouse signs a conveyance of the real property to such trustee which includes a general waiver of rights of dower, homestead, and distributive share, the spouse is only relinquishing the right to that real property and its value under subsection 1, paragraph "a", for the purpose of conveying marketable title to a subsequent purchaser from the trustee and is not relinquishing the right to the value of the real estate under subsection 1, paragraph "d", unless the spouse specifically states in writing an intent to relinquish the right to the value of the real estate under subsection 1, paragraph "d". The relinquishment of right under subsection 1, paragraph "a" shall not prevent the surviving spouse from electing one-third in value of such real property under subsection 1, paragraph "d".

2. 3. The elective share described in this section shall be in lieu of any property the spouse would otherwise receive under the last will and testament of the decedent, through intestacy, or under the terms of a revocable trust.

DIVISION V
EFFECTIVE DATE AND APPLICABILITY PROVISIONS

Sec. 5. EFFECTIVE DATE. The section of this Act amending section 450.9 takes effect July 1, 2016.

Sec. 6. APPLICABILITY. The section of this Act amending section 450.9 applies to estates of decedents dying on or after July 1, 2016.

Sec. 7. RETROACTIVE APPLICABILITY.

1. The section of this Act amending section 422.7 applies to Iowa fiduciary income tax returns filed for tax years ending on or after July 1, 2015, and applies retroactively to July 1, 2015, if approved by the governor on or after July 1, 2015.

2. The section of this Act amending section 633.78 applies to written requests presented by a fiduciary on or after July 1, 2015, and applies retroactively to July 1, 2015, if approved by the governor on or after July 1, 2015.

3. The section of this Act amending section 633.238 applies to estates of decedents dying on or after July 1, 2015, and applies retroactively to July 1, 2015, if approved by the governor on or after July 1, 2015.

Approved June 26, 2015

CHAPTER 126

SCHOOL FINANCE — STATE PERCENT OF GROWTH

S.F. 171

AN ACT establishing the state percent of growth and including effective date and retroactive applicability provisions.

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

Section 1. Section 257.8, subsection 1, Code 2015, is amended to read as follows:

1. *State percent of growth.* ~~The state percent of growth for the budget year beginning July 1, 2012, is two percent.~~ The state percent of growth for the budget year beginning July 1, 2013, is two percent. The state percent of growth for the budget year beginning July 1, 2014, is four percent. ~~The state percent of growth for the budget year beginning July 1, 2015, is one and twenty-five hundredths percent.~~ The state percent of growth for each subsequent budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the state percent of growth for a budget year shall be the only subject matter of the bill which enacts the state percent of growth for a budget year.

Sec. 2. CODE SECTION 257.8 — IMPLEMENTATION. The requirement of section 257.8, subsection 1, regarding the enactment of bills establishing the regular program state percent of growth within thirty days of the submission in the year preceding the base year of the governor's budget does not apply to this Act.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 4. RETROACTIVE APPLICABILITY. This Act, if approved by the governor on or after July 1, 2015, applies retroactively to July 1, 2015.

Approved July 2, 2015

CHAPTER 127

SCHOOL FINANCE — CATEGORICAL STATE PERCENT OF GROWTH

S.F. 172

AN ACT establishing the categorical state percent of growth and including effective date and retroactive applicability provisions.

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

Section 1. Section 257.8, subsection 2, Code 2015, 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, 2012, is two percent.~~ The categorical state percent of growth for the budget year beginning July 1, 2013, is two percent. The categorical state percent of growth for the budget year beginning July 1, 2014, is four percent. The categorical state percent of growth for the budget year beginning July 1, 2015, is one and twenty-five hundredths percent. The categorical state percent of growth for each budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the categorical state percent of growth for a budget year shall be the only subject matter of the bill which enacts the categorical state percent of growth for a budget 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. CODE SECTION 257.8 — IMPLEMENTATION. The requirement of section 257.8, subsection 2, regarding the enactment of bills establishing the categorical state percent of growth within thirty days of the submission in the year preceding the base year of the governor's budget does not apply to this Act.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 4. RETROACTIVE APPLICABILITY. This Act, if approved by the governor on or after July 1, 2015, applies retroactively to July 1, 2015.

Approved July 2, 2015

CHAPTER 128SECURITIES, INSURANCE, AND REGULATION OF CEMETERY AND FUNERAL
MERCHANDISE AND SERVICES

H.F. 632

AN ACT relating to various matters involving insurance and the insurance division of the department of commerce and including effective date and retroactive applicability provisions.

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

Section 1. Section 22.7, subsection 58, Code 2015, is amended to read as follows:

58. Information filed with the commissioner of insurance pursuant to sections 523A.204 and, 523A.205, 523A.206, 523A.207, 523A.401, 523A.502A, and 523A.803.

Sec. 2. Section 502.103, Code 2015, is amended to read as follows:

502.103 References to federal statutes.

“Securities Act of 1933”, 15 U.S.C. §77a et seq.; “Securities Exchange Act of 1934”, 15 U.S.C. §78a et seq.; “Public Utility Holding Company Act of 1935”, 15 U.S.C. §79 et seq.; “Investment Company Act of 1940”, 15 U.S.C. §80a-1 et seq.; “Investment Advisers Act of 1940”, 15 U.S.C. §80b-1 et seq.; “Employee Retirement Income Security Act of 1974”, 29 U.S.C. §1001 et seq.; “National Housing Act”, 12 U.S.C. §1701; “Commodity Exchange Act”, 7 U.S.C. §1 et seq.; “Internal Revenue Code”, 26 U.S.C. §1 et seq.; “Securities Investor Protection Act of 1970”, 15 U.S.C. §78aaa et seq.; “Securities Litigation Uniform Standards Act of 1998”, 112 Stat. 3227; “Small Business Investment Act of 1958”, 15 U.S.C. §661 et seq.; and “Electronic Signatures in Global and National Commerce Act”, 15 U.S.C. §7001 et seq.; and “Dodd-Frank Wall Street Reform and Consumer Protection Act”, Pub. L. No. 111–203 mean those federal statutes and the rules and regulations adopted under those federal statutes, as in effect on January 1, 2005 2015.

Sec. 3. Section 502.202, Code 2015, is amended by adding the following new subsection:
NEW SUBSECTION. 24. Intrastate crowdfunding.

a. *Definitions.* As used in this subsection, unless the context otherwise requires:

(1) “*Intermediary*” means a broker-dealer that is subject to the registration requirements of section 502.401 and that facilitates the offer and sale of securities by issuers to investors through an internet-based system that is open to and accessible by the general public. “*Intermediary*” also means an entity registered with the administrator as an Iowa crowdfunding portal.

(2) “*Intrastate crowdfunding*” means the offer or sale of a security by an issuer in a transaction that is available for purchase only by Iowa residents and by business organizations located in, and organized and registered under the laws of, this state.

(3) “*Iowa crowdfunding portal*” means an entity incorporated or organized under the laws of this state, authorized to do business in this state, and engaged exclusively in intrastate crowdfunding offers and sales of exempt securities in this state through an internet site and which does not operate or facilitate a secondary market in securities.

b. *Exemption not available.* The exemption in this subsection is not available to any of the following:

(1) A foreign issuer.

(2) An investment company, as defined in section 3 of the federal Investment Company Act of 1940.

(3) A development stage company that either has no specific business plan or purpose or has indicated that the company’s business plan is to engage in a merger or acquisition with an unidentified company or companies, or other entity or person.

(4) A company with a class of securities registered under the federal Securities Exchange Act of 1934.

(5) Any person who is subject to a disqualifying event as described in the regulations adopted in accordance with section 926 of the federal Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, or in rules adopted by the administrator pursuant to chapter 17A.

c. *Aggregate sales limit.* The aggregate amount of securities sold to all investors by the issuer during the twelve-month period preceding the date of the offer or sale, including any amount sold in reliance upon the exemption in this subsection, shall not exceed one million dollars other than either of the following:

(1) Securities sold to Iowa resident institutional investors.

(2) Securities sold to the Iowa resident issuer’s management.

d. *Individual sales limit.* The aggregate amount of securities sold to an investor by the issuer during the twelve-month period preceding the date of the offer or sale, including any amount sold in reliance upon the exemption in this subsection, shall not exceed five thousand dollars unless the investor is an accredited investor who resides in Iowa. For purposes of this individual sales limit, the following investors shall be treated as one investor:

(1) A relative, spouse, or relative of the spouse of an investor who has the same principal residence as the investor.

(2) A trust or estate in which an investor and any related person collectively have more than fifty percent of the beneficial interest, excluding contingent interests.

(3) A corporation or other organization of which an investor and any related person collectively are beneficial owners of more than fifty percent of the equity securities, excluding directors' qualifying shares, or equity interests.

e. Use of an intermediary. All offers and sales of securities made in reliance upon the exemption in this subsection shall be made through an intermediary's internet site.

f. Notice to administrator. Prior to the offer of any security in this state made in reliance upon the exemption in this subsection, the issuer shall file a notice with the administrator in a form and format approved by the administrator, and including the filing fee specified by rule, if any.

g. Rulemaking. The administrator shall adopt all rules necessary to implement the exemption in this subsection including but not limited to all of the following:

- (1) Mandatory disclosures.
- (2) Restrictions on advertising and communications.
- (3) Target amount, offering period, and escrow requirements.
- (4) Use and compensation of promoters.
- (5) Restrictions on the sale of securities purchased under the exemption in this subsection.
- (6) Sales reports.
- (7) Limitations on the offering price.
- (8) Duties of an intermediary which shall include providing the administrator with continuous investor-level access to the intermediary's internet site.
- (9) Records maintenance.
- (10) Duties and registration requirements for internet site operators.

Sec. 4. Section 502.302, subsection 1, paragraph a, subparagraph (1), Code 2015, is amended to read as follows:

(1) A person who is the issuer of a federal covered security under section 18(b)(2) of the Securities Act of 1933 shall initially make a notice filing and annually renew a notice filing in this state ~~for an indefinite amount or a fixed amount. The fixed amount must be for two hundred fifty thousand dollars.~~

Sec. 5. Section 502.302, subsection 1, paragraph a, subparagraph (2), unnumbered paragraph 1, Code 2015, is amended to read as follows:

A notice filer shall pay a filing fee ~~in the amount of four hundred dollars when the notice is filed. If the amount covered by the notice is indefinite, the notice filer shall pay a filing fee of one thousand dollars. If the amount covered by the notice is fixed, the notice filer shall pay a filing fee of two hundred fifty dollars, and all of the following shall apply:~~

Sec. 6. Section 502.302, subsection 1, paragraph a, subparagraph (2), subparagraph divisions (a) and (b), Code 2015, are amended by striking the subparagraph divisions.

Sec. 7. Section 502.302, subsection 2, Code 2015, is amended to read as follows:

2. *Notice filing effectiveness and renewal.* A notice filing under subsection 1 is effective for one year commencing on the later of the notice filing or the effectiveness of the offering filed with the securities and exchange commission. On or before expiration, the issuer may renew a notice filing by filing a copy of those records filed by the issuer with the securities and exchange commission that are required by rule or order under this chapter to be filed and by paying ~~the a renewal fee required by subsection 1, paragraph "a"~~ of four hundred dollars. A previously filed consent to service of process complying with section 502.611 may be incorporated by reference in a renewal. A renewed notice filing becomes effective upon the expiration of the filing being renewed.

Sec. 8. Section 502.412, subsection 9, Code 2015, is amended to read as follows:

9. *Limit on investigation or proceeding.* The administrator shall not institute a proceeding under subsection 1, 2, or 3 based solely on material facts actually known by the administrator unless an investigation or the proceeding is instituted within ~~one year~~ two years after the administrator actually acquires knowledge of the material facts.

Sec. 9. Section 505.26, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The commissioner shall adopt rules pursuant to chapter 17A that provide requirements, not to exceed seventy-two hours for urgent claims and five calendar days for non-urgent claims, for a health carrier or pharmacy benefits manager to respond to a health care provider's request for prior authorization of prescription drug benefits or to request additional information from a health care provider concerning such a request.

Sec. 10. Section 511.8, subsection 5, paragraphs a and b, Code 2015, are amended to read as follows:

a. (1) If fixed interest-bearing obligations, the net earnings of the issuing, assuming, or guaranteeing corporation available for its fixed charges for a period of five fiscal years next preceding the date of acquisition of the obligations by such insurance company shall have averaged per year not less than one and one-half times such average annual fixed charges of the issuing, assuming, or guaranteeing corporation applicable to such period, and, during at least one of the last two years of such period, its net earnings shall have been not less than one and one-half times its fixed charges for such year; or if, at the date of acquisition, the obligations are ~~adequately secured and have investment qualities and characteristics wherein the speculative elements are not predominant~~ investment grade as defined by the commissioner by rule.

(2) However, with respect to fixed interest-bearing obligations which are issued, assumed, or guaranteed by a financial company, the net earnings by the financial company available for its fixed charges for the period of five fiscal years preceding the date of acquisition of the obligations by the insurance company shall have averaged per year not less than one and one-fourth times such average annual fixed charges of the issuing, assuming, or guaranteeing financial company applicable to such period, and, during at least one of the last two years of the period, its net earnings shall have been not less than one and one-fourth times its fixed charges for such year; or if, at the date of acquisition, the obligations are ~~adequately secured and speculative elements are not predominant in their investment qualities and characteristics~~ investment grade as defined by the commissioner by rule. As used in this subparagraph (2), "*financial company*" means a corporation which on the average over its last five fiscal years preceding the date of acquisition of its obligations by the insurer, has had at least fifty percent of its net income, including income derived from subsidiaries, derived from the business of wholesale, retail, installment, mortgage, commercial, industrial or consumer financing, or from banking or factoring, or from similar or related lines of business.

b. If adjustment, income, or other contingent interest obligations, the net earnings of the issuing, assuming, or guaranteeing corporation available for its fixed charges for a period of five fiscal years next preceding the date of acquisition of the obligations by such insurance company shall have averaged per year not less than one and one-half times such average annual fixed charges of the issuing, assuming, or guaranteeing corporation and its average annual maximum contingent interest applicable to such period and, during at least one of the last two years of such period, its net earnings shall have been not less than one and one-half times the sum of its fixed charges and maximum contingent interest for such year, or if, at the date of acquisition, the obligations are ~~adequately secure and have investment qualities and characteristics and speculative elements are not predominant~~ investment grade as defined by the commissioner by rule.

Sec. 11. Section 511.8, subsection 6, paragraph a, subparagraph (1), subparagraph division (b), unnumbered paragraph 1, Code 2015, is amended to read as follows:

The net earnings available for fixed charges and preferred dividends of the issuing corporation shall have been, for each of the five fiscal years immediately preceding the date of acquisition, not less than one and one-half times the sum of the annual fixed charges and contingent interest, if any, and the annual preferred dividend requirements as of the date of acquisition; or at the date of acquisition the preferred stock ~~has is investment qualities and characteristics wherein speculative elements are not predominant~~ grade as defined by the commissioner by rule.

Sec. 12. Section 511.8, subsection 8, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Securities included under subsections 5, 6, and 7, and subsection 9, paragraph "h", shall not be eligible:

Sec. 13. Section 511.8, subsection 8, paragraph b, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The investments of any company or association in ~~such the securities of a corporation~~ shall not be eligible in excess of exceed the following percentages of the legal reserve of such company or association:

Sec. 14. Section 511.8, subsection 8, paragraph b, subparagraphs (1) and (2), Code 2015, are amended to read as follows:

(1) ~~With the exception of public securities For any one corporation other than a public utility company, two percent of the legal reserve in the securities of any one corporation. Five For any one public utility company, five percent of the legal reserve in the securities of any one public utility corporation.~~

(2) ~~Seventy five percent of the legal reserve in the securities described in subsection 5 issued by other than public utility corporations. Fifty percent of the legal reserve in the For securities described in subsection 5 issued by public utility corporations companies, fifty percent of the legal reserve.~~

Sec. 15. Section 511.8, subsection 9, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. Mezzanine real estate loans subject to the following conditions:

(1) The terms of the mezzanine real estate loan agreement shall do all of the following:

(a) Require that each pledgor abstain from granting additional security interests in the equity interest pledged.

(b) Set forth techniques to minimize the likelihood or impact of a bankruptcy filing on the part of the real estate owner or the mezzanine real estate loan borrower consistent with the national association of insurance commissioners' accounting practices and procedures manual.

(c) Require the real estate owner or mezzanine real estate loan borrower to do all of the following:

(i) Hold no assets other than, in the case of the real estate owner, the real property, and in the case of the mezzanine real estate loan borrower, the equity interest of the real estate owner.

(ii) Not engage in any business other than, in the case of the real estate owner, the ownership and operation of the real estate, and in the case of the mezzanine real estate loan borrower, holding an ownership interest in the real estate owner.

(iii) Not incur additional debt, other than limited trade payables, a first mortgage loan, or mezzanine real estate loans.

(2) At the time of purchase, the sum of the first mortgage and the mezzanine real estate loans shall not exceed ninety percent of the value of the real estate evidenced by a current appraisal and the mezzanine real estate loan shall be classified as CM4 or better in accordance with the national association of insurance commissioners' rating methodology, or an equivalent or successor rating.

(3) The value of a company's or association's total investments qualified under this paragraph "h" shall not exceed three percent of the legal reserve subject to the following conditions:

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

(b) The value of a company's or association's total investments qualified under this paragraph "h" in mezzanine real estate loans classified as CM4 in accordance with the

national association of insurance commissioners' rating methodology or an equivalent or successor rating at the time of purchase shall not exceed one percent of the legal reserve.

(4) For purposes of this paragraph "h", "mezzanine real estate loan" means a loan secured by a pledge of a direct or indirect equity interest in an entity that owns real estate.

Sec. 16. Section 511.8, subsection 13, Code 2015, is amended to read as follows:

13. *Collateral loans.* Loans secured by collateral consisting of any securities assets or investments qualified in under this section, provided the amount of the loan is not in excess of ninety percent of the value of the securities assets or investments. Provided further that subsection 8 shall apply to the collateral securities assets or investments pledged to the payment of loans authorized in qualified under this subsection.

Sec. 17. Section 511.8, subsection 18, paragraph a, Code 2015, is amended to read as follows:

a. (1) Common stocks, or shares, or equity interests issued by solvent corporations or institutions are eligible if the total investment in the common stocks, or shares in, or equity interests of the corporations or institutions does not exceed ten percent of legal reserve, provided not more than one-half percent of the legal reserve is invested in common stocks, or shares, or equity interests of any one corporation or institution. However, the not more than four percent of legal reserve shall be invested in common stocks, or shares shall be, or equity interests which do not meet one of the following requirements:

(a) Are listed or admitted to trading on an established foreign securities exchange or a securities exchange in the United States or shall be.

(b) Are publicly held and traded in the "over-the-counter market" and, provided that market quotations shall be readily available, and further, the investment.

(2) An investment in common stocks, shares, or equity interests shall not create a conflict of interest for an officer or director of the company between the insurance company and the corporation whose common stocks, or shares, or equity interests are purchased.

Sec. 18. Section 511.8, subsection 20, paragraph b, Code 2015, is amended to read as follows:

b. For purposes of this subsection, "venture capital fund" means a corporation, partnership, proprietorship, or other entity formed under the laws of the United States, or a state, district, or territory of the United States, whose principal business is or will be the making of investments in, and the provision of significant managerial assistance to, small businesses which meet the small business administration definition of small business. "Equity interests" means limited partnership interests and other equity interests in which liability is limited to the amount of the investment, but does not mean general partnership interests or other interests involving general liability. "Venture capital fund" includes an equity interest in the Iowa fund of funds as defined in section 15E.62 and an equity interest in an innovation fund as defined in section 15E.52.

Sec. 19. Section 511.8, subsection 22, paragraphs c and d, Code 2015, are amended to read as follows:

c. Investments in financial instruments used in hedging transactions are not eligible in excess of two percent of the legal reserve in the financial instruments of any one corporation, less any securities of that corporation owned by the company or association and in which its legal reserve is invested, except insofar as the financial instruments are collateralized by cash, United States government obligations as authorized by subsection 1, or obligations of or guaranteed by a United States government-sponsored enterprise which on the date they are pledged as collateral are adequately secured and have investment qualities and characteristics wherein the speculative elements are not predominant investment grade as defined by the commissioner by rule, which are deposited with a custodian bank as defined in subsection 21, and held under a written agreement with the custodian bank that complies with subsection 21 and provides for the proceeds of the collateral, subject to the terms and conditions of the applicable collateral or other credit support agreement, to be remitted to the legal reserve deposit of the company or association and to vest in the state in accordance with section 508.18 whenever proceedings under that section are instituted.

d. Investments in financial instruments used in hedging transactions are not eligible in excess of ten percent of the legal reserve, except insofar as the financial instruments are collateralized by cash, United States government obligations as authorized by subsection 1, or obligations of or guaranteed by a United States government-sponsored enterprise which on the date they are pledged as collateral are ~~adequately secured and have investment qualities and characteristics wherein the speculative elements are not predominant~~ investment grade as defined by the commissioner by rule, which are deposited with a custodian bank as defined in subsection 21, and held under a written agreement with the custodian bank that complies with subsection 21 and provides for the proceeds of the collateral, subject to the terms and conditions of the applicable collateral or other credit support agreement, to be remitted to the legal reserve deposit of the company or association and to vest in the state in accordance with section 508.18 whenever proceedings under that section are instituted.

Sec. 20. Section 511.8, subsection 22, paragraph e, subparagraph (1), Code 2015, is amended to read as follows:

(1) Investments in financial instruments of foreign governments or foreign corporate obligations, other than Canada, used in hedging transactions shall be included in the limitation contained in subsection 19 that allows only twenty percent of the legal reserve of the company or association to be invested in such foreign investments, except insofar as the financial instruments are collateralized by cash, United States government obligations as authorized by subsection 1, or obligations of or guaranteed by a United States government-sponsored enterprise which on the date they are pledged as collateral are ~~adequately secured and have investment qualities and characteristics wherein the speculative elements are not predominant~~ investment grade as defined by the commissioner by rule, which are deposited with a custodian bank as defined in subsection 21, and held under a written agreement with the custodian bank that complies with subsection 21 and provides for the proceeds of the collateral, subject to the terms and conditions of the applicable collateral or other credit support agreement, to be remitted to the legal reserve deposit of the company or association and to vest in the state in accordance with section 508.18 whenever proceedings under that section are instituted.

Sec. 21. Section 514G.102, Code 2015, is amended to read as follows:

514G.102 Scope.

The requirements of this chapter apply to policies delivered or issued for delivery in this state on or after July 1, 2008. The requirements of this chapter related to independent review of benefit trigger determinations apply to all claims made on or after January 1, 2009. The requirements of this chapter related to prompt payment of claims and the payment of interest apply to all long-term care insurance policies. This chapter is not intended to supersede the obligations of entities subject to this chapter to comply with the substance of other applicable insurance laws not in conflict with this chapter, except that laws and regulations designed and intended to apply to Medicare supplement insurance policies shall not be applied to long-term care insurance.

Sec. 22. Section 515.35, subsection 4, paragraph m, Code 2015, is amended to read as follows:

m. *Venture capital funds.* Shares or equity interests in venture capital funds which agree to invest an amount equal to at least fifty percent of the investments by a company in small businesses having their principal offices within this state and having either more than one-half of their assets within this state or more than one-half of their employees employed within this state. A company shall not invest more than five percent of its capital and surplus under this paragraph. For purposes of this paragraph, “*venture capital fund*” means a corporation, partnership, proprietorship, or other entity formed under the laws of the United States, or a state, district, or territory of the United States, whose principal business is or will be the making of investments in, and the provision of significant managerial assistance to, small businesses which meet the small business administration definition of small business. “*Equity interests*” means limited partnership interests and other equity interests in which liability is limited to the amount of the investment, but does not mean general partnership interests or

other interests involving general liability. “*Venture capital fund*” includes an equity interest in the Iowa fund of funds as defined in section 15E.62 and an equity interest in an innovation fund as defined in section 15E.52.

Sec. 23. Section 515.125, subsection 2, Code 2015, is amended to read as follows:

2. An insurer shall not fail to renew a policy except by notice to the insured as provided in this chapter. A notice of intention not to renew is not effective unless mailed or delivered by the insurer to the named insured at least thirty days prior to the expiration date of the policy. A notice of intention not to renew is not required if the insured is transferred from an insurer to an affiliate for future coverage as a result of a merger, acquisition, or company restructuring and if the transfer results in the same or broader coverage insurance company admitted in Iowa which is an affiliate of, as defined in section 521A.1, the transferring insurer and all of the following conditions are met:

a. The transfer does not result in an interruption in coverage.

b. The rating of the affiliate from the A.M. Best company or a substitute rating service acceptable to the commissioner, is the same or better than the rating of the transferring insurer.

c. The transfer results in the same or broader coverage.

d. Notice of the transfer is delivered to the insured or sent by first class mail to the insured’s last known address not less than thirty days prior to the transfer. The notice required by this paragraph is not required in the event that the insured requests or consents to the transfer.

e. The notice of transfer provides the name and telephone number of the insured’s insurance producer, agent, or agency, if any.

Sec. 24. Section 515.128, subsection 3, Code 2015, is amended to read as follows:

3. This section applies to all forms of commercial property and casualty insurance written pursuant to this chapter. It does not apply if the insurer has offered to renew or if the insured fails to pay a premium due or any advance premium required by the insurer for renewal. A notice of nonrenewal is not required if the insured is transferred from an insurer to an affiliate for future coverage as a result of a merger, acquisition, or company restructuring and if the transfer results in the same or broader coverage insurance company admitted in Iowa which is an affiliate of, as defined in section 521A.1, the transferring insurer and all of the following conditions are met:

a. The transfer does not result in an interruption in coverage.

b. The rating of the affiliate from the A.M. Best company or a substitute rating service acceptable to the commissioner, is the same or better than the rating of the transferring insurer.

c. The transfer results in the same or broader coverage.

d. Notice of the transfer is delivered to the insured or sent by first class mail to the insured’s last known address not less than forty-five days prior to the transfer. The notice required by this paragraph is not required in the event that the insured requests or consents to the transfer.

e. The notice of transfer provides the name and telephone number of the insured’s insurance producer, agent, or agency, if any.

Sec. 25. Section 521A.5, subsection 4, paragraph d, Code 2015, is amended to read as follows:

d. The board of directors of a domestic insurer shall establish one or more committees comprised solely of directors ~~who~~ or other persons appointed by the board, the majority of whom are not officers or employees of the insurer or of any entity controlling, controlled by, or under common control with the insurer and who are not beneficial owners of a controlling interest in the voting stock of the insurer or any such entity. The committee or committees shall have responsibility for recommending or nominating candidates for director for election by shareholders or policyholders, evaluating the performance of officers deemed to be principal officers of the insurer, and recommending to the board of directors the selection and compensation of the principal officers.

Sec. 26. Section 523A.102, subsection 8, Code 2015, is amended by striking the subsection.

Sec. 27. Section 523A.204, subsection 3, Code 2015, is amended to read as follows:

3. All records maintained by the commissioner under this section shall be confidential pursuant to section 22.7, subsection 58, and shall not be made available for inspection or copying except upon the approval of the commissioner or the attorney general, or except when sought by the preneed seller to whom the records relate. Such records shall be privileged and confidential in any judicial or administrative proceeding except any of the following:

a. An action commenced by the commissioner.

b. An administrative proceeding brought by the insurance division.

c. An action or proceeding which arises out of the criminal provisions of the laws of this state or of the United States.

d. An action brought by the insurance division or the attorney general to recover moneys for embezzlement, misappropriation, or misuse of trust funds.

Sec. 28. Section 523A.204, subsections 4 and 5, Code 2015, are amended by striking the subsections.

Sec. 29. Section 523A.205, subsection 2, Code 2015, is amended by striking the subsection.

Sec. 30. Section 523A.205, subsection 3, Code 2015, is amended to read as follows:

3. ~~Notwithstanding chapter 22, all~~ All records maintained by the commissioner under this section shall be confidential pursuant to section 22.7, subsection 58, and shall not be made available for inspection or copying except upon approval of the commissioner or the attorney general, or except when sought by the financial institution to whom the records relate. Such records shall be privileged and confidential in any judicial or administrative proceeding except any of the following:

a. An action commenced by the commissioner.

b. An administrative proceeding brought by the insurance division.

c. An action or proceeding which arises out of the criminal provisions of the laws of this state or of the United States.

d. An action brought by the insurance division or the attorney general to recover moneys for embezzlement, misappropriation, or misuse of trust funds.

Sec. 31. Section 523A.206, subsection 6, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

6. All records maintained by the commissioner under this section, including work papers, notes, recorded information, documents, and copies thereof that are produced or obtained by or disclosed to the commissioner or another person in the course of a compliance examination, shall be confidential pursuant to section 22.7, subsection 58, and shall not be made available for inspection and copying except upon the approval of the commissioner or the attorney general. Such records shall be privileged and confidential in any judicial or administrative proceeding except any of the following:

a. An action commenced by the commissioner.

b. An administrative proceeding brought by the insurance division.

c. An action or proceeding which arises out of the criminal provisions of the laws of this state or of the United States.

d. An action brought by the insurance division or the attorney general to recover moneys for embezzlement, misappropriation, or misuse of trust funds.

Sec. 32. Section 523A.207, Code 2015, is amended to read as follows:

523A.207 Audits by certified public accountants — penalty.

1. A purchase agreement shall not be sold or transferred, as part of the sale of a business or the assets of a business, until an audit has been performed by a certified public accountant and filed with the commissioner that expresses the auditor's opinion of the adequacy of funding

related to the purchase agreements to be sold or transferred. If the buyer of a purchase agreement sold or transferred as part of the sale of a business or the assets of a business, fails to file such an audit, the commissioner shall suspend the preneed seller's license of the buyer and the preneed sales license of any sales agent in the employ of the buyer until the audit is filed. In addition, the commissioner shall assess a penalty against the buyer in an amount up to one hundred dollars for each day that the audit remains unfiled. The commissioner shall allow a thirty-day grace period after the date that a purchase agreement is sold or transferred before suspension of a license or assessment of a penalty for failure to file an audit pursuant to this section.

2. All records maintained by the commissioner under this section shall be confidential pursuant to section 22.7, subsection 58, and shall not be made available for inspection or copying except upon approval of the commissioner or the attorney general, or except when sought by the preneed seller to whom the records relate. Such records shall be privileged and confidential in any judicial or administrative proceeding except any of the following:

- a. An action commenced by the commissioner.
- b. An administrative proceeding brought by the insurance division.
- c. An action or proceeding which arises out of the criminal provisions of the laws of this state or of the United States.
- d. An action brought by the insurance division or the attorney general to recover moneys for embezzlement, misappropriation, or misuse of trust funds.

Sec. 33. Section 523A.401, subsection 8, Code 2015, is amended to read as follows:

8. An insurance company issuing policies funding purchase agreements subject to this chapter shall file an annual report with the commissioner on a form prescribed by the commissioner. The report shall list the applicable insurance policies outstanding for each seller. ~~Computer printouts may be submitted so long as each legibly provides the same information required in the prescribed form.~~

Sec. 34. Section 523A.401, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 10. All records maintained by the commissioner under this section shall be confidential pursuant to section 22.7, subsection 58, and shall not be made available for inspection or copying except upon approval of the commissioner or the attorney general, or except when sought by the insurance company to whom the records relate. Such records shall be privileged and confidential in any judicial or administrative proceeding except any of the following:

- a. An action commenced by the commissioner.
- b. An administrative proceeding brought by the insurance division.
- c. An action or proceeding which arises out of the criminal provisions of the laws of this state or of the United States.
- d. An action brought by the insurance division or the attorney general to recover moneys for embezzlement, misappropriation, or misuse of trust funds.

Sec. 35. Section 523A.402, subsection 8, Code 2015, is amended to read as follows:

8. An insurance company issuing annuities funding purchase agreements subject to this chapter shall file an annual report with the commissioner on a form prescribed by the commissioner. The report shall list the applicable annuities outstanding for each seller. ~~Computer printouts may be submitted so long as each legibly provides the same information required in the prescribed form.~~

Sec. 36. Section 523A.405, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

523A.405 Bond in lieu of trust fund.

The commissioner shall, by rule, establish terms and conditions under which a seller may, in lieu of trust requirements, file with the commissioner a surety bond issued by a surety company authorized to do business and doing business in this state.

Sec. 37. Section 523A.501, subsection 2, Code 2015, is amended to read as follows:

2. An application for a preneed seller's license shall be filed on a form and in a format prescribed by the commissioner and be accompanied by a fifty-dollar filing fee in an amount set by the commissioner by rule. The application shall include the name of the natural person or legal entity to be licensed as the preneed seller and, if applicable, any other name under which the preneed seller will be transacting business, including any names registered with the secretary of state or a county clerk. The application shall be updated as necessary to ensure that the commissioner has been notified of all names under which the preneed seller is operating and doing business.

Sec. 38. Section 523A.501, subsection 7, Code 2015, is amended to read as follows:

7. ~~A preneed seller's license shall be renewed every four years by filing the form prescribed by the commissioner under subsection 2, accompanied by a renewal fee in an amount set by the commissioner by rule expires annually on April 15. If the preneed seller has filed a complete annual report and paid the required fees as required in section 523A.204, the commissioner shall renew the preneed seller's license until April 15 of the following year.~~

Sec. 39. Section 523A.502, subsection 5, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

5. A sales license shall expire annually on April 15. If the sales agent has filed a substantially complete annual report as required in section 523A.502A, the commissioner shall renew the sales license until April 15 of the following year.

Sec. 40. Section 523A.502A, subsections 1 and 2, Code 2015, are amended to read as follows:

1. A sales agent shall file with the commissioner not later than April 1 of each year an annual report on a form prescribed by the commissioner describing each purchase agreement sold by the sales agent during the year. An annual report must be filed whether or not sales were made during the year and even if the sales agent is no longer an agent of a preneed seller or licensed by the commissioner.

2. All records maintained by the commissioner under this section shall be confidential pursuant to section 22.7, subsection 58, and shall not be made available for inspection or copying except upon the approval of the commissioner or the attorney general, or except when sought by the sales agent to whom the records relate. Such records shall be privileged and confidential in any judicial or administrative proceeding except any of the following:

a. An action commenced by the commissioner.

b. An administrative proceeding brought by the insurance division.

c. An action or proceeding which arises out of the criminal provisions of the laws of this state or of the United States.

d. An action brought by the insurance division or the attorney general to recover moneys for embezzlement, misappropriation, or misuse of trust funds.

Sec. 41. Section 523A.502A, subsections 3 and 4, Code 2015, are amended by striking the subsections.

Sec. 42. Section 523A.803, subsection 1, paragraph c, Code 2015, is amended by striking the paragraph.

Sec. 43. Section 523A.803, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. All records maintained by the commissioner under this section, including work papers, notes, recorded information, documents, and copies thereof that are produced or obtained by or disclosed to the commissioner or another person in the course of an investigation, shall be confidential pursuant to section 22.7, subsection 58, and shall not be made available for inspection and copying except upon the approval of the commissioner or the attorney general. Such records shall be privileged and confidential in any judicial or administrative proceeding except any of the following:

a. An action commenced by the commissioner.

- b. An administrative proceeding brought by the insurance division.
- c. An action or proceeding which arises out of the criminal provisions of the laws of this state or of the United States.
- d. An action brought by the insurance division or the attorney general to recover moneys for embezzlement, misappropriation, or misuse of trust funds.

Sec. 44. Section 523A.807, subsection 3, unnumbered paragraph 1, Code 2015, is amended to read as follows:

If the commissioner finds that a person has violated section 523A.201, 523A.202, 523A.203, 523A.207, 523A.401, 523A.402, 523A.403, 523A.404, 523A.405, 523A.501, 523A.502, ~~or 523A.504~~ or any rule adopted pursuant thereto, the commissioner may order any or all of the following:

Sec. 45. Section 523I.810, subsection 9, Code 2015, is amended to read as follows:

9. A cemetery may, by resolution adopted by a vote of at least two-thirds of the members of its board at any authorized meeting of the board, authorize the withdrawal and use of not more than twenty percent of the principal of the care fund to acquire additional land for cemetery purposes, to repair a mausoleum or other building or structure intended for cemetery purposes, to build, improve, or repair boundaries, roads and walkways in the cemetery, to construct a columbarium, mausoleum, or similar structure to create additional interment spaces, to purchase equipment for tree, shrub, and lawn care, to purchase backhoes or similar equipment used to open and close interment spaces, or to purchase recordkeeping software used to maintain ownership records or interment records. The resolution shall establish a reasonable repayment schedule, not to exceed five years, ~~and provide for interest in an amount comparable to the care fund's current rate of return on its investments.~~ However, the care fund shall not be diminished below an amount equal to the greater of twenty-five thousand dollars or five thousand dollars per acre of land in the cemetery. The resolution, and if the deposit of care fund income over five years is unlikely to fund replenishment of the principal of the care fund, either a bond or proof of insurance to guarantee replenishment of the care fund, shall be filed with the commissioner thirty days prior to the withdrawal of funds.

Sec. 46. Section 523I.811, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. Maintaining drains, water lines, roads, buildings, boundaries, fences, and other structures.

Sec. 47. Section 523I.811, subsection 1, Code 2015, is amended by adding the following new paragraphs:

NEW PARAGRAPH. g. To purchase equipment to maintain the cemetery.

NEW PARAGRAPH. h. To purchase backhoes or similar equipment used to open and close interment spaces.

NEW PARAGRAPH. i. To purchase equipment used to construct a columbarium, mausoleum, or similar structure to create additional interment spaces.

Sec. 48. NEW SECTION. 523I.811A Emergency use of care funds.

1. Notwithstanding any other provision of this chapter, a perpetual care cemetery may apply to the commissioner to withdraw funds from the cemetery's care fund for a financial emergency. The commissioner shall, by rule, establish standards and procedures for such applications and for withdrawals from care funds.

2. Upon application, the commissioner may allow a perpetual care cemetery to withdraw funds from the care fund if the commissioner finds that the cemetery has an urgent financial need and the withdrawal is deemed reasonable and prudent to fund a necessary expense of the cemetery. The commissioner shall establish conditions for the specific use of the funds withdrawn and may require repayment of all or part of the amount withdrawn.

Sec. 49. EFFECTIVE DATE. The following provision or provisions of this Act take effect January 1, 2016:

1. The section of this Act adding section 502.202, subsection 24.

Sec. 50. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, takes effect upon enactment.

Sec. 51. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, with the exception of the section of this Act adding section 502.202, subsection 24, if approved by the governor on or after July 1, 2015, applies retroactively to July 1, 2015.

Sec. 52. DIRECTIONS TO CODE EDITOR. The Iowa code editor is directed to transfer section 515.11 to new section 515.23.

Sec. 53. REPEAL. Section 523A.504, Code 2015, is repealed.

Approved July 2, 2015

CHAPTER 129

PUBLIC SAFETY AND E911 EMERGENCY COMMUNICATIONS FUNDING

H.F. 651

AN ACT relating to expenditures of moneys from the E911 emergency communications fund, other duties of the department of homeland security and emergency management, and other properly related matters, making an appropriation, and including effective date and retroactive applicability provisions.

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

Section 1. NEW SECTION. **29C.23 Statewide land mobile radio communications system.**

**1. The department, in coordination with the department of public safety and the department of transportation, shall reimburse the provider, as defined in section 34A.2, on a calendar quarterly basis, for actual annual lease costs associated with the operation of a statewide land mobile radio communications system that interfaces with the Iowa interoperability radio platform. The department of administrative services shall select the provider in accordance with section 8A.311.*

*2. Prior to establishing, leasing, or operating the statewide land mobile radio communications platform, the department of public safety, chief information officer, and the department of transportation shall maximize use of existing private, local, and state infrastructure and equipment, including but not limited to trunked land mobile radio network systems, located anywhere and meeting the standards for project 25 or association of public safety communication officials 25, as defined by the federal communications commission, phase one or phase two interoperable two-way wireless communications systems, if the legislative services agency analyzes such use to be more cost effective.**

3. The Iowa radio interoperability platform shall be under the joint purview of the department of public safety and the department of transportation. The departments shall jointly submit a biannual report to the Iowa statewide interoperable communications system board beginning July 1, 2016.

* Item veto; see message at end of the Act

*Sec. 2. Section 34A.7A, subsection 2, Code 2015, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0b. (1) The program manager shall allocate to each joint E911 service board and to the department of public safety a minimum of one thousand dollars per calendar quarter for each public safety answering point within the service area of the department of public safety or joint E911 service board that has submitted an annual written request to the program manager in a form approved by the program manager by May 15 of each year.

(2) The amount allocated under this paragraph "0b" shall be fifty-eight percent of the total amount of surcharge generated per calendar quarter allocated as follows:

(a) Sixty-five percent of the total dollars available for allocation shall be allocated in proportion to the square miles of the service area to the total square miles in this state.

(b) Thirty-five percent of the total dollars available for allocation shall be allocated in proportion to the wireless E911 calls taken at the public safety answering point in the service area to the total number of wireless E911 calls originating in this state.

(c) Notwithstanding subparagraph divisions (a) and (b), the minimum amount allocated to each joint E911 service board and to the department of public safety shall be no less than one thousand dollars for each public safety answering point within the service area of the department of public safety or joint E911 service board.

(3) The funds allocated in this paragraph "0b" shall be used for communication equipment utilized for the receipt and disposition of 911 calls.

NEW PARAGRAPH. 00b. The program manager shall allocate moneys pursuant to this paragraph each calendar quarter to joint E911 service boards with public safety answering points within the boards' E911 service areas that enter into agreements to consolidate and to the department of public safety for such public safety answering points. A public safety answering point subject to such an agreement to consolidate shall receive the allocation that the public safety answering point would have received individually pursuant to paragraph "0b" and an additional twenty-five percent of the amount the public safety answering point would have received pursuant to paragraph "0b". A public safety answering point subject to such an agreement to consolidate shall receive moneys pursuant to the allocation in this paragraph at the beginning of the fiscal year following the date of the agreement for a period of three years.*

Sec. 3. Section 34A.7A, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. ~~For the three year period beginning From July 1, 2013, and ending June 30, 2016 until June 30, 2026,~~ the program manager shall allocate ~~thirteen~~ ten percent of the total amount of surcharge generated to wireless carriers to recover their costs to deliver E911 phase 1 services. If the allocation in this paragraph is insufficient to reimburse all wireless carriers for such carrier's eligible expenses, the program manager shall allocate a prorated amount to each wireless carrier equal to the percentage of such carrier's eligible expenses as compared to the total of all eligible expenses for all wireless carriers for the calendar quarter during which such expenses were submitted. When prorated expenses are paid, the remaining unpaid expenses shall no longer be eligible for payment under this paragraph.

Sec. 4. Section 34A.7A, subsection 2, paragraph e, Code 2015, is amended by striking the paragraph.

Sec. 5. Section 34A.7A, subsection 2, paragraph f, Code 2015, is amended to read as follows:

f. If moneys remain in the fund after fully paying all obligations under paragraphs "a", *"0b", "00b",* "b", "c", *and* "d", *and "e,"* the remainder may be accumulated in the fund as a carryover operating surplus. This The program manager, in consultation with the E911 communications council, shall allocate an amount, not to exceed one hundred thousand dollars per fiscal year, for development of public awareness and educational programs related to the use of 911 by the public, educational programs for personnel responsible for the maintenance, operation, and upgrading of local E911 systems, and the expenses of

* Item veto; see message at end of the Act

members of the E911 communications council for travel, monthly meetings, and training. The remaining surplus shall be used to fund future network and public safety answering point improvements for the receipt and disposition of 911 calls, including hardware and software for an internet protocol-enabled next generation network, and wireless carriers' transport costs related to wireless E911 services, if those costs are not otherwise recovered by wireless carriers through customer billing or other sources and approved by the program manager in consultation with the E911 communications council. Notwithstanding section 8.33, any moneys remaining in the fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain available for the purposes of the fund.

Sec. 6. EMERGENCY COMMUNICATIONS SERVICE SURCHARGE FUND APPROPRIATION.

1. Conditioned upon the enactment of section 29C.23, as enacted in this Act, there is appropriated from the carryover operating surplus described in section 34A.7A, subsection 2, paragraph "f", of the E911 emergency communications fund to the department of homeland security and emergency management for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For reimbursement of the provider for actual annual lease costs associated with the operation of a statewide land mobile radio communications platform pursuant to section 29C.23:

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

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 fiscal year that begins July 1, 2016.

Sec. 7. EFFECTIVE UPON ENACTMENT — CONDITION. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, takes effect upon enactment.

Sec. 8. RETROACTIVE APPLICABILITY — CONDITION. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, applies retroactively to July 1, 2015.

Approved July 2, 2015, with exceptions noted.

TERRY E. BRANSTAD, Governor

Dear Mr. Secretary:

I hereby transmit House File 651, an Act relating to expenditures of moneys from the E911 Emergency Communications Fund, other duties of the department of homeland security and emergency management, and other properly related matters, making an appropriation, and including effective date and retroactive applicability provisions.

House File 651 is approved on this date with the following exceptions, which I hereby disapprove.

My administration and the Iowa legislature worked in a bipartisan manner this session to provide the first \$4 million payment to build a statewide interoperable public safety communications system. This statewide system will allow all public safety officers across the state to operate in an efficient and effective manner, providing services to best protect the citizens of our state. This system is critically needed in Iowa, and it is needed now. Many other states, including all neighboring states, have a statewide system and the funds provided in this legislation are a step in the right direction. The funding provided by the legislature is necessary to show the Federal Communications Commission (FCC) the progress Iowa is

making in terms of developing a statewide operable and interoperable network in order to maintain the 700 MHz spectrum license.

The Department of Administrative Services (DAS) issued a request for proposal (RFP) to build the statewide system and awarded the bid in 2014 to the lowest bidder. Officials from state, city and county government agencies have expressed support for the statewide interoperable system. This system will provide both short and long-term costs savings for all levels of government.

I am unable to approve the item designated as Section 1, subsection 1, in its entirety. This policy statement describes the department's process for selection of a provider. In order to ensure that fairness as well as a deep level of expertise were applied to this request and the evaluation of the responses, DAS contracted with an independent contractor that has experience at both the federal and state level in communications engineering. DAS awarded the RFP in 2014; therefore, this language is unnecessary. Further, the definition of provider in this item is incorrect and an error. Finally, this item contains incorrect terminology. It references the "actual annual lease costs associated with the operation of a statewide land mobile radio communications system that interfaces with the Iowa interoperability radio platform." There is no "platform" that is separate from the system, and thus the item would only create confusion and could frustrate the completion of the statewide system.

I am unable to approve the item designated as Section 1, subsection 2, in its entirety. Prior to the issuance of the RFP, DAS, in consultation with a subject matter expert, developed an RFP for the delivery of a statewide interoperability platform. The market-based responses received from the private sector confirmed the most efficient and effective method of delivery of the platform in compliance with the FCC mandates and Iowa Code. This information is available to both the public and the legislature. The language in this item is redundant of the statewide procurement process that has already occurred. If the procurement process is repeated, any delay would jeopardize the state's 700 MHz spectrum license. Therefore, this language is unnecessary.

I am unable to approve the item designated as Section 2, in its entirety. This item would modify the current E911 pass-through rates from a sustainable 46% to 58%, a rate that could put the solvency of the fund in jeopardy. I believe some increase may be appropriate in the future; however, the increase proposed in this bill is premature. The Department of Homeland Security and Emergency Management is conducting a legislatively-required study on this very topic, and any increase in the rate should only increase upon the completion of the study. Additionally, the rate that is set should be sustainable. Also, I strongly support the consolidation of redundant government services; however, there is no evidence that this proposed incentive would work, and I look forward to working with the legislature in developing a model that would find efficiencies.

I am unable to approve the item designated as Section 4, in its entirety. This item is unnecessary due to my veto in Section 2. My disapproval of this section allows Public Safety Answering Points (PSAPs) to continue to receive their current rate of pass-through funding from this fund.

I am unable to approve the designated portions of the item designated as Section 5, lettered paragraph f. These portions are unnecessary due to my veto in Section 2.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 651 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 130

FEDERAL BLOCK GRANT APPROPRIATIONS AND OTHER FEDERAL FUNDING

H.F. 630

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 2015-2016	\$	13,009,129
FFY 2016-2017	\$	13,009,129

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, 2015, 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, 2014, for pregnant women and women with dependent children.

(2) For the state fiscal year beginning July 1, 2016, 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, 2015, 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 2015-2016	\$	3,735,295
FFY 2016-2017	\$	3,735,295

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 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 shall submit quarterly reports containing data consistent with the performance measures approved by the federal substance abuse and mental health services administration.

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 2015-2016	\$	6,477,854
FFY 2016-2017	\$	6,477,854

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:

(1) FFY 2015-2016	\$	300,291
(2) FFY 2016-2017	\$	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 2015-2016	\$	1,696,511
FFY 2016-2017	\$	1,696,511

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 2015-2016	\$	1,593,784
FFY 2016-2017	\$	1,593,784

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 2015-2016	\$	78,985
FFY 2016-2017	\$	78,985

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 2015-2016	\$	1,844,580
FFY 2016-2017	\$	1,844,580

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 2015-2016	\$	7,194,537
FFY 2016-2017	\$	7,194,537

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 2015-2016	\$	22,000,000
FFY 2016-2017	\$	22,500,000

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 \$980,000 for the federal fiscal year beginning October 1, 2015, 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 \$540,000 for the federal fiscal year beginning October 1, 2015, of funds appropriated in subsection 1 and a matching contribution from the state equal to \$440,000

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 \$1,000,000 for the federal fiscal year beginning October 1, 2016, 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 \$550,000 for the federal fiscal year beginning October 1, 2016, of funds appropriated in subsection 1 and a matching contribution from the state equal to \$450,000 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. 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 2015-2016	\$	53,814,346
FFY 2016-2017	\$	53,814,346

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. 11. 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 2015-2016	\$	15,270,606
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FFY 2016-2017 \$ 15,270,606

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 used by the department of human services for general administration:

a. FFY 2015-2016

..... \$ 910,649

b. FFY 2016-2017

..... \$ 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:

(1) FFY 2015-2016

..... \$ 5,446,690

(2) FFY 2016-2017

..... \$ 5,446,690

b. Child and family services:

(1) FFY 2015-2016

..... \$ 816,094

(2) FFY 2016-2017

..... \$ 816,094

c. Local administrative costs and other local services:

(1) FFY 2015-2016

..... \$ 577,636

(2) FFY 2016-2017

..... \$ 577,636

d. Volunteers:

(1) FFY 2015-2016

..... \$ 63,241

(2) FFY 2016-2017

..... \$ 63,241

e. To be credited to the property tax relief fund created in section 426B.1:

(1) FFY 2015-2016

..... \$ 7,456,296

Of the amount allocated in this subparagraph, up to \$600,000 may be used by the department of human services for distribution to counties for state case services provided for persons with mental illness, intellectual disability, or a developmental disability in accordance with section 331.440, Code 2013, or in accordance with a dispute resolution process implemented in accordance with section 331.394, subsections 5 or 6.

(2) FFY 2016-2017

..... \$ 7,456,296

Of the amount allocated in this subparagraph, up to \$600,000 may be used by the department of human services for distribution to counties for state case services provided for persons with mental illness, intellectual disability, or a developmental disability in accordance with section 331.440, Code 2013, or in accordance with a dispute resolution process implemented in accordance with section 331.394, subsections 5 or 6.

Sec. 12. 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. 13. 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, 2015, and October 1, 2016, 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. 14. 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 2015-2016	\$ 45,314,294
FFY 2016-2017	\$ 45,314,294

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. 15. PROCEDURE FOR REDUCED FEDERAL FUNDS.

1. 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. 16. PROCEDURE FOR INCREASED FEDERAL FUNDS.

1. 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 11 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 10 of this Act for the low-income home energy assistance program, not more than 10 percent of the excess may be allocated to the low-income residential weatherization program and not more than 15 percent of the excess may be used for administrative costs.

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. 17. 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, 2015, and July 1, 2016, 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. 18. 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, 2015, and July 1, 2016, 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 15, 2015

CHAPTER 131

APPROPRIATIONS — TRANSPORTATION

H.F. 637

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.

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

DIVISION I FY 2015-2016

Section 1. 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, 2015, and ending June 30, 2016, 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. Operations:		
.....	\$	6,559,821
b. Planning:		
.....	\$	438,973
c. Motor vehicles:		
.....	\$	35,925,345
d. Performance and technology:		
.....	\$	509,040
3. For payments to the department of administrative services for utility services:		
.....	\$	251,465
4. 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:		
.....	\$	143,468
6. For payment to the general fund of the state for indirect cost recoveries:		
.....	\$	78,000
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:		
.....	\$	73,010
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 motor vehicle division field facility maintenance projects at various locations:		
.....	\$	300,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsection 11 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the projects for which the appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 2. 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, 2015, and ending June 30, 2016, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:		
a. Operations:		
.....	\$	40,296,045
.....	FTEs	267.00
b. Planning:		
.....	\$	8,340,481
.....	FTEs	102.00
c. Highways:		

.....	\$	238,625,855
.....	FTEs	2,056.00
d. Motor vehicles:		
.....	\$	1,496,889
.....	FTEs	412.00
e. Performance and technology:		
.....	\$	3,126,960
.....	FTEs	35.00
2. For payments to the department of administrative services for utility services:	\$	1,544,713
3. 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:		
.....	\$	3,443,221
5. For disposal of hazardous wastes from field locations and the central complex:	\$	800,000
6. For payment to the general fund of the state for indirect cost recoveries:	\$	572,000
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:	\$	448,490
8. For inventory and equipment replacement:	\$	5,366,000
9. For utility improvements at various locations:	\$	400,000
10. For roofing projects at various locations:	\$	500,000
11. For heating, cooling, and exhaust system improvements at various locations:	\$	700,000
12. For deferred maintenance projects at field facilities throughout the state:	\$	1,700,000
13. For maintenance projects at rest area facilities throughout the state:	\$	250,000
14. For improvements related to compliance with the federal Americans with Disabilities Act to facilities throughout the state:	\$	150,000
15. For the replacement and upgrade of the fire protection system at the complex in Ames:	\$	2,000,000
16. For the replacement of the Muscatine/Wapello combined facility:	\$	5,427,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 9 through 16 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION II
FY 2016-2017

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, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the payment of costs associated with the production of driver’s licenses, as defined in section 321.1, subsection 20A:

..... \$ 1,938,000

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes specified in this subsection until the close of the succeeding fiscal year.

2. For salaries, support, maintenance, and miscellaneous purposes:

a. Operations:

..... \$ 3,279,911

b. Planning:

..... \$ 219,487

c. Motor vehicles:

..... \$ 17,962,673

d. Performance and technology:

..... \$ 254,520

3. For payments to the department of administrative services for utility services:

..... \$ 129,776

4. Unemployment compensation:

..... \$ 3,500

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:

..... \$ 71,734

6. For payment to the general fund of the state for indirect cost recoveries:

..... \$ 39,000

7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:

..... \$ 36,505

8. For automation, telecommunications, and related costs associated with the county issuance of driver’s licenses and vehicle registrations and titles:

..... \$ 703,000

9. For costs associated with the participation in the Mississippi river parkway commission:

..... \$ 20,000

10. For costs associated with the traffic and criminal software program and the mobile architecture and communications handling program:

..... \$ 150,000

11. For motor vehicle division field facility maintenance projects at various locations:

..... \$ 150,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsection 11 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the projects for which the appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

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, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

a. Operations:

..... \$ 20,148,023

..... FTEs 267.00

b. Planning:

..... \$ 4,170,241

.....	FTEs	102.00
c. Highways:		
.....	\$	119,414,428
.....	FTEs	2,056.00
d. Motor vehicles:		
.....	\$	748,445
.....	FTEs	412.00
e. Performance and technology:		
.....	\$	1,563,480
.....	FTEs	35.00
2. For payments to the department of administrative services for utility services:		
.....	\$	797,193
3. Unemployment compensation:		
.....	\$	69,000
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:		
.....	\$	1,721,611
5. For disposal of hazardous wastes from field locations and the central complex:		
.....	\$	400,000
6. For payment to the general fund of the state for indirect cost recoveries:		
.....	\$	286,000
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:		
.....	\$	224,245
8. For costs associated with producing transportation maps:		
.....	\$	121,000
9. For inventory and equipment replacement:		
.....	\$	2,683,000
10. For utility improvements at various locations:		
.....	\$	200,000
11. For roofing projects at various locations:		
.....	\$	250,000
12. For heating, cooling, and exhaust system improvements at various locations:		
.....	\$	350,000
13. For deferred maintenance projects at field facilities throughout the state:		
.....	\$	850,000
14. For maintenance projects at rest area facilities throughout the state:		
.....	\$	125,000
15. For improvements related to compliance with the federal Americans with Disabilities Act to facilities throughout the state:		
.....	\$	75,000
16. For the replacement of the Mount Pleasant/Fairfield combined facility:		
.....	\$	2,451,000

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.

CHAPTER 132

APPROPRIATIONS — AGRICULTURE AND NATURAL RESOURCES

S.F. 494

AN ACT relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date and retroactive applicability provisions.

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

DIVISION I

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

GENERAL APPROPRIATION FOR FY 2015-2016

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, 2015, and ending June 30, 2016, 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:

..... \$ 17,655,492
..... 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

3. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated in this section to support the department’s administration, regulation, and programs.

DESIGNATED APPROPRIATIONS
MISCELLANEOUS 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, 2015, and ending June 30, 2016, 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.

1. There is appropriated from the renewable fuel infrastructure fund created in section 159A.16 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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

2. The department shall establish and administer programs for the auditing of motor fuel including biofuel processing and production plants, for screening and testing motor fuel,

including renewable fuel, and for the inspection of motor fuel sold by dealers including retail dealers who sell and dispense motor fuel from motor fuel pumps.

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, 2015, and ending June 30, 2016, 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, 2015, and ending June 30, 2016, 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

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, 2015, and ending June 30, 2016, 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 for the fiscal year beginning July 1, 2015, 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. 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, 2015, and ending June 30, 2016, 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:

..... \$ 130,000

2. The moneys appropriated in subsection 1 shall be used for the public purpose of providing a grant to a national nonprofit organization with over 80 years of experience in assisting children and adults with disabilities and special needs. The moneys shall be used to support a nationally recognized program that began in 1986 and has been replicated in at least 30 other states, but which is not available through any other entity in this state, and that provides assistance to farmers with disabilities in all 99 counties to allow the farmers to remain in their own homes and be gainfully engaged in farming through provision of agricultural worksite and home modification consultations, peer support services, services to families, information and referral, and equipment loan services.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain unavailable for expenditure for the purposes designated until the close of the succeeding fiscal year.

DIVISION II
GENERAL FUND
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
WATER QUALITY INITIATIVE
APPROPRIATIONS FOR FY 2015-2016

Sec. 8. 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, 2015, and ending June 30, 2016, 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:

..... \$ 4,400,000

2. a. The moneys appropriated in subsection 1 shall be used to support projects in subwatersheds as designated by the division that are part of high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

b. The moneys appropriated in subsection 1 shall be used to support projects in watersheds generally, including regional watersheds, as designated by the division and high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

3. In supporting projects in subwatersheds and watersheds as provided in subsection 2, all of the following shall apply:

a. The demonstration projects shall utilize water quality practices as described in the latest revision of the document entitled “Iowa Nutrient Reduction Strategy” initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology.

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, the state’s share of the amount shall not exceed 50 percent of the estimated cost of establishing the practice as determined by the division or 50 percent of the actual cost of establishing the practice, whichever is less.

d. The demonstration projects shall be used to educate other persons about the feasibility and value of establishing similar water quality practices. The division shall promote field day events for purposes of allowing interested persons to establish water quality practices on their agricultural land.

e. The division shall conduct water quality evaluations within supported subwatersheds. Within a reasonable period after accumulating information from such evaluations, the division shall create an aggregated database of water quality practices. Any information identifying a person holding a legal interest in agricultural land or specific agricultural land shall be a confidential record under section 22.7.

4. The moneys appropriated in subsection 1 shall be used to support education and outreach in a manner that encourages persons who hold a legal interest in agricultural land used for farming to implement water quality practices, including the establishment of such practices in watersheds generally, and not limited to subwatersheds or high-priority watersheds.

5. The moneys appropriated in subsection 1 may be used to contract with persons to coordinate the implementation of efforts provided in this section.

6. The moneys appropriated in subsection 1 may be used by the department to support urban soil and water conservation efforts, which may include but are not limited to management practices related to bioretention, landscaping, the use of permeable or pervious pavement, and soil quality restoration. The moneys shall be allocated on a cost-share basis as provided in chapter 161A.

7. Notwithstanding any other provision of law to the contrary, the department may use moneys appropriated in subsection 1 to carry out the provisions of this section on a cost-share basis in combination with other moneys available to the department from a state or federal source.

8. Not more than 10 percent of the moneys appropriated in this section may be used to pay for the costs of administering and implementing the water quality initiative by the department’s division of soil conservation and water quality as provided in section 466B.42 and this section.

DIVISION III
DEPARTMENT OF NATURAL RESOURCES
GENERAL APPROPRIATIONS FOR FY 2015-2016

Sec. 9. 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, 2015, and ending June 30, 2016, 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:

.....	\$	12,862,307
.....	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. 10. STATE FISH AND GAME PROTECTION FUND — REGULATION AND ADVANCEMENT OF OUTDOOR ACTIVITIES.

1. There is appropriated from the state fish and game protection fund to the department of natural resources for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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:

.....	\$	41,223,225
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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, 2015, and ending June 30, 2016, 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. 11. 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, 2015, and ending June 30, 2016, 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

DESIGNATED APPROPRIATIONS
MISCELLANEOUS FUNDS

Sec. 12. 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, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of administering and enforcing the state snowmobile programs:

..... \$ 100,000

Sec. 13. 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, 2015, and ending June 30, 2016, 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. 14. 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, 2015, and ending June 30, 2016, 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:

..... \$ 1,950,000

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. 15. 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, 2015, and ending June 30, 2016, 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 IV
IOWA STATE UNIVERSITY
SPECIAL GENERAL FUND AND GROUNDWATER PROTECTION FUND
APPROPRIATIONS FOR FY 2015-2016
VETERINARY DIAGNOSTIC LABORATORY

Sec. 16. 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, 2015, and ending June 30, 2016, 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:

.....	\$	4,000,000
.....	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, 2016, 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.

WATER QUALITY INITIATIVE

Sec. 17. IOWA NUTRIENT RESEARCH CENTER.

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, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting an Iowa nutrient research center as established in section 466B.47:

.....	\$	1,325,000
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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. DATA COLLECTION OF IN-FIELD AGRICULTURAL PRACTICES — THREE-YEAR PILOT PROJECT.

1. Notwithstanding section 455E.11, subsection 2, paragraph b, subparagraph (3), subparagraph division (b), of the unobligated and unencumbered moneys remaining in the agriculture management account of the groundwater protection fund that would otherwise be required to be transferred to the Iowa department of public health under that subparagraph division, there is appropriated to Iowa state university of science and technology for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

a. For use by the university’s college of agriculture and life sciences for purposes of supporting a three-year data collection of in-field practices project:

.....	\$	1,230,000
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b. Notwithstanding section 8.33, moneys appropriated in paragraph “a” that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2017.

2. The three-year project shall be used to do all of the following:

a. Enhance this state’s ability to track its progress in reducing the transport of nutrients to water from nonpoint sources within watersheds in accordance with 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. Develop a database of in-field agricultural practices and analyze the impact of those practices in the aggregate. An agricultural practice includes but is not limited to soil and water conservation practices, structures, technologies, and agricultural inputs and outputs. The college may also provide for the measurement of other impacts associated with agricultural production. The finding of the pilot project shall be used to develop a system to be implemented within a broader range of watersheds that measures existing agricultural practices and the impact of different nutrient management decisions.

3. The college shall enter into a private-public partnership with one or more persons responsible for receiving, collecting, or holding data described in subsection 2. The college shall provide for the terms and conditions of any legal or financial arrangement that it enters into with such person. Any information received, collected, or held by the person shall be confidential in the same manner as provided in section 466B.49, subsection 2. The college shall only enter into an arrangement with a person if the college is satisfied that the person will protect the confidentiality of the information. Any information including aggregate data transmitted to the college by the person shall be available for public examination and copying under chapter 22, except for the same type of information described in section 466B.49, subsection 2, which shall remain confidential.

4. The college shall submit interim reports to the general assembly by March 1, 2016, and March 1, 2017, and a final report to the general assembly by March 1, 2018. The final report shall include its findings and recommendations.

DIVISION V
ENVIRONMENT FIRST FUND
GENERAL APPROPRIATIONS FOR FY 2015-2016

Sec. 19. 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, 2015, and ending June 30, 2016, 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. FARM MANAGEMENT DEMONSTRATION PROGRAM

a. For continuation of a statewide voluntary farm management demonstration program to demonstrate the effectiveness and adaptability of emerging practices in agronomy that protect water resources and provide other environmental benefits:

..... \$ 625,000

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. Of the amount appropriated in paragraph “a”, \$400,000 shall be allocated to an organization representing soybean growers to provide for an agriculture and environment performance program in order to carry out the purposes of this subsection as specified in paragraph “a”.

4. SOIL AND WATER CONSERVATION — ADMINISTRATION

a. For use by the department for costs of administration and implementation of soil and water conservation practices:

..... \$ 2,700,000

b. Of the moneys appropriated in paragraph “a”, the department shall support field staff providing technical assistance by allocating one hundred percent of the amount that the department allocated to support field staff under 2013 Iowa Acts, chapter 132, section 47, subsection 4, as amended by 2014 Iowa Acts, chapter 1139, section 18. In addition, of the moneys appropriated in paragraph “a”, the department shall allocate an additional \$150,000 to support such field staff.

