

CHAPTER 1172

**STATE AND LOCAL GOVERNMENT FINANCIAL AND REGULATORY MATTERS —
APPROPRIATIONS AND MISCELLANEOUS CHANGES**

H.F. 2502

AN ACT relating to state and local finances by making appropriations, providing for legal and regulatory responsibilities, providing for other properly related matters, and providing for effective date, contingent effective date, applicability, and retroactive applicability provisions.

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

**DIVISION I
STANDING APPROPRIATIONS AND RELATED MATTERS**

Section 1. 2017 Iowa Acts, chapter 170, is amended by adding the following new section:
NEW SECTION. SEC. 5A. GENERAL ASSEMBLY — FY 2018-2019.

1. The appropriations made pursuant to [section 2.12](#) for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2018, and ending June 30, 2019, are reduced by the following amount:

..... \$ 1,417,318

2. The budgeted amounts for the general assembly and legislative agencies for the fiscal year beginning July 1, 2018, may be adjusted to reflect the unexpended budgeted amounts from the previous fiscal year.

3. Annual membership dues for organizations, associations, and conferences shall not be paid from moneys appropriated pursuant to [section 2.12](#), except reimbursement for travel expenses may be paid to commissioners serving on the commission of uniform state laws.

4. Costs for out-of-state travel and per diems for out-of-state travel shall not be paid from moneys appropriated pursuant to [section 2.12](#).

Sec. 2. 2017 Iowa Acts, chapter 170, is amended by adding the following new section:

NEW SECTION. SEC. 6A. INSTRUCTIONAL SUPPORT STATE AID — FY 2018-2019. In lieu of the appropriation provided in [section 257.20, subsection 2](#), the appropriation for the fiscal year beginning July 1, 2018, and ending June 30, 2019, for paying instructional support state aid under [section 257.20](#) for such fiscal years is zero.

Sec. 3. 2017 Iowa Acts, chapter 170, section 15, is amended to read as follows:

SEC. 15. CASH RESERVE FUND APPROPRIATION — FY 2018-2019.

There is appropriated from the general fund of the state to the cash reserve fund for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount:

..... \$ 111,100,000
113,100,000

Sec. 4. [Section 257.35](#), Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. Notwithstanding [subsection 1](#), and in addition to the reduction applicable pursuant to [subsection 2](#), the state aid for area education agencies and the portion of the combined district cost calculated for these agencies for the fiscal year beginning July 1, 2018, and ending June 30, 2019, shall be reduced by the department of management by fifteen million dollars. The reduction for each area education agency shall be prorated based on the reduction that the agency received in the fiscal year beginning July 1, 2003.

Sec. 5. TAXPAYERS TRUST FUND. On July 1, 2018, any unencumbered and unobligated moneys in the taxpayers trust fund created in [section 8.57E](#) are transferred to the general fund of the state.

Sec. 6. SALARY MODEL ADMINISTRATOR. The salary model administrator shall work in conjunction with the legislative services agency to maintain the state's salary model used for analyzing, comparing, and projecting state employee salary and benefit

information, including information relating to employees of the state board of regents. The department of revenue, the department of administrative services, the five institutions under the jurisdiction of the state board of regents, the judicial district departments of correctional services, and the state department of transportation shall provide salary data to the department of management and the legislative services agency to operate the state’s salary model. The format and frequency of provision of the salary data shall be determined by the department of management and the legislative services agency. The information shall be used in collective bargaining processes under [chapter 20](#) and in calculating the funding needs contained within the annual salary adjustment legislation. A state employee organization as defined in [section 20.3, subsection 4](#), may request information produced by the model, but the information provided shall not contain information attributable to individual employees.

DIVISION II
MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

Sec. 7. [Section 331.424A, subsection 9](#), Code 2018, as amended by 2018 Iowa Acts, House File 2456,¹ section 14, is amended to read as follows:

a. For the fiscal year beginning July 1, 2017, and each subsequent fiscal year, the county budgeted amount determined for each county shall be the amount necessary to meet the county’s financial obligations for the payment of services provided under the regional service system management plan approved pursuant to [section 331.393](#), not to exceed an amount equal to the product of the regional per capita expenditure target amount multiplied by the county’s population, and, for fiscal years beginning on or after July 1, 2021, reduced by the amount of the county’s cash flow reduction amount for the fiscal year calculated under [subsection 4](#), if applicable.

b. If a county officially joins a different region, the county’s budgeted amount shall be the amount necessary to meet the county’s financial obligations for payment of services provided under the new region’s regional service system management plan approved pursuant to [section 331.393](#), not to exceed an amount equal to the product of the new region’s regional per capita expenditure target amount multiplied by the county’s population, and, for fiscal years beginning on or after July 1, 2021, reduced by the amount of the county’s cash flow reduction amount for the fiscal year calculated under [subsection 4](#), if applicable.

Sec. 8. 2017 Iowa Acts, chapter 170, section 13, is amended to read as follows:

SEC. 13. TRANSFER FROM CASH RESERVE FUND. Notwithstanding [section 8.56, subsection 3 and subsection 4](#), paragraph “a” and [section 8.57, subsection 1](#), paragraph “a”, there is transferred from the cash reserve fund created in [section 8.56](#) to the general fund of the state for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount:

..... \$ 131,100,000

Sec. 9. 2018 Iowa Acts, House File 2441,² section 17, subsection 1, is amended by striking the subsection.

Sec. 10. 2018 Iowa Acts, Senate File 2117,³ section 11, subsection 1, is amended to read as follows:

1. There is appropriated from the Iowa economic emergency fund created in [section 8.55](#) to the general fund of the state for the fiscal year beginning July 1, ~~2017~~ 2016, and ending June 30, ~~2018~~ 2017, the following amount:

..... \$ 13,000,000

¹ Chapter 1056 herein

² Chapter 1112 herein

³ Chapter 1028 herein

Sec. 11. 2018 Iowa Acts, Senate File 2117,⁴ section 12, is amended to read as follows:

SEC. 12. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to ~~September 28, 2017~~ June 30, 2017:

The section of this division of this Act appropriating moneys from the Iowa economic emergency fund to the general fund in lieu of a prior standing appropriation.

Sec. 12. RETROACTIVE APPLICABILITY. The following applies retroactively to May 12, 2017:

The section of this division of this Act amending [2017 Iowa Acts, chapter 170, section 13](#).

Sec. 13. RETROACTIVE APPLICABILITY. The following applies retroactively to the effective date of [section 256.9A](#), as enacted by 2018 Iowa Acts, House File 2441,⁵ section 1:

The section of this division of this Act amending 2018 Iowa Acts, House File 2441,⁶ section 17, subsection 1.

Sec. 14. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III CORRECTIVE PROVISIONS

Sec. 15. [Section 9A.102, subsection 1](#), Code 2017, as amended by 2018 Iowa Acts, Senate File 385,⁷ section 2, is amended to read as follows:

1. “*Agency contract*” means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the athlete a professional sports services contract or an endorsement contract.

Sec. 16. [Section 68B.2C](#), as enacted by 2018 Iowa Acts, Senate File 2323,⁸ section 7, is amended to read as follows:

68B.2C Prohibited outside employment and activities — agents of foreign principals.

Officials and state employees shall not engage in any outside employment or activity that requires the person to register under the federal Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §611 et seq., ~~as amended~~.

