

**EIGHTY-EIGHTH GENERAL ASSEMBLY  
2019 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

**April 29, 2019**

**Clip Sheet Summary**

Displays all amendments, fiscal notes, and conference committee reports for previous day.

<b>Bill</b>	<b>Amendment</b>	<b>Action</b>	<b>Sponsor</b>
<a href="#">SF 638</a> .....	<a href="#">H-1325</a> .....	Adopted	HALL of Woodbury
<a href="#">SF 638</a> .....	<a href="#">H-1326</a> .....	Adopted	HALL of Woodbury

SENATE FILE 638

H-1326

1 Amend Senate File 638, as amended, passed, and reprinted by  
2 the Senate, as follows:

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

5 <DIVISION I

6 STANDING APPROPRIATIONS AND RELATED MATTERS

7 Section 1. LIMITATIONS OF STANDING APPROPRIATIONS — FY  
8 2019-2020. Notwithstanding the standing appropriation in the  
9 following designated section for the fiscal year beginning July  
10 1, 2019, and ending June 30, 2020, the amount appropriated from  
11 the general fund of the state pursuant to that section for the  
12 following designated purpose shall not exceed the following  
13 amount:

14 For payment of claims for nonpublic school transportation  
15 under section 285.2:

16 ..... \$ 8,197,091

17 If total approved claims for reimbursement for nonpublic  
18 school pupil transportation exceed the amount appropriated in  
19 accordance with this section, the department of education shall  
20 prorate the amount of each approved claim.

21 Sec. 2. INSTRUCTIONAL SUPPORT STATE AID — FY 2019-2020. In  
22 lieu of the appropriation provided in section 257.20,  
23 subsection 2, the appropriation for the fiscal year  
24 beginning July 1, 2019, and ending June 30, 2020, for paying  
25 instructional support state aid under section 257.20 for such  
26 fiscal year is zero.

27 Sec. 3. Section 257.35, Code 2019, is amended by adding the  
28 following new subsection:

29 NEW SUBSECTION. 13A. Notwithstanding subsection 1, and in  
30 addition to the reduction applicable pursuant to subsection  
31 2, the state aid for area education agencies and the portion  
32 of the combined district cost calculated for these agencies  
33 for the fiscal year beginning July 1, 2019, and ending June  
34 30, 2020, shall be reduced by the department of management by  
35 fifteen million dollars. The reduction for each area education



1 section 15, if enacted, as necessary to best fulfill the needs  
2 provided for in the appropriation. However, the department  
3 shall not reallocate moneys appropriated to the department  
4 in this section and moneys appropriated in 2019 Iowa Acts,  
5 Senate File 615, section 15, if enacted, unless notice of the  
6 reallocation is given to the legislative services agency and  
7 the department of management prior to the effective date of the  
8 reallocation. The notice shall include information regarding  
9 the rationale for reallocating the moneys. The department  
10 shall not reallocate moneys appropriated in this section and  
11 moneys appropriated in 2019 Iowa Acts, Senate File 615, section  
12 15, if enacted, for the purpose of eliminating any program.

13 DIVISION III

14 MISCELLANEOUS PROVISIONS

15 Sec. 6. Section 2C.18, Code 2019, is amended to read as  
16 follows:

17 **2C.18 Report to general assembly.**

18 The ombudsman shall by ~~April 1~~ December 31 of each year  
19 submit an economically designed and reproduced report to the  
20 general assembly and to the governor concerning the exercise of  
21 the ombudsman's functions during the preceding ~~calendar~~ fiscal  
22 year. In discussing matters with which the ombudsman has been  
23 concerned, the ombudsman shall not identify specific persons  
24 if to do so would cause needless hardship. If the annual  
25 report criticizes a named agency or official, it shall also  
26 include unedited replies made by the agency or official to the  
27 criticism, unless excused by the agency or official affected.

28 Sec. 7. Section 558.69, Code 2019, is amended by adding the  
29 following new subsection:

30 NEW SUBSECTION. 9. Notwithstanding section 331.604 or any  
31 other provision of law to the contrary, the county recorder  
32 shall not charge or collect a fee for the submission or filing  
33 of a groundwater hazard statement.

34 DIVISION IV

35 CORRECTIVE PROVISIONS

1     Sec. 8. Section 29C.20C, if enacted by 2019 Iowa Acts,  
2 Senate File 570, section 1, is amended to read as follows:

3     **29C.20C Immunity — licensed architects and professional**  
4 **engineers.**

5     An architect licensed pursuant to chapter 544A or a  
6 professional engineer licensed pursuant to chapter 542B who,  
7 during a disaster emergency as proclaimed by the governor or  
8 a major disaster as declared by the president of the United  
9 States, in good faith and at the request of or with the  
10 approval of a national, state, or local public official, law  
11 enforcement official, public safety official, or building  
12 inspection official believed by the licensed architect or  
13 professional engineer to be acting in an official capacity,  
14 voluntarily and without compensation provides architectural,  
15 engineering, structural, electrical, mechanical, or other  
16 design professional services related to the disaster emergency  
17 or major disaster shall not be liable for civil damages for any  
18 acts or omissions resulting from the services provided, unless  
19 such acts or omissions constitute recklessness or willful  
20 and wanton misconduct. A licensed architect or professional  
21 engineer who receives expense reimbursement for the performance  
22 of services described in this section shall not be considered  
23 to have received compensation for such services.

24     Sec. 9. Section 216A.133, subsection 3, paragraph 1, if  
25 enacted by 2019 Iowa Acts, House File 634, section 5, is  
26 amended to read as follows:

27     1. Recommending to the ~~board~~ department the adoption of  
28 rules pursuant to chapter 17A as it deems necessary for the  
29 board and division.

30     Sec. 10. Section 225C.51, subsection 1, paragraph a, if  
31 enacted by 2019 Iowa Acts, House File 690, section 8, is  
32 amended to read as follows:

33     a. The director of the department of human services or the  
34 director's designee.

35     Sec. 11. Section 225C.51, subsection 3, if enacted by 2019

1 Iowa Acts, House File 690, section 8, is amended to read as  
2 follows:

3 3. The director of the department of human services and the  
4 director of the department of education, or their designees,  
5 shall serve as co-chairpersons of the state board. Board  
6 members shall not be entitled to a per diem as specified in  
7 section 7E.6 and shall not be entitled to actual and necessary  
8 expenses incurred while engaged in their official duties.