5. CONSERVATION RESERVE PROGRAM (CRP)

a. To encourage and assist farmers in enrolling in and the implementation of the federal conservation reserve program and to work with them to enhance their revegetation efforts to improve water quality and habitat:

..... \$ 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.

6. SOIL AND WATER CONSERVATION

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:

..... \$ 6,750,000

b. Of the amount appropriated in paragraph “a” 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.

c. Not more than 5 percent of the moneys appropriated in paragraph “a” may be allocated for cost sharing to address complaints filed under section 161A.47.

d. Of the moneys appropriated in paragraph “a”, 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.

e. The state soil conservation committee established by section 161A.4 may allocate moneys appropriated in paragraph “a” to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

f. 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.

g. Not more than 15 percent of the moneys appropriated in paragraph “a” may be used for costs of administration and implementation of soil and water conservation practices.

h. In lieu of moneys appropriated in section 466A.5, not more than \$50,000 of the moneys appropriated in paragraph “a” shall be used by the division of soil conservation and water

quality of the department of agriculture and land stewardship to provide administrative support to the watershed improvement review board established in section 466A.3.

7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... \$ 600,000

b. (1) Of the amount appropriated in paragraph "a", \$450,000 shall be allocated to the fund's hungry canyons account.

(2) Not more than 10 percent of the moneys allocated to the hungry canyons account as provided in subparagraph (1) may be used for administrative costs.

c. (1) Of the amount appropriated in paragraph "a", \$150,000 shall be allocated to the fund's loess hills alliance account.

(2) Not more than 10 percent of the moneys allocated to the loess hills alliance account as provided in subparagraph (1) may be used for administrative costs.

Sec. 20. 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, 2015, and ending June 30, 2016, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. STATE PARKS MAINTENANCE AND OPERATIONS

For regular maintenance and operations of state parks and staff time associated with these activities:

..... \$ 6,135,000

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 through 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. WATER QUANTITY REGULATION

For regulating water quantity from surface and subsurface sources by providing for the allocation and use of water resources, the protection and management of water resources, and the preclusion of conflicts among users of water resources, including as provided in chapter 455B, division III, part 4:

..... \$ 495,000

8. GEOLOGICAL AND WATER SURVEY

For continuing the operations of the department's geological and water survey including but not limited to providing analysis, data collection, investigative programs, and information for water supply development and protection:

..... \$ 200,000

9. KEEP IOWA BEAUTIFUL INITIATIVE

For purposes of supporting a keep Iowa beautiful initiative in order to assist communities in developing and implementing beautification and community development plans:

..... \$ 200,000

Sec. 21. REVERSION.

1. Except as provided in subsection 2, and notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2015, in this division of this Act 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, or until the project for which the appropriation was made is completed, whichever is earlier.

2. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2015, 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 shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2018.

DIVISION VI
ENVIRONMENT FIRST FUND
SPECIAL APPROPRIATION FOR FY 2015-2016

Sec. 22. REAP — IN LIEU OF GENERAL FUND APPROPRIATION. Notwithstanding the amount of the standing appropriation from the general fund of the state to the Iowa resources enhancement and protection fund as provided 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, in lieu of the appropriation made in section 455A.18, for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following amount, to be allocated as provided in section 455A.19:

..... \$ 16,000,000

DIVISION VII
PERSONNEL SETTLEMENT AGREEMENT PAYMENTS

Sec. 23. PERSONNEL SETTLEMENT AGREEMENT PAYMENTS. As a condition made to any appropriation to the department of agriculture and land stewardship, the department of natural resources, or Iowa state university of science and technology for the fiscal year beginning July 1, 2015, and ending June 30, 2016, as provided in this Act, the moneys appropriated and any other moneys available for use by that entity for that fiscal year under this Act shall not be used for the payment of a personnel settlement agreement between that entity and a state employee that contains a confidentiality provision intended to prevent public disclosure of the agreement or any terms of the agreement.

DIVISION VIII
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
GENERAL APPROPRIATION FOR FY 2016-2017

Sec. 24. 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, 2016, and ending June 30, 2017, 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:

..... \$ 8,827,746
..... 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:

..... \$ 144,000

3. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated in this section to support the department’s administration, regulation, and programs.

DESIGNATED APPROPRIATIONS
MISCELLANEOUS FUNDS

Sec. 25. 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, 2016, and ending June 30, 2017, 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:

..... \$ 152,758

Sec. 26. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR FUEL INSPECTION.

1. There is appropriated from the renewable fuel infrastructure fund created in section 159A.16 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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:

..... \$ 250,000

2. The department shall establish and administer programs for the auditing of motor fuel including biofuel processing and production plants, for screening and testing motor fuel, including renewable fuel, and for the inspection of motor fuel sold by dealers including retail dealers who sell and dispense motor fuel from motor fuel pumps.

SPECIAL APPROPRIATIONS
GENERAL FUND

Sec. 27. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of performing functions pursuant to section 192.109, including conducting a survey of grade “A” milk and certifying the results to the secretary of agriculture:

..... \$ 94,598

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. 28. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the local food and farm program pursuant to chapter 267A:

..... \$ 37,500

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. 29. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of allocating moneys to an Iowa association affiliated with a national organization which promotes agricultural education providing for future farmers:

..... \$ 12,500

2. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2016, 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. 30. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting a program for farmers with disabilities:

..... \$ 65,000

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.

DIVISION IX
GENERAL FUND
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
WATER QUALITY INITIATIVE
APPROPRIATIONS FOR FY 2016-2017

Sec. 31. 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, 2016, and ending June 30, 2017, 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:

..... \$ 2,200,000

2. a. The moneys appropriated in subsection 1 shall be used to support projects in subwatersheds as designated by the division that are part of high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

b. The moneys appropriated in subsection 1 shall be used to support projects in watersheds generally, including regional watersheds, as designated by the division and high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

3. In supporting projects in subwatersheds and watersheds as provided in subsection 2, all of the following shall apply:

a. The demonstration projects shall utilize water quality practices as described in the latest revision of the document entitled "Iowa Nutrient Reduction Strategy" initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology.

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, 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 X
DEPARTMENT OF NATURAL RESOURCES
GENERAL APPROPRIATIONS FOR FY 2016-2017

Sec. 32. 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, 2016, and ending June 30, 2017, 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:

..... \$ 6,431,154

..... 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. 33. STATE FISH AND GAME PROTECTION FUND — REGULATION AND ADVANCEMENT OF OUTDOOR ACTIVITIES.

1. There is appropriated from the state fish and game protection fund to the department of natural resources for the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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:

..... \$ 20,611,613

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, 2016, and ending June 30, 2017, 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. 34. 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, 2016, and ending June 30, 2017, from those moneys which are not allocated pursuant to that section, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department’s protection of the state’s groundwater, including for administration, regulation, and programs, and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... \$ 1,727,916

DESIGNATED APPROPRIATIONS
MISCELLANEOUS FUNDS

Sec. 35. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of administering and enforcing the state snowmobile programs:

..... \$ 50,000

Sec. 36. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of paying for administration expenses of the department’s underground storage tanks section:

..... \$ 100,000

SPECIAL APPROPRIATIONS
GENERAL FUND

Sec. 37. 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, 2016, and ending June 30, 2017, 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:

..... \$ 975,000

2. Of the amount appropriated in subsection 1, up to \$200,000 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. 38. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of providing for forestry health management programs:

..... \$ 250,000

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 XI
IOWA STATE UNIVERSITY
SPECIAL GENERAL FUND APPROPRIATIONS FOR FY 2016-2017
VETERINARY DIAGNOSTIC LABORATORY

Sec. 39. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the college of veterinary medicine for the operation of the veterinary diagnostic laboratory and for not more than the following full-time equivalent positions:

..... \$ 2,000,000
..... 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, 2017, 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.

WATER QUALITY INITIATIVE

Sec. 40. IOWA NUTRIENT RESEARCH CENTER.

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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting an Iowa nutrient research center as established in section 466B.47:

..... \$ 662,500

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.

DIVISION XII
ENVIRONMENT FIRST FUND
GENERAL APPROPRIATIONS FOR FY 2016-2017

Sec. 41. 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, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

a. For the conservation reserve enhancement program to restore and construct wetlands for the purposes of intercepting tile line runoff, reducing nutrient loss, improving water quality, and enhancing agricultural production practices:

..... \$ 500,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

c. Notwithstanding any other provision in law, the department may use moneys appropriated in this subsection, in combination with other appropriate environment first fund appropriations, for cost sharing to match United States department of agriculture, natural resources conservation service, wetlands reserve enhancement program (WREP) funding available to Iowa.

2. WATERSHED PROTECTION

a. For continuation of a program that provides multiobjective resource protections for flood control, water quality, erosion control, and natural resource conservation:

..... \$ 450,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

3. FARM MANAGEMENT DEMONSTRATION PROGRAM

a. For continuation of a statewide voluntary farm management demonstration program to demonstrate the effectiveness and adaptability of emerging practices in agronomy that protect water resources and provide other environmental benefits:

..... \$ 312,500

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. Of the amount appropriated in paragraph "a", \$200,000 shall be allocated to an organization representing soybean growers to provide for an agriculture and environment performance program in order to carry out the purposes of this subsection as specified in paragraph "a".

4. SOIL AND WATER CONSERVATION — ADMINISTRATION

a. For use by the department for costs of administration and implementation of soil and water conservation practices:

..... \$ 1,350,000

b. Of the moneys appropriated in paragraph "a", the department shall support field staff providing technical assistance by allocating fifty percent of the amount that the department allocated to support field staff under section 19, subsection 4, of this Act. In addition, of the moneys appropriated in paragraph "a", the department shall allocate an additional \$75,000 to support such field staff.

5. CONSERVATION RESERVE PROGRAM (CRP)

a. To encourage and assist farmers in enrolling in and the implementation of the federal conservation reserve program and to work with them to enhance their revegetation efforts to improve water quality and habitat:

..... \$ 500,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

6. SOIL AND WATER CONSERVATION

a. For use by the department in providing for soil and water conservation administration, the conservation of soil and water resources, or the support of soil and water conservation districts:

..... \$ 3,375,000

b. Of the amount appropriated in paragraph "a" that the department allocates to a soil and water conservation district, the first \$7,500 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.

c. Not more than 5 percent of the moneys appropriated in paragraph "a" may be allocated for cost sharing to address complaints filed under section 161A.47.

d. Of the moneys appropriated in paragraph "a", 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.

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

f. 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.

g. Not more than 15 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

h. In lieu of moneys appropriated in section 466A.5, not more than \$25,000 of the moneys appropriated in paragraph "a" shall be used by the division of soil conservation and water quality of the department of agriculture and land stewardship to provide administrative support to the watershed improvement review board established in section 466A.3.

7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... \$ 300,000

b. (1) Of the amount appropriated in paragraph "a", \$225,000 shall be allocated to the fund's hungry canyons account.

(2) Not more than 10 percent of the moneys allocated to the hungry canyons account as provided in subparagraph (1) may be used for administrative costs.

c. (1) Of the amount appropriated in paragraph "a", \$75,000 shall be allocated to the fund's loess hills alliance account.

(2) Not more than 10 percent of the moneys allocated to the loess hills alliance account as provided in subparagraph (1) may be used for administrative costs.

Sec. 42. 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, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. STATE PARKS MAINTENANCE AND OPERATIONS	
For regular maintenance and operations of state parks and staff time associated with these activities:	
.....	\$ 3,057,500
2. GEOGRAPHIC INFORMATION SYSTEM (GIS)	
To provide local watershed managers with geographic information system data for their use in developing, monitoring, and displaying results of their watershed work:	
.....	\$ 97,500
3. WATER QUALITY MONITORING	
For continuing the establishment and operation of water quality monitoring stations:	
.....	\$ 1,477,500
4. PUBLIC WATER SUPPLY SYSTEM ACCOUNT	
For deposit in the public water supply system account of the water quality protection fund created in section 455B.183A:	
.....	\$ 250,000
5. REGULATION OF ANIMAL FEEDING OPERATIONS	
For the regulation of animal feeding operations, including as provided for in chapters 459 through 459B:	
.....	\$ 660,000
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:	
.....	\$ 212,500
7. WATER QUANTITY REGULATION	
For regulating water quantity from surface and subsurface sources by providing for the allocation and use of water resources, the protection and management of water resources, and the preclusion of conflicts among users of water resources, including as provided in chapter 455B, division III, part 4:	
.....	\$ 247,500
8. GEOLOGICAL AND WATER SURVEY	
For continuing the operations of the department's geological and water survey including but not limited to providing analysis, data collection, investigative programs, and information for water supply development and protection:	
.....	\$ 100,000
9. KEEP IOWA BEAUTIFUL INITIATIVE	
For purposes of supporting a keep Iowa beautiful initiative in order to assist communities in developing and implementing beautification and community development plans:	
.....	\$ 100,000

Sec. 43. REVERSION.

1. Except as provided in subsection 2, and notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2016, in this division of this Act 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, or until the project for which the appropriation was made is completed, whichever is earlier.

2. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2016, 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 shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2019.

DIVISION XIII
PERSONNEL SETTLEMENT AGREEMENT PAYMENTS

Sec. 44. PERSONNEL SETTLEMENT AGREEMENT PAYMENTS. As a condition made to any appropriation to the department of agriculture and land stewardship, the department of natural resources, or Iowa state university of science and technology for the fiscal year beginning July 1, 2016, and ending June 30, 2017, as provided in this Act, the moneys appropriated and any other moneys available for use by that entity for that fiscal year under this Act shall not be used for the payment of a personnel settlement agreement between that entity and a state employee that contains a confidentiality provision intended to prevent public disclosure of the agreement or any terms of the agreement.

DIVISION XIV
RELATED STATUTORY CHANGES FOR CODIFICATION IN 2015
BLUFFLANDS PROTECTION PROGRAM AND REVOLVING FUND

Sec. 45. **NEW SECTION. 161A.80A Blufflands protection program and revolving fund.**

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

a. For purposes of this section only, “*bluffland*” means a cliff, headland, or hill with a broad, steep face along the channel or floodplain of the Missouri or Mississippi river and their tributaries.

b. “*Conservation organization*” means a nonprofit corporation incorporated in Iowa or an entity organized and operated primarily to enhance and protect natural resources in this state.

2. A blufflands protection revolving fund is created in the state treasury. All proceeds shall be divided into two equal accounts. One account shall be used for the purchase of blufflands along the Mississippi river and its tributaries and the other account shall be used for the purchase of blufflands along the Missouri river and its tributaries. The proceeds of the revolving fund are appropriated to make loans to conservation organizations which agree to purchase bluffland properties adjacent to state public lands. The department of agriculture and land stewardship, in conjunction with the department of natural resources, shall adopt rules pursuant to chapter 17A to administer the disbursement of funds. Notwithstanding section 12C.7, interest or earnings on investments made pursuant to this section or as provided in section 12B.10 shall be credited to the blufflands protection revolving fund. Notwithstanding section 8.33, unobligated or unencumbered funds credited to the blufflands protection revolving fund shall not revert at the close of a fiscal year. However, the maximum balance in the blufflands protection revolving fund shall not exceed two million five hundred thousand dollars. Any funds in excess of two million five hundred thousand dollars shall be credited to the rebuild Iowa infrastructure fund. No loan shall be made under this section on or after July 1, 2025.

3. This section is repealed on July 1, 2030.

Sec. 46. **NEW SECTION. 161A.80B Outstanding bluffland protection loans.**

1. The principal and interest from any loan made pursuant to section 161A.80A, as enacted in this Act, remaining outstanding on July 1, 2025, that would have been payable to the blufflands protection revolving fund created in section 161A.80A, shall instead be paid to the division on or after July 1, 2025, pursuant to the terms of the loan agreement. The moneys paid to the division shall be credited to the rebuild Iowa infrastructure fund created in section 8.57.

2. This section is repealed on July 1, 2030.

Sec. 47. **MONEYS IN THE BLUFFLANDS PROTECTION REVOLVING FUND.**

1. This section applies to any moneys existing in the blufflands protection revolving fund, including its accounts, as that fund and accounts exist under section 161A.80, Code 2015, on June 30, 2015, including any remaining appropriations made to that fund and accounts pursuant to 1998 Iowa Acts, chapter 1219, section 10, subsection 3, any moneys paid into the fund and accounts, and any moneys required to be credited to the rebuild Iowa infrastructure fund upon the repeal of section 161A.80, Code 2015, pursuant to section 161A.80, subsection 2, of that section.

2. The moneys described in subsection 1 shall be transferred to the blufflands protection revolving fund created in section 161A.80A, as enacted in this division of this Act. The moneys described in subsection 1 in an account of the blufflands protection revolving fund existing under section 161A.80, Code 2015, on June 30, 2015, shall be credited to the account with the same purpose created in the blufflands protection revolving fund under section 161A.80A, as enacted in this division of this Act.

DIVISION XV
CONTROL OF ANIMAL DISEASES — DISPOSAL

Sec. 48. Section 670.1, subsection 2, Code 2015, is amended to read as follows:

2. “Municipality” means city, county, township, school district, a chapter 28E entity as provided in section 670.4, subsection 1, paragraph “p”, and any other unit of local government except soil and water conservation districts as defined in section 161A.3, subsection 6.

Sec. 49. Section 670.4, subsection 1, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. *p.* Any claim against a chapter 28E entity or an officer or employee of the entity in any way arising out of, or related to, the acts or omissions, operations, or acceptance of waste by the entity, at the request of federal or state agencies, or any political subdivision of this state, in response to a disaster emergency declared by the governor pursuant to section 29C.6, subsection 1, in any way related to an infectious or contagious disease as defined in section 163.2, subsection 5, unless the department of natural resources determines the entity materially deviated from the entity’s direct responsibilities and duties under the special waste authorization issued by the department. A chapter 28E entity receiving waste under this paragraph shall not be responsible for actions or inactions of any other parties and shall have no duty to assess, challenge, or evaluate the efficacy or safety of the means of disposal pursuant to any governmental rule, order, special waste authorization, or directive.

Sec. 50. WASTE DISPOSAL REPORT. A chapter 28E entity which accepts avian flu waste for landfill disposal and which receives reimbursement of costs from the United States department of agriculture shall report to the general assembly by January 1, 2016, a summary of total costs and revenues related to the disposal of avian flu wastes.

Sec. 51. IMMEDIATE EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVI
CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS

Sec. 52. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, takes effect upon enactment.

Sec. 53. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, applies retroactively to July 1, 2015.

Approved June 18, 2015

CHAPTER 133**APPROPRIATIONS — SHORT-TERM FUNDING***S.F. 513*

AN ACT relating to and making appropriations for a period of short duration beginning July 1, 2015, providing for related legal and other matters, and including effective date and retroactive applicability provisions.

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

Section 1. FISCAL YEAR 2015-2016 TEMPORARY APPROPRIATIONS.

1. **APPROPRIATIONS DETERMINED FROM ENROLLED BILLS.** The department of management, in consultation with the legislative services agency, shall determine the amount of all line item appropriations, standing limited appropriations, and standing unlimited appropriations otherwise limited by law, including appropriations from federal and nonstate funds, made for the fiscal year beginning July 1, 2015, and ending June 30, 2016, by bills passed by both the senate and the house of representatives during the 2015 Regular Session of the Eighty-sixth General Assembly and enrolled for presentation to the governor, as affected by any applicable provision of law. The department of management, in consultation with the legislative services agency, shall also identify the entities to which such appropriations are so made.

2. **TEMPORARY APPROPRIATIONS.** There is appropriated from the appropriate state fund or account to the entities identified pursuant to subsection 1, for the period beginning July 1, 2015, and ending July 31, 2015, amounts, or so much thereof as is necessary, equal to one-twelfth of the amounts of all line item appropriations, standing limited appropriations, and standing unlimited appropriations otherwise limited by law, including federal and nonstate funds, made for the fiscal year beginning July 1, 2015, and ending June 30, 2016, as determined pursuant to subsection 1.

3. **CARRYFORWARDS TEMPORARILY SUPPLANTED.** The amounts appropriated under subsection 2 shall supplant, for only the period beginning July 1, 2015, and ending July 31, 2015, any appropriations carried forward from any previous fiscal year into the fiscal year beginning July 1, 2015, and ending June 30, 2016.

4. **TEMPORARY APPROPRIATIONS CONSIDERED ALLOTMENTS OF FULL-YEAR APPROPRIATION.** Upon the governor's approval of any enrolled bill, as passed by both the senate and the house of representatives during the 2015 Regular Session of the Eighty-sixth General Assembly, containing the same line item appropriations or limited standing appropriations for the fiscal year beginning July 1, 2015, and ending June 30, 2016, as made in the temporary appropriations under subsection 2, the amounts of the temporary appropriations shall be considered allotments of the line item appropriations or limited standing appropriations for the full fiscal year beginning July 1, 2015, and ending June 30, 2016.

Sec. 2. FISCAL YEAR 2015-2016 CONTINUING APPROPRIATIONS.

1. **APPROPRIATIONS DETERMINED FROM 2014-2015 LINE ITEM AND LIMITED STANDING APPROPRIATIONS.**

a. For all line item appropriations, standing limited appropriations, and standing unlimited appropriations otherwise limited by law, including appropriations from federal and nonstate funds, not included in bills passed by both the senate and the house of representatives during the 2015 Regular Session of the Eighty-sixth General Assembly and enrolled for presentation to the governor, the department of management, in consultation with the legislative services agency, shall determine the amount of such line item appropriations, standing limited appropriations, and standing unlimited appropriations otherwise limited by law, including appropriations from federal and nonstate funds, made for the fiscal year beginning July 1, 2014, and ending June 30, 2015, by taking into consideration all interdepartmental and intradepartmental transfers made pursuant to section 8.39 and other provisions of law.

b. The department of management, in consultation with the legislative services agency, shall also identify the entities to which such appropriations were so made, or the entities' successors.

2. CONTINUING APPROPRIATIONS. There is appropriated from the appropriate state fund or account to the entities identified pursuant to subsection 1, for the period beginning July 1, 2015, and ending July 31, 2015, amounts, or so much thereof as is necessary, equal to one-twelfth of the amounts of all line item appropriations, standing limited appropriations, and standing unlimited appropriations otherwise limited by law, including federal and nonstate funds, made for the fiscal year beginning July 1, 2014, and ending June 30, 2015, as determined pursuant to subsection 1.

3. DUPLICATIVE STANDING APPROPRIATIONS TEMPORARILY SUPPLANTED. The amounts appropriated under subsection 2 shall supplant, for only the period beginning July 1, 2015, and ending July 31, 2015, any duplicative standing appropriation for the fiscal year beginning July 1, 2015, and ending June 30, 2016.

4. CARRYFORWARDS TEMPORARILY SUPPLANTED. The amounts appropriated under subsection 2 shall supplant, for only the period beginning July 1, 2015, and ending July 31, 2015, any appropriations carried forward from any previous fiscal year into the fiscal year beginning July 1, 2015, and ending June 30, 2016.

5. CONTINUING APPROPRIATIONS CONSIDERED ALLOTMENTS OF FULL-YEAR APPROPRIATION. Upon the governor's approval of any enrolled bill, as passed by both the senate and the house of representatives during the 2015 Regular Session of the Eighty-sixth General Assembly, containing the same line items or limited standing appropriations for the fiscal year beginning July 1, 2015, and ending June 30, 2016, as made in the continuing appropriations under subsection 2, the amounts of the continuing appropriations shall be considered allotments of the line item appropriations or limited standing appropriations for the full fiscal year beginning July 1, 2015, and ending June 30, 2016.

6. CAPITAL PROJECTS EXCLUDED. This section of this Act does not apply to appropriations for capital projects.

Sec. 3. Section 163.15, subsection 1, Code 2015, is amended to read as follows:

1. If the secretary of agriculture determines that the outbreak of ~~an~~ the infectious or contagious disease tuberculosis among an animal population constitutes a threat to the general welfare or the public health of the inhabitants of this state, the secretary shall formulate a program of eradication which shall include the condemnation and destroying of the animals exposed to or afflicted with the disease tuberculosis. The program of eradication shall provide for the indemnification of owners of the livestock under this section, if there are no other sources of indemnification. The program shall not be effective until the program has been approved by the executive council.

Sec. 4. Section 163.15, subsection 2, unnumbered paragraph 1, Code 2015, is amended to read as follows:

If an animal afflicted with ~~an~~ the infectious or contagious disease tuberculosis is destroyed under a program of eradication as provided in this section, the owner shall be compensated according to one of the following methods:

Sec. 5. Section 163.15, subsection 2, paragraph b, unnumbered paragraph 1, Code 2015, is amended to read as follows:

A formula established by rule adopted by the department that is effective as determined by the department in accordance with chapter 17A and applicable upon approval of the program of eradication by the executive council. The formula shall be applicable to indemnify owners if the executive council, upon recommendation by the secretary of agriculture, determines that an animal population in this state is threatened with infection from an exceptionally contagious form of the disease tuberculosis.

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

Sec. 7. RETROACTIVE APPLICABILITY — CONDITIONAL. This Act, if approved by the governor on or after July 1, 2015, applies retroactively to July 1, 2015.

Approved June 18, 2015

CHAPTER 134

APPROPRIATIONS — JUDICIAL BRANCH

S.F. 496

AN ACT relating to appropriations to the judicial branch and including effective date and retroactive applicability provisions.

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

**DIVISION I
FY 2015-2016**

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, 2015, and ending June 30, 2016, 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, 2015; and maintenance, equipment, and miscellaneous purposes:

..... \$ 171,486,612¹

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.

¹ See chapter 138, §21 herein

6. In addition to the requirements for transfers under section 8.39, the judicial branch shall not change the appropriations from the amounts appropriated to the judicial branch in this division of this Act, unless notice of the revisions is given prior to their effective date to the legislative services agency. The notice shall include information on the branch's rationale for making the changes and details concerning the workload and performance measures upon which the changes are based.

7. The judicial branch shall submit a semiannual update to the legislative services agency specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system since the last report. The judicial branch shall continue to facilitate the sharing of vital sentencing and other information with other state departments and governmental agencies involved in the criminal justice system through the Iowa court information system.

8. The judicial branch shall provide a report to the general assembly by January 1, 2016, 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 7, during the fiscal year beginning July 1, 2014, and ending June 30, 2015, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2015, and ending June 30, 2016. A copy of the report shall be provided to the legislative services agency.

9. The judicial branch shall emphasize the expansion of family treatment courts on a statewide basis.

Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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, 2015, 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, for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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.

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, 2015, and ending June 30, 2016.

DIVISION II
FY 2016-2017

Sec. 6. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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, 2016; and maintenance, equipment, and miscellaneous purposes:

..... \$ 85,743,306

b. For deposit in the revolving fund created pursuant to section 602.1302, subsection 3, for jury and witness fees, mileage, costs related to summoning jurors, costs and fees for interpreters and translators, and reimbursement of attorney fees paid by the state public defender:

..... \$ 1,550,000

2. The judicial branch, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

3. The judicial branch shall submit monthly financial statements to the legislative services agency and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of administrative services. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full-time equivalent positions and dollars.

4. The judicial branch shall focus efforts upon the collection of delinquent fines, penalties, court costs, fees, surcharges, or similar amounts.

5. It is the intent of the general assembly that the offices of the clerks of the district court operate in all 99 counties and be accessible to the public as much as is reasonably possible in order to address the relative needs of the citizens of each county.

6. In addition to the requirements for transfers under section 8.39, the judicial branch shall not change the appropriations from the amounts appropriated to the judicial branch in this division of this Act, unless notice of the revisions is given prior to their effective date to the legislative services agency. The notice shall include information on the branch’s rationale for making the changes and details concerning the workload and performance measures upon which the changes are based.

7. The judicial branch shall submit a semiannual update to the legislative services agency specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system since the last report. The judicial branch shall continue to facilitate the sharing of vital sentencing and other information with other state departments and governmental agencies involved in the criminal justice system through the Iowa court information system.

8. The judicial branch shall provide a report to the general assembly by January 1, 2017, 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 7, during the fiscal year beginning July 1, 2015, and ending June 30, 2016, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2016, and ending June 30, 2017. A copy of the report shall be provided to the legislative services agency.

9. The judicial branch shall emphasize the expansion of family treatment courts on a statewide basis.

Sec. 7. CIVIL TRIALS — LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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. 8. TRAVEL REIMBURSEMENT. Notwithstanding section 602.1509, for the fiscal year beginning July 1, 2016, a judicial officer may waive travel reimbursement for any travel outside the judicial officer's county of residence to conduct official judicial business.

Sec. 9. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding the annual salary rates for judicial officers established by 2013 Iowa Acts, chapter 140, section 40, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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.

Sec. 10. 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, 2016, and ending June 30, 2017.

DIVISION III
CONDITIONAL EFFECTIVE DATE AND
RETROACTIVE APPLICABILITY PROVISIONS

Sec. 11. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, takes effect upon enactment.

Sec. 12. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, applies retroactively to July 1, 2015.

Approved July 2, 2015

CHAPTER 135
APPROPRIATIONS — JUSTICE SYSTEM
S.F. 497

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 2015-2016
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, 2015, and ending June 30, 2016, 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:

.....	\$	7,989,905
.....	FTEs	214.00

It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

b. For victim assistance grants:

.....	\$	6,734,400
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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 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

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:

.....	\$	2,400,000
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2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2016, 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, 2014, and actual and expected reimbursements for the fiscal year commencing July 1, 2015.

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, 2016.

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, 2015, and ending June 30, 2016, 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, 2015, and ending June 30, 2016, 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:

.....	\$	43,771,602
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b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 33,668,253

It is the intent of the general assembly that the department of corrections maintain and operate the Luster Heights prison camp.

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 60,158,092

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 27,572,108

e. For the operation of the Mount Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 25,360,135

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 9,836,353

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 25,933,430

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.¹

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 22,645,970

i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 30,097,648

j. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17, and for offenders confined pursuant to section 904.513:

..... \$ 1,075,092

k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

..... \$ 484,411

2. The department of corrections shall use moneys appropriated in subsection 1 to continue to contract for the services of a Muslim imam and a Native American spiritual leader.

Sec. 4. 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, 2015, and ending June 30, 2016, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For general administration, including salaries, support, maintenance, employment of an education director to administer a centralized education program for the correctional system, and miscellaneous purposes:

..... \$ 5,270,010

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

¹ See chapter 137, §160 herein

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.

**c. 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, except as otherwise provided in paragraph "b", enter into a new contract, unless the contract is a renewal of an existing contract, for the expenditure of moneys in excess of \$100,000 during the fiscal year beginning July 1, 2015, for the privatization of services performed by the department using state employees as of July 1, 2015, or for the privatization of new services by the department without prior consultation with any applicable state employee organization affected by the proposed new contract and prior notification of the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system.*

*d. It is the intent of the general assembly that the department of corrections shall add additional correctional officer positions to the current number of correctional officer positions as of July 1, 2015.**

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 of the Iowa corrections offender network (ICON) data system:

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

4. For offender mental health and substance abuse treatment:

..... \$ 22,319

5. It is the intent of the general assembly that for the fiscal year addressed by this section the department of corrections shall continue to operate the correctional farms under the control of the department at the same or greater level of participation and involvement as existed as of January 1, 2011; shall not enter into any rental agreement or contract concerning any farmland under the control of the department that is not subject to a rental agreement or contract as of January 1, 2011, without prior legislative approval; and shall further attempt to provide job opportunities at the farms for inmates. The department shall attempt to provide job opportunities at the farms for inmates by encouraging labor-intensive farming or gardening where appropriate; using inmates to grow produce and meat for institutional consumption; researching the possibility of instituting food canning and cook-and-chill operations; and exploring opportunities for organic farming and gardening, livestock ventures, horticulture, and specialized crops.

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, 2015, and ending June 30, 2016, 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:

..... \$ 14,787,977

* Item veto; see message at end of the Act

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:
..... \$ 11,500,661

It is the intent of the general assembly that the second judicial district department of correctional services establish and maintain two drug courts to be operated by the district department.

c. For the third judicial district department of correctional services:
..... \$ 7,241,257

d. For the fourth judicial district department of correctional services:
..... \$ 5,638,005

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:
..... \$ 21,078,393

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:
..... \$ 14,863,623

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:
..... \$ 7,856,873

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:
..... \$ 8,167,194

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.

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, 2015, 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, 2015. 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, 2016. 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, 2015, 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, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:
..... \$ 1,003,214
..... FTEs 24.00

It is the intent of the general assembly that the Iowa law enforcement academy may provide training of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer's disease.

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.

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, 2015, and ending June 30, 2016, 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:

.....	\$	26,032,243
.....	FTEs	223.00

2. For payments on behalf of eligible adults and juveniles from the indigent defense fund, in accordance with section 815.11:

.....	\$	29,751,929
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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, 2015, and ending June 30, 2016, 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:

.....	\$	1,204,583
.....	FTEs	10.75

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, 2015, and ending June 30, 2016, 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:

.....	\$	6,554,478
.....	FTEs	277.50

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. THE 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, 2015, and ending June 30, 2016, 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:

.....	\$	2,229,623
.....	FTEs	35.95

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.

3. It is the intent of the general assembly that the department of homeland security and emergency management work in conjunction with the department of public safety, to the extent possible, when gathering and analyzing information related to potential domestic or foreign security threats, and when monitoring such threats.

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, 2015, and ending June 30, 2016, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department’s administrative functions, including the criminal justice information system, and for not more than the following full-time equivalent positions:

.....	\$	4,226,131
.....	FTEs	38.00

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:

.....	\$	13,796,544
.....	FTEs	159.00

3. For the criminalistics laboratory fund created in section 691.9:

.....	\$	302,345
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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:

.....	\$	7,391,039
.....	FTEs	65.50

b. For the division of narcotics enforcement for undercover purchases:

.....	\$	109,042
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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:

.....	\$	4,651,010
.....	FTEs	53.00

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:

.....	\$	61,501,575
.....	FTEs	512.00

It is the intent of the general assembly that the division of state patrol implement the endangered persons advisory alert system.

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:

..... \$ 154,661

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, 2015, and ending June 30, 2016, 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:

..... \$ 10,898,008
..... FTEs 102.00

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, 2015, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2015, and ending June 30, 2016, an additional amount of not more than \$300,000 to be used for not more than 3 additional full-time equivalent positions.

3. The department of public safety, with the approval of the department of management, may employ no more than three special agents for each additional riverboat or gambling structure regulated after July 1, 2015, and three special agents for each racing facility which becomes operational during the fiscal year which begins July 1, 2015. 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, 2015, and ending June 30, 2016, 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:

..... \$ 1,169,540
..... FTEs 28.00

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, 2015, and ending June 30, 2016, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,260,105
..... FTEs 12.15

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 E911 emergency communications fund created in section 34A.7A to the department of homeland security and emergency management for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For implementation, support, and maintenance of the functions of the administrator and program manager under chapter 34A and to employ the auditor of the state to perform an annual audit of the E911 emergency communications fund:
..... \$ 250,000

Sec. 20. Section 915.80, Code 2015, is amended by adding the following new subsections:
NEW SUBSECTION. 4A. “Emergency relocation” means a relocation that takes place within thirty days of the date of a crime or the discovery of a crime, or within thirty days after a crime could reasonably be reported. “Emergency relocation” also includes a relocation that takes place within the thirty days before or after an offender related to the crime is released from incarceration.

NEW SUBSECTION. 4B. “Housing assistance” means living expenses associated with owning or renting housing, including essential utilities, intended to maintain or reestablish the living arrangement, health, and safety of a victim impacted by a crime.

Sec. 21. Section 915.84, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The department may waive, for good cause shown, the requirement that an emergency relocation must take place within thirty days of the date or discovery of a crime or within thirty days before or after the offender is released from incarceration.

Sec. 22. Section 915.86, Code 2015, is amended by adding the following new subsections:

NEW SUBSECTION. 16. Reasonable charges incurred by a victim, a secondary victim, the survivor of a homicide victim as described in subsection 9, or by a victim service program on behalf of a victim, for emergency relocation expenses, not to exceed one thousand dollars per person per lifetime.

NEW SUBSECTION. 17. Reasonable expenses incurred by a victim, or by a victim service program on behalf of a victim, for up to three months of housing assistance, not to exceed two thousand dollars per person per lifetime.

DIVISION II
FY 2016-2017
APPROPRIATIONS

Sec. 23. 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, 2016, and ending June 30, 2017, 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:
..... \$ 3,994,953

..... FTEs 214.00

As a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

b. For victim assistance grants:
..... \$ 3,367,200

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 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

The department of justice shall transfer at least \$150,000 from the victim compensation fund established in section 915.94 to the victim assistance grant program.

Notwithstanding section 8.33, moneys appropriated in this paragraph “b” that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

c. For legal services for persons in poverty grants as provided in section 13.34:

..... \$ 1,200,000

2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2017, 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, 2015, and actual and expected reimbursements for the fiscal year commencing July 1, 2016.

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, 2017.

Sec. 24. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,568,794
..... FTEs 22.00

Sec. 25. 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, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 21,885,801

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 16,834,127

It is the intent of the general assembly that the department of corrections maintain and operate the Luster Heights prison camp.

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 30,079,046

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 13,786,054

e. For the operation of the Mount Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 12,680,067

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 4,918,177

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 12,966,715

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.²

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 11,322,985

i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 15,048,824

j. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17, and for offenders confined pursuant to section 904.513:

..... \$ 537,546

k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

..... \$ 242,205

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. 26. 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, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For general administration, including salaries, support, maintenance, employment of an education director to administer a centralized education program for the correctional system, and miscellaneous purposes:

..... \$ 2,635,005

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.

*c. 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, except as otherwise provided in paragraph "b", enter into a new contract, unless the contract is a renewal of an existing contract, for the expenditure of moneys in excess of \$100,000 during the fiscal year beginning July 1, 2016, for the privatization of services performed by the department using state employees as of July 1, 2016, or for the privatization of new services by the department without prior consultation with any applicable state employee organization affected by the

² See chapter 137, §161 herein

* Item veto; see message at end of the Act

proposed new contract and prior notification of the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system.

d. It is the intent of the general assembly that the department of corrections shall add additional correctional officer positions to the current number of correctional officer positions as of July 1, 2016.*

2. For educational programs for inmates at state penal institutions:

..... \$ 1,304,055

a. To maximize the funding for educational programs, the department shall establish guidelines and procedures to prioritize the availability of educational and vocational training for inmates based upon the goal of facilitating an inmate’s successful release from the correctional institution.

b. The director of the department of corrections may transfer moneys from Iowa prison industries and the canteen operating funds established pursuant to section 904.310, for use in educational programs for inmates.

c. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available to be used only for the purposes designated in this subsection until the close of the succeeding fiscal year.

3. For the development of the Iowa corrections offender network (ICON) data system:

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

4. For offender mental health and substance abuse treatment:

..... \$ 11,159

5. It is the intent of the general assembly that for the fiscal year addressed by this section the department of corrections shall continue to operate the correctional farms under the control of the department at the same or greater level of participation and involvement as existed as of January 1, 2011; shall not enter into any rental agreement or contract concerning any farmland under the control of the department that is not subject to a rental agreement or contract as of January 1, 2011, without prior legislative approval; and shall further attempt to provide job opportunities at the farms for inmates. The department shall attempt to provide job opportunities at the farms for inmates by encouraging labor-intensive farming or gardening where appropriate; using inmates to grow produce and meat for institutional consumption; researching the possibility of instituting food canning and cook-and-chill operations; and exploring opportunities for organic farming and gardening, livestock ventures, horticulture, and specialized crops.

Sec. 27. 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, 2016, and ending June 30, 2017, for salaries, support, maintenance, and miscellaneous purposes, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the first judicial district department of correctional services:

..... \$ 7,393,988

It is the intent of the general assembly that the first judicial district department of correctional services maintain the drug courts operated by the district department.

b. For the second judicial district department of correctional services:

..... \$ 5,750,331

It is the intent of the general assembly that the second judicial district department of correctional services establish and maintain two drug courts to be operated by the district department.

c. For the third judicial district department of correctional services:

..... \$ 3,620,628

d. For the fourth judicial district department of correctional services:

..... \$ 2,819,003

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:

* Item veto; see message at end of the Act

..... \$ 10,539,196

It is the intent of the general assembly that the fifth judicial district department of correctional services maintain the drug court operated by the district department.

f. For the sixth judicial district department of correctional services:

..... \$ 7,431,812

It is the intent of the general assembly that the sixth judicial district department of correctional services maintain the drug court operated by the district department.

g. For the seventh judicial district department of correctional services:

..... \$ 3,928,436

It is the intent of the general assembly that the seventh judicial district department of correctional services maintain the drug court operated by the district department.

h. For the eighth judicial district department of correctional services:

..... \$ 4,083,597

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.

Sec. 28. 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. 29. 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, 2016, 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, 2016. 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. 30. 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, 2017. 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. 31. 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, 2016, exceeding \$5,000 or in accordance with applicable administrative rules related to purchases for the agency.

Sec. 32. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:
..... \$ 501,607
..... FTEs 24.00

It is the intent of the general assembly that the Iowa law enforcement academy may provide training of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer's disease.

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.

Sec. 33. 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, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 13,016,121
..... FTEs 223.00

2. For payments on behalf of eligible adults and juveniles from the indigent defense fund, in accordance with section 815.11:
..... \$ 14,875,965

Sec. 34. 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, 2016, and ending June 30, 2017, 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:

.....	\$	602,291
.....	FTEs	10.75

Sec. 35. 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, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,277,239
.....	FTEs	277.50

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. 36. THE 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, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,114,812
.....	FTEs	35.95

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.

3. It is the intent of the general assembly that the department of homeland security and emergency management work in conjunction with the department of public safety, to the extent possible, when gathering and analyzing information related to potential domestic or foreign security threats, and when monitoring such threats.

Sec. 37. 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, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department’s administrative functions, including the criminal justice information system, and for not more than the following full-time equivalent positions:

.....	\$	2,113,065
.....	FTEs	38.00

2. For the division of criminal investigation, including the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the amount of the state’s normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	6,898,272
.....	FTEs	159.00

3. For the criminalistics laboratory fund created in section 691.9:

.....	\$	151,173
-------	----	---------

4. a. For the division of narcotics enforcement, including the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the

amount of the state’s normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	3,695,519
.....	FTEs	65.50

b. For the division of narcotics enforcement for undercover purchases:

.....	\$	54,521
-------	----	--------

5. For the division of state fire marshal, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the amount of the state’s normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	2,325,505
.....	FTEs	53.00

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:

.....	\$	30,750,788
.....	FTEs	512.00

It is the intent of the general assembly that the division of state patrol implement the endangered persons advisory alert system.

It is the intent of the general assembly that members of the state patrol be assigned to patrol the highways and roads in lieu of assignments for inspecting school buses for the school districts.

7. For deposit in the sick leave benefits fund established under section 80.42 for all departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement:

.....	\$	139,759
-------	----	---------

8. For costs associated with the training and equipment needs of volunteer fire fighters:

.....	\$	412,760
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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:

.....	\$	77,330
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Sec. 38. 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, 2016, and ending June 30, 2017, 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:

.....	\$	5,449,004
.....	FTEs	102.00

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, 2016, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2016, and ending June 30, 2017, an additional amount of not more than \$300,000 to be used for not more than 3 additional full-time equivalent positions.

3. The department of public safety, with the approval of the department of management, may employ no more than three special agents for each additional riverboat or gambling structure regulated after July 1, 2016, and three special agents for each racing facility which becomes operational during the fiscal year which begins July 1, 2016. Positions authorized in this subsection are in addition to the full-time equivalent positions otherwise authorized in this section.

Sec. 39. 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, 2016, and ending June 30, 2017, 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:

.....	\$	584,770
.....	FTEs	28.00

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. 40. 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, 2016, and ending June 30, 2017, 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:

.....	\$	630,053
.....	FTEs	12.15

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. 41. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT. There is appropriated from the E911 emergency communications fund created in section 34A.7A to the department of homeland security and emergency management for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For implementation, support, and maintenance of the functions of the administrator and program manager under chapter 34A and to employ the auditor of the state to perform an annual audit of the E911 emergency communications fund:

.....	\$	125,000
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DIVISION III
CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS

Sec. 42. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, takes effect upon enactment.

Sec. 43. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, applies retroactively to July 1, 2015.

Approved July 2, 2015, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 497, an Act relating to appropriations to the justice system, and including effective date and retroactive applicability provisions.

Senate File 497 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 1, lettered paragraph c, in its entirety. This item contains policy language pertaining to the Department of Corrections entering into a new contract in excess of \$100,000 for privatized services during fiscal year 2016 without prior notification of the legislature and employee organizations. However, this item allows the department to renew existing contracts without notification. This item would prevent the department from obtaining services for inmates in an effective and efficient manner. This notification unnecessarily impedes the department's management authority.

I am unable to approve the item designated as Section 4, subsection 1, lettered paragraph d, in its entirety. This item contains policy language regarding staffing levels at the Department of Corrections. While I support efforts to ensure adequate numbers of correctional officers, I believe that flexibility is needed to determine how many officers are hired based on costs, availability of funding and the needs of each institution. Adequate staffing is the prerogative of the Executive Branch; therefore, this language is unnecessary.

I am unable to approve the item designated as Section 26, subsection 1, lettered paragraph c, in its entirety. This item contains policy language pertaining to the Department of Corrections entering into a new contract in excess of \$100,000 for privatized services during fiscal year 2017 without prior notification of the legislature and employee organizations. However, this item allows the department to renew existing contracts without notification. This item would prevent the department from obtaining services for inmates in an effective and efficient manner. This notification unnecessarily impedes the department's management authority.

I am unable to approve the item designated as Section 26, subsection 1, lettered paragraph d, in its entirety. This item contains policy language regarding staffing levels at the Department of Corrections. While I support efforts to ensure adequate numbers of correctional officers, I believe that flexibility is needed to determine how many officers are hired based on costs, availability of funding and the needs of each institution. Adequate staffing is the prerogative of the Executive Branch; therefore, this language is unnecessary.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 497 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 136

APPROPRIATIONS — ECONOMIC DEVELOPMENT

S.F. 499

AN ACT making appropriations to the department of cultural affairs, the economic development authority, the Iowa finance authority, the public employment relations board, the department of workforce development, and the state board of regents and certain regents institutions, modifying programs and duties of the economic development authority, providing for other properly related matters, and including effective date and retroactive applicability provisions.

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

DIVISION I
FY 2015-2016

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, 2015, and ending June 30, 2016, 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:

.....	\$	176,882
.....	FTEs	74.50

The department of cultural affairs shall coordinate activities with the tourism office of the economic development authority to promote attendance at the state historical building and at this state’s historic sites.

Full-time equivalent positions authorized under this paragraph are funded, in full or in part, using moneys appropriated under this paragraph, paragraphs “c” through “g”, and paragraph “i”.

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:

.....	\$	3,167,701
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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:

.....	\$	1,233,764
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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. ARCHIVE IOWA GOVERNORS’ RECORDS

For archiving the records of Iowa governors:

.....	\$	65,933
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h. RECORDS CENTER RENT

For payment of rent for the state records center:

.....	\$	227,243
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i. BATTLE FLAGS

For continuation of the project recommended by the Iowa battle flag advisory committee to stabilize the condition of the battle flag collection:

..... \$ 94,000

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, 2015, 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, 2015:

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, 2015, and ending June 30, 2016, 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:

..... \$ 15,516,372

..... FTEs 149.00

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, 2015, and ending June 30, 2016, the following amount for the world food prize and in lieu of the standing appropriation in section 15.368, subsection 1:

..... \$ 712,500

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, 2015, and ending June 30, 2016, 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:

..... \$ 178,133
..... FTEs 7.00

Of the moneys appropriated in this subsection, the authority shall allocate \$75,000 for purposes of the Iowa state commission grant program and \$103,133 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, 2015, and ending June 30, 2016, the following amount to be used for the purposes of providing financial assistance to Iowa’s councils of governments:

..... \$ 200,000

Sec. 4. VISION IOWA PROGRAM — FTE AUTHORIZATION. For purposes of administrative duties associated with the vision Iowa program for the fiscal year beginning July 1, 2015, the economic development authority is authorized an additional 2.25 FTEs above those otherwise authorized in this division of this Act.

Sec. 5. INSURANCE ECONOMIC DEVELOPMENT. From the moneys collected by the division of insurance in excess of the anticipated gross revenues under section 505.7, subsection 3, during the fiscal year beginning July 1, 2015, \$100,000 shall be transferred to the economic development authority for insurance economic development and international insurance economic development.

Sec. 6. 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, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used to provide reimbursement for rent expenses to eligible persons under the rent subsidy program:

..... \$ 658,000

2. Participation in the rent subsidy program shall be limited to only those persons who meet the requirements for the nursing facility level of care for home and community-based services waiver services as in effect on July 1, 2015, and to those individuals who are eligible for the federal money follows the person grant program under the medical assistance program. Of the moneys appropriated in this section, not more than \$35,000 may be used for administrative costs.

Sec. 7. 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. 8. 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, 2015, and ending June 30, 2016, 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:

..... \$ 1,342,452
..... FTEs 10.00

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. 9. 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, 2015, and ending June 30, 2016, 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:

..... \$ 4,579,916

..... FTEs 67.00

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.

c. Of the moneys appropriated under this subsection, the department shall allocate \$87,500 for the purpose of employing an additional investigator and support staff to investigate wage enforcement.

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:

..... \$ 3,259,044
 FTEs 30.00

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:

..... \$ 9,179,413
 FTEs 130.00

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.

c. Of the moneys appropriated in paragraph "a" of this subsection, the department shall allocate at least \$1,130,602 for the operation of the three satellite field offices projected by the department to serve the most people from the offices located in Decorah, Fort Madison, Iowa City, or Webster City.

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:

..... \$ 358,464
 FTEs 4.00

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. 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. 10. 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, 2015, and ending June 30, 2016, 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:

..... \$ 451,458
 FTEs 8.10

Sec. 11. 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, 2015, and ending June 30, 2016, 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, 2015, and ending June 30, 2016, to accomplish the mission of the department.

Sec. 12. 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, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, for the purposes designated:

For the operation of satellite field offices:

..... \$ 400,000

Sec. 13. 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. 14. 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, 2015.

Sec. 15. SMALL BUSINESS DEVELOPMENT CENTERS. 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, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purposes of funding small business development centers:

..... \$ 101,000

Sec. 16. 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, 2015, and ending June 30, 2016, 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:

..... \$ 16,900,000

(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.

(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

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 university of Iowa, and 30 percent shall be allocated for the university of northern Iowa.

(a) The institutions shall provide a one-to-one match of additional moneys for the activities funded with moneys appropriated under this subparagraph (1).

(b) The state board of regents shall annually submit a report by January 15 to the governor, the general assembly, and the legislative services agency regarding the activities, projects, and programs funded with moneys appropriated under this subparagraph (1). The report shall be provided in an electronic format and shall include a list of metrics and criteria mutually agreed to in advance by the board of regents and the economic development authority. The metrics and criteria shall allow the governor’s office and the general assembly to quantify and evaluate the progress of the board of regents institutions with regard to their activities, projects, and programs in the areas of technology commercialization, entrepreneurship, regional development, and market research.

(2) IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY. For small business development centers, the science and technology research park, and the center for industrial research and service, and for not more than the following full-time equivalent positions:

.....	\$	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	8.00

(5) UNIVERSITY OF NORTHERN IOWA. For the metal casting institute, the MyEntreNet internet application, and the institute of decision making, including salaries, support,

maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,066,419
.....	FTEs	9.75

(a) Of the moneys appropriated pursuant to this subparagraph (5), the university of northern Iowa shall allocate at least \$617,639 for purposes of support of entrepreneurs through the university’s regional business center and economic gardening 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
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(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, 2015.

(2) As a condition of receiving moneys appropriated under this lettered paragraph “c”, an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

2. Notwithstanding section 8.33, moneys appropriated in this section of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

DIVISION II
FY 2016-2017

Sec. 17. 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, 2016, and ending June 30, 2017, 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:

.....	\$	88,441
.....	FTEs	74.50

The department of cultural affairs shall coordinate activities with the tourism office of the economic development authority to promote attendance at the state historical building and at this state’s historic sites.

Full-time equivalent positions authorized under this paragraph are funded, in full or in part, using moneys appropriated under this paragraph, paragraphs “c” through “g”, and paragraph “i”.

b. COMMUNITY CULTURAL GRANTS

For planning and programming for the community cultural grants program established under section 303.3:

.....	\$	86,045
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c. HISTORICAL DIVISION

For the support of the historical division:

.....	\$	1,583,851
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d. HISTORIC SITES

For the administration and support of historic sites:

.....	\$	213,199
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e. ARTS DIVISION

For the support of the arts division:	\$	616,882
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:	\$	75,000
g. ARCHIVE IOWA GOVERNORS' RECORDS		
For archiving the records of Iowa governors:	\$	32,967
h. RECORDS CENTER RENT		
For payment of rent for the state records center:	\$	113,622
i. BATTLE FLAGS		
For continuation of the project recommended by the Iowa battle flag advisory committee to stabilize the condition of the battle flag collection:	\$	47,000
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. 18. GOALS AND ACCOUNTABILITY — ECONOMIC DEVELOPMENT.

1. For the fiscal year beginning July 1, 2016, 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, 2016:

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. 19. 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, 2016, and ending June 30, 2017, 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:

.....	\$	7,758,186
.....	FTEs	149.00

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, 2016, and ending June 30, 2017, the following

amount for the world food prize and in lieu of the standing appropriation in section 15.368, subsection 1:

..... \$ 356,250

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, 2016, and ending June 30, 2017, 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:

..... \$ 89,067

..... FTEs 7.00

Of the moneys appropriated in this subsection, the authority shall allocate \$37,500 for purposes of the Iowa state commission grant program and \$51,567 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, 2016, and ending June 30, 2017, the following amount to be used for the purposes of providing financial assistance to Iowa’s councils of governments:

..... \$ 100,000

7. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INTERNSHIPS

a. There is appropriated from the general fund of the state to the Iowa economic development authority for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, for the purposes designated:

For the funding of internships for students studying in the fields of science, technology, engineering, and mathematics with eligible Iowa employers as provided in section 15.411, subsection 3, paragraph “c”:

..... \$ 500,000

b. No more than 3 percent of the moneys appropriated in this subsection may be used by the authority for costs associated with administration of the internship program.

c. Notwithstanding section 8.33, moneys appropriated in this subsection which remain unencumbered or unobligated at the end of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in subsequent fiscal years.

Sec. 20. VISION IOWA PROGRAM — FTE AUTHORIZATION. For purposes of administrative duties associated with the vision Iowa program for the fiscal year beginning July 1, 2016, the economic development authority is authorized an additional 2.25 FTEs above those otherwise authorized in this division of this Act.

Sec. 21. INSURANCE ECONOMIC DEVELOPMENT. From the moneys collected by the division of insurance in excess of the anticipated gross revenues under section 505.7, subsection 3, during the fiscal year beginning July 1, 2016, \$100,000 shall be transferred to the economic development authority for insurance economic development and international insurance economic development.

Sec. 22. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used to provide reimbursement for rent expenses to eligible persons under the rent subsidy program:

..... \$ 329,000

2. Participation in the rent subsidy program shall be limited to only those persons who meet the requirements for the nursing facility level of care for home and community-based

services waiver services as in effect on July 1, 2016, and to those individuals who are eligible for the federal money follows the person grant program under the medical assistance program. Of the moneys appropriated in this section, not more than \$35,000 may be used for administrative costs.

Sec. 23. 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. 24. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	671,226
.....	FTEs	10.00

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. 25. 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, 2016, and ending June 30, 2017, 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:

.....	\$	2,289,958
.....	FTEs	67.00

b. From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

2. DIVISION OF WORKERS' COMPENSATION

a. For the division of workers' compensation, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,629,522
.....	FTEs	30.00

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:

.....	\$	4,589,707
.....	FTEs	130.00

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.

c. Of the moneys appropriated in paragraph "a" of this subsection, the department shall allocate at least \$1,130,602 for the operation of the three satellite field offices projected by the department to serve the most people from the offices located in Decorah, Fort Madison, Iowa City, or Webster City.

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:

.....	\$	179,232
.....	FTEs	4.00

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. 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. 26. 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, 2016, and ending June 30, 2017, 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:

.....	\$	225,729
.....	FTEs	8.10

Sec. 27. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for field offices:

.....	\$	883,042
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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, 2016, and ending June 30, 2017, to accomplish the mission of the department.

Sec. 28. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, for the purposes designated:

For the operation of satellite field offices:

.....	\$	200,000
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Sec. 29. 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. 30. 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, 2016.

Sec. 31. SMALL BUSINESS DEVELOPMENT CENTERS. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes of funding small business development centers:

.....	\$	50,500
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Sec. 32. IOWA SKILLED WORKER AND JOB CREATION FUND.

1. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the following departments, agencies, and institutions for the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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:

..... \$ 8,450,000

(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.

(3) As a condition of receiving moneys appropriated in this lettered paragraph "a", an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

b. STATE BOARD OF REGENTS AND REGENTS INSTITUTIONS

(1) STATE BOARD OF REGENTS. For capacity building infrastructure in areas related to technology commercialization, marketing and business development efforts in areas related to technology commercialization, entrepreneurship, and business growth, and infrastructure projects and programs needed to assist in implementation of activities under chapter 262B:

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

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 university of Iowa, and 30 percent shall be allocated for the university of northern Iowa.

(a) The institutions shall provide a one-to-one match of additional moneys for the activities funded with moneys appropriated under this subparagraph (1).

(b) The state board of regents shall annually submit a report by January 15 to the governor, the general assembly, and the legislative services agency regarding the activities, projects, and programs funded with moneys appropriated under this subparagraph (1). The report shall be provided in an electronic format and shall include a list of metrics and criteria mutually agreed to in advance by the board of regents and the economic development authority. The metrics and criteria shall allow the governor's office and the general assembly to quantify and evaluate the progress of the board of regents institutions with regard to their activities, projects, and programs in the areas of technology commercialization, entrepreneurship, regional development, and market research.

(2) IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY. For small business development centers, the science and technology research park, and the center for industrial research and service, and for not more than the following full-time equivalent positions:

..... \$ 1,212,151

..... 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:

.....	\$	104,640
.....	FTEs	6.00

The state university of Iowa shall do all of the following:

(a) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(b) Provide emphasis to providing services to Iowa-based companies.

(4) STATE UNIVERSITY OF IOWA. For the purpose of implementing the entrepreneurship and economic growth initiative, and for not more than the following full-time equivalent positions:

.....	\$	1,000,000
.....	FTEs	8.00

(5) UNIVERSITY OF NORTHERN IOWA. For the metal casting institute, the MyEntreNet internet application, and the institute of decision making, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	533,210
.....	FTEs	9.75

(a) Of the moneys appropriated pursuant to this subparagraph (5), the university of northern Iowa shall allocate at least \$533,210 for purposes of support of entrepreneurs through the university’s regional business center and economic gardening program.

(b) The university of northern Iowa shall do all of the following:

(i) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(ii) Provide emphasis to providing services to Iowa-based companies.

(6) As a condition of receiving moneys appropriated in this lettered paragraph “b”, an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

c. DEPARTMENT OF WORKFORCE DEVELOPMENT

To develop a long-term sustained program to train unemployed and underemployed central Iowans with skills necessary to advance to higher-paying jobs with full benefits:

.....	\$	50,000
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(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, 2016.

(2) As a condition of receiving moneys appropriated under this lettered paragraph “c”, an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

2. Notwithstanding section 8.33, moneys appropriated in this section of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

DIVISION III
MISCELLANEOUS PROVISIONS — VETERAN-OWNED BUSINESSES

Sec. 33. Section 15.102, subsection 10, paragraph a, unnumbered paragraph 1, Code 2015, is amended to read as follows:

“Targeted small business” means a small business which is fifty-one percent or more owned, operated, and actively managed by one or more women, minority persons, service-disabled veterans, or persons with a disability provided the business meets all of the following requirements:

Sec. 34. Section 15.102, subsection 10, paragraph b, Code 2015, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) *“Service-disabled veteran”* means the same as defined in 15 U.S.C. §632.

Sec. 35. Section 73.14, subsection 1, Code 2015, is amended to read as follows:

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

Sec. 36. Section 73.14, subsection 2, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. *“Service-disabled veteran-owned business”* means a business that is fifty-one percent or more owned, operated, and actively managed by one or more service-disabled veterans, as defined in 15 U.S.C. §632.

Sec. 37. Section 73.16, subsection 2, paragraph d, Code 2015, is amended to read as follows:

d. Of the total value of anticipated procurements of goods and services under this subsection, an additional goal shall be established to procure at least forty percent from minority-owned businesses, and forty percent from female-owned businesses and forty percent from service-disabled veteran-owned businesses, as defined in section 73.14, that are targeted small businesses.

*DIVISION IV
MISCELLANEOUS PROVISIONS —
MERIT SYSTEM STATUS AND APPEALS

Sec. 38. Section 8A.412, subsection 11, Code 2015, is amended to read as follows:

11. *Professional employees under the supervision of the attorney general, the state public defender, the secretary of state, the auditor of state, the treasurer of state, and the public employment relations board. However, employees of the consumer advocate division of the department of justice, other than the consumer advocate, and administrative law judges appointed or employed by the public employment relations board, are subject to the merit system.*

Sec. 39. Section 8A.415, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. *If not satisfied, the employee may, within thirty calendar days following the director’s response, file an appeal with the public employment relations board. The hearing shall be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act, chapter 17A. Decisions rendered shall be based upon a standard of substantial compliance with this subchapter and the rules of the department.*

* Item veto; see message at end of the Act

Decisions by the public employment relations board constitute final agency action. However, if the employee is an administrative law judge appointed or employed by the public employment relations board, the employee's appeal shall be heard by an administrative law judge employed by the administrative hearings division of the department of inspections and appeals in accordance with the provisions of section 10A.801, whose decision shall constitute final agency action.

Sec. 40. Section 8A.415, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. If not satisfied, the employee may, within thirty calendar days following the director's response, file an appeal with the public employment relations board. The employee has the right to a hearing closed to the public, unless a public hearing is requested by the employee. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act, chapter 17A. If the public employment relations board finds that the action taken by the appointing authority was for political, religious, racial, national origin, sex, age, or other reasons not constituting just cause, the employee may be reinstated without loss of pay or benefits for the elapsed period, or the public employment relations board may provide other appropriate remedies. Decisions by the public employment relations board constitute final agency action. However, if the employee is an administrative law judge appointed or employed by the public employment relations board, the employee's appeal shall be heard by an administrative law judge employed by the administrative hearings division of the department of inspections and appeals in accordance with the provisions of section 10A.801, whose decision shall constitute final agency action.

Sec. 41. Section 10A.801, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. The department shall employ a sufficient number of administrative law judges to conduct proceedings for which agencies are required, by section 17A.11 or any other provision of law, to use an administrative law judge employed by the division. An administrative law judge employed by the division shall not perform duties inconsistent with the judge's duties and responsibilities as an administrative law judge and shall be located in an office that is separated from the offices of the agencies for which that person acts as a presiding officer. ~~Administrative~~ The administrator and all administrative law judges shall be covered by the merit system provisions of chapter 8A, subchapter IV.

Sec. 42. Section 86.2, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. ~~Deputy workers' compensation commissioners for whose acts the commissioner is responsible and who shall serve at the pleasure of the commissioner be appointed and serve pursuant to the merit system provisions of chapter 8A, subchapter IV, unless the commissioners are otherwise covered by a collective bargaining agreement.~~

Sec. 43. Section 96.6, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department who shall be covered by the merit system provisions of chapter 8A, subchapter IV, unless the administrative law judge is otherwise covered by a collective bargaining agreement. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.*

* Item veto; see message at end of the Act

DIVISION V
MISCELLANEOUS PROVISIONS — ECONOMIC DEVELOPMENT AUTHORITY
REDEVELOPMENT TAX CREDITS

Sec. 44. Section 15.293B, subsection 4, Code 2015, is amended to read as follows:

4. A registered project shall be completed within thirty months of the date the project was registered unless the authority, upon recommendation of the council and approval of the board, provides additional time to complete the project. ~~A project shall not be provided more than twelve months of additional time.~~ If the registered project is not completed within the time required, the project is not eligible to claim a tax credit provided in section 15.293A.

Sec. 45. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 46. RETROACTIVE APPLICABILITY. The section of this division of this Act amending Code section 15.293B applies retroactively to qualifying redevelopment project agreements entered into on or after July 1, 2010, for which a request for a project extension is submitted to the economic development authority on or after January 1, 2015.

DIVISION VI
MISCELLANEOUS PROVISIONS — NUISANCE PROPERTIES AND ABANDONED
BUILDINGS

Sec. 47. Section 15.335B, subsection 2, paragraph a, Code 2015, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) For deposit in the nuisance property remediation fund created pursuant to section 15.338.

Sec. 48. NEW SECTION. **15.338 Nuisance property remediation assistance — fund.**

1. a. The economic development authority shall establish a nuisance property remediation fund pursuant to section 15.106A, subsection 1, paragraph “o”, for purposes of providing financial assistance to cities for the remediation of nuisance properties and abandoned buildings and other structures. The authority shall administer the fund in a manner designed to make funds annually available to cities for purposes of this section.

b. The authority may administer a fund established for purposes of this section as a revolving fund. The fund may consist of any moneys appropriated by the general assembly for purposes of this section and any other moneys that are lawfully available to the authority, including moneys transferred or deposited from other funds created pursuant to section 15.106A, subsection 1, paragraph “o”.

c. The authority shall use any moneys specifically appropriated for purposes of this section only for the purposes of this section. The authority may use all other moneys in the fund, including interest, earnings, recaptures, and repayments for purposes of this section or the authority may transfer the other moneys to other funds created pursuant to section 15.106A, subsection 1, paragraph “o”.

d. Notwithstanding section 8.33, moneys in the nuisance property remediation fund at the end of each fiscal year shall not revert to any other fund but shall remain in the fund for expenditure for subsequent fiscal years.

e. The authority may use not more than five percent of the moneys in the fund at the beginning of the fiscal year for purposes of administrative costs, finance, compliance, marketing, and program support.