Sec. 17. [Section 84A.4, subsection 4](#), paragraph f, Code 2018, if enacted by 2018 Iowa Acts, Senate File 2353,⁹ section 6, is amended to read as follows:

f. Proven and promising practices. The local workforce development board shall lead efforts in the local workforce development area to ~~do all of the following~~:

(1) ~~Identify~~ identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and jobseekers, including individuals with a barrier to employment, in the local workforce development system, including providing physical and programmatic accessibility, in accordance with 29 U.S.C. §3248, if applicable, applicable provisions of [chapter 216](#), and applicable provisions of the Americans with Disabilities Act of 1990, codified at 42 U.S.C. §12101 et seq., to the one-stop delivery system.

Sec. 18. [Section 123.92, subsection 3](#), paragraph a, Code 2018, as amended by 2018 Iowa Acts, Senate File 2310,¹⁰ section 47, is amended to read as follows:

a. Notwithstanding [section 123.49, subsection 1](#), any person who is injured in person or property or means of support by an intoxicated person who is under legal age or resulting from the intoxication of a person who is under legal age, has a right of action for all damages actually sustained, severally or jointly, against a person who is not a licensee or permittee and who dispensed or gave any alcoholic beverage to the intoxicated underage person

⁴ Chapter 1028 herein

⁵ Chapter 1112 herein

⁶ Chapter 1112 herein

⁷ Chapter 1139 herein

⁸ Chapter 1061 herein

⁹ Chapter 1143 herein

¹⁰ Chapter 1060 herein

when the nonlicensee or nonpermittee who dispensed or gave the alcoholic beverage to the underage person knew or should have known the underage person was intoxicated, or who dispensed or gave any alcoholic beverage to the underage person to a point where the nonlicensee or nonpermittee knew or should have known that the underage person would become intoxicated.

Sec. 19. [Section 135.16A, subsection 1](#), paragraph a, as enacted by 2018 Iowa Acts, House File 2408,¹¹ section 1, is amended to read as follows:

a. “*Conventional eggs*” means eggs ~~others~~ other than specialty eggs.

Sec. 20. [Section 147C.1, subsection 7](#), paragraph e, subparagraph (2), subparagraph division (h), as enacted by 2018 Iowa Acts, House File 2425,¹² section 1, is amended to read as follows:

(h) Disclosure of investigative records compiled for law enforcement purposes ~~of any of the following~~.

Sec. 21. [Section 148H.1, subsection 4](#), as enacted by 2018 Iowa Acts, Senate File 2228,¹³ section 5, is amended to read as follows:

4. “*Genetic counseling intern*” means a student enrolled in a genetic counseling program accredited by the accreditation council for genetic counseling or its equivalent or successor organization, or the American board of medical genetics and genomics or its equivalent or successor organization.

Sec. 22. [Section 256.7, subsection 21](#), paragraph b, subparagraph (2), subparagraph division (d), as enacted by 2018 Iowa Acts, House File 2235,¹⁴ section 1, is amended to read as follows:

(d) That the assessment be peer-reviewed by an independent, third-party evaluator to determine that the assessment is aligned with the Iowa core academic standards, provides a measurement of student growth and student proficiency, and meets the summative assessment requirements of the federal Every Student Succeeds Act, Pub. L. No. 114-95. The assessment developed by the Iowa testing service program within the university of Iowa college of education shall ~~make any necessary adjustments as determined by the peer review~~ be adjusted as necessary to meet the requirements of this subparagraph (2) as determined by the peer review.

Sec. 23. [Section 256.42, subsection 5](#), Code 2018, as amended by 2018 Iowa Acts, Senate File 2131,¹⁵ section 1, is amended to read as follows:

5. Under the initiative, a student must be enrolled in a participating school district or accredited nonpublic school or be receiving private instruction under [chapter 299A](#) as described in [subsection 1](#). For a student enrolled in a participating school district or accredited nonpublic school, the school district or school is responsible for recording grades received for initiative coursework in a student’s permanent record, awarding high school credit for initiative coursework, and issuing a high school diplomas diploma to a student enrolled in the district or school who participates and completes coursework under the initiative. Each participating school shall identify a site coordinator to serve as a student advocate and as a liaison between the initiative staff and teachers and the school district or accredited nonpublic school. The individual providing instruction to a student under [chapter 299A](#) as described in [subsection 1](#) shall receive the student’s score for completed initiative coursework.

¹¹ Chapter 1025 herein

¹² Chapter 1087 herein

¹³ Chapter 1052 herein

¹⁴ Chapter 1037 herein

¹⁵ Chapter 1029 herein

Sec. 24. [Section 261.131, subsection 1](#), paragraph d, Code 2018, as enacted by 2018 Iowa Acts, House File 2458,¹⁶ section 12, is amended to read as follows:

d. “*Eligible program*” means a program of study or an academic major jointly approved by the commission and the department of workforce development, in consultation with an eligible institution, that leads to a credential aligned with a high-demand job designated by the workforce development board or a community college pursuant to [section 84A.1B, subsection 13A](#). If the board or a community college removes a high-demand job from a list created under [section 84A.1B, subsection 13A](#), an eligible student who received a scholarship for a program based on that high-demand job shall continue to receive the scholarship until achieving a postsecondary credential, up to an associate degree, as long as the student continues to meet all other eligibility requirements.

Sec. 25. [Section 280.13C, subsection 4](#), paragraph a, Code 2018, as amended by 2018 Iowa Acts, House File 2442,¹⁷ section 1, is amended to read as follows:

a. The department of public health, Iowa high school athletic association, and the Iowa girls high school athletic union shall work together to distribute the guidelines of the centers for disease control and prevention guidelines of the United States department of health and human services and other pertinent information to inform and educate coaches, students, and the parents and guardians of students of the risks, signs, symptoms, and behaviors consistent with a concussion or brain injury, including the danger of continuing to participate in extracurricular interscholastic activities after suffering a concussion or brain injury and their responsibility to report such signs, symptoms, and behaviors if they occur.

Sec. 26. [Section 280.13C, subsection 8](#), paragraph a, Code 2018, as amended by 2018 Iowa Acts, House File 2442,¹⁸ section 1, is amended to read as follows:

a. A school district or accredited nonpublic school that adopts and follows the protocol required by [this section](#) and provides an emergency medical care provider or a licensed health care provider at a contest that is a contact or limited contact activity as identified by the American academy of pediatrics shall not be liable for any claim for injuries or damages based upon the actions or inactions of the emergency medical care provider or the licensed health care provider present at the contest at the request of the school district or accredited nonpublic school so long as the emergency medical care provider or the licensed health care provider acts reasonably and in good faith and in the best interest of the student athlete and without undue influence of the school district or accredited nonpublic school or coaching staff employed by the school district or accredited nonpublic school. A school district or accredited nonpublic school shall not be liable for any claim for injuries or damages if an emergency medical care provider or a licensed health care provider who was scheduled in accordance with a prearranged agreement with the school district or accredited nonpublic school to be present and available at a contest is not able to be present and available due to documentable, unforeseen circumstances and the school district or accredited nonpublic school otherwise followed the protocol.

Sec. 27. [Section 298.3, subsection 1](#), paragraph j, Code 2018, as amended by 2018 Iowa Acts, House File 2253,¹⁹ section 9, is amended to read as follows:

j. The purchase of buildings or lease-purchase option agreements for school buildings. However, a contract for construction by a private party of property to be lease-purchased by a public school corporation is a contract for a public improvement as defined in [section 26.2](#). If the estimated cost of the property to be lease-purchased that is renovated, repaired, or involves new construction ~~in excess of~~ exceeds the competitive bid threshold in [section 26.3](#), the board of directors shall comply with the competitive bidding requirements of [section 26.3](#).