9 Sec. 12. Section 261H.3, subsections 1 and 2, as enacted by  
10 2019 Iowa Acts, Senate File 274, section 3, are amended to read  
11 as follows:

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

21 2. A member of the campus community who wishes to engage in  
22 noncommercial expressive activity in outdoor areas of campus  
23 shall be permitted to do so freely, subject to reasonable  
24 time, place, and manner restrictions, and as long as the  
25 member's conduct is not unlawful, does not impede others'  
26 access to a facility or use of walkways, and does not disrupt  
27 the functioning of the public institution of higher education,  
28 subject to the protections of subsection 1. The public  
29 institution of higher education may designate other areas of  
30 campus available for use by the campus community according to  
31 institutional policy, but in all cases access to designated  
32 areas of campus must be granted on a viewpoint-neutral basis  
33 within the bounds of established principles of the first  
34 amendment principles to the Constitution of the United States.

35 Sec. 13. Section 322C.2, subsection 20, if enacted by 2019

1 Iowa Acts, Senate File 435, section 2, is amended to read as  
2 follows:

3 20. "*Towable recreational vehicle dealer*" or "*dealer*" means  
4 a person required to be licensed under this chapter who is  
5 authorized to sell and service towable recreational vehicles.

6 Sec. 14. Section 322C.15, subsection 2, paragraph b, if  
7 enacted by 2019 Iowa Acts, Senate File 435, section 12, is  
8 amended to read as follows:

9 b. The manufacturer's or distributor's business operations  
10 have been abandoned or caused the dealer's business operations  
11 to close for ten consecutive business days. This ~~subparagraph~~  
12 paragraph does not apply if the closing is due to a normal  
13 seasonal closing and the manufacturer or distributor notifies  
14 the dealer of the planned closing, an act of God, a strike,  
15 a labor difficulty, or any other cause over which the  
16 manufacturer or distributor has no control.

17 Sec. 15. Section 456A.33C, subsection 1, unnumbered  
18 paragraph 1, if enacted by 2019 Iowa Acts, House File 765,  
19 section 18, is amended to read as follows:

20 For purposes of this section, unless the context otherwise  
21 requires, "*eligible water body*" means a body of water that ~~meet~~  
22 meets all of the following criteria:

23 Sec. 16. Section 513D.2, subsection 2, Code 2019, as amended  
24 by 2019 Iowa Acts, House File 679, section 184, if enacted, is  
25 amended to read as follows:

26 2. The commissioner ~~or~~ of insurance may take any enforcement  
27 action under the commissioner's authority to enforce compliance  
28 with this chapter.

29 Sec. 17. Section 515I.4A, subsection 1, paragraph c, as  
30 enacted by 2019 Iowa Acts, Senate File 558, section 4, is  
31 amended to read as follows:

32 c. The board of directors of the insurer has passed a  
33 resolution seeking approval as a domestic surplus lines insurer  
34 in this state and stating that the insurer shall only write  
35 surplus ~~line~~ lines business. The resolution shall not be

1 amended without approval of the commissioner.

2 Sec. 18. Section 522E.13, subsection 6, Code 2019, as  
3 amended by 2019 Iowa Acts, Senate File 559, section 6, is  
4 amended to read as follows:

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

21 Sec. 19. Section 633.648, Code 2019, as amended by 2019  
22 Iowa Acts, House File 610, section 34, if enacted, is amended  
23 to read as follows:

24 **633.648 Appointment of attorney in compromise of personal**  
25 **injury settlements.**

26 Notwithstanding the provisions of section 633.642 prior to  
27 authorizing a compromise of a claim for damages on account  
28 of personal injuries to the ~~ward~~ protected person, the court  
29 may order an independent investigation by an attorney other  
30 than by the attorney for the conservator. The cost of such  
31 investigation, including a reasonable attorney fee, shall be  
32 taxed as part of the cost of the conservatorship.

33 Sec. 20. Section 692C.1, subsection 1, paragraph a, if  
34 enacted by 2019 Iowa Acts, House File 681, section 1, is  
35 amended to read as follows:

1     *a. "Covered individual"* means an individual who has, seeks  
2 to have, or may have access to children, the elderly, or  
3 individuals with disabilities served by a qualified entity and  
4 who is employed by, volunteers with, or seeks to volunteer with  
5 a qualified entity; or owns or operates or seeks to own or  
6 operate, a qualified entity.

7     Sec. 21. 2019 Iowa Acts, Senate File 333, section 104,  
8 subsection 6, is amended to read as follows:

9     6. Sections 15E.206, subsection 3, paragraph "a";  
10 15E.207, subsection 2, paragraph "b", subparagraph (2),  
11 subparagraph division (c); 15E.208, subsection 5, paragraph  
12 "g", subparagraphs (1) and (2); 15E.208, subsection 6,  
13 paragraph "d", subparagraph (1), subparagraph division  
14 (a); 135.61, unnumbered paragraph 1; 135.61, subsection  
15 1, paragraph "d"; 135.61, subsection 4; 135.62, subsection  
16 1; 135.62, subsection 2, paragraph "f", subparagraphs (2),  
17 (4), and (5); 135.63, subsection 1; 135.63, subsection 2,  
18 unnumbered paragraph 1; 135.63, subsection 2, paragraph "f";  
19 135.63, subsection 2, paragraph "g", subparagraph (1); 135.63,  
20 subsection 2, paragraph "h", subparagraph (1), unnumbered  
21 paragraph 1; 135.63, subsection 2, paragraph "j"; 135.63,  
22 subsection 2, paragraph "k", subparagraph (1), unnumbered  
23 paragraph 1; 135.63, subsection 2, paragraph "l", unnumbered  
24 paragraph 1; 135.63, subsection 2, paragraphs "m" and "n";  
25 135.63, subsection 2, paragraph "p", unnumbered paragraph 1;  
26 135.63, subsection 3; 135.64, subsection 3; 135.72, unnumbered  
27 paragraph 1; 135.73, subsection 1; 135.73, subsection  
28 2, unnumbered paragraph 1; 135.73, subsection 3; 135.74,  
29 subsections 1 and 3; 135.75, subsection 2; 135.76, subsection  
30 1; 135.100, unnumbered paragraph 1; 135.105A, subsection 5;  
31 135.108, unnumbered paragraph 1; 135.140, unnumbered paragraph  
32 1; 249K.2, subsection 6; 490.120, subsection 12, paragraph "c",  
33 subparagraph (1); 490.140, subsection 29; 490.640, subsection  
34 8; 490.809, subsection 2; 490.858, subsection 2; 490.1101,  
35 unnumbered paragraph 1; 490.1105, subsection 3; 490.1107,