2. The authority shall use moneys in the fund to provide financial assistance to cities for the remediation of nuisance properties and abandoned buildings and other structures. Such financial assistance may include loans or forgivable loans. The authority may provide financial assistance under this section using a competitive scoring process.

3. In providing financial assistance under this section, the authority may give priority to cities with severe blighted areas, widespread dilapidated housing stock, or high rates of low or moderate income residents.

4. The authority shall enter into an agreement with each city for the receipt of financial assistance under this section. The authority may negotiate the terms of the agreement.

5. In providing financial assistance under this section, the authority shall coordinate with a city to develop a plan for the use of funds that is consistent with the community development, housing, and economic development goals of the city. The terms of the agreement entered into pursuant to subsection 3 and the use of financial assistance provided under this section shall reflect the plan developed based on a city's goals.

6. If a city receives financial assistance under this section, the amount of any lien created for costs related to remediation of the property, shall not include any moneys that the city received pursuant to this section to remediate the property.

7. The authority shall submit a report to the general assembly and the governor's office on or before January 31, 2019, describing the results of the program implemented pursuant to this section and making recommendations for additional program changes.

Sec. 49. Section 657A.1, subsections 1 and 3, Code 2015, are amended to read as follows:

1. "Abandoned" or "abandonment" means that a building has remained vacant 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 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. 50. Section 657A.10A, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. The petition shall be filed in the district court of the county in which the property is located. Service on the owner and any other named respondents shall be by personal service or certified mail and or, if service cannot be made by either method, by posting the notice in a conspicuous place on the building and by publication in a newspaper of general circulation in the city. The action shall be in equity.

Sec. 51. Section 657A.10A, subsection 3, paragraphs d, f, and j, Code 2015, are amended to read as follows:

d. Whether the building meets the city's housing code ~~for~~ as being fit for human habitation, occupancy, or use.

f. Whether the building is boarded up or otherwise secured from unauthorized entry.

j. Past and current compliance with orders of the local housing or building code official.

Sec. 52. Section 657A.10A, subsection 3, Code 2015, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0e. Whether the building meets the city's building code as being fit for occupancy or use.

NEW PARAGRAPH. 0h. Whether those claiming an interest in the property have, prior to the filing of the petition, demonstrated a good-faith effort to restore the property to productive use.

Sec. 53. Section 657A.10A, subsections 4 and 5, Code 2015, are amended to read as follows:

4. In lieu of the considerations in subsection 3, if the city can establish to the court's satisfaction that all parties with an interest in the property have received proper notice and either consented to the entry of an order awarding title to the property to the city or did not make a ~~good-faith~~ good-faith effort to comply with the order of the local housing or building code official within sixty days after the filing of the petition, the court shall enter judgment against the respondents granting the city title to the property.

5. If the court determines that the property has been abandoned or that subsection 4 applies, the court shall enter judgment and order awarding title to the city. The title awarded to the city shall be free and clear of any claims, liens, or encumbrances held by the respondents.

DIVISION VII

CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS

Sec. 54. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, takes effect upon enactment.

Sec. 55. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, applies retroactively to July 1, 2015.

Approved July 2, 2015, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 499, an Act relating to appropriations to the department of cultural affairs, the economic development authority, the Iowa finance authority, the public employment relations board, the department of workforce development, and the state board of regents and certain regents institutions, modifying programs and duties of the economic development authority, providing for other properly related matters, and including effective date and retroactive and other applicability provisions.

Senate File 499 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated Division IV in its entirety. This item is related to state employee classifications. Under current Iowa Code, administrators are classified as at-will employees. The at-will designation allows for greater accountability for these managers. Subjecting administrators to the merit system would decrease accountability to taxpayers and hinder the effective management of important government functions.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 499 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 137

APPROPRIATIONS — HEALTH AND HUMAN SERVICES

S.F. 505

AN ACT relating to appropriations for health and human services and veterans and including other related provisions and appropriations, 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 2015-2016

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, 2015, and ending June 30, 2016, 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:

.....	\$	11,399,732
.....	FTEs	31.00

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, \$279,946 is transferred to the economic development authority for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

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 the 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 \$250,000 shall be used to fund the unmet needs identified through Iowa’s aging and disability resource center network.

5. Of the funds appropriated in this section, at least \$600,000 shall be used to fund home and community-based services through the area agencies on aging that enable older individuals to avoid more costly utilization of residential or institutional services and remain in their own homes.

6. Of the funds appropriated in this section, \$813,666 shall be used for the purposes of chapter 231E and section 231.56A, of which \$288,666 shall be used for the office of substitute decision maker pursuant to chapter 231E, and the remainder shall be distributed equally to the area agencies on aging to administer the prevention of elder abuse, neglect, and exploitation program pursuant to section 231.56A, in accordance with the requirements of the federal Older Americans Act of 1965, 42 U.S.C. §3001 et seq., as amended.

DIVISION II
OFFICE OF LONG-TERM CARE OMBUDSMAN — FY 2015-2016

Sec. 2. OFFICE OF LONG-TERM CARE OMBUDSMAN.

1. 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, 2015, and ending June 30, 2016, 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:

.....	\$	1,276,783
.....	FTEs	17.00

2. Of the funds appropriated in this section, \$220,000 shall be used to provide additional local long-term care ombudsmen.

3. The office of long-term care ombudsman and the department of human services shall collaborate to develop a cost allocation plan requesting Medicaid administrative funding to provide for the claiming of federal financial participation for office of long-term care ombudsman activities that are performed to assist with administration of the Medicaid program. The cost allocation plan shall document the costs that directly benefit the Medicaid program and are consistent with federal requirements. The cost allocation plan shall be developed in a timely manner to allow for such claiming to begin by January 1, 2016.

DIVISION III
DEPARTMENT OF PUBLIC HEALTH — FY 2015-2016

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, 2015, and ending June 30, 2016, 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:

.....	\$	27,263,690
.....	FTEs	10.00

a. (1) Of the funds appropriated in this subsection, \$5,248,361 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) Of the funds allocated in this paragraph "a", \$453,067 is transferred to 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, 2015, and ending June 30, 2016, 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 eighteen years of age, shall continue to restrict the number of such checks to one check per retail outlet, and one additional check for any retail outlet found to be in violation during the first check.

b. Of the funds appropriated in this subsection, \$22,015,329 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, and program evaluation.

(1) Of the funds allocated in this paragraph "b", \$18,903,715 shall be used for substance-related disorder prevention and treatment.

(a) Of the funds allocated in this subparagraph (1), \$899,300 shall be used for the public purpose of a grant program to provide substance-related disorder prevention programming for children.

(i) Of the funds allocated in this subparagraph division (a), \$427,539 shall be used for grant funding for organizations that provide programming for children by utilizing mentors. Programs approved for such grants shall be certified or must be certified within six months of receiving the grant award by the Iowa commission on volunteer services as utilizing the standards for effective practice for mentoring programs.

(ii) Of the funds allocated in this subparagraph division (a), \$426,839 shall be used for grant funding for organizations providing programming that includes youth development and leadership services. The programs shall also be recognized as being programs that are scientifically based with evidence of their effectiveness in reducing substance-related disorders in children.

(iii) The department of public health shall utilize a request for proposals process to implement the grant program.

(iv) All grant recipients shall participate in a program evaluation as a requirement for receiving grant funds.

(v) Of the funds allocated in this subparagraph division (a), up to \$44,922 may be used to administer substance-related disorder prevention grants and for program evaluations.

(b) Of the funds allocated in this subparagraph (1), \$272,603 shall be used for culturally competent substance-related disorder treatment pilot projects.

(i) The department shall utilize the amount allocated in this subparagraph division (b) for at least three pilot projects to provide culturally competent substance-related disorder treatment in various areas of the state. Each pilot project shall target a particular ethnic minority population. The populations targeted shall include but are not limited to African American, Asian, and Latino.

(ii) The pilot project requirements shall provide for documentation or other means to ensure access to the cultural competence approach used by a pilot project so that such approach can be replicated and improved upon in successor programs.

(2) Of the funds allocated in this paragraph "b", up to \$3,111,614 may be used for problem gambling prevention, treatment, and recovery services.

(a) Of the funds allocated in this subparagraph (2), \$2,573,762 shall be used for problem gambling prevention and treatment.

(b) Of the funds allocated in this subparagraph (2), up to \$437,852 may be used for a 24-hour helpline, public information resources, professional training, and program evaluation.

(c) Of the funds allocated in this subparagraph (2), up to \$100,000 may be used for the licensing of problem gambling treatment programs.

(3) It is the intent of the general assembly that from the moneys allocated in this paragraph "b", persons with a dual diagnosis of substance-related disorder and gambling addiction shall be given priority in treatment services.

c. Notwithstanding any provision of law to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of problem gambling and substance-related disorder treatment services statewide, the department shall continue implementation of a process to create a system for delivery of treatment services in accordance with the requirements specified in 2008 Iowa Acts, chapter 1187, section 3, subsection 4. To ensure the system provides a continuum of treatment services that best meets the needs of Iowans,

the problem gambling and substance-related disorder treatment services in any area may be provided either by a single agency or by separate agencies submitting a joint proposal.

(1) The system for delivery of substance-related disorder and problem gambling treatment shall include problem gambling prevention.

(2) The system for delivery of substance-related disorder and problem gambling treatment shall include substance-related disorder prevention by July 1, 2016.

(3) Of the funds allocated in paragraph “b”, the department may use up to \$100,000 for administrative costs to continue developing and implementing the process in accordance with this paragraph “c”.

d. The requirement of section 123.53, 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, 2015.

e. The department of public health shall work with all other departments that fund substance-related disorder prevention and treatment services and all such departments shall, to the extent necessary, collectively meet the state maintenance of effort requirements for expenditures for substance-related disorder services as required under the federal substance-related disorder prevention and treatment block grant.

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children, adolescents from birth through 21 years of age, and families, and for not more than the following full-time equivalent positions:

.....	\$	4,617,543
.....	FTEs	12.00

a. Of the funds appropriated in this subsection, not more than \$734,841 shall be used for the healthy opportunities for parents to experience success (HOPES)-healthy families Iowa (HFI) program established pursuant to section 135.106. The funding shall be distributed to renew the grants that were provided to the grantees that operated the program during the fiscal year ending June 30, 2015.

b. In order to implement the legislative intent stated in sections 135.106 and 256I.9, that priority for home visitation program funding be given to programs using evidence-based or promising models for home visitation, it is the intent of the general assembly to phase in the funding priority in accordance with 2012 Iowa Acts, chapter 1133, section 2, subsection 2, paragraph “0b”.

c. Of the funds appropriated in this subsection, \$2,198,828 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 program 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, \$74,640 shall be distributed to a statewide dental carrier to provide funds to continue the donated dental services program patterned after the projects developed by the lifeline network to provide dental services to indigent individuals who are elderly or with disabilities.

e. Of the funds appropriated in this subsection, \$111,995 shall be used for childhood obesity prevention.

f. Of the funds appropriated in this subsection, \$162,768 shall be used to provide audiological services and hearing aids for children. The department may enter into a contract to administer this paragraph.

g. Of the funds appropriated in this subsection, \$25,000 is transferred to the university of Iowa college of dentistry for provision of primary dental services to children. State funds shall be matched on a dollar-for-dollar basis. The university of Iowa college of dentistry shall coordinate efforts with the department of public health, bureau of oral and health delivery systems, to provide dental care to underserved populations throughout the state.

h. Of the funds appropriated in this subsection, \$50,000 shall be used to address youth suicide prevention.

i. Of the funds appropriated in this subsection, \$50,000 shall be used to support the Iowa effort to address the survey of children who experience adverse childhood experiences known as ACEs.

j. The department of public health shall continue to administer the program to assist parents in this state with costs resulting from the death of a child in accordance with the provisions of 2014 Iowa Acts, chapter 1140, section 22, subsection 12.

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:

.....	\$	4,955,692
.....	FTEs	5.00

a. Of the funds appropriated in this subsection, \$159,932 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, \$891,644 shall be used for the brain injury services program pursuant to section 135.22B, including for continuation of the contracts for resource facilitator services in accordance with section 135.22B, subsection 9, and 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 one full-time equivalent position to serve as the state brain injury services program manager.

c. Of the funds appropriated in this subsection, \$547,982 shall be used as additional funding to leverage federal funding through the federal Ryan White Care Act, Tit. II, AIDS drug assistance program supplemental drug treatment grants.

d. Of the funds appropriated in this subsection, \$149,823 shall be used for the public purpose of continuing to contract with an existing national-affiliated organization to provide education, client-centered programs, and client and family support for people living with epilepsy and their families. The amount allocated in this paragraph in excess of \$100,000 shall be matched dollar-for-dollar by the organization specified.

e. Of the funds appropriated in this subsection, \$785,114 shall be used for child health specialty clinics.

f. Of the funds appropriated in this subsection, \$400,000 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.

g. Of the funds appropriated in this subsection, \$570,993 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 "g", \$150,000 shall be used to support a melanoma research symposium, a melanoma biorepository and registry, basic and translational melanoma research, and clinical trials.

h. Of the funds appropriated in this subsection, \$126,450 shall be used for cervical and colon cancer screening, and \$300,000 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.

i. Of the funds appropriated in this subsection, \$526,695 shall be used for the center for congenital and inherited disorders.

j. Of the funds appropriated in this subsection, \$129,411 shall be used for the prescription drug donation repository program created in chapter 135M.

k. Of the funds appropriated in this subsection, \$215,263 shall be used by the department of public health for reform-related activities, including but not limited to facilitation of communication to stakeholders at the state and local level, administering the patient-centered health advisory council pursuant to section 135.159, and involvement in health care system innovation activities occurring across the state.

l. Of the funds appropriated in this subsection, \$25,000 shall be used for administration of chapter 124D, the medical cannabidiol Act.

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level, and for not more than the following full-time equivalent positions:

.....	\$	8,821,335
.....	FTEs	11.00

a. Of the funds appropriated in this subsection, \$99,414 is allocated for continuation of the child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with early childhood Iowa areas. The program shall submit a report to the individuals identified in this Act for submission of reports regarding the use of funds allocated under this paragraph "a". The report shall include the objectives and results for the program year including the target population and how the funds allocated assisted the program in meeting the objectives; the number, age, and location within the state of individuals served; the type of services provided to the individuals served; the distribution of funds based on service provided; and the continuing needs of the program.

b. Of the funds appropriated in this subsection, \$110,656 is allocated for continuation of an initiative implemented at the university of Iowa and \$99,904 is allocated for continuation of an initiative at the state mental health institute at Cherokee to expand and improve the workforce engaged in mental health treatment and services. The initiatives shall receive input from the university of Iowa, the department of human services, the department of public health, and the mental health and disability services commission to address the focus of the initiatives.

c. Of the funds appropriated in this subsection, \$1,164,628 shall be used for essential public health services that promote healthy aging throughout one's lifespan, contracted through a formula for local boards of health, to enhance health promotion and disease prevention services.

d. Of the funds appropriated in this section, \$99,286 shall be deposited in the governmental public health system fund created in section 135A.8 to be used for the purposes of the fund.

e. Of the funds appropriated in this subsection, \$105,448 shall be used to continue to address the shortage of mental health professionals in the state.

f. Of the funds appropriated in this subsection, \$50,000 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, as defined in section 135.180.

g. (1) Of the funds appropriated in this subsection, \$2,882,969 shall be allocated as a grant to the Iowa primary care association to be used pursuant to section 135.153 for the statewide coordination of the Iowa collaborative safety net provider network. Coordination of the network shall focus on increasing access by underserved populations to health care services, increasing integration of the health system and collaboration across the continuum of care with a focus on safety net services, and enhancing the Iowa collaborative safety net provider network's communication and education efforts. The amount allocated as a grant under this subparagraph (1) shall be used as follows to support the Iowa collaborative safety net provider network goals of increased access, health system integration, and engagement:

(a) For distribution to safety net partners in the state that work to increase access of the underserved population to health services:

..... \$ 1,025,485

(i) Of the amount allocated in this subparagraph division (a), not less than \$413,415 shall be distributed 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.

(ii) Of the amount allocated in this subparagraph division (a), not less than \$348,322 shall be distributed 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.

(iii) Of the amount allocated in this subparagraph division (a), not less than \$50,000 shall be distributed to the Iowa coalition against sexual assault to continue a training program for sexual assault response team (SART) members, including representatives of law enforcement, victim advocates, prosecutors, and certified medical personnel.

(iv) Of the amount allocated in this subparagraph division (a), not less than \$213,748 shall be distributed to the Polk county medical society for continuation of the safety net provider patient access to a specialty health care initiative as described in 2007 Iowa Acts, chapter 218, section 109.

**(b) For distribution to safety net partners in the state that work to increase health system integration, care coordination, and collaboration across the continuum of care with a focus on safety net services. Such efforts shall include but not be limited to community care coordination team development and integration of medical and behavioral health services. Efforts shall also include working, in conjunction with the department of human services and the department of public health, to support Medicaid managed care efforts inclusive of the state innovation model through the continued development and implementation of community care coordination teams. Implementation of the community care coordination teams shall be accomplished through a statewide regionally based network that provides an integrated approach to health care delivery through care coordination that supports primary care providers and links patients with community resources necessary to empower patients in addressing biomedical and social determinants of health to improve health outcomes:*

..... \$ 1,672,199*

(c) For distribution to safety net partners in the state that work to serve as a resource for credible, accurate information on health care-related needs and services for vulnerable populations in the state including the Iowa association of rural health clinics for necessary infrastructure and service delivery transformation and the Iowa primary care association to support partner engagement, program management, and statewide coordination of the network:

..... \$ 185,285

(2) The amount allocated under this paragraph “g” shall not be reduced for administrative or other costs prior to distribution. The Iowa collaborative safety net provider network may continue to distribute funds allocated pursuant to this paragraph “g” through existing contracts or renewal of existing contracts.

(3) For each goal of the Iowa collaborative safety net provider network, the Iowa primary care association shall submit a progress report to the individuals designated in this Act for submission of reports by December 15, 2015, including progress in developing and implementing the network, how the funds were distributed and used in developing and implementing the network, and the remaining needs identified to fully develop and implement the network.

h. Of the funds appropriated in this subsection, \$213,400 shall be used for continuation of the work of the direct care worker advisory council established pursuant to 2008 Iowa Acts, chapter 1188, section 69, in implementing the recommendations in the final report submitted by the advisory council to the governor and the general assembly in March 2012, including by continuing to develop, promote, and make available on a statewide basis the prepare-to-care core curriculum and its associated modules and specialties through various formats including

* Item veto; see message at end of the Act

online access, community colleges, and other venues; exploring new and maintaining existing specialties including but not limited to oral health and dementia care; supporting instructor training; and assessing and making recommendations concerning the Iowa care book and information technology systems and infrastructure uses and needs.

i. (1) Of the funds appropriated in this subsection, \$216,375 shall be used for allocation to an independent statewide direct care worker organization selected through a request for proposals process. The contract shall include performance and outcomes measures, and shall allow the contractor to use a portion of the funds received under the contract to collect data to determine results based on the performance and outcomes measures.

(2) Of the funds appropriated in this subsection, \$75,000 shall be used to provide scholarships or other forms of subsidization for direct care worker educational conferences, training, or outreach activities.

j. Of the funds appropriated in this subsection, the department may use up to \$58,175 for up to one full-time equivalent position to administer the volunteer health care provider program pursuant to section 135.24.

k. Of the funds appropriated in this subsection, \$100,000 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.

l. Of the funds appropriated in this subsection, \$105,823 is transferred to the college student aid commission for deposit in the rural Iowa primary care trust fund created in section 261.113 to be used for the purposes of the fund.

m. Of the funds appropriated in this subsection, \$250,000 shall be used for the purposes of the Iowa donor registry as specified in section 142C.18.

n. Of the funds appropriated in this subsection, \$100,000 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 organization shall submit a report to the individuals identified in this Act for submission of reports regarding the use of funds allocated under this paragraph “n”. The report shall include the objectives and results for the program year including the target population and how the funds allocated assisted the program in meeting the objectives; the number, age, and location within the state of individuals served; the type of services provided to the individuals served; the distribution of funds based on services provided; and the continuing needs of the program.

o. 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. However, notwithstanding any provision to the contrary in section 135.176, priority in the awarding of grants shall be given to sponsors that propose preference in the use of the grant funds for psychiatric residency positions and family practice residency positions.

p. Of the funds appropriated in this subsection, \$156,619 is allocated to the university of Iowa hospitals and clinics to implement a systematic and evidence-based practice collaborative care model to improve outcomes of mental health treatment in primary care settings in the state. Funds shall be used to establish the collaborative care model in several primary care practices in rural and urban areas throughout the state, to provide staffing to administer the model, and to provide staff training and database management to track and manage patient outcomes.

5. HEALTHY AGING

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:

..... \$ 7,297,142

6. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

..... \$ 1,335,155

..... 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:

..... \$ 4,339,191

..... FTEs 136.00

a. Of the funds appropriated in this subsection, not more than \$454,700 shall be credited to the emergency medical services fund created in section 135.25. Moneys in the emergency medical services fund are appropriated to the department to be used for the purposes of the fund.

b. Of the funds appropriated in this subsection, \$203,032 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. The amount allocated in this paragraph “b” shall not be used to supplant funding administered for other sexual violence prevention or victims assistance programs.

c. Of the funds appropriated in this subsection, \$598,751 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, \$537,750 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:

..... \$ 855,072

..... FTEs 4.00

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.

DIVISION IV

DEPARTMENT OF VETERANS AFFAIRS — FY 2015-2016

Sec. 4. 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, 2015, and ending June 30, 2016, 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:

..... \$ 1,200,546

..... FTEs 15.00

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 7,594,996

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. If there is a change in the employer of employees providing services at the Iowa veterans home under a collective bargaining agreement, such employees and the agreement shall be continued by the successor employer as though there had not been a change in employer.

c. Within available resources and in conformance with associated state and federal program eligibility requirements, the Iowa veterans home may implement measures to

* Item veto; see message at end of the Act

provide financial assistance to or on behalf of veterans or their spouses who are participating in the community reentry program.

d. The Iowa veterans home expenditure report shall be submitted monthly to the legislative services agency.

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:

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

Sec. 5. 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, 2015, and ending June 30, 2016, 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 2015-2016

Sec. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2015, and ending June 30, 2016, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

..... \$ 5,136,995

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:

..... \$ 10,138,178

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, 2016, the moneys shall revert.

4. For field operations:

..... \$ 31,296,232

5. For general administration:

..... \$ 3,744,000

6. For state child care assistance:

..... \$ 35,047,110

a. Of the funds appropriated in this subsection, \$26,328,097 is transferred to the child care and development block grant appropriation made by the Eighty-sixth General Assembly, 2015 Session, for the federal fiscal year beginning October 1, 2015, and ending September 30, 2016. 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

* Item veto; see message at end of the Act

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 distribution to counties and regions through the property tax relief fund for mental health and disability services as provided in an appropriation made for this purpose:

..... \$ 4,894,052

8. For child and family services:

..... \$ 32,084,430

9. For child abuse prevention grants:

..... \$ 125,000

10. For pregnancy prevention grants on the condition that family planning services are funded:

..... \$ 1,930,067

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2015, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2015, 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.

11. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements:

..... \$ 1,037,186

12. For the family investment program share of the costs to continue to develop and maintain a new, integrated eligibility determination system:

..... \$ 6,654,880

13. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2014 or 2015 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, 2015, are appropriated to the department of human services to the extent as may be necessary to be used in the following priority order: the family investment program, for state child care assistance program payments for families who are employed, and for the family investment program share of costs to develop and maintain a new, integrated eligibility determination system. The federal funds appropriated in this paragraph "a" shall be expended only after all other funds appropriated in subsection 1 for the assistance under the family investment program, in subsection 6 for child care assistance, or in subsection 12 for the family investment program share of the costs to continue to develop and maintain a new, integrated eligibility determination system, 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.

14. Of the amounts appropriated in this section, \$12,962,008 for the fiscal year beginning July 1, 2015, is transferred to the appropriation of the federal social services block grant made to the department of human services for that fiscal year.

15. 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 2015 Act relating to the family investment program account:

..... \$ 25,000

16. 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.

Sec. 7. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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 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 family investment program 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.

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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 2015-2016.

(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 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 not deemed by the department 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.

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:

..... \$ 17,540,398

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. 8. 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, 2015, and ending June 30, 2016, 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:

..... \$ 48,673,875

1. Of the funds appropriated in this section, \$7,402,220 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. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2015, 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, 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:

- a. For the family investment program.
- b. For child care assistance.
- c. For child and family services.
- d. For field operations.
- e. For general administration.
- f. For distribution to counties or regions through the property tax relief fund for mental health and disability services as provided in an appropriation for this purpose.

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, \$195,678 shall be used for continuation of a grant to an Iowa-based nonprofit organization with a history of providing tax preparation

assistance to low-income Iowans in order to expand the usage of the earned income tax credit. The purpose of the grant is to supply this assistance to underserved areas of the state.

5. Of the funds appropriated in this section, \$60,000 shall be used for the continuation of an unfunded pilot project, as defined in 441 IAC 100.1, 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. The funds allocated in this subsection shall be used by the recipient organization to develop a larger community effort, through public and private partnerships, to support a broad-based multi-county fatherhood 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 to the appropriations made in this division of this Act for general administration and field operations as necessary to administer this section and the overall family investment program.

Sec. 9. 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, 2015, and ending June 30, 2016, 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:	\$	14,663,373
.....	FTEs	464.00

1. The department shall expend up to \$24,329, including federal financial participation, for the fiscal year beginning July 1, 2015, 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.

4. With the exception of the funding amount specified, the requirements established under 2001 Iowa Acts, chapter 191, section 3, subsection 5, paragraph "c", subparagraph (3), shall be applicable to parental obligation pilot projects for the fiscal year beginning July 1, 2015, and ending June 30, 2016. Notwithstanding 441 IAC 100.8, providing for termination of rules relating to the pilot projects, the rules shall remain in effect until June 30, 2016.

Sec. 10. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE — FY 2015-2016. Any funds remaining in the health care trust fund created in section 453A.35A for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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. 11. MEDICAID FRAUD FUND — MEDICAL ASSISTANCE — FY 2015-2016. Any funds remaining in the Medicaid fraud fund created in section 249A.50 for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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. 12. 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, 2015, and ending June 30, 2016, 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, 2015, 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:

..... \$ 1,303,191,564

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, 2015, is transferred to the department of human services for an integrated substance-related disorder managed care system. The department shall not assume management of the substance-related disorder system in place of the managed care contractor unless such a change in approach is specifically authorized in law. 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 contractor through the Iowa plan for behavioral health. 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.

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. Of the funds appropriated in this section, the following amounts are transferred to the appropriations made in this division of this Act for the state mental health institutes:

- a. Cherokee mental health institute \$ 9,098,425
- b. Independence mental health institute \$ 9,045,894

12. a. Of the funds appropriated in this section, \$4,083,878 is allocated for the state match for a disproportionate share hospital payment of \$9,089,424 to hospitals that meet both of the conditions specified in subparagraphs (1) and (2). In addition, the hospitals that meet the conditions specified 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 of \$17,544,006. The hospitals that meet the conditions specified shall receive and retain 100 percent of the total disproportionate share hospital payment of \$26,633,430.

(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.

c. The university of Iowa hospitals and clinics shall either certify public expenditures or transfer to the appropriations made in this division of this Act for medical assistance an amount equal to provide the nonfederal share for increased medical assistance payments for inpatient and outpatient hospital services of \$9,900,000. The university of Iowa hospitals and clinics shall receive and retain 100 percent of the total increase in medical assistance payments.

d. Payment methodologies utilized for disproportionate share hospitals and graduate medical education, and other supplemental payments under the Medicaid program may be adjusted or converted to other methodologies or payment types to provide these payments through Medicaid managed care implemented beginning¹ January 1, 2016. The department of human services shall obtain approval from the centers for Medicare and Medicaid services of the United States department of health and human services prior to implementation of any such adjusted or converted methodologies or payment types.

13. 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.

¹ See chapter 138, §22 herein

14. Any new or renewed contract entered into by the department with a third party to administer services under the medical assistance program shall provide that any interest earned on payments from the state during the state fiscal year shall be remitted to the department and treated as recoveries to offset the costs of the medical assistance program.

15. 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.

16. 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.

17. a. The department may increase the amounts allocated for salaries, support, maintenance, and miscellaneous purposes associated with the medical assistance program, as necessary, to implement cost containment strategies. 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 cost containment efforts exceed the cost for the fiscal year beginning July 1, 2015, the department may transfer any savings generated for the fiscal year due to medical assistance program cost containment efforts to the appropriation made in this division of this Act for medical contracts or general administration to defray the increased contract costs associated with implementing such efforts.

**c. The department of human services shall not implement the following cost containment measures as recommended by the governor for the fiscal year beginning July 1, 2015:*

(1) A measure to provide uniform rates of \$.575 per mile based on the 2015 Internal Revenue Service mileage rate and of \$9.29, the current statewide average, per one-way trip for Medicaid program home and community-based services waivers.

(2) A measure to accelerate implementation of the provision that beginning July 1, 2015, rather than July 1, 2016, the department of human services requires services through the consumer-directed attendant care option to be provided through an agency or consumer choices option.

*d. The department shall report the implementation of any cost containment strategies under this subsection to the individuals specified in this Act for submission of reports on a quarterly basis.**

18. For the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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.

19. The department shall continue to administer the state balancing incentive payments program as specified in 2012 Iowa Acts, chapter 1133, section 14.

20. The department of human services shall execute the state innovation model phase II testing grant and shall submit a report to the individuals specified in this Act for submission of reports regarding the progress of the execution of the testing grant on or before September 1, 2015. The progress report shall include, at a minimum, dates by which contracts will be entered into with vendors, pre-implementation year and subsequent test year funds will be expended, and other activities will be completed.

21. 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 one full-time equivalent position, in addition to those authorized for the same fiscal year, to be assigned to implementing the 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.

* Item veto; see message at end of the Act

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.

22. Of the funds appropriated in this section, \$250,000 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.

23. The department of human services shall adopt rules to provide for coverage of telehealth under the Medicaid program. The rules shall provide that in-person contact between a health care professional and a patient is not required as a prerequisite for payment for services appropriately provided through telehealth in accordance with generally accepted health care practices and standards prevailing in the applicable professional community at the time the services are provided. Health care services provided through in-person consultations or through telehealth shall be treated as equivalent services for the purposes of reimbursement.

24. The department of human services may adopt emergency rules as necessary to implement the governor’s Medicaid modernization initiative beginning January 1, 2016.

25. The number of home and community-based services waiver slots available during the fiscal year beginning July 1, 2015, shall not be reduced below the number of such slots available on January 1, 2015.

26. The department of human services shall submit an application to the centers for Medicare and Medicaid services of the United States department of health and human services for a planning grant through the substance abuse and mental health services administration of the United States department of health and human services to participate in a two-year pilot project for certified community behavioral health clinics under the federal Protecting Access to Medicare Act of 2014, Pub. L. No. 113-93.

Sec. 13. 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, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

..... \$ 19,613,964

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 cost containment, development and oversight of managed care programs, and development of health strategies targeted toward improved quality and reduced costs in the Medicaid program.

* Item veto; see message at end of the Act

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. Of the funds appropriated in this section, \$2,000,000 shall be used for the autism support program created in chapter 225D, with the exception of the following amounts of this allocation which shall be used as follows:

a. Of the funds allocated in this subsection, \$250,000 shall be deposited in the board-certified behavior analyst and board-certified assistant behavior analyst grants program fund created in section 135.181, as enacted in this Act, to be used for the purposes of the fund.

b. Of the funds allocated in this subsection, \$25,000 shall be used for the public purpose of continuation of a grant to a child welfare services provider headquartered in a county with a population between 205,000 and 215,000 in the latest certified federal census that provides multiple services including but not limited to a psychiatric medical institution for children, shelter, residential treatment, after school programs, school-based programming, and an Asperger’s syndrome program, to be used for support services for children with autism spectrum disorder and their families.

c. Of the funds allocated in this subsection, \$25,000 shall be used for the public purpose of continuing a grant to a hospital-based provider headquartered in a county with a population between 90,000 and 95,000 in the latest certified federal census that provides multiple services including but not limited to diagnostic, therapeutic, and behavioral services to individuals with autism spectrum disorder across one’s lifespan. The grant recipient shall utilize the funds to continue the pilot project to determine the necessary support services for children with autism spectrum disorder and their families to be included in the children’s disabilities services system. The grant recipient shall submit findings and recommendations based upon the results of the pilot project to the individuals specified in this division of this Act for submission of reports by December 31, 2015.

Sec. 14. 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, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

..... \$ 12,997,187

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, 2015, 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.

Sec. 15. 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, 2015, and ending June 30, 2016, 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:

..... \$ 20,413,844

2. Of the funds appropriated in this section, \$42,800 is allocated for continuation of the contract for outreach with the department of public health.

Sec. 16. 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, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

..... \$ 51,408,668

1. Of the funds appropriated in this section, \$43,689,241 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. Of the funds appropriated in this section, \$432,453 is allocated for the statewide grant program for child care resource and referral services under section 237A.26. 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, \$936,974 is allocated for child care quality improvement initiatives including but not limited to the voluntary quality rating system in accordance with section 237A.30.

5. Of the funds appropriated in this section, \$6,350,000 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.

6. 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.

7. 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.

8. 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 assistance, the entire amount of the increase 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.

9. 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. 17. 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, 2015, and ending June 30, 2016, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For operation of the state training school at Eldora and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	12,233,420
.....	FTEs	169.30

a. Of the funds appropriated in this subsection, \$91,150 shall be used for distribution to licensed classroom teachers at this and other institutions under the control of the department of human services based upon the average student yearly enrollment at each institution as determined by the department.

b. The department of human services shall work with the department of public health to identify substance abuse treatment programs and resources licensed under chapter 125 to provide appropriate treatment for juveniles with substance-related disorders at the state training school at Eldora.

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, 2015.

Sec. 18. 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, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

.....	\$	85,341,938
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2. Up to \$5,200,000 of the amount of federal temporary assistance for needy families block grant funding appropriated in this division of this Act for child and family services shall be made available for purposes of juvenile delinquent graduated sanction services.

3. 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.

4. a. Of the funds appropriated in this section, up to \$35,821,786 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services. If the department projects that such expenditures for the fiscal year will be less than the target amount allocated in this paragraph "a", the department may reallocate the excess to provide additional funding for shelter care or the child welfare emergency services addressed with the allocation for shelter care.

b. If at any time after September 30, 2015, 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.

5. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative during fiscal year 2015-2016. Of the funds appropriated in this section, \$1,717,753 is allocated specifically for expenditure for fiscal year 2015-2016 through the decategorization services funding pools and governance boards established pursuant to section 232.188.

6. 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.

7. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care shall be limited to \$8,068,474.

8. Federal funds received by the state during the fiscal year beginning July 1, 2015, 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.

9. 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 \$1,556,287 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 \$748,985 is allocated for the payment of the expenses of court-ordered services provided to children who are under the supervision of the department, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

c. Notwithstanding section 232.141 or any other provision of law to the contrary, the amounts allocated in this subsection shall be distributed to the judicial districts as determined by the state court administrator and to the department's service areas as determined by the administrator of the department of human services' division of child and family services. The state court administrator and the division administrator shall make the determination of the distribution amounts on or before June 15, 2015.

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.

10. Of the funds appropriated in this section, \$8,053,227 is allocated for juvenile delinquent graduated sanctions services. Any state funds saved as a result of efforts by juvenile court services to earn a federal Tit. IV-E match for juvenile court services administration may be used for the juvenile delinquent graduated sanctions services.

11. Of the funds appropriated in this section, \$1,608,285 is transferred to the department of public health to be used for the child protection center grant program for child protection centers located in Iowa in accordance with section 135.118. The grant amounts under the program shall be equalized so that each center receives a uniform base amount of \$245,000, and the remaining funds shall be awarded through a funding formula based upon the volume of children served.

12. If the department receives federal approval to implement a waiver under Tit. IV-E of the federal Social Security Act to enable providers to serve children who remain in the children's families and communities, for purposes of eligibility under the medical assistance program through 25 years of age, children who participate in the waiver shall be considered to be placed in foster care.

13. Of the funds appropriated in this section, \$4,025,167 is allocated for the preparation for adult living program pursuant to section 234.46.

14. Of the funds appropriated in this section, \$227,337 shall be used for the public purpose of continuing a grant to a nonprofit human services organization providing services to individuals and families in multiple locations in southwest Iowa and Nebraska for support of a project providing immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and their nonoffending family members.

15. Of the funds appropriated in this section, \$300,620 is allocated for the foster care youth council approach of providing a support network to children placed in foster care.

16. 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.

17. Of the funds appropriated in this section, \$630,240 is allocated for the community partnership for child protection sites.

18. Of the funds appropriated in this section, \$371,250 is allocated for the department's minority youth and family projects under the redesign of the child welfare system.

19. Of the funds appropriated in this section, \$1,186,595 is allocated for funding of the community circle of care collaboration for children and youth in northeast Iowa.

20. Of the funds appropriated in this section, at least \$147,158 shall be used for the continuation of the child welfare provider training academy, a collaboration between the coalition for family and children's services in Iowa and the department.

21. Of the funds appropriated in this section, \$211,872 shall be used for continuation of the central Iowa system of care program grant through June 30, 2016.

22. 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.

23. 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.

24. 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 census information issued by the United States census bureau, is licensed as a psychiatric medical institution for children, and was a system of care grantee prior to July 1, 2015.

Sec. 19. 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, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For adoption subsidy payments and services:

..... \$ 42,998,286

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, 2015, 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. 20. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2015, and ending June 30, 2016, are appropriated to the department of human services for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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, 2014. 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, 2014. 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, 2015, shall be limited to the amount appropriated for the purposes of this section.

Sec. 21. 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, 2015, and ending June 30, 2016, 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:

..... \$ 1,073,932

2. The department shall use at least \$641,500 of the moneys appropriated in this section for the family support center component of the comprehensive family support program under section 225C.47. Not more than \$25,000 of the amount allocated in this subsection shall be used for administrative costs.

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. 22. 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, 2015, and ending June 30, 2016, 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. 23. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, which amounts shall not be transferred or expended for any purpose other than the purposes designated, notwithstanding section 218.6 to the contrary:

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:

..... \$ 5,545,616
..... FTEs 169.20

2. 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:

..... \$ 10,324,209
..... FTEs 233.00

*3. For operation of the state mental health institute at Mount Pleasant as required by chapters 218 and 226, for purposes of providing adult psychiatric services including inpatient acute care, inpatient substance abuse treatment, and inpatient dual diagnosis substance use disorder and mental illness treatment, at the same level of care and treatment as provided on July 1, 2014, for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 6,424,880
..... FTEs 97.68*

Sec. 24. 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, 2015, and ending June 30, 2016, 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:

..... \$ 21,524,482

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 14,583,806

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

* Item veto; see message at end of the Act

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 2015-2016.

Sec. 25. SEXUALLY VIOLENT PREDATORS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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:

.....	\$	9,893,079
.....	FTEs	132.50

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.

Sec. 26. 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, 2015, and ending June 30, 2016, 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:

.....	\$	58,920,976
.....	FTEs	1,837.00

1. As a condition of this appropriation, the department shall make every possible effort to fill the entire number of positions authorized by this section and, unless specifically provided otherwise by an applicable collective bargaining agreement, the department is not subject to any approval requirement external to the department to fill a field operations vacancy within the number of full-time equivalent positions authorized by this section. The department shall report on the first of each month to the chairpersons and ranking members of the appropriations committees of the senate and house of representatives, and the persons designated by this Act for submission of reports concerning the status of filling the positions.

2. 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. 27. 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, 2015, and ending June 30, 2016, 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:

.....	\$	14,898,198
.....	FTEs	309.00

* Item veto; see message at end of the Act

1. Of the funds appropriated in this section, \$25,000 is allocated for the prevention of disabilities policy council created in section 225B.3.

*2. *The department shall report at least monthly to the legislative services agency concerning the department's operational and program expenditures.**

3. 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.

4. 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.

5. Of the funds appropriated in this section, \$250,000 shall be transferred to and deposited in the administrative fund of the Iowa ABLE savings plan trust created in section 12I.4, if enacted in this Act, to be used for implementation and administration activities of the Iowa ABLE savings plan trust. Such activities may include the funding of a program manager position, the issuance of a request for proposals, and creation of an informational internet site, but shall not include funding for marketing. The appropriation made in this section is deemed to meet the requirement in the section of the division of this Act, if enacted, relating to contingent implementation of chapter 12I.

Sec. 28. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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. 29. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. (1) For the fiscal year beginning July 1, 2015, the total state funding amount for the nursing facility budget shall not exceed \$151,421,158.

(2) For the fiscal year beginning July 1, 2015, the department shall rebase case-mix nursing facility rates effective July 1, 2015. However, total nursing facility budget expenditures, including both case-mix and noncase-mix, shall not exceed the amount specified in subparagraph (1). When calculating case-mix per diem cost and the patient-day-weighted medians used in rate-setting for nursing facilities effective July 1, 2015, the inflation factor applied from the midpoint of the cost report period to the first day of the state fiscal year rate period shall be adjusted to maintain state funding within the amount specified in subparagraph (1).

(3) The department, in cooperation with nursing facility representatives, shall review projections for state funding expenditures for reimbursement of nursing facilities on a quarterly basis and the department shall determine if an adjustment to the medical assistance reimbursement rate is necessary in order to provide reimbursement within the state funding amount for the fiscal year. Notwithstanding 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph "c", and subsection 3, paragraph "a", subparagraph (2), if the state funding expenditures for the nursing facility budget for the fiscal year are projected to exceed the amount specified in subparagraph (1), the department shall adjust the reimbursement for nursing facilities reimbursed under the case-mix reimbursement system to maintain expenditures of the nursing facility budget within the specified amount for the fiscal year.

(4) For the fiscal year beginning July 1, 2015, special population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30, 2015.

(5) For any open or unsettled nursing facility cost report for a fiscal year prior to and including the fiscal year beginning July 1, 2014, including any cost report remanded on

* Item veto; see message at end of the Act

judicial review for inclusion of prescription drug, laboratory, or x-ray costs, the department shall offset all reported prescription drug, laboratory, and x-ray costs with any revenue received from Medicare or other revenue source for any purpose. For purposes of this subparagraph, a nursing facility cost report is not considered open or unsettled if the facility did not initiate an administrative appeal under chapter 17A or if any appeal rights initiated have been exhausted.

b. (1) For the fiscal year beginning July 1, 2015, the department shall establish the pharmacy dispensing fee reimbursement at \$11.73 per prescription as determined by the June 2014 cost of dispensing fee survey.

(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.

(3) Notwithstanding subparagraph (2), if the centers for Medicare and Medicaid services of the United States department of health and human services (CMS) requires, as a condition of federal Medicaid funding, that the department implement an aggregate federal upper limit (FUL) for drug reimbursement based on the average manufacturer's price (AMP), the department may utilize a reimbursement methodology for all drugs covered under the Medicaid program based on the national average drug acquisition cost (NADAC) methodology published by CMS, in order to assure compliance with the aggregate FUL, minimize outcomes of drug reimbursements below pharmacy acquisition costs, limit administrative costs, and minimize any change in the aggregate reimbursement for drugs. The department may adopt emergency rules to implement this subparagraph.

c. (1) For the fiscal year beginning July 1, 2015, reimbursement rates for outpatient hospital services shall remain at the rates in effect on June 30, 2015, 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, 2015, reimbursement rates for inpatient hospital services shall be rebased effective October 1, 2015, 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, 2015, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2015, 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.

(4) 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, 2015, reimbursement rates for rural health clinics, hospices, and acute mental 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, 2015, independent laboratories and rehabilitation agencies shall be reimbursed using the same methodology in effect on June 30, 2015.

f. (1) For the fiscal year beginning July 1, 2015, reimbursement rates for home health agencies shall continue to be based on the Medicare low utilization payment adjustment (LUPA) methodology with state geographic wage adjustments, and updated to reflect the most recent Medicare LUPA rates.

(2) For the fiscal year beginning July 1, 2015, 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, 2015.

g. For the fiscal year beginning July 1, 2015, federally qualified health centers 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, 2015, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2015.

i. (1) For the fiscal year beginning July 1, 2015, state-owned psychiatric medical institutions for children shall receive cost-based reimbursement for 100 percent of the actual and allowable costs for the provision of services to recipients of medical assistance.

(2) For the nonstate-owned psychiatric medical institutions for children, reimbursement rates shall be based on the reimbursement methodology developed by the Medicaid managed care contractor for behavioral health services as required for federal compliance.

(3) 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, 2015, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2015, 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.

k. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2015, the reimbursement rate for anesthesiologists shall remain at the rate in effect on June 30, 2015.

l. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2015, 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, 2015; however, this rate shall not exceed the maximum level authorized by the federal government.

m. For the fiscal year beginning July 1, 2015, 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, 2015, the reimbursement rates for inpatient mental health services provided at hospitals shall be rebased effective October 1, 2015, 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; and psychiatrists shall be reimbursed at the medical assistance program fee-for-service rate in effect on June 30, 2015.

o. For the fiscal year beginning July 1, 2015, 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 established by the medical assistance program's managed care contractor for mental health services and approved by the department of human services.

p. For the fiscal year beginning July 1, 2015, 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, 2015.

q. For the fiscal year beginning July 1, 2015, the upper limits on reimbursement rates for providers of home and community-based services waiver services shall be increased to the extent possible within the \$1 million of state funding appropriated for this purpose.

r. For the fiscal year beginning July 1, 2015, the reimbursement rates for emergency medical service providers shall remain at the rates in effect on June 30, 2015.

s. For the fiscal year beginning July 1, 2015, reimbursement rates for substance-related disorder treatment programs licensed under section 125.13 shall be increased by 3 percent over the rates in effect on June 30, 2015.

* Item veto; see message at end of the Act

2. For the fiscal year beginning July 1, 2015, 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. For the fiscal year beginning July 1, 2015, 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, 2015, the maximum reimbursement rates for social services providers under contract shall remain at the rates in effect on June 30, 2015, 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, 2015, the initial reimbursement rate for the service or provider shall be based upon a weighted average of provider rates for similar services.

6. For the fiscal year beginning July 1, 2015, the reimbursement rates for resource family recruitment and retention contractors, child welfare emergency services contractors, and supervised apartment living foster care providers shall be increased by 5 percent over the rates in effect on June 30, 2015.

7. a. For the purposes of this subsection, "combined reimbursement rate" means the combined service and maintenance reimbursement rate for a service level under the department's reimbursement methodology. Effective July 1, 2015, the combined reimbursement rate for a group foster care service level shall be the amount designated in this subsection. However, if a group foster care provider's reimbursement rate for a service level as of June 30, 2015, is more than the rate designated in this subsection, the provider's reimbursement shall remain at the higher rate.

b. Unless a group foster care provider is subject to the exception provided in paragraph "a", effective July 1, 2015, the combined reimbursement rates for the service levels under the department's reimbursement methodology shall be as follows:

(1) For service level, community - D1, the daily rate shall be at least \$84.17.

(2) For service level, comprehensive - D2, the daily rate shall be at least \$119.09.

(3) For service level, enhanced - D3, the daily rate shall be at least \$131.09.

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, 2015, 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, 2015, 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, 2015, 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, 2014.

10. For the fiscal year beginning July 1, 2015, the department shall calculate reimbursement rates for intermediate care facilities for persons with an intellectual disability at the 80th percentile. Beginning July 1, 2015, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2015.

11. For the fiscal year beginning July 1, 2015, for child care providers reimbursed under the state child care assistance program, the department shall set provider reimbursement rates based on the rate reimbursement survey completed in December 2004. Effective July 1, 2015, the child care provider reimbursement rates shall remain at the rates in effect on June 30, 2015. The department shall set rates in a manner so as to provide incentives for a nonregistered provider to become registered by applying the increase only to registered and licensed providers.

**12. For the fiscal year beginning July 1, 2015, if the centers for Medicare and Medicaid services of the United States department of health and human services approves the waivers necessary to implement medical assistance program managed care applicable to any providers or services subject to reimbursement under this section, notwithstanding any provision to the contrary under this section, affected providers or services shall instead be reimbursed as follows:*

a. For fee-for-service claims, reimbursement shall be calculated based on the methodology otherwise specified in this section for the fiscal year beginning July 1, 2015, for the respective provider or service.

*b. For claims subject to a managed care contract, reimbursement shall be based on the methodology established by the managed care organization contract. However, any reimbursement established under such contract shall not be lower than the reimbursement otherwise specified in this section for the fiscal year beginning July 1, 2015, for the respective provider or service.**

13. The department may adopt emergency rules to implement this section.

Sec. 30. 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.

* Item veto; see message at end of the Act

Sec. 31. REPORTS. Any reports or other information required to be compiled and submitted under this Act during the fiscal year beginning July 1, 2015, 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. 32. TRANSFER OF MEDICAID MODERNIZATION SAVINGS BETWEEN APPROPRIATIONS FY 2015-2016. Notwithstanding section 8.39, subsection 1, for the fiscal year beginning July 1, 2015, if savings resulting from the governor’s Medicaid modernization initiative accrue to the medical contracts or children’s health insurance program appropriation from the general fund of the state and not to the medical assistance appropriation from the general fund of the state under this division of this Act, such savings may be transferred to such medical assistance appropriation for the same fiscal year without prior written consent and approval of the governor and the director of the department of management. The department of human services shall report any transfers made pursuant to this section to the legislative services agency.

Sec. 33. 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, 2015, 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 2015-2016

Sec. 34. 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, 2015, and ending June 30, 2016, 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, 2015, and ending June 30, 2016:

..... \$ 2,002,176

Sec. 35. 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, 2015, and ending June 30, 2016, 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:

..... \$ 37,205,208

Sec. 36. 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, 2015, and ending June 30, 2016, 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:

..... \$ 34,700,000

Sec. 37. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2015-2016. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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
PATIENT-CENTERED HEALTH ADVISORY COUNCIL

Sec. 38. Section 135.159, subsection 2, paragraph a, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The department shall establish an a patient-centered health advisory council which shall include but is not limited to all of the following members, selected by their respective organizations, and any other members the department determines necessary to assist in the department's duties at various stages of development of the medical home system:

Sec. 39. Section 135.159, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. Public members of the patient-centered health advisory council shall receive reimbursement for actual expenses incurred while serving in their official capacity only if they are not eligible for reimbursement by the organization that they represent.

Sec. 40. Section 135.159, subsection 10, Code 2015, is amended to read as follows:

10. The department shall integrate the recommendations and policies developed pursuant to section 135.161, Code 2011, into the medical home system and shall incorporate the development and implementation of the state initiative for prevention and chronic care management as developed pursuant to section 135.161, Code 2011, into the duties of the ~~medical home system~~ patient-centered health advisory council beginning January 1, 2012.

Sec. 41. CODE EDITOR DIRECTIVE. The Code editor shall amend the headnote of section 135.159, Code 2015, to read **Medical home system — patient-centered health advisory council — development and implementation.**

DIVISION VIII
PRIOR YEAR APPROPRIATIONS AND OTHER PRIOR PROVISIONS

DECATEGORIZATION — FY 2014-2015

Sec. 42. DECATEGORIZATION CARRYOVER FUNDING — TRANSFER TO MEDICAID PROGRAM. Notwithstanding section 232.188, subsection 5, paragraph "b", any state appropriated moneys in the funding pool that remained unencumbered or unobligated at the close of the fiscal year beginning July 1, 2012, 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, 2014, shall not revert but shall be transferred to the medical assistance program for the fiscal year beginning July 1, 2014.

COMMUNITY MENTAL HEALTH SERVICES APPROPRIATION — FY 2014-2015

Sec. 43. 2013 Iowa Acts, chapter 136, section 2, subsection 1, paragraph c, is amended to read as follows:

c. The department shall allocate not less than 95 percent of the amount of the block grant each federal fiscal year to eligible community mental health services providers for carrying out the plan submitted to and approved by the federal substance abuse and mental health services administration for the fiscal year involved, except that for federal fiscal year 2014-2015, \$1,643,467 of such federal block grant funds shall be used for child and family services pursuant to 2013 Iowa Acts, chapter 138, section 148, as amended by 2014 Iowa

Acts, chapter 1140, section 25, for the purposes of 2014 Iowa Acts, chapter 1140, section 25, subsection 20, relating to the community circle of care collaboration for children and youth in northeast Iowa, subsection 24 relating to the central Iowa system of care program grant, subsection 25 relating to the system of care grant implemented in Cerro Gordo and Linn counties, and subsection 27 relating to a system of care approach for children with a serious emotional disturbance and their families through a nonprofit provider of child welfare services licensed as a psychiatric medical institution for children.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES — FY 2014-2015

Sec. 44. 2013 Iowa Acts, chapter 138, section 136, subsections 1, 2, 6, and 13, as amended by 2014 Iowa Acts, chapter 1140, section 9, are amended to read as follows:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

.....	\$	9,879,488
		6,281,222

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:

.....	\$	11,091,911
		10,232,340

6. For state child care assistance:

.....	\$	35,047,110
		41,210,239

a. Of the funds appropriated in this subsection, ~~\$26,347,110~~ \$26,332,712 is transferred to the child care and development block grant appropriation made by the Eighty-fifth General Assembly, 2013 Session, in 2013 Iowa Acts, chapter 136, section 14 for the federal fiscal year beginning October 1, 2014, and ending September 30, 2015. 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 ~~who are employed~~.

13. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2013 or 2014 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 not otherwise appropriated in this section and remaining available for the fiscal year beginning July 1, 2014, 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 ~~individuals enrolled in the family investment program~~ families who are employed, and for the family investment program share of costs to develop and maintain a new, integrated eligibility determination system. The federal funds appropriated in this paragraph “a” shall be expended only after all other funds appropriated in subsection 1 for the assistance under the family investment program, in subsection 6 for child care assistance, or in subsection 12 for the family investment program share of the costs to continue to develop and maintain a new, integrated eligibility determination system, 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 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.

CHILD SUPPORT RECOVERY UNIT — CARRYFORWARD FUNDING — TRANSFER TO MEDICAID PROGRAM FOR FY 2015-2016

Sec. 45. 2013 Iowa Acts, chapter 138, section 139, as amended by 2014 Iowa Acts, chapter 1140, section 12, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year ending June 30, 2015, shall not revert but shall be transferred to the medical assistance appropriation for the fiscal year beginning July 1, 2015, to be used for the medical assistance program for that fiscal year.

MEDICAL ASSISTANCE — FY 2014-2015

Sec. 46. 2013 Iowa Acts, chapter 139,² section 142, unnumbered paragraph 2, as amended by 2014 Iowa Acts, chapter 1140, section 14, 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, 2014, 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:

..... \$ 1,250,658,393
1,266,486,529

DISPROPORTIONATE SHARE HOSPITAL — FY 2014-2015

Sec. 47. 2013 Iowa Acts, chapter 138, section 142, subsection 11, paragraph a, unnumbered paragraph 1, as amended by 2014 Iowa Acts, chapter 1140, section 15, is amended to read as follows:

Of the funds appropriated in this section, ~~\$8,391,922~~ \$5,591,922 is allocated for the state match for a disproportionate share hospital payment of ~~\$19,133,430~~ \$12,749,481 to hospitals that meet both of the conditions specified in subparagraphs (1) and (2). In addition, the hospitals that meet the conditions specified 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 of ~~\$7,500,000~~ \$13,883,949. The hospitals that meet the conditions specified shall receive and retain 100 percent of the total disproportionate share hospital payment of \$26,633,430.

MEDICAL CONTRACTS CARRYFORWARD FUNDING — TRANSFER TO MEDICAID PROGRAM FOR FY 2015-2016

Sec. 48. 2013 Iowa Acts, chapter 138, section 143, as amended by 2014 Iowa Acts, chapter 1140, section 19, is amended by adding the following new subsection:

NEW SUBSECTION. 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 be transferred to the medical assistance appropriation for the fiscal year beginning July 1, 2015, to be used for the medical assistance program for that fiscal year.

STATE SUPPLEMENTARY ASSISTANCE — CARRYFORWARD FUNDING — TRANSFER TO MEDICAID PROGRAM FOR FY 2015-2016

Sec. 49. 2013 Iowa Acts, chapter 138, section 144, as amended by 2014 Iowa Acts, chapter 1140, section 20, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall be transferred to the medical assistance appropriation for the fiscal year beginning July 1, 2015, to be used for the medical assistance program for that fiscal year.

² According to enrolled Act; a reference to chapter 138 probably intended

CHILDREN’S HEALTH INSURANCE PROGRAM/HEALTHY AND WELL KIDS IN IOWA PROGRAM CARRYFORWARD FUNDING — TRANSFER TO MEDICAID PROGRAM FOR FY 2015-2016

Sec. 50. 2013 Iowa Acts, chapter 138, section 145, as amended by 2014 Iowa Acts, chapter 1140, section 21, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall be transferred to the medical assistance appropriation for the fiscal year beginning July 1, 2015, to be used for the medical assistance program for that same fiscal year.

CHILD CARE ASSISTANCE — FY 2014-2015

Sec. 51. 2013 Iowa Acts, chapter 138, section 146, unnumbered paragraphs 1 and 2, as amended by 2014 Iowa Acts, chapter 1140, section 22, are amended to read as follows:

There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

.....	\$	47,132,080
		<u>36,303,944</u>

Sec. 52. 2013 Iowa Acts, chapter 138, section 146, subsection 1, as amended by 2014 Iowa Acts, chapter 1140, section 22, is amended to read as follows:

1. Of the funds appropriated in this section, ~~\$39,412,653~~ \$28,484,517 shall be used for state child care assistance in accordance with section 237A.13.

CHILD AND FAMILY SERVICES — CARRYFORWARD FUNDING — TRANSFER TO MEDICAID PROGRAM FOR FY 2015-2016

Sec. 53. 2013 Iowa Acts, chapter 138, section 148, as amended by 2014 Iowa Acts, chapter 1140, section 25, is amended by adding the following new subsection:

NEW SUBSECTION. 29. Notwithstanding section 8.33, of the moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year, \$8,293,467 shall not revert but shall be transferred to the medical assistance appropriation for the fiscal year beginning July 1, 2015, to be used for the medical assistance program for that fiscal year.

ADOPTION SUBSIDY — CARRYFORWARD FUNDING — TRANSFER TO MEDICAID PROGRAM FOR FY 2015-2016

Sec. 54. 2013 Iowa Acts, chapter 138, section 149, as amended by 2014 Iowa Acts, chapter 1140, section 26, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall be transferred to the medical assistance appropriation for the fiscal year beginning July 1, 2015, to be used for the medical assistance program for that fiscal year.

FAMILY SUPPORT SUBSIDY — CARRYFORWARD FUNDING — TRANSFER TO MEDICAID PROGRAM FOR FY 2015-2016

Sec. 55. 2013 Iowa Acts, chapter 138, section 151, as amended by 2014 Iowa Acts, chapter 1140, section 27, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall be transferred to the medical assistance appropriation for the fiscal year beginning July 1, 2015, to be used for the medical assistance program for that fiscal year.

CLARINDA AND INDEPENDENCE MENTAL HEALTH INSTITUTES CARRYFORWARD FUNDING — TRANSFER TO MEDICAID PROGRAM FOR FY 2015-2016

Sec. 56. 2013 Iowa Acts, chapter 138, section 153, subsections 2 and 3, as amended by 2014 Iowa Acts, chapter 1140, section 29, are amended to read as follows:

2. a. For the state mental health institute at Clarinda for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,787,309
.....	FTEs	86.10

b. 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 be transferred to the medical assistance appropriation for the fiscal year beginning July 1, 2015, to be used for the medical assistance program for that fiscal year.

3. a. For the state mental health institute at Independence for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	10,484,386
.....	FTEs	233.00

b. 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 be transferred to the medical assistance appropriation for the fiscal year beginning July 1, 2015, to be used for the medical assistance program for that fiscal year.

GLENWOOD AND WOODWARD STATE RESOURCE CENTERS — CARRYFORWARD FUNDING — TRANSFER TO MEDICAID PROGRAM FOR FY 2015-2016

Sec. 57. 2013 Iowa Acts, chapter 138, section 154, subsection 1, as amended by 2014 Iowa Acts, chapter 1140, section 30, is amended to read as follows:

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, 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:

.....	\$	21,695,266
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Notwithstanding section 8.33, moneys appropriated in this paragraph “a” that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall be transferred to the medical assistance appropriation for the fiscal year beginning July 1, 2015, to be used for the medical assistance program for that fiscal year.

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

.....	\$	14,855,693
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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 be transferred to the medical assistance appropriation for the fiscal year beginning July 1, 2015, to be used for the medical assistance program for that fiscal year.

FIELD OPERATIONS — FY 2014-2015

Sec. 58. 2013 Iowa Acts, chapter 138, section 156, unnumbered paragraphs 1 and 2, as amended by 2014 Iowa Acts, chapter 1140, section 32, are amended to read as follows:

There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, 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:

.....	\$	65,170,976
		<u>61,170,976</u>

.....	FTEs	1,837.00
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GENERAL ADMINISTRATION — FY 2014-2015

Sec. 59. 2013 Iowa Acts, chapter 138, section 157, unnumbered paragraphs 1 and 2, as amended by 2014 Iowa Acts, chapter 1140, section 33, are amended to read as follows:

There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, 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:

.....	\$	16,072,302
.....		<u>15,072,302</u>
.....	FTEs	309.00

CHILDREN ADJUDICATED AS DELINQUENT AND CHILD IN NEED OF ASSISTANCE PLACEMENTS — CARRYFORWARD FUNDING FY 2015-2016

Sec. 60. 2013 Iowa Acts, chapter 138, section 147A, as enacted by 2014 Iowa Acts, chapter 1140, section 24, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall be transferred to the medical assistance appropriation for the fiscal year beginning July 1, 2015, to be used for the medical assistance program for that fiscal year.

Sec. 61. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 62. RETROACTIVE APPLICABILITY. This division of this Act is retroactively applicable to July 1, 2014.

DIVISION IX
HEALTH POLICY — OVERSIGHT

Sec. 63. HEALTH POLICY OVERSIGHT — MEDICAID MANAGED CARE.

1. The department of human services shall partner with appropriate stakeholders to convene monthly statewide public meetings to receive input and recommendations from stakeholders and members of the public regarding Medicaid managed care, beginning in March 2016. The meetings shall be held in both rural and urban areas, in small communities and large population centers, and in a manner that is geographically balanced. The input and recommendations of the public meetings shall be compiled by the department of human services and submitted to the executive committee of the medical assistance advisory council created in section 249A.4B.

2. a. The executive committee of the medical assistance advisory council shall review the compilation of the input and recommendations of the public meetings convened pursuant to subsection 1, and shall submit recommendations based upon the compilation to the director of human services on a quarterly basis.

b. The director of human services shall submit the compilation and the recommendations made under paragraph “a” to the legislative health policy oversight committee created in section 2.45.

Sec. 64. Section 2.45, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The legislative health policy oversight committee, which shall be composed of members appointed by the legislative council. The legislative health policy oversight committee shall receive updates and review data, public input and concerns, and make recommendations for improvements to and changes in law or rule regarding Medicaid managed care.

Sec. 65. NEW SECTION. 231.44 Utilization of resources — assistance and advocacy related to long-term services and supports under the Medicaid program.

1. The office of long-term care ombudsman may utilize its available resources to provide assistance and advocacy services to eligible recipients, or the families or legal representatives of such eligible recipients, of long-term services and supports provided through the Medicaid program. Such assistance and advocacy shall include but is not limited to all of the following:

a. Assisting recipients in understanding the services, coverage, and access provisions and their rights under Medicaid managed care.

b. Developing procedures for the tracking and reporting of the outcomes of individual requests for assistance, the obtaining of necessary services and supports, and other aspects of the services provided to eligible recipients.

c. Providing advice and assistance relating to the preparation and filing of complaints, grievances, and appeals of complaints or grievances, including through processes available under managed care plans and the state appeals process, relating to long-term services and supports under the Medicaid program.

2. A representative of the office of long-term care ombudsman providing assistance and advocacy services authorized under this section for an individual, shall be provided access to the individual, and shall be provided access to the individual's medical and social records as authorized by the individual or the individual's legal representative, as necessary to carry out the duties specified in this section.

3. A representative of the office of long-term care ombudsman providing assistance and advocacy services authorized under this section for an individual, shall be provided access to administrative records related to the provision of the long-term services and supports to the individual, as necessary to carry out the duties specified in this section.

4. For the purposes of this section:

a. "Institutional setting" includes a long-term care facility, an elder group home, or an assisted living program.

b. "Long-term services and supports" means the broad range of health, health-related, and personal care assistance services and supports, provided in both institutional settings and home and community-based settings, necessary for older individuals and persons with disabilities who experience limitations in their capacity for self-care due to a physical, cognitive, or mental disability or condition.

Sec. 66. PROPOSAL FOR A HEALTH CONSUMER OMBUDSMAN ALLIANCE. The office of long-term care ombudsman shall collaborate with the department on aging, the office of substitute decision maker, the department of veterans affairs, the department of human services, the department of public health, the department of inspections and appeals, the designated protection and advocacy agency as provided in section 135C.2, subsection 4, the civil rights commission, the senior health insurance information program, the Iowa insurance consumer advocate, Iowa legal aid, and other consumer advocates and consumer assistance programs, to develop a proposal for the establishment of a health consumer ombudsman alliance. The purpose of the alliance is to provide a permanent coordinated system of independent consumer supports to ensure that consumers, including consumers covered under Medicaid managed care, obtain and maintain essential health care, are provided unbiased information in understanding coverage models, and are assisted in resolving problems regarding health care services, coverage, access, and rights. The proposal developed shall include annual budget projections and shall be submitted to the governor and the general assembly no later than December 15, 2015.