¹⁶ Chapter 1067 herein

¹⁷ Chapter 1131 herein

¹⁸ Chapter 1131 herein

¹⁹ Chapter 1075 herein

Sec. 28. [Section 321G.13, subsection 2](#), paragraph b, subparagraph (2), Code 2018, as amended by 2018 Iowa Acts, Senate File 2231,²⁰ section 1, is amended to read as follows:

(2) A person may operate or ride on a snowmobile with a loaded pistol or revolver, whether concealed or not, if a the person is operating or riding the snowmobile on land that is not owned, possessed, or rented by the person, and the person's conduct is otherwise lawful.

Sec. 29. [Section 321I.14, subsection 2](#), paragraph b, subparagraph (2), Code 2018, as amended by 2018 Iowa Acts, Senate File 2231,²¹ section 3, is amended to read as follows:

(2) A person may operate or ride on ~~an~~ an all-terrain vehicle with a loaded pistol or revolver, whether concealed or not, if a the person is operating or riding the all-terrain vehicle on land that is not owned, possessed, or rented by the person, and the person's conduct is otherwise lawful.

Sec. 30. [Section 321I.14, subsection 6](#), as enacted by 2018 Iowa Acts, Senate File 2231,²² section 4, is amended to read as follows:

6. As used in [this section](#), “*rented by the person*” includes a person who does not necessarily rent the land but who principally provides labor for the production of crops located on agricultural land or for the production of livestock principally located on agricultural land. The person must personally provide such labor on a regular, continuous, and substantial basis.

Sec. 31. [Section 364.4, subsection 4](#), paragraph i, Code 2018, as amended by 2018 Iowa Acts, House File 2253,²³ section 11, is amended to read as follows:

i. A contract for construction by a private party of property to be lease-purchased by a city is a contract for a public improvement under [section 26.2, subsection 3](#). If the estimated cost of the property to be lease-purchased that is renovated, repaired, or involves new construction exceeds the competitive bid threshold set in [section 26.3](#), the city shall comply with the competitive bidding requirements of [section 26.3](#).

Sec. 32. [Section 633.42, subsection 1](#), Code 2018, as amended by 2018 Iowa Acts, Senate File 2098,²⁴ section 3, is amended to read as follows:

1. At any time after the issuance of letters of appointment, any interested person in the proceeding may file with the clerk a written request for notice of the time and place of all hearings in such proceeding for which notice is required by law, by rule of court, or by an order in such proceeding. The request for notice shall state the name of the requester, the name of the requester's attorney, if any, and the reason the requester is an interested person in the proceeding. The request for notice shall provide the requester's post office address, and, if available, the requester's electronic mail address and telephone number. The request for notice shall also provide the requester's attorney's post office address, electronic mail address, and telephone number. The clerk shall docket the request. Thereafter, unless otherwise ordered by the court, the fiduciary shall serve by ordinary or electronic mail a notice of each hearing upon such requester and the requester's attorney, if any.

Sec. 33. [Section 633.418](#), Code 2018, as amended by 2018 Iowa Acts, Senate File 2098,²⁵ section 6, is amended to read as follows:

633.418 Form and verification of claims — general requirements.

No claim shall be allowed against an estate on application of the claimant unless it shall be in writing, filed with the clerk, stating the claimant's name, and address, and, if available, telephone number and electronic mail address, describing the nature and the amount thereof, if ascertainable, and accompanied by the affidavit of the claimant, or someone for the claimant, that the amount is justly due, or if not yet due, when it will or may become due, that no payments have been made thereon which are not credited, and that there are no

²⁰ Chapter 1058 herein

²¹ Chapter 1058 herein

²² Chapter 1058 herein

²³ Chapter 1075 herein

²⁴ Chapter 1027 herein

²⁵ Chapter 1027 herein

offsets to the same, to the knowledge of the affiant, except as therein stated. If the claim is contingent, the nature of the contingency shall also be stated.

Sec. 34. [Section 651.29, subsection 5](#), paragraphs b and c, as enacted by 2018 Iowa Acts, Senate File 2175,²⁶ section 29, are amended to read as follows:

b. If none of the cotenants has have paid the entire price for the remaining interest in the heirs property, the court shall resolve the partition action under [section 651.30](#) as if the interest of the cotenant that had requested partition by sale of the heirs property has not been purchased.

c. If more than one cotenant ~~have~~ has paid the entire price for the remaining interest in the heirs property, the court shall reapportion the remaining interest among such cotenants based on each cotenant’s original fractional ownership of the entire heirs property divided by the total original fractional ownership of all cotenants that paid the entire price for the remaining interest. The court shall promptly issue an order reallocating all cotenants’ interests, disburse the amounts held by the court to the persons entitled to such disbursements, and promptly refund any excess payments held by the court to the appropriate persons.

Sec. 35. [Section 655.6, subsection 1](#), as enacted by 2018 Iowa Acts, House File 2232,²⁷ section 5, is amended to read as follows:

1. The mortgagee established reasonable procedures to achieve compliance with its obligations under [section 655.3](#).

Sec. 36. [Section 716.11, subsection 1](#), paragraph b, as enacted by 2018 Iowa Acts, Senate File 2235,²⁸ section 1, is amended to read as follows:

b. A gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical critical generation, storage, transportation, or delivery system.

Sec. 37. 2018 Iowa Acts, Senate File 2117,²⁹ section 1, paragraphs p and s, are amended to read as follows:

p. Department of economic <u>Economic development authority</u>	\$	157,960
.....		
s. College <u>student</u> aid commission	\$	94,172
.....		

Sec. 38. 2018 Iowa Acts, House File 2442,³⁰ section 4, is amended to read as follows:

SEC. 4. STATE MANDATE FUNDING SPECIFIED. In accordance with [section 25B.2, subsection 3](#), the state cost of requiring compliance with any state mandate included in ~~this division of this Act~~ shall be paid by a school district from state school foundation aid received by the school district under [section 257.16](#). This specification of the payment of the state cost shall be deemed to meet all of the state funding-related requirements of [section 25B.2, subsection 3](#), and no additional state funding shall be necessary for the full implementation of this Act by and enforcement of this Act against all affected school districts.

Sec. 39. REPEAL. 2018 Iowa Acts, House File 2348,³¹ section 9, is repealed.

Sec. 40. REPEAL. 2018 Iowa Acts, House File 2457,³² sections 115 and 116 are repealed.

Sec. 41. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this division of this Act amending 2018 Iowa Acts, Senate File 2117,³³ section 1, paragraphs “p” and “s”.

²⁶ Chapter 1108 herein
²⁷ Chapter 1036 herein
²⁸ Chapter 1120 herein
²⁹ Chapter 1028 herein
³⁰ Chapter 1131 herein
³¹ Chapter 1041 herein
³² Chapter 1026 herein
³³ Chapter 1028 herein

Sec. 42. RETROACTIVE APPLICABILITY. The following applies retroactively to March 28, 2018:

The section of this division of this Act amending 2018 Iowa Acts, Senate File 2117, ³⁴ section 1, paragraphs “p” and “s”.

Sec. 43. APPLICABILITY. The following apply July 1, 2018, to probate filings made on or after that date:

1. The section of this division of this Act amending [section 633.42](#).
2. The section of this division of this Act amending [section 633.418](#).

DIVISION IV LAND ACQUISITION AND INVENTORY

Sec. 44. LAND ACQUISITION AND INVENTORY.

1. By December 1, 2018, the department of natural resources shall submit a report to the general assembly including all financial assistance provided to private entities for the acquisition of land and an inventory of all land managed or owned on behalf of the state by the department.