H-1326 (Continued)

1 subsection 1, paragraph "h"; 490.1107, subsection 2; 490.1107,  
2 subsection 4, paragraph "b"; 490.1108, subsection 1; 490.1114,  
3 subsection 1; 490.1114, subsection 2, paragraph "g"; 490.1202,  
4 subsection 7; 490.1301, unnumbered paragraph 1; 490.1320,  
5 subsection 1; 490.1320, subsection 3, paragraphs "a" and "b";  
6 490.1322, subsection 2, paragraph "c"; 490.1323, subsection  
7 3; 490.1331, subsection 1; 490.1340, subsection 2, paragraph  
8 "a", subparagraph (1); 490.1403, subsection 3; 490.1405,  
9 subsection 2, paragraph "c"; 499.69A, subsection 6; 524.1309,  
10 subsection 8; 524.1406, subsection 1; 524.1417, subsection 1;  
11 and 524.1805, subsection 6, Code 2019, are amended by striking  
12 the word "division" and inserting in lieu thereof the word  
13 "subchapter".

14 Sec. 22. EFFECTIVE DATE. The following, being deemed of  
15 immediate importance, take effect upon enactment:

16 1. The section of this division of this Act amending section  
17 29C.20.

18 2. The section of this division of this Act amending section  
19 261H.3, subsections 1 and 2.

20 Sec. 23. EFFECTIVE DATE. The following takes effect January  
21 1, 2020:

22 The section of this division of this Act amending section  
23 633.648.

24 Sec. 24. RETROACTIVE APPLICABILITY. The following applies  
25 retroactively to the effective date of 2019 Iowa Acts, Senate  
26 File 570, if enacted:

27 The section of this division of this Act amending section  
28 29C.20.

29 Sec. 25. RETROACTIVE APPLICABILITY. The following applies  
30 retroactively to March 27, 2019:

31 The section of this division of this Act amending section  
32 261H.3, subsections 1 and 2.

33 Sec. 26. APPLICABILITY. The following applies to  
34 guardianships and guardianship proceedings for adults and  
35 conservatorships and conservatorship proceedings for adults and

1 minors established or pending before, on, or after January 1,  
2 2020:

3 The section of this division of this Act amending section  
4 633.648.

5 DIVISION V

6 FLOOD RECOVERY

7 Sec. 27. NEW SECTION. 418.16 Flood recovery fund.

8 1. A flood recovery fund is established in the state  
9 treasury under the control of the board. The fund shall  
10 consist of moneys appropriated to the fund by the general  
11 assembly and any other moneys available to, obtained by, or  
12 accepted by the board for deposit in the fund. Moneys in the  
13 fund are appropriated to the department and shall be used for  
14 the purposes designated in this section. Moneys in the fund  
15 shall not supplant any federal disaster recovery moneys.

16 2. The board may award moneys from the fund to eligible  
17 political subdivisions of the state. A political subdivision  
18 of the state is eligible to receive moneys from the fund if  
19 the political subdivision is located in a county designated  
20 under presidential disaster declaration DR-4421-IA and is also  
21 located in a county where the federal emergency management  
22 agency's individual assistance program has been activated.

23 3. In order to be awarded moneys from the fund, a political  
24 subdivision of the state shall submit a project application  
25 to the department for consideration by the board. The board  
26 shall prescribe application forms and application instructions.  
27 Project applications shall include all of the following:

28 a. A description of the project and the manner in which  
29 the project supports flood response, flood recovery, or flood  
30 mitigation activities.

31 b. A description of the financial assistance needed from the  
32 fund.

33 c. Details on any additional moneys to be applied to the  
34 project.

35 4. a. The board shall review all project applications.

1 During the review of a project application, the board shall  
2 consider, at a minimum, all of the following:

3 (1) Whether the project supports flood response, flood  
4 recovery, or flood mitigation activities.

5 (2) Whether moneys from the fund are essential to meet  
6 the necessary expenses or serious needs of the political  
7 subdivision related to flood response, flood recovery, or flood  
8 mitigation.

9 b. Upon review of a project application, the board shall  
10 approve, defer, or deny the application. If a project  
11 application is approved, the board shall specify the amount of  
12 moneys from the fund awarded to the political subdivision. The  
13 board shall negotiate and execute on behalf of the department  
14 all necessary agreements to provide the moneys. If a project  
15 application is deferred or denied, the board shall state the  
16 reasons for such deferral or denial.

17 5. Notwithstanding section 8.33, moneys in the fund  
18 that remain unencumbered or unobligated at the close of a  
19 fiscal year shall not revert but shall remain available for  
20 expenditure for the purposes designated in this section.  
21 Notwithstanding section 12C.7, subsection 2, interest or  
22 earnings on moneys deposited in the fund shall be credited to  
23 the fund.

24 Sec. 28. FLOOD RECOVERY APPROPRIATION. There is  
25 appropriated from the general fund of the state to the  
26 department of homeland security and emergency management, for  
27 the fiscal year beginning July 1, 2018, and ending June 30,  
28 2019, the following amount, or so much thereof as is necessary,  
29 to be credited to the flood recovery fund created in section  
30 418.16, as enacted by this Act, and used for the purposes  
31 designated in section 418.16, as enacted by this Act:

32 ..... \$ 15,000,000

33 Sec. 29. EMERGENCY RULES. The department of homeland  
34 security and emergency management may adopt emergency  
35 rules under section 17A.4, subsection 3, and section 17A.5,

1 subsection 2, paragraph "b", to implement the provisions of  
2 this division of this Act and the rules shall be effective  
3 immediately upon filing unless a later date is specified in the  
4 rules. Any rules adopted in accordance with this section shall  
5 also be published as a notice of intended action as provided  
6 in section 17A.4.