***Sec. 67. LEVEL OF CARE ASSESSMENTS AND REASSESSMENTS, OPTIONS COUNSELING, AND CASE MANAGEMENT.**

1. a. *The department of human services shall contract with a conflict free third party to conduct initial level of care assessments and reassessments for Medicaid program applicants or members who are not enrolled in a Medicaid managed care plan.*

* Item veto; see message at end of the Act

b. A Medicaid managed care contractor shall conduct initial level of care assessments and reassessments for Medicaid program members enrolled in the contractor's plan, and shall submit the results to the department.

c. All level of care assessments and reassessments shall be conducted using an assessment tool approved by the department and shall be conflict free.

d. The department shall determine the level of care of an applicant or member based upon the results of the assessments or reassessments conducted and submitted in accordance with this subsection.

e. Level of care reassessments shall be conducted annually or when the needs of a member change.

2. A Medicaid member's service plan shall reflect the member's needs and goals based upon the assessment or reassessment conducted pursuant to subsection 1. A member's service plan shall not be changed prior to the completion of a functional or needs reassessment, and any subsequent service plan shall be based on the reassessment.

3. The department shall provide for administration of nonbiased, community-based, in-person options counseling by a conflict free third party for applicants for a Medicaid managed care plan.

4. Case management under a Medicaid managed care contract shall be administered in a conflict free manner.

5. For the purposes of this section, "conflict free" means conflict free pursuant to specifications of the balancing incentive program requirements.*

DIVISION X AUTISM

Sec. 68. NEW SECTION. 135.181 **Behavior analyst and board certified assistant behavior analyst grants program — fund.**

1. The department shall establish a board-certified behavior analyst and board-certified assistant behavior analyst grants program to provide grants to Iowa resident and nonresident applicants who have been accepted for admission or are attending a board of regents university, community college, or an accredited private institution, are enrolled in a program to be eligible for board certification as a behavior analyst or assistant behavior analyst, and demonstrate financial need. Priority in the awarding of a grant shall be given to applicants who are residents of Iowa.

2. The department, in cooperation with the department of education, shall adopt rules pursuant to chapter 17A to establish minimum standards for applicants to be eligible for a grant that address all of the following:

- a. Eligibility requirements for and qualifications of an applicant to receive a grant.
- b. The application process for the grant.
- c. Criteria for preference in awarding of the grants.
- d. Determination of the amount of a grant.
- e. Use of the funds awarded.

3. a. A board-certified behavior analyst and board-certified assistant behavior analyst grants program fund is created in the state treasury as a separate fund under the control of the department. The fund shall consist of moneys appropriated from the general fund of the state for the purposes of the fund and moneys from any other public or private source available.

b. The department may receive contributions, grants, and in-kind contributions to support the purposes of the fund. Not more than five percent of the moneys in the fund may be used annually for administrative costs.

c. The fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the fund shall not be considered revenue of the state, but rather shall be moneys of the fund. Moneys within the 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 section. Notwithstanding section

* Item veto; see message at end of the Act

12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

d. The moneys in the fund are appropriated to the department and shall be used to provide grants to individuals who meet the criteria established under this section.

Sec. 69. Section 225D.1, subsection 3, Code 2015, is amended to read as follows:

3. “Autism service provider” means a person providing applied behavioral analysis, who meets all of the following criteria:

a. Is any of the following:

(1) Is certified as a behavior analyst by the behavior analyst certification board or, is a health professional licensed under chapter 147 psychologist licensed under chapter 154B, or is a psychiatrist licensed under chapter 148.

(2) Is a board-certified assistant behavior analyst who performs duties, identified by and based on the standards of the behavior analyst certification board, under the supervision of a board-certified behavior analyst.

b. Is approved as a member of the provider network by the department.

Sec. 70. Section 225D.2, subsection 2, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. l. Proof of eligibility for the autism support program that includes a written denial for coverage or a benefits summary indicating that applied behavioral analysis treatment is not a covered benefit for which the applicant is eligible, under the Medicaid program, section 514C.28, or private insurance coverage.

Sec. 71. Section 225D.2, subsection 5, paragraph a, Code 2015, is amended to read as follows:

a. An autism support fund is created in the state treasury under the authority of the department. Moneys appropriated to and all other moneys specified for deposit in the fund shall be deposited in the fund and used for the purposes of the program. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys credited to the fund that remain unexpended or unobligated at the end of a fiscal year shall not revert to any other fund.

DIVISION XI OFFICE OF SUBSTITUTE DECISION MAKER

Sec. 72. Section 231E.4, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. Select persons through a request for proposals process to establish local offices of substitute decision maker in each of the planning and service areas. Local offices shall be established statewide on or before July 1, ~~2015~~ 2017.

DIVISION XII DEMENTIA WORKFORCE

Sec. 73. INTERAGENCY DEMENTIA PROFICIENT WORKFORCE TASK FORCE. The department on aging shall convene an interagency task force, in collaboration with the office of long-term care ombudsman, the office of substitute decision maker, the departments of public health, human services, and inspections and appeals, and the Alzheimer’s association, to review the recommendations for a standard curriculum model for dementia education submitted by the Alzheimer’s association dementia education task force to the department on aging in June 2010, in the Iowa dementia education project final report, and the curricula-related recommendations submitted by the direct care worker task force and the direct care worker advisory council; identify staff, in settings in which individuals with dementia may seek services and care, who should have some level of dementia proficiency and analyze gaps in existing training and educational requirements; and develop an implementation plan to transition toward competency-based dementia curricula and training that achieves dementia proficiency across a broader care continuum. To the greatest extent

possible, the plan shall address training strategies for different settings, levels of skill, and licensure. The plan shall include a timeline for implementation, fiscal implications of recommendations, and identification of key decision points for the general assembly. The task force shall provide opportunities for stakeholder input from affected industry, education, professional, employee, and consumer organizations. The task force shall submit its recommendations to the governor and the general assembly no later than December 15, 2015.

DIVISION XIII
PHARMACEUTICAL COLLECTION AND DISPOSAL PROGRAM

Sec. 74. Section 155A.43, Code 2015, is amended to read as follows:

155A.43 Pharmaceutical collection and disposal program — annual allocation.

Of the fees collected pursuant to sections 124.301 and 147.80 and chapter 155A by the board of pharmacy, and retained by the board pursuant to section 147.82, not more than one hundred ~~twenty-five~~ seventy-five thousand dollars may be allocated annually by the board for administering the pharmaceutical collection and disposal program originally established pursuant to 2009 Iowa Acts, ch. 175, §9. The program shall provide for the management and disposal of unused, excess, and expired pharmaceuticals. The board of pharmacy may cooperate with the Iowa pharmacy association and may consult with the department and sanitary landfill operators in administering the program.

DIVISION XIV
PREREQUISITES FOR AN ABORTION

Sec. 75. NEW SECTION. **146A.1 Prerequisites for an abortion.**

Except in the case of a medical emergency, as defined in section 135L.1, for any woman, the physician shall certify both of the following before performing an abortion:

1. That the woman has been given the opportunity to view an ultrasound image of the fetus as part of the standard of care.
2. That the woman has been provided information regarding the options relative to a pregnancy, including continuing the pregnancy to term and retaining parental rights following the child's birth, continuing the pregnancy to term and placing the child for adoption, and terminating the pregnancy.

DIVISION XV
IOWA ABLE SAVINGS PLAN TRUST

Sec. 76. NEW SECTION. **12I.1 Purpose and definitions.**

1. The general assembly finds that the general welfare and well-being of the state are directly related to the health, maintenance, independence, and quality of life of its disabled residents, and that a vital and valid public purpose is served by the creation and implementation of programs that encourage and make possible savings to secure funding for disability-related expenses on behalf of individuals with disabilities that will supplement, but not supplant, other benefits provided by various federal, state, and private sources. The creation of the means of encouragement for citizens to invest in such a program represents the carrying out of a vital and valid public purpose. In order to make available to the citizens of the state an opportunity to fund future disability-related expenses of individuals, it is necessary that a public trust be established in which moneys may be invested for payment of future disability-related expenses of an individual.

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

a. "Account balance limit" means the maximum allowable aggregate balance of an account established for a designated beneficiary. Account earnings, if any, are included in the account balance limit.

b. "Account owner" means an individual who enters into a participation agreement under this chapter for the payment of qualified disability expenses on behalf of a designated beneficiary.

c. “*Contracting state*” means the same as defined in section 529A of the Internal Revenue Code.

d. “*Designated beneficiary*” means an individual who is a resident of this state or a resident of a contracting state and who meets the definition of “*eligible individual*” in section 529A of the Internal Revenue Code.

e. “*Internal Revenue Code*” means the Internal Revenue Code of 1986, as amended, and regulations promulgated thereunder.

f. “*Iowa ABLÉ savings plan trust*” or “*trust*” means the trust created under section 12I.2.

g. “*Participation agreement*” means an agreement between the account owner and the trust entered into under this chapter.

h. “*Qualified ABLÉ program*” means the same as defined in section 529A of the Internal Revenue Code.

i. “*Qualified disability expenses*” means the same as defined in section 529A of the Internal Revenue Code.

j. “*Resident*” shall be defined by rules adopted by the treasurer of state. The rules shall determine residency in such manner as may be required or permitted under section 529A of the Internal Revenue Code, or, in the absence of any guidance under federal law, as the treasurer of state deems advisable for the purpose of satisfying the requirements of section 529A of the Internal Revenue Code.

Sec. 77. NEW SECTION. 12I.2 Creation of Iowa ABLÉ savings plan trust.

An Iowa ABLÉ savings plan trust is created. The treasurer of state is the trustee of the trust, and has all powers necessary to carry out and effectuate the purposes, objectives, and provisions of this chapter pertaining to the trust, including the power to do all of the following:

1. Make and enter into contracts necessary for the administration of the trust created under this chapter.

2. Enter into agreements with this state or any other state, or any federal or other state agency, or other entity as required to implement this chapter.

3. Carry out the duties and obligations of the trust pursuant to this chapter.

4. Accept any grants, gifts, legislative appropriations, and other moneys from the state, any unit of federal, state, or local government, or any other person, firm, partnership, or corporation which the treasurer of state shall deposit into the administrative fund or program fund.

5. Participate in any federal, state, or local governmental program for the benefit of the trust.

6. Procure insurance against any loss in connection with the property, assets, or activities of the trust.

7. Enter into participation agreements with account owners.

8. Make payments to designated beneficiaries pursuant to participation agreements.

9. Make refunds to account owners upon the termination of participation agreements, and partial nonqualified distributions to account owners, pursuant to this chapter and the limitations and restrictions set forth in this chapter.

10. Invest moneys from the program fund in any investments that are determined by the treasurer of state to be appropriate.

11. Engage investment advisors, if necessary, to assist in the investment of trust assets.

12. Contract for goods and services and engage personnel as necessary, including consultants, actuaries, managers, legal counsel, and auditors for the purpose of rendering professional, managerial, and technical assistance and advice to the treasurer of state regarding trust administration and operation.

13. Establish, impose, and collect administrative fees and charges in connection with transactions of the trust, and provide for reasonable service charges, including penalties for cancellations and late payments with respect to participation agreements.

14. Administer the funds of the trust.

15. Prepare and file reports and notices.

16. Enter into agreements with contracting states to permit residents of the contracting state to participate in the Iowa ABLÉ savings plan trust.

17. Adopt rules pursuant to chapter 17A for the administration of this chapter.

Sec. 78. NEW SECTION. **12I.3 Participation agreements for trust.**

On or after July 1, 2016, the trust may enter into participation agreements with account owners pursuant to the following terms and agreements:

1. *a.* Unless otherwise permitted under section 529A of the Internal Revenue Code, the treasurer of state shall allow only one participation agreement per designated beneficiary.

b. Unless otherwise permitted under section 529A of the Internal Revenue Code, the account owner must also be the designated beneficiary of the account. However, a trustee or legal guardian may be designated as custodian of an account for a designated beneficiary who is a minor or who lacks capacity to enter into a participation agreement if such designation is not prohibited under section 529A of the Internal Revenue Code.

c. The treasurer of state shall set an annual contribution limit and account balance limit to maintain compliance with section 529A of the Internal Revenue Code. A contribution shall not be permitted to the extent it exceeds the annual contribution limit or causes the aggregate balance of the account established for the designated beneficiary to exceed the applicable account balance limit.

d. The maximum amount that may be deducted per year for Iowa income tax purposes by an individual for contributions on behalf of any one designated beneficiary that is a resident of this state shall not exceed the maximum deductible amount determined for the year pursuant to section 12D.3, subsection 1, paragraph "a".

e. Participation agreements may be amended to provide for adjusted levels of contributions based upon changed circumstances or changes in disability-related expenses.

f. Any person may make contributions pursuant to a participation agreement on behalf of a designated beneficiary under rules adopted by the treasurer of state.

2. The execution of a participation agreement by the trust shall not guarantee in any way that future disability-related expenses will be equal to projections and estimates provided by the trust or that the account owner or designated beneficiary is guaranteed any of the following:

a. A return of principal.

b. A rate of interest or other return from the trust.

c. Payment of interest or other return from the trust.

3. *a.* A designated beneficiary under a participation agreement may be changed as permitted under rules adopted by the treasurer of state upon written request of the account owner as long as such change would be permitted by section 529A of the Internal Revenue Code.

b. Participation agreements may otherwise be freely amended throughout their terms in order to enable account owners to increase or decrease the level of participation, change the designated beneficiary, and carry out similar matters as authorized by rule.

4. Each participation agreement shall provide that the participation agreement may be canceled upon the terms and conditions, and upon payment of applicable fees and costs set forth and contained in the rules adopted by the treasurer of state.

Sec. 79. NEW SECTION. **12I.4 Program and administrative funds — investment and payment.**

1. *a.* The treasurer of state shall segregate moneys received by the trust into two funds: the program fund and the administrative fund.

b. All moneys paid by account owners or other persons on behalf of a designated beneficiary in connection with participation agreements shall be deposited as received into separate accounts for each designated beneficiary within the program fund.

c. Contributions to the trust made on behalf of designated beneficiaries may only be made in the form of cash.

d. An account owner or designated beneficiary is not permitted to provide investment direction regarding contributions or earnings held by the trust.

2. Moneys accrued by account owners in the program fund of the trust may be used for payments of qualified disability expenses.

3. Moneys in the account of a designated beneficiary may be claimed by the Iowa Medicaid program as provided in section 529A(f) of the Internal Revenue Code and subject to limitations imposed by the treasurer of state.

4. The trust shall comply with Pub. L. No. 113-295, §103, regarding treatment of ABLE accounts under certain federal programs.

5. Moneys in the funds are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the funds shall be credited to the funds.

Sec. 80. NEW SECTION. **12I.5 Cancellation of agreements.**

An account owner may cancel a participation agreement at will. Upon cancellation of a participation agreement, an account owner shall be entitled to the return of the account owner's account balance.

Sec. 81. NEW SECTION. **12I.6 Repayment and ownership of payments and investment income — transfer of ownership rights.**

1. *a.* An account owner retains ownership of all contributions made on behalf of a designated beneficiary under a participation agreement up to the date of utilization for payment of qualified disability expenses of the designated beneficiary.

b. All income derived from the investment of the contributions made on behalf of a designated beneficiary shall be considered to be held in trust for the benefit of the designated beneficiary.

2. In the event the trust is terminated prior to payment of qualified disability expenses for the designated beneficiary, the account owner is entitled to a refund of the account owner's account balance.

3. Any amounts which may be paid to any person or persons pursuant to the Iowa ABLE savings plan trust but which are not listed in this section are owned by the trust.

4. An account owner may transfer ownership rights to another designated beneficiary, including a gift of the ownership rights to a designated beneficiary who is a minor, in accordance with rules adopted by the treasurer of state and the terms of the participation agreement, so long as the transfer would be permitted by section 529A of the Internal Revenue Code.

5. An account owner or designated beneficiary shall not be entitled to utilize any interest in the trust as security for a loan.

Sec. 82. NEW SECTION. **12I.7 Reports — annual audited financial report — reports under federal law.**

1. *a.* The treasurer of state shall submit an annual audited financial report, prepared in accordance with generally accepted accounting principles, on the operations of the trust by November 1 to the governor and the general assembly.

b. The annual audit shall be made either by the auditor of state or by an independent certified public accountant designated by the auditor of state and shall include direct and indirect costs attributable to the use of outside consultants, independent contractors, and any other persons who are not state employees.

2. The annual audit shall be supplemented by all of the following information prepared by the treasurer of state:

a. Any related studies or evaluations prepared in the preceding year.

b. A summary of the benefits provided by the trust, including the number of account owners and designated beneficiaries in the trust, or, if the trust has caused this state to become a contracting state pursuant to section 12I.10, a summary of the benefits provided to Iowa residents by the contracted qualified ABLE program, including the number of account owners and designated beneficiaries in the contracted qualified ABLE program who are Iowa residents.

c. Any other information deemed relevant by the treasurer of state in order to make a full, fair, and effective disclosure of the operations of the trust or the contracted qualified ABLE program if applicable.

3. The treasurer of state shall prepare and submit to the secretary of the United States treasury or other required party any reports, notices, or statements required under section 529A of the Internal Revenue Code.

Sec. 83. NEW SECTION. **12I.8 Tax considerations.**

1. For federal income tax purposes, the Iowa ABLE savings plan trust shall be considered a qualified ABLE program exempt from taxation pursuant to section 529A of the Internal Revenue Code and shall be operated so that it meets the requirements of section 529A of the Internal Revenue Code.

2. State income tax treatment of the Iowa ABLE savings plan trust shall be as provided in section 422.7, subsections 34 and 34A.

3. State inheritance tax treatment of interests in Iowa ABLE savings plans shall be as provided in section 450.4, subsection 9.

Sec. 84. NEW SECTION. 12I.9 Property rights to assets in trust.

1. The assets of the trust shall at all times be preserved, invested, and expended solely and only for the purposes of the trust and shall be held in trust for the account owners and designated beneficiaries.

2. Except as provided in section 12I.4, subsection 3, no property rights in the trust shall exist in favor of the state.

3. Except as provided in section 12I.4, subsection 3, the assets of the trust shall not be transferred or used by the state for any purposes other than the purposes of the trust.

Sec. 85. NEW SECTION. 12I.10 Implementation as a contracting state — tax considerations.

1. The general assembly acknowledges that section 529A of the Internal Revenue Code permits access to qualified ABLE programs by residents of a state without such a program. The general assembly finds that becoming a contracting state may accomplish the public purpose set forth in section 12I.1, subsection 1, in the same manner as if the qualified ABLE program under the Iowa ABLE savings plan trust were to be implemented and administered by this state. To that end, the treasurer of state, as trustee of the trust, may defer implementation of the qualified ABLE program under the trust and alternatively cause this state to become a contracting state by entering into an agreement with another state with a qualified ABLE program to provide Iowa residents access to that state's qualified ABLE program. The trust shall not enter into an agreement pursuant to this section unless the treasurer, as trustee of the trust, determines that all of the following requirements are satisfied:

a. The program is a qualified ABLE program.

b. The qualified ABLE program provides comparable benefits and protections to Iowa residents as would be provided under the Iowa ABLE savings plan trust.

c. That entering into an agreement for access to the qualified ABLE program would not result in increased costs to the state or to account owners and designated beneficiaries as compared to the costs of implementing and administering the qualified ABLE program under the Iowa ABLE savings plan trust.

d. The qualified ABLE program will be audited annually by an independent certified public accountant or by the state auditor, or similar public official, of the state that has implemented the qualified ABLE program.

e. The qualified ABLE program will provide information to the treasurer of state as trustee of the trust so as to allow the trustee to fulfill the reporting requirements in section 12I.7.

2. a. The maximum amount that may be deducted per year for Iowa income tax purposes by an individual for contributions on behalf of any one designated beneficiary that is a resident of this state to the qualified ABLE program with which the state has contracted pursuant to this section shall not exceed the maximum deductible amount determined for the year pursuant to section 12D.3, subsection 1, paragraph "a".

b. State income tax treatment of the qualified ABLE program with which the state has contracted pursuant to this section shall be as provided in section 422.7, subsections 34 and 34A.

3. State inheritance tax treatment of interests in the qualified ABLE program with which the state has contracted pursuant to this section shall be as provided in section 450.4, subsection 9.

Sec. 86. NEW SECTION. 12I.11 Construction.

This chapter shall be construed liberally in order to effectuate its purpose.

Sec. 87. Section 422.7, Code 2015, is amended by adding the following new subsections:

NEW SUBSECTION. 34. *a.* Subtract the amount contributed during the tax year on behalf of a designated beneficiary that is a resident of this state to the Iowa ABLE savings plan trust or to the qualified ABLE program with which the state has contracted pursuant to section 12I.10, not to exceed the maximum contribution level established in section 12I.3, subsection 1, paragraph “d”, or section 12I.10, subsection 2, paragraph “a”, as applicable.

b. Add the amount resulting from the cancellation of a participation agreement refunded to the taxpayer as an account owner in the Iowa ABLE savings plan trust or the qualified ABLE program with which the state has contracted pursuant to section 12I.10 to the extent previously deducted pursuant to this subsection by the taxpayer or any other person as a contribution to the trust or qualified ABLE program.

c. Add the amount resulting from a withdrawal made by a taxpayer from the Iowa ABLE savings plan trust or the qualified ABLE program with which the state has contracted pursuant to section 12I.10 for purposes other than the payment of qualified disability expenses to the extent previously deducted pursuant to this subsection by the taxpayer or any other person as a contribution to the trust or qualified ABLE program.

NEW SUBSECTION. 34A. Subtract, to the extent included, income from interest and earnings received from the Iowa ABLE savings plan trust created in chapter 12I, or received by a resident account owner from a qualified ABLE program with which the state has contracted pursuant to section 12I.10.

Sec. 88. Section 450.4, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 9. On the value of any interest in the Iowa ABLE savings plan trust created in chapter 12I, or any interest held by a resident account owner in a qualified ABLE program with which the state has contracted pursuant to section 12I.10.

Sec. 89. CONTINGENT IMPLEMENTATION. The implementation of chapter 12I as enacted in this division of this Act is subject to an appropriation with the stated purpose of the Iowa ABLE Savings Plan Trust.

Sec. 90. APPLICABILITY. The section of this division of this Act amending section 450.4 applies to estates of decedents dying on or after January 1, 2016.

Sec. 91. APPLICABILITY. The section of this division of this Act amending section 422.7 applies to tax years beginning on or after January 1, 2016.

*DIVISION XVI

STATE CHILD CARE ASSISTANCE — INCOME ELIGIBILITY

Sec. 92. Section 237A.13, subsection 7, paragraph c, Code 2015, is amended to read as follows:

c. Families with an income of more than one hundred percent but not more than one hundred ~~forty-five~~ fifty percent of the federal poverty level whose members, for at least twenty-eight hours per week in the aggregate, are employed or are participating at a satisfactory level in an approved training program or educational program.

Sec. 93. DIRECTIVE TO DEPARTMENT OF HUMAN SERVICES ON CHILD CARE ASSISTANCE. The department of human services shall amend its administrative rules relating to income eligibility for state child care assistance, according to family size for children needing basic care, to families whose nonexempt gross monthly income does not exceed 150 percent of the federal poverty level.*

* Item veto; see message at end of the Act

DIVISION XVII
COUNTY MENTAL HEALTH AND DISABILITIES SERVICES FUNDING —
EQUALIZATION AND MEDICAID OFFSET

Sec. 94. Section 331.424A, subsection 8, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Notwithstanding subsection 6, for the fiscal years beginning July 1, 2013, July 1, 2014, and July 1, 2015, and July 1, 2016, county revenues from taxes levied by the county and credited to the county services fund shall not exceed the lower of the following amounts:

Sec. 95. Section 426B.3, subsection 1, Code 2015, is amended to read as follows:

1. For the fiscal years beginning July 1, 2013, July 1, 2014, and July 1, 2015, and July 1, 2016, the state and county funding for the mental health and disability services administered or paid for by counties shall be provided based on a statewide per capita expenditure target amount computed in accordance with this section and section 331.424A.

Sec. 96. Section 426B.3, subsection 4, paragraph a, Code 2015, is amended to read as follows:

a. For the fiscal years beginning July 1, 2013, July 1, 2014, and July 1, 2015, and July 1, 2016, a county with a county population expenditure target amount that exceeds the amount of the county's base year expenditures for mental health and disabilities services shall receive an equalization payment for the difference.

Sec. 97. Section 426B.3, subsection 5, Code 2015, is amended by striking the subsection.

DIVISION XVIII
MEDICAID OFFSET PAYMENTS

Sec. 98. Section 426B.3, subsection 5, paragraph e, subparagraph (1), Code 2015, is amended to read as follows:

(1) (a) If the county receives an equalization payment in the fiscal year following the calculation year, the county shall repay the Medicaid offset amount to the state from that equalization payment. A county's repayment pursuant to this subparagraph shall be remitted on or before January 1 of the fiscal year in which the equalization payment is received and the repayment shall be credited to the property tax relief fund. Moneys credited to the property tax relief fund in accordance with this subparagraph are subject to appropriation by the general assembly to support mental health and disability services administered by the regional system. The department of human services' annual budget shall include recommendations for reinvestment of the amounts credited to the fund to address core and additional core services administered by the regional system.

(b) Notwithstanding any provision to the contrary in subparagraph division (a), during the fiscal year beginning July 1, 2014, any repayment received pursuant to subparagraph division (a) shall not be subject to appropriation by the general assembly to support mental health and disabilities services administered by the regional system, but instead shall be transferred to the department of human services to supplement the medical assistance program appropriations for the fiscal year beginning July 1, 2015.

DIVISION XIX
PROPERTY TAX RELIEF FUND — BLOCK GRANT MONEYS

Sec. 99. PROPERTY TAX RELIEF FUND BLOCK GRANT MONEY. The moneys transferred to the property tax relief fund for the fiscal year beginning July 1, 2015, from the federal social services block grant pursuant to 2015 Iowa Acts, House File 630,³ and from the federal temporary assistance for needy families block grant, totaling at least \$11,774,275, are appropriated to the department of human services for the fiscal year beginning July 1,

³ Chapter 130 herein

2015, and ending June 30, 2016, to be used for the purposes designated, notwithstanding any provision of law to the contrary:

1. For distribution to any mental health and disability services region where 25 percent of the region’s projected expenditures exceeds the region’s projected fund balance:

..... \$ 960,000

a. For purposes of this subsection:

(1) “Available funds” means a county mental health and services fund balance on June 30, 2015, plus the maximum amount a county was allowed to levy for the fiscal year beginning July 1, 2015.

(2) “Projected expenditures” means the actual expenditures of a mental health and disability services region as of June 30, 2015, multiplied by an annual inflation rate of 2 percent plus the projected costs for new core services administered by the region as provided in a region’s regional service system management plan approved pursuant to section 331.393 for the fiscal year beginning July 1, 2015.

(3) “Projected fund balance” means the difference between a mental health and disability services region’s available funds and projected expenditures.

b. If sufficient funds are not available to implement this subsection, the department of human services shall distribute funds to a region in proportion to the availability of funds.

c. A mental health and disability services region with a population of 35,000 or less, as determined by the latest federal decennial census, shall work with the department of human services to determine whether the region shall join another region approved by the department in accordance with section 331.389 to increase the availability of and access to needed mental health and disability services.

2. To be transferred to the appropriation in this Act for child and family services for the fiscal year beginning July 1, 2015, to be used for the purpose of that appropriation:

..... \$ 10,814,275

DIVISION XX

STUDY — CHILD WELFARE ADVISORY COMMITTEE

Sec. 100. STUDY — CHILD WELFARE ADVISORY COMMITTEE. The child welfare advisory committee of the council on human services established pursuant to section 217.3A shall study procedures in the department of human services for receiving complaints from families involved in guardianship, placement, and custody proceedings; and the specificity and clarity of court orders issued in foster care placements pursuant to the State of Iowa Primary Review of Tit. IV-E Foster Care Eligibility Report of Findings for October 1, 2012, through March 31, 2013. The committee shall submit a report with findings and recommendations to the governor and general assembly on or before December 15, 2015.

DIVISION XXI

COVERAGE OF SERVICES PROVIDED BY A PHYSICAL THERAPIST, OCCUPATIONAL THERAPIST, OR SPEECH PATHOLOGIST

Sec. 101. **NEW SECTION. 514C.30 Services provided by a physical therapist, occupational therapist, or speech pathologist.**

1. Notwithstanding the uniformity of treatment requirements of section 514C.6, a policy, contract, or plan providing for third-party payment or prepayment of health or medical expenses shall not impose a copayment or coinsurance amount on an insured for services provided by a physical therapist licensed pursuant to chapter 148A, by an occupational therapist licensed pursuant to chapter 148B, or by a speech pathologist licensed pursuant to 154F that is greater than the copayment or coinsurance amount imposed on the insured for services provided by a person engaged in the practice of medicine and surgery or osteopathic medicine and surgery under chapter 148 for the same or a similar diagnosed condition even if a different nomenclature is used to describe the condition for which the services are provided.

2. This section applies to the following classes of third-party payment provider policies, contracts, or plans delivered, issued for delivery, continued, or renewed in this state on or after July 1, 2015:

a. Individual or group accident and sickness insurance providing coverage on an expense-incurred basis.

b. An individual or group hospital or medical service contract issued pursuant to chapter 509, 514, or 514A.

c. An individual or group health maintenance organization contract regulated under chapter 514B.

d. A plan established pursuant to chapter 509A for public employees.

e. An organized delivery system licensed by the director of public health.

3. This section shall not apply to accident-only, specified disease, short-term hospital or medical, hospital confinement indemnity, credit, dental, vision, Medicare supplement, long-term care, basic hospital and medical-surgical expense coverage as defined by the commissioner, disability income insurance coverage, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, or automobile medical payment insurance.

DIVISION XXII

CHILDREN'S MENTAL HEALTH AND WELL-BEING WORKGROUP

Sec. 102. CHILDREN'S MENTAL HEALTH WORKGROUP. The department of human services, in cooperation with the departments of education and public health, shall facilitate a study by a workgroup of stakeholders which shall make recommendations relating to children's mental health. The workgroup shall study incorporating a coordinated response in children's mental health services that emphasizes implementation of mental health issues across the various systems that serve children, taking into account the effects of mental health, child welfare, and child welfare systems and services, and that specifically addresses the effects of adverse childhood experiences and child poverty. The workgroup shall create interdepartmental awareness of issues relating to children's mental health. The workgroup shall develop interdepartmental strategies for helping improve children's mental health and shall develop strategies to promote community partnerships to help address issues of children's mental health. In carrying out its charge, the workgroup shall review a 2014 report by the children's defense fund on the state of America's children containing the most recent and reliable national and state-by-state data on many complex issues affecting children's health, including data on more than 7,000 homeless public school students in Iowa. The workgroup shall submit a report on the study with recommendations, including but not limited to recommendations relating to the creation and implementation of a children's mental health crisis response system to aid parents and other custodians in dealing with children experiencing a mental health crisis. The workgroup shall submit its report to the governor and the general assembly on or before December 15, 2015.

DIVISION XXIII

PREVENTION OF DISABILITIES POLICY COUNCIL

Sec. 103. Section 225B.8, Code 2015, is amended to read as follows:

225B.8 Repeal.

1. This chapter is repealed July 1, 2015 2016.

2. Prior to June 30, 2016, the state mental health and disability services commission created in section 225C.5 and the Iowa developmental disabilities council appointed by the governor shall work with the prevention of disabilities policy council, the department of human services, and the Iowa department of public health to provide for the transfer of the duties of the prevention of disabilities policy council to the state mental health and disability services commission, the Iowa developmental disabilities council, or the Iowa department of public health.

DIVISION XXIV
HOSPITAL AND LONG-TERM CARE PHARMACY PRACTICE —
PNEUMOCOCCAL VACCINES — BOARD OF PHARMACY RULES

Sec. 104. HOSPITAL AND LONG-TERM CARE PHARMACY PRACTICE — PNEUMOCOCCAL VACCINES — BOARD OF PHARMACY RULES. The board of pharmacy shall adopt rules pursuant to chapter 17A relating to hospital and long-term care pharmacy practices that allow, as authorized by federal law, in addition to influenza and pneumococcal polysaccharide vaccines, that a written or verbal patient-specific medication administration order shall not be required prior to administration to an adult patient of pneumococcal conjugate vaccine pursuant to physician-approved hospital or facility policy and after the patient has been assessed for contraindications.

DIVISION XXV
HEALTHY AND WELL KIDS IN IOWA PROGRAM — CONTINUED ENROLLMENT

Sec. 105. Section 514I.8, subsection 3, Code 2015, is amended to read as follows:

3. In accordance with the rules adopted by the board, a child may be determined to be presumptively eligible for the program pending a final eligibility determination. Following final determination of eligibility, a child shall be eligible for a twelve-month period. At the end of the twelve-month period, a review of the circumstances of the child's family shall be conducted to establish eligibility and cost sharing for the subsequent twelve-month period. Pending such review of the circumstances of the child's family, the child shall continue to be eligible for and remain enrolled in the same plan if the family complies with requirements to provide information and verification of income, otherwise cooperates in the annual review process, and submits the completed review form and any information necessary to establish continued eligibility in a timely manner in accordance with administrative rules.

DIVISION XXVI
PERSONNEL SETTLEMENT AGREEMENT PAYMENTS

Sec. 106. PERSONNEL SETTLEMENT AGREEMENT PAYMENTS. As a condition of the appropriations in this 2015 Act, the moneys appropriated and any other moneys available shall not be used for payment of a personnel settlement agreement that contains a confidentiality provision intended to prevent public disclosure of the agreement or any terms of the agreement.

DIVISION XXVII
MEDICAID REIMBURSEMENT — PSYCHOLOGISTS

Sec. 107. Section 249A.15, Code 2015, is amended to read as follows:

249A.15 Licensed psychologists eligible for payment.

The department shall adopt rules pursuant to chapter 17A entitling psychologists who are licensed pursuant to chapter 154B and psychologists who are licensed in the state where the services are provided and have a doctorate degree in psychology, have had at least two years of clinical experience in a recognized health setting, or have met the standards of a national register of health service providers in psychology, to payment for services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations and of funds available for the medical assistance program.

DIVISION XXVIII
HOME MODIFICATION ASSISTANCE PROGRAM PLAN

Sec. 108. HOME MODIFICATION ASSISTANCE PROGRAM PLAN.

1. The aging and disability resource center and the mental health and disability services commission shall jointly develop a plan for a home modification assistance program to

provide grants and individual income tax credits to assist with expenses related to the making of permanent home modifications that permit individuals with a disability in this state to remain in their homes and age in place. The plan shall include the following components:

a. The plan shall develop criteria and procedures for establishing eligibility of individuals with a disability under the program, and in doing so the plan shall utilize the definition of disability found in 42 U.S.C. §12102 and shall require appropriate certifications from the primary health care providers of individuals with a disability.

b. The plan shall establish criteria for determining the type of home modification expenses that will be eligible for a grant or tax credit award under the program.

c. The plan shall develop criteria and procedures for receiving grants and tax credits under the program, and shall determine the maximum amount of grants and tax credits that may be provided to an individual with a disability under the program.

d. The plan shall provide that individuals with a disability shall utilize any funding for home modification under the Medicaid program to the fullest extent possible before becoming eligible to participate in the home modification assistance program to ensure that the program's grants and tax credits do not supplant available Medicaid program resources.

e. The plan shall provide that grants under the program shall be available to individuals with a disability with annual incomes that do not exceed 250 percent of the federal poverty level, and that individual income tax credits under the program shall be available to individuals with a disability with annual incomes exceeding 250 percent but not exceeding 450 percent of the federal poverty level.

f. The plan shall avoid placing unrealistic expectations and overly burdensome requirements on individuals with a disability and their families, particularly those living in rural areas.

2. In developing the plan for the home modification assistance program, the aging and disability resource center and the mental health and disability services commission shall seek input from and consult with the department on aging, the department of human services, the department of revenue, and other interested public and private stakeholders.

3. The aging and disability resource center and the mental health and disability services commission shall submit the plan on or before December 15, 2015, to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, to the chairpersons and ranking members of the senate and house standing committees on human resources, to the chairpersons and ranking members of the senate and house standing committees on ways and means, and to the governor.

DIVISION XXIX MEDICAID PROGRAM ASSET VERIFICATION

Sec. 109. **MEDICAID PROGRAM — ASSET VERIFICATION.** The department of human services shall issue a request for proposals to contract with a third-party vendor to establish an electronic asset verification system for the purposes of compliance with 42 U.S.C. §1396w requiring determination or redetermination of the eligibility of an individual who is an applicant for or recipient of medical assistance under the Medicaid state plan on the basis of being aged, blind, or disabled in accordance with 42 U.S.C. §1396w. The third-party vendor selected shall be able to demonstrate in writing its current relationships or contracts with financial institutions in the state and nationally. Participation by financial institutions in providing account balances for asset verification shall remain voluntary.

Sec. 110. **EFFECTIVE UPON ENACTMENT.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

*DIVISION XXX REFUGEE FAMILY SUPPORT SERVICES — APPROPRIATION

Sec. 111. **REFUGEE FAMILY SUPPORT SERVICES PILOT PROGRAM.**

* Item veto; see message at end of the Act

1. The bureau of refugee services within the department of human services shall establish, promote, and administer a refugee family support services pilot program for purposes of providing a grant to a state, local, or community organization working with refugee populations to contract with and train multiple refugees to act as refugee community navigators.

2. An organization awarded a grant pursuant to this section shall recruit and train multiple refugee community navigators to educate and provide direct assistance to their respective refugee communities so the refugee communities can successfully access and utilize existing community resources and services.

3. The refugee community navigators shall train other refugee community members and shall offer home-based, peer-group learning sessions about resources in the community.

4. A grant awarded pursuant to this section shall be used for employment costs of a program manager and community navigator coordinator, and contract and stipend costs for multiple refugee community navigators for each organization.

5. The bureau of refugee services shall award one grant to a state, local, or community organization through a competitive application process. The bureau shall provide moneys over a three-year period to an organization awarded a grant.

6. A state, local, or community organization awarded a grant pursuant to this section shall provide the bureau with annual progress reports. The bureau of refugee services shall present a report of the program goals and outcomes to the general assembly.

7. The bureau of refugee services shall conduct a comprehensive review of the refugee family support services pilot program and shall, by December 31, 2017, submit a report of its review, as well as any recommendations and cost projections of its recommendations to the governor and the general assembly.

8. The bureau of refugee services may expend program moneys for administrative expenses as provided by law.

Sec. 112. REFUGEE FAMILY SUPPORT SERVICES PILOT PROGRAM APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a pilot project pursuant to the refugee family support services pilot project program created in this division of this Act in a county with a population over 350,000 as determined by the 2010 federal decennial census:

..... \$ 100,000

The amount appropriated under this section shall not be reduced for administrative or other costs prior to distribution.

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.*

DIVISION XXXI
PHYSICIAN ASSISTANT SUPERVISION

Sec. 113. ADMINISTRATIVE RULES — PHYSICIAN SUPERVISION OF PHYSICIAN ASSISTANTS. The boards of medicine and physician assistants shall jointly adopt rules pursuant to chapter 17A to establish specific minimum standards or a definition of supervision for appropriate supervision of physician assistants by physicians. The boards shall jointly file notices of intended action pursuant to section 17A.4, subsection 1, paragraph “a”, on or before February 1, 2016, for adoption of such rules.

* Item veto; see message at end of the Act

*DIVISION XXXII
QUALITY ASSURANCE ASSESSMENT

Sec. 114. Section 249L.3, subsection 1, paragraph d, Code 2015, is amended to read as follows:

d. ~~The aggregate quality assurance assessments imposed under this chapter shall not exceed the lower of be established at three percent of the aggregate non-Medicare revenues of a nursing facility or the maximum amount that may be assessed pursuant to the indirect guarantee threshold as established pursuant to 42 C.F.R. §433.68(f)(3)(i), and shall be stated on a per-patient-day basis. The aggregate quality assurance assessment shall be recalibrated only concurrently with any nursing facility rebasing.*~~

DIVISION XXXIII
HOSPITAL ASSESSMENT

Sec. 115. HOSPITAL HEALTH CARE ACCESS ASSESSMENT PROGRAM — TRANSITION TO MANAGED CARE.

1. The department of human services shall include in any Medicaid managed care contract entered into on or after July 1, 2015, a mechanism by which the capitated payment received by the managed care contractor reflects the amount necessary to continue reimbursement of participating hospitals by managed care contractors in accordance with the provisions of chapter 249M. Such reimbursement shall preferably be provided through lump sum payments to participating hospitals. Notwithstanding any provisions of chapter 249M to the contrary, the department may make administrative modifications to the hospital health care access assessment program to comply with this section. The department of human services shall work with participating providers, including health systems and the Iowa hospital association, to effectuate this section.

2. The department of human services shall submit recommendations for any changes in statute or rules regarding the hospital health care access assessment program necessitated by the transition to managed care to the individuals identified in this Act for submission of reports by December 15, 2015.

DIVISION XXXIV
BOARD OF RESPIRATORY CARE AND POLYSOMNOGRAPHY

Sec. 116. BOARD OF RESPIRATORY CARE AND POLYSOMNOGRAPHY. If funding is appropriated for a fee-supported board of respiratory care and polysomnography to administer chapter 148G, as enacted in 2015 Iowa Acts, House File 203,⁴ the fee-supported model shall provide for repayment of the funds appropriated to the state by June 30, 2018.

DIVISION XXXV
FOOD ASSISTANCE PROGRAM BONUS

Sec. 117. FOOD ASSISTANCE PROGRAM BONUS. Any funds available to the department of human services during the fiscal year beginning July 1, 2015, received from the United States department of agriculture's food and nutrition service for achieving a low case and procedural error rate and for ranking third in the nation on certain case-related measures under the supplemental nutrition assistance program, shall be used by the department for the purposes of the appropriation in this Act for the same fiscal year for the medical assistance program.

DIVISION XXXVI
MEDICAL ASSISTANCE SPECIAL NEEDS TRUST

Sec. 118. Section 633C.1, subsection 8, Code 2015, is amended by striking the subsection.

* Item veto; see message at end of the Act

⁴ Chapter 70 herein

Sec. 119. Section 633C.2, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

633C.2 Disposition of medical assistance special needs trusts.

Any income or assets added to or received by and any income or principal retained in a medical assistance special needs trust shall be used in accordance with a standard that is no more restrictive than specified under federal law. All distributions from a medical assistance special needs trust shall be for the sole benefit of the beneficiary to enhance the quality of life of the beneficiary, and the trustee shall have sole discretion regarding such disbursements to ensure compliance with beneficiary eligibility requirements. Any distinct disbursement in excess of one thousand dollars shall be subject to review by the district court sitting in probate. The department shall adopt rules pursuant to chapter 17A for the establishment and disposition of medical assistance special needs trusts in accordance with this section.

Sec. 120. Section 633C.4, subsection 2, Code 2015, is amended to read as follows:

2. The trustee of a medical assistance income trust or a medical assistance special needs trust is a fiduciary for purposes of chapter 633A and, in the exercise of the trustee’s fiduciary duties, the state shall be considered a beneficiary of the trust. Regardless of the terms of the trust, the trustee shall not take any action that is not prudent in light of the state’s interest in the trust. Notwithstanding any provision of chapter 633A to the contrary, the trustee of a medical assistance special needs trust shall be subject to the jurisdiction of the district court sitting in probate and shall submit an accounting of the disposition of the trust to the district court sitting in probate on an annual basis.

DIVISION XXXVII
DEPARTMENT ON AGING — FY 2016-2017

Sec. 121. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for frail elders, Iowa’s aging and disabilities resource center, and other services which may include but are not limited to adult day services, respite care, chore services, information and assistance, and material aid, for information and options counseling for persons with disabilities who are 18 years of age or older, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 5,699,866
..... FTEs 31.00

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, \$139,973 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 the 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 \$125,000 shall be used to fund the unmet needs identified through Iowa’s aging and disability resource center network.

5. Of the funds appropriated in this section, at least \$300,000 shall be used to fund home and community-based services through the area agencies on aging that enable older individuals to avoid more costly utilization of residential or institutional services and remain in their own homes.

6. Of the funds appropriated in this section, \$406,833 shall be used for the purposes of chapter 231E and section 231.56A, of which \$144,333 shall be used for the office of substitute decision maker pursuant to chapter 231E, and the remainder shall be distributed equally to the area agencies on aging to administer the prevention of elder abuse, neglect, and exploitation program pursuant to section 231.56A, in accordance with the requirements of the federal Older Americans Act of 1965, 42 U.S.C. §3001 et seq., as amended.

DIVISION XXXVIII
OFFICE OF LONG-TERM CARE OMBUDSMAN — FY 2016-2017

Sec. 122. OFFICE OF LONG-TERM CARE OMBUDSMAN.

1. 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, 2016, and ending June 30, 2017, 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:

.....	\$	638,391
.....	FTEs	17.00

2. Of the funds appropriated in this section, \$110,000 shall be used to continue to provide for additional local long-term care ombudsmen.

DIVISION XXXIX
DEPARTMENT OF PUBLIC HEALTH — FY 2016-2017

Sec. 123. 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, 2016, and ending June 30, 2017, 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:

.....	\$	13,631,845
.....	FTEs	10.00

a. (1) Of the funds appropriated in this subsection, \$2,624,180 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) Of the funds allocated in this paragraph “a”, \$226,533 is transferred to 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, 2016, and ending June 30, 2017, 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 eighteen years of age, shall continue to restrict the number of such checks to one check per retail outlet, and one additional check for any retail outlet found to be in violation during the first check.

b. Of the funds appropriated in this subsection, \$11,007,664 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, and program evaluation.

(1) Of the funds allocated in this paragraph “b”, \$9,451,857 shall be used for substance-related disorder prevention and treatment.

(a) Of the funds allocated in this subparagraph (1), \$449,650 shall be used for the public purpose of a grant program to provide substance-related disorder prevention programming for children.

(i) Of the funds allocated in this subparagraph division (a), \$213,769 shall be used for grant funding for organizations that provide programming for children by utilizing mentors. Programs approved for such grants shall be certified or must be certified within six months of receiving the grant award by the Iowa commission on volunteer services as utilizing the standards for effective practice for mentoring programs.

(ii) Of the funds allocated in this subparagraph division (a), \$213,419 shall be used for grant funding for organizations providing programming that includes youth development and leadership services. The programs shall also be recognized as being programs that are scientifically based with evidence of their effectiveness in reducing substance-related disorders in children.

(iii) The department of public health shall utilize a request for proposals process to implement the grant program.

(iv) All grant recipients shall participate in a program evaluation as a requirement for receiving grant funds.

(v) Of the funds allocated in this subparagraph division (a), up to \$22,461 may be used to administer substance-related disorder prevention grants and for program evaluations.

(b) Of the funds allocated in this subparagraph (1), \$136,301 shall be used for culturally competent substance-related disorder treatment pilot projects.

(i) The department shall utilize the amount allocated in this subparagraph division (b) for at least three pilot projects to provide culturally competent substance-related disorder treatment in various areas of the state. Each pilot project shall target a particular ethnic minority population. The populations targeted shall include but are not limited to African American, Asian, and Latino.

(ii) The pilot project requirements shall provide for documentation or other means to ensure access to the cultural competence approach used by a pilot project so that such approach can be replicated and improved upon in successor programs.

(2) Of the funds allocated in this paragraph “b”, up to \$1,555,807 may be used for problem gambling prevention, treatment, and recovery services.

(a) Of the funds allocated in this subparagraph (2), \$1,286,881 shall be used for problem gambling prevention and treatment.

(b) Of the funds allocated in this subparagraph (2), up to \$218,926 may be used for a 24-hour helpline, public information resources, professional training, and program evaluation.

(c) Of the funds allocated in this subparagraph (2), up to \$50,000 may be used for the licensing of problem gambling treatment programs.

(3) It is the intent of the general assembly that from the moneys allocated in this paragraph "b", persons with a dual diagnosis of substance-related disorder and gambling addiction shall be given priority in treatment services.

c. Notwithstanding any provision of law to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of problem gambling and substance-related disorder treatment services statewide, the department shall continue implementation of a process to create a system for delivery of treatment services in accordance with the requirements specified in 2008 Iowa Acts, chapter 1187, section 3, subsection 4. To ensure the system provides a continuum of treatment services that best meets the needs of Iowans, the problem gambling and substance-related disorder treatment services in any area may be provided either by a single agency or by separate agencies submitting a joint proposal.

(1) The system for delivery of substance-related disorder and problem gambling treatment shall include problem gambling prevention.

(2) The system for delivery of substance-related disorder and problem gambling treatment shall include substance-related disorder prevention by July 1, 2017.

(3) Of the funds allocated in paragraph "b", the department may use up to \$50,000 for administrative costs to continue developing and implementing the process in accordance with this paragraph "c".

d. The requirement of section 123.53, 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, 2016.

e. The department of public health shall work with all other departments that fund substance-related disorder prevention and treatment services and all such departments shall, to the extent necessary, collectively meet the state maintenance of effort requirements for expenditures for substance-related disorder services as required under the federal substance-related disorder prevention and treatment block grant.

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children, adolescents from birth through 21 years of age, and families, and for not more than the following full-time equivalent positions:

.....	\$	2,308,771
.....	FTEs	12.00

a. Of the funds appropriated in this subsection, not more than \$367,420 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, 2016.

b. In order to implement the legislative intent stated in sections 135.106 and 256I.9, that priority for home visitation program funding be given to programs using evidence-based or promising models for home visitation, it is the intent of the general assembly to phase in the funding priority in accordance with 2012 Iowa Acts, chapter 1133, section 2, subsection 2, paragraph "0b".

c. Of the funds appropriated in this subsection, \$1,099,414 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 program 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, \$37,320 shall be distributed to a statewide dental carrier to provide funds to continue the donated dental services program patterned after the projects developed by the lifeline network to provide dental services to indigent individuals who are elderly or with disabilities.

e. Of the funds appropriated in this subsection, \$55,997 shall be used for childhood obesity prevention.

f. Of the funds appropriated in this subsection, \$81,384 shall be used to provide audiological services and hearing aids for children. The department may enter into a contract to administer this paragraph.

g. Of the funds appropriated in this subsection, \$12,500 is transferred to the university of Iowa college of dentistry for provision of primary dental services to children. State funds shall be matched on a dollar-for-dollar basis. The university of Iowa college of dentistry shall coordinate efforts with the department of public health, bureau of oral and health delivery systems, to provide dental care to underserved populations throughout the state.

h. Of the funds appropriated in this subsection, \$25,000 shall be used to address youth suicide prevention.

i. Of the funds appropriated in this subsection, \$25,000 shall be used to support the Iowa effort to address the survey of children who experience adverse childhood experiences known as ACEs.

j. The department of public health shall continue to administer the program to assist parents in this state with costs resulting from the death of a child in accordance with the provisions of 2014 Iowa Acts, chapter 1140, section 22, subsection 12.

3. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs, and for not more than the following full-time equivalent positions:

.....	\$	2,477,846
.....	FTEs	5.00

a. Of the funds appropriated in this subsection, \$79,966 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, \$445,822 shall be used for the brain injury services program pursuant to section 135.22B, including for continuation of the contracts for resource facilitator services in accordance with section 135.22B, subsection 9, and to enhance brain injury training and recruitment of service providers on a statewide basis. Of the amount allocated in this paragraph, \$47,500 shall be used to fund one full-time equivalent position to serve as the state brain injury services program manager.

c. Of the funds appropriated in this subsection, \$273,991 shall be used as additional funding to leverage federal funding through the federal Ryan White Care Act, Tit. II, AIDS drug assistance program supplemental drug treatment grants.

d. Of the funds appropriated in this subsection, \$74,911 shall be used for the public purpose of continuing to contract with an existing national-affiliated organization to provide education, client-centered programs, and client and family support for people living with epilepsy and their families. The amount allocated in this paragraph in excess of \$50,000 shall be matched dollar-for-dollar by the organization specified.

e. Of the funds appropriated in this subsection, \$392,557 shall be used for child health specialty clinics.

f. Of the funds appropriated in this subsection, \$200,000 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.

g. Of the funds appropriated in this subsection, \$285,496 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 "g", \$75,000 shall be used to support a melanoma research symposium, a melanoma biorepository and registry, basic and translational melanoma research, and clinical trials.

h. Of the funds appropriated in this subsection, \$63,225 shall be used for cervical and colon cancer screening, and \$150,000 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.

i. Of the funds appropriated in this subsection, \$263,347 shall be used for the center for congenital and inherited disorders.

j. Of the funds appropriated in this subsection, \$64,705 shall be used for the prescription drug donation repository program created in chapter 135M.

k. Of the funds appropriated in this subsection, \$107,631 shall be used by the department of public health for reform-related activities, including but not limited to facilitation of communication to stakeholders at the state and local level, administering the patient-centered health advisory council pursuant to section 135.159, and involvement in health care system innovation activities occurring across the state.

l. Of the funds appropriated in this subsection, \$12,500 shall be used for administration of chapter 124D, the medical cannabidiol Act.

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level, and for not more than the following full-time equivalent positions:

.....	\$	4,410,667
.....	FTEs	11.00

a. Of the funds appropriated in this subsection, \$49,707 is allocated for continuation of the child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with early childhood Iowa areas. The program shall submit a report to the individuals identified in this Act for submission of reports regarding the use of funds allocated under this paragraph "a". The report shall include the objectives and results for the program year including the target population and how the funds allocated assisted the program in meeting the objectives; the number, age, and location within the state of individuals served; the type of services provided to the individuals served; the distribution of funds based on service provided; and the continuing needs of the program.

b. Of the funds appropriated in this subsection, \$55,328 is allocated for continuation of an initiative implemented at the university of Iowa and \$49,952 is allocated for continuation of an initiative at the state mental health institute at Cherokee to expand and improve the workforce engaged in mental health treatment and services. The initiatives shall receive input from the university of Iowa, the department of human services, the department of public health, and the mental health and disability services commission to address the focus of the initiatives.

c. Of the funds appropriated in this subsection, \$582,314 shall be used for essential public health services that promote healthy aging throughout one's lifespan, contracted through a formula for local boards of health, to enhance health promotion and disease prevention services.

d. Of the funds appropriated in this section, \$49,643 shall be deposited in the governmental public health system fund created in section 135A.8 to be used for the purposes of the fund.

e. Of the funds appropriated in this subsection, \$52,724 shall be used to continue to address the shortage of mental health professionals in the state.

f. Of the funds appropriated in this subsection, \$25,000 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, as defined in section 135.180.

g. (1) Of the funds appropriated in this subsection, \$1,441,484 shall be allocated as a grant to the Iowa primary care association to be used pursuant to section 135.153 for the statewide coordination of the Iowa collaborative safety net provider network. Coordination of the network shall focus on increasing access by underserved populations to health care services, increasing integration of the health system and collaboration across the continuum of care with a focus on safety net services, and enhancing the Iowa collaborative safety net provider network’s communication and education efforts. The amount allocated as a grant under this subparagraph (1) shall be used as follows to support the Iowa collaborative safety net provider network goals of increased access, health system integration, and engagement:

(a) For distribution to safety net partners in the state that work to increase access of the underserved population to health services:

..... \$ 512,742

(i) Of the amount allocated in this subparagraph division (a), up to \$206,707 shall be distributed 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.

(ii) Of the amount allocated in this subparagraph division (a), up to \$174,161 shall be distributed 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.

(iii) Of the amount allocated in this subparagraph division (a), up to \$25,000 shall be distributed to the Iowa coalition against sexual assault to continue a training program for sexual assault response team (SART) members, including representatives of law enforcement, victim advocates, prosecutors, and certified medical personnel.

(iv) Of the amount allocated in this subparagraph division (a), up to \$106,874 shall be distributed to the Polk county medical society for continuation of the safety net provider patient access to a specialty health care initiative as described in 2007 Iowa Acts, chapter 218, section 109.

**(b) For distribution to safety net partners in the state that work to increase health system integration, care coordination, and collaboration across the continuum of care with a focus on safety net services. Such efforts shall include but not be limited to community care coordination team development and integration of medical and behavioral health services. Efforts shall also include working, in conjunction with the department of human services and the department of public health, to support Medicaid managed care efforts inclusive of the state innovation model through the continued development and implementation of community care coordination teams. Implementation of the community care coordination teams shall be accomplished through a statewide regionally based network that provides an integrated approach to health care delivery through care coordination that supports primary care providers and links patients with community resources necessary to empower patients in addressing biomedical and social determinants of health to improve health outcomes:*

..... \$ 836,099*

(c) For distribution to safety net partners in the state that work to serve as a resource for credible, accurate information on health care-related needs and services for vulnerable populations in the state including the Iowa association of rural health clinics for necessary infrastructure and service delivery transformation and the Iowa primary care association to support partner engagement, program management, and statewide coordination of the network:

..... \$ 92,642

(2) The amount allocated under this paragraph “g” shall not be reduced for administrative or other costs prior to distribution. The Iowa collaborative safety net provider network may continue to distribute funds allocated pursuant to this paragraph “g” through existing contracts or renewal of existing contracts.

* Item veto; see message at end of the Act

(3) For each goal of the Iowa collaborative safety net provider network, the Iowa primary care association shall submit a progress report to the individuals designated in this Act for submission of reports by December 15, 2016, including progress in developing and implementing the network, how the funds were distributed and used in developing and implementing the network, and the remaining needs identified to fully develop and implement the network.

h. Of the funds appropriated in this subsection, \$106,700 shall be used for continuation of the work of the direct care worker advisory council established pursuant to 2008 Iowa Acts, chapter 1188, section 69, in implementing the recommendations in the final report submitted by the advisory council to the governor and the general assembly in March 2012, including by continuing to develop, promote, and make available on a statewide basis the prepare-to-care core curriculum and its associated modules and specialties through various formats including online access, community colleges, and other venues; exploring new and maintaining existing specialties including but not limited to oral health and dementia care; supporting instructor training; and assessing and making recommendations concerning the Iowa care book and information technology systems and infrastructure uses and needs.

i. (1) Of the funds appropriated in this subsection, \$108,187 shall be used for allocation to an independent statewide direct care worker organization selected through a request for proposals process. The contract shall include performance and outcomes measures, and shall allow the contractor to use a portion of the funds received under the contract to collect data to determine results based on the performance and outcomes measures.

(2) Of the funds appropriated in this subsection, \$37,500 shall be used to provide scholarships or other forms of subsidization for direct care worker educational conferences, training, or outreach activities.

j. Of the funds appropriated in this subsection, the department may use up to \$29,087 for up to one full-time equivalent position to administer the volunteer health care provider program pursuant to section 135.24.

k. Of the funds appropriated in this subsection, \$50,000 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.

l. Of the funds appropriated in this subsection, \$52,911 is transferred to the college student aid commission for deposit in the rural Iowa primary care trust fund created in section 261.113 to be used for the purposes of the fund.

m. Of the funds appropriated in this subsection, \$125,000 shall be used for the purposes of the Iowa donor registry as specified in section 142C.18.

n. Of the funds appropriated in this subsection, \$50,000 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 organization shall submit a report to the individuals identified in this Act for submission of reports regarding the use of funds allocated under this paragraph "n". The report shall include the objectives and results for the program year including the target population and how the funds allocated assisted the program in meeting the objectives; the number, age, and location within the state of individuals served; the type of services provided to the individuals served; the distribution of funds based on services provided; and the continuing needs of the program.

o. Of the funds appropriated in this subsection, \$1,000,000 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. However, notwithstanding any provision to the contrary in section 135.176, priority in the awarding of grants shall be given to sponsors that propose preference in the use of the grant funds for psychiatric residency positions and family practice residency positions.

p. Of the funds appropriated in this subsection, \$78,309 is allocated to the university of Iowa hospitals and clinics to continue a systematic and evidence-based practice collaborative care model to improve outcomes of mental health treatment in primary care settings in the state. Funds shall be used to establish the collaborative care model in several primary care

practices in rural and urban areas throughout the state, to provide staffing to administer the model, and to provide staff training and database management to track and manage patient outcomes.

5. HEALTHY AGING

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:

..... \$ 3,648,571

6. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

..... \$ 667,577

..... FTEs 4.00

7. PUBLIC PROTECTION

For protecting the health and safety of the public through establishing standards and enforcing regulations, and for not more than the following full-time equivalent positions:

..... \$ 2,169,595

..... FTEs 136.00

a. Of the funds appropriated in this subsection, not more than \$227,350 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, \$101,516 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. The amount allocated in this paragraph “b” shall not be used to supplant funding administered for other sexual violence prevention or victims assistance programs.

c. Of the funds appropriated in this subsection, \$299,375 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, \$268,875 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:

..... \$ 427,536

..... FTEs 4.00

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.

DIVISION XL
DEPARTMENT OF VETERANS AFFAIRS — FY 2016-2017

Sec. 124. 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, 2016, and ending June 30, 2017, 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:

..... \$ 600,273

..... FTEs 15.00

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 3,797,498

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. If there is a change in the employer of employees providing services at the Iowa veterans home under a collective bargaining agreement, such employees and the agreement shall be continued by the successor employer as though there had not been a change in employer.

c. Within available resources and in conformance with associated state and federal program eligibility requirements, the Iowa veterans home may implement measures to provide financial assistance to or on behalf of veterans or their spouses who are participating in the community reentry program.

d. The Iowa veterans home expenditure report shall be submitted monthly to the legislative services agency.

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:

..... \$ 1,250,000

Sec. 125. 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, 2016, and ending June 30, 2017, 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:

..... \$ 495,000

DIVISION XLI
DEPARTMENT OF HUMAN SERVICES — FY 2016-2017

Sec. 126. 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, 2016, and ending June 30, 2017, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

..... \$ 2,568,497

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:

..... \$ 5,069,089

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 1,449,490

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, 2016, the moneys shall revert.

4. For field operations:

..... \$ 15,648,116

* Item veto; see message at end of the Act

5. For general administration: \$ 1,872,000
6. For state child care assistance: \$ 17,523,555
- a. Of the funds appropriated in this subsection, \$13,164,048 is transferred to the child care and development block grant appropriation made by the Eighty-sixth General Assembly, 2016 Session, for the federal fiscal year beginning October 1, 2016, and ending September 30, 2017. Of this amount, \$100,000 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 distribution to counties and regions through the property tax relief fund for mental health and disability services as provided in an appropriation made for this purpose: \$ 2,447,026
8. For child and family services: \$ 16,042,215
9. For child abuse prevention grants: \$ 62,500
10. For pregnancy prevention grants on the condition that family planning services are funded: \$ 965,033
- Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2016, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2016, 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.
11. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements: \$ 518,593
12. For the family investment program share of the costs to continue to develop and maintain a new, integrated eligibility determination system: \$ 3,327,440
13. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2015 or 2016 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, 2016, are appropriated to the department of human services to the extent as may be necessary to be used in the following priority order: the family investment program, for state child care assistance program payments for families who are employed, and for the family investment program share of costs to develop and maintain a new, integrated eligibility determination system. The federal funds appropriated in this paragraph “a” shall be expended only after all other funds appropriated in subsection 1 for the assistance under the family investment program, in subsection 6 for child care assistance, or in subsection 12 for the family investment program share of the costs to continue to develop and maintain a new, integrated eligibility determination system, 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.

14. Of the amounts appropriated in this section, \$6,481,004 for the fiscal year beginning July 1, 2016, is transferred to the appropriation of the federal social services block grant made to the department of human services for that fiscal year.

15. 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 2016 Act relating to the family investment program account:

..... \$ 12,500

16. 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.

Sec. 127. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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 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 family investment program 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.

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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:

..... \$ 10,000

b. To the department of human rights for staffing, administration, and implementation of the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 3,096,417

(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 2016-2017.

(3) The department of human rights may engage in activities to strengthen and improve family outcomes measures and data collection systems under the family development and self-sufficiency grant program.

c. For the diversion subaccount of the FIP account:

..... \$ 407,500

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 not deemed by the department 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.

d. For the food assistance employment and training program:

..... \$ 33,294

(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:

..... \$ 8,770,199

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. 128. 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, 2016, and ending June 30, 2017, 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:

..... \$ 24,336,937

1. Of the funds appropriated in this section, \$3,701,110 is allocated for the JOBS program.

2. Of the funds appropriated in this section, \$1,656,927 is allocated for the family development and self-sufficiency grant program.

3. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2016, 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, 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:

a. For the family investment program.

b. For child care assistance.

- c. For child and family services.
- d. For field operations.
- e. For general administration.

f. For distribution to counties or regions through the property tax relief fund for mental health and disability services as provided in an appropriation for this purpose.

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, \$97,839 shall be used for continuation of a grant to an Iowa-based nonprofit organization with a history of providing tax preparation assistance to low-income Iowans in order to expand the usage of the earned income tax credit. The purpose of the grant is to supply this assistance to underserved areas of the state.

5. Of the funds appropriated in this section, \$30,000 shall be used for the continuation of an unfunded pilot project, as defined in 441 IAC 100.1, 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. The funds allocated in this subsection shall be used by the recipient organization to develop a larger community effort, through public and private partnerships, to support a broad-based multi-county fatherhood 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 to the appropriations made in this division of this Act for general administration and field operations as necessary to administer this section and the overall family investment program.

Sec. 129. 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, 2016, and ending June 30, 2017, 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:

.....	\$	7,331,686
.....	FTEs	464.00

1. The department shall expend up to \$12,164, including federal financial participation, for the fiscal year beginning July 1, 2016, 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.