2. The portion of the report regarding financial assistance to private entities for land acquisition shall include the name of the private entities, a description of the assistance provided, the price of the tract, the date the assistance was provided, the date of full loan repayment or cessation of the linked deposit account, and the total amount of outstanding loans and linked deposits associated with such land acquisitions. This portion of the report shall also include information regarding the land purchase including the location and description of the land, a description of the conservation benefits of the purchase, the name of the seller, the price paid, and the size of the tract. If the land was later acquired by a governmental entity, the report shall include the name of the governmental entity, the date of the subsequent acquisition, the price paid, and the source of the funds.

3. The portion of the report regarding the land inventory shall include a list of all properties owned by the state whose purchase or donation was facilitated by the department and a list of properties which are managed by the department, but not owned by the state. For each owned tract of land, the inventory shall include the location of the tract, the date of acquisition or first management agreement, the name of the seller or donor of the tract, the price paid for state-owned land and the source of the funds; the owner of the tract if not owned by the state, the size of the tract, the present use of the tract including whether the property is open to the public, and the identification of the government entity charged with managing the tract. The inventory shall also identify the location and size of all tracts which were conveyed to cities or counties within the past twenty years after termination of state ownership.

4. For the fiscal year beginning July 1, 2018, the environmental protection commission shall not authorize a contract or approve costs related to the purchase of land which obligates moneys from the water pollution control works revolving loan fund for financial assistance to acquire new land under the general nonpoint source program set-aside.

DIVISION V IOWA GEOLOGICAL SURVEY

Sec. 45. 2018 Iowa Acts, House File 2491, ³⁵ section 21, if enacted, is amended to read as follows:

~~SEC. 53A. STATE UNIVERSITY OF IOWA GEOGRAPHICAL AND WATER GEOLOGICAL SURVEY.~~ There is appropriated from the environment first fund created in [section 8.57A](#) to the state university of Iowa for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. OPERATIONS

³⁴ Chapter 1028 herein

³⁵ Chapter 1167 herein

For purposes of supporting the operations of the Iowa geological and water survey of the state as created within the state university of Iowa pursuant to section 456.1 as amended by 2018 Iowa Acts, House File 2303, section 12, including but not limited to providing analysis; data maintenance, collection, and compilation; investigative programs; and information for water supply development and protection:

..... \$ 200,000

2. WATER RESOURCE MANAGEMENT

For purposes of supporting the Iowa geological and water survey in measuring, assessing, and evaluating the quantity of water sources in this state and assisting the department of natural resources in regulating water quantity as provided in chapter 455B, division III, part 4, pursuant to sections 455B.262B and 456.14, as enacted by this Act:

..... \$ 495,000

DIVISION VI
PODIATRY

Sec. 46. Section 147.139, subsections 3 and 4, Code 2018, are amended to read as follows:

3. If the defendant is board-certified in a specialty, the person is certified in the same or a substantially similar specialty by a board recognized by the American board of medical specialties, or the American osteopathic association, or the council on podiatric medical education.

4. a. If the defendant is a licensed physician or osteopathic physician under chapter 148, the person is a physician or osteopathic physician licensed in this state or another state.

b. If the defendant is a licensed podiatric physician under chapter 149, the person is a physician, osteopathic physician, or a podiatric physician licensed in this state or another state.

DIVISION VII
CATTLE GUARDS

Sec. 47. Section 314.30, subsection 1, paragraph c, as enacted by 2018 Iowa Acts, Senate File 449, section 1, is amended to read as follows:

c. The landowner owns the property on both sides of the street or highway and owns property on both sides of any access to the street or highway.

Sec. 48. 2018 Iowa Acts, Senate File 449, is amended by adding the following new section:

NEW SECTION. SEC. 4. INSTALLATION OF CATTLE GUARD — SUBSEQUENT COUNTY ACTION. Any cattle guard installed pursuant to this Act on or before April 25, 2018, that meets the requirements of this Act at the time of installation shall not be ordered uninstalled or found to be noncompliant with this Act as a result of any action taken after April 25, 2018, by the county with jurisdiction over the street or highway on which the cattle guard is installed to alter the area service classification of the street or highway or to otherwise alter the street or highway in such a way that the installation of the cattle guard no longer complies with this Act.

Sec. 49. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 50. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to April 17, 2018.

36 Chapter 1118 herein

37 Chapter 1118 herein

DIVISION VIII
DRAMSHOP

Sec. 51. [Section 123.92, subsection 1](#), paragraph a, Code 2018, as amended by 2018 Iowa Acts, Senate File 2169,³⁸ section 1, is amended to read as follows:

a. ~~Any~~ Subject to the limitation amount specified in paragraph “c”, if applicable, any third party who is not the intoxicated person who caused the injury at issue and who is injured in person or property or means of support by an intoxicated person or resulting from the intoxication of a person, has a right of action for damages actually sustained, severally or jointly, up to the amount specified in paragraph “c”, against any licensee or permittee, whether or not the license or permit was issued by the division or by the licensing authority of any other state, who sold and served any beer, wine, or intoxicating liquor directly to the intoxicated person, provided that the person was visibly intoxicated at the time of the sale or service.

Sec. 52. NEW SECTION. 505.33 Dramshop liability insurance evaluation.

The division shall biennially conduct an evaluation concerning minimum coverage requirements of dramshop liability insurance. In conducting the evaluation, the division shall include a comparison of other states’ minimum dramshop liability insurance coverage and any other relevant issues the division identifies. By January 31, 2019, and every two years thereafter, the division shall submit a report, including any findings and recommendations, to the general assembly as provided in [chapter 7A](#).

Sec. 53. REPEAL. 2018 Iowa Acts, Senate File 2169,³⁹ section 2, is repealed.

DIVISION IX
ALCOHOL

Sec. 54. [Section 123.30, subsection 3](#), paragraphs a and b, Code 2018, as amended by 2018 Iowa Acts, Senate File 2310,⁴⁰ section 12, are amended to read as follows:

a. *Class “A”*. A class “A” liquor control license may be issued to a club and shall authorize the holder to purchase alcoholic liquors in original unopened containers from class “E” liquor control licensees only, wine from class “A” wine permittees or class “B” wine permittees who also hold class “E” liquor control licenses only as provided in [section 123.173](#) and [section 123.177](#), and to sell alcoholic beverages to bona fide members and their guests by the individual drink for consumption on the premises only.

b. *Class “B”*. A class “B” liquor control license may be issued to a hotel or motel and shall authorize the holder to purchase alcoholic liquors in original unopened containers from class “E” liquor control licensees only, wine from class “A” wine permittees or class “B” wine permittees who also hold class “E” liquor control licenses only as provided in [section 123.173](#) and [section 123.177](#), and to sell alcoholic beverages to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises. Each license shall be effective throughout the premises described in the application.

Sec. 55. [Section 123.30, subsection 3](#), paragraph c, subparagraph (1), Code 2018, as amended by 2018 Iowa Acts, Senate File 2310,⁴¹ section 12, is amended to read as follows:

(1) A class “C” liquor control license may be issued to a commercial establishment but must be issued in the name of the individuals who actually own the entire business and shall authorize the holder to purchase alcoholic liquors in original unopened containers from class “E” liquor control licensees only, wine from class “A” wine permittees or class “B” wine permittees who also hold class “E” liquor control licenses only as provided in [section 123.173](#) and [section 123.177](#), and to sell alcoholic beverages to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the

³⁸ Chapter 1090 herein

³⁹ Chapter 1090 herein

⁴⁰ Chapter 1060 herein

⁴¹ Chapter 1060 herein

premises. The holder of a class “C” liquor control license may also hold a special class “A” beer permit for the premises licensed under a class “C” liquor control license for the purpose of operating a brewpub pursuant to [this chapter](#).