7 Sec. 30. EFFECTIVE DATE. This division of this Act, being  
8 deemed of immediate importance, takes effect upon enactment.

9 DIVISION VI

10 STATE BUDGET PROCESS

11 Sec. 31. Section 8.6, Code 2019, is amended by adding the  
12 following new subsection:

13 NEW SUBSECTION. 16. *Salary model administrator.* To  
14 designate a position within the department to serve as the  
15 salary model administrator.

16 *a.* The salary model administrator shall work in conjunction  
17 with the legislative services agency to maintain the state's  
18 salary model used for analyzing, comparing, and projecting  
19 state employee salary and benefit information, including  
20 information relating to employees of the state board of  
21 regents.

22 *b.* The department of revenue, the department of  
23 administrative services, the institutions governed by the state  
24 board of regents pursuant to section 262.7, each judicial  
25 district's department of correctional services, and the state  
26 department of transportation shall provide salary data to the  
27 department of management and the legislative services agency  
28 to operate the state's salary model. The format and frequency  
29 of provision of the salary data shall be determined by the  
30 department of management and the legislative services agency.

31 *c.* The information shall be used in collective bargaining  
32 processes under chapter 20 and in calculating the funding needs  
33 contained within any annual salary adjustment legislation.  
34 A state employee organization as defined in section 20.3,  
35 subsection 4, may request information produced by the model,

1 but the information provided shall not contain information  
2 attributable to individual employees.

3 Sec. 32. Section 8.23, subsection 1, unnumbered paragraph  
4 1, Code 2019, is amended to read as follows:

5 On or before October ± 2, prior to each legislative  
6 session, all departments and establishments of the government  
7 shall transmit to the director, on blanks to be furnished by  
8 the director, estimates of their expenditure requirements,  
9 including every proposed expenditure, for the ensuing fiscal  
10 year, ~~classified so as to distinguish between expenditures~~  
11 ~~estimated for administration, operation, and maintenance, and~~  
12 ~~the cost of each project involving the purchase of land or the~~  
13 ~~making of a public improvement or capital outlay of a permanent~~  
14 ~~character,~~ together with supporting data and explanations  
15 as called for by the director after consultation with the  
16 legislative services agency.

17 Sec. 33. Section 8.23, subsection 1, paragraph a, Code 2019,  
18 is amended to read as follows:

19 a. The estimates of expenditure requirements shall be  
20 ~~based upon seventy-five percent of the funding provided for~~  
21 ~~the current fiscal year accounted for by program reduced by~~  
22 ~~the historical employee vacancy factor in a form specified by~~  
23 ~~the director,~~ and the remainder of the estimate of expenditure  
24 requirements shall include all proposed expenditures and shall  
25 be prioritized by program or the results to be achieved. The  
26 estimates shall be accompanied with by performance measures  
27 for evaluating the effectiveness of the program programs or  
28 results.

29 Sec. 34. Section 602.1301, subsection 2, paragraph a,  
30 unnumbered paragraph 1, Code 2019, is amended to read as  
31 follows:

32 As early as possible, but not later than December 1, the  
33 supreme court shall submit to the legislative services agency  
34 the annual budget request and detailed supporting information  
35 for the judicial branch. The submission shall be designed

1 to assist the legislative services agency in its preparation  
2 for legislative consideration of the budget request. The  
3 information submitted shall contain and be arranged in a format  
4 substantially similar to the format specified by the director  
5 of the department of management and used by all departments  
6 and establishments in transmitting to the director estimates  
7 of their expenditure requirements pursuant to section 8.23,  
8 ~~except the estimates of expenditure requirements shall be based~~  
9 ~~upon one hundred percent of funding for the current fiscal~~  
10 ~~year accounted for by program, and using the same line item~~  
11 ~~definitions of expenditures as used for the current fiscal~~  
12 ~~year's budget request, and the remainder of the estimate of~~  
13 ~~expenditure requirements prioritized by program.~~ The supreme  
14 court shall also make use of the department of management's  
15 automated budget system when submitting information to the  
16 director of the department of management to assist the director  
17 in the transmittal of information as required under section  
18 8.35A. The supreme court shall budget and track expenditures  
19 by the following separate organization codes:

20 DIVISION VII

21 BLACKOUT SPECIAL REGISTRATION PLATES

22 Sec. 35. Section 321.34, Code 2019, is amended by adding the  
23 following new subsection:

24 NEW SUBSECTION. 11C. *Blackout plates.*

25 *a.* Upon application and payment of the proper fees,  
26 the director may issue blackout plates to the owner of a  
27 motor vehicle subject to registration under section 321.109,  
28 subsection 1, autocycle, motor truck, motor home, multipurpose  
29 vehicle, motorcycle, trailer, or travel trailer.

30 *b.* Blackout plates shall be designed by the department. A  
31 blackout plate's background shall be black, and the plate's  
32 letters and numbers shall be white.

33 *c.* The special blackout fee for letter-number designated  
34 blackout plates is thirty-five dollars. An applicant may  
35 obtain personalized blackout plates upon payment of the fee for

1 personalized plates as provided in subsection 5, which is in  
2 addition to the special blackout fee. The fees collected by  
3 the director under this subsection shall be paid monthly to the  
4 treasurer of state and deposited in the road use tax fund.

5 *d.* Upon receipt of the special registration plates, the  
6 applicant shall surrender the current registration plates to  
7 the county treasurer. The county treasurer shall validate  
8 the special registration plates in the same manner as regular  
9 registration plates are validated under this section. The  
10 annual special blackout fee for letter-number designated plates  
11 is ten dollars which shall be paid in addition to the regular  
12 annual registration fee. The annual fee for personalized  
13 blackout plates is five dollars which shall be paid in addition  
14 to the annual special blackout fee and the regular annual  
15 registration fee. The annual special blackout fee shall be  
16 credited as provided under paragraph "c".

17 *e.* The department shall not condition the issuance of  
18 blackout plates on the receipt of any number of orders for  
19 blackout plates.