4. With the exception of the funding amount specified, the requirements established under 2001 Iowa Acts, chapter 191, section 3, subsection 5, paragraph “c”, subparagraph (3), shall be applicable to parental obligation pilot projects for the fiscal year beginning July 1, 2016, and ending June 30, 2017. Notwithstanding 441 IAC 100.8, providing for termination of rules relating to the pilot projects, the rules shall remain in effect until June 30, 2017.

Sec. 130. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE — FY 2016-2017. Any funds remaining in the health care trust fund created in section 453A.35A for the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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. 131. MEDICAID FRAUD FUND — MEDICAL ASSISTANCE — FY 2016-2017. Any funds remaining in the Medicaid fraud fund created in section 249A.50 for the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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. 132. 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, 2016, and ending June 30, 2017, 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, 2016, 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:

..... \$ 651,595,782

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 \$30,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program as established in 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 409, subsection 6. Of the funds allocated in this subsection, not more than \$2,500 may be expended for administrative purposes.

4. Of the funds appropriated in this Act to the department of public health for addictive disorders, \$475,000 for the fiscal year beginning July 1, 2016, is transferred to the department of human services for an integrated substance-related disorder managed care system. The department shall not assume management of the substance-related disorder system in place of the managed care contractor unless such a change in approach is specifically authorized in law. 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 contractor through the Iowa plan for behavioral health. Each department shall take the steps necessary to continue the federal waivers as necessary to maintain the level of services.

5. a. The department shall aggressively pursue options for providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnostic, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department’s exception to policy provisions, but who have health care needs in excess of the funding available through the exception to policy provisions.

b. Of the funds appropriated in this section, \$50,000 shall be used for participation in one or more pilot projects operated by a private provider to allow the individual or individuals to receive service in the community in accordance with principles established in *Olmstead v. L.C.*, 527 U.S. 581 (1999), for the purpose of providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnostic, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department’s exception to policy provisions, but who have health care needs in excess of the funding available through the exception to the policy provisions.

6. Of the funds appropriated in this section, up to \$1,525,041 may be transferred to the field operations or general administration appropriations in this division of this Act for operational costs associated with Part D of the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, Pub. L. No. 108-173.

7. Of the funds appropriated in this section, up to \$221,050 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.

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. Of the funds appropriated in this section, the following amounts are transferred to the appropriations made in this division of this Act for the state mental health institutes:

a. Cherokee mental health institute	\$ 4,549,212
b. Independence mental health institute	\$ 4,522,947

12. a. Of the funds appropriated in this section, \$2,041,939 is allocated for the state match for a disproportionate share hospital payment of \$4,544,712 to hospitals that meet both of the conditions specified in subparagraphs (1) and (2). In addition, the hospitals that meet the conditions specified 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 of \$8,772,003. The hospitals that meet the conditions specified shall receive and retain 100 percent of the total disproportionate share hospital payment of \$13,316,715.

(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.

c. The university of Iowa hospitals and clinics shall either certify public expenditures or transfer to the appropriations made in this division of this Act for medical assistance an amount equal to provide the nonfederal share for increased medical assistance payments for inpatient and outpatient hospital services of \$4,950,000. The university of Iowa hospitals and clinics shall receive and retain 100 percent of the total increase in medical assistance payments.

d. Payment methodologies utilized for disproportionate share hospitals and graduate medical education, and other supplemental payments under the Medicaid program may be adjusted or converted to other methodologies or payment types to provide these payments

through Medicaid managed care.⁵ The department of human services shall obtain approval from the centers for Medicare and Medicaid services of the United States department of health and human services prior to implementation of any such adjusted or converted methodologies or payment types.

13. 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.

14. Any new or renewed contract entered into by the department with a third party to administer services under the medical assistance program shall provide that any interest earned on payments from the state during the state fiscal year shall be remitted to the department and treated as recoveries to offset the costs of the medical assistance program.

15. 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.

16. Of the funds appropriated in this section, \$174,505 shall be used for the administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes.

17. a. The department may increase the amounts allocated for salaries, support, maintenance, and miscellaneous purposes associated with the medical assistance program, as necessary, to implement cost containment strategies. 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 cost containment efforts exceed the cost for the fiscal year beginning July 1, 2016, the department may transfer any savings generated for the fiscal year due to medical assistance program cost containment efforts to the appropriation made in this division of this Act for medical contracts or general administration to defray the increased contract costs associated with implementing such efforts.

**c. The department of human services shall not implement the cost containment measures to provide uniform rates of \$.575 per mile based on the 2015 Internal Revenue Service mileage rate and of \$9.29, the current statewide average, per one-way trip for Medicaid program home and community-based services waivers as recommended by the governor for the fiscal year beginning July 1, 2016.*

*d. The department shall report the implementation of any cost containment strategies under this subsection to the individuals specified in this Act for submission of reports on a quarterly basis.**

18. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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.

19. The department shall continue to administer the state balancing incentive payments program as specified in 2012 Iowa Acts, chapter 1133, section 14.

20. a. Of the funds appropriated in this section, up to \$25,000 may be transferred by the department to the appropriation made in this division of this Act to the department for the same fiscal year for general administration to be used for associated administrative expenses and for not more than one full-time equivalent position, in addition to those authorized for the same fiscal year, to be assigned to implementing the project.

b. Of the funds appropriated in this section, up to \$200,000 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.

⁵ See chapter 138, §23 herein

* Item veto; see message at end of the Act

c. Of the funds appropriated in this section, up to \$1,500,000 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.

21. Of the funds appropriated in this section, \$125,000 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.

*22. *The number of home and community-based services waiver slots available during the fiscal year beginning July 1, 2016, shall not be reduced below the number of such slots available on January 1, 2015.**

Sec. 133. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

..... \$ 9,806,982

1. The department of inspections and appeals shall provide all state matching funds for survey and certification activities performed by the department of inspections and appeals. The department of human services is solely responsible for distributing the federal matching funds for such activities.

2. Of the funds appropriated in this section, \$25,000 shall be used for continuation of home and community-based services waiver quality assurance programs, including the review and streamlining of processes and policies related to oversight and quality management to meet state and federal requirements.

3. Of the amount appropriated in this section, up to \$100,000 may be transferred to the appropriation for general administration in this division of this Act to be used for additional full-time equivalent positions in the development of key health initiatives such as cost containment, development and oversight of managed care programs, and development of health strategies targeted toward improved quality and reduced costs in the Medicaid program.

4. Of the funds appropriated in this section, \$500,000 shall be used for planning and development, in cooperation with the department of public health, of a phased-in program to provide a dental home for children.

5. Of the funds appropriated in this section, \$1,000,000 shall be used for the autism support program created in chapter 225D, with the exception of the following amounts of this allocation which shall be used as follows:

a. Of the funds allocated in this subsection, \$125,000 shall be deposited in the board-certified behavior analyst and board-certified assistant behavior analyst grants program fund created in section 135.181, as enacted in this Act, to be used for the purposes of the fund.

b. Of the funds allocated in this subsection, \$12,500 shall be used for the public purpose of continuation of a grant to a child welfare services provider headquartered in a county with a population between 205,000 and 215,000 in the latest certified federal census that provides multiple services including but not limited to a psychiatric medical institution for children, shelter, residential treatment, after school programs, school-based programming, and an Asperger’s syndrome program, to be used for support services for children with autism spectrum disorder and their families.

* Item veto; see message at end of the Act

c. Of the funds allocated in this subsection, \$12,500 shall be used for the public purpose of continuing a grant to a hospital-based provider headquartered in a county with a population between 90,000 and 95,000 in the latest certified federal census that provides multiple services including but not limited to diagnostic, therapeutic, and behavioral services to individuals with autism spectrum disorder across one’s lifespan. The grant recipient shall utilize the funds to continue the pilot project to determine the necessary support services for children with autism spectrum disorder and their families to be included in the children’s disabilities services system. The grant recipient shall submit findings and recommendations based upon the results of the pilot project to the individuals specified in this division of this Act for submission of reports by December 31, 2015.

Sec. 134. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

..... \$ 6,498,593

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, 2016, 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.

Sec. 135. 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, 2016, and ending June 30, 2017, 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:

..... \$ 10,206,922

2. Of the funds appropriated in this section, \$21,400 is allocated for continuation of the contract for outreach with the department of public health.

Sec. 136. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

..... \$ 25,704,334

1. Of the funds appropriated in this section, \$21,844,620 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. Of the funds appropriated in this section, \$216,226 is allocated for the statewide grant program for child care resource and referral services under section 237A.26. 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, \$468,487 is allocated for child care quality improvement initiatives including but not limited to the voluntary quality rating system in accordance with section 237A.30.

5. Of the funds appropriated in this section, \$3,175,000 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.

6. 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.

7. 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.

8. 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 assistance, the entire amount of the increase 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.

9. 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. 137. 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, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For operation of the state training school at Eldora and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,116,710
.....	FTEs	169.30

Of the funds appropriated in this subsection, \$45,575 shall be used for distribution to licensed classroom teachers at this and other institutions under the control of the department of human services based upon the average student yearly enrollment at each institution as determined by the department.

2. A portion of the moneys appropriated in this section shall be used by the state training school at Eldora for grants for adolescent pregnancy prevention activities at the institution in the fiscal year beginning July 1, 2016.

Sec. 138. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

.....	\$	42,670,969
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2. Up to \$2,600,000 of the amount of federal temporary assistance for needy families block grant funding appropriated in this division of this Act for child and family services shall be made available for purposes of juvenile delinquent graduated sanction services.

3. 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.

4. a. Of the funds appropriated in this section, up to \$17,910,893 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services. If the department projects that such expenditures for the fiscal year will be less than the target amount allocated in this paragraph "a", the department may reallocate the excess to provide additional funding for shelter care or the child welfare emergency services addressed with the allocation for shelter care.

b. If at any time after September 30, 2016, 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.

5. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative during fiscal year 2016-2017. Of the funds appropriated in this section, \$858,876 is allocated specifically for expenditure for fiscal year 2016-2017 through the decategorization services funding pools and governance boards established pursuant to section 232.188.

6. 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.

7. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care shall be limited to \$4,034,237.

8. Federal funds received by the state during the fiscal year beginning July 1, 2016, 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.

9. a. Of the funds appropriated in this section, up to \$1,645,000 is allocated for the payment of the expenses of court-ordered services provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4. Of the amount allocated in this paragraph "a", up to \$778,143 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than \$7,500 may be used for the purpose of training. A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

b. Of the funds appropriated in this section, up to \$374,492 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, 2016.

d. Notwithstanding chapter 232 or any other provision of law to the contrary, a district or juvenile court shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district court or departmental service area distribution amounts to pay for the service. The chief juvenile court officer and the departmental service area manager shall encourage use of the funds allocated in this subsection such that there are sufficient funds to pay for all court-related services during the entire year. The chief juvenile court officers and departmental service area managers shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall cooperatively request the state court administrator or division administrator to transfer funds between the judicial districts' or departmental service areas' distribution amounts as prudent.

e. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

f. Of the funds allocated in this subsection, not more than \$41,500 may be used by the judicial branch for administration of the requirements under this subsection.

g. Of the funds allocated in this subsection, \$8,500 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.

10. Of the funds appropriated in this section, \$4,026,613 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.

11. Of the funds appropriated in this section, \$804,142 is transferred to the department of public health to be used for the child protection center grant program for child protection centers located in Iowa in accordance with section 135.118. The grant amounts under the program shall be equalized so that each center receives a uniform base amount of \$122,500, and the remaining funds shall be awarded through a funding formula based upon the volume of children served.

12. If the department receives federal approval to implement a waiver under Tit. IV-E of the federal Social Security Act to enable providers to serve children who remain in the children's families and communities, for purposes of eligibility under the medical assistance program through 25 years of age, children who participate in the waiver shall be considered to be placed in foster care.

13. Of the funds appropriated in this section, \$2,012,583 is allocated for the preparation for adult living program pursuant to section 234.46.

14. Of the funds appropriated in this section, \$113,668 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.

15. Of the funds appropriated in this section, \$150,310 is allocated for the foster care youth council approach of providing a support network to children placed in foster care.

16. Of the funds appropriated in this section, \$101,000 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.

17. Of the funds appropriated in this section, \$315,120 is allocated for the community partnership for child protection sites.

18. Of the funds appropriated in this section, \$185,625 is allocated for the department’s minority youth and family projects under the redesign of the child welfare system.

19. Of the funds appropriated in this section, \$593,297 is allocated for funding of the community circle of care collaboration for children and youth in northeast Iowa.

20. Of the funds appropriated in this section, at least \$73,579 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.

21. Of the funds appropriated in this section, \$105,936 shall be used for continuation of the central Iowa system of care program grant through June 30, 2017.

22. Of the funds appropriated in this section, \$117,500 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.

23. Of the funds appropriated in this section, at least \$12,500 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.

24. Of the funds appropriated in this section, \$55,000 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 census information issued by the United States census bureau, is licensed as a psychiatric medical institution for children, and was a system of care grantee prior to July 1, 2016.

Sec. 139. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For adoption subsidy payments and services: \$ 21,499,143

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, 2016, 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. 140. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2016, and ending June 30, 2017, are appropriated to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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, 2015. 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, 2015. 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, 2016, shall be limited to the amount appropriated for the purposes of this section.

Sec. 141. 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, 2016, and ending June 30, 2017, 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:

..... \$ 536,966

2. The department shall use at least \$320,750 of the moneys appropriated in this section for the family support center component of the comprehensive family support program under section 225C.47. Not more than \$12,500 of the amount allocated in this subsection shall be used for administrative costs.

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. 142. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For building community capacity through the coordination and provision of training opportunities in accordance with the consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):

..... \$ 16,816

Sec. 143. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated which amounts shall not be transferred or expended for any purpose other than the purposes designated, notwithstanding section 218.6 to the contrary:

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:

..... \$ 2,772,808
..... FTEs 169.20

2. 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:

..... \$ 5,162,104
..... FTEs 233.00

*3. For operation of the state mental health institute at Mount Pleasant as required by chapters 218 and 226, for purposes of providing adult psychiatric services including inpatient acute care, inpatient substance abuse treatment, and inpatient dual diagnosis substance use disorder and mental illness treatment, at the same level of care and treatment as provided on July 1, 2014, for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,212,440
.....	FTEs	97.68*

Sec. 144. 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, 2016, and ending June 30, 2017, 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:

.....	\$	10,762,241
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b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

.....	\$	7,291,903
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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 2016-2017.

Sec. 145. SEXUALLY VIOLENT PREDATORS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee, including costs of legal services and other associated costs, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,946,539
.....	FTEs	132.50

* Item veto; see message at end of the Act

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.

Sec. 146. 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, 2016, and ending June 30, 2017, 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:

.....	\$	29,460,488
.....	FTEs	1,837.00

1. As a condition of this appropriation, the department shall make every possible effort to fill the entire number of positions authorized by this section and, unless specifically provided otherwise by an applicable collective bargaining agreement, the department is not subject to any approval requirement external to the department to fill a field operations vacancy within the number of full-time equivalent positions authorized by this section. The department shall report on the first of each month to the chairpersons and ranking members of the appropriations committees of the senate and house of representatives, and the persons designated by this Act for submission of reports concerning the status of filling the positions.

2. 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. 147. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	7,449,099
.....	FTEs	309.00

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, \$75,000 shall be used to continue the contract for the provision of a program to provide technical assistance, support, and consultation to providers of habilitation services and home and community-based services waiver services for adults with disabilities under the medical assistance program.

3. Of the funds appropriated in this section, \$25,000 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, \$125,000 shall be transferred to and deposited in the administrative fund of the Iowa ABLE savings plan trust created in section 12I.4, if enacted in this or any other Act, to be used for implementation and administration activities of the Iowa ABLE savings plan trust.

Sec. 148. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:	\$	42,343
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* Item veto; see message at end of the Act

Sec. 149. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. (1) For the fiscal year beginning July 1, 2016, the total state funding amount for the nursing facility budget shall not exceed \$151,421,458.

(2) The department, in cooperation with nursing facility representatives, shall review projections for state funding expenditures for reimbursement of nursing facilities on a quarterly basis and the department shall determine if an adjustment to the medical assistance reimbursement rate is necessary in order to provide reimbursement within the state funding amount for the fiscal year. Notwithstanding 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph "c", and subsection 3, paragraph "a", subparagraph (2), if the state funding expenditures for the nursing facility budget for the fiscal year are projected to exceed the amount specified in subparagraph (1), the department shall adjust the reimbursement for nursing facilities reimbursed under the case-mix reimbursement system to maintain expenditures of the nursing facility budget within the specified amount for the fiscal year.

(3) For the fiscal year beginning July 1, 2016, special population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30, 2016.

(4) For any open or unsettled nursing facility cost report for a fiscal year prior to and including the fiscal year beginning July 1, 2015, including any cost report remanded on judicial review for inclusion of prescription drug, laboratory, or x-ray costs, the department shall offset all reported prescription drug, laboratory, and x-ray costs with any revenue received from Medicare or other revenue source for any purpose. For purposes of this subparagraph, a nursing facility cost report is not considered open or unsettled if the facility did not initiate an administrative appeal under chapter 17A or if any appeal rights initiated have been exhausted.

b. (1) For the fiscal year beginning July 1, 2016, the department shall establish the pharmacy dispensing fee reimbursement at \$11.73 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.

(3) Notwithstanding subparagraph (2), if the centers for Medicare and Medicaid services of the United States department of health and human services (CMS) requires, as a condition of federal Medicaid funding, that the department implement an aggregate federal upper limit (FUL) for drug reimbursement based on the average manufacturer's price (AMP), the department may utilize a reimbursement methodology for all drugs covered under the Medicaid program based on the national average drug acquisition cost (NADAC) methodology published by CMS, in order to assure compliance with the aggregate FUL, minimize outcomes of drug reimbursements below pharmacy acquisition costs, limit administrative costs, and minimize any change in the aggregate reimbursement for drugs. The department may adopt emergency rules to implement this subparagraph.

c. (1) For the fiscal year beginning July 1, 2016, reimbursement rates for outpatient hospital services shall remain at the rates in effect on June 30, 2016, 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, 2016, reimbursement rates for inpatient hospital services shall remain at the rates in effect on June 30, 2016, 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, 2016, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2016, 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.

(4) 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, 2016, reimbursement rates for rural health clinics, hospices, and acute mental 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, 2016, independent laboratories and rehabilitation agencies shall be reimbursed using the same methodology in effect on June 30, 2016.

f. (1) For the fiscal year beginning July 1, 2016, reimbursement rates for home health agencies shall continue to be based on the Medicare low utilization payment adjustment (LUPA) methodology with state geographic wage adjustments, and updated to reflect the most recent Medicare LUPA rates.

(2) For the fiscal year beginning July 1, 2016, 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, 2016.

g. For the fiscal year beginning July 1, 2016, federally qualified health centers 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, 2016, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2016.

i. (1) For the fiscal year beginning July 1, 2016, state-owned psychiatric medical institutions for children shall receive cost-based reimbursement for 100 percent of the actual and allowable costs for the provision of services to recipients of medical assistance.

(2) For the nonstate-owned psychiatric medical institutions for children, reimbursement rates shall be based on the reimbursement methodology developed by the Medicaid managed care contractor for behavioral health services as required for federal compliance.

(3) 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, 2016, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2016, 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.

k. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2016, the reimbursement rate for anesthesiologists shall remain at the rate in effect on June 30, 2016.

l. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2016, 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, 2016; however, this rate shall not exceed the maximum level authorized by the federal government.

m. For the fiscal year beginning July 1, 2016, 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, 2016, the reimbursement rates for inpatient mental health services provided at hospitals shall remain at the rates in effect on June 30, 2016,

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, 2016.

o. For the fiscal year beginning July 1, 2016, 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 established by the medical assistance program's managed care contractor for mental health services and approved by the department of human services.

p. For the fiscal year beginning July 1, 2016, 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, 2016.

q. For the fiscal year beginning July 1, 2016, the upper limits on reimbursement rates for providers of home and community-based services waiver services shall remain at the limits in effect on June 30, 2016.

r. For the fiscal year beginning July 1, 2016, the reimbursement rates for emergency medical service providers shall remain at the rates in effect on June 30, 2016.

s. For the fiscal year beginning July 1, 2016, reimbursement rates for substance-related disorder treatment programs licensed under section 125.13 shall remain at the rates in effect on June 30, 2016.

2. For the fiscal year beginning July 1, 2016, 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. For the fiscal year beginning July 1, 2016, 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, 2016, the maximum reimbursement rates for social services providers under contract shall remain at the rates in effect on June 30, 2016, 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, 2016, the initial reimbursement rate for the service or provider shall be based upon a weighted average of provider rates for similar services.

6. For the fiscal year beginning July 1, 2016, the reimbursement rates for resource family recruitment and retention contractors, child welfare emergency services contractors, and supervised apartment living foster care providers shall remain at the rates in effect on June 30, 2016.

7. a. For the purposes of this subsection, "combined reimbursement rate" means the combined service and maintenance reimbursement rate for a service level under the department's reimbursement methodology. Effective July 1, 2016, the combined reimbursement rate for a group foster care service level shall be the amount designated in this subsection. However, if a group foster care provider's reimbursement rate for a service level as of June 30, 2016, is more than the rate designated in this subsection, the provider's reimbursement shall remain at the higher rate.

* Item veto; see message at end of the Act

b. Unless a group foster care provider is subject to the exception provided in paragraph “a”, effective July 1, 2016, the combined reimbursement rates for the service levels under the department’s reimbursement methodology shall be as follows:

- (1) For service level, community - D1, the daily rate shall be at least \$84.17.
- (2) For service level, comprehensive - D2, the daily rate shall be at least \$119.09.
- (3) For service level, enhanced - D3, the daily rate shall be at least \$131.09.

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, 2016, 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, 2016, 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, 2016, 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, 2015.

10. For the fiscal year beginning July 1, 2016, the department shall calculate reimbursement rates for intermediate care facilities for persons with an intellectual disability at the 80th percentile. Beginning July 1, 2016, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2016.

11. For the fiscal year beginning July 1, 2016, for child care providers reimbursed under the state child care assistance program, the department shall set provider reimbursement rates based on the rate reimbursement survey completed in December 2004. Effective July 1, 2016, the child care provider reimbursement rates shall remain at the rates in effect on June 30, 2016. The department shall set rates in a manner so as to provide incentives for a nonregistered provider to become registered by applying the increase only to registered and licensed providers.

**12. For the fiscal year beginning July 1, 2016, if the centers for Medicare and Medicaid services of the United States department of health and human services approves the waivers necessary to implement medical assistance program managed care applicable to any providers or services subject to reimbursement under this section, notwithstanding any provision to the contrary under this section, affected providers or services shall instead be reimbursed as follows:*

a. For fee-for-service claims, reimbursement shall be calculated based on the methodology otherwise specified in this section for the fiscal year beginning July 1, 2016, for the respective provider or service.

*b. For claims subject to a managed care contract, reimbursement shall be based on the methodology established by the managed care organization contract. However, any reimbursement established under such contract shall not be lower than the reimbursement otherwise specified in this section for the fiscal year beginning July 1, 2016, for the respective provider or service.**

13. The department may adopt emergency rules to implement this section.

Sec. 150. 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,

* Item veto; see message at end of the Act

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. 151. REPORTS. Any reports or other information required to be compiled and submitted under this Act during the fiscal year beginning July 1, 2016, 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.

DIVISION XLII
HEALTH CARE ACCOUNTS AND FUNDS — FY 2016-2017

Sec. 152. 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, 2016, and ending June 30, 2017, 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, 2016, and ending June 30, 2017:

..... \$ 1,001,088

Sec. 153. 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, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance for the same fiscal year:

..... \$ 18,602,604

Sec. 154. 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, 2016, and ending June 30, 2017, 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:

..... \$ 17,350,000

Sec. 155. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2016-2017. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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 XLIII
REFUGEE FAMILY SUPPORT SERVICES PILOT PROGRAM

**Sec. 156. REFUGEE FAMILY SUPPORT SERVICES PILOT PROGRAM APPROPRIATION — FY 2016-2017. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:*

For continuation of a pilot project pursuant to the refugee family support services pilot project program created in this 2015 Act in a county with a population over 350,000 as determined by the 2010 federal decennial census:

..... \$ 50,000

The amount appropriated under this section shall not be reduced for administrative or other costs prior to distribution.

*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. 157. PROPERTY TAX RELIEF FUND BLOCK GRANT MONEYS. The moneys transferred to the property tax relief fund for the fiscal year beginning July 1, 2015, from the federal social services block grant pursuant to 2015 Iowa Acts, House File 630,⁶ and from the federal temporary assistance for needy families block grant, totaling at least \$11,774,275, are appropriated to the department of human services for the fiscal year beginning July 1, 2015, and ending June 30, 2016,⁷ to be used for the purposes designated, notwithstanding any provision of law to the contrary:

1. For distribution to any mental health and disability services region where 25 percent of the region’s projected expenditures exceeds the region’s projected fund balance:

..... \$ 480,000

a. For purposes of this subsection:

(1) “Available funds” means a county mental health and services fund balance on June 30, 2015, plus the maximum amount a county was allowed to levy for the fiscal year beginning July 1, 2015.

(2) “Projected expenditures” means the actual expenditures of a mental health and disability services region as of June 30, 2015, multiplied by an annual inflation rate of 2 percent plus the projected costs for new core services administered by the region as provided in a region’s regional service system management plan approved pursuant to section 331.393 for the fiscal year beginning July 1, 2015.

(3) “Projected fund balance” means the difference between a mental health and disability services region’s available funds and projected expenditures.

b. If sufficient funds are not available to implement this subsection, the department of human services shall distribute funds to a region in proportion to the availability of funds.

2. To be transferred to the appropriation in this Act for child and family services for the fiscal year beginning July 1, 2016, to be used for the purpose of that appropriation:

..... \$ 5,407,137

* Item veto; see message at end of the Act

⁶ Chapter 130 herein

⁷ According to enrolled Act; the phrase “beginning July 1, 2016, and ending June 30, 2017,” probably intended

DIVISION XLIV
PERSONNEL SETTLEMENT AGREEMENT PAYMENTS

Sec. 158. PERSONNEL SETTLEMENT AGREEMENT PAYMENTS. As a condition of the appropriations in this Act, the moneys appropriated and any other moneys available shall not be used for payment of a personnel settlement agreement that contains a confidentiality provision intended to prevent public disclosure of the agreement or any terms of the agreement.

DIVISION XLV
CLARINDA STATE MENTAL HEALTH INSTITUTE — PRIVATE PROVIDER — SHARED SERVICES

*Sec. 159. CLARINDA — PRIVATE PROVIDER.

1. Within 30 days of the effective date of an appropriation to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, for operation of the state mental health institute at Clarinda in the fiscal year beginning July 1, 2015, the department of human services shall issue a request for proposals for the purpose of entering into a contract to engage an in-state private nursing home provider to provide care and treatment for adult persons who are sexually aggressive or combative due to a mental illness or who have unmet geropsychiatric needs, beginning December 16, 2015, at the state mental health institute at Clarinda. The request for proposals shall specify that the provider shall have an authorized bed capacity of not fewer than 15 beds.

2. The contract executed by the department of human services with the private provider of geropsychiatric care and treatment after December 15, 2015, at the state mental health institute at Clarinda shall require the private provider to give preference in employment to qualified former employees providing such care and treatment at the state mental health institute at Clarinda between January 1 and December 15, 2015.*

CLARINDA — SHARED SERVICES — 2015-2016 FISCAL YEAR

Sec. 160. 2015 Iowa Acts, Senate File 497,⁸ section 3, subsection 1, paragraph g, if enacted, is amended to read as follows:

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 25,933,430

Moneys received by the department of corrections as reimbursement for services provided to ~~the Clarinda youth corporation~~ any private provider contracting with the department of human services or the department of corrections are appropriated to the department of corrections and shall be used for the purpose of operating the Clarinda correctional facility.

CLARINDA — SHARED SERVICES — 2016-2017 FISCAL YEAR

Sec. 161. 2015 Iowa Acts, Senate File 497,⁹ section 25, subsection 1, paragraph g, if enacted, is amended to read as follows:

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 12,966,715

Moneys received by the department of corrections as reimbursement for services provided to ~~the Clarinda youth corporation~~ any private provider contracting with the department of human services or the department of corrections are appropriated to the department of corrections and shall be used for the purpose of operating the Clarinda correctional facility.

* Item veto; see message at end of the Act

⁸ Chapter 135 herein

⁹ Chapter 135 herein

DIVISION XLVI
CONDITIONAL EFFECTIVE DATE AND
RETROACTIVE APPLICABILITY PROVISIONS

Sec. 162. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, takes effect upon enactment.

Sec. 163. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, applies retroactively to July 1, 2015.

Approved July 2, 2015, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 505, an Act relating to appropriations for health and human services and veterans and including other related provisions and appropriations, and including effective date and retroactive and other applicability date provisions.

Senate File 505 as passed by the Iowa Legislature gives counties the ability to increase property taxes, enlarges entitlement programs and fails to take critical steps in modernizing Iowa's mental health system. It is even more concerning to me and to the thousands of Iowans who depend on Medicaid that it appears the Iowa Legislature may have underfunded Medicaid. The budget I proposed in January 2015 fully funded Medicaid. We have embarked on efforts to modernize our administration of Medicaid. It is my hope that these efforts will not only improve the quality of health care outcomes our Medicaid patients receive but also provide much needed budget predictability and stability for taxpayers who make the program possible.

Senate File 505 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of the item designated as Section 3, subsection 4, lettered paragraph g, subparagraph b. This item requires the Department of Public Health to distribute funding for care coordination efforts. I strongly support the modernization and increased coordination of health care for Iowans served by our safety net. However, due to federal approval of the Iowa State Innovation Model grant funding, this state funding is redundant and not needed at this time.

I am unable to approve the designated portion of the item designated as Section 4, subsection 2, lettered paragraph b. This item restricts contracting flexibility at the Iowa Veterans Home. Such restrictions are unnecessary and counterproductive. The Department of Administrative Services must have flexibility in procuring the best services for veterans at the Iowa Veterans Home at the most cost effective price for taxpayers.

I am unable to approve the designated portion of the item designated as Section 4, subsection 2, lettered paragraph d. This item creates a redundant, overly burdensome mandate requiring the Iowa Veterans Home to make expenditure reports monthly to the Legislative Services Agency for fiscal year 2015. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of the item designated as Section 12, subsection 17, lettered paragraph c. This item restricts the Department of Human Services from implementing certain cost containment strategies. The Department must have the tools and flexibility to effectively manage a program so critically important to so many vulnerable

Iowans. Such a restriction on the management and oversight authority of the Department of Human Services while facing a potentially underfunded Medicaid budget is inappropriate.

I am unable to approve the designated portion of the item designated as Section 12, subsection 17, lettered paragraph d. This item requires the Department of Human Services to report on cost containment strategies. The Department of Human Services, Department of Management and the Legislative Services Agency meet on a monthly basis to determine projections for the Medical Assistance appropriation. Information relating to cost containment strategies is shared during these meetings. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of the item designated as Section 12, subsection 20. This item requires the Department of Human Services to execute the State Innovation Model grant. Additionally, this item requires the Department of Human Services to submit a report on the progress of the grant by September 1, 2015. The State is already implementing the State Innovation Model grant. The information requested to be reported is also not necessary due to the fact that this information is available upon request by the General Assembly.

I am unable to approve the designated portion of the item designated as Section 12, subsection 25. This item restricts Medicaid waiver management flexibility for the Department of Human Services. The Department must have the tools and flexibility to effectively manage a program so critically important to so many vulnerable Iowans. Such a restriction on the management and oversight authority of the Department of Human Services while facing a potentially underfunded Medicaid budget is inappropriate.

I am unable to approve the designated portion of the item designated as Section 23, subsection 3. Today, more Iowans than ever before have access to mental health treatment. Through the bi-partisan Mental Health Redesign signed into law in 2012, Iowans are accessing care locally through mental health regions. The mental health regions are investing substantial resources into increased access to home and community based substance abuse and mental health services. In the 1800s, Iowa opened four mental health institutions. At their peak, they served more than 6,600 people on any given day combined. However, modern mental health care has come a long way and best practices rightfully no longer include the warehousing of mental health patients. In fact, the average daily bed census at the Mount Pleasant Mental Health Institute over the past four years is only 61 patients. In fiscal year 2014, this came at the high cost to state taxpayers of \$126,791 per patient. These resources can best be used to provide better, more modern mental health services to more Iowans. Other states have already gone down this path by closing their outdated institutions and offering innovative mental healthcare options. Minnesota once operated eleven mental health institutes. Today they operate one. Wisconsin operates two. Over the past 18 years, states adjacent to Iowa have closed 13 institutes like Mount Pleasant and Clarinda (Illinois closed four state psychiatric hospitals, Minnesota closed four, Missouri closed three, and Nebraska closed two). Like Iowa, these neighboring states have modernized their mental health systems and reduced their use of institutionalization. In 2009, a Department of Human Services report and Governor Culver recommended closure of the Mount Pleasant Mental Health Institute. The Legislature has taken the first steps and closed the Clarinda Mental Health Institute. We can keep moving forward and serve Iowans with two mental health institutions rather than four. Therefore, in keeping with modern best practices and the utilization of our system, it is not in the best interests of our patients, the taxpayers or the mental health system to continue operating an aging, antiquated mental health institution lacking key clinical staff, particularly a psychiatrist.

I am unable to approve the designated portion of the item designated as Section 26, subsection 1. This item prohibits external approvals that are designed to ensure budget integrity, stability and predictability. Management must have the ability and flexibility to allocate resources where they are most effective and needed. In addition, this item

creates a redundant, overly burdensome mandate requiring the department to report to the chairpersons and ranking members of the appropriations committees on a monthly basis. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of the item designated as Section 27, subsection 2. This item requires the Department of Human Services to report operational and program expenditures at least monthly to the Legislative Services Agency. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of the item designated as Section 29, subsection 1, lettered paragraph s. This item requires the substance abuse managed care plan to increase reimbursement for licensed substance-related disorder treatment programs serving Medicaid patients. To help improve patient outcomes while also bringing predictability and stability for taxpayers funding Medicaid, the Department of Human Services is modernizing Medicaid in Iowa and partnering with modern, patient-centered health plans. With this modernization effort in mind, we must be prudent with any increases for providers. Substance abuse providers received a reimbursement increase two years ago and are benefitting from the Iowa Health and Wellness Plan substance abuse coverage. With that in mind, a rate increase is not prudent at this time.

I am unable to approve the designated portion of the item designated as Section 29, subsection 12. Iowa has embarked on efforts to modernize its administration of Medicaid by partnering with specialized, patient-centered health care plans. This bi-partisan initiative is currently in procurement. This item creates restrictions on the reimbursement methods of the health care plans partnering with the state. The Request for Proposals issued by the Department of Human Services already includes protections for providers and their reimbursement. The restrictions in this item are, therefore, redundant and unneeded at this time.

I am unable to approve of the item designated as Section 67 in its entirety. This item creates a process for assessing the level of care needed for Medicaid patients. Iowa is embarking on an initiative to modernize our administration of Medicaid by partnering with high quality, patient centered health plans. As part of that initiative, these plans will oversee level of care assessments. Therefore, this item would create a redundant assessment system that is best left to our health plan partners.

I am unable to approve of the item designated as Division XVI in its entirety. This item further enlarges the taxpayer-funded child care assistance program. We must support working families. More Iowans are working than ever before and our families are seeing their incomes rise. Enlarging government programs that only further perpetuate the cliff effect felt by these families when their incomes rise and benefits are lost is not the right policy for Iowa. Additionally, with the federal and state updates already in motion, this enlargement is not recommended by the Department of Human Services at this time.

I am unable to approve of the item designated as Division XXX in its entirety. This item creates a Polk County-centered pilot project for refugee services. Iowans have a proud history of working in public-private partnerships to support refugees coming to our state. However, the path refugees take to Iowa has changed over time. More time is needed to study a state-wide solution for refugees and immigrants who originally went to other states and how Iowa, both publicly and privately, can best meet the needs of modern refugees

I am unable to approve of Division XXXII in its entirety. This item amends the Quality Assurance Assessment already found in Iowa Code by establishing a set three percent assessment on nursing facilities in Iowa. The assessment currently in Iowa Code is meeting the needs of our patients, nursing facility providers and the Medicaid program and a change is inappropriate at this time.

I am unable to approve the designated portion of the item designated as Section 123, subsection 4, lettered paragraph g, subparagraph b. This item requires the Department of Public Health to distribute funding for care coordination efforts. I strongly support the modernization and increased coordination of health care for Iowans served by our safety net. However, due to federal approval of the Iowa State Innovation Model grant funding, this state funding is redundant and not needed at this time.

I am unable to approve the designated portion of the item designated as section 124, subsection 2, lettered paragraph b. This item restricts contracting flexibility at the Iowa Veterans Home. Such restrictions are unnecessary and counterproductive. The Department of Administrative Services must have flexibility in procuring the best services for veterans at the Iowa Veterans Home at the most cost effective price for taxpayers.

I am unable to approve the designated portion of the item designated as Section 124, subsection 2, lettered paragraph d. This item creates a redundant, overly burdensome mandate requiring the Iowa Veterans Home to make expenditure reports monthly to the Legislative Services Agency for fiscal year 2016. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of the item designated as Section 132, subsection 17, lettered paragraph c. This item restricts the Department of Human Services from implementing certain cost containment strategies. The Department must have the tools and flexibility to effectively manage a program so critically important to so many vulnerable Iowans. Such a restriction on the management and oversight authority of the Department of Human Services while facing a potentially underfunded Medicaid budget is inappropriate.

I am unable to approve the designated portion of the item designated as Section 132, subsection 17, lettered paragraph d. This item requires the Department of Human Services to report on cost containment strategies. The Department of Human Services, the Department of Management and the Legislative Services Agency meet on a monthly basis to determine projections for the Medical Assistance appropriation. Information relating to cost containment strategies is shared during these meetings. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of the item designated as Section 132, subsection 22. This item restricts Medicaid waiver management flexibility for the Department of Human Services. The Department must have the tools and flexibility to effectively manage a program so critically important to so many vulnerable Iowans. Such a restriction on the management and oversight authority of the Department of Human Services while facing a potentially underfunded Medicaid budget is inappropriate.

I am unable to approve the designated portion of the item designated as Section 143, subsection 3. Today, more Iowans than ever before have access to mental health treatment. Through the bi-partisan Mental Health Redesign signed into law in 2012, Iowans are accessing care locally through mental health regions. The mental health regions are investing substantial resources into increased access to home and community based substance abuse and mental health services. In the 1800s, Iowa opened four mental health institutions. At their peak, they served more than 6,600 people on any given day combined. However, modern mental health care has come a long way and best practices rightfully no longer include the warehousing of mental health patients. In fact, the average daily bed census at the Mount Pleasant Mental Health Institute over the past four years is only 61 patients. In fiscal year 2014, this came at the high cost to state taxpayers of \$126,791 per patient. These resources can best be used to provide better, more modern mental health services to more Iowans. Other states have already gone down this path by closing their outdated institutions and offering innovative mental healthcare options. Minnesota once operated eleven mental health institutes. Today they operate one. Wisconsin operates

two. Over the past 18 years, states adjacent to Iowa have closed 13 institutes like Mount Pleasant and Clarinda (Illinois closed four state psychiatric hospitals, Minnesota closed four, Missouri closed three, and Nebraska closed two). Like Iowa, these neighboring states have modernized their mental health systems and reduced their use of institutionalization. In 2009, a Department of Human Services report and Governor Culver recommended closure of the Mount Pleasant Mental Health Institute. The Legislature has taken the first steps and closed the Clarinda Mental Health Institute. We can keep moving forward and serve Iowans with two mental health institutions rather than four. Therefore, in keeping with modern best practices and the utilization of our system, it is not in the best interests of our patients, the taxpayers or the mental health system to continue operating an aging, antiquated mental health institution lacking key clinical staff, particularly a psychiatrist.

I am unable to approve the designated portion of the item designated as Section 146, subsection 1. This item prohibits external approvals that are designed to ensure budget integrity, stability and predictability. Management must have the ability and flexibility to allocate resources where they are most effective and needed. In addition, this item creates a redundant, overly burdensome mandate requiring the department to report to the chairpersons and ranking members of the appropriations committees on a monthly basis. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems

I am unable to approve the designated portion of the item designated as Section 147, subsection 1. This item requires the Department of Human Services to report operational and program expenditures at least monthly to the Legislative Services Agency. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of the item designated as Section 149, subsection 1, lettered paragraph s. This item requires the substance abuse managed care plan to increase reimbursement for licensed substance-related disorder treatment programs serving Medicaid patients. To help improve patient outcomes while also bringing predictability and stability for taxpayers funding Medicaid, the Department of Human Services is modernizing Medicaid in Iowa and partnering with modern, patient-centered health plans. With this modernization effort in mind, we must be prudent with any increases for providers. Substance abuse providers received a reimbursement increase two years ago and are benefitting from the Iowa Health and Wellness Plan substance abuse coverage. With that in mind, a rate increase is not prudent at this time.

I am unable to approve the designated portion of the item designated as Section 149, subsection 12. Iowa has embarked on efforts to modernize its administration of Medicaid by partnering with specialized, patient-centered health care plans. This bi-partisan initiative is currently in procurement. This item creates restrictions on the reimbursement methods of the health care plans partnering with the state. The Request for Proposals issued by the Department of Human Services already includes protections for providers and their reimbursement. The restrictions in this item are, therefore, redundant and unneeded at this time.

I am unable to approve of the item designated as Section 156 in its entirety. This item creates a Polk County-centered pilot project for refugee services. Iowans have a proud history of working in public-private partnerships to support refugees coming to our state. However, the path refugees take to Iowa has changed over time. More time is needed to study a state-wide solution for refugees and immigrants who originally went to other states and how Iowa, both publicly and privately, can best meet the needs of modern refugees.

I am unable to approve of the item designated as Section 159 in its entirety. This item calls for Iowa, after closure of the Clarinda Mental Health Institute by the Iowa Legislature, to request proposals to operate a private, specialized nursing facility on the grounds at

Clarinda. As I stated above, more Iowans are receiving mental health care than ever before. And increasingly, they are receiving it locally through mental health regions throughout our state. This holds true for adult in-patient psychiatry as well as geriatric psychiatric patients. Geriatric psychiatric patients are best served in nursing facilities with special services rather than being warehoused in costly and outmoded 19th century mental health institutes. Facilities exist today to provide these services, delivering higher quality for patients at lower costs to taxpayers. The Department of Human Services recommends allowing our mental health system to continue moving forward and giving facilities the flexibility to develop their own settings for care rather than restricting them to the campus at Clarinda. In Southwest Iowa, mental health regions are on track to open residential and community crisis services as well as jail diversion services. However, I recognize the importance of the Clarinda and Mount Pleasant facilities to their communities. It is important to note that the prisons located at Mount Pleasant and Clarinda will continue in full operation. Additionally, Clarinda will continue hosting the Clarinda Youth Academy and private substance abuse services on the campus without interruption. I am committed to working with these communities to repurpose and redevelop the campuses formerly occupied by the mental health institutes. To that end, I am convening a workgroup consisting of members from the Iowa Economic Development Authority, the Department of Corrections (who control the campuses), and the Department of Human Services to work with communities and allow for the easiest most efficient transition of the campuses into new development and jobs.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 505 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 138

STATE AND LOCAL GOVERNMENT FINANCIAL AND REGULATORY MATTERS — APPROPRIATIONS AND MISCELLANEOUS CHANGES

S.F. 510

AN ACT relating to state and local finances by making appropriations, providing for fees, providing for legal responsibilities, providing for certain employee benefits, and providing for regulatory, taxation, and properly related matters, and including penalties and effective date and retroactive and other applicability provisions.

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

DIVISION I STANDING APPROPRIATIONS AND RELATED MATTERS

Section 1. BUDGET PROCESS FOR FISCAL YEAR 2016-2017 AND FISCAL YEAR 2017-2018.

1. For the budget process applicable to the fiscal year beginning July 1, 2016, on or before October 1, 2015, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph “a”, all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

Sec. 2. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2015-2016.

Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated 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):
..... \$ 416,702
 - 2. For payment for nonpublic school transportation under section 285.2:
..... \$ 8,560,931
- If total approved claims for reimbursement for nonpublic school pupil transportation exceed the amount appropriated in accordance with this subsection, the department of education shall prorate the amount of each approved claim.
- 3. For the enforcement of chapter 453D relating to tobacco product manufacturers under section 453D.8:
..... \$ 18,416

Sec. 3. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2016-2017.

Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

- 1. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph “d”, subparagraph (1):
..... \$ 208,351
 - 2. For payment for nonpublic school transportation under section 285.2:
..... \$ 8,560,931
- If total approved claims for reimbursement for nonpublic school pupil transportation exceed the amount appropriated in accordance with this subsection, the department of education shall prorate the amount of each approved claim.
- 3. For the enforcement of chapter 453D relating to tobacco product manufacturers under section 453D.8:
..... \$ 9,208

Sec. 4. INSTRUCTIONAL SUPPORT STATE AID — FY 2015-2016 — FY 2016-2017. In lieu of the appropriation provided in section 257.20, subsection 2, the appropriation for the fiscal years beginning July 1, 2015, and July 1, 2016, for paying instructional support state aid under section 257.20 for such fiscal years is zero.

Sec. 5. GENERAL ASSEMBLY.

1. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2015, and ending June 30, 2016, are reduced by the following amount:

..... \$ 4,223,452

2. The budgeted amounts for the general assembly and legislative agencies for the fiscal year beginning July 1, 2015, may be adjusted to reflect the unexpended budgeted amounts from the previous fiscal year.

Sec. 6. Section 142C.15, subsection 4, paragraph c, unnumbered paragraph 1, Code 2015, is amended to read as follows:

~~Not more than fifty percent of the~~ Any unobligated moneys in the fund annually may be expended in the form of grants to transplant recipients, transplant candidates, living organ

donors, or to legal representatives on behalf of transplant recipients, transplant candidates, or living organ donors. Transplant recipients, transplant candidates, living organ donors, or the legal representatives of transplant recipients, transplant candidates, or living organ donors shall submit grant applications with supporting documentation provided by a hospital that performs transplants, verifying that the person by or for whom the application is submitted requires a transplant or is a living organ donor and specifying the amount of the costs associated with the following, if funds are not available from any other third-party payor:

Sec. 7. Section 257.35, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. 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, 2015, and ending June 30, 2016, 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.

DIVISION II MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

Sec. 8. IOWA NEW JOBS TRAINING AGREEMENTS. An Iowa community college that entered into a new jobs training agreement pursuant to chapter 260E, which was effective in April 2012, with an Iowa employer may enter into a new agreement with such employer pursuant to chapter 260E, which will be effective September 2015, and may use the base employment determined in April 2012 as the base employment for determining the new jobs eligible under the new agreement if the base employment determined in April 2012 was 2,125 employees. The new agreement under chapter 260E shall be limited to seven years from the effective date of the agreement.

Sec. 9. NONREVERSION OF IOWA LEARNING ONLINE INITIATIVE MONEYS. Notwithstanding section 8.33, moneys appropriated in section 256.42, subsection 9, 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 section 256.42, subsection 9, until the close of the succeeding fiscal year.

Sec. 10. Section 8.22A, subsection 2, Code 2015, is amended to read as follows:

2. The conference shall meet as often as deemed necessary, but shall meet at least three times per year with at least one meeting taking place each year in March. The conference may use sources of information deemed appropriate. At each meeting, the conference shall agree to estimates for the current fiscal year and the following fiscal year for the general fund of the state, lottery revenues to be available for disbursement, and from gambling revenues and from interest earned on the cash reserve fund and the economic emergency fund to be deposited in the rebuild Iowa infrastructure fund. At the meeting taking place each year in March, in addition to agreeing to estimates for the current fiscal year and the following fiscal year, the conference shall agree to estimates for the fiscal year beginning July 1 of the following calendar year. Only an estimate for the following fiscal year agreed to by the conference pursuant to subsection 3, 4, or 5, shall be used for purposes of calculating the state general fund expenditure limitation under section 8.54, and any other estimate agreed to shall be considered a preliminary estimate that shall not be used for purposes of calculating the state general fund expenditure limitation.

Sec. 11. Section 8D.4, Code 2015, is amended to read as follows:

8D.4 Executive director appointed.

The commission, in consultation with the director of the department of administrative services and the chief information officer, shall appoint an executive director of the commission, subject to confirmation by the senate. Such individual shall not serve as a member of the commission. The executive director shall serve at the pleasure of the commission. The executive director shall be selected primarily for administrative ability and

knowledge in the field, without regard to political affiliation. The governor shall establish the salary of the executive director within the applicable salary range ~~nine~~ as established by the general assembly. The salary and support of the executive director shall be paid from funds deposited in the Iowa communications network fund.

Sec. 12. Section 22.7, subsection 41, paragraph b, subparagraph (2), Code 2015, as amended by 2015 Iowa Acts, Senate File 335,¹ section 1, is amended to read as follows:

(2) Preliminary reports of investigations by the medical examiner and autopsy reports for a decedent by whom an anatomical gift was made in accordance with chapter 142C shall be released to ~~an organ~~ a procurement organization as defined in section 142C.2, upon the request of such ~~organ~~ procurement organization, unless such disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

Sec. 13. Section 43.45, subsection 3, as enacted by 2015 Iowa Acts, Senate File 415,² section 1, is amended to read as follows:

3. Notwithstanding any requirement to the contrary in subsection 1 and subsection 2, paragraph “c”, the commissioner of a county using digital ballot counting technology may direct the precinct election officials to tally and record write-in votes at the precincts after the closing of the polls or may direct the precinct election officials to ~~sort the ballots by~~ print the write-in report containing digital images of write-in votes for delivery to the special precinct board to tally and record the write-in votes on any day following election day and prior to the canvass by the board of supervisors under section 43.49. For the purposes of this subsection “*digital ballot counting technology*” is technology in which digital images of write-in votes are printed by the precinct election officials at the polling place after the close of voting.

Sec. 14. Section 123.132, subsection 3, as enacted by 2015 Iowa Acts, Senate File 456,³ section 1, is amended to read as follows:

3. A container of beer other than the original container that is sold and sealed in compliance with the requirements of subsection 2 and the division’s rules shall not be deemed an open container subject to the requirements of sections 321.284 and 321.284A if the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed.

Sec. 15. Section 256.9, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 66. Dedicate at least one-half of one of the department’s authorized full-time equivalent positions to maintain a fine arts consultant to provide guidance and assistance, including but not limited to professional development, strategies, and materials, to the department, school districts, and accredited nonpublic schools relating to music, visual art, drama and theater, and other fine and applied arts programs and coursework.

Sec. 16. Section 261.110, subsection 3, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The applicant met all of the eligibility requirements of this section on or after January 1, 2013. A person who met the program eligibility requirements of this section prior to January 1, 2013, is ineligible for this program.

Sec. 17. Section 418.9, subsection 8, Code 2015, is amended to read as follows:

8. If, following approval of a project application under the program, it is determined that the amount of federal financial assistance exceeds the amount of federal financial assistance specified in the application, the board shall reduce the award of financial assistance from the flood mitigation fund or reduce the amount of sales tax revenue to be received for the project by a corresponding amount. However, in a county with a population of less than one hundred thousand but more than ninety-three thousand five hundred as determined by the 2010 federal decennial census and for projects that received bids during the 2015 calendar

¹ Chapter 60 herein

² Chapter 85 herein

³ Chapter 66 herein

year, the amount of sales tax revenue to be received for the project shall not be reduced if the additional federal financial assistance does not reduce the need for sales tax revenue due to an increase in project costs incurred following the approval of the project application under the program.

Sec. 18. Section 418.15, subsection 1, Code 2015, is amended to read as follows:

1. A governmental entity shall not receive remittances of sales tax revenue under this chapter after twenty years from the date the governmental entity’s project was approved by the board unless the remittance amount is calculated under section 418.11 based on sales subject to the tax under section 432.2 occurring before the expiration of the twenty-year period.

Sec. 19. Section 441.37A, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. For the assessment year beginning January 1, 2007, and all subsequent assessment years beginning before January 1, ~~2018~~ 2021, appeals may be taken from the action of the board of review with reference to protests of assessment, valuation, or application of an equalization order to the property assessment appeal board created in section 421.1A. However, a property owner or aggrieved taxpayer or an appellant described in section 441.42 may bypass the property assessment appeal board and appeal the decision of the local board of review to the district court pursuant to section 441.38.

Sec. 20. Section 715A.9A, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. ~~Is a victim of identity theft in this state as described in section 715A.8~~ or resides in this state at the time the person is a victim of identity theft.

Sec. 21. 2015 Iowa Acts, Senate File 496, ⁴ section 1, subsection 1, paragraph a, if enacted, is amended to read as follows:

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, 2015; and maintenance, equipment, and miscellaneous purposes:

..... \$ 171,486,612
178,686,612

0b. Of the moneys appropriated in lettered paragraph “a”, \$520,150 shall be used for juvenile drug courts. The amount allocated in this lettered paragraph shall be distributed to assist with the operation of juvenile drug court programs operated in the following jurisdictions:

<u>(1) Marshall county:</u>	\$ 62,708
.....	
<u>(2) Woodbury county:</u>	\$ 125,682
.....	
<u>(3) Polk county:</u>	\$ 195,892
.....	
<u>(4) The third judicial district:</u>	\$ 67,934
.....	
<u>(5) The eighth judicial district:</u>	\$ 67,934
.....	

⁴ Chapter 134 herein

Sec. 22. 2015 Iowa Acts, Senate File 505,⁵ section 12, subsection 12, paragraph d, if enacted, is amended to read as follows:

d. Payment methodologies utilized for disproportionate share hospitals and graduate medical education, and other supplemental payments under the Medicaid program may be adjusted or converted to other methodologies or payment types to provide these payments through ~~Medicaid managed care implemented beginning after~~ January 1, 2016. The department of human services shall obtain approval from the centers for Medicare and Medicaid services of the United States department of health and human services prior to implementation of any such adjusted or converted methodologies or payment types.

Sec. 23. 2015 Iowa Acts, Senate File 505,⁶ section 132, subsection 12, paragraph d, if enacted, is amended to read as follows:

d. Payment methodologies utilized for disproportionate share hospitals and graduate medical education, and other supplemental payments under the Medicaid program may be adjusted or converted to other methodologies or payment types to provide these payments through ~~Medicaid managed care~~ after January 1, 2016. The department of human services shall obtain approval from the centers for Medicare and Medicaid services of the United States department of health and human services prior to implementation of any such adjusted or converted methodologies or payment types.

DIVISION III SALARIES, COMPENSATION, AND RELATED MATTERS

Sec. 24. SPECIAL FUNDS. For the fiscal year beginning July 1, 2015, and ending June 30, 2016, and for the fiscal year beginning July 1, 2016, and ending June 30, 2017, salary adjustments may be funded using departmental revolving, trust, or special funds for which the general assembly has established an operating budget, provided doing so does not exceed the operating budget established by the general assembly.

Sec. 25. SALARY MODEL ADMINISTRATOR. The salary model administrator shall work in conjunction with the legislative services agency to maintain the state's salary model used for analyzing, comparing, and projecting state employee salary and benefit information, including information relating to employees of the state board of regents. The department of revenue, the department of administrative services, the five institutions under the jurisdiction of the state board of regents, the judicial district departments of correctional services, and the state department of transportation shall provide salary data to the department of management and the legislative services agency to operate the state's salary model. The format and frequency of provision of the salary data shall be determined by the department of management and the legislative services agency. The information shall be used in collective bargaining processes under chapter 20 and in calculating the funding needs contained within the annual salary adjustment legislation. A state employee organization as defined in section 20.3, subsection 4, may request information produced by the model, but the information provided shall not contain information attributable to individual employees.

DIVISION IV CORRECTIVE PROVISIONS

Sec. 26. Section 123.122, Code 2015, as amended by 2015 Iowa Acts, House File 536,⁷ section 48, is amended to read as follows:

123.122 Permit or license required.

A person shall not manufacture for sale or sell beer at wholesale or retail unless a permit is first obtained as provided in this subchapter or, a liquor control license authorizing the retail sale of beer is first obtained as provided in ~~division~~ subchapter I of this chapter. A liquor control license holder is not required to hold a separate class "B" beer permit.

⁵ Chapter 137 herein

⁶ Chapter 137 herein

⁷ Chapter 30 herein

Sec. 27. Section 227.10, Code 2015, as amended by 2015 Iowa Acts, Senate File 463,⁸ section 53, is amended to read as follows:

227.10 Transfers from county or private institutions.

Patients who have been admitted at public expense to any institution to which this chapter is applicable may be involuntarily transferred to the proper state hospital for persons with mental illness in the manner prescribed by sections 229.6 to 229.13. The application required by section 229.6 may be filed by the administrator of the division or the administrator's designee, or by the administrator of the institution where the patient is then being maintained or treated. If the patient was admitted to that institution involuntarily, the administrator of the division may arrange and complete the transfer, and shall report it as required of a chief medical officer under section 229.15, subsection 5. The transfer shall be made at the mental health and ~~disabilities~~ disability services region's expense, and the expense recovered, as provided in section 227.7. However, transfer under this section of a patient whose expenses are payable in whole or in part by a the mental health and ~~disabilities~~ disability services region is subject to an authorization for the transfer through the regional administrator for the patient's county of residence.

Sec. 28. Section 227.14, Code 2015, as amended by 2015 Iowa Acts, Senate File 463,⁹ section 56, is amended to read as follows:

227.14 Caring for persons with mental illness from other counties.

The regional administrator for a county that does not have proper facilities for caring for persons with mental illness may, with the consent of the administrator of the division, provide for such care at the expense of the mental health and ~~disabilities~~ disability services region in any convenient and proper county or private institution for persons with mental illness which is willing to receive the persons.

Sec. 29. Section 229.1B, Code 2015, as amended by 2015 Iowa Acts, Senate File 463,¹⁰ section 59, is amended to read as follows:

229.1B Regional administrator.

Notwithstanding any provision of this chapter to the contrary, any person whose hospitalization expenses are payable in whole or in part by a mental health and ~~disabilities~~ disability services region shall be subject to all administrative requirements of the regional administrator for the county.

Sec. 30. Section 229.2, subsection 1, paragraph b, subparagraph (3), Code 2015, as amended by 2015 Iowa Acts, Senate File 463,¹¹ section 60, is amended to read as follows:

(3) As soon as is practicable after the filing of a petition for juvenile court approval of the admission of the minor, the juvenile court shall determine whether the minor has an attorney to represent the minor in the hospitalization proceeding, and if not, the court shall assign to the minor an attorney. If the minor is financially unable to pay for an attorney, the attorney shall be compensated by the mental health and ~~disabilities~~ disability services region at an hourly rate to be established by the regional administrator for the county in which the proceeding is held in substantially the same manner as provided in section 815.7.

Sec. 31. Section 229.8, subsection 1, Code 2015, as amended by 2015 Iowa Acts, Senate File 463,¹² section 61, is amended to read as follows:

1. Determine whether the respondent has an attorney who is able and willing to represent the respondent in the hospitalization proceeding, and if not, whether the respondent is financially able to employ an attorney and capable of meaningfully assisting in selecting one. In accordance with those determinations, the court shall if necessary allow the respondent to select, or shall assign to the respondent, an attorney. If the respondent is financially unable to pay an attorney, the attorney shall be compensated by the mental health and ~~disabilities~~ disability services region at an hourly rate to be established by the regional administrator

⁸ Chapter 69 herein

⁹ Chapter 69 herein

¹⁰ Chapter 69 herein

¹¹ Chapter 69 herein

¹² Chapter 69 herein

for the county in which the proceeding is held in substantially the same manner as provided in section 815.7.

Sec. 32. Section 229.10, subsection 1, paragraph a, Code 2015, as amended by 2015 Iowa Acts, Senate File 463,¹³ section 62, is amended to read as follows:

a. An examination of the respondent shall be conducted by one or more licensed physicians, as required by the court's order, within a reasonable time. If the respondent is detained pursuant to section 229.11, subsection 1, paragraph "b", the examination shall be conducted within twenty-four hours. If the respondent is detained pursuant to section 229.11, subsection 1, paragraph "a" or "c", the examination shall be conducted within forty-eight hours. If the respondent so desires, the respondent shall be entitled to a separate examination by a licensed physician of the respondent's own choice. The reasonable cost of the examinations shall, if the respondent lacks sufficient funds to pay the cost, be paid by the regional administrator from mental health and ~~disabilities~~ disability services region funds upon order of the court.

Sec. 33. Section 229.11, subsection 1, unnumbered paragraph 1, Code 2015, as amended by 2015 Iowa Acts, Senate File 463,¹⁴ section 63, is amended to read as follows:

If the applicant requests that the respondent be taken into immediate custody and the judge, upon reviewing the application and accompanying documentation, finds probable cause to believe that the respondent has a serious mental impairment and is likely to injure the respondent or other persons if allowed to remain at liberty, the judge may enter a written order directing that the respondent be taken into immediate custody by the sheriff or the sheriff's deputy and be detained until the hospitalization hearing. The hospitalization hearing shall be held no more than five days after the date of the order, except that if the fifth day after the date of the order is a Saturday, Sunday, or a holiday, the hearing may be held on the next succeeding business day. If the expenses of a respondent are payable in whole or in part by a mental health and ~~disabilities~~ disability services region, for a placement in accordance with paragraph "a", the judge shall give notice of the placement to the regional administrator for the county in which the court is located, and for a placement in accordance with paragraph "b" or "c", the judge shall order the placement in a hospital or facility designated through the regional administrator. The judge may order the respondent detained for the period of time until the hearing is held, and no longer, in accordance with paragraph "a", if possible, and if not then in accordance with paragraph "b", or, only if neither of these alternatives is available, in accordance with paragraph "c". Detention may be:

Sec. 34. Section 229.13, subsection 1, paragraph a, Code 2015, as amended by 2015 Iowa Acts, Senate File 463,¹⁵ section 64, is amended to read as follows:

a. The court shall order a respondent whose expenses are payable in whole or in part by a mental health and ~~disabilities~~ disability services region placed under the care of an appropriate hospital or facility designated through the county's regional administrator on an inpatient or outpatient basis.

Sec. 35. Section 229.14, subsection 2, paragraph a, Code 2015, as amended by 2015 Iowa Acts, Senate File 463,¹⁶ section 65, is amended to read as follows:

a. For a respondent whose expenses are payable in whole or in part by a mental health and ~~disabilities~~ disability services region, placement as designated through the county's regional administrator in the care of an appropriate hospital or facility on an inpatient or outpatient basis, or other appropriate treatment, or in an appropriate alternative placement.

¹³ Chapter 69 herein

¹⁴ Chapter 69 herein

¹⁵ Chapter 69 herein

¹⁶ Chapter 69 herein

Sec. 36. Section 229.14A, subsection 7, Code 2015, as amended by 2015 Iowa Acts, Senate File 463,¹⁷ section 66, is amended to read as follows:

7. If a respondent's expenses are payable in whole or in part by a mental health and ~~disabilities~~ disability services region through the county's regional administrator, notice of a placement hearing shall be provided to the county attorney and the regional administrator. At the hearing, the county may present evidence regarding appropriate placement.

Sec. 37. Section 229.42, subsection 1, Code 2015, as amended by 2015 Iowa Acts, Senate File 463,¹⁸ section 68, is amended to read as follows:

1. If a person wishing to make application for voluntary admission to a mental hospital established by chapter 226 is unable to pay the costs of hospitalization or those responsible for the person are unable to pay the costs, application for authorization of voluntary admission must be made through a regional administrator before application for admission is made to the hospital. The person's county of residence shall be determined through the regional administrator and if the admission is approved through the regional administrator, the person's admission to a mental health hospital shall be authorized as a voluntary case. The authorization shall be issued on forms provided by the department of human services' administrator. The costs of the hospitalization shall be paid by the county of residence through the regional administrator to the department of human services and credited to the general fund of the state, provided that the mental health hospital rendering the services has certified to the county auditor of the county of residence and the regional administrator the amount chargeable to the mental health and ~~disabilities~~ disability services region and has sent a duplicate statement of the charges to the department of human services. A mental health and ~~disabilities~~ disability services region shall not be billed for the cost of a patient unless the patient's admission is authorized through the regional administrator. The mental health institute and the regional administrator shall work together to locate appropriate alternative placements and services, and to educate patients and family members of patients regarding such alternatives.

Sec. 38. Section 230.1, subsection 3, Code 2015, as amended by 2015 Iowa Acts, Senate File 463,¹⁹ section 69, is amended to read as follows:

3. A mental health and ~~disabilities~~ disability services region or county of residence is not liable for costs and expenses associated with a person with mental illness unless the costs and expenses are for services and other support authorized for the person through the county's regional administrator. For the purposes of this chapter, "regional administrator" means the same as defined in section 331.388.

Sec. 39. Section 230.20, subsection 2, paragraph b, Code 2015, as amended by 2015 Iowa Acts, Senate File 463,²⁰ section 71, is amended to read as follows:

b. The per diem costs billed to each mental health and ~~disabilities~~ disability services region shall not exceed the per diem costs billed to the county in the fiscal year beginning July 1, 1996. However, the per diem costs billed to a mental health and ~~disabilities~~ disability services region may be adjusted annually to reflect increased costs, to the extent of the percentage increase in the statewide per capita expenditure target amount, if any per capita growth amount is authorized by the general assembly for the fiscal year in accordance with section 426B.3.