Sec. 56. [Section 123.30, subsection 3](#), paragraph c, subparagraph (3), Code 2018, is amended to read as follows:

(3) A class “C” native distilled spirits liquor control license may be issued to a native distillery but shall be issued in the name of the individuals who actually own the business and shall only be issued to a native distillery which, combining all production facilities of the business, produces and manufactures not more than one hundred thousand proof gallons of distilled spirits on an annual basis. The license shall authorize the holder to sell native distilled spirits manufactured on the premises of the native distillery to patrons by the individual drink for consumption on the premises. All native distilled spirits sold by a native distillery for on-premises consumption shall be purchased from a class “E” liquor control licensee in original unopened containers.

Sec. 57. [Section 123.30, subsection 3](#), paragraph d, subparagraph (2), Code 2018, as amended by 2018 Iowa Acts, Senate File 2310,⁴² section 12, is amended to read as follows:

(2) A class “D” liquor control licensee who operates a train or a watercraft intrastate only, or an excursion gambling boat licensed under [chapter 99F](#), shall purchase alcoholic liquor in original unopened containers from a class “E” liquor control licensee only, wine from a class “A” wine permittee or a class “B” wine permittee who also holds a class “E” liquor control license only as provided in [section 123.173](#) and [section 123.177](#), and beer from a class “A” beer permittee only.

Sec. 58. [Section 123.30, subsection 3](#), paragraph e, Code 2018, as amended by 2018 Iowa Acts, Senate File 2310,⁴³ section 12, is amended to read as follows:

e. Class “E”.

(1) A class “E” liquor control license may be issued and shall authorize the holder to purchase alcoholic liquor in original unopened containers from the division only and high alcoholic content beer from a class “A” beer permittee only and to sell the alcoholic liquor in original unopened containers and high alcoholic content beer at retail to patrons for consumption off the licensed premises and at wholesale to other liquor control licensees, provided the holder has filed with the division a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury. A holder of a class “E” liquor control license may hold other retail liquor control licenses or retail wine or beer permits, but the premises licensed under a class “E” liquor control license shall be separate from other licensed premises, though the separate premises may have a common entrance. However, the holder of a class “E” liquor control license may also hold a class “B” wine or class “C” beer permit or both for the premises licensed under a class “E” liquor control license.

(2) The division may issue a class “E” liquor control license for premises covered by a liquor control license or wine or beer permit for on-premises consumption, if under any of the following circumstances:

(a) If the premises are in a county having a population under nine thousand five hundred in which no other class “E” liquor control license has been issued by the division, and no other application for a class “E” liquor control license has been made within the previous twelve consecutive months.

(b) If, notwithstanding any provision of [this chapter](#) to the contrary, the premises covered by a liquor control license is a grocery store that is at least five thousand square feet.

Sec. 59. [Section 123.30, subsection 4](#), Code 2018, is amended to read as follows:

4. Notwithstanding any provision of [this chapter](#) to the contrary, a person holding a liquor control license to sell alcoholic beverages for consumption on the licensed premises may permit a customer to remove one unsealed bottle of wine for consumption off the premises if

⁴² Chapter 1060 herein

⁴³ Chapter 1060 herein

the customer has purchased and consumed a portion of the bottle of wine on the licensed premises. The licensee or the licensee's agent shall securely reseal such bottle in a bag designed so that it is visibly apparent that the resealed bottle of wine has not been tampered with and provide a dated receipt for the resealed bottle of wine to the customer. A wine bottle resealed pursuant to the requirements of [this subsection](#) is subject to the requirements of [sections 321.284 and 321.284A](#). A person holding a liquor control license to sell alcoholic beverages for consumption on the licensed premises may permit a customer to carry an open container of wine from their licensed premises into another immediately adjacent licensed premises, temporary closed public right-of-way, or private property.

Sec. 60. [Section 123.30](#), Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 5. Notwithstanding any provision of [this chapter](#) to the contrary, a person holding a liquor control license to sell alcoholic beverages for consumption on the licensed premises may permit a customer to carry an open container of alcoholic liquor from their licensed premises to another immediately adjacent licensed premises, temporary closed public right-of-way, or private property.

Sec. 61. [Section 123.131, subsection 2](#), unnumbered paragraph 1, Code 2018, is amended to read as follows:

Subject to the rules of the division, sales of beer for consumption off the premises made pursuant to [this section](#) may be made in a container other than the original container only if the container is carried into an immediately adjacent licensed or permitted premises, temporary closed public right-of-way, or private property, or if all of the following requirements are met:

DIVISION X SEXUALLY VIOLENT PREDATORS

Sec. 62. [Section 229A.8, subsection 5](#), paragraph e, subparagraph (2), Code 2018, is amended to read as follows:

(2) (a) If the committed person shows by a preponderance of the evidence that a final hearing should be held on either determination under subparagraph (1), subparagraph division (a) or (b), or both, the court shall set a final hearing within sixty days of the determination that a final hearing be held.

(b) The committed person may waive the sixty-day final hearing requirement under subparagraph subdivision (a); however, the committed person or the attorney for the committed person may reassert a demand that the final hearing be held within sixty days from the date of filing the demand with the clerk of court.

(c) The final hearing may be continued upon request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and if the committed person is not substantially prejudiced. In determining what constitutes good cause, the court shall consider the length of the pretrial detention of the committed person.

Sec. 63. [Section 229A.15](#), Code 2018, is amended to read as follows:

229A.15 Court records — sealed and opened by court order.

1. ~~Any~~ Except as otherwise provided in [this section](#), any psychological reports, drug and alcohol reports, treatment records, reports of any diagnostic center, medical records, or victim impact statements which have been submitted to the court or admitted into evidence under [this chapter](#) shall be part of the record but shall be sealed and opened only on order of the court.

2. The documents described in [subsection 1](#) shall be available to the prosecuting attorney or attorney general, the committed person, and the attorney for the committed person without an order of the court.

DIVISION XI
EARNED TIME

Sec. 64. [Section 903A.2, subsection 1](#), paragraph a, subparagraph (2), Code 2018, is amended to read as follows:

(2) However, an inmate required to participate in a sex offender treatment program shall not be eligible for a any reduction of sentence ~~unless~~ until the inmate participates in and completes a sex offender treatment program established by the director.

Sec. 65. [Section 903A.2, subsection 1](#), paragraph b, subparagraph (2), Code 2018, is amended to read as follows:

(2) An inmate required to participate in a domestic abuse treatment program shall not be eligible for a any reduction of sentence ~~unless~~ until the inmate participates in and completes a domestic abuse treatment program established by the director.

Sec. 66. [Section 903A.3, subsection 1](#), Code 2018, is amended to read as follows:

1. Upon finding that an inmate has violated an institutional rule, ~~has failed to complete a sex offender or domestic abuse treatment program as specified in [section 903A.2](#)~~, or has had an action or appeal dismissed under [section 610A.2](#), the independent administrative law judge may order forfeiture of any or all earned time accrued and not forfeited up to the date of the violation by the inmate and may order forfeiture of any or all earned time accrued and not forfeited up to the date the action or appeal is dismissed, unless the court entered such an order under [section 610A.3](#). The independent administrative law judge has discretion within the guidelines established pursuant to [section 903A.4](#), to determine the amount of time that should be forfeited based upon the severity of the violation. Prior violations by the inmate may be considered by the administrative law judge in the decision.

DIVISION XII
MULTIPLE EMPLOYER WELFARE ARRANGEMENTS

**Sec. 67. [Section 507A.4, subsection 9](#), paragraph c, unnumbered paragraph 1, Code 2018, is amended to read as follows:*

*A multiple employer welfare arrangement that is recognized as tax-exempt under Internal Revenue Code section 501(c)(9) that meets all of the conditions of paragraph "a" shall not be considered any of the following:**

Sec. 68. [Section 513D.1](#), as enacted by 2018 Iowa Acts, Senate File 2349,⁴⁴ section 5, is amended to read as follows:

513D.1 Association health plans.