20 Sec. 36. Section 321.166, subsection 9, Code 2019, is  
21 amended to read as follows:

22 9. Special registration plates issued pursuant to section  
23 321.34, other than gold star, medal of honor, collegiate, fire  
24 fighter, ~~and~~ natural resources, and blackout registration  
25 plates, shall be consistent with the design and color of  
26 regular registration plates but shall provide a space on a  
27 portion of the plate for the purpose of allowing the placement  
28 of a distinguishing processed emblem or an organization  
29 decal. Special registration plates shall also comply with  
30 the requirements for regular registration plates as provided  
31 in this section to the extent the requirements are consistent  
32 with the section authorizing a particular special vehicle  
33 registration plate.

34  
35

DIVISION VIII  
GAMBLING REGULATION

1     Sec. 37. Section 99F.7A, subsection 3, if enacted by 2019  
2 Iowa Acts, Senate File 617, section 10, is amended to read as  
3 follows:

4     3. A licensee under this section may enter into operating  
5 agreements with one or two entities to have up to a total of  
6 two individually branded internet sites to conduct advance  
7 deposit sports wagering for the licensee, unless one additional  
8 operating agreement or individually branded internet site  
9 is authorized by the commission. However, a person shall  
10 not sell, grant, assign, or turn over to another person the  
11 operation of an individually branded internet site to conduct  
12 advance deposit wagering for the licensee without the approval  
13 of the commission. This section does not prohibit an agreement  
14 entered into between a licensee under this section and an  
15 advanced deposit sports wagering operator as approved by the  
16 commission.

17     Sec. 38. Section 99F.13, Code 2019, is amended to read as  
18 follows:

19     **99F.13 Annual audit of licensee operations.**

20     Within ninety days after the end of the licensee's fiscal  
21 year, the licensee shall transmit to the commission an audit  
22 of the licensee's total gambling operations, including an  
23 itemization of all expenses and subsidies. For a licensed  
24 subsidiary of a parent company, an audit of the parent company  
25 meets the requirements of this section. All audits shall  
26 be conducted by certified public accountants authorized  
27 to practice in the state of Iowa under chapter 542 ~~who are~~  
28 ~~selected by the board of supervisors of the county in which the~~  
29 ~~licensee operates.~~

30                                   DIVISION IX

31                                   PUBLIC UTILITIES

32     Sec. 39. Section 476.6, subsection 15, paragraph c,  
33 subparagraphs (2) and (4), Code 2019, are amended to read as  
34 follows:

35     (2) Notwithstanding the goals developed pursuant to

1 paragraph "b", the board shall not require or allow a gas  
2 utility to adopt an energy efficiency plan that results in  
3 projected cumulative average annual costs that exceed one  
4 and one-half percent of the gas utility's expected annual  
5 Iowa retail rate revenue from retail customers in the state,  
6 shall not require or allow an electric utility to adopt an  
7 energy efficiency plan that results in projected cumulative  
8 average annual costs that exceed two percent of the electric  
9 utility's expected annual Iowa retail rate revenue from retail  
10 customers in the state, and shall not require or allow an  
11 electric utility to adopt a demand response plan that results  
12 in projected cumulative average annual costs that exceed two  
13 percent of the electric utility's expected annual Iowa retail  
14 rate revenue from retail customers in the state. For purposes  
15 of determining the two percent threshold amount, the board  
16 shall exclude from an electric utility's expected annual Iowa  
17 retail rate revenue the revenues expected from customers that  
18 have received exemptions from energy efficiency plans pursuant  
19 to paragraph "a". This subparagraph shall apply to energy  
20 efficiency plans and demand response plans that are effective  
21 on or after January 1, 2019.

22 (4) The board shall approve, reject, or modify a plan filed  
23 pursuant to this subsection no later than March 31, 2019. If  
24 the board fails to approve, reject, or modify a plan filed by a  
25 gas or electric utility on or before such date, any plan filed  
26 by the gas or electric utility that was approved by the board  
27 prior to May 4, 2018, shall be terminated. The board shall  
28 not require or allow a gas or electric utility to implement an  
29 energy efficiency plan or demand response plan that does not  
30 meet the requirements of this subsection.

31 DIVISION X

32 BOARD OF REGENTS CAPITAL PROJECTS

33 Sec. 40. BOARD OF REGENTS CAPITAL PROJECTS REPORT.

34 1. The state board of regents shall submit a written report,  
35 including such information and recommendations as required by

1 this section, to the general assembly by December 13, 2019,  
2 regarding the financing of capital projects at institutions  
3 under the control of the state board of regents.

4 2. The written report shall include a list of all capital  
5 projects initiated by an institution under the control of the  
6 state board of regents since January 1, 2004, in which the  
7 state provided at least a part of the financing for the project  
8 from an appropriation from the rebuild Iowa infrastructure fund  
9 created in section 8.57. For each project listed, the report  
10 shall include all of the following information:

11 a. Total cost of each project.

12 b. The amount and percentage of each project financed  
13 through donations and gifts from private sources.

14 c. The amount and percentage of each project financed  
15 through funding from the federal government.

16 d. The amount and percentage of each project financed  
17 through institution sources.

18 e. The amount and percentage of each project financed  
19 through state dollars.

20 f. The amount and percentage of each project financed  
21 through other sources.

22 g. Whether each project was considered a renovation or new  
23 construction.

24 3. The written report shall include, for each year since  
25 January 1, 2004, the percentage of capital project costs that  
26 were covered by donations and gifts from private sources for  
27 capital projects that did not receive state funding.

28 4. The written report shall include information regarding  
29 how the state board of regents defines new construction and  
30 renovations, a list of capital projects initiated due to  
31 extraordinary circumstances, and the current method used by  
32 the state board of regents and institutions under the control  
33 of the state board of regents to develop financing plans for  
34 capital projects.

35 5. The written report shall also include recommendations to

H-1325 (Continued)

1 the general assembly regarding the following:

2 a. The type of capital projects that should be eligible for  
3 state funding.

4 b. The share of state-funded capital projects that should be  
5 funded with non-state dollars.

6 c. How the fundraising plan will be developed for  
7 state-funded projects.