Sec. 40. Section 279.10, subsection 1, Code 2015, as amended by 2015 Iowa Acts, Senate File 227,²¹ section 2, is amended to read as follows:

1. The school year for each school district and accredited nonpublic school shall begin on July 1 and the school calendar shall begin no sooner than August 23 and no later than the first Monday in December. The school calendar shall include not less than one hundred eighty days, ~~except as provided in subsection 3,~~ or one thousand eighty hours of instruction

¹⁷ Chapter 69 herein

¹⁸ Chapter 69 herein

¹⁹ Chapter 69 herein

²⁰ Chapter 69 herein

²¹ Chapter 31 herein

during the calendar year. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall determine the school start date for the school calendar in accordance with this subsection and shall set the number of days or hours of required attendance for the school year as provided in section 299.1, subsection 2, but the board of directors of a school district shall hold a public hearing on any proposed school calendar prior to adopting the school calendar. If the board of directors of a district or the authorities in charge of an accredited nonpublic school extends the school calendar because inclement weather caused the school district or accredited nonpublic school to temporarily close during the regular school calendar, the school district or accredited nonpublic school may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

Sec. 41. Section 426B.5, subsection 2, paragraph c, Code 2015, as amended by 2015 Iowa Acts, Senate File 463,²² section 78, is amended to read as follows:

c. A risk pool board is created. The board shall consist of two county supervisors, two county auditors, a member of the mental health and disability services commission who is not a member of a county board of supervisors, a member of the county finance committee created in chapter 333A who is not an elected official, a representative of a provider of mental health or developmental disabilities services selected from nominees submitted by the Iowa association of community providers, and two staff members of regional administrators of county mental health and disability services regions, all appointed by the governor, and one member appointed by the director of human services. All members appointed by the governor shall be subject to confirmation by the senate. Members shall serve for three-year terms. A vacancy shall be filled in the same manner as the original appointment. Expenses and other costs of the risk pool board members representing counties shall be paid by the county of origin. Expenses and other costs of risk pool board members who do not represent counties shall be paid from a source determined by the governor. Staff assistance to the board shall be provided by the department of human services and counties. Actuarial expenses and other direct administrative costs shall be charged to the pool.

Sec. 42. Section 459A.302, subsection 1, paragraph a, unnumbered paragraph 1, Code 2015, as amended by 2015 Iowa Acts, House File 583,²³ section 33, is amended to read as follows:

Prior to constructing a settled open feedlot effluent basin or an animal truck wash effluent structure, the site for the basin or structure shall be investigated for a drainage tile line by the owner of the open feedlot operation or animal truck wash facility. The investigation shall be made by digging a core trench to a depth of at least six feet deep from ground level at the projected center of the berm of the basin or structure. If a drainage tile line is discovered, one of the following solutions shall be implemented:

Sec. 43. Section 459A.302, subsection 2, paragraph a, Code 2015, as amended by 2015 Iowa Acts, House File 583,²⁴ section 34, is amended to read as follows:

a. The settled open feedlot effluent basin or ~~an~~ animal truck wash effluent structure shall be constructed with a minimum separation of two feet between the top of the liner of the basin or structure and the seasonal high-water table.

Sec. 44. Section 459A.404, subsection 3, paragraphs b and c, if enacted by 2015 Iowa Acts, House File 583,²⁵ section 41, are amended to read as follows:

b. For purposes of section 459.310, subsection 4, the provisions relating to an unformed manure storage structure shall apply to an unformed animal truck wash effluent structure

²² Chapter 69 herein

²³ Chapter 92 herein

²⁴ Chapter 92 herein

²⁵ Chapter 92 herein

and the provisions relating to a formed manure storage structure shall apply to a formed animal truck wash effluent structure. However, the

~~e. Notwithstanding section 459.310, subsection 4, a requirement in section 459.310, subsection 4, paragraph “a”, relating to animal weight capacity or animal unit capacity shall not apply to the replacement of an unformed animal truck wash effluent structure with a formed animal truck wash effluent structure.~~ In addition, the capacity of a replacement animal truck wash effluent structure shall not exceed the amount required to store animal truck wash effluent for any eighteen-month period.

Sec. 45. Section 459A.411, Code 2015, as amended by 2015 Iowa Acts, House File 583,²⁶ section 43, if enacted, is amended to read as follows:

459A.411 Discontinuance of operations.

The owner of an open feedlot operation or animal truck wash facility who discontinues its operation shall remove all effluent from related open feedlot operation structures or animal truck wash effluent structures used to store effluent, as soon as practical but not later than six months following the date the operations of the open feedlot operation or animal truck wash facility is are discontinued.

Sec. 46. Section 476.53, subsection 3, paragraph a, subparagraph (1), Code 2015, as amended by 2015 Iowa Acts, House File 535,²⁷ section 61, is amended to read as follows:

(1) (a) Files an application pursuant to section 476A.3 to construct in Iowa a baseload electric power generating facility with a nameplate generating capacity equal to or greater than three hundred megawatts or a combined-cycle electric power generating facility, or an alternate energy production facility as defined in section 476.42, or to significantly alter an existing generating facility. For purposes of this subparagraph, a significant alteration of an existing generating facility must, in order to qualify for establishment of ratemaking principles, fall into one of the following categories:

- (i) Conversion of a coal fueled facility into a gas fueled facility.
- (ii) Addition of carbon capture and storage facilities at a coal fueled facility.
- (iii) Addition of gas fueled capability to a coal fueled facility, in order to convert the facility to one that will rely primarily on gas for future generation.
- (iv) Addition of a biomass fueled capability to a coal fueled facility.

(b) With respect to a significant alteration of an existing generating facility, an original facility shall not be required to be either a baseload or a combined-cycle facility. Only the incremental investment undertaken by a utility under subparagraph division (a), subparagraph subdivision (i), (ii), (iii), or (iv) shall be eligible to apply the ratemaking principles established by the order issued pursuant to paragraph “e”. Facilities for which advanced ratemaking principles are obtained pursuant to this section shall not be subject to a subsequent board review pursuant to section 476.6, subsection 20, to the extent that the investment has been considered by the board under this section. To the extent an eligible utility has been authorized to make capital investments subject to section 476.6, subsection 20, such investments shall not be eligible for ratemaking principles pursuant to this section.

Sec. 47. Section 602.3205, subsection 3, paragraph b, if enacted by 2015 Iowa Acts, Senate File 404,²⁸ section 5, is amended to read as follows:

b. The audio recordings provided ~~in~~ to the board pursuant to this subsection shall be kept confidential by the board in a manner as provided in section 272C.6, subsection 4.

Sec. 48. Section 602.11113, Code 2015, as amended by 2015 Iowa Acts, House File 536,²⁹ section 177, is amended to read as follows:

602.11113 Bailiffs employed as court attendants.

²⁶ Chapter 92 herein

²⁷ Chapter 29 herein

²⁸ Chapter 84 herein

²⁹ Chapter 30 herein

Persons who were employed as bailiffs and who were performing services for the court, other than law enforcement services, immediately prior to July 1, 1983, shall be employed by the district court administrators as court attendants under section 602.6601 on July 1, 1983.

Sec. 49. Section 714.23, subsection 4A, paragraph a, if enacted by 2015 Iowa Acts, Senate File 501,³⁰ section 2, or 2015 Iowa Acts, House File 663,³¹ section 2, is amended to read as follows:

a. A student who does not receive a tuition refund up to the full refund of tuition charges due to the effect of an interstate reciprocity agreement under section 261G.4, subsection 1, may apply to the attorney general for a refund in a sum that represents the difference between any tuition refund received from the school and the full refund of tuition charges. For purposes of this subsection, “full refund of tuition charges” means the monetary sum of the refund for which the student would be eligible pursuant to the application of this section.

Sec. 50. Section 902.1, subsection 2, paragraph a, unnumbered paragraph 1, as enacted by 2015 Iowa Acts, Senate File 448,³² section 1, is amended to read as follows:

Notwithstanding subsection 1, a defendant convicted of murder in the first degree in violation of section 707.2, and who was under the age of eighteen at the time the offense was committed shall receive one of the following sentences:

Sec. 51. Section 916.1, subsection 1, as enacted by 2015 Iowa Acts, House File 496,³³ section 1, is amended to read as follows:

1. “*Confidential communication*” means confidential information shared between a victim and a military victim advocate within the advocacy relationship, and includes all information received by the advocate and any advice, report, or working paper given to or prepared by the advocate in the course of the advocacy relationship with the victim. “*Confidential information*” is confidential information which, so far as the victim is aware, is not disclosed to a third party with the exception of a person present in the consultation for the purpose of furthering the interest of the victim, a person to whom disclosure is reasonably necessary for the transmission of the information, or a person with whom disclosure is necessary for accomplishment of the purpose for which the advocate is consulted by the victim.

Sec. 52. RETROACTIVE APPLICABILITY. The section of this division of this Act amending section 279.10, subsection 1, applies retroactively to April 10, 2015.

Sec. 53. RETROACTIVE APPLICABILITY. The section of this division of this Act amending section 902.1, subsection 2, paragraph “a”, unnumbered paragraph 1, applies retroactively to April 24, 2015.

DIVISION V DEPARTMENT OF MANAGEMENT — DUTIES

Sec. 54. Section 8.6, subsections 12 and 13, Code 2015, are amended by striking the subsections.

Sec. 55. Section 8A.111, Code 2015, is amended by adding the following new subsection:
NEW SUBSECTION. 11. An annual report on the administration and promotion of equal opportunity in state contracts and services under section 19B.7.

Sec. 56. Section 19B.6, Code 2015, is amended to read as follows:

19B.6 Responsibilities of department of administrative services and department of management — affirmative action.

The department of administrative services shall oversee the implementation of sections 19B.1 through 19B.5 and shall work with the governor to ensure compliance with those

³⁰ Chapter 107 herein

³¹ Not enacted

³² Chapter 65 herein

³³ Chapter 28 herein

sections, including the attainment of affirmative action goals and timetables, by all state agencies, excluding the state board of regents and its institutions. ~~The department of management shall oversee the implementation of sections 19B.1 through 19B.5 and shall work with the governor to ensure compliance with those sections, including the attainment of affirmative action goals and timetables, by the state board of regents and its institutions.~~

Sec. 57. Section 19B.7, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Except as otherwise provided in subsection 2, the department of ~~management~~ administrative services is responsible for the administration and promotion of equal opportunity in all state contracts and services and the prohibition of discriminatory and unfair practices within any program receiving or benefiting from state financial assistance in whole or in part. In carrying out these responsibilities the department of ~~management~~ administrative services shall:

Sec. 58. Section 19B.8, Code 2015, is amended to read as follows:

19B.8 Sanctions.

The department of ~~management~~ administrative services may impose appropriate sanctions on individual state agencies, including the state board of regents and its institutions, and upon a community college, area education agency, or school district, in order to ensure compliance with state programs emphasizing equal opportunity through affirmative action, contract compliance policies, and requirements for procurement goals for targeted small businesses.

DIVISION VI
ANIMAL TRUCK WASH FACILITIES

Sec. 59. Section 459A.105, subsection 2, paragraph b, as enacted by 2015 Iowa Acts, House File 583,³⁴ section 10, is amended to read as follows:

b. (1) The requirements of section 459A.205, including rules adopted by the commission pursuant to that section shall apply to a small animal truck wash facility only to the extent required by section 459A.205, subsection 4A.

(2) The requirements of sections section 459A.404, and including rules adopted by the commission pursuant to that section, shall apply to a small animal truck wash facility. However, 459A.404, subsection 1, shall only apply to a small animal truck wash facility as provided in that subsection.

(3) The requirements of section 459A.410, including rules adopted by the commission under those provisions that section, shall apply to a small animal truck wash facility.

Sec. 60. Section 459A.206, subsection 1, Code 2015, as amended by 2015 Iowa Acts, House File 583,³⁵ section 25, is amended to read as follows:

1. A settled open feedlot effluent basin or an unformed animal truck wash effluent structure required to be constructed pursuant to a construction permit issued pursuant to section 459A.205 shall meet design standards as required by a soils and hydrogeologic report.

Sec. 61. Section 459A.206, subsection 2, paragraph c, Code 2015, is amended to read as follows:

c. The results of at least three soil corings reflecting the continuous soil profile taken for each settled open feed lot effluent basin or unformed animal truck wash effluent structure. The soil corings shall be taken and used in determining subsurface soil characteristics and groundwater elevation and direction of flow of the proposed site for construction. The soil corings shall be taken as follows:

(1) By a qualified person ordinarily engaged in the practice of taking soil cores and in performing soil testing.

³⁴ Chapter 92 herein

³⁵ Chapter 92 herein

(2) At locations that reflect the continuous soil profile conditions existing within the area of the proposed basin or unformed structure, including conditions found near the corners and the deepest point of the proposed basin. The soil corings shall be taken to a minimum depth of ten feet below the bottom elevation of the basin.

(3) By a method such as hollow stem auger or other method that identifies the continuous soil profile and does not result in the mixing of soil layers.

Sec. 62. Section 459A.207, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. The basin or structure was constructed in accordance with the design plans submitted to the department as part of an application for a construction permit pursuant to section 459A.205. If the actual construction deviates from the approved design plans, the construction certification shall identify all changes and certify that the changes were consistent with all applicable standards of this section.

Sec. 63. Section 459A.302, unnumbered paragraph 1, Code 2015, as amended by 2015 Iowa Acts, House File 583,³⁶ section 32, is amended to read as follows:

A settled open feedlot effluent basin or an unformed animal truck wash effluent structure required to be constructed pursuant to a construction permit issued pursuant to section 459A.205 shall meet all of the following requirements:

Sec. 64. Section 459A.302, subsection 1, paragraph a, unnumbered paragraph 1, Code 2015, as amended by 2015 Iowa Acts, House File 583,³⁷ section 33, is amended to read as follows:

Prior to constructing a settled open feedlot effluent basin or an unformed animal truck wash effluent structure, the site for the basin or structure shall be investigated for a drainage tile line by the owner of the open feedlot operation or animal truck wash facility. The investigation shall be made by digging a core trench to a depth of at least six feet deep from ground level at the projected center of the berm of the basin or unformed structure. If a drainage tile line is discovered, one of the following solutions shall be implemented:

Sec. 65. Section 459A.302, subsection 1, paragraph a, subparagraphs (1) and (2), Code 2015, are amended to read as follows:

(1) The drainage tile line shall be rerouted around the perimeter of the basin or unformed animal truck wash effluent structure at a distance of at least twenty-five feet horizontally separated from the outside edge of the berm of the basin or unformed structure. For an area of the basin or unformed structure where there is not a berm, the drainage tile line shall be rerouted at least fifty feet horizontally separated from the edge of the basin or unformed structure.

(2) The drainage tile line shall be replaced with a nonperforated tile line under the basin floor of the basin or unformed animal truck wash effluent structure. The nonperforated tile line shall be continuous and without connecting joints. There must be a minimum of three feet between the nonperforated tile line and the basin floor of the basin or unformed structure.

Sec. 66. Section 459A.302, subsections 2, 3, 4, and 5, Code 2015, as amended by 2015 Iowa Acts, House File 583,³⁸ section 34, are amended to read as follows:

2. a. The settled open feedlot effluent basin or ~~an~~ unformed animal truck wash effluent structure shall be constructed with a minimum separation of two feet between the top of the liner of the basin or unformed structure and the seasonal high-water table.

b. If a drainage tile line around the perimeter of the settled open feedlot effluent basin or unformed animal truck wash effluent structure is installed a minimum of two feet below the top of the basin's or unformed structure's liner to artificially lower the seasonal high-water table, the top of the liner may be a maximum of four feet below the seasonal high-water table.

³⁶ Chapter 92 herein

³⁷ Chapter 92 herein

³⁸ Chapter 92 herein

The seasonal high-water table may be artificially lowered by gravity flow tile lines or other similar system. However, the following shall apply:

(1) Except as provided in subparagraph (2), an open feedlot operation or animal truck wash facility shall not use a nongravity mechanical system that uses pumping equipment.

(2) If the open feedlot operation was constructed before July 1, 2005, the operation may continue to use its existing nongravity mechanical system that uses pumping equipment or it may construct a new nongravity mechanical system that uses pumping equipment. However, an open feedlot operation that expands the area of its open feedlot on or after April 1, 2011, shall not use a nongravity mechanical system that uses pumping equipment.

3. Drainage tile lines may be installed to artificially lower the seasonal high-water table at a settled open feedlot effluent basin or an unformed animal truck wash effluent structure, if all of the following conditions are satisfied:

a. A device to allow monitoring of the water in the drainage tile lines and a device to allow shutoff of the flow in the drainage tile lines are installed, if the drainage tile lines do not have a surface outlet accessible on the property where the basin or unformed structure is located.

b. Drainage tile lines are installed horizontally at least twenty-five feet away from the basin or unformed structure. Drainage tile lines shall be placed in a vertical trench and encased in granular material which extends upward to the level of the seasonal high-water table.

4. A settled open feedlot effluent basin or an unformed animal truck wash effluent structure shall be constructed with at least four feet between the bottom of the basin or unformed structure and a bedrock formation.

5. A settled open feedlot effluent basin or an unformed animal truck wash effluent structure constructed on a floodplain or within a floodway of a river or stream shall comply with rules adopted by the commission.

Sec. 67. Section 459A.302, subsection 6, unnumbered paragraph 1, Code 2015, as amended by 2015 Iowa Acts, House File 583,³⁹ section 35, is amended to read as follows:

The liner of a settled open feedlot effluent basin or unformed animal truck wash effluent structure shall comply with all of the following:

Sec. 68. Section 459A.302, subsection 7, Code 2015, as amended by 2015 Iowa Acts, House File 583,⁴⁰ section 36, is amended to read as follows:

7. The owner of an open feedlot operation using a settled open feedlot effluent basin or animal truck wash facility using an unformed animal truck wash effluent structure shall inspect the berms of the basin or unformed structure at least semiannually for evidence of erosion. If the inspection reveals erosion which may impact the basin's or unformed structure's structural stability or the integrity of the basin's or unformed structure's liner, the owner shall repair the berms.

Sec. 69. Section 459A.404, subsection 1, as enacted by 2015 Iowa Acts, House File 583,⁴¹ section 41, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Oe.* Paragraph "a" or "b" does not apply to a small animal truck wash facility.

DIVISION VII COUNTY COURTHOUSES

Sec. 70. Section 602.6105, subsection 2, Code 2015, is amended to read as follows:

2. In any county having two county seats, court shall be held at each, ~~and, in the county of Pottawattamie, court shall be held at Avoca,~~ as well as at the county seat.

Sec. 71. REPEAL. 1884 Iowa Acts, chapter 198, is repealed.

³⁹ Chapter 92 herein

⁴⁰ Chapter 92 herein

⁴¹ Chapter 92 herein

DIVISION VIII
IOWA EDUCATION SAVINGS PLAN TRUST

Sec. 72. Section 422.7, subsection 32, paragraph a, Code 2015, is amended to read as follows:

a. Subtract the maximum contribution that may be deducted for Iowa income tax purposes as a participant in the Iowa educational savings plan trust pursuant to section 12D.3, subsection 1, paragraph "a". For purposes of this paragraph, a participant who makes a contribution on or before the date prescribed in section 422.21 for making and filing an individual income tax return, excluding extensions, may elect to be deemed to have made the contribution on the last day of the preceding calendar year. The director, after consultation with the treasurer of state, shall prescribe by rule the manner and method by which a participant may make an election authorized by the preceding sentence.

Sec. 73. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2015, for tax years beginning on or after that date.

DIVISION IX
RENEWABLE FUELS INFRASTRUCTURE PROGRAM

Sec. 74. Section 159A.14, subsection 1, paragraph a, subparagraph (1), Code 2015, is amended to read as follows:

(1) Ethanol infrastructure shall be designed and used exclusively to do any of the following:

(a) Store and dispense E-15 gasoline. At least for the period beginning on September 16 and ending on May 31 of each year, the ethanol infrastructure must be used to store and dispense E-15 gasoline as a registered fuel recognized by the United States environmental protection agency.

~~(a)~~ (b) Store and dispense E-85 gasoline.

~~(b)~~ (c) Store, blend, and dispense motor fuel from a motor fuel blender pump, ~~as required in this subparagraph~~ division. The ethanol infrastructure must ~~provide~~ be used for the storage of ethanol or ethanol blended gasoline, or for blending ethanol with gasoline. The ethanol infrastructure must at least include a motor fuel blender pump which dispenses different classifications of ethanol blended gasoline and allows E-85 gasoline to be dispensed at all times that the blender pump is operating.

*DIVISION X
CLAIMS AGAINST THE STATE AND BY THE STATE

Sec. 75. Section 8.55, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. *Except as provided in paragraphs "b", "c", ~~and "d"~~, and "0e", the moneys in the Iowa economic emergency fund shall only be used pursuant to an appropriation made by the general assembly. An appropriation shall only be made for the fiscal year in which the appropriation is made. The moneys shall only be appropriated by the general assembly for emergency expenditures.*

Sec. 76. Section 8.55, subsection 3, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0e. There is appropriated from the Iowa economic emergency fund to the state appeal board an amount sufficient to pay claims authorized by the state appeal board as provided in section 25.2.

Sec. 77. Section 25.2, subsection 4, Code 2015, is amended to read as follows:

4. *Payments authorized by the state appeal board shall be paid from the appropriation or fund of original certification of the claim. However, if that appropriation or fund has since reverted under section 8.33, then such payment authorized by the state appeal board shall be out of any money in the state treasury not otherwise appropriated as follows:*

* Item veto; see message at end of the Act

a. From the appropriation made from the Iowa economic emergency fund in section 8.55 for purposes of paying such expenses.

b. To the extent the appropriation from the Iowa economic emergency fund described in paragraph "a" is insufficient to pay such expenses, there is appropriated from moneys in the general fund of the state not otherwise appropriated the amount necessary to fund the deficiency.*

DIVISION XI

SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INTERNSHIP

Sec. 78. Section 15.411, subsection 3, Code 2015, is amended to read as follows:

3. a. The authority shall establish and administer an internship program with two components for Iowa students. To the extent permitted by this subsection, the authority shall administer the two components in as similar a manner as possible. For purposes of this subsection, "Iowa student" means a student of an Iowa community college, private college, or institution of higher learning under the control of the state board of regents, or a student who graduated from high school in Iowa but now attends an institution of higher learning outside the state of Iowa.

b. The purpose of the first component of the program is to link Iowa students to small and medium sized Iowa firms through internship opportunities. An Iowa employer may receive financial assistance in an amount of one dollar for every two dollars paid by the employer to an intern on a matching basis for a portion of the wages paid to an intern. If providing financial assistance, the authority shall provide the assistance on a reimbursement basis such that for every two dollars of wages earned by the student, one dollar paid by the employer is matched by one dollar from the authority. The amount of financial assistance shall not exceed three thousand one hundred dollars for any single internship, or nine thousand three hundred dollars for any single employer. In order to be eligible to receive financial assistance under this paragraph, the employer must have five hundred or fewer employees and must be an innovative business. The authority shall encourage youth who reside in economically distressed areas, youth adjudicated to have committed a delinquent act, and youth transitioning out of foster care to participate in the first component of the internship program.

c. (1) The purpose of the second component of the program is to assist in placing Iowa students studying in the fields of science, technology, engineering, and mathematics into internships that lead to permanent positions with Iowa employers. The authority shall collaborate with eligible employers, including but not limited to innovative businesses, to ensure that the interns hired are studying in such fields. An Iowa employer may receive financial assistance in an amount of one dollar for every dollar paid by the employer to an intern on a matching basis for a portion of the wages paid to an intern. If providing financial assistance, the authority shall provide the assistance on a reimbursement basis such that for every two dollars of wages earned by the student, one dollar paid by the employer is matched by one dollar from the authority. The amount of financial assistance shall not exceed five thousand dollars per internship. The authority may adopt rules to administer this component. In adopting rules to administer this component, the authority shall adopt rules as similar as possible to those adopted pursuant to paragraph "b".

(2) The requirement to administer this component of the internship program is contingent upon the provision of funding for such purposes by the general assembly.

Sec. 79. 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.

* Item veto; see message at end of the Act

Sec. 80. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 81. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2014.

DIVISION XII
INTERSTATE MEDICAL LICENSURE COMPACT

Sec. 82. NEW SECTION. **148G.1 Interstate medical licensure compact.**

1. *Purpose.*

a. In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the interstate medical licensure compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards and provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The compact creates another pathway for licensure and does not otherwise change a state's existing medical practice act. The compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located.

b. State medical boards that participate in the compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the compact.

2. *Definitions.* In this compact:

a. "Bylaws" means those bylaws established by the interstate commission pursuant to subsection 11 for its governance, or for directing and controlling its actions and conduct.

b. "Commissioner" means the voting representative appointed by each member board pursuant to subsection 11.

c. "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.

d. "Expedited license" means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the compact.

e. "Interstate commission" means the interstate commission created pursuant to this section.

f. "License" means authorization by a state for a physician to engage in the practice of medicine, which would be unlawful without the authorization.

g. "Medical practice act" means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.

h. "Member board" means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation, and education of physicians as directed by the state government.

i. "Member state" means a state that has enacted the compact.

j. "Offense" means a felony, gross misdemeanor, or crime of moral turpitude.

k. "Physician" means any person who satisfies all of the following:

(1) Is a graduate of a medical school accredited by the liaison committee on medical education, the commission on osteopathic college accreditation, or a medical school listed in the international medical education directory or its equivalent.

(2) Passed each component of the United States medical licensing examination or the comprehensive osteopathic medical licensing examination within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes.

(3) Successfully completed graduate medical education approved by the accreditation council for graduate medical education or the American osteopathic association.

(4) Holds specialty certification or a time-unlimited specialty certificate recognized by the American board of medical specialties or the American osteopathic association's bureau of osteopathic specialists.

(5) Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board.

(6) Has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction.

(7) Has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license.

(8) Has never had a controlled substance license or permit suspended or revoked by a state or the United States drug enforcement administration.

(9) Is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction.

l. "Practice of medicine" means the clinical prevention, diagnosis, or treatment of human disease, injury, or condition requiring a physician to obtain and maintain a license in compliance with the medical practice act of a member state.

m. "Rule" means a written statement by the interstate commission promulgated pursuant to subsection 12 that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the interstate 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.

n. "State" means any state, commonwealth, district, or territory of the United States.

o. "State of principal license" means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the compact.

3. Eligibility.

a. A physician must meet the eligibility requirements as defined in subsection 2, paragraph "k", to receive an expedited license under the terms and provisions of the compact.

b. A physician who does not meet the requirements of subsection 2, paragraph "k", may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the compact, relating to the issuance of a license to practice medicine in that state.

4. Designation of state of principal license.

a. A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the compact if the physician possesses a full and unrestricted license to practice medicine in that state, and the state is:

(1) The state of primary residence for the physician, or

(2) The state where at least twenty-five percent of the practice of medicine occurs, or

(3) The location of the physician's employer, or

(4) If no state qualifies under subparagraph (1), subparagraph (2), or subparagraph (3), the state designated as state of residence for purposes of federal income tax.

b. A physician may redesignate a member state as the state of principal license at any time, as long as the state meets the requirements in paragraph "a".

c. The interstate commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.

5. Application and issuance of expedited licensure.

a. A physician seeking licensure through the compact shall file an application for an expedited license with the member board of the state selected by the physician as the state of principal license.

b. Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility, to the interstate commission.

(1) Static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination, and other qualifications as determined by the interstate commission through rule, shall not be subject to additional

primary source verification where already primary source-verified by the state of principal license.

(2) The member board within the state selected as the state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, 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.

(3) Appeal on the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the law of that state.

c. Upon verification in paragraph “b”, physicians eligible for an expedited license shall complete the registration process established by the interstate commission to receive a license in a member state selected pursuant to paragraph “a”, including the payment of any applicable fees.

d. After receiving verification of eligibility under paragraph “b” and any fees under paragraph “c”, a member board shall issue an expedited license to the physician. This license shall authorize the physician to practice medicine in the issuing state consistent with the medical practice act and all applicable laws and regulations of the issuing member board and member state.

e. An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other physicians holding a full and unrestricted license within the member state.

f. An expedited license obtained through the compact shall be terminated if a physician fails to maintain a license in the state of principal license for a nondisciplinary reason, without redesignation of a new state of principal license.

g. The interstate commission is authorized to develop rules regarding the application process, including payment of any applicable fees, and the issuance of an expedited license.

6. *Fees for expedited licensure.*

a. A member state issuing an expedited license authorizing the practice of medicine in that state may impose a fee for a license issued or renewed through the compact.

b. The interstate commission is authorized to develop rules regarding fees for expedited licenses.

7. *Renewal and continued participation.*

a. A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the interstate commission if the physician satisfies the following:

(1) Maintains a full and unrestricted license in a state of principal license.

(2) Has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction.

(3) Has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license.

(4) Has not had a controlled substance license or permit suspended or revoked by a state or the United States drug enforcement administration.

b. Physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by a member state.

c. The interstate commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board.

d. Upon receipt of any renewal fees collected in paragraph “c”, a member board shall renew the physician’s license.

e. Physician information collected by the interstate commission during the renewal process will be distributed to all member boards.

f. The interstate commission is authorized to develop rules to address renewal of licenses obtained through the compact.

8. *Coordinated information system.*

a. The interstate commission shall establish a database of all physicians licensed, or who have applied for licensure, under subsection 5.

b. Notwithstanding any other provision of law, member boards shall report to the interstate commission any public action or complaints against a licensed physician who has applied or received an expedited license through the compact.

c. Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the interstate commission.

d. Member boards may report any nonpublic complaint, disciplinary, or investigatory information not required by paragraph "c" to the interstate commission.

e. Member boards shall share complaint or disciplinary information about a physician upon request of another member board.

f. All information provided to the interstate commission or distributed by member boards shall be confidential, filed under seal, and used only for investigatory or disciplinary matters.

g. The interstate commission is authorized to develop rules for mandated or discretionary sharing of information by member boards.

9. *Joint investigations.*

a. Licensure and disciplinary records of physicians are deemed investigative.

b. In addition to the authority granted to a member board by its respective medical practice Act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards.

c. A subpoena issued by a member state shall be enforceable in other member states.

d. Member boards may share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

e. Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine.

10. *Disciplinary actions.*

a. Any disciplinary action taken by any member board against a physician licensed through the compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the medical practice Act or regulations in that state.

b. If a license granted to a physician by the member board in the state of principal license is revoked, surrendered, or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the medical practice Act of that state.

c. If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided and either:

(1) Impose the same or lesser sanctions against the physician so long as such sanctions are consistent with the medical practice Act of that state, or

(2) Pursue separate disciplinary action against the physician under its respective medical practice Act, regardless of the action taken in other member states.

d. If a license granted to a physician by a member board is revoked, surrendered, or relinquished in lieu of discipline, or suspended, then any licenses issued to the physician by any other member boards shall be suspended, automatically and immediately without further action necessary by the other member boards, for ninety days upon entry of the order by the disciplining board, to permit the member boards to investigate the basis for the action under the medical practice Act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the ninety-day suspension period in a manner consistent with the medical practice Act of that state.

11. *Interstate medical licensure compact commission.*

a. The member states hereby create the interstate medical licensure compact commission.

b. The purpose of the interstate commission is the administration of the interstate medical licensure compact, which is a discretionary state function.

c. The interstate commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in the compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the compact.

d. The interstate commission shall consist of two voting representatives appointed by each member state who shall serve as commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board. A commissioner shall be one of the following:

- (1) An allopathic or osteopathic physician appointed to a member board.
- (2) An executive director, executive secretary, or similar executive of a member board.
- (3) A member of the public appointed to a member board.

e. The interstate commission shall meet at least once each calendar year. A portion of this meeting shall be a business meeting to address such matters as may properly come before the commission, including the election of officers. The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states.

f. The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication.

g. Each commissioner participating at a meeting of the interstate commission is entitled to one vote. A majority of commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission. A commissioner shall not delegate a vote to another commissioner. In the absence of its commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of paragraph "d".

h. The interstate commission shall provide public notice of all meetings and all meetings shall be open to the public. The interstate commission may close a meeting, in full or in portion, where it determines by a two-thirds vote of the commissioners present that an open meeting would be likely to result in one or more of the following:

- (1) Relate solely to the internal personnel practices and procedures of the interstate commission.
- (2) Discuss matters specifically exempted from disclosure by federal statute.
- (3) Discuss trade secrets, commercial, or financial information that is privileged or confidential.
- (4) Involve accusing a person of a crime, or formally censuring a person.
- (5) Discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.
- (6) Discuss investigative records compiled for law enforcement purposes.
- (7) Specifically relate to the participation in a civil action or other legal proceeding.

i. The interstate commission shall keep minutes which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including record of any roll call votes.

j. The interstate commission shall make its information and official records, to the extent not otherwise designated in the compact or by its rules, available to the public for inspection.

k. The interstate commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rulemaking, during periods when the interstate commission is not in session. When acting on behalf of the interstate commission, the executive committee shall oversee the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as necessary.

l. The interstate commission may establish other committees for governance and administration of the compact.

12. *Powers and duties of the interstate commission.* The interstate commission shall have power to perform the following functions:

- a. Oversee and maintain the administration of the compact.

- b. Promulgate rules which shall be binding to the extent and in the manner provided for in the compact.
- c. Issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the compact, its bylaws, rules, and actions.
- d. Enforce compliance with compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.
- e. Establish and appoint committees including but not limited to an executive committee as required by subsection 11, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties.
- f. Pay, or provide for the payment of, the expenses related to the establishment, organization, and ongoing activities of the interstate commission.
- g. Establish and maintain one or more offices.
- h. Borrow, accept, hire, or contract for services of personnel.
- i. Purchase and maintain insurance and bonds.
- j. Employ an executive director who shall have such powers to employ, select, or appoint employees, agents, or consultants, and to determine their qualifications, define their duties, and fix their compensation.
- k. Establish personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.
- l. Accept donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same in a manner consistent with the conflict of interest policies established by the interstate commission.
- m. Lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use, any property, real, personal, or mixed.
- n. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.
- o. Establish a budget and make expenditures.
- p. Adopt a seal and bylaws governing the management and operation of the interstate commission.
- q. Report annually to the legislatures and governors of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include reports of financial audits and any recommendations that may have been adopted by the interstate commission.
- r. Coordinate education, training, and public awareness regarding the compact, its implementation, and its operation.
- s. Maintain records in accordance with the bylaws.
- t. Seek and obtain trademarks, copyrights, and patents.
- u. Perform such functions as may be necessary or appropriate to achieve the purposes of the compact.
13. *Finance powers.*
- a. The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff. The total assessment must be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.
- b. The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.
- c. The interstate commission shall not pledge the credit of any of the member states, except by, and with the authority of, the member state.
- d. The interstate commission shall be subject to a yearly financial audit conducted by a certified or licensed public accountant and the report of the audit shall be included in the annual report of the interstate commission.
14. *Organization and operation of the interstate commission.*

a. The interstate commission shall, by a majority of commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact within twelve months of the first interstate commission meeting.

b. The interstate commission shall elect or appoint annually from among its commissioners a chairperson, a vice chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice chairperson, shall preside at all meetings of the interstate commission.

c. Officers selected in paragraph "b" shall serve without remuneration from the interstate commission.

d. The officers and employees of the interstate commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties, or responsibilities, provided that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(1) The liability of the executive director and employees of the interstate commission or representatives of the interstate commission, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this paragraph "d" shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(2) The interstate commission shall defend the executive director, its employees, and subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(3) To the extent not covered by the state involved, member state, or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorney fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

15. *Rulemaking functions of the interstate commission.*

a. The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event the interstate commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect.

b. Rules deemed appropriate for the operations of the interstate commission shall be made pursuant to a rulemaking process that substantially conforms to the model state administrative procedure Act of 2010, and subsequent amendments thereto.

c. Not later than thirty days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States district court for the District of Columbia or the federal district where the interstate commission has its principal offices, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court

shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the interstate commission.

16. *Oversight of interstate compact.*

a. The executive, legislative, and judicial branches of state government in each member state shall enforce the compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of the compact and the rules promulgated hereunder shall have standing as statutory law but shall not override existing state authority to regulate the practice of medicine.

b. 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 the compact which may affect the powers, responsibilities, or actions of the interstate commission.

c. The interstate commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, the compact, or promulgated rules.

17. *Enforcement of interstate compact.*

a. The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the compact.

b. The interstate commission may, by majority vote of the commissioners, initiate legal action in the United States district court for the District of Columbia, or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

c. The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

18. *Default procedures.*

a. The grounds for default include but are not limited to failure of a member state to perform such obligations or responsibilities imposed upon it by the compact, or the rules and bylaws of the interstate commission promulgated under the compact.

b. If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the compact, or the bylaws or promulgated rules, the interstate commission shall do the following:

(1) Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default.

(2) Provide remedial training and specific technical assistance regarding the default.

c. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the commissioners and all rights, privileges, and benefits conferred by the compact shall terminate 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 the default.

d. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

e. The interstate commission shall establish rules and procedures to address licenses and physicians that are materially impacted by the termination of a member state, or the withdrawal of a member state.

f. The member state which has been terminated is responsible for all dues, obligations, and liabilities incurred through the effective date of termination including obligations, the performance of which extends beyond the effective date of termination.

g. The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.

h. The defaulting state may appeal the action of the interstate commission by petitioning the United States district court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

19. *Dispute resolution.*

a. The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states or member boards.

b. The interstate commission shall promulgate rules providing for both mediation and binding dispute resolution as appropriate.

20. *Member states, effective date, and amendment.*

a. Any state is eligible to become a member state of the compact.

b. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than seven states. Thereafter, it shall become effective and binding on a state upon enactment of the compact into law by that state.

c. The governors of nonmember states, or their designees, shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states.

d. The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

21. *Withdrawal.*

a. Once effective, the compact shall continue in force and remain binding upon each and every member state, provided that a member state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

b. Withdrawal from the compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.

c. The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing the compact in the withdrawing state.

d. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty days of its receipt of notice provided under paragraph "c".

e. The withdrawing state is responsible for all dues, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

f. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

g. The interstate commission is authorized to develop rules to address the impact of the withdrawal of a member state on licenses granted in other member states to physicians who designated the withdrawing member state as the state of principal license.

22. *Dissolution.*

a. The compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

b. Upon the dissolution of the compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

23. *Severability and construction.*

a. The provisions of the compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

b. The provisions of the compact shall be liberally construed to effectuate its purposes.

c. Nothing in the compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

24. *Binding effect of compact and other laws.*

a. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

b. All laws in a member state in conflict with the compact are superseded to the extent of the conflict.

c. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.

d. All agreements between the interstate commission and the member states are binding in accordance with their terms.

e. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

DIVISION XIII ENTREPRENEUR INVESTMENT AWARDS PROGRAM

Sec. 83. Section 15E.362, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

15E.362 Entrepreneur investment awards program.

1. For purposes of this division, unless the context otherwise requires:

a. “*Business development services*” includes but is not limited to corporate development services, business model development services, business planning services, marketing services, financial strategies and management services, mentoring and management coaching, and networking services.

b. “*Eligible entrepreneurial assistance provider*” means a person meeting the requirements of subsection 3.

c. “*Financial assistance*” means the same as defined in section 15.327.

d. “*Program*” means the entrepreneur investment awards program administered pursuant to this division.

2. The authority shall establish and administer an entrepreneur investment awards program for purposes of providing financial assistance to eligible entrepreneurial assistance providers that provide technical and financial assistance to entrepreneurs and start-up companies seeking to create, locate, or expand a business in the state. Financial assistance under the program shall be provided from the entrepreneur investment awards program fund created in section 15E.363.

3. In order to be eligible for financial assistance under the program an entrepreneurial assistance provider must meet all of the following requirements:

a. The provider must have its principal place of operations located in this state.

b. The provider must offer a comprehensive set of business development services to emerging and early-stage innovation companies to assist in the creation, location, growth, and long-term success of the company in this state.

c. The business development services may be performed at the physical location of the provider or the company.

d. The business development services may be provided in consideration of equity participation in the company, a fee for services, a membership agreement with the company, or any combination thereof.

4. Entrepreneurial assistance providers may apply for financial assistance under the program in the manner and form prescribed by the authority.

5. The economic development authority board in its discretion may approve, deny, or defer each application for financial assistance under the program from persons it determines to be an eligible entrepreneurial assistance provider.

6. Subject to subsection 7, the amount of financial assistance awarded to an eligible entrepreneurial assistance provider shall be within the discretion of the authority.

7. *a.* The maximum amount of financial assistance awarded to an eligible entrepreneurial assistance provider shall not exceed two hundred thousand dollars.

b. The maximum amount of financial assistance provided under the program shall not exceed one million dollars in a fiscal year.

8. The authority shall award financial assistance on a competitive basis. In making awards of financial assistance, the authority may develop scoring criteria and establish minimum requirements for the receipt of financial assistance under the program. In making awards of financial assistance, the authority may consider all of the following:

a. The business experience of the professional staff employed or retained by the eligible entrepreneurial assistance provider.

b. The business plan review capacity of the professional staff of the eligible entrepreneurial assistance provider.

c. The expertise in all aspects of business disciplines of the professional staff of the eligible entrepreneurial assistance provider.

d. The access of the eligible entrepreneurial assistance provider to external service providers, including legal, accounting, marketing, and financial services.

e. The service model and likelihood of success of the eligible entrepreneurial assistance provider and its similarity to other successful entrepreneurial assistance providers in the country.

f. The financial need of the eligible entrepreneurial assistance provider.

9. Financial assistance awarded to an eligible entrepreneurial assistance provider shall only be used for the purpose of operating costs incurred by the eligible entrepreneurial assistance provider in providing business development services to emerging and early-stage innovation companies in this state. Such financial assistance shall not be distributed to owners or investors of the company to which business development services are provided and shall not be distributed to other persons assisting with the provision of business development services to the company.

10. The authority may contract with outside service providers for assistance with the program or may delegate the administration of the program to the Iowa innovation corporation pursuant to section 15.106B.

11. The authority may make client referrals to eligible entrepreneurial assistance providers.

Sec. 84. Section 15E.363, subsection 3, Code 2015, is amended to read as follows:

3. ~~The Moneys credited to the fund are appropriated to the authority and shall be used to provide grants under the entrepreneur investment awards program established in section 15E.362~~ financial assistance under the program.

DIVISION XIV HOUSING ENTERPRISE TAX CREDIT

Sec. 85. 2014 Iowa Acts, chapter 1130, is amended by adding the following new section:
NEW SECTION. SEC. 41A. Notwithstanding the section of this Act repealing section 15E.193B, the economic development authority may enter into an agreement and issue housing enterprise tax credits to a housing business if all the following conditions are met:

1. The city or county in which the enterprise zone is located mailed, or caused to be mailed, the necessary program application forms on or after June 1, 2014, and prior to July 1, 2014, but the applications were not received by the economic development authority. The economic development authority may accept an affidavit by a city to confirm timely mailing of the application forms, notwithstanding section 622.105.

2. The application forms submitted pursuant to subsection 1 were approved by all necessary governing bodies and commissions of the city or county as required by chapter 15E, division XVIII, Code 2014.

3. The economic development authority determines the housing business would otherwise be eligible under section 15E.193B, Code 2014.

4. The city or county and the eligible housing business meet all other requirements of the housing enterprise tax credit program under chapter 15E, division XVIII, Code 2014, and the agreement to be entered into pursuant to this section.

Sec. 86. 2014 Iowa Acts, chapter 1130, section 43, subsection 1, is amended to read as follows:

1. On or after the effective date of this division of this Act, a city or county shall not create an enterprise zone under chapter 15E, division XVIII, or enter into a new agreement or amend an existing agreement under chapter 15E, division XVIII, unless otherwise authorized in this Act.

Sec. 87. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 88. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2014.

DIVISION XV COURT DEBT

Sec. 89. Section 321.40, subsection 9, Code 2015, is amended to read as follows:

9. *a.* The clerk of the district court shall notify the county treasurer of any delinquent court debt, as defined in section 602.8107, which is being collected by the ~~centralized collection unit of the department of revenue~~ private collection designee pursuant to section 602.8107, subsection 3, or the county attorney pursuant to section 602.8107, subsection 4. The county treasurer shall refuse to renew the vehicle registration of the applicant upon such notification from the clerk of the district court in regard to such applicant.

b. If the applicant enters into or renews a ~~payment plan~~ an installment agreement as defined in section 602.8107, that is satisfactory to the ~~centralized collection unit of the department of revenue~~ private collection designee, the county attorney, or the county attorney's designee, the ~~centralized collection unit or the county attorney~~ private collection designee, county attorney, or a county attorney's designee shall provide the county treasurer with written or electronic notice of the ~~payment plan~~ installment agreement within five days of entering into such a ~~plan~~ the installment agreement. The county treasurer shall temporarily lift the registration hold on an applicant for a period of ten days if the treasurer receives such notice in order to allow the applicant to register a vehicle for the year. If the applicant remains current in compliance with the ~~payment plan~~ installment agreement entered into with the ~~centralized collection unit~~ private collection designee or the county attorney or the county attorney's designee, subsequent lifts of registration holds shall be granted without additional restrictions.

Sec. 90. Section 321.210A, subsection 2, Code 2015, is amended to read as follows:

2. If after suspension, the person enters into an installment agreement with the county attorney, the county attorney's designee, or the ~~centralized collection unit of the department of revenue~~ private collection designee in accordance with section 321.210B to pay the fine, penalty, court cost, or surcharge, the person's license shall be reinstated by the department upon receipt of a report of an executed installment agreement.

Sec. 91. Section 321.210B, subsections 1, 3, 8, 9, 11, and 14, Code 2015, are amended to read as follows:

1. If a person's fine, penalty, surcharge, or court cost is deemed delinquent as provided in section 602.8107, subsection 2, and the person's driver's license has been suspended pursuant to section 321.210A, the person may execute an installment agreement as defined in section 602.8107 with the county attorney, the county attorney's designee, or the ~~centralized collection unit of the department of revenue~~ private collection designee under contract with the judicial branch pursuant to section 602.8107, subsection 5, to pay the delinquent amount and the ~~fee~~ civil penalty assessed in subsection 7 in installments. Prior to execution of the installment agreement, the person shall provide the county attorney, the county attorney's

designee, or the ~~centralized collection unit of the department of revenue~~ private collection designee with a financial statement in order for the parties to the agreement to determine the amount of the installment payments.

3. The county attorney, the county attorney's designee, or the ~~centralized collection unit of the department of revenue~~ private collection designee shall file or give notice of the installment agreement with the clerk of the district court in the county where the fine, penalty, surcharge, or court cost was imposed, within five days of execution of the agreement.

8. Upon determination by the county attorney, the county attorney's designee, or the ~~centralized collection unit of the department of revenue~~ private collection designee that the person is in default, the county attorney, the county attorney's designee, or the ~~centralized collection unit~~ private collection designee shall notify the clerk of the district court.

9. The clerk of the district court, upon receipt of a notification of a default from the county attorney, the county attorney's designee, or the ~~centralized collection unit of the department of revenue~~ private collection designee, shall report the default to the department of transportation.

11. If a new fine, penalty, surcharge, or court cost is imposed on a person after the person has executed an installment agreement with the county attorney, the county attorney's designee, or the ~~centralized collection unit of the department of revenue~~ private collection designee, and the new fine, penalty, surcharge, or court cost is deemed delinquent as provided in section 602.8107, subsection 2, and the person's driver's license has been suspended pursuant to section 321.210A, the person may enter into a second installment agreement with the county attorney, county attorney's designee, or the ~~centralized collection unit of the department of revenue~~ private collection designee to pay the delinquent amount and the fee civil penalty, if assessed, in subsection 7 in installments.

14. Except for a civil penalty assessed and collected pursuant to subsection 7, any amount collected under the installment agreement by the county attorney or the county attorney's designee shall be distributed as provided in section 602.8107, subsection 4, and any amount collected by the ~~centralized collection unit of the department of revenue~~ private collection designee shall be deposited with the clerk of the district court for distribution under section 602.8108.

Sec. 92. Section 602.8107, subsection 1, Code 2015, is amended to read as follows:

1. *Definition.* As used in this section, "~~court debt~~" unless the context otherwise requires:

a. "Court debt" means all fines, penalties, court costs, fees, forfeited bail, surcharges under chapter 911, victim restitution, court-appointed attorney fees or expenses of a public defender ordered pursuant to section 815.9, or fees charged pursuant to section 356.7 or 904.108.

b. "Installment agreement" means an agreement made for the payment of court debt in installments.

c. "Installment payment" means the partial payment of court debt which is divided into portions that are made payable at different times.

Sec. 93. Section 602.8107, subsection 3, Code 2015, is amended to read as follows:

3. *Collection by* ~~centralized collection unit of department of revenue~~ private collection designee under contract with the judicial branch.

a. Thirty days after court debt has been assessed, or if an installment payment is not received within thirty days after the date it is due, the judicial branch shall assign a case to the ~~centralized collection unit of the department of revenue or its designee~~ private collection designee under contract with the judicial branch pursuant to subsection 5 to collect debts owed to the clerk of the district court ~~for a period of one year~~.

b. In addition, court debt which is being collected under an installment agreement pursuant to section 321.210B which is in default that remains delinquent shall ~~also be assigned to the centralized collection unit of the department of revenue or its designee for a period of one year~~ remain assigned to the private collection designee if the installment agreement was executed with the private collection designee; or to the county attorney or county attorney's designee if the installment agreement was executed with the county attorney or county attorney's designee.

~~c. If a county attorney has filed with the clerk of the district court a full commitment to collect delinquent court debt pursuant to subsection 4, the court debt in a case shall be assigned after sixty days to the county attorney as provided in subsection 4, if the court debt in a case has not been placed in an established payment plan by the centralized collection unit is not part of an installment agreement with the private collection designee under contract with the judicial branch pursuant to subsection 5. For all other delinquent court debt not assigned to a county attorney pursuant to subsection 4, the delinquent court debt shall be assigned to a private collection designee as provided in subsection 5, after one year, if the delinquent court debt in a case has not been placed in an established payment plan by the centralized collection unit.~~

~~a. The department of revenue may impose a fee established by rule to reflect the cost of processing which shall be added to the debt owed to the clerk of the district court. Any amounts collected by the unit shall first be applied to the processing fee. The remaining amounts shall be remitted to the clerk of the district court for the county in which the debt is owed. The judicial branch may prescribe rules to implement this subsection. These rules may provide for remittance of processing fees to the department of revenue or its designee.~~

~~b. Satisfaction of the outstanding court debt occurs only when all fees or charges and the outstanding court debt is paid in full. Payment of the outstanding court debt only shall not be considered payment in full for satisfaction purposes.~~

Sec. 94. Section 602.8107, subsection 4, paragraph g, Code 2015, is amended by striking the paragraph.

Sec. 95. Section 602.8107, subsection 5, paragraph a, Code 2015, is amended to read as follows:

a. The judicial branch shall contract with a private collection designee for the collection of court debt one year after the court debt in a case is deemed delinquent pursuant to subsection 2 if the county attorney is not collecting the court debt in a case pursuant to subsection 4. The judicial branch shall solicit requests for proposals prior to entering into any contract pursuant to this subsection.

Sec. 96. Section 602.8107, subsection 5, paragraph e, Code 2015, is amended by striking the paragraph and inserting in lieu thereof the following:

e. The private collection designee may utilize any debt collection methods including but not limited to attachment, execution, or garnishment.

DIVISION XVI RESIDENTIAL SWIMMING POOLS

Sec. 97. RESIDENTIAL SWIMMING POOLS — PRIVATE SWIMMING LESSONS. Notwithstanding any provision of law to the contrary, the department of public health shall require that a residential swimming pool used for private swimming lessons for up to two hundred seven hours in a calendar month, or the number of hours prescribed by local ordinance applicable to such use of a residential swimming pool, whichever is greater, be regulated as a residential swimming pool used for commercial purposes pursuant to chapter 135I. The department of public health may adopt rules to implement this section.

Sec. 98. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVII ONLINE LEARNING

Sec. 99. Section 256.7, subsection 32, paragraph c, Code 2015, is amended to read as follows:

c. Adopt rules that limit the statewide enrollment of pupils in educational instruction and course content that are delivered primarily over the internet to not more than eighteen one-hundredths of one percent of the statewide enrollment of all pupils, and that limit the

number of pupils participating in open enrollment for purposes of receiving educational instruction and course content that are delivered primarily over the internet to no more than one percent of a sending district's enrollment. Until June 30, 2015 2018, students such limitations shall not apply if the limitations would prevent siblings from enrolling in the same school district or if a sending district determines that the educational needs of a physically or emotionally fragile student would be best served by educational instruction and course content that are delivered primarily over the internet. Students who meet the requirements of section 282.18 may participate in open enrollment under this paragraph "c" for purposes of enrolling only in the CAM community school district or the Clayton Ridge community school district.

(01) The department, in collaboration with the international association for K-12 online learning, shall annually collect data on student performance in educational instruction and course content that are delivered primarily over the internet pursuant to this paragraph "c". The department shall include such data in its annual report to the general assembly pursuant to subparagraph (3) and shall post the data on the department's internet site.

(1) School districts providing educational instruction and course content that are delivered primarily over the internet pursuant to this paragraph "c" shall annually submit to the department, in the manner prescribed by the department, data that includes but is not limited to student the following:

(a) Student achievement and demographic characteristics, ~~retention.~~

(b) Retention rates, ~~and the,~~

(c) The percentage of enrolled students' active participation in extracurricular activities.

(d) Academic proficiency levels, consistent with requirements applicable to all school districts and accredited nonpublic schools in this state.

(e) Academic growth measures, which shall include either of the following:

(i) Entry and exit assessments in, at a minimum, math and English for elementary and middle school students, and additional subjects, including science, for high school students.

(ii) State-required assessments that track year-over-year improvements in academic proficiency.

(f) Academic mobility. To facilitate the tracking of academic mobility, school districts shall request the following information from the parent or guardian of a student enrolled in educational instruction and course content that are delivered primarily over the internet pursuant to this paragraph "c":

(i) For a student newly enrolling, the reasons for choosing such enrollment.

(ii) For a student terminating enrollment, the reasons for terminating such enrollment.

(g) Student progress toward graduation. Measurement of such progress shall account for specific characteristics of each enrolled student, including but not limited to age and course credit accrued prior to enrollment in educational instruction and course content that are delivered primarily over the internet pursuant to this paragraph "c", and shall be consistent with evidence-based best practices.

(2) The department shall conduct annually a survey of not less than ten percent of the total number of students enrolled as authorized under this paragraph "c" and section 282.18, and not less than one hundred percent of the students in those districts who are enrolled as authorized under this paragraph "c" and section 282.18 and who are eligible for free or reduced price meals under the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. §§1751-1785, to determine whether students are enrolled under this paragraph "c" and section 282.18 to receive educational instruction and course content primarily over the internet or are students who are receiving competent private instruction from a licensed practitioner provided through a school district pursuant to chapter 299A.

(3) The department shall compile and review the data collected pursuant to this paragraph "c" and shall submit its findings and recommendations for the continued delivery of instruction and course content by school districts pursuant to this paragraph "c", in a report to the general assembly by January 15 annually.

(4) This paragraph "e" is repealed July 1, 2015. School districts providing educational instruction and course content that are delivered primarily over the internet pursuant to this

paragraph “c” shall comply with the following requirements relating to such instruction and content:

(a) Monitoring and verifying full-time student enrollment, timely completion of graduation requirements, course credit accrual, and course completion.

(b) Monitoring and verifying student progress and performance in each course through a school-based assessment plan that includes submission of coursework and security and validity of testing.

(c) Conducting parent-teacher conferences.

(d) Administering assessments required by the state to all students in a proctored setting and pursuant to state law.

Sec. 100. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 101. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, applies retroactively to June 30, 2015.

*DIVISION XVIII
HEALTH CARRIER DISCLOSURES

Sec. 102. **NEW SECTION. 514K.2 Health carrier disclosures — public internet sites.**

1. A carrier that provides small group health coverage pursuant to chapter 513B or individual health coverage pursuant to chapter 513C and that offers for sale a policy, contract, or plan that covers the essential health benefits required pursuant to section 1302 of the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, and its implementing regulations, shall provide to each of its enrollees at the time of enrollment, and shall make available to prospective enrollees and enrollees, insurance producers licensed under chapter 522B, and the general public, on the carrier’s internet site, all of the following information in a clear and understandable form for use in comparing policies, contracts, and plans, and coverage and premiums:

a. Any exclusions from coverage and any restrictions on the use or quantity of covered items and services in each category of benefits, including prescription drugs and drugs administered by a physician or clinic.

b. Any items or services, including prescription drugs, that have a coinsurance requirement where the cost-sharing required depends on the cost of the item or service.

c. The specific prescription drugs available on the carrier’s formulary, the specific prescription drugs covered when furnished by a physician or clinic, and any clinical prerequisites or prior authorization requirements for coverage of the drugs.

d. The specific types of specialists available in the carrier’s network and the specific physicians included in the carrier’s network.

e. The process for an enrollee to appeal a carrier’s denial of coverage of an item or service prescribed or ordered by the enrollee’s treating physician.

f. How medications will specifically be included in or excluded from the deductible, including a description of all out-of-pocket costs that may not apply to the deductible for a prescription drug.

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

3. The commissioner may impose any of the sanctions provided under chapter 507B for a violation of this section.

Sec. 103. **NEW SECTION. 514K.3 Health care plan internal appeals process — disclosure requirements.**

1. A carrier that provides small group health coverage pursuant to chapter 513B or individual health coverage pursuant to chapter 513C through the issuance of nongrandfathered health plans as defined in section 1251 of the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, and in 45 C.F.R. §147.140, shall implement and maintain procedures for carrying out an effective internal claims and appeals process that

* Item veto; see message at end of the Act

meets the requirements established pursuant to section 2719 of the federal Public Health Service Act, 42 U.S.C. §300gg-19, and 45 C.F.R. §147.136. The procedures shall include but are not limited to all of the following:

- a. Expedited notification to enrollees of benefit determinations involving urgent care.
 - b. Full and fair internal review of claims and appeals.
 - c. Avoidance of conflicts of interest.
 - d. Sufficient notice to enrollees, including a description of available internal claims and appeals procedures, as well as information about how to initiate an appeal of a denial of coverage.
2. a. A carrier that provides health coverage as described in subsection 1 shall maintain written records of all requests for internal claims and appeals that are received and for which internal review was performed during each calendar year. Such records shall be maintained for at least three years.
- b. A carrier that provides health coverage as described in subsection 1 shall submit to the commissioner, upon request, a report that includes all of the following:
- (1) The total number of requests for internal review of claims and appeals that are received by the carrier each year.
 - (2) The average length of time for resolution of each request for internal review of a claim or appeal.
 - (3) A summary of the types of coverage or cases for which internal review of a claim or appeal was requested.
 - (4) Any other information required by the commissioner in a format specified by rule.
3. A carrier that provides health coverage as described in subsection 1 shall make available to consumers written notice of the carrier's internal claims and appeals and internal review procedures and shall maintain a toll-free consumer-assistance telephone helpline that offers consumers assistance with the carrier's internal claims and appeals and internal review procedures, including how to initiate, complete, or submit a claim or appeal.
4. The commissioner may adopt rules pursuant to chapter 17A to administer this section.

Sec. 104. APPLICABILITY. This division of this Act is applicable to health insurance policies, contracts, or plans that are delivered, issued for delivery, continued, or renewed on or after January 1, 2016.*

DIVISION XIX REFUND FRAUD — INCOME TAXES

Sec. 105. Section 421.17, subsection 23, Code 2015, is amended to read as follows:

23. To develop, modify, or contract with vendors to create or administer systems or programs which identify nonfilers of returns or nonpayers of taxes administered by the department and to identify and prevent the issuance of fraudulent or erroneous refunds. Fees for services, reimbursements, costs incurred by the department, or other remuneration may be funded from the amount of tax, penalty, or interest actually collected and shall be paid only after the amount is collected. An amount is appropriated from the amount of tax, penalty, and interest actually collected, not to exceed the amount collected, which is sufficient to pay for services, reimbursement, costs incurred by the department, or other remuneration pursuant to this subsection. Vendors entering into a contract with the department pursuant to this subsection are subject to the requirements and penalties of the confidentiality laws of this state regarding tax information. The director shall report annually to the legislative services agency and the chairpersons and ranking members of the ways and means committees on the amount of costs incurred and paid during the previous fiscal year pursuant to this subsection and the incidence of refund fraud and the costs incurred and amounts prevented from issuance during the previous fiscal year pursuant to this subsection.

* Item veto; see message at end of the Act

Sec. 106. IMPLEMENTATION — REPORT. The director of revenue shall implement the procedures required by this division of this Act no later than January 1, 2016. The director shall submit a report on the director's progress in implementing the procedures required by this division of this Act to the general assembly by October 3, 2016. The report shall include any statutory changes necessary to facilitate the implementation of this division of this Act.

DIVISION XX
ANGEL INVESTOR TAX CREDITS

Sec. 107. Section 2.48, subsection 3, paragraph d, subparagraph (1), Code 2015, is amended to read as follows:

(1) Tax credits for investments in qualifying businesses ~~and community-based seed capital funds~~ under chapter 15E, division V.

Sec. 108. Section 15.119, subsection 2, paragraph d, Code 2015, is amended to read as follows:

d. The tax credits for investments in qualifying businesses ~~and community-based seed capital funds~~ issued pursuant to section 15E.43. In allocating tax credits pursuant to this subsection, the authority shall allocate two million dollars for purposes of this paragraph, unless the authority determines that the tax credits awarded will be less than that amount.

Sec. 109. Section 15E.41, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

15E.41 Purpose.

The purpose of this division is to stimulate job growth, create wealth, and accelerate the creation of new ventures by using investment tax credits to incentivize the transfer of capital from investors to entrepreneurs, particularly during early-stage growth.

Sec. 110. Section 15E.42, Code 2015, is amended by adding the following new subsection:
NEW SUBSECTION. 2A. "*Entrepreneurial assistance program*" includes the entrepreneur investment awards program administered under section 15E.362, the receipt of services from a service provider engaged pursuant to section 15.411, subsection 1, or the program administered under section 15.411, subsection 2.

Sec. 111. Section 15E.42, subsection 3, Code 2015, is amended to read as follows:

3. "*Investor*" means a person making a cash investment in a qualifying business ~~or in a community-based seed capital fund~~. "*Investor*" does not include a person that holds at least a seventy percent ownership interest as an owner, member, or shareholder in a qualifying business.

Sec. 112. Section 15E.42, subsection 4, Code 2015, is amended by striking the subsection.

Sec. 113. Section 15E.43, subsections 1 and 2, Code 2015, are amended to read as follows:

1. a. For tax years beginning on or after January 1, ~~2002~~ 2015, a tax credit shall be allowed against the taxes imposed in chapter 422, divisions II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for a portion of a taxpayer's equity investment, as provided in subsection 2, in a qualifying business ~~or a community-based seed capital fund~~.

b. An individual may claim a tax credit under this ~~paragraph~~ 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.

~~b. c. A tax credit shall be allowed only for an investment made in the form of cash to purchase equity in a qualifying business or in a community-based seed capital fund. A taxpayer that has received a tax credit for an investment in a community-based seed capital fund shall not claim the tax credit prior to the third tax year following the tax year in which the investment is made. Any tax credit in excess of the taxpayer's liability for the tax year~~

~~may be credited to the tax liability for the following five 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 taxpayer redeems the tax credit.~~

~~e. In the case of a tax credit allowed against the taxes imposed in chapter 422, division II, where the taxpayer died prior to redeeming the entire tax credit, the remaining credit can be redeemed on the decedent's final income tax return.~~

~~d. For a tax credit claimed against the taxes imposed in chapter 422, division II, any tax credit in excess of the tax liability is refundable. In lieu of claiming a refund, the taxpayer may elect to have the overpayment shown on the taxpayer's final, completed return credited to the tax liability for the following tax year. For a tax credit claimed against the taxes imposed in chapter 422, divisions III and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, any tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following three 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 taxpayer redeems the tax credit.~~

~~2. a. The amount of the tax credit shall equal ~~twenty~~ twenty-five percent of the taxpayer's equity investment.~~

~~b. The maximum amount of a tax credit for an investment by an investor in any one qualifying business shall be fifty thousand dollars. Each year, an investor and all affiliates of the investor shall not claim tax credits under this section for more than five different investments in five different qualifying businesses that may be issued per calendar year to a natural person and the person's spouse or dependent shall not exceed one hundred thousand dollars combined. For purposes of this paragraph, a tax credit issued to a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual shall be deemed to be issued to the individual owners based upon the pro rata share of the individual's earnings from the entity. For purposes of this paragraph, "dependent" has the same meaning as provided by the Internal Revenue Code.~~

~~c. The maximum amount of tax credits that may be issued per calendar year for equity investments in any one qualifying business shall not exceed five hundred thousand dollars.~~

Sec. 114. Section 15E.43, subsections 5 and 7, Code 2015, are amended to read as follows:

5. A tax credit shall not be ~~transferable~~ transferred to any other taxpayer person.

7. The authority shall develop a system for registration and ~~authorization~~ issuance of tax credits authorized pursuant to this division and shall control distribution of all tax ~~credits distributed~~ credit certificates to investors pursuant to this division. The authority shall develop rules for the qualification and administration of qualifying businesses and ~~community-based seed capital funds~~. The department of revenue shall adopt ~~these criteria as administrative rules and any other rules pursuant to chapter 17A as necessary for the administration of this division.~~

Sec. 115. Section 15E.43, subsections 6 and 8, Code 2015, are amended by striking the subsections.

Sec. 116. Section 15E.44, subsection 2, paragraph c, Code 2015, is amended by striking the paragraph and inserting in lieu thereof the following:

c. The business is participating in an entrepreneurial assistance program. The authority may waive this requirement if a business establishes that its owners, directors, officers, and employees have an appropriate level of experience such that participation in an entrepreneurial assistance program would not materially change the prospects of the business. The authority may consult with outside service providers in consideration of such a waiver.