The commissioner shall adopt rules that allow for the creation of association health plans that are consistent with the United States department of labor's regulations in [29 C.F.R. pt. 2510](#). A multiple employer welfare arrangement that is recognized as tax-exempt under Internal Revenue Code section 501(c)(9) and that is registered with the commissioner prior to January 1, 2018, shall not be considered an association health plan unless the multiple employer welfare arrangement affirmatively elects to be treated as an association health plan.

Sec. 69. REPEAL. 2018 Iowa Acts, Senate File 2349, section 7, is repealed.

DIVISION XIII
SELF-PROMOTION — PUBLIC FUNDS

Sec. 70. NEW SECTION. 68A.405A Self-promotion with taxpayer funds prohibited.

1. a. Except as provided in sections [29C.3](#) and [29C.6](#), a statewide elected official or member of the general assembly shall not permit the expenditure of public moneys under the control of the statewide elected official or member of the general assembly, including but not limited

^{*} Item veto; see message at end of the Act
⁴⁴ Chapter 1063 herein

to moneys held in a private trust fund as defined by [section 8.2](#), for the purpose of any paid advertisement or promotion bearing the written name, likeness, or voice of the statewide elected official or member of the general assembly distributed through any of the following means:

- (1) A paid direct mass mailing.
- (2) A paid radio advertisement or promotion.
- (3) A paid newspaper advertisement or promotion.
- (4) A paid television advertisement or promotion.
- (5) A paid internet advertisement or promotion.
- (6) A paid exhibit display at the Iowa state fair or a fairground or grounds as defined in [section 174.1](#).

b. Except as otherwise provided by law, paragraph “a” shall not apply to bona fide ministerial or ceremonial records or ordinary, common, and frequent constituent correspondence containing the name of the statewide elected official or member of the general assembly.

2. A person who willfully violates [this section](#) shall be subject to a civil penalty of an amount up to the amount of moneys withdrawn from a public account or private trust fund as defined in [section 8.2](#) used to fund the communication found to be in violation of [this section](#) by the board or, for members of the general assembly, by an appropriate legislative ethics committee. A penalty imposed pursuant to [this section](#) shall be paid by the candidate’s committee. Such penalty shall be determined and assessed by the board or, for a member of the general assembly, the appropriate legislative ethics committee, and paid into the account from which such moneys were withdrawn. Additional criminal or civil penalties available under [section 68A.701](#) or established by the board pursuant to [section 68B.32A](#) may also be determined and assessed by the board for violations of [this section](#). Nothing in [this section](#) shall prevent the imposition of any penalty or sanction for a violation of [this section](#) by a legislative ethics committee.

DIVISION XIV LEASE-PURCHASE CONTRACTS

Sec. 71. 2018 Iowa Acts, House File 2253,⁴⁵ section 13, is amended to read as follows:

SEC. 13. APPLICABILITY. This Act applies to lease-purchase contracts entered into on or after the effective date of this Act. This Act does not apply to any lease-purchase contract that results from a request for proposals or request for qualifications issued by a city with a population of less than 21,000 according to the 2016 special census prior to the effective date of this Act.

Sec. 72. RETROACTIVE APPLICABILITY. The following applies retroactively to April 4, 2018:

The section of this division of this Act amending 2018 Iowa Acts, House File 2253,⁴⁶ section 13.

DIVISION XV CONSTRUCTION VEHICLES

Sec. 73. [Section 321.463, subsection 9](#), Code 2018, is amended to read as follows:

9. A vehicle or combination of vehicles transporting materials or equipment on nonprimary highways to or from a construction project or commercial plant site may operate under the maximum gross weight table for primary highways in [subsection 6](#), paragraph “a”, if the route is approved by the appropriate local authority. ~~Route approval is not required if the vehicle or combination of vehicles transporting materials or equipment to or from a construction project or commercial plant site complies with~~ or the maximum gross weight table for noninterstate highways in [subsection 6](#), paragraph “c”. When crossing a bridge, such a vehicle or combination of vehicles shall comply with any weight restriction imposed

⁴⁵ Chapter 1075 herein

⁴⁶ Chapter 1075 herein

for the bridge pursuant to [section 321.471](#) or [321.474](#), provided signs that conform to the manual of uniform traffic-control devices adopted by the department that give notice of the restriction are posted as required under [section 321.472](#) or [321.474](#), as applicable.

DIVISION XVI
LOCAL ORDINANCES

Sec. 74. [Section 331.301, subsection 6](#), paragraph c, subparagraph (1), unnumbered paragraph 1, Code 2018, is amended to read as follows:

A county shall not adopt an ordinance, motion, resolution, or amendment that sets standards or requirements regarding the sale or marketing of consumer merchandise that are different from, or in addition to, any ~~requirement established by~~ state law. For purposes of this paragraph:

Sec. 75. [Section 364.3, subsection 3](#), paragraph c, subparagraph (1), unnumbered paragraph 1, Code 2018, is amended to read as follows:

A city shall not adopt an ordinance, motion, resolution, or amendment that sets standards or requirements regarding the sale or marketing of consumer merchandise that are different from, or in addition to, any ~~requirement established by~~ state law. For purposes of this paragraph:

DIVISION XVII
HEALTH CARE COVERAGE — SURVIVING SPOUSE AND CHILDREN

Sec. 76. **NEW SECTION. 509A.13C Health care coverage for surviving spouse and children of fire fighters and peace officers killed in the line of duty.**

1. For the purposes of [this section](#), “*eligible peace officer or fire fighter*” means a peace officer as defined in [section 801.4](#), or a fire fighter, to which a line of duty death benefit is payable pursuant to [section 97A.6, subsection 16](#), [section 97B.52, subsection 2](#), or [section 411.6, subsection 15](#).

2. *a.* If a governing body, a county board of supervisors, or a city council has procured accident or health care coverage for its employees under [this chapter](#), such coverage shall permit continuation of existing coverage or reenrollment in previously existing coverage for the surviving spouse and each surviving child of an eligible peace officer or fire fighter.

b. A governing body, a county board of supervisors, or a city council shall also permit continuation of existing coverage for the surviving spouse and each surviving child of a peace officer as defined in [section 801.4](#), or a fire fighter who dies and to which a line of duty death benefit is reasonably expected to be payable pursuant to [section 97A.6, subsection 16](#), [section 97B.52, subsection 2](#), or [section 411.6, subsection 15](#), until such time as the determination of whether to provide a line of duty death benefit is made.

3. A governing body, a county board of supervisors, or a city council providing accident or health care coverage under [this section](#) shall not be required to pay for the cost of the coverage. However, a governing body, a county board of supervisors, or a city council may pay the full cost or a portion of the cost of the coverage. If the full cost of the coverage is not paid, a surviving spouse and each surviving child eligible for coverage under this section may elect to continue accident or health care coverage by paying that portion of the cost of the coverage not paid by the governing body, county board of supervisors, or city council.

4. A governing body, a county board of supervisors, or a city council shall notify the provider of accident or health care coverage for its employees of a surviving spouse and each surviving child to be provided coverage pursuant to the requirements of [this section](#).

5. [This section](#) shall not require continuation of coverage if the surviving spouse or surviving child who would otherwise be entitled to continuation of coverage under [this section](#) was, through the surviving spouse’s or surviving child’s actions, a substantial contributing factor to the death of the eligible peace officer or fire fighter.