8 Sec. 41. REPEAL. Section 262.67, if enacted by 2019 Iowa  
9 Acts, House File 765, section 16, is repealed.

10 DIVISION XI

11 WATERSHED MANAGEMENT AUTHORITIES

12 Sec. 42. Section 466B.22, Code 2019, is amended by adding  
13 the following new subsection:

14 NEW SUBSECTION. 5. If a portion of a United States  
15 geological survey hydrologic unit code 8 watershed is located  
16 outside of this state, any political subdivision in such a  
17 watershed may participate in any watershed management authority  
18 which includes the county in which the political subdivision  
19 is located.>

By HALL of Woodbury

H-1325 FILED APRIL 27, 2019

ADOPTED

SENATE FILE 638

H-1325

Amend the amendment, H-1325, to Senate File 638, as amended, passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 19, line 19, and  
4 inserting:

5 <Amend Senate File 638, as amended, passed, and reprinted by  
6 the Senate, as follows:

7 1. By striking everything after the enacting clause and  
8 inserting:

9 <DIVISION I

10 STANDING APPROPRIATIONS AND RELATED MATTERS

11 Section 1. LIMITATIONS OF STANDING APPROPRIATIONS — FY  
12 2019-2020. Notwithstanding the standing appropriation in the  
13 following designated section for the fiscal year beginning July  
14 1, 2019, and ending June 30, 2020, the amount appropriated from  
15 the general fund of the state pursuant to that section for the  
16 following designated purpose shall not exceed the following  
17 amount:

18 For payment of claims for nonpublic school transportation  
19 under section 285.2:

20 ..... \$ 8,197,091

21 If total approved claims for reimbursement for nonpublic  
22 school pupil transportation exceed the amount appropriated in  
23 accordance with this section, the department of education shall  
24 prorate the amount of each approved claim.

25 Sec. 2. INSTRUCTIONAL SUPPORT STATE AID — FY 2019-2020. In  
26 lieu of the appropriation provided in section 257.20,  
27 subsection 2, the appropriation for the fiscal year  
28 beginning July 1, 2019, and ending June 30, 2020, for paying  
29 instructional support state aid under section 257.20 for such  
30 fiscal year is zero.

31 Sec. 3. Section 257.35, Code 2019, is amended by adding the  
32 following new subsection:

33 NEW SUBSECTION. 13A. Notwithstanding subsection 1, and in  
34 addition to the reduction applicable pursuant to subsection  
35 2, the state aid for area education agencies and the portion

1 of the combined district cost calculated for these agencies  
2 for the fiscal year beginning July 1, 2019, and ending June  
3 30, 2020, shall be reduced by the department of management by  
4 fifteen million dollars. The reduction for each area education  
5 agency shall be prorated based on the reduction that the agency  
6 received in the fiscal year beginning July 1, 2003.

7 Sec. 4. SPECIAL FUNDS — SALARY ADJUSTMENTS —  
8 UNAPPROPRIATED MONEYS — FY 2019-2020 — FY 2020-2021. For the  
9 fiscal year beginning July 1, 2019, and ending June 30, 2020,  
10 and for the fiscal year beginning July 1, 2020, and ending June  
11 30, 2021, salary adjustments otherwise provided may be funded  
12 as determined by the department of management, subject to any  
13 applicable constitutional limitation, using unappropriated  
14 moneys remaining in the department of commerce revolving  
15 fund, the gaming enforcement revolving fund, the gaming  
16 regulatory revolving fund, the primary road fund, the road  
17 use tax fund, the fish and game protection fund, and the Iowa  
18 public employees' retirement fund, and in other departmental  
19 revolving, trust, or special funds for which the general  
20 assembly has not made an operating budget appropriation.

21 DIVISION II

22 MISCELLANEOUS APPROPRIATIONS

23 Sec. 5. DEPARTMENT OF PUBLIC SAFETY.

24 1. There is appropriated from the general fund of the  
25 state to the department of public safety for the fiscal year  
26 beginning July 1, 2019, and ending June 30, 2020, the following  
27 amount, or so much thereof as is necessary, to be used for the  
28 purposes designated:

29 For costs associated with the training and equipment needs  
30 of volunteer fire fighters:

31 ..... \$ 50,000

32 2. Notwithstanding section 8.33, moneys appropriated in  
33 this section that remain unencumbered or unobligated at the  
34 close of the fiscal year shall not revert but shall remain  
35 available for expenditure only for the purpose designated in

1 this section until the close of the succeeding fiscal year.  
2 3. Notwithstanding section 8.39, the department of public  
3 safety may reallocate moneys appropriated in this section  
4 and moneys appropriated in 2019 Iowa Acts, Senate File 615,  
5 section 15, if enacted, as necessary to best fulfill the needs  
6 provided for in the appropriation. However, the department  
7 shall not reallocate moneys appropriated to the department  
8 in this section and moneys appropriated in 2019 Iowa Acts,  
9 Senate File 615, section 15, if enacted, unless notice of the  
10 reallocation is given to the legislative services agency and  
11 the department of management prior to the effective date of the  
12 reallocation. The notice shall include information regarding  
13 the rationale for reallocating the moneys. The department  
14 shall not reallocate moneys appropriated in this section and  
15 moneys appropriated in 2019 Iowa Acts, Senate File 615, section  
16 15, if enacted, for the purpose of eliminating any program.

17 DIVISION III

18 MISCELLANEOUS PROVISIONS

19 Sec. 6. Section 2C.18, Code 2019, is amended to read as  
20 follows:

21 **2C.18 Report to general assembly.**

22 The ombudsman shall by ~~April 1~~ December 31 of each year  
23 submit an economically designed and reproduced report to the  
24 general assembly and to the governor concerning the exercise of  
25 the ombudsman's functions during the preceding ~~calendar~~ fiscal  
26 year. In discussing matters with which the ombudsman has been  
27 concerned, the ombudsman shall not identify specific persons  
28 if to do so would cause needless hardship. If the annual  
29 report criticizes a named agency or official, it shall also  
30 include unedited replies made by the agency or official to the  
31 criticism, unless excused by the agency or official affected.

32 Sec. 7. Section 558.69, Code 2019, is amended by adding the  
33 following new subsection:

34 NEW SUBSECTION. 9. Notwithstanding section 331.604 or any  
35 other provision of law to the contrary, the county recorder

1 shall not charge or collect a fee for the submission or filing  
2 of a groundwater hazard statement.