Sec. 117. Section 15E.44, subsection 2, paragraphs e and f, Code 2015, are amended to read as follows:

e. The business shall not have a net worth that exceeds ~~five ten~~ million dollars.

f. The business shall have secured all of the following at the time of application for tax credits:

(1) At least two investors.

(2) total Total equity financing, ~~near equity financing~~, binding investment commitments, or some combination thereof, equal to at least ~~two hundred fifty~~ five hundred thousand dollars, from investors. For purposes of this subparagraph, “investor” includes a person who executes a binding investment commitment to a business.

Sec. 118. Section 15E.46, Code 2015, is amended to read as follows:

15E.46 Reports Confidentiality — reports.

1. Except as provided in subsection 2, all information or records in the possession of the authority with respect to this division shall be presumed by the authority to be a trade secret protected under chapter 550 or common law and shall be kept confidential by the authority unless otherwise ordered by a court.

2. All of the following shall be considered public information under chapter 22:

a. The identity of a qualifying business.

b. The identity of an investor and the qualifying business in which the investor made an equity investment.

c. The number of tax credit certificates issued by the authority.

d. The total dollar amount of tax credits issued by the authority.

3. The authority shall publish an annual report of the activities conducted pursuant to this division and shall submit the report to the governor and the general assembly. The report shall include a listing of eligible qualifying businesses and the number of tax credit certificates and the amount of tax credits issued by the authority.

Sec. 119. Section 15E.52, subsection 4, Code 2015, is amended to read as follows:

4. A taxpayer shall not claim a tax credit under this section if the taxpayer is a venture capital investment fund allocation manager for the Iowa fund of funds created in section 15E.65 or an investor that receives a tax credit for the same investment in a qualifying business as described in section 15E.44 or in a community-based seed capital fund as described in section 15E.45, Code 2015.

Sec. 120. Section 422.11F, subsection 1, Code 2015, is amended to read as follows:

1. The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by an investment tax credit authorized pursuant to section 15E.43 for an investment in a qualifying business ~~or a community-based seed capital fund~~.

Sec. 121. Section 422.33, subsection 12, paragraph a, Code 2015, is amended to read as follows:

a. The taxes imposed under this division shall be reduced by an investment tax credit authorized pursuant to section 15E.43 for an investment in a qualifying business ~~or a community-based seed capital fund~~.

Sec. 122. Section 422.60, subsection 5, paragraph a, Code 2015, is amended to read as follows:

a. The taxes imposed under this division shall be reduced by an investment tax credit authorized pursuant to section 15E.43 for an investment in a qualifying business ~~or a community-based seed capital fund~~.

Sec. 123. Section 432.12C, subsection 1, Code 2015, is amended to read as follows:

1. The tax imposed under this chapter shall be reduced by an investment tax credit authorized pursuant to section 15E.43 for an investment in a qualifying business ~~or a community-based seed capital fund~~.

Sec. 124. REPEAL. Section 15E.45, Code 2015, is repealed.

Sec. 125. TAX CREDIT CLAIMS. Tax credits for equity investments in qualifying businesses made on or after the effective date of this division of this Act shall not be issued by the economic development authority prior to July 1, 2016, and shall not be claimed by a taxpayer prior to September 1, 2016.

Sec. 126. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 127. APPLICABILITY. Unless otherwise provided in this division of this Act, this division of this Act applies to equity investments in a qualifying business made on or after the effective date of this division of this Act, and equity investments made in a qualifying business or community-based seed capital fund prior to the effective date of this division of this Act shall be governed by sections 15E.41 through 15E.46, 422.11F, 422.33, 422.60, 432.12C, and 533.329, Code 2015.

Sec. 128. APPLICABILITY. The sections of this division of this Act amending section 15E.44, subsection 2, apply to businesses that submit an application to the economic development authority to be registered as a qualifying business on or after the effective date of this division of this Act, and businesses that submit an application to the economic development authority to be registered as a qualifying business before the effective date of this division of this Act shall be governed by section 15E.44, subsection 2, Code 2015.

DIVISION XXI WORKFORCE HOUSING TAX INCENTIVES PROGRAM

Sec. 129. Section 15.354, subsection 3, paragraph e, Code 2015, is amended to read as follows:

e. (1) Upon review of the examination and verification of the amount of the qualifying new investment, the authority may issue a tax credit certificate to the housing business stating the amount of workforce housing investment tax credits under section 15.355 the eligible housing business may claim.

(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, 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 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 15.353, subsection 3, the authority shall determine the eligible housing business to be in default under the agreement and shall not issue a tax credit certificate.

Sec. 130. Section 15.355, subsection 2, Code 2015, 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. The refund available pursuant to this subsection shall be as provided in section 15.331A to the extent applicable for purposes of this program, 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. 131. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 132. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to May 30, 2014, for all agreements entered into pursuant to Code section 15.354 on or after that date.

DIVISION XXII

MISCELLANEOUS CHANGES TO ECONOMIC DEVELOPMENT AUTHORITY PROGRAMS

Sec. 133. Section 15.293B, subsection 4, Code 2015, is amended to read as follows:

4. A registered project shall be completed within thirty months of the date the project was registered unless the authority, upon recommendation of the council and approval of the board, provides additional time to complete the project. ~~A project shall not be provided more than twelve months of additional time.~~ If the registered project is not completed within the time required, the project is not eligible to claim a tax credit provided in section 15.293A.

Sec. 134. SPECIAL PROJECT EXTENSION. Notwithstanding any other provision of law to the contrary, the economic development authority may extend the project completion date for a project awarded tax incentives under both the redevelopment tax credit program in sections 15.293A and 15.293B and the housing enterprise zone tax incentives program in section 15E.193B, Code 2014, if the property that is the subject of the project suffered a catastrophic fire during the 2014 calendar year.

Sec. 135. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 136. RETROACTIVE APPLICABILITY. The section of this division of this Act amending Code section 15.293B applies retroactively to qualifying redevelopment project agreements entered into on or after July 1, 2010, for which a request for a project extension is submitted to the economic development authority on or after January 1, 2015.

DIVISION XXIII

HUMAN TRAFFICKING

Sec. 137. Section 702.11, subsection 1, Code 2015, is amended to read as follows:

1. A “*forcible felony*” is any felonious child endangerment, assault, murder, sexual abuse, kidnapping, robbery, human trafficking, arson in the first degree, or burglary in the first degree.

Sec. 138. NEW SECTION. 710A.6 Outreach, public awareness, and training programs.

The crime victim assistance division of the department of justice, in cooperation with other governmental agencies and nongovernmental or community organizations, shall develop and conduct outreach, public awareness, and training programs for the general public, law enforcement agencies, first responders, potential victims, and persons conducting or regularly dealing with businesses or other ventures that have a high statistical incidence of debt bondage or forced labor or services. The programs shall train participants to recognize and report incidents of human trafficking and to suppress the demand that fosters exploitation of persons and leads to human trafficking.

Sec. 139. Section 915.94, Code 2015, is amended to read as follows:

915.94 Victim compensation fund.

A victim compensation fund is established as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for the purposes of section 915.41 and this subchapter. In addition, the department may use moneys from the fund for the purpose of the department’s prosecutor-based victim service coordination, including the duties defined in sections 910.3 and 910.6 and this chapter, and for the award of funds to programs that provide services and support to victims of domestic abuse or sexual assault as provided in chapter 236, to victims under section 710A.2, and for

the support of an automated victim notification system established in section 915.10A. ~~The~~ For each fiscal year, the department may also use up to ~~one~~ three hundred thousand dollars from the fund to provide training for victim service providers, to provide training for related professionals concerning victim service programming, and to provide training concerning homicide, domestic assault, sexual assault, stalking, harassment, and human trafficking as required by section 710A.6. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

Sec. 140. 2012 Iowa Acts, chapter 1138, section 7, subsection 1, is amended to read as follows:

1. A mortgage servicing settlement fund is established, separate and apart from all other public moneys or funds of the state, under the control of the department of justice. The department of justice shall deposit moneys received by the department from the joint state-federal mortgage servicing settlement into the fund. The department of justice is authorized to make expenditures of moneys in the fund consistent with the terms of the consent decree signed in federal court on April 5, 2012. Any unencumbered or unobligated moneys remaining in the fund on June 30, 2015, shall be transferred to the ~~general fund of the state~~ human trafficking enforcement fund as established by this 2015 Act.

Sec. 141. HUMAN TRAFFICKING ENFORCEMENT FUND. A human trafficking enforcement fund is established, separate and apart from all other public moneys or funds of the state, under the control of the department of justice. The department of justice shall deposit unencumbered or unobligated moneys transferred from the mortgage servicing settlement fund into the fund. Moneys in the fund are appropriated to the department of justice for purposes of training local law enforcement, members of the state patrol, county attorneys, judicial officers, juvenile court officers, and public safety answering point personnel about recognizing and reporting incidents of human trafficking. Any moneys remaining in the fund on June 30, 2020, shall be transferred to the general fund of the state.

Sec. 142. EFFECTIVE UPON ENACTMENT. The following provision of this division, being deemed of immediate importance, takes effect upon enactment:

1. The section of this division of this Act amending 2012 Iowa Acts, chapter 1138, section 7, subsection 1.

Sec. 143. RETROACTIVE APPLICABILITY. The following provision of this division, if approved by the governor on or after July 1, 2015, applies retroactively to June 30, 2015:

1. The section of this division of this Act amending 2012 Iowa Acts, chapter 1138, section 7, subsection 1.

DIVISION XXIV
PUBLIC IMPROVEMENT LOCATION AND UNUSED PORTION OF CONDEMNED
PROPERTY

Sec. 144. Section 6B.2C, Code 2015, is amended to read as follows:

6B.2C Approval of the public improvement.

The authority to condemn is not conferred, and the condemnation proceedings shall not commence, unless the governing body for the acquiring agency approves a preliminary or final route or site location of the proposed public improvement, approves the use of condemnation, and finds that there is a reasonable expectation the applicant will be able to achieve its public purpose, comply with all applicable standards, and obtain the necessary permits.

Sec. 145. Section 6B.56, subsection 1, Code 2015, is amended to read as follows:

1. If all or a portion of real property condemned pursuant to this chapter is not used for the purpose stated in the application filed pursuant to section 6B.3 and the acquiring agency seeks to dispose of the unused real property, the acquiring agency shall first offer the unused real property for sale to the prior owner of the condemned property as provided in this section. If real property condemned pursuant to this chapter is used for the purpose stated in the

application filed pursuant to section 6B.3 and the acquiring agency seeks to dispose of the real property by sale to a private person or entity within five years after acquisition of the property, the acquiring agency shall first offer the property for sale to the prior owner of the condemned property as provided in this section. For purposes of this section, the prior owner of the real property includes the successor in interest of the real property.

Sec. 146. Section 6B.56, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. Before the real property described in subsection 1 may be offered for sale to the general public, the acquiring agency shall notify the prior owner of the such real property ~~condemned~~ in writing of the acquiring agency's intent to dispose of the real property, of the current appraised value of the real property to be offered for sale, and of the prior owner's right to purchase the real property to be offered for sale within sixty days from the date the notice is served at a price equal to the current appraised value of the real property to be offered for sale or the fair market value of the property to be offered for sale at the time it was acquired by the acquiring agency from the prior owner plus cleanup costs incurred by the acquiring agency for the property to be offered for sale, whichever is less. However, the current appraised value of the real property to be offered for sale shall be the purchase price to be paid by the previous owner if any other amount would result in a loss of federal funding for projects funded in whole or in part with federal funds. The notice sent by the acquiring agency as provided in this subsection shall be filed with the office of the recorder in the county in which the real property is located.

Sec. 147. Section 6B.56A, subsection 1, Code 2015, is amended to read as follows:

1. When five years have elapsed since property was condemned and all or a portion of the property has not been used for the purpose stated in the application filed pursuant to section 6B.3, and the acquiring agency has not taken action to dispose of the unused property pursuant to section 6B.56, the acquiring agency shall, within sixty days, adopt a resolution reaffirming the purpose for which the unused property will be used or offering the unused property for sale to the prior owner at a price as provided in section 6B.56. However, if all or a portion of such property was condemned for the creation of a lake subject to the requirements of section 6A.22, subsection 2, paragraph "c", subparagraph (1), subparagraph division (0b), the acquiring agency shall not adopt a resolution reaffirming the purpose for which the property was to be used and shall instead adopt a resolution offering the property for sale to the prior owner at a price as provided in section 6B.56. If the resolution adopted approves an offer of sale to the prior owner, the offer shall be made in writing and mailed by certified mail to the prior owner. The prior owner has one hundred eighty days after the offer is mailed to purchase the property from the acquiring agency.

Sec. 148. EFFECTIVE DATE. This division of this Act takes effect upon enactment.

Sec. 149. APPLICABILITY. The section of this division of this Act amending section 6B.2C applies to public improvement projects for which an application under section 6B.3 is filed on or after the effective date of this division of this Act.

Sec. 150. APPLICABILITY. The sections of this division of this Act amending sections 6B.56 and 6B.56A apply to the disposition of condemned property occurring on or after the effective date of this division of this Act.

DIVISION XXV CONDEMNATION FOR CREATION OF A LAKE — NUMBER OF ACRES

Sec. 151. Section 6A.22, subsection 2, paragraph c, subparagraph (1), subparagraph division (b), Code 2015, is amended to read as follows:

(b) (i) For purposes of this subparagraph (1), "*number of acres justified as necessary for a surface drinking water source*" means according to guidelines of the United States natural resource conservation service and according to analyses of surface drinking water capacity needs conducted by one or more registered professional engineers.

(ii) For condemnation proceedings for which the application pursuant to section 6B.3 was filed after January 1, 2013, for condemnation of property located in a county with a population of greater than nine thousand two hundred fifty but less than nine thousand three hundred, according to the 2010 federal decennial census, which property sought to be condemned was in whole or in part described in a petition filed under section 6A.24, subsection 2, after January 1, 2013, but before January 1, 2014, regardless of whether the petitioner was determined by a court to not be a proper acquiring agency, “number of acres justified as necessary for a surface drinking water source”, as determined under subparagraph subdivision (i) shall not exceed the number of acres that would be necessary to provide the amount of drinking water to meet the needs of a population equal to the population of the county where the lake is to be developed or created, according to the most recent federal decennial census.

Sec. 152. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXVI
CONDEMNATION FOR CREATION OF A LAKE — EXISTING SOURCES

Sec. 153. Section 6A.22, subsection 2, paragraph c, subparagraph (1), Code 2015, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (0b) For condemnation of property located in a county with a population of greater than nine thousand two hundred fifty but less than nine thousand three hundred, according to the 2010 federal decennial census, prior to making a determination that development or creation of a lake as a surface drinking water source is reasonable and necessary, the acquiring agency shall conduct a review of feasible alternatives to development or creation of a lake as a surface drinking water source. An acquiring agency shall not have the authority to condemn private property for the development or creation of a lake as a surface drinking water source if one or more feasible alternatives to provision of a drinking water source exist. An alternative that results in the physical expansion of an existing drinking water source is presumed to be a feasible alternative to development or creation of a lake as a surface drinking water source. An alternative that supplies drinking water by pipeline or other method of transportation or transmission from an existing source located within or outside this state at a reasonable cost is a feasible alternative to development or creation of a lake as a surface drinking water source. If private property is to be condemned for development or creation of a lake, only that number of acres justified as necessary for a surface drinking water source, and not otherwise acquired, may be condemned. Development or creation of a lake as a surface drinking water source includes all of the following:

(i) Construction of the dam, including sites for suitable borrow material and the auxiliary spillway.

(ii) The water supply pool.

(iii) The sediment pool.

(iv) The flood control pool.

(v) The floodwater retarding pool.

(vi) The surrounding area upstream of the dam no higher in elevation than the top of the dam's elevation.

(vii) The appropriate setback distance required by state or federal laws and regulations to protect drinking water supply.

Sec. 154. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 155. APPLICABILITY. This division of this Act applies to projects or condemnation proceedings pending or commenced on or after the effective date of this division of this Act.

*DIVISION XXVII
JUDICIAL OFFICER COMPENSATION FUND

Sec. 156. Section 602.1302, subsection 1, Code 2015, is amended to read as follows:

1. Except as otherwise provided by sections 602.1303, 602.1304, 602.1515, and 602.8108 or other applicable law, the expenses of operating and maintaining the judicial branch shall be paid out of the general fund of the state from funds appropriated by the general assembly for the judicial branch. State funding shall be phased in as provided in section 602.11101.

Sec. 157. NEW SECTION. 602.1515 Judicial officer compensation fund — established — future repeal.

1. A judicial officer compensation fund is created in the state treasury under the control of the judicial branch for the purpose of enhancing judicial officer compensation. Notwithstanding section 602.8108, the state court administrator shall allocate to the treasurer of state for deposit in the judicial officer compensation fund the first two million dollars of the moneys received under section 602.8108, subsection 1, during the fiscal year beginning July 1, 2015, and each fiscal year thereafter. Moneys in the fund shall not be subject to appropriation for any other purpose by the general assembly. The annual salary rate for a judicial officer shall remain at the rate established by 2013 Iowa Acts, chapter 140, section 40, until otherwise provided by the general assembly.

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

3. This section is repealed on June 30, 2020.*

DIVISION XXVIII
DISABLED VETERAN HOMESTEAD CREDIT — TRANSFER

Sec. 158. DISABLED VETERAN HOMESTEAD CREDIT — TRANSFER. Notwithstanding section 8B.33, subsection 1, and in lieu of the general fund appropriation provided in section 425.1 to the extent such appropriation would otherwise fund the payment of homestead credit claims under section 425.15 filed after July 1, 2014, but before July 1, 2015, and considered properly filed for taxes due and payable in the fiscal year beginning July 1, 2015, pursuant to the section of House File 616,⁴² if enacted, amending 2015 Iowa Acts, House File 166,⁴³ there is transferred for the fiscal year beginning July 1, 2015, from the lowAccess revolving fund created in section 8B.33 to the homestead credit fund created in section 425.1 an amount necessary to pay homestead credit claims filed after July 1, 2014, but before July 1, 2015, and considered properly filed for taxes due and payable in the fiscal year beginning July 1, 2015, pursuant to the section of House File 616,⁴⁴ if enacted, amending 2015 Iowa Acts, House File 166.⁴⁵

Sec. 159. CONTINGENT EFFECTIVENESS. This division of this Act takes effect only if the section of House File 616⁴⁶ amending 2015 Iowa Acts, House File 166,⁴⁷ is enacted.

Sec. 160. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to March 5, 2015.

DIVISION XXIX
CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS

Sec. 161. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, takes effect upon enactment.

* Item veto; see message at end of the Act

⁴² Chapter 116 herein

⁴³ Chapter 6 herein

⁴⁴ Chapter 116 herein

⁴⁵ Chapter 6 herein

⁴⁶ Chapter 116 herein

⁴⁷ Chapter 6 herein

Sec. 162. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, applies retroactively to July 1, 2015.

Approved July 2, 2015, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 510, an Act relating to state and local finances by making appropriations, providing for fees, providing for legal responsibilities, providing for certain employee benefits, and providing for regulatory, taxation, and properly related matters, and including penalties and effective date and retroactive and other applicability provisions.

Senate File 510 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Division X, in its entirety. This item would permanently move the standing appropriation for the State Appeal Board from the General Fund to the Economic Emergency Fund. This was not my recommendation. This item undermines best financial practices, which require an economic emergency fund truly be used for emergencies.

I am unable to approve the item designated as Division XVIII, in its entirety. This item requires health insurance carriers to provide certain disclosures regarding internal appeals processes and prescription drug coverage. These overly burdensome regulations are duplicative and unnecessary because federal law and state law require health insurance carriers to extensively disclose details about their health plans. Additionally, current law already grants the Iowa Insurance Division authority in promulgating administrative rules in order to ensure health insurance carriers provide adequate and proper disclosures regarding their plans.

I am unable to approve the item designated as Division XXVII, in its entirety. This item sets aside a one-time funding source to fund possible raises for judges in the future years. I recommended judicial raises for fiscal year 2016 and I am disappointed the legislature did not fund raises for judges. I believe judicial raises should be funded in a straight-forward manner. Funding ongoing salary expenses with a one-time funding source is a bad budgeting practice.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 510 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 139

APPROPRIATIONS — INFRASTRUCTURE AND CAPITAL PROJECTS

H.F. 650

AN ACT relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund and the revenue bonds capitals II fund, providing for related matters, and including effective date and retroactive 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 ADMINISTRATIVE SERVICES

For major maintenance projects included on the department of administrative services unfunded major maintenance project requests list issued for the third quarter of fiscal year 2014-2015:

FY 2015-2016:

..... \$ 9,974,856

However, of the moneys appropriated in this subsection, \$350,000 is transferred to the department of human services and is appropriated for the costs of security, building and grounds maintenance, utilities, salary, and support for the facilities located at the Iowa juvenile home at Toledo.

2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

a. (1) For deposit in the water quality initiative fund created in section 466B.45 for purposes of supporting the water quality initiative administered by the soil conservation division as provided in section 466B.42, including salaries, support, maintenance, and miscellaneous purposes, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2015-2016:

..... \$ 5,200,000

(2) (a) The moneys appropriated in this lettered paragraph shall be used to support projects in subwatersheds as designated by the department 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 this lettered paragraph 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.

(c) Of the moneys appropriated in this lettered paragraph, \$450,000 is allocated to the Iowa nutrient research center at Iowa state university of science and technology for nutrient water monitoring network technology and equipment. Of the moneys allocated in this subparagraph division, not more than \$150,000 may be used for the operations and maintenance of the nutrient water monitoring network.

(3) In supporting projects in subwatersheds and watersheds 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 a demonstration project on a cost-share basis as determined by the division. However, 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 this lettered paragraph shall be used to support education and outreach in a manner that encourages persons who hold a legal interest in agricultural land used for farming to implement water quality practices, including the establishment of such practices in watersheds generally, and not limited to subwatersheds or high-priority watersheds.

(5) The moneys appropriated in this lettered paragraph may be used to contract with persons to coordinate the implementation of efforts provided in this paragraph.

(6) The moneys appropriated in this lettered paragraph may be used by the department to support urban soil and water conservation efforts, which may include but are not limited to management practices related to bioretention, landscaping, the use of permeable or pervious pavement, and soil quality restoration. The moneys shall be allocated on a cost-share basis as provided in chapter 161A.

(7) Notwithstanding any other provision of law to the contrary, the department may use moneys appropriated in this lettered paragraph to carry out the provisions of this paragraph on a cost-share basis in combination with other moneys available to the department from a state or federal source.

(8) Not more than 10 percent of the moneys appropriated in this lettered paragraph may be used for costs of administration and implementation of the water quality initiative administered by the soil conservation division.

b. For deposit in the agricultural drainage well water quality assistance fund created in section 460.303 for purposes of supporting the agricultural drainage well water quality assistance program as provided in section 460.304, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2015-2016: \$ 1,920,000

3. DEPARTMENT OF CORRECTIONS

For infrastructure costs addressing life and safety needs at facilities owned or operated by the fifth judicial district department of correctional services:

FY 2015-2016: \$ 500,000

4. DEPARTMENT OF CULTURAL AFFAIRS

a. For deposit in the Iowa great places program fund created in section 303.3D for Iowa great places program projects that meet the definition of “vertical infrastructure” in section 8.57, subsection 5, paragraph “c”:

FY 2015-2016: \$ 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 2015-2016: \$ 500,000

c. For the funding of a civil war monument located in a county with a population between 20,900 and 21,000 as determined by the 2010 federal decennial census:

FY 2015-2016: \$ 150,000

d. For the funding of a veterans memorial, including installation and associated infrastructure costs, located in a city with a population between 175 and 190, that is located in a county with a population between 8,500 and 8,800, each as determined by the 2010 federal decennial census:

FY 2015-2016 \$ 12,000

5. ECONOMIC DEVELOPMENT AUTHORITY

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

FY 2015-2016: \$ 5,000,000

b. For equal distribution to regional sports authority districts certified by the department pursuant to section 15E.321, notwithstanding section 8.57, subsection 5, paragraph "c":

FY 2015-2016: \$ 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 2015-2016: \$ 300,000

d. For restoration and improvements at the museum at Fort Des Moines:

FY 2015-2016: \$ 150,000

6. DEPARTMENT OF HUMAN SERVICES

a. For the renovation and construction of certain nursing facilities, consistent with the provisions of chapter 249K:

FY 2015-2016: \$ 728,818

b. For a grant to a nonprofit organization specializing in brain injury rehabilitation by providing post-acute inpatient and outpatient rehabilitation, as well as long-term skilled, supported, and independent living services for people who have sustained a traumatic brain injury due to a stroke, tumor, aneurysm, or other brain injury, in a city with a population between 45,000 and 46,000 as determined by the 2010 federal decennial census, for costs associated with the construction of an outpatient therapy center:

FY 2015-2016: \$ 500,000

c. For a grant to a nonprofit organization that provides vocational, residential, community employment, and living services to assist persons with disabilities, in a city with a population between 25,300 and 26,000 as determined by the 2010 federal decennial census, for costs associated with construction of a building for use by the organization:

FY 2015-2016: \$ 500,000

d. For a grant to a nonprofit organization that provides youth emergency and shelter services for children and their families located in a county with a population of more than 400,000 as determined by the 2010 federal decennial census, for infrastructure costs for expansion of an emergency youth shelter facility:

FY 2015-2016: \$ 500,000

The grant recipient that receives funding pursuant to this lettered paragraph shall provide at least a dollar-for-dollar match of moneys received from both private and public sources excluding funding from the state.

7. DEPARTMENT OF NATURAL RESOURCES

a. For implementation of lake projects that have established watershed improvement initiatives and community support in accordance with the department's annual lake restoration plan and report, notwithstanding section 8.57, subsection 5, paragraph "c":

FY 2015-2016:	\$ 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 2015-2016:	\$ 1,750,000
c. For state park infrastructure improvements:	
FY 2015-2016:	\$ 5,000,000
8. DEPARTMENT OF PUBLIC SAFETY	
To the fire service training bureau for costs associated with acquiring mobile fire training and related fire equipment, notwithstanding section 8.57, subsection 5, paragraph “c”:	
FY 2015-2016:	\$ 100,000
The bureau shall provide for at least a dollar-for-dollar match of moneys received from both private and public sources excluding funding from the state.	
9. DEPARTMENT OF PUBLIC DEFENSE	
a. For major maintenance projects at national guard armories and facilities:	
FY 2015-2016:	\$ 2,000,000
b. For improvement projects for Iowa national guard installations and readiness centers to support operations and training requirements:	
FY 2015-2016:	\$ 2,000,000
c. For construction improvement projects at the Camp Dodge facility:	
FY 2015-2016:	\$ 500,000
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 2015-2016:	\$ 30,237,549
b. For construction of a student innovation center at Iowa state university of science and technology:	
FY 2016-2017:	\$ 1,000,000
FY 2017-2018:	\$ 9,000,000
FY 2018-2019:	\$ 10,000,000
FY 2019-2020:	\$ 10,000,000
FY 2020-2021:	\$ 10,000,000
11. DEPARTMENT OF TRANSPORTATION	
a. For acquiring, constructing, and improving multi-use recreational trails within the state:	
FY 2015-2016:	\$ 3,400,000
Moneys appropriated in this lettered paragraph shall be used for multi-purpose recreational trails including walking, biking, snowmobiling, skiing, and equestrian purposes where possible.	

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 2015-2016:

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

c. For infrastructure improvements at the commercial service airports within the state:

FY 2015-2016:

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

d. For infrastructure improvements at general aviation airports within the state:

FY 2015-2016:

..... \$ 750,000

e. For deposit in the railroad revolving loan and grant fund created in section 327H.20A, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2015-2016:

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

12. TREASURER OF STATE

For distribution in accordance with chapter 174 to qualified fairs which belong to the association of Iowa fairs for county fair infrastructure improvements:

FY 2015-2016:

..... \$ 1,060,000

13. IOWA VETERANS HOME

a. For replacement of the emergency fuel tanks for boilers and generators and installment of spill containment equipment:

FY 2015-2016:

..... \$ 1,800,000

b. For renovation of the laundry facilities at the Malloy building:

FY 2015-2016:

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

c. For the replacement of air handler units at the Sheeler, Loftus, Malloy, and Dack buildings:

FY 2015-2016:

..... \$ 6,000,000

d. For the renovation of the Loftus ramp for compliance with the federal Americans with Disabilities Act:

FY 2016-2017:

..... \$ 500,000

e. For renovation of the Sheeler and Loftus buildings:

FY 2016-2017:

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

Sec. 2. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION II

REBUILD IOWA INFRASTRUCTURE FUND — TECHNOLOGY APPROPRIATIONS

Sec. 3. REBUILD IOWA INFRASTRUCTURE FUND — TECHNOLOGY APPROPRIATIONS. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, notwithstanding section 8.57, subsection 5, paragraph “c”:

1. DEPARTMENT OF EDUCATION

a. For the continued development and implementation of an educational data warehouse that will be utilized by teachers, parents, school district administrators, area education agency staff, department of education staff, and policymakers:

..... \$ 600,000

The department may use a portion of the moneys appropriated in this lettered paragraph for an e-transcript data system capable of tracking students throughout their education via interconnectivity with multiple schools.

b. For maintenance and lease costs associated with connections for part III of the Iowa communications network:

..... \$ 2,727,000

c. To the public broadcasting division for the replacement of equipment and for tower and facility maintenance:

..... \$ 1,256,200

2. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

For replacement of equipment for the Iowa communications network:

..... \$ 2,248,653

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

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

3. DEPARTMENT OF HUMAN RIGHTS

a. For the cost of equipment and computer software for the continued development and implementation of Iowa’s criminal justice information system:

..... \$ 1,300,000

b. For the costs associated with the justice enterprise data warehouse:

..... \$ 159,474

4. 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 completion of the comprehensive electronic grant management system:

..... \$ 50,000

5. DEPARTMENT OF PUBLIC HEALTH

a. For the development of an integrated data system for maternal health, child health, oral health, family planning, the maternal, infant, and early childhood home visiting program, the healthy opportunities for parents to experience success program, the school-based dental sealant program, and the 1st five program within the department:

..... \$ 500,000

**b. For acquisition of software relating to the licensure and regulation of the practice of polysomnography:*

..... \$ 36,000

c. For expanding information technology resources and research activities of the Iowa registry for congenital and inherited disorders to allow for the acquisition and dissemination of additional birth defect and stillbirth information:

..... \$ 300,000*

6. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

For the implementation of a statewide mass notification and emergency messaging system:

..... \$ 400,000

7. BOARD OF REGENTS

* Item veto; see message at end of the Act

a. For purposes of purchasing and installing equipment within the college of veterinary medicine, at Iowa state university of science and technology for use by the college in the treatment of cancer:

..... \$ 330,000

The equipment referred to in this lettered paragraph may be a linear accelerator or other equipment associated with radiosurgery or other targeted cancer therapies.

b. For funds to be distributed to Iowa public radio for a radio transmitter:

..... \$ 100,000

8. SECRETARY OF STATE

a. For the updating and upgrading capabilities of aging voter registration systems and business services data systems to meet current and future expectations of open and transparent elections:

..... \$ 450,000

b. For data processing services to support voter registration file maintenance and storage:

..... \$ 234,000

c. Moneys appropriated in this subsection shall be expended by the secretary of state in consultation with the office of the chief information officer.

9. TREASURER OF STATE

For costs associated with creating an Iowa ABLE savings plan trust as established in section 12I.2, if 2015 Iowa Acts, Senate File 505,¹ or similar legislation enacting section 12I.2, is enacted:

..... \$ 50,000

Sec. 4. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION III
MISCELLANEOUS APPROPRIATIONS

Sec. 5. REVENUE BONDS CAPITALS II FUND.

1. There is appropriated from the revenue bonds capitals II fund created in section 12.88A to the department of administrative services for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For major maintenance projects:

..... \$ 4,646,841

2. Any remaining unobligated or unencumbered balance in the revenue bonds capitals II fund created in section 12.88A at the close of the fiscal year beginning July 1, 2015, is appropriated to the department of administrative services for the fiscal year beginning July 1, 2016, for major maintenance projects.

DIVISION IV
CHANGES TO PRIOR APPROPRIATIONS

Sec. 6. 2008 Iowa Acts, chapter 1179, section 20, as amended by 2009 Iowa Acts, chapter 173, section 25, and 2013 Iowa Acts, chapter 142, section 41, is amended to read as follows:

SEC. 20. REVERSION.

1. Except as provided in subsections 2 through 4 and notwithstanding section 8.33, moneys appropriated in this division of this Act for the fiscal year beginning July 1, 2008, and ending June 30, 2009, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that

¹ Chapter 137 herein

begins July 1, 2012, or until the project for which the appropriation was made is completed, whichever is earlier.

2. Notwithstanding section 8.33, moneys appropriated in section 18, subsection 9, paragraph “a”, of this division as amended by 2009 Iowa Acts, chapter 173, section 24, that remain unencumbered or unobligated at the close of the fiscal year for which they were appropriated shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2017, or until the project for which the appropriation was made is completed, whichever is earlier.

3. Notwithstanding section 8.33, moneys appropriated in section 18, subsection 1, paragraph “h”, of this division of this Act as amended by 2009 Iowa Acts, chapter 173, section 23, that remain unencumbered or unobligated at the close of the fiscal year for which the appropriation was made shall not revert but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2013, or until the project for which the appropriation was made is completed, whichever is earlier.

4. Notwithstanding section 8.33, moneys appropriated to the department of economic development in section 18, subsection 4, paragraph “a”, of this division of this Act as amended by 2009 Iowa Acts, chapter 173, section 24, and 2011 Iowa Acts, chapter 133, section 34, that remain unencumbered or unobligated at the close of the fiscal year for which the appropriation was made shall not revert but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2014, or until the project for which the appropriation was made is completed, whichever is earlier.

5. Notwithstanding section 8.33, moneys appropriated to the department of economic development in section 18, subsection 4, paragraph “b”, of this division of this Act as amended by 2009 Iowa Acts, chapter 173, section 24, and 2011 Iowa Acts, chapter 133, section 34, that remain unencumbered or unobligated at the close of the fiscal year for which the appropriation was made shall not revert but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2016, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 7. 2011 Iowa Acts, chapter 133, 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. Notwithstanding section 8.33, moneys appropriated in section 1, subsection 10, paragraph “c”, as amended by 2012 Iowa Acts, chapter 1140, section 15, unless specifically provided otherwise, that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2014, shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2017.

Sec. 8. 2011 Iowa Acts, chapter 133, section 4, is amended to read as follows:

SEC. 4. 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, moneys appropriated in section 3, subsection 8, paragraph “b”, of this division of this Act as amended by 2012 Iowa Acts, chapter 1140, section 18, that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2014, shall not revert but shall remain available

for the purpose designated until the close of the fiscal year that begins July 1, 2016, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 9. 2014 Iowa Acts, chapter 1136, section 1, subsection 7, paragraph d, is amended to read as follows:

d. For the renovation, modernization, and associated improvements to an educational center for teacher education and preparation at the university of northern Iowa:

FY 2015-2016:		
.....	\$	11,000,000
		15,000,000
FY 2016-2017:		
.....	\$	13,600,000
		15,900,000
FY 2017-2018:		
.....	\$	6,300,000

Sec. 10. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 11. RETROACTIVE APPLICABILITY. This division of this Act, if approved by the governor on or after July 1, 2015, applies retroactively to June 30, 2015.

DIVISION V
MISCELLANEOUS CODE CHANGES

Sec. 12. Section 8.57C, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. There is appropriated from the general fund of the state for the following fiscal year beginning July 1, 2014, and for each subsequent fiscal year thereafter years, the sum of seventeen million five hundred thousand dollars to the technology reinvestment fund:;

- (1) The fiscal year beginning July 1, 2014, and ending June 30, 2015.
- (2) The fiscal year beginning July 1, 2016, and for each subsequent fiscal year thereafter.

DIVISION VI
CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS

Sec. 13. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, takes effect upon enactment.

Sec. 14. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, applies retroactively to July 1, 2015.

Approved July 2, 2015, with exceptions noted.

TERRY E. BRANSTAD, Governor

Dear Mr. Secretary:

I hereby transmit House File 650, an Act relating to and making appropriations to state departments and agencies from the Rebuild Iowa Infrastructure Fund and the Revenue Bonds Capitals II Fund, providing for related matters, and including effective date and retroactive applicability provisions.

House File 650 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 3, numbered paragraph 5, lettered paragraph b, in its entirety. This item funds the acquisition of software relating to the licensure and regulation of the practice of polysomnography. The Board of Respiratory Care and Polysomnography receives its revenues from licensing fees; therefore, an appropriation from this fund is inappropriate.

I am unable to approve the item designated as Section 3, numbered paragraph 5, lettered paragraph c, in its entirety. This item funds operational expenses for the Congenital and Inherited Disorders Registry. Iowa Code section 8.57 establishes the Rebuild Iowa Infrastructure Fund (RIIF). Iowa Code states this fund is to support “public vertical infrastructure projects,” and expressly excludes the use of funds to offset “operational expenses.” Funding ongoing operational costs from this fund is inappropriate.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 650 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, Governor

CHAPTER 140

APPROPRIATIONS — EDUCATION

H.F. 658

AN ACT relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective date and retroactive and other applicability provisions.

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

DIVISION I

FY 2015-2016 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, 2015, and ending June 30, 2016, 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:

.....	\$	2,298,358
.....	FTEs	88.00

2. For costs associated with universal access to audio information for blind and print handicapped Iowans:

.....	\$	52,000
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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, 2015, and ending June 30, 2016, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 431,896
 FTEs 3.95

2. HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

For the loan repayment program for health care professionals established pursuant to section 261.115:

..... \$ 400,973

3. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

For purposes of providing national guard educational assistance under the program established in section 261.86:

..... \$ 5,100,233

4. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM

For the teacher shortage loan forgiveness program established in section 261.112:

..... \$ 392,452

5. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM

For purposes of the all Iowa opportunity foster care grant program established pursuant to section 261.6:

..... \$ 554,057

6. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

a. For purposes of the all Iowa opportunity scholarship program established pursuant to section 261.87:

..... \$ 2,740,854

b. For the fiscal year beginning July 1, 2015, 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, 2015, include accredited private institutions as defined in section 261.9.

7. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS PROGRAM

For purposes of the registered nurse and nurse educator loan forgiveness program established pursuant to section 261.116:

..... \$ 80,852

8. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT PROGRAM

For purposes of the barber and cosmetology arts and sciences tuition grant program established pursuant to section 261.61:

..... \$ 36,938

9. TEACH IOWA SCHOLAR PROGRAM

For purposes of the teach Iowa scholar program established pursuant to section 261.110:

..... \$ 400,000

10. RURAL IOWA PRIMARY CARE LOAN REPAYMENT PROGRAM

For purposes of the rural Iowa primary care loan repayment program established pursuant to section 261.113:

..... \$ 1,600,000

11. RURAL IOWA ADVANCED REGISTERED NURSE PRACTITIONER AND PHYSICIAN ASSISTANT LOAN REPAYMENT PROGRAM

For purposes of the rural Iowa advanced registered nurse practitioner and physician assistant loan repayment program established pursuant to section 261.114:

..... \$ 400,000

Sec. 3. IOWA TUITION GRANT APPROPRIATIONS FOR FY 2015-2016.

Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the amounts appropriated from the general fund of the state to the college student aid commission pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For Iowa tuition grants under section 261.25, subsection 1:

..... \$ 48,413,448

2. For tuition grants for students attending for-profit accredited private institutions located in Iowa under section 261.25, subsection 2:

..... \$ 1,975,000

Sec. 4. CHIROPRACTIC LOAN FUNDS. Notwithstanding section 261.72, the moneys deposited in the chiropractic loan revolving fund created pursuant to section 261.72 may be used for purposes of the chiropractic loan forgiveness program established in section 261.73.

Sec. 5. WORK-STUDY APPROPRIATION FOR FY 2015-2016. Notwithstanding section 261.85, for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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. 6. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 6,304,047
..... FTEs 81.67

By January 15, 2016, 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, 2015.

2. VOCATIONAL EDUCATION ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 598,197
..... FTEs 11.50

3. VOCATIONAL REHABILITATION SERVICES DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,911,200
..... FTEs 255.00

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, 2016, the division shall submit a written report to the general assembly on the division’s outreach efforts with community rehabilitation program providers.

b. For matching moneys for programs to enable persons with severe physical or mental disabilities to function more independently, including salaries and support, and for not more than the following full-time equivalent position:

..... \$ 89,128
..... FTEs 1.00

c. For the entrepreneurs with disabilities program established pursuant to section 259.4, subsection 9:

..... \$ 145,535

d. For costs associated with centers for independent living:

..... \$ 90,294

4. STATE LIBRARY

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,715,063
..... FTEs 29.00

b. For the enrich Iowa program established under section 256.57:

..... \$ 2,574,228

5. PUBLIC BROADCASTING DIVISION

For salaries, support, maintenance, capital expenditures, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 8,073,846

..... FTEs 86.00

6. REGIONAL TELECOMMUNICATIONS COUNCILS

For state aid:

..... \$ 992,913

a. The regional telecommunications councils established pursuant to section 8D.5, subsection 2, shall use the moneys appropriated in this subsection to provide technical assistance for network classrooms, planning and troubleshooting for local area networks, scheduling of video sites, and other related support activities.

b. Moneys appropriated in this subsection shall be distributed by the department to the regional telecommunications councils based upon usage by region.

7. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

For reimbursement for vocational education expenditures made by secondary schools:

..... \$ 2,630,134

Moneys appropriated in this subsection shall be used to reimburse school districts for vocational education expenditures made by secondary schools to meet the standards set in sections 256.11, 258.4, and 260C.14.

8. 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 20.58

9. 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:

..... \$ 5,386,113

a. From the moneys deposited in the school ready children grants account for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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.

10. EARLY CHILDHOOD IOWA FUND — PRESCHOOL TUITION ASSISTANCE

For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

..... \$ 5,428,877

11. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND PARENT EDUCATION

For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

..... \$ 12,364,434

12. 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, 2015, 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.

13. EARLY HEAD START PROJECTS

a. For early head start projects:

..... \$ 600,000

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.

14. 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:

..... \$ 650,214

b. Funding under this subsection is limited to \$20 per pupil and shall not exceed the comparable services offered to resident public school pupils.

15. 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:

..... \$ 57,391,351

..... FTEs 2.00

16. JOBS FOR AMERICA'S GRADUATES

For school districts to provide direct services to the most at-risk senior high school students enrolled in school districts through direct intervention by a jobs for America's graduates specialist:

..... \$ 700,000

17. ATTENDANCE CENTER PERFORMANCE/GENERAL INTERNET SITE AND DATA SYSTEM SUPPORT

For development of criteria and 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 2.00

18. ADMINISTRATOR MENTORING/COACHING AND SUPPORT SYSTEM

For purposes of the beginning administrator mentoring and induction program created pursuant to section 284A.5 and for development and implementation of the coaching and support system to support administrators pursuant to section 256.9, subsection 63, paragraph "b":

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

19. ENGLISH LANGUAGE LITERACY GRANT PROGRAM

For purposes of the English language literacy for all grant program established in accordance with section 256.9, subsection 65:

..... \$ 500,000

By November 1, 2015, the 25 Iowa school districts with the largest number of students identified as limited English proficient and providing educational programming because of that identification shall submit a report to the department in a manner prescribed by the department that includes the following information:

a. A cost accounting of moneys expended on limited English proficiency programming by the school district.

b. An identification of all native languages represented by limited English proficient students who are served by the school district.

c. The average number of years spent in English language learner programming for limited English proficient students served by the school district.

d. The number of full-time equivalent employees directly serving limited English proficient students and the student-to-teacher ratios for such students.

e. A review of the number and the percentage of the total of limited English proficient students achieving English language proficiency over the previous five years.

f. A list of English language learner programs not developed by the district that are being utilized by the school district for limited English proficient students.

20. ONLINE STATE JOB POSTING SYSTEM

For purposes of administering the online state job posting system in accordance with section 256.27:

..... \$ 250,000

21. COMMISSION AND COUNCIL SUPPORT

For the costs of providing department support to education commissions and councils established pursuant to 2013 Iowa Acts, chapter 121, including but not limited to the commission on educator leadership and compensation and the council on educator development:

..... \$ 25,000

22. AREA EDUCATION AGENCY SUPPORT SYSTEM

For administration of a system by which area education agencies shall support school districts implementing frameworks or comparable systems approved pursuant to section 284.15, subsection 6:

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

23. SUCCESSFUL PROGRESSION FOR EARLY READERS

For distribution to school districts for implementation of section 279.68, subsection 2:

..... \$ 8,000,000

24. 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:

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

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.

25. 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 53, paragraph "c":

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

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.

26. COMPETENCY-BASED EDUCATION

For implementation, in collaboration with the area education agencies, of certain recommendations of the competency-based instruction task force established pursuant to 2012 Iowa Acts, chapter 1119, section 2, and for not more than the following full-time equivalent position:

..... \$ 425,000

..... FTEs 1.00

The moneys appropriated in this subsection shall be used to provide grants under a competency-based instruction grant program, for writing model competencies, for plans and templates, to develop the assessment validation rubric and model assessments, and to design professional development in accordance with the recommendations of the task force.

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.

27. MIDWESTERN HIGHER EDUCATION COMPACT

a. For distribution to the midwestern higher education compact to pay Iowa’s member state annual obligation:

..... \$ 100,000

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.

28. AREA EDUCATION AGENCIES

For distribution to the area education agencies:

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

29. COMMUNITY COLLEGES

a. For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C:

..... \$ 201,274,647

Notwithstanding the allocation formula in section 260C.18C, the moneys appropriated in this subsection shall be allocated as follows:

(1) Merged Area I

..... \$ 9,930,204

(2) Merged Area II

..... \$ 10,075,468

(3) Merged Area III

..... \$ 9,325,475

(4) Merged Area IV

..... \$ 4,587,267

(5) Merged Area V

..... \$ 11,389,365

(6) Merged Area VI

..... \$ 8,937,757

(7) Merged Area VII

..... \$ 13,572,736

(8) Merged Area IX

..... \$ 17,191,538

(9) Merged Area X

..... \$ 31,470,426

(10) Merged Area XI

..... \$ 33,680,001

(11) Merged Area XII	\$	11,164,102
(12) Merged Area XIII	\$	12,118,736
(13) Merged Area XIV	\$	4,676,006
(14) Merged Area XV	\$	14,673,082
(15) Merged Area XVI	\$	8,482,484
b. For distribution to community colleges to supplement faculty salaries:	\$	500,000

STATE BOARD OF REGENTS

Sec. 7. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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:

	\$	1,094,714
	FTEs	15.00

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 2015 shall include the five-year graduation rates for the regents universities.

b. For moneys to be allocated to the southwest Iowa regents resource center in Council Bluffs:

	\$	182,734
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c. For moneys to be allocated to the northwest Iowa regents resource center in Sioux City under section 262.9, subsection 22:

	\$	96,114
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d. For moneys to be allocated to the quad-cities graduate studies center:

	\$	5,000
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e. For moneys to be distributed to Iowa public radio for public radio operations:

	\$	391,568
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2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory

For salaries, support, maintenance, equipment, financial aid, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

	\$	230,923,005
	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:

	\$	2,186,558
	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:

	\$	4,402,615
	FTEs	102.50

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:

..... \$ 1,788,265
 FTEs 190.40

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:

..... \$ 659,456
 FTEs 57.97

f. Statewide cancer registry

For the statewide cancer registry, and for not more than the following full-time equivalent positions:

..... \$ 149,051
 FTEs 2.10

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:

..... \$ 55,529
 FTEs 1.00

h. Center for biocatalysis

For the center for biocatalysis, and for not more than the following full-time equivalent positions:

..... \$ 723,727
 FTEs 6.28

i. Primary health care initiative

For the primary health care initiative in the college of medicine, and for not more than the following full-time equivalent positions:

..... \$ 648,930
 FTEs 5.89

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:

..... \$ 38,288
 FTEs 1.00

k. Larned A. Waterman Iowa nonprofit resource center

For the Larned A. Waterman Iowa nonprofit resource center, and for not more than the following full-time equivalent positions:

..... \$ 162,539
 FTEs 2.75

l. Iowa online advanced placement academy science, technology, engineering, and mathematics initiative

For the establishment of the Iowa online advanced placement academy science, technology, engineering, and mathematics initiative established pursuant to section 263.8A:

..... \$ 481,849

m. Iowa flood center

For the Iowa flood center for use by the university's college of engineering pursuant to section 466C.1:

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

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:

..... \$ 182,181,852
 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	383.34

d. Leopold center

For agricultural research grants at Iowa state university of science and technology under section 266.39B, and for not more than the following full-time equivalent positions:

.....	\$	397,417
.....	FTEs	11.25

e. 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:

.....	\$	94,276,732
.....	FTEs	1,447.50

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	3.00

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:

.....	\$	5,200,000
.....	FTEs	6.20

(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.

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	1.00

5. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	9,509,257
.....	FTEs	126.60

6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,964,688
.....	FTEs	62.87

7. TUITION AND TRANSPORTATION COSTS

For payment to local school boards for the tuition and transportation costs of students residing in the Iowa braille and sight saving school and the state school for the deaf pursuant to section 262.43 and for payment of certain clothing, prescription, and transportation costs for students at these schools pursuant to section 270.5:

.....	\$	11,763
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8. LICENSED CLASSROOM TEACHERS

For distribution at the Iowa braille and sight saving school and the Iowa school for the deaf based upon the average yearly enrollment at each school as determined by the state board of regents:

.....	\$	82,049
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Sec. 8. ENERGY COST-SAVINGS PROJECTS — FINANCING. For the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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. 9. 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, 2015, 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. 10. Section 256A.3, subsection 5, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Programs awarded grants under this subsection shall meet the national association for the education of young children program standards and accreditation criteria, the Iowa quality preschool program standards and criteria, or other approved program standards as determined by the department of education. Programs awarded grants prior to July 1, 2015, shall continue to be evaluated and assessed based on eligibility and award criteria established under rules adopted by the state board of education pursuant to section 279.51 prior to June 30, 2015.

Sec. 11. Section 256I.4, subsection 5, Code 2015, is amended to read as follows:

5. Adopt common performance measures and data reporting requirements, applicable statewide, for services, programs, and activities provided by area boards. The data from common performance measures and other data shall be posted on the early childhood Iowa internet site and disseminated by other means and shall also be aggregated to provide statewide information. The state board shall establish a submission deadline for the annual budget and any budget amendments submitted by early childhood Iowa area boards in accordance with section 256I.8, subsection 1, paragraph “d”, that allow a reasonable period

of time for preparation by the area boards and for review and approval or request for modification of the materials by the state board.

Sec. 12. Section 256I.4, Code 2015, is amended by adding the following new subsection: NEW SUBSECTION. 19. Direct staff to work with the early childhood stakeholders alliance created in section 256I.12 to inventory technical assistance needs.

Sec. 13. Section 256I.8, subsection 1, paragraph d, Code 2015, is amended to read as follows:

d. Submit an annual report on the effectiveness of the community plan in addressing school readiness and children's health and safety needs to the state board and to the local government bodies in the area. The annual report shall indicate the effectiveness of the area board in addressing state and locally determined goals and the progress on each of the community-wide indicators identified by the area board under paragraph "c", subparagraph (5). The report shall include an annual budget developed for the following fiscal year for the area's comprehensive school ready children grant for providing services for children from birth through five years of age, and provide other information specified by the state board, including budget amendments, as needed. In addition, each area board must comply with reporting provisions and other requirements adopted by the state board in implementing section 256I.9.

Sec. 14. Section 256I.11, subsection 2, Code 2015, is amended to read as follows:

2. A school ready children grants account is created in the fund under the authority of the director of the department of education. Moneys credited to the account are appropriated to and shall be distributed by the department in the form of grants to early childhood Iowa areas pursuant to criteria established by the state board in accordance with law.

a. Moneys appropriated for deposit in the school ready children grants account for purposes of preschool tuition assistance shall be used for early care, health, and education programs to assist low-income parents with tuition for preschool and other supportive services for children ages three, four, and five who are not attending kindergarten in order to increase the basic family income eligibility requirement to not more than two hundred percent of the federal poverty level. In addition, if sufficient funding is available after addressing the needs of those who meet the basic income eligibility requirement, an early childhood Iowa area board may provide for eligibility for those with a family income in excess of the basic income eligibility requirement through use of a sliding scale or other copayment provisions.

b. Moneys appropriated for deposit in the school ready children grants account for purposes of family support services and parent education programs shall be targeted to families expecting a child or with newborn and infant children through age five and shall be distributed using the distribution formula approved by the early childhood Iowa state board and shall be used by an early childhood Iowa area board only for family support services and parent education programs targeted to families expecting a child or with newborn and infant children through age five.

Sec. 15. Section 284.13, subsection 1, paragraphs a, b, c, d, and f, Code 2015, are amended to read as follows:

a. For the fiscal year beginning July 1, 2014 2015, and ending June 30, 2015 2016, to the department of education, the amount of eight hundred forty-six 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, 2014 2015, and ending June 30, 2015 2016, an amount up to four million twenty-one thousand eight hundred seventy-five dollars for first-year and second-year beginning teachers, to the department of education for distribution to school districts and area education agencies for purposes of the beginning teacher mentoring and induction programs. A school district or area education agency shall receive one thousand three hundred dollars per beginning teacher participating in the

program. If the funds appropriated for the program are insufficient to pay mentors, school districts, and area education agencies as provided in this paragraph, the department shall prorate the amount distributed to school districts and area education agencies based upon the amount appropriated. Moneys received by a school district or area education agency pursuant to this paragraph shall be expended to provide each mentor with an award of five hundred dollars per semester, at a minimum, for participation in the school district's or area education agency's beginning teacher mentoring and induction program; to implement the plan; and to pay any applicable costs of the employer's share of contributions to federal social security and the Iowa public employees' retirement system or a pension and annuity retirement system established under chapter 294, for such amounts paid by the district or area education agency.

c. For the fiscal year beginning July 1, ~~2014~~ 2015, and ending June 30, ~~2015~~ 2016, up to seven hundred eighty-six thousand eight 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 "c", 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.

d. For the fiscal year beginning July 1, ~~2014~~ 2015, and ending June 30, ~~2015~~ 2016, an amount up to one million one hundred thirty-six thousand four 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.

f. For the fiscal year beginning July 1, ~~2015~~ 2016, and for each subsequent fiscal year, to the department of education, ten million dollars for purposes of implementing the supplemental assistance for high-need schools provisions of section 284.11. Annually, of the moneys allocated to the department for purposes of this paragraph, up to one hundred thousand dollars may be used by the department for administrative purposes and for not more than one full-time equivalent position.

Sec. 16. Section 284.13, subsection 1, paragraph e, subparagraph (1), subparagraph divisions (a) and (b), Code 2015, are amended to read as follows:

~~(a) For the fiscal year beginning July 1, 2014, and ending June 30, 2015, fifty million dollars.~~

(b) For the fiscal year beginning July 1, 2015, and ending June 30, 2016, fifty million six hundred thousand dollars.

Sec. 17. Section 284.13, subsection 1, paragraph e, subparagraph (3), Code 2015, is amended to read as follows:

(3) Of the moneys allocated to the department for the purposes of this paragraph "e", for each fiscal year included in subparagraph (1), not more than ~~seven~~ six hundred ~~twenty-six thousand~~ one hundred ninety-one dollars shall be used by the department for the development of 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 subparagraph (3), 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 subparagraph (3) may be used by the department for administrative purposes and for not more than five full-time equivalent positions.

Sec. 18. REPEAL. Sections 261.92, 261.93, 261.93A, 261.94, 261.95, 261.96, and 261.97, Code 2015, are repealed.

DIVISION II
WORKFORCE TRAINING PROGRAMS — APPROPRIATIONS FY 2015-2016

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, 2015, and ending June 30, 2016, 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 \$1,467,000 shall be distributed as grants to community colleges for the purpose of adult basic education programs for students requiring instruction in English as a second language. The department shall establish an application process and criteria to award grants pursuant to this subparagraph to community colleges. The criteria shall be based on need for instruction in English as a second language in the region served by each community college as determined by factors including data from the latest federal decennial census and outreach efforts to determine regional needs.

(4) From the moneys appropriated in this lettered paragraph “b”, \$210,000 shall be transferred to the department of human services for purposes of administering a pilot project to provide access to international resources to Iowans and new Iowans to provide economic and leadership development resulting in Iowa being a more inclusive and welcoming place to live, work, and raise a family. The pilot project shall provide supplemental support services for international refugees to improve learning, English literacy, life skills, cultural competencies, and integration in a county with a population over 350,000 as determined by the 2010 federal decennial census. The department of human services shall utilize a request for proposals process to identify the entity best qualified to implement the pilot project.

c. For accelerated career education program capital projects at community colleges that are authorized under chapter 260G and that meet the definition of the term “vertical infrastructure” in section 8.57, subsection 5, paragraph “c”:

..... \$ 6,000,000

d. For deposit in the pathways for academic career and employment fund established pursuant to section 260H.2:

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

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.

DIVISION III
FY 2016-2017 APPROPRIATIONS

DEPARTMENT FOR THE BLIND

Sec. 20. ADMINISTRATION. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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:

..... \$ 1,149,179

..... FTEs 88.00

2. For costs associated with universal access to audio information for blind and print handicapped Iowans:

..... \$ 26,000

COLLEGE STUDENT AID COMMISSION

Sec. 21. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 215,948

..... FTEs 3.95

2. HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

For the loan repayment program for health care professionals established pursuant to section 261.115:

..... \$ 200,487

3. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

For purposes of providing national guard educational assistance under the program established in section 261.86:

..... \$ 2,550,117

4. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM

For the teacher shortage loan forgiveness program established in section 261.112:

..... \$ 196,226

5. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM

For purposes of the all Iowa opportunity foster care grant program established pursuant to section 261.6:

..... \$ 277,029

6. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

a. For purposes of the all Iowa opportunity scholarship program established pursuant to section 261.87:

..... \$ 1,370,427

b. For the fiscal year beginning July 1, 2016, 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, 2016, include accredited private institutions as defined in section 261.9.

7. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS PROGRAM

For purposes of the registered nurse and nurse educator loan forgiveness program established pursuant to section 261.116:

..... \$ 40,426

8. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT PROGRAM

For purposes of the barber and cosmetology arts and sciences tuition grant program established pursuant to section 261.61:

..... \$ 18,469

9. TEACH IOWA SCHOLAR PROGRAM

For purposes of the teach Iowa scholar program established pursuant to section 261.110:

..... \$ 200,000

10. RURAL IOWA PRIMARY CARE LOAN REPAYMENT PROGRAM

For purposes of the rural Iowa primary care loan repayment program established pursuant to section 261.113:

..... \$ 800,000

11. RURAL IOWA ADVANCED REGISTERED NURSE PRACTITIONER AND PHYSICIAN ASSISTANT LOAN REPAYMENT PROGRAM

For purposes of the rural Iowa advanced registered nurse practitioner and physician assistant loan repayment program established pursuant to section 261.114:

..... \$ 200,000

Sec. 22. IOWA TUITION AND VOCATIONAL TECHNICAL GRANT APPROPRIATIONS FOR FY 2016-2017. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the amounts appropriated from the general fund of the state to the college student aid commission pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For Iowa tuition grants under section 261.25, subsection 1:

..... \$ 24,206,724

2. For tuition grants for students attending for-profit accredited private institutions located in Iowa under section 261.25, subsection 2:

..... \$ 987,500

3. For vocational technical tuition grants under section 261.25, subsection 3:

..... \$ 1,125,093

Sec. 23. CHIROPRACTIC LOAN FUNDS. Notwithstanding section 261.72, the moneys deposited in the chiropractic loan revolving fund created pursuant to section 261.72 may be used for purposes of the chiropractic loan forgiveness program established in section 261.73.

Sec. 24. WORK-STUDY APPROPRIATION FOR FY 2016-2017. Notwithstanding section 261.85, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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. 25. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,152,024

..... FTEs 81.67

By January 15, 2017, 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, 2016.

2. VOCATIONAL EDUCATION ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 299,099
 FTEs 11.50

3. VOCATIONAL REHABILITATION SERVICES DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,955,600
 FTEs 255.00

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, 2016, the division shall submit a written report to the general assembly on the division’s outreach efforts with community rehabilitation program providers.

b. For matching moneys for programs to enable persons with severe physical or mental disabilities to function more independently, including salaries and support, and for not more than the following full-time equivalent position:

..... \$ 44,564
 FTEs 1.00

c. For the entrepreneurs with disabilities program established pursuant to section 259.4, subsection 9:

..... \$ 72,768

d. For costs associated with centers for independent living:

..... \$ 45,147

4. STATE LIBRARY

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,357,532
 FTEs 29.00

b. For the enrich Iowa program established under section 256.57:

..... \$ 1,287,114

5. PUBLIC BROADCASTING DIVISION

For salaries, support, maintenance, capital expenditures, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 4,036,923
 FTEs 86.00

6. REGIONAL TELECOMMUNICATIONS COUNCILS

For state aid:

..... \$ 496,457

a. The regional telecommunications councils established pursuant to section 8D.5, subsection 2, shall use the moneys appropriated in this subsection to provide technical assistance for network classrooms, planning and troubleshooting for local area networks, scheduling of video sites, and other related support activities.

b. Moneys appropriated in this subsection shall be distributed by the department to the regional telecommunications councils based upon usage by region.

7. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

For reimbursement for vocational education expenditures made by secondary schools:

..... \$ 1,315,067

Moneys appropriated in this subsection shall be used to reimburse school districts for vocational education expenditures made by secondary schools to meet the standards set in sections 256.11, 258.4, and 260C.14.

8. SCHOOL FOOD SERVICE

For use as state matching moneys for federal programs that shall be disbursed according to federal regulations, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,088,399
.....	FTEs	20.58

9. 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:

.....	\$	2,693,057
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a. From the moneys deposited in the school ready children grants account for the fiscal year beginning July 1, 2016, and ending June 30, 2017, not more than \$132,975 is allocated for the early childhood Iowa office and other technical assistance activities. Moneys allocated under this lettered paragraph may be used by the early childhood Iowa state board for the purpose of skills development and support for ongoing training of staff. However, except as otherwise provided in this subsection, moneys shall not be used for additional staff or for the reimbursement of staff.

b. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, \$1,159,009 shall be used for efforts to improve the quality of early care, health, and education programs. Moneys allocated pursuant to this paragraph may be used for additional staff and for the reimbursement of staff. The early childhood Iowa state board may reserve a portion of the allocation, not to exceed \$44,325, for the technical assistance expenses of the early childhood Iowa state office, including the reimbursement of staff, and shall distribute the remainder to early childhood Iowa areas for local quality improvement efforts through a methodology identified by the early childhood Iowa state board to make the most productive use of the funding, which may include use of the distribution formula, grants, or other means.

c. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, \$412,515 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.

10. EARLY CHILDHOOD IOWA FUND — PRESCHOOL TUITION ASSISTANCE

For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

.....	\$	2,714,439
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11. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND PARENT EDUCATION

For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

.....	\$	6,182,217
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12. 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, 2016, birth through age three services due to increased numbers of children qualifying for those services:

.....	\$	860,700
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b. From the moneys appropriated in this subsection, \$191,885 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.

13. EARLY HEAD START PROJECTS

a. For early head start projects:

.....	\$	300,000
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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.

14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

a. To provide moneys for costs of providing textbooks to each resident pupil who attends a nonpublic school as authorized by section 301.1:

..... \$ 325,107

b. Funding under this subsection is limited to \$20 per pupil and shall not exceed the comparable services offered to resident public school pupils.

15. 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:

..... \$ 28,695,676

..... FTEs 2.00

16. JOBS FOR AMERICA'S GRADUATES

For school districts to provide direct services to the most at-risk senior high school students enrolled in school districts through direct intervention by a jobs for America's graduates specialist:

..... \$ 350,000

17. ATTENDANCE CENTER PERFORMANCE/GENERAL INTERNET SITE AND DATA SYSTEM SUPPORT

For development of criteria and administration of a process for school districts to establish specific performance goals and to evaluate the performance of each attendance center operated by the district in order to arrive at an overall school performance grade and report card for each attendance center, for internet site and data system support, and for not more than the following full-time equivalent positions:

..... \$ 125,000

..... FTEs 2.00

18. ADMINISTRATOR MENTORING/COACHING AND SUPPORT SYSTEM

For purposes of the beginning administrator mentoring and induction program created pursuant to section 284A.5 and for development and implementation of the coaching and support system to support administrators pursuant to section 256.9, subsection 63, paragraph "b":

..... \$ 500,000

19. ENGLISH LANGUAGE LITERACY GRANT PROGRAM

For purposes of the English language literacy for all grant program established in accordance with section 256.9, subsection 65:

..... \$ 250,000

By November 1, 2016, the 25 Iowa school districts with the largest number of students identified as limited English proficient and providing educational programming because of that identification shall submit a report to the department in a manner prescribed by the department that includes the following information:

a. A cost accounting of moneys expended on limited English proficiency programming by the school district.

b. An identification of all native languages represented by limited English proficient students who are served by the school district.

c. The average number of years spent in English language learner programming for limited English proficient students served by the school district.

d. The number of full-time equivalent employees directly serving limited English proficient students and the student-to-teacher ratios for such students.

e. A review of the number and the percentage of the total of limited English proficient students achieving English language proficiency over the previous five years.

f. A list of English language learner programs not developed by the district that are being utilized by the school district for limited English proficient students.