Sec. 77. **APPLICABILITY — HEALTH CARE COVERAGE FOR PRIOR DEATHS.** The surviving spouse and each surviving child of a peace officer as defined in [section 801.4](#), or a fire fighter who died on or after January 1, 1985, but before July 1, 2000, to which the

requirements for providing a line of duty death pursuant to [section 97A.6, subsection 16](#), [section 97B.52, subsection 2](#), or [section 411.6, subsection 15](#), would otherwise have been established, and the surviving spouse and each surviving child of an eligible peace officer or fire fighter as defined in [section 509A.13C](#), as enacted in this Act, may be entitled to coverage as provided in [section 509A.13C](#) upon written notification of the applicable governing body, county board of supervisors, or city council. Coverage provided under [section 509A.13C](#) pursuant to this section shall be for claims for services incurred on or after the date of reenrollment.

Sec. 78. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 79. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to a death occurring on or after January 1, 1985.

DIVISION XVIII
SCHOLARSHIPS FOR SURVIVING CHILDREN OF CERTAIN PERSONS KILLED
IN THE LINE OF DUTY

Sec. 80. [Section 261.87, subsection 1](#), Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Od.* “*Eligible surviving-child student*” means a qualified student who is under the age of twenty-six, or under the age of thirty if the student is a veteran who is eligible for benefits, or has exhausted the benefits, under the federal Post-9/11 Veterans Educational Assistance Act of 2008; who is not a convicted felon as defined in [section 910.15](#); and who meets any of the following criteria:

(1) Is the child of a peace officer, as defined in [section 97A.1](#), who was killed in the line of duty as determined by the board of trustees of the Iowa department of public safety peace officers’ retirement, accident, and disability system in accordance with [section 97A.6, subsection 16](#).

(2) Is the child of a police officer or a fire fighter, as each is defined in [section 411.1](#), who was killed in the line of duty as determined by the statewide fire and police retirement system in accordance with [section 411.6, subsection 15](#).

(3) Is the child of a sheriff or deputy sheriff as each is defined in [section 97B.49C](#), who was killed in the line of duty as determined by the Iowa public employees’ retirement system in accordance with [section 97B.52, subsection 2](#).

(4) Is the child of a fire fighter or police officer included under [section 97B.49B](#), who was killed in the line of duty as determined by the Iowa public employees’ retirement system in accordance with [section 97B.52, subsection 2](#).

Sec. 81. [Section 261.87, subsection 3](#), Code 2018, is amended to read as follows:

3. *Priority for scholarship awards.* Priority for scholarships under [this section](#) shall be given to eligible foster care students, then to eligible surviving-child students, who meet the eligibility criteria under [subsection 2](#). Following distribution to students who meet the eligibility criteria under [subsection 2](#), the commission may establish priority for awarding scholarships using any moneys that remain in the all Iowa opportunity scholarship fund.

DIVISION XIX
CREDIT UNIONS

Sec. 82. [Section 533.212](#), Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A credit union organized in accordance with [this chapter](#) shall not include the name of any public university located in the state in its name. For purposes of [this subsection](#), “*public university located in the state*” shall mean the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa.

Sec. 83. [Section 533.329, subsection 2](#), paragraph b, Code 2018, is amended to read as follows:

~~b. The amount collected in each taxing district within a city~~ The moneys and credits tax shall be collected by the department of revenue and shall be apportioned twenty percent to the county, thirty percent to the city general fund, and fifty percent to the general fund of the state, and the amount collected in each taxing district outside of cities shall be apportioned fifty percent to the county and fifty percent to the general fund of the state.

Sec. 84. [Section 533.329, subsection 2](#), paragraph c, Code 2018, is amended by striking the paragraph.

Sec. 85. [Section 533.329](#), Code 2018, is amended by adding the following new subsection:
NEW SUBSECTION. 3. The department of revenue shall administer and enforce the provisions of [this section](#).

Sec. 86. EFFECTIVE DATE. The following takes effect April 30, 2019:
The section of this division of this Act amending [section 533.212](#).

DIVISION XX MILITARY INSTALLATION — SCHOOL ENROLLMENT

Sec. 87. [Section 257.6, subsection 1](#), paragraph a, Code 2018, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) Pupils who are enrolled in public schools within the district under [section 282.1, subsection 3](#), in grades kindergarten through twelve and including prekindergarten pupils enrolled in special education programs.

Sec. 88. [Section 282.1, subsection 2](#), Code 2018, is amended to read as follows:

2. For purposes of [this section](#), “resident” means a child who is meets either of the following requirements:

a. Is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

α. (1) Is in the district for the purpose of making a home and not solely for school purposes.

b. (2) Meets the definitional requirements of the term “homeless individual” under 42 U.S.C. §11302(a) and (c).

e. (3) Lives in a juvenile detention center or residential facility in the district.

b. Is domiciled with the child’s parent or guardian who is on active duty in the military service of the United States and is stationed at and resides or is domiciled within a federal military installation located contiguous to a county in this state.

Sec. 89. [Section 282.1](#), Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 3. The parent or guardian of a child who meets the requirements of [subsection 2](#), paragraph “b”, paragraph ⁴⁷ may enroll the child in a school district in a county in this state that is located contiguous to the out-of-state federal military installation. Notwithstanding [section 285.1](#) relating to transportation of resident pupils, the parent or guardian is responsible for transporting the child without reimbursement to and from a point on a regular school bus route of the district of enrollment.

NEW SUBSECTION. 4. Notwithstanding [section 282.6](#), if a parent or guardian enrolls a child in a school district in accordance with [subsection 3](#), the school district shall be free of tuition for such child.

DIVISION XXI CRIMINALISTICS LABORATORY FUND

Sec. 90. [Section 691.9](#), Code 2018, is amended to read as follows:
691.9 Criminalistics laboratory fund.

⁴⁷ According to Act; omission of the word “paragraph” probably intended

A criminalistics laboratory fund is created as a separate fund in the state treasury under the control of the department of public safety. The fund shall consist of appropriations made to the fund and transfers of interest, and earnings. All moneys in the fund are appropriated to the department of public safety for use by the department in criminalistics laboratory equipment and supply purchasing, maintenance, depreciation, and training. Any balance in the fund on June 30 of any fiscal year shall not revert to any other fund of the state but shall remain available for the purposes described in [this section](#).

DIVISION XXII
IOWA ENERGY CENTER

Sec. 91. [Section 476.10A, subsection 1](#), paragraph c, subparagraph (1), Code 2018, is amended to read as follows:

(1) ~~Eighty-five~~ Of eighty-five percent of the remittances collected pursuant to [this section](#) is, the following shall occur:

(a) For the fiscal year beginning July 1, 2018, such remittances are appropriated to the Iowa energy center created in [section 15.120](#).

(b) For the fiscal year beginning July 1, 2019, the first one million two hundred eighty-thousand dollars of such remittances shall be transferred to the general fund of the state, and the remaining amount is appropriated to the Iowa energy center created in [section 15.120](#).

(c) For the fiscal year beginning July 1, 2020, the first two million nine hundred ten thousand dollars of such remittances shall be transferred to the general fund of the state, and the remaining amount is appropriated to the Iowa energy center created in [section 15.120](#).

(d) For the fiscal year beginning July 1, 2021, the first three million five hundred thirty thousand dollars of such remittances shall be transferred to the general fund of the state, and the remaining amount is appropriated to the Iowa energy center created in [section 15.120](#).

DIVISION XXIII
TRIBAL IDENTIFICATION CARD

Sec. 92. [Section 48A.7A, subsection 1](#), paragraph b, subparagraph (1), Code 2018, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (f) A tribal identification card or other tribal enrollment document issued by a federally recognized Indian tribe or nation, if the tribal identification card or other tribal enrollment document is signed before the card or document is presented to the election official.