3 DIVISION IV

4 CORRECTIVE PROVISIONS

5 Sec. 8. Section 29C.20C, if enacted by 2019 Iowa Acts,  
6 Senate File 570, section 1, is amended to read as follows:

7 **29C.20C Immunity — licensed architects and professional**  
8 **engineers.**

9 An architect licensed pursuant to chapter 544A or a  
10 professional engineer licensed pursuant to chapter 542B who,  
11 during a disaster emergency as proclaimed by the governor or  
12 a major disaster as declared by the president of the United  
13 States, in good faith and at the request of or with the  
14 approval of a national, state, or local public official, law  
15 enforcement official, public safety official, or building  
16 inspection official believed by the licensed architect or  
17 professional engineer to be acting in an official capacity,  
18 voluntarily and without compensation provides architectural,  
19 engineering, structural, electrical, mechanical, or other  
20 design professional services related to the disaster emergency  
21 or major disaster shall not be liable for civil damages for any  
22 acts or omissions resulting from the services provided, unless  
23 such acts or omissions constitute recklessness or willful  
24 and wanton misconduct. A licensed architect or professional  
25 engineer who receives expense reimbursement for the performance  
26 of services described in this section shall not be considered  
27 to have received compensation for such services.

28 Sec. 9. Section 216A.133, subsection 3, paragraph 1, if  
29 enacted by 2019 Iowa Acts, House File 634, section 5, is  
30 amended to read as follows:

31 1. Recommending to the ~~board~~ department the adoption of  
32 rules pursuant to chapter 17A as it deems necessary for the  
33 board and division.

34 Sec. 10. Section 225C.51, subsection 1, paragraph a, if  
35 enacted by 2019 Iowa Acts, House File 690, section 8, is

1 amended to read as follows:

2     *a.* The director of the department of human services or the  
3 director's designee.

4     Sec. 11. Section 225C.51, subsection 3, if enacted by 2019  
5 Iowa Acts, House File 690, section 8, is amended to read as  
6 follows:

7     3. The director of the department of human services and the  
8 director of the department of education, or their designees,  
9 shall serve as co-chairpersons of the state board. Board  
10 members shall not be entitled to a per diem as specified in  
11 section 7E.6 and shall not be entitled to actual and necessary  
12 expenses incurred while engaged in their official duties.

13     Sec. 12. Section 261H.3, subsections 1 and 2, as enacted by  
14 2019 Iowa Acts, Senate File 274, section 3, are amended to read  
15 as follows:

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

25     2. A member of the campus community who wishes to engage in  
26 noncommercial expressive activity in outdoor areas of campus  
27 shall be permitted to do so freely, subject to reasonable  
28 time, place, and manner restrictions, and as long as the  
29 member's conduct is not unlawful, does not impede others'  
30 access to a facility or use of walkways, and does not disrupt  
31 the functioning of the public institution of higher education,  
32 subject to the protections of subsection 1. The public  
33 institution of higher education may designate other areas of  
34 campus available for use by the campus community according to  
35 institutional policy, but in all cases access to designated

1 areas of campus must be granted on a viewpoint-neutral basis  
2 within the bounds of established principles of the first  
3 amendment principles to the Constitution of the United States.

4 Sec. 13. Section 322C.2, subsection 20, if enacted by 2019  
5 Iowa Acts, Senate File 435, section 2, is amended to read as  
6 follows:

7 20. "*Towable recreational vehicle dealer*" or "*dealer*" means  
8 a person required to be licensed under this chapter who is  
9 authorized to sell and service towable recreational vehicles.

10 Sec. 14. Section 322C.15, subsection 2, paragraph b, if  
11 enacted by 2019 Iowa Acts, Senate File 435, section 12, is  
12 amended to read as follows:

13 b. The manufacturer's or distributor's business operations  
14 have been abandoned or caused the dealer's business operations  
15 to close for ten consecutive business days. This ~~subparagraph~~  
16 paragraph does not apply if the closing is due to a normal  
17 seasonal closing and the manufacturer or distributor notifies  
18 the dealer of the planned closing, an act of God, a strike,  
19 a labor difficulty, or any other cause over which the  
20 manufacturer or distributor has no control.

21 Sec. 15. Section 456A.33C, subsection 1, unnumbered  
22 paragraph 1, if enacted by 2019 Iowa Acts, House File 765,  
23 section 18, is amended to read as follows:

24 For purposes of this section, unless the context otherwise  
25 requires, "*eligible water body*" means a body of water that ~~meet~~  
26 meets all of the following criteria:

27 Sec. 16. Section 513D.2, subsection 2, Code 2019, as amended  
28 by 2019 Iowa Acts, House File 679, section 184, if enacted, is  
29 amended to read as follows:

30 2. The commissioner ~~or~~ of insurance may take any enforcement  
31 action under the commissioner's authority to enforce compliance  
32 with this chapter.

33 Sec. 17. Section 515I.4A, subsection 1, paragraph c, as  
34 enacted by 2019 Iowa Acts, Senate File 558, section 4, is  
35 amended to read as follows:

1 c. The board of directors of the insurer has passed a  
2 resolution seeking approval as a domestic surplus lines insurer  
3 in this state and stating that the insurer shall only write  
4 surplus ~~line~~ lines business. The resolution shall not be  
5 amended without approval of the commissioner.

6 Sec. 18. Section 522E.13, subsection 6, Code 2019, as  
7 amended by 2019 Iowa Acts, Senate File 559, section 6, is  
8 amended to read as follows:

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

25 Sec. 19. Section 633.648, Code 2019, as amended by 2019  
26 Iowa Acts, House File 610, section 34, if enacted, is amended  
27 to read as follows:

28 **633.648 Appointment of attorney in compromise of personal**  
29 **injury settlements.**

30 Notwithstanding the provisions of section 633.642 prior to  
31 authorizing a compromise of a claim for damages on account  
32 of personal injuries to the ~~ward~~ protected person, the court  
33 may order an independent investigation by an attorney other  
34 than by the attorney for the conservator. The cost of such  
35 investigation, including a reasonable attorney fee, shall be

1 taxed as part of the cost of the conservatorship.

2 Sec. 20. Section 692C.1, subsection 1, paragraph a, if  
3 enacted by 2019 Iowa Acts, House File 681, section 1, is  
4 amended to read as follows:

5 a. *"Covered individual"* means an individual who has, seeks  
6 to have, or may have access to children, the elderly, or  
7 individuals with disabilities served by a qualified entity and  
8 who is employed by, volunteers with, or seeks to volunteer with  
9 a qualified entity; or owns or operates or seeks to own or  
10 operate, a qualified entity.