20. ONLINE STATE JOB POSTING SYSTEM

For purposes of administering the online state job posting system in accordance with section 256.27:

..... \$ 125,000

21. COMMISSION AND COUNCIL SUPPORT

For the costs of providing department support to education commissions and councils established pursuant to 2013 Iowa Acts, chapter 121, including but not limited to the commission on educator leadership and compensation and the council on educator development:

..... \$ 12,500

22. AREA EDUCATION AGENCY SUPPORT SYSTEM

For administration of a system by which area education agencies shall support school districts implementing frameworks or comparable systems approved pursuant to section 284.15, subsection 6:

..... \$ 500,000

23. SUCCESSFUL PROGRESSION FOR EARLY READERS

For distribution to school districts for implementation of section 279.68, subsection 2:

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

24. 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:

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

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.

25. 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 53, paragraph "c":

..... \$ 500,000

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.

26. COMPETENCY-BASED EDUCATION

For implementation, in collaboration with the area education agencies, of certain recommendations of the competency-based instruction task force established pursuant to 2012 Iowa Acts, chapter 1119, section 2, and for not more than the following full-time equivalent position:

..... \$ 212,500

..... FTEs 1.00

The moneys appropriated in this subsection shall be used to provide grants under a competency-based instruction grant program, for writing model competencies, for plans and templates, to develop the assessment validation rubric and model assessments, and to design professional development in accordance with the recommendations of the task force.

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.

27. MIDWESTERN HIGHER EDUCATION COMPACT

a. For distribution to the midwestern higher education compact to pay Iowa’s member state annual obligation:

..... \$ 50,000

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.

28. AREA EDUCATION AGENCIES

For distribution to the area education agencies:

..... \$ 500,000

29. COMMUNITY COLLEGES

a. For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C:

..... \$ 100,637,324

The funds appropriated in this subsection shall be allocated pursuant to the formula established in section 260C.18C.

b. For distribution to community colleges to supplement faculty salaries:

..... \$ 250,000

STATE BOARD OF REGENTS

Sec. 26. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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:

..... \$ 547,357

..... FTEs 15.00

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 2016 shall include the five-year graduation rates for the regents universities.

b. For moneys to be allocated to the southwest Iowa regents resource center in Council Bluffs:

..... \$ 91,367

c. For moneys to be allocated to the northwest Iowa regents resource center in Sioux City under section 262.9, subsection 22:

..... \$ 48,057

d. For moneys to be allocated to the quad-cities graduate studies center:

..... \$ 2,500

e. For moneys to be distributed to Iowa public radio for public radio operations:

..... \$ 195,784

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:

..... \$ 115,461,503

..... FTEs 5,058.55

b. Oakdale campus

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,093,279

..... FTEs 38.25

c. State hygienic laboratory

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,201,308

.....	FTEs	102.50
d. Family practice program		
For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants to carry out the provisions of chapter 148D for the family practice residency education program, including salaries and support, and for not more than the following full-time equivalent positions:		
.....	\$	894,133
.....	FTEs	190.40
e. Child health care services		
For specialized child health care services, including childhood cancer diagnostic and treatment network programs, rural comprehensive care for hemophilia patients, and the Iowa high-risk infant follow-up program, including salaries and support, and for not more than the following full-time equivalent positions:		
.....	\$	329,728
.....	FTEs	57.97
f. Statewide cancer registry		
For the statewide cancer registry, and for not more than the following full-time equivalent positions:		
.....	\$	74,526
.....	FTEs	2.10
g. Substance abuse consortium		
For moneys to be allocated to the Iowa consortium for substance abuse research and evaluation, and for not more than the following full-time equivalent position:		
.....	\$	27,765
.....	FTEs	1.00
h. Center for biocatalysis		
For the center for biocatalysis, and for not more than the following full-time equivalent positions:		
.....	\$	361,864
.....	FTEs	6.28
i. Primary health care initiative		
For the primary health care initiative in the college of medicine, and for not more than the following full-time equivalent positions:		
.....	\$	324,465
.....	FTEs	5.89
From the moneys appropriated in this lettered paragraph, \$127,445 shall be allocated to the department of family practice at the state university of Iowa college of medicine for family practice faculty and support staff.		
j. Birth defects registry		
For the birth defects registry, and for not more than the following full-time equivalent position:		
.....	\$	19,144
.....	FTEs	1.00
k. Larned A. Waterman Iowa nonprofit resource center		
For the Larned A. Waterman Iowa nonprofit resource center, and for not more than the following full-time equivalent positions:		
.....	\$	81,270
.....	FTEs	2.75
l. Iowa online advanced placement academy science, technology, engineering, and mathematics initiative		
For the establishment of the Iowa online advanced placement academy science, technology, engineering, and mathematics initiative established pursuant to section 263.8A:		
.....	\$	240,925
m. Iowa flood center		
For the Iowa flood center for use by the university's college of engineering pursuant to section 466C.1:		
.....	\$	750,000

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:

.....	\$	91,090,926
.....	FTEs	3,647.42

b. Agricultural experiment station

For the agricultural experiment station salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	14,943,439
.....	FTEs	546.98

c. Cooperative extension service in agriculture and home economics

For the cooperative extension service in agriculture and home economics salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	9,133,361
.....	FTEs	383.34

d. Leopold center

For agricultural research grants at Iowa state university of science and technology under section 266.39B, and for not more than the following full-time equivalent positions:

.....	\$	198,709
.....	FTEs	11.25

e. Livestock disease research

For deposit in and the use of the livestock disease research fund under section 267.8:

.....	\$	86,422
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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:

.....	\$	47,138,366
.....	FTEs	1,447.50

b. Recycling and reuse center

For purposes of the recycling and reuse center, and for not more than the following full-time equivalent positions:

.....	\$	87,628
.....	FTEs	3.00

c. Science, technology, engineering, and mathematics (STEM) collaborative initiative

For purposes of the science, technology, engineering, and mathematics (STEM) collaborative initiative established pursuant to section 268.7, and for not more than the following full-time equivalent positions:

.....	\$	2,600,000
.....	FTEs	6.20

(1) Except as otherwise provided in this lettered paragraph, the moneys appropriated in this lettered paragraph shall be expended for salaries, staffing, institutional support, activities directly related to recruitment of kindergarten through grade 12 mathematics and science teachers, and for ongoing mathematics and science programming for students enrolled in kindergarten through grade 12.

(2) The university of northern Iowa shall work with the community colleges to develop STEM professional development programs for community college instructors and STEM curriculum development.

(3) From the moneys appropriated in this lettered paragraph, not less than \$250,000 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.
- d. Real estate education program

For purposes of the real estate education program, and for not more than the following full-time equivalent position:

.....	\$	62,651
.....	FTEs	1.00

5. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,754,629
.....	FTEs	126.60

6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,982,344
.....	FTEs	62.87

7. TUITION AND TRANSPORTATION COSTS

For payment to local school boards for the tuition and transportation costs of students residing in the Iowa braille and sight saving school and the state school for the deaf pursuant to section 262.43 and for payment of certain clothing, prescription, and transportation costs for students at these schools pursuant to section 270.5:

.....	\$	5,882
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8. LICENSED CLASSROOM TEACHERS

For distribution at the Iowa braille and sight saving school and the Iowa school for the deaf based upon the average yearly enrollment at each school as determined by the state board of regents:

.....	\$	41,025
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Sec. 27. ENERGY COST-SAVINGS PROJECTS — FINANCING. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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. 28. 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, 2016, for expenses relating to prescription drug costs for students attending the state school for the deaf and the Iowa braille and sight saving school.

DIVISION IV
WORKFORCE TRAINING PROGRAMS — APPROPRIATIONS FY 2016-2017

Sec. 29. 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, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF EDUCATION

a. For deposit in the workforce training and economic development funds created pursuant to section 260C.18A:

.....	\$	7,550,000
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From the moneys appropriated in this lettered paragraph “a”, not more than \$50,000 shall be used by the department for administration of the workforce training and economic development funds created pursuant to section 260C.18A.

b. For distribution to community colleges for the purposes of implementing adult education and literacy programs pursuant to section 260C.50:

..... \$ 2,750,000

(1) From the moneys appropriated in this lettered paragraph “b”, \$1,941,500 shall be allocated pursuant to the formula established in section 260C.18C.

(2) From the moneys appropriated in this lettered paragraph “b”, not more than \$75,000 shall be used by the department for implementation of adult education and literacy programs pursuant to section 260C.50.

(3) From the moneys appropriated in this lettered paragraph “b”, not more than \$733,500 shall be distributed as grants to community colleges for the purpose of adult basic education programs for students requiring instruction in English as a second language. The department shall establish an application process and criteria to award grants pursuant to this subparagraph to community colleges. The criteria shall be based on need for instruction in English as a second language in the region served by each community college as determined by factors including data from the latest federal decennial census and outreach efforts to determine regional needs.

(4) From the moneys appropriated in this lettered paragraph “b”, \$105,000 shall be transferred to the department of human services for purposes of administering a pilot project to provide access to international resources to Iowans and new Iowans to provide economic and leadership development resulting in Iowa being a more inclusive and welcoming place to live, work, and raise a family. The pilot project shall provide supplemental support services for international refugees to improve learning, English literacy, life skills, cultural competencies, and integration in a county with a population over 350,000 as determined by the 2010 federal decennial census. The department of human services shall utilize a request for proposals process to identify the entity best qualified to implement the pilot project.

c. For accelerated career education program capital projects at community colleges that are authorized under chapter 260G and that meet the definition of the term “vertical infrastructure” in section 8.57, subsection 5, paragraph “c”:

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

d. For deposit in the pathways for academic career and employment fund established pursuant to section 260H.2:

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

e. For deposit in the gap tuition assistance fund established pursuant to section 260I.2:

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

f. For deposit in the statewide work-based learning intermediary network fund created pursuant to section 256.40:

..... \$ 750,000

From the moneys appropriated in this lettered paragraph “f”, not more than \$25,000 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:

..... \$ 100,000

2. COLLEGE STUDENT AID COMMISSION

For purposes of providing skilled workforce shortage tuition grants in accordance with section 261.130:

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

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.

DIVISION V
STATEWIDE PRESCHOOL PROGRAM COSTS

Sec. 30. Section 256C.3, subsection 3, paragraph h, Code 2015, is amended to read as follows:

h. Provision for ensuring that children receiving care from other child care arrangements can participate in the preschool program with minimal disruption due to transportation and movement from one site to another. The children participating in the preschool program may be transported by the school district to activities associated with the program along with other children.

Sec. 31. Section 256C.4, subsection 1, paragraphs g and h, Code 2015, are amended to read as follows:

g. For the fiscal year beginning July 1, ~~2011~~ 2015, and each succeeding fiscal year, of the amount of preschool foundation aid received by a school district for a fiscal year in accordance with section 257.16, not more than five percent may be used by the school district for administering the district's approved local program. Outreach activities and rent for facilities not owned by the school district are permissive uses of the administrative funds.

h. For the fiscal year beginning July 1, ~~2012~~ 2015, and each succeeding fiscal year, of the amount of preschool foundation aid received by a school district for a fiscal year in accordance with section 257.16, not less than ninety-five percent of the per pupil amount shall be passed through to a community-based provider for each pupil enrolled in the district's approved local program. For the fiscal year beginning July 1, ~~2011~~ 2015, and each succeeding fiscal year, not more than ~~five~~ ten percent of the amount of preschool foundation aid passed through to a community-based provider may be used by the community-based provider for administrative costs. The costs of outreach activities and rent for facilities not owned by the school district are permissive administrative costs. The costs of transportation involving children participating in the preschool program and other children may be prorated.

DIVISION VI
FY 2014-2015 APPROPRIATION

Sec. 32. 2014 Iowa Acts, chapter 1135, section 4, subsection 15, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this subsection that are allocated for purposes of section 284.13, subsection 1, paragraph "e", which remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for purposes of teacher leadership supplemental aid payments to school districts under section 284.13, subsection 1, paragraph "e", for the fiscal year beginning July 1, 2015, and ending June 30, 2016. If the moneys available for such purpose for the fiscal year beginning July 1, 2015, and ending June 30, 2016, are insufficient to pay the full amount of teacher leadership supplemental aid payments to school districts under section 284.13, subsection 1, paragraph "e", in accordance with this section, the department shall prorate the amount of the teacher leadership supplemental aid payments to school districts.

Sec. 33. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 34. EFFECTIVE UPON ENACTMENT — CONDITIONAL. This division of this Act, if approved by the governor on or after July 1, 2015, takes effect upon enactment.

Sec. 35. RETROACTIVE APPLICABILITY — CONDITIONAL. This division of this Act, if approved by the governor on or after July 1, 2015, applies retroactively to June 30, 2015.

DIVISION VII
AT-RISK, ALTERNATIVE, AND DROPOUT PROGRAMS AND FUNDING

Sec. 36. Section 257.10, subsection 5, Code 2015, is amended to read as follows:

5. *Combined district cost per pupil.* The combined district cost per pupil for a school district is the sum of the regular program district cost per pupil and the special education support services district cost per pupil. Combined district cost per pupil does not include a modified supplemental amount added for school districts that have a negative balance of funds raised for special education instruction programs, a modified supplemental amount granted by the school budget review committee for a single school year, or a modified supplemental amount added for programs ~~for dropout prevention~~ established pursuant to sections 257.38 through 257.41.

Sec. 37. Section 257.11, subsection 4, paragraph a, Code 2015, is amended to read as follows:

a. In order to provide additional funding to school districts for programs serving at-risk pupils, alternative program and alternative school pupils in secondary schools, and pupils identified as potential dropouts or returning dropouts as defined in section 257.39, a supplementary weighting plan for at-risk such pupils is adopted. A supplementary weighting of forty-eight ten-thousandths per pupil shall be assigned to the percentage of pupils in a school district enrolled in grades one through six, as reported by the school district on the basic educational data survey for the base year, who are eligible for free and reduced price meals under the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. §1751-1785, multiplied by the budget enrollment in the school district; and a supplementary weighting of one hundred fifty-six one-hundred-thousandths per pupil shall be assigned to pupils included in the budget enrollment of the school district. Amounts received as supplementary weighting for at-risk pupils under this subsection shall be utilized by a school district to develop or maintain at-risk pupils' programs, ~~which may include alternative programs and alternative school programs, and returning dropout and dropout prevention programs approved pursuant to section 257.40.~~

Sec. 38. Section 257.11, subsection 4, Code 2015, is amended by adding the following new paragraphs:

NEW PARAGRAPH. d. Up to five percent of the total amount that a school district receives as supplementary weighting pursuant to this subsection or as a modified supplemental amount received under section 257.41, may be used in the budget year for purposes of providing district-wide or building-wide at-risk and dropout prevention programming targeted to pupils who are not deemed at risk.

NEW PARAGRAPH. e. Notwithstanding paragraph "d" and section 282.24, if a pupil has been determined by the school district to be likely to inflict self-harm or likely to harm another pupil and all of the following apply, the school district may use amounts received pursuant to paragraph "a" to pay the instructional costs necessary to address the pupil's behavior during instructional time when those services are not otherwise provided to pupils who do not require special education and the costs exceed the costs of instruction of pupils in a regular curriculum:

- (1) The pupil does not require special education.
- (2) The pupil is not in a court-ordered placement under chapter 232 under the care and custody of the department of human services or juvenile court services.
- (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.
- (4) The pupil is not placed in a facility licensed under chapter 135B, 135C, or 135H.

Sec. 39. Section 257.38, Code 2015, is amended to read as follows:

257.38 Programs Funding for at-risk, alternative school, and returning dropouts and dropout prevention programs — plan.

1. Boards of school districts, individually or jointly with boards of other school districts, requesting to use a modified supplemental amount for costs in excess of the amount received

under section 257.11, subsection 4, for programs for at-risk students, secondary students who attend alternative programs and alternative schools, and returning dropouts and dropout prevention, shall submit comprehensive program plans for the programs and budget costs, including annual requests for a modified supplemental amount for funding the programs, to the department of education as a component of the comprehensive school improvement plan submitted to the department pursuant to section 256.7, subsection 21. The program plans shall include:

a. Program goals, objectives, and activities to meet the needs of children who may drop out of school students identified as at risk, secondary students who attend alternative programs and alternative schools, or potential dropouts or returning dropouts.

b. Student identification criteria and procedures.

c. Staff in-service education design.

d. Staff utilization plans.

e. Evaluation criteria and procedures and performance measures.

f. Program budget.

g. Qualifications required of personnel delivering the program.

~~h. A provision for dropout prevention and integration of dropouts into the educational program of the district for at-risk students.~~

i. A provision for identifying dropouts at-risk students.

~~j. A program for returning dropouts.~~

~~k. j.~~ Other factors the department requires.

2. Program plans shall identify the parts of the plan that will be implemented first upon approval of the request. If a district is requesting to use a modified supplemental amount to finance the program, the school district shall not identify more than five percent of its budget enrollment for the budget year as returning dropouts and potential dropouts.

Sec. 40. Section 257.40, Code 2015, is amended to read as follows:

257.40 Approval of programs for at-risk pupils, alternative programs and schools, and returning dropouts and dropout prevention — ~~annual report~~.

1. The board of directors of a school district requesting to use a modified supplemental amount for costs in excess of the funding received under section 257.11, subsection 4, for programs for at-risk students, secondary students who attend alternative programs and alternative schools, or returning dropouts and dropout prevention shall submit requests for a modified at-risk supplemental amount, including budget costs, to the department not later than December 15 of the year preceding the budget year during which the program will be offered. The department shall review the request and shall prior to January 15 either grant approval for the request or return the request for approval with comments of the department included. An unapproved request for a program may be resubmitted with modifications to the department not later than February 1. Not later than February 15, the department shall notify the department of management and the school budget review committee of the names of the school districts for which programs using a modified supplemental amount for funding have been approved and the approved budget of each program listed separately for each school district having an approved request.

~~2. Beginning January 15, 2007, the department shall submit an annual report to the chairpersons and ranking members of the senate and house education committees that includes the ways school districts in the previous school year used modified supplemental amounts approved under subsection 1; identifies, by grade level, age, and district size, the students in the dropout and dropout prevention programs for which the department approves a request; describes school district progress toward increasing student achievement and attendance for the students in the programs; and describes how the school districts are using the revenues from the modified supplemental amounts to improve student achievement among minority subgroups.~~

Sec. 41. Section 257.41, subsections 1 and 2, Code 2015, are amended to read as follows:

1. *Budget.* The budget of an approved program for at-risk students, secondary students who attend alternative programs or alternative schools, or returning dropouts and dropout prevention for a school district, after subtracting funds received under section 257.11,

subsection 4, paragraphs “a” through “c”, and from other sources for that purpose, including any previous carryover, shall be funded annually on a basis of one-fourth or more from the district cost of the school district and up to three-fourths through establishment of a modified supplemental amount. Annually, the department of management shall establish a modified supplemental amount for each such school district equal to the difference between the approved budget for the program for returning dropouts and dropout prevention for that district and the sum of the amount funded from the district cost of the school district plus funds received under section 257.11, subsection 4, and from other sources for that purpose, including any previous carryover.

2. *Appropriate uses of funding.* Appropriate uses of the ~~returning dropout and dropout prevention program~~ funding for an approved program include but are not limited to the following:

a. Salary and benefits for instructional staff, instructional support staff, and school-based youth services staff who are working with students who are participating in at-risk or dropout prevention programs, alternative programs, and alternative schools, in a traditional or alternative setting, if the staff person’s time is dedicated to working with returning dropouts or such students who are deemed, at any time during the school year, to be at risk of dropping out, in order to provide services beyond those which are provided by the school district to students who are not identified as at risk of dropping out participating in such programs or alternative schools. However, if the staff person works part-time with students who are participating in ~~returning dropout and dropout prevention programs, alternative programs, and alternative schools~~ a program or alternative school and the staff person has another unrelated staff assignment, only the portion of the staff person’s time that is related to the ~~returning dropout and dropout prevention program, alternative program, or alternative school~~ may be charged to the program or school. For purposes of this paragraph, if an alternative setting is necessary to provide for a program which is offered at a location off school grounds and which is intended to serve student needs by improving relationships and connections to school, decreasing truancy and tardiness, providing opportunities for course credit recovery, or helping students identified as at risk of dropping out to accelerate through multiple grade levels of achievement within a shortened time frame, the tuition costs for a student identified as at risk of dropping out shall be considered an appropriate use of the ~~returning dropout and dropout prevention program~~ funding under this section.

b. Professional development for all teachers and staff working with at-risk students ~~and programs involving dropout prevention strategies~~ under a program or an alternative school setting.

c. Research-based resources, materials, software, supplies, and purchased services that meet all of the following criteria:

(1) Meets the needs of kindergarten through grade twelve students identified as at risk of ~~dropping out and of returning dropouts.~~

(2) Are beyond those provided by the regular school program.

(3) Are necessary to provide the services listed in the school district’s ~~dropout prevention plan~~ submitted pursuant to section 257.38.

(4) Will remain with the kindergarten through grade twelve at-risk program, alternative program or alternative school, or returning dropout and dropout prevention program.

d. ~~Up to five percent of the total budgeted amount received pursuant to subsection 1 may be used for purposes of providing district-wide or building-wide returning dropout and dropout prevention programming targeted to students who are not deemed at risk of dropping out.~~

Sec. 42. Section 257.41, Code 2015, is amended by adding the following new subsection:
NEW SUBSECTION. 4. Other uses. Notwithstanding subsection 2 and section 282.24, if a student has been determined by the school district to be likely to inflict self-harm or likely to harm another student and all of the following apply, the school district may use the modified supplemental amount established under subsection 1 to pay the instructional costs necessary to address the student’s behavior during instructional time when those services are not otherwise provided to students who do not require special education and the costs exceed the costs of instruction of students in a regular curriculum:

a. The student does not require special education.

b. The student is not in a court-ordered placement under chapter 232 under the care and custody of the department of human services or juvenile court services.

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.

d. The pupil is not placed in a facility licensed under chapter 135B, 135C, or 135H.

DIVISION VIII
GIFTED AND TALENTED PROGRAM — STAFF

Sec. 43. Section 257.42, unnumbered paragraph 3, Code 2015, is amended to read as follows:

The department shall employ a one full-time qualified staff member or consultant for gifted and talented children programs.

DIVISION IX
GAP TUITION ASSISTANCE PROGRAM — ELIGIBILITY REQUIREMENTS

Sec. 44. Section 260I.3, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. The applicant's family income for the ~~twelve~~ six months prior to the date of application.

Sec. 45. Section 260I.4, Code 2015, is amended by adding the following new subsections:
NEW SUBSECTION. 7. Persons earning incomes between one hundred fifty percent and two hundred fifty percent, both percentages inclusive, 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 shall be given first priority for tuition assistance under this chapter. Persons earning incomes below one hundred fifty percent of the federal poverty level shall be given second priority for tuition assistance under this chapter.

NEW SUBSECTION. 8. A person who is eligible for financial assistance pursuant to the federal Workforce Investment Act of 1998, Pub. L. No. 105-220, or the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, shall be ineligible for tuition assistance under this chapter unless such funds budgeted for training assistance for the adult, dislocated worker, or youth programs have been fully expended by a workforce region.

DIVISION X
IOWA TUITION GRANT — AMOUNT

Sec. 46. Section 261.12, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. For the fiscal year beginning July 1, ~~2013~~ 2015, and for each ~~following~~ succeeding fiscal year, ~~five~~ six thousand dollars.

DIVISION XI
ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

Sec. 47. Section 261.87, subsection 3, Code 2015, is amended by striking the subsection and inserting in lieu thereof the following:

3. *Extent of scholarship.* A qualified student at an eligible institution may receive scholarships for not more than the equivalent of two full-time academic years of undergraduate study, excluding summer semesters. Scholarships awarded pursuant to this section may at the qualified student's request, be awarded on an annual basis or semester and shall not exceed the lesser of the following, as determined by the commission:

a. The student's financial need.

b. One-half of the average resident tuition rate and mandatory fees established for institutions of higher learning governed by the state board of regents.

c. The resident tuition and mandatory fees charged for the program of enrollment by the eligible institution at which the student is enrolled.

DIVISION XII
FLIGHT INSTRUCTION — EXCEPTION

Sec. 48. Section 261B.4, subsection 17, Code 2015, is amended to read as follows:

17. Evidence that the school meets the conditions of financial responsibility established in section 714.18, or that the school qualifies for an exemption under section 714.18 or 714.19.

Sec. 49. Section 261B.11, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. A school that is granted an exemption under this section must file evidence of financial responsibility under section 714.18 or demonstrate to the commission or its designee that the school qualifies for an exemption under section 714.18 or 714.19.

Sec. 50. Section 714.18, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Except as otherwise provided in ~~subsection~~ subsections 2 or 3, every person, firm, association, or corporation maintaining or conducting in Iowa any educational course by classroom instruction or by correspondence or by other delivery method, or soliciting in Iowa the sale of such course, shall file with the college student aid commission all of the following:

Sec. 51. Section 714.18, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 3. This section shall not apply to the provision of an educational course of flight instruction under regulations promulgated by the federal aviation administration for which students do not pay tuition in advance of instruction and which students may cancel at any time with no further monetary obligation.

Sec. 52. BOARD OF EDUCATIONAL EXAMINERS — TRANSFER OF MONEYS. Notwithstanding section 272.10, for the fiscal year beginning July 1, 2014, and ending June 30, 2015, of the moneys remaining unencumbered or unobligated at the close of the fiscal year from licensing fees retained and appropriated to the board of educational examiners pursuant to section 272.10, the board shall transfer \$600,000 to the department of education. Moneys transferred to the department of education pursuant to this section are appropriated to the department of education for purposes of continuing the career planning required under section 279.61. Notwithstanding section 8.33, moneys appropriated under this section that are unencumbered or unobligated at the close of the fiscal year beginning July 1, 2014, shall not revert to any fund but shall remain available for expenditure for the purpose designated until the close of the succeeding fiscal year.

Sec. 53. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 54. RETROACTIVE APPLICABILITY — CONDITIONAL. This division of this Act, if approved by the governor on or after July 1, 2015, applies retroactively to June 30, 2015.

DIVISION XIII
SCHOOL BOARD VACANCIES

Sec. 55. Section 277.30, Code 2015, is amended to read as follows:

277.30 Vacancies filled by election.

When vacancies are to be filled by election, the provisions of ~~section 69.12~~ sections 279.6 and 279.7 shall control.

Sec. 56. Section 279.6, Code 2015, is amended to read as follows:

279.6 Vacancies — qualification — tenure.

1. a. ~~Vacancies~~ Except as provided in paragraph “b” and subsection 2, vacancies occurring among the officers or members of a school board shall be filled by the board by appointment. A person so appointed to fill a vacancy in an elective office shall hold office until a successor is elected and qualified pursuant to section 69.12. To fill a vacancy occurring among the members of a school board, the board shall publish notice in the manner prescribed by section

279.36, stating that the board intends to fill the vacancy by appointment but that the electors of the school district have the right to file a petition requiring that the vacancy be filled by a special election conducted pursuant to section 279.7. The board may publish notice in advance if a member of the board submits a resignation to take effect at a future date. The board may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later.

b. (1) If within fourteen days after publication of a notice required pursuant to paragraph "a" for a vacancy that occurs more than one hundred eighty days before the next regular school election there is filed with the secretary of the school board a petition requesting a special election to fill the vacancy, an appointment to fill the vacancy is temporary until a successor is elected and qualified, and the board shall call a special election pursuant to section 279.7, to fill the vacancy for the remaining balance of the unexpired term.

(2) If within fourteen days after publication of a notice required pursuant to paragraph "a" for a vacancy that occurs one hundred eighty days or less before the next regular school election there is filed with the secretary of the school board a petition requesting to fill the vacancy by election, an appointment to fill the vacancy is temporary until a successor is elected and qualified, and the school board shall require that the remaining balance of the unexpired term be filled at the next regular school election.

(3) For a petition to be valid under this paragraph "b", 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 regular school election, whichever is greater.

(4) Notwithstanding any requirement of this paragraph to the contrary, when the board is reduced below a quorum, the secretary of the board, or if there is no secretary, the area education agency administrator, shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill the vacancies.

c. A person appointed to fill a vacancy in an appointive office shall hold such office for the residue of the unexpired term and until a successor is appointed and qualified. Any person so appointed shall qualify within ten days thereafter in the manner required by section 277.28.

2. A vacancy shall be filled at the next regular school election if a member of a school board resigns from the board not later than forty-five days before the election and the notice of resignation specifies an effective date at the beginning of the next term of office for elective school officials. The president of the board shall declare the office vacant as of the date of the next organizational meeting. Nomination papers shall be received for the unexpired term of the resigning member. The person elected at the next regular school election to fill the vacancy shall take office at the same time and place as the other elected school board members.

Sec. 57. Section 279.7, subsection 1, Code 2015, is amended to read as follows:

1. If a vacancy or vacancies occur among the elective officers or members of a school board and the remaining members of the board have not filled the vacancy within thirty days after the vacancy becomes known by the secretary or the board or if a valid petition is submitted to the secretary of the board pursuant to section 279.6, subsection 1, or when the board is reduced below a quorum, the secretary of the board, or if there is no secretary, the area education agency administrator, shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill the vacancy or vacancies. The county commissioner of elections shall publish the notices required by law for special elections, and the election shall be held not sooner than thirty days nor later than forty days after the thirtieth day following the day the vacancy becomes known by the secretary or the board. If the secretary fails for more than three days to call an election, the administrator shall call it.

DIVISION XIV

CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS

Sec. 58. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, takes effect upon enactment.

Sec. 59. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, applies retroactively to July 1, 2015.

Approved July 2, 2015

CHAPTER 141

APPROPRIATIONS — ADMINISTRATION AND REGULATION

H.F. 659

AN ACT relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and including effective and retroactive applicability date provisions.

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

DIVISION I
FY 2015-2016

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, 2015, and ending June 30, 2016, 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:

.....	\$	4,067,924
.....	FTEs	56.56

b. For the payment of utility costs, and for not more than the following full-time equivalent positions:

.....	\$	2,568,909
.....	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:

.....	\$	405,914
.....	FTEs	5.00

2. Any moneys and premiums collected by the department for workers' compensation shall be segregated into a separate workers' compensation fund in the state treasury to be used for payment of state employees' workers' compensation claims and administrative costs. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in this workers' compensation fund at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the fund for subsequent fiscal years.

Sec. 2. REVOLVING FUNDS. There is appropriated to the department of administrative services for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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, 2015, and ending June 30, 2016, 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, 2015, and ending June 30, 2016, 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:

.....	\$	944,506
.....	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, 2015, and ending June 30, 2016, 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:

.....	\$	550,335
.....	FTEs	6.00

Sec. 6. OFFICE OF THE CHIEF INFORMATION OFFICER — INTERNAL SERVICE FUNDS — IOWACCESS.

1. There is appropriated to the office of the chief information officer for the fiscal year beginning July 1, 2015, and ending June 30, 2016, from the revolving funds designated in chapter 8B and from internal service funds created by the office such amounts as the office deems necessary for the operation of the office consistent with the requirements of chapter 8B.

2. a. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the first \$750,000 collected by the department of transportation and transferred to the treasurer of state with respect to the fees for transactions involving the furnishing of a certified abstract of a vehicle operating record under section 321A.3, subsection 1, shall be transferred to the IowAccess 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 IowAccess shall be deposited in the IowAccess revolving fund and shall be used only for the support of IowAccess 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, 2015, and ending June 30, 2016, 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:

.....	\$	1,220,391
.....	FTEs	17.90

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	601,537
.....	FTEs	12.51

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, 2015, and ending June 30, 2016, 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:

.....	\$	9,667,235
.....	FTEs	93.23

b. CREDIT UNION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,869,256
.....	FTEs	16.00

c. INSURANCE DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,325,889
.....	FTEs	103.15

(2) The insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements.

(3) The insurance division expenditures for examination purposes may exceed the projected receipts, refunds, and reimbursements, estimated pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if the expenditures are fully reimbursable and the division first does both of the following:

(a) Notifies the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) Files with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

d. UTILITIES DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	8,560,405
.....	FTEs	79.00

(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, 2015, and ending June 30, 2016, the following amount, 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, 2015, and ending June 30, 2016, 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:

.....	\$	2,196,455
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.....	FTEs	23.00
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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:

.....	\$	93,111
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.....	FTEs	1.93
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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, 2015, and ending June 30, 2016, 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:

.....	\$	241,134
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.....	FTEs	4.00
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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, 2015, and ending June 30, 2016, 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:

.....	\$	224,184
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.....	FTEs	5.65
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2. COMMUNITY ADVOCACY AND SERVICES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,028,077
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.....	FTEs	9.15
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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, 2015, and ending June 30, 2016, 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:

.....	\$	545,242
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.....	FTEs	13.65
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2. ADMINISTRATIVE HEARINGS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	678,942
.....	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:

.....	\$	2,573,089
.....	FTEs	55.00

b. By December 1, 2015, 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, 2014, and ending June 30, 2015. 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:

.....	\$	5,092,033
.....	FTEs	114.00

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:

.....	\$	42,215
.....	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:

.....	\$	2,680,290
.....	FTEs	32.25

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:

.....	\$	1,279,331
.....	FTEs	23.65

Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS — MUNICIPAL CORPORATION FOOD INSPECTIONS. For the fiscal year beginning July 1, 2015, and ending June 30, 2016, the department of inspections and appeals shall retain any license fees generated during the fiscal year as a result of actions under section 137F.3A occurring during the period beginning July 1, 2009, and ending June 30, 2016, for the purpose of enforcing the provisions of chapters 137C, 137D, and 137F.

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, 2015, and ending June 30, 2016, 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 for regulation, administration, and enforcement of pari-mutuel racetracks, excursion boat gambling, and gambling structure laws and for not more than the following full-time equivalent positions:

.....	\$	6,194,499
.....	FTEs	73.75

2. For conducting a study on exchange wagering as required by 2015 Iowa Acts, Senate File 438:¹

.....	\$	50,000
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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, 2015, and ending June 30, 2016, 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, 2015, and ending June 30, 2016, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For enterprise resource planning, providing for a salary model administrator, conducting performance audits, and the department’s LEAN process; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

.....	\$	2,550,220
.....	FTEs	20.58

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, 2015, and ending

¹ Chapter 64 herein

June 30, 2016, 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, 2015, and ending June 30, 2016, 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: \$ 350,000 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, 2015, and ending June 30, 2016, 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: \$ 17,880,839 FTEs 228.55

2. From the moneys appropriated in this section, 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, 2015, and ending June 30, 2016, 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.

1. 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, 2015, and ending June 30, 2016, 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: \$ 2,896,699 FTEs 32.00

2. The state department or state agency which provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

Sec. 22. 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, 2015, 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. 23. ADDRESS CONFIDENTIALITY PROGRAM — SURCHARGE APPROPRIATION. For the fiscal year beginning July 1, 2015, and ending June 30, 2016, there is appropriated from the surcharges collected by the clerk of the district court and deposited in the address confidentiality program revolving fund created in 2015 Iowa Acts, House File 585,² the amount of up to \$47,300 to the office of the secretary of state to administer the address confidentiality program established in 2015 Iowa Acts, House File 585.³

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, 2015, and ending June 30, 2016, 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:

.....	\$	1,084,392
.....	FTEs	28.80

2. The office of treasurer of state shall supply clerical and accounting 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, 2015, and ending June 30, 2016, 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 system fund created in section 97B.7 to the Iowa public employees' retirement system for the fiscal year beginning July 1, 2015, and ending June 30, 2016, 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:

.....	\$	17,686,968
.....	FTEs	88.00

Sec. 27. IOWA PRODUCTS. As a condition of receiving an appropriation, any agency appropriated moneys pursuant to this 2015 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.

Sec. 28. PERSONNEL SETTLEMENT AGREEMENT PAYMENTS. As a condition of the appropriations in this Act, the moneys appropriated and any other moneys available shall not be used for payment of a personnel settlement agreement that contains a confidentiality provision intended to prevent public disclosure of the agreement or any terms of the agreement.

Sec. 29. TRANSFER — SECRETARY OF STATE — ADDRESS CONFIDENTIALITY PROGRAM. Any unencumbered or unobligated moneys remaining in the federal recovery and reinvestment fund established in section 8.41A on June 30, 2015, are transferred to the office of the secretary of state for deposit in the address confidentiality program revolving fund established in 2015 Iowa Acts, House File 585,⁴ and are appropriated to the office of the secretary of state to be used for the start-up costs of implementing the address confidentiality program established in 2015 Iowa Acts, House File 585.⁵

² Chapter 96 herein

³ Chapter 96 herein

⁴ Chapter 96 herein

⁵ Chapter 96 herein

Sec. 30. TRANSFER — SECRETARY OF STATE — ADDRESS CONFIDENTIALITY PROGRAM. Any unencumbered or unobligated moneys remaining in the vertical infrastructure fund established in section 8.57B on June 30, 2015, are transferred to the office of the secretary of state for deposit in the address confidentiality program revolving fund established in 2015 Iowa Acts, House File 585,⁶ and are appropriated to the office of the secretary of state to be used for the start-up costs of implementing the address confidentiality program established in 2015 Iowa Acts, House File 585.⁷

Sec. 31. Section 8.57, subsection 5, paragraph h, Code 2015, is amended by striking the paragraph.

Sec. 32. 2012 Iowa Acts, chapter 1138, section 7, subsection 2, is amended to read as follows:

2. A banking division mortgage servicing settlement fund is established, separate and apart from all other public moneys or funds of the state, under the control of the division of banking of the department of commerce. The banking division shall deposit moneys received by the division from the joint state-federal mortgage servicing settlement into the fund. Moneys deposited in the fund are appropriated to the banking division to be used as provided in a financial plan developed by the superintendent of banking and approved by the department of management to support state financial regulation, including oversight of mortgage lending and mortgage servicing, real estate and real estate appraisal, state chartered banks, and other financial services regulated by the division of banking. Moneys in the fund may also be used to support financial literacy efforts. The financial plan may be updated periodically as provided by the superintendent and approved by the department of management. 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 until the close of the fiscal year that begins July 1, 2014. Any unencumbered or unobligated moneys remaining in the fund on June 30, 2015, shall be are transferred to the general fund of the state office of the secretary of state for deposit in the address confidentiality program revolving fund established in 2015 Iowa Acts, House File 585,⁸ and are appropriated to the office of the secretary of state to be used for the start-up costs of implementing the address confidentiality program established in 2015 Iowa Acts, House File 585.⁹

Sec. 33. TRANSFERS — SECRETARY OF STATE — ADDRESS CONFIDENTIALITY PROGRAM — AGGREGATE LIMITATIONS ON TRANSFERS.

1. Unencumbered or unobligated moneys transferred to the office of the secretary of state for deposit in the address confidentiality program fund established in 2015 Iowa Acts, House File 585,¹⁰ and appropriated to the office of the secretary of state to be used for the start-up costs of implementing the address confidentiality program established in 2015 Iowa Acts, House File 585,¹¹ pursuant to the following provisions of this Act, shall not exceed, in the aggregate, the amount of \$47,300:

a. The section of this Act transferring moneys remaining in the federal recovery and reinvestment fund established in section 8.41A on June 30, 2015.

b. The section of this Act transferring moneys remaining in the vertical infrastructure fund established in section 8.57B on June 30, 2015.

c. The section of this Act transferring moneys remaining in the banking division mortgage servicing settlement fund established in 2012 Iowa Acts, chapter 1138, section 7, subsection 2, on June 30, 2015.

2. Any unencumbered or unobligated moneys remaining in the funds described in subsection 1, paragraphs “a” through “c” on June 30, 2015, which in the aggregate exceed \$47,300 shall be transferred to the general fund of the state.

⁶ Chapter 96 herein

⁷ Chapter 96 herein

⁸ Chapter 96 herein

⁹ Chapter 96 herein

¹⁰ Chapter 96 herein

¹¹ Chapter 96 herein

Sec. 34. Section 9.8, subsection 1, as enacted by 2015 Iowa Acts, House File 585,¹² section 1, is amended to read as follows:

1. An address confidentiality program revolving fund is created in the state treasury. The fund shall consist of moneys collected by the clerk of the district court ~~and transferred to the office of the secretary of state for deposit in the fund pursuant to section 602.8108, subsection 6A, and transfers of interest, earnings, and moneys from other funds as provided by law.~~ The moneys in the fund are subject to appropriation to the office of the secretary of state by the general assembly. The office of the secretary of state shall administer the fund. The office of the secretary of state shall provide an annual report to the department of management and the legislative services agency on expenditures from the fund in a format as determined by the department of management in consultation with the legislative services agency.

Sec. 35. Section 9.8, subsection 3, as enacted by 2015 Iowa Acts, House File 585,¹³ section 1, is amended to read as follows:

3. Section 8.33 does not apply to any moneys transferred, credited, or appropriated to the revolving fund.

Sec. 36. REPEAL. Sections 8.41A and 8.57B, Code 2015, are repealed.

Sec. 37. EFFECTIVE UPON ENACTMENT. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act transferring moneys remaining in the federal recovery and reinvestment fund established in section 8.41A on June 30, 2015, to the office of the secretary of state for deposit in the address confidentiality program fund established in 2015 Iowa Acts, House File 585,¹⁴ and appropriating those moneys to the office of the secretary of state to be used by the office of the secretary of state for the start-up costs of implementing the address confidentiality program.

2. The section of this Act transferring moneys remaining in the vertical infrastructure fund established in section 8.57B on June 30, 2015, to the office of the secretary of state for deposit in the address confidentiality program fund established in 2015 Iowa Acts, House File 585,¹⁵ and appropriating those moneys to the office of the secretary of state to be used by the office of the secretary of state for the start-up costs of implementing the address confidentiality program.

3. The section of this Act amending 2012 Iowa Acts, chapter 1138, section 7, subsection 2.

Sec. 38. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The following provisions of this division of this Act, if approved by the governor on or after July 1, 2015, take effect upon enactment, and apply retroactively to June 30, 2015:

1. The section of this Act transferring moneys remaining in the federal recovery and reinvestment fund established in section 8.41A on June 30, 2015, to the office of the secretary of state for deposit in the address confidentiality program fund established in 2015 Iowa Acts, House File 585,¹⁶ and appropriating those moneys to the office of the secretary of state to be used by the office of the secretary of state for the start-up costs of implementing the address confidentiality program.

2. The section of this Act transferring moneys remaining in the vertical infrastructure fund established in section 8.57B on June 30, 2015, to the office of the secretary of state for deposit in the address confidentiality program fund established in 2015 Iowa Acts, House File 585,¹⁷ and appropriating those moneys to the office of the secretary of state to be used by the office of the secretary of state for the start-up costs of implementing the address confidentiality program.

3. The section of this Act amending 2012 Iowa Acts, chapter 1138, section 7, subsection 2.

¹² Chapter 96 herein

¹³ Chapter 96 herein

¹⁴ Chapter 96 herein

¹⁵ Chapter 96 herein

¹⁶ Chapter 96 herein

¹⁷ Chapter 96 herein

DIVISION II
FY 2016-2017

Sec. 39. 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, 2016, and ending June 30, 2017, 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:

.....	\$	2,033,962
.....	FTEs	56.56

b. For the payment of utility costs, and for not more than the following full-time equivalent positions:

.....	\$	1,284,455
.....	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:

.....	\$	202,957
.....	FTEs	5.00

2. Any moneys and premiums collected by the department for workers' compensation shall be segregated into a separate workers' compensation fund in the state treasury to be used for payment of state employees' workers' compensation claims and administrative costs. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in this workers' compensation fund at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the fund for subsequent fiscal years.

Sec. 40. REVOLVING FUNDS. There is appropriated to the department of administrative services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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. 41. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION CHARGE. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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. 42. 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, 2016, and ending June 30, 2017, 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:

.....	\$	472,253
.....	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. 43. 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, 2016, and ending June 30, 2017, 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:

.....	\$	275,168
.....	FTEs	6.00

Sec. 44. OFFICE OF THE CHIEF INFORMATION OFFICER — INTERNAL SERVICE FUNDS — IOWACCESS.

1. There is appropriated to the office of the chief information officer for the fiscal year beginning July 1, 2016, and ending June 30, 2017, from the revolving funds designated in chapter 8B and from internal service funds created by the office such amounts as the office deems necessary for the operation of the office consistent with the requirements of chapter 8B.

2. a. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the first \$375,000 collected by the department of transportation and transferred to the treasurer of state with respect to the fees for transactions involving the furnishing of a certified abstract of a vehicle operating record under section 321A.3, subsection 1, shall be transferred to the IowAccess 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 IowAccess shall be deposited in the IowAccess revolving fund and shall be used only for the support of IowAccess projects.

Sec. 45. 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, 2016, and ending June 30, 2017, 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:

.....	\$	610,196
.....	FTEs	17.90

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	300,769
.....	FTEs	12.51

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, 2016, and ending June 30, 2017, 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:

.....	\$	4,833,618
.....	FTEs	93.23

b. CREDIT UNION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	934,628
.....	FTEs	16.00

c. INSURANCE DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,662,945
.....	FTEs	103.15

(2) The insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements.

(3) The insurance division expenditures for examination purposes may exceed the projected receipts, refunds, and reimbursements, estimated pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if the expenditures are fully reimbursable and the division first does both of the following:

(a) Notifies the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) Files with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

d. UTILITIES DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,280,203
.....	FTEs	79.00

(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. 46. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	31,159
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Sec. 47. 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, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,098,228
.....	FTEs	23.00

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:

.....	\$	46,556
.....	FTEs	1.93

Sec. 48. 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, 2016, and ending June 30, 2017, 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:

.....	\$	120,567
.....	FTEs	4.00

Sec. 49. 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, 2016, and ending June 30, 2017, 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:

.....	\$	112,092
.....	FTEs	5.65

2. COMMUNITY ADVOCACY AND SERVICES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	514,039
.....	FTEs	9.15

Sec. 50. 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, 2016, and ending June 30, 2017, 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:

.....	\$	272,621
.....	FTEs	13.65

2. ADMINISTRATIVE HEARINGS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	339,471
.....	FTEs	23.00

3. INVESTIGATIONS DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,286,545
.....	FTEs	55.00

b. By December 1, 2016, 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, 2015, and ending June 30, 2016. The report shall include but is not limited to a summary of the number of cases investigated, case outcomes, overpayment dollars identified, amount of cost avoidance, and actual dollars recovered.

4. HEALTH FACILITIES DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,546,017
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..... FTEs 114.00

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:

..... \$ 21,108

..... FTEs 11.00

b. The employment appeal board shall be reimbursed by the labor services division of the department of workforce development for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

6. CHILD ADVOCACY BOARD

a. For foster care review and the court appointed special advocate program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,340,145

..... FTEs 32.25

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:

..... \$ 639,666

..... FTEs 23.65

Sec. 51. DEPARTMENT OF INSPECTIONS AND APPEALS — MUNICIPAL CORPORATION FOOD INSPECTIONS. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, the department of inspections and appeals shall retain any license fees generated during the fiscal year as a result of actions under section 137F.3A occurring during the period beginning July 1, 2009, and ending June 30, 2017, for the purpose of enforcing the provisions of chapters 137C, 137D, and 137F.

Sec. 52. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for regulation, administration, and enforcement of pari-mutuel racetracks, excursion boat gambling, and gambling structure laws and for not more than the following full-time equivalent positions:

.....	\$	3,097,250
.....	FTEs	73.75

Sec. 53. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	811,949
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Sec. 54. 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, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For enterprise resource planning, providing for a salary model administrator, conducting performance audits, and the department’s LEAN process; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

.....	\$	1,275,110
.....	FTEs	20.58

Sec. 55. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	28,000
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Sec. 56. 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, 2016, and ending June 30, 2017, 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:

.....	\$	175,000
.....	FTEs	3.00

Sec. 57. 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, 2016, and ending June 30, 2017, 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:

.....	\$	8,940,420
.....	FTEs	228.55

2. From the moneys appropriated in this section, the department shall use \$200,000 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. 58. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for administration and enforcement of the provisions of chapter 452A and the motor vehicle fuel tax program:

..... \$ 652,888

Sec. 59. SECRETARY OF STATE.

1. 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, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,448,350

..... FTEs 32.00

2. The state department or state agency which provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

Sec. 60. 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, 2016, 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. 61. 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, 2016, and ending June 30, 2017, 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:

..... \$ 542,196

..... FTEs 28.80

2. The office of treasurer of state shall supply clerical and secretarial support for the executive council.

Sec. 62. 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, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enterprise resource management costs related to the distribution of road use tax funds:

..... \$ 46,574

Sec. 63. IPERS — GENERAL OFFICE. There is appropriated from the Iowa public employees' retirement system fund created in section 97B.7 to the Iowa public employees' retirement system for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees' retirement system, and for not more than the following full-time equivalent positions:

..... \$ 8,843,484

..... FTEs 88.00

Sec. 64. IOWA PRODUCTS. As a condition of receiving an appropriation, any agency appropriated moneys pursuant to this 2015 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.

Sec. 65. PERSONNEL SETTLEMENT AGREEMENT PAYMENTS. As a condition of the appropriations in this Act, the moneys appropriated and any other moneys available shall not be used for payment of a personnel settlement agreement that contains a confidentiality provision intended to prevent public disclosure of the agreement or any terms of the agreement.

DIVISION III
AUDIT EXPENSES

Sec. 66. Section 11.5B, Code 2015, is amended by adding the following new subsection: NEW SUBSECTION. 15. Office of the chief information officer.

DIVISION IV
CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS

Sec. 67. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, takes effect upon enactment, notwithstanding section 3.7, subsection 2, to the contrary.

Sec. 68. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2015, applies retroactively to July 1, 2015.

Approved July 2, 2015

CHAPTER 142

MISCELLANEOUS SUPPLEMENTAL APPROPRIATIONS AND TRANSFERS

H.F. 666

AN ACT relating to state and local finances by making transfers and appropriations, providing for properly related matters, and including effective date and retroactive applicability provisions.

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

Section 1. STATE BOND REPAYMENT FUND. There is transferred from the general fund of the state to the state bond repayment fund created pursuant to section 8.57F for the fiscal year beginning July 1, 2014, and ending June 30, 2015, an amount equal to \$10,000,000.

Sec. 2. MEDICAL ASSISTANCE PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to supplement the appropriation made pursuant to 2013 Iowa Acts, chapter 138, section 142, unnumbered paragraph 2, as amended by 2014 Iowa Acts, chapter 1140, section 14:

..... \$ 43,000,000

* Item veto; see message at end of the Act

**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, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:*

For the public purpose of providing grants to substance-related disorder treatment providers in accordance with this section:

..... \$ 2,300,000

*The appropriation made in this section shall be distributed as grants of \$100,000 each to the nonprofit substance-related disorder treatment providers licensed under section 125.13 by the department as of January 1, 2014. The grants shall be used by the centers for the costs of implementing an electronic health record system. The electronic health record system implemented pursuant to a grant shall comply with the electronic health information provisions implemented pursuant to section 135.156 and with the mental health and disability services system central data repository implemented pursuant to section 225C.6A and other data requirements under chapter 225C. Each recipient of a grant shall have the electronic health record system fully operational on or before July 1, 2019.**

Sec. 4. RADIO COMMUNICATIONS EQUIPMENT. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the limited provision of vehicular repeater systems located in vehicles operated by the state, mobile radio systems located in vehicles operated by the state, and portable radios worn upon a person employed by the state and not for any radio network or interoperability platform, with the goal of achieving compliance with the federal communications commission’s narrowbanding mandate:

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

Sec. 5. COMMERCIAL AND INDUSTRIAL PROPERTY TAX REPLACEMENT CLAIMS. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the payment of commercial and industrial property tax replacement claims pursuant to section 441.21A in the fiscal year beginning July 1, 2015:

..... \$ 9,500,000

**Sec. 6. DEPARTMENT OF CORRECTIONS. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:*

For transition costs associated with the new correctional facility located at Fort Madison:

..... \$ 310,000*

**Sec. 7. COMMUNITY COLLEGES. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:*

For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C:

..... \$ 2,515,933

The moneys appropriated in this section are allocated pursuant to the formula established in section 260C.18C.

*Moneys appropriated in this section shall be used for purposes of nonrecurring expenses and not for operational purposes or ongoing expenses. For purposes of this section, “operational purposes” means salary, support, administrative expenses, or other personnel-related costs.**

* Item veto; see message at end of the Act

**Sec. 8. UNIVERSITY OF IOWA. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:*

For the university of Iowa:

..... \$ 2,886,538

*Moneys appropriated in this section shall be used for purposes of nonrecurring expenses and not for operational purposes or ongoing expenses. For purposes of this section, “operational purposes” means salary, support, administrative expenses, or other personnel-related costs.**

**Sec. 9. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:*

For Iowa state university of science and technology:

..... \$ 2,254,079

*Moneys appropriated in this section shall be used for purposes of nonrecurring expenses and not for operational purposes or ongoing expenses. For purposes of this section, “operational purposes” means salary, support, administrative expenses, or other personnel-related costs.**

**Sec. 10. UNIVERSITY OF NORTHERN IOWA. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:*

For the university of northern Iowa:

..... \$ 1,114,709

*Moneys appropriated in this section shall be used for purposes of nonrecurring expenses and not for operational purposes or ongoing expenses. For purposes of this section, “operational purposes” means salary, support, administrative expenses, or other personnel-related costs.**

**Sec. 11. SCHOOL DISTRICT AND AREA EDUCATION AGENCY FUNDING SUPPLEMENTS.*

1. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2014, and ending June 30, 2015, fifty-five million seven hundred thousand dollars to make all funding supplement payments to school districts and area education agencies as calculated under subsection 2.

2. a. (1) Of the moneys appropriated to the department of education under subsection 1, fifty-three million six hundred seventeen thousand two hundred six dollars shall be used to provide a funding supplement to each school district during the fiscal year beginning July 1, 2015, and ending June 30, 2016.

(2) Each school district’s funding supplement amount shall be equal to fifty-three million six hundred seventeen thousand two hundred six dollars multiplied by the quotient of the school district’s budget enrollment for the budget year beginning July 1, 2015, and ending June 30, 2016, divided by the statewide total budget enrollment for the budget year beginning July 1, 2015, and ending June 30, 2016.

b. (1) Of the moneys appropriated to the department of education under subsection 1, two million eighty-two thousand seven hundred ninety-four dollars shall be used to provide a funding supplement to each area education agency during the fiscal year beginning July 1, 2015, and ending June 30, 2016.

(2) Each area education agency’s funding supplement amount shall be equal to two million eighty-two thousand seven hundred ninety-four dollars multiplied by the quotient of the area education agency’s special education support services weighted enrollment for the budget year beginning July 1, 2015, and ending June 30, 2016, divided by the statewide special education support services weighted enrollment for the budget year beginning July 1, 2015, and ending June 30, 2016.

** Item veto; see message at end of the Act*

3. a. Supplement amounts received under this section are intended to be used by school districts to fund a budget adjustment authorized under section 257.14 for the budget year beginning July 1, 2015, and ending June 30, 2016, and for instructional expenditures during the fiscal year beginning July 1, 2015, and ending June 30, 2016, and are intended to supplement, not supplant, existing school district funding for instructional expenditures. If a school district uses all or a portion of its supplement amount received under this section to fund a budget adjustment authorized under section 257.14, the amount calculated to be raised by the additional property tax under section 257.4, subsection 1, shall be reduced by the department of management by an amount equal to the amount of the funding supplement used for such purpose. For purposes of this section, "instructional expenditures" means any of the following:

- (1) Textbooks, as defined in section 301.1.
- (2) Library books.
- (3) Other instructional materials and equipment used directly by students.
- (4) Transportation costs of the school district.
- (5) Educational initiatives proven to increase student achievement in mathematics, literacy, or science in prekindergarten through grade twelve.

b. Supplement amounts received under this section are intended to be used by area education agencies for any special education services, media services, or education services purpose that the area education agency is authorized to provide during the fiscal year beginning July 1, 2015, and ending June 30, 2016.

4. a. The payment of funding supplement amounts under this section shall be paid by the department of education at the same time and in the same manner as foundation aid is paid to school districts under section 257.16 and as payments are made to area education agencies under section 257.35, for the fiscal year beginning July 1, 2015, and ending June 30, 2016, and such amounts may be included in the monthly payment of state aid under section 257.16, subsection 2, and the monthly payment under section 257.35, subsection 1, as applicable.

b. Moneys received by a school district or an area education agency under this section are miscellaneous income and shall not be included in any computation of district cost under chapter 257 for any budget year.*

*Sec. 12. CLARINDA STATE MENTAL HEALTH INSTITUTE — APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, to be used for the purposes designated, which amounts shall not be transferred or expended for any purpose other than the purpose designated, notwithstanding section 218.6 to the contrary:

For operation of the state mental health institute at Clarinda as required by chapters 218 and 226, through December 15, 2015, for purposes of providing the acute inpatient psychiatric mental health program and the geropsychiatric program, at the same level of care and treatment as provided on July 1, 2014, for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,810,000
.....	FTEs	58.00*

Sec. 13. MENTAL HEALTH AND DISABILITY SERVICES REGIONAL FUNDING — TRANSFER AND APPROPRIATION.

1. There is transferred from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the property tax relief fund created in section 426B.1, for distribution as provided in this section:

.....	\$	1,040,000
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2. a. The moneys credited to the property tax relief fund in accordance with subsection 1 are appropriated to the department of human services for distribution to any mental health

* Item veto; see message at end of the Act

and disability services region where 25 percent of the region's projected expenditures exceeds the region's projected fund balance.

b. For purposes of this subsection:

(1) "Available funds" means a county mental health and services fund balance on June 30, 2015, plus the maximum amount a county was allowed to levy for the fiscal year beginning July 1, 2015.

(2) "Projected expenditures" means the actual expenditures of a mental health and disability services region as of June 30, 2015, multiplied by an annual inflation rate of 2 percent plus the projected costs for new core services administered by the region as provided in a region's regional service system management plan approved pursuant to section 331.393 for the fiscal year beginning July 1, 2015.

(3) "Projected fund balance" means the difference between a mental health and disability services region's available funds and projected expenditures.

c. If sufficient funds are not available to implement this subsection, the department of human services shall distribute funds to a region in proportion to the availability of funds.

Sec. 14. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in this Act that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2014, and ending June 30, 2015, shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 15. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 16. RETROACTIVE APPLICABILITY. This Act, if approved by the governor on or after July 1, 2015, applies retroactively to June 30, 2015.

Approved July 2, 2015, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 666, an Act relating to state and local finances by making transfers and appropriations, providing for properly related matters, and including effective date and retroactive applicability provisions.

House File 666 is approved on this date with the following exceptions, which I hereby disapprove.

When I took office in 2011, I proposed a two year budget with a five year projection. My budgets have been fiscally sound, predictable and sustainable for the long term. The budgets I proposed are budgets that hard-working Iowa taxpayers can depend on. Long-term budgeting is not easy and requires very difficult decisions to align projected spending with revenue.

I am unable to approve the item designated as Section 1, in its entirety. This item transfers \$10 million from the General Fund to the State Bond Repayment Fund for fiscal year 2015. If the legislature wishes to make this payment, it should be accounted for in the current fiscal year.

I am unable to approve the item designated as Section 3, in its entirety. This item appropriates \$2.3 million for grants to substance abuse providers for the implementation of electronic health records. I strongly support the modernization of Iowa's health care delivery system through the Iowa Health Information Network. I recently signed legislation enabling the Iowa Health Information Network to become a private not-for-profit model ensuring its long term business and financial sustainability. However, I cannot support using taxpayer dollars

to fund the implementation of a portion of provider participants in a self-sustaining private health records system.

I am unable to approve the item designated as Section 6, in its entirety. This item provides \$310,000 for transition costs for the new Ft. Madison prison. The Department of Corrections is able to fund the transition to the new prison out of its current budget; therefore, this item is unnecessary.

I am unable to approve the items designated as Sections 7 through 10, in their entirety. These items appropriate one-time funding for Iowa Community Colleges and Regent Institutions. Funding ongoing expenses with one-time money is unsustainable. I recommended a 1.75% increase for the Regent Institutions and Community Colleges that would have made funding available on an ongoing basis and would have ensured no tuition increases for the full year. The Regents have assured me that even without this one-time money, there will be no tuition increase for the upcoming semester.

I am unable to approve the item designated as Section 11, in its entirety. I recommended a two-year budget on the second day of this legislative session including an increase in supplemental state aid for both years. Throughout the session, I encouraged the legislature to provide supplemental state aid for pre-kindergarten through 12th grade for the next two years as required by law. By using one-time money and not providing supplemental state aid for the second fiscal year, the legislature compounded the uncertainty that school districts faced this entire legislative session.

My administration's commitment to giving Iowa students a world-class education is demonstrated by significant, targeted growth in funding for initiatives to raise achievement. Iowa's new Teacher Leadership System is the single largest reform measure, with an investment of more than \$150 million when fully phased in during the 2016-2017 school year. With many of our best teachers serving in leadership roles, such as instructional coaches and mentors, Iowa can better support the more demanding work teachers must do today to prepare all students for a knowledge-driven economy.

Other targeted education reform measures my administration proposed for the next fiscal year at a cost of more than \$18 million include: an initiative to ensure children are able to read by the end of third grade, ongoing expansion of Iowa Learning Online program to offer more course options to high school students, and the Teach Iowa Scholars Program which provides up to \$20,000 to top graduates of Iowa teacher preparation programs who teach hard-to-fill subjects in Iowa schools for five years.

With any budget, it is important to look at the entire picture. For fiscal year 2016, Iowa schools will receive over \$3 billion, by far the biggest item in the state budget.

I am unable to approve the item designated as Section 12, in its entirety. This item provides \$1.81 million for Clarinda State Mental Health Institute. I signed Senate File 505 today, a bill that closes Clarinda State Mental Health Institute on December 15, 2015. The Department of Human Services does not recommend a six month extension at this time. Because the Iowa legislature closes Clarinda Mental Health Institute in December 2015, this funding is unnecessary.

In order to continue growing good paying jobs, we need to make tough choices that ensure a balanced budget today and for the long term. I approve funding for Medicaid, public safety radios, Mental Health and Disability Services Regional Funding, and Commercial and Industrial Property Tax Replacement. This bill provides the \$43 million to cover the shortfall in Medicaid expenses for fiscal year 2015. Additionally, this bill provides \$2.5 million in funding for the Department of Public Safety to purchase radios in order to comply with the Federal Communication Commission's (FCC) narrow-banding mandate. These radios are necessary in order to comply with federal law. This bill also provides \$1.04 million for Mental Health and Disability Services Regional Funding. Through the bipartisan Mental Health

Redesign signed into law in 2012, Iowans are accessing care locally through mental health regions. The mental health regions are investing substantial resources into increased access to home and community based substance abuse and mental health services. These funds provide the resources to not only serve more Iowans but to better serve Iowans through mental health regions. Finally, this bill provides \$9.5 million for Commercial and Industrial Property Tax Replacement. In 2013, the legislature and I made multi-year commitments with the \$4.4 billion property tax cut. This was a historic commitment made to the people of Iowa and a commitment we must keep to Iowa taxpayers and local governments.

As the Chief Executive of this state, it is my responsibility to have a long term vision that maintains stability and predictability in our state's budget. I made the decisions today in order to prevent across the board cuts that occurred under the previous administration. Maintaining the fiscal health of Iowa over the long term is my top budgeting priority.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 666 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

ANALYSIS OF TABLES

Conversion Tables of Senate and House Files to Chapters of the Acts of the General Assembly

2015 Code Chapters and Sections Amended or Repealed and New Code Sections Assigned,
2015 Regular Session

Session Laws Amended, Repealed, or Referred to in Acts of the Eighty-sixth General
Assembly, 2015 Regular Session

Iowa Codes and Code Supplements Referred to in Acts of the Eighty-sixth General
Assembly, 2015 Regular Session

Iowa Administrative Code Referred to in Acts of the Eighty-sixth General Assembly, 2015
Regular Session

Acts of Congress, United States Code, and Code of Federal Regulations Referred To

Iowa Court Rules Referred To

Vetoed Bill

Item Vetoes

**CONVERSION TABLES OF SENATE AND HOUSE FILES TO
CHAPTERS OF THE ACTS OF THE GENERAL ASSEMBLY**

2015 REGULAR SESSION

SENATE FILES

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131	10	267	32	457	67
134	11	274	57	462	68
135	54	276	41	463	69
150	12	292	58	479	86
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167	55	323	15	485	122
171	126	335	60	486	106
172	127	366	98	487	87
173	3	385	83	488	100
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202	18	504	108	630	130
203	70	507	90	632	128
205	8	515	50	634	103
227	71	525	77	635	123
229	101	529	51	637	131
258	46	535	29	638	104
259	47	536	30	645	124
266	19	544	112	646	105
287	72	548	91	650	139
299	111	550	113	651	129
347	88	558	78	655	120
371	20	563	52	658	140
372	21	569	79	659	141
381	73	570	23	660	118
395	24	579	80	661	125
397	95	583	92	662	119
414	74	585	96	666	142
421	48	599	93		
445	22	603	114		

**2015 CODE CHAPTERS AND SECTIONS AMENDED OR REPEALED
AND NEW CODE SECTIONS ASSIGNED,
2015 REGULAR SESSION**

Boldface type represents new Code section numbers that are subject to change when codified.

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 35D.15, subsection 2, paragraph a, subparagraph (1), subparagraph division (a), subparagraph subdivision (ii), subparagraph part (B) is “35D.15(2)(a)(1)(a)(ii)(B)”; and section 2.2, unnumbered paragraph 1 is “2.2(u1)”.

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
1D.1	29, §1	9E.3	96, §4, 17
2.45(6)	137, §64, 162, 163	9E.4	96, §5, 17
2.48(3)(d)(1)	138, §107, 126, 127	9E.5	96, §6, 17
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Acts section subunits are referenced by their designated number or letter in parentheses,
with unnumbered paragraphs referenced by a “u” and a number. For example, section 142,
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