Sec. 93. [Section 49.78, subsection 2](#), paragraph a, Code 2018, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) A current, valid tribal identification card or other tribal enrollment document issued by a federally recognized Indian tribe or nation, which includes a photograph, signature, and valid expiration date.

DIVISION XXIV
WIND ENERGY CONVERSION PROPERTY

Sec. 94. [Section 441.21, subsection 5](#), Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. For valuations established for the assessment year beginning January 1, 2019, and each assessment year thereafter, the percentages of actual value at which property is assessed, as determined under [this subsection](#), shall not be applied to the value of wind energy conversion property valued under [section 427B.26](#) the construction of which is approved by the Iowa utilities board on or after July 1, 2018.

DIVISION XXV
REVOCATION OF DRIVER'S LICENSE FOR DRUG-RELATED CONVICTIONS

Sec. 95. [Section 124.412](#), Code 2018, is amended to read as follows:

124.412 Notice of conviction.

If a person enters a plea of guilty to, or forfeits bail or collateral deposited to secure the person's appearance in court, and such forfeiture is not vacated, or if a person is found guilty upon an indictment or information alleging a violation of [this chapter](#), a copy of the minutes attached to the indictment returned by the grand jury, or to the county attorney's information, a copy of the judgment and sentence, and a copy of the opinion of the judge if one is filed, shall be sent by the clerk of the district court or the judge to ~~the state department of transportation and to any state board or officer by whom the convicted person has been licensed or registered to practice the person's profession or carry on the person's business.~~ On the conviction of a person, the court may suspend or revoke the license or registration of the convicted defendant to practice the defendant's profession or carry on the defendant's business. On the application of a person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, the board or officer may reinstate the license or registration.

Sec. 96. [Section 321.212, subsection 1](#), paragraph d, Code 2018, is amended by striking the paragraph.

Sec. 97. [Section 321.215, subsection 1](#), paragraph b, Code 2018, is amended to read as follows:

b. However, a temporary restricted license shall not be issued to a person whose license is revoked pursuant to a court order issued under ~~section 901.5, subsection 10~~, or under [section 321.209, subsections 1 through 5 or subsection 7](#); to a juvenile whose license has been suspended or revoked pursuant to a dispositional order under [section 232.52, subsection 2](#), paragraph "a", for a violation of [chapter 124 or 453B or section 126.3](#); to a juvenile whose license has been suspended under [section 321.213B](#); or to a person whose license has been suspended pursuant to a court order under [section 714.7D](#). A temporary restricted license may be issued to a person whose license is revoked under [section 321.209, subsection 6](#), only if the person has no previous drag racing convictions. A person holding a temporary restricted license issued by the department under [this section](#) shall not operate a motor vehicle for pleasure.

Sec. 98. [Section 321.215, subsection 2](#), unnumbered paragraph 1, Code 2018, is amended to read as follows:

Upon conviction and the suspension or revocation of a person's noncommercial driver's license under [section 321.209, subsection 5 or 6](#), or [section 321.210, 321.210A, or 321.513](#); ~~or upon revocation pursuant to a court order issued under section 901.5, subsection 10~~; or upon the denial of issuance of a noncommercial driver's license under [section 321.560](#), based solely on offenses enumerated in [section 321.555, subsection 1](#), paragraph "c", or [section 321.555, subsection 2](#); or upon suspension or revocation of a juvenile's driver's license pursuant to a dispositional order under [section 232.52, subsection 2](#), paragraph "a", for a violation of [chapter 124 or 453B, or section 126.3](#); or upon suspension of a driver's license pursuant to a court order under [section 714.7D](#), the person may apply to the department for a temporary restricted license to operate a motor vehicle for the limited purpose or purposes specified in [subsection 1](#). The application may be granted only if all of the following criteria are satisfied:

Sec. 99. [Section 321.215, subsection 2](#), paragraph c, Code 2018, is amended to read as follows:

c. Proof of financial responsibility is established as defined in [chapter 321A](#). However, such proof is not required if the driver's license was suspended under [section 321.210A or 321.513](#) ~~or revoked pursuant to a court order issued under section 901.5, subsection 10~~.

Sec. 100. [Section 321.218, subsection 1](#), Code 2018, is amended to read as follows:

1. A person whose driver's license or operating privilege has been denied, canceled, suspended, or revoked as provided in [this chapter](#) or as provided in [section 252J.8](#) or ~~[section 901.5, subsection 10](#)~~, and who operates a motor vehicle upon the highways of this state while the license or privilege is denied, canceled, suspended, or revoked, commits a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of [this subsection](#) shall include assessment of a fine of not less than two hundred fifty dollars nor more than one thousand five hundred dollars.

Sec. 101. [Section 321A.17, subsection 4](#), Code 2018, is amended to read as follows:

4. An individual applying for a driver's license following a period of suspension or revocation pursuant to a dispositional order issued under [section 232.52, subsection 2](#), paragraph "a", or under [section 321.180B, section 321.210, subsection 1](#), paragraph "a", subparagraph (4), or [section 321.210A, 321.213A, 321.213B, 321.216B, or 321.513](#), following a period of suspension or revocation under [section 321.178](#) or [321.194](#), or following a period of revocation pursuant to a court order issued under ~~[section 901.5, subsection 10](#)~~, or under [section 321J.2A](#), is not required to maintain proof of financial responsibility under [this section](#).

Sec. 102. [Section 901.5, subsection 10](#), Code 2018, is amended by striking the subsection.

Sec. 103. REINSTATEMENT OF DRIVER'S LICENSE. A defendant's driver's license suspended or revoked pursuant to [section 901.5, subsection 10](#), prior to the effective date of this division of this Act, shall be reinstated, if the defendant is otherwise eligible for a driver's license.

Sec. 104. CONTINGENT EFFECTIVE DATE. This division of this Act takes effect on the date the governor submits to the United States secretary of transportation a written certification that the governor is opposed to the enforcement in this state of a law described in 23 U.S.C. §159(a)(3)(A) and a written certification that the general assembly has adopted a joint resolution expressing its opposition to the same, in accordance with 23 U.S.C. §159(a)(3)(B). The office of the governor shall notify the Code editor upon submission of the certifications described in this section.

Approved June 1, 2018, with exceptions noted.

KIM REYNOLDS, Governor

Dear Mr. Secretary:

I hereby transmit:

House File 2502, an Act relating to state and local finances by making appropriations, providing for legal and regulatory responsibilities, providing for other properly related matters, and providing for effective date, contingent effective date, applicability, and retroactive applicability provisions.

As to Sections 67 and 69 of House File 2502, I am unable to approve these items. Section 67 prescribes that any newly formed Multiple Employer Welfare Arrangement (MEWA) be formed as a United States Internal Revenue Code Section 501(c)(9) entity. There are other viable tax structure alternatives, and I believe this requirement is overly prescriptive and would have a limiting effect on any future employer interested in the formation of a MEWA for purposes of providing an additional option for health coverage for interested Iowans.

Section 69 repeals the ability of the Commissioner of the Iowa Insurance Division to adopt emergency rules. It is necessary for the Commissioner to retain this ability in order to ensure for the immediate adoption of rules to administer the provisions of the underlying bill.

For the above reasons, I respectfully disapprove House File 2502, in part only as specified above, in accordance with Article III, Section 16, of the Constitution of the State of Iowa. The remainder of House File 2502 not disapproved of as stated herein is approved of as this date.

Sincerely,
KIM REYNOLDS, *Governor*