11 Sec. 21. 2019 Iowa Acts, Senate File 333, section 104,  
12 subsection 6, is amended to read as follows:

13 6. Sections 15E.206, subsection 3, paragraph "a";  
14 15E.207, subsection 2, paragraph "b", subparagraph (2),  
15 subparagraph division (c); 15E.208, subsection 5, paragraph  
16 "g", subparagraphs (1) and (2); 15E.208, subsection 6,  
17 paragraph "d", subparagraph (1), subparagraph division  
18 (a); 135.61, unnumbered paragraph 1; 135.61, subsection  
19 1, paragraph "d"; 135.61, subsection 4; 135.62, subsection  
20 1; 135.62, subsection 2, paragraph "f", subparagraphs (2),  
21 (4), and (5); 135.63, subsection 1; 135.63, subsection 2,  
22 unnumbered paragraph 1; 135.63, subsection 2, paragraph "f";  
23 135.63, subsection 2, paragraph "g", subparagraph (1); 135.63,  
24 subsection 2, paragraph "h", subparagraph (1), unnumbered  
25 paragraph 1; 135.63, subsection 2, paragraph "j"; 135.63,  
26 subsection 2, paragraph "k", subparagraph (1), unnumbered  
27 paragraph 1; 135.63, subsection 2, paragraph "l", unnumbered  
28 paragraph 1; 135.63, subsection 2, paragraphs "m" and "n";  
29 135.63, subsection 2, paragraph "p", unnumbered paragraph 1;  
30 135.63, subsection 3; 135.64, subsection 3; 135.72, unnumbered  
31 paragraph 1; 135.73, subsection 1; 135.73, subsection  
32 2, unnumbered paragraph 1; 135.73, subsection 3; 135.74,  
33 subsections 1 and 3; 135.75, subsection 2; 135.76, subsection  
34 1; 135.100, unnumbered paragraph 1; 135.105A, subsection 5;  
35 135.108, unnumbered paragraph 1; 135.140, unnumbered paragraph

H-1325 (Continued)

1 1; 249K.2, subsection 6; 490.120, subsection 12, paragraph "c",  
2 subparagraph (1); 490.140, subsection 29; 490.640, subsection  
3 8; 490.809, subsection 2; 490.858, subsection 2; 490.1101,  
4 unnumbered paragraph 1; 490.1105, subsection 3; 490.1107,  
5 subsection 1, paragraph "h"; 490.1107, subsection 2; 490.1107,  
6 subsection 4, paragraph "b"; 490.1108, subsection 1; 490.1114,  
7 subsection 1; 490.1114, subsection 2, paragraph "g"; 490.1202,  
8 subsection 7; 490.1301, unnumbered paragraph 1; 490.1320,  
9 subsection 1; 490.1320, subsection 3, paragraphs "a" and "b";  
10 490.1322, subsection 2, paragraph "c"; 490.1323, subsection  
11 3; 490.1331, subsection 1; 490.1340, subsection 2, paragraph  
12 "a", subparagraph (1); 490.1403, subsection 3; 490.1405,  
13 subsection 2, paragraph "c"; 499.69A, subsection 6; 524.1309,  
14 subsection 8; 524.1406, subsection 1; 524.1417, subsection 1;  
15 and 524.1805, subsection 6, Code 2019, are amended by striking  
16 the word "division" and inserting in lieu thereof the word  
17 "subchapter".

18 Sec. 22. EFFECTIVE DATE. The following, being deemed of  
19 immediate importance, take effect upon enactment:

20 1. The section of this division of this Act amending section  
21 29C.20.

22 2. The section of this division of this Act amending section  
23 261H.3, subsections 1 and 2.

24 Sec. 23. EFFECTIVE DATE. The following takes effect January  
25 1, 2020:

26 The section of this division of this Act amending section  
27 633.648.

28 Sec. 24. RETROACTIVE APPLICABILITY. The following applies  
29 retroactively to the effective date of 2019 Iowa Acts, Senate  
30 File 570, if enacted:

31 The section of this division of this Act amending section  
32 29C.20.

33 Sec. 25. RETROACTIVE APPLICABILITY. The following applies  
34 retroactively to March 27, 2019:

35 The section of this division of this Act amending section

1 261H.3, subsections 1 and 2.

2 Sec. 26. APPLICABILITY. The following applies to  
3 guardianships and guardianship proceedings for adults and  
4 conservatorships and conservatorship proceedings for adults and  
5 minors established or pending before, on, or after January 1,  
6 2020:

7 The section of this division of this Act amending section  
8 633.648.

9

DIVISION V

10

FLOOD RECOVERY

11

Sec. 27. NEW SECTION. 418.16 Flood recovery fund.

12

1. A flood recovery fund is established in the state  
13 treasury under the control of the board. The fund shall  
14 consist of moneys appropriated to the fund by the general  
15 assembly and any other moneys available to, obtained by, or  
16 accepted by the board for deposit in the fund. Moneys in the  
17 fund are appropriated to the department and shall be used for  
18 the purposes designated in this section. Moneys in the fund  
19 shall not supplant any federal disaster recovery moneys.

20

2. The board may award moneys from the fund to eligible  
21 political subdivisions of the state. A political subdivision  
22 of the state is eligible to receive moneys from the fund if  
23 the political subdivision is located in a county designated  
24 under presidential disaster declaration DR-4421-IA and is also  
25 located in a county where the federal emergency management  
26 agency's individual assistance program has been activated.

27

3. In order to be awarded moneys from the fund, a political  
28 subdivision of the state shall submit a project application  
29 to the department for consideration by the board. The board  
30 shall prescribe application forms and application instructions.  
31 Project applications shall include all of the following:

32

a. A description of the project and the manner in which  
33 the project supports flood response, flood recovery, or flood  
34 mitigation activities.

35

b. A description of the financial assistance needed from the

1 fund.

2 *c.* Details on any additional moneys to be applied to the  
3 project.

4 4. *a.* The board shall review all project applications.  
5 During the review of a project application, the board shall  
6 consider, at a minimum, all of the following:

7 (1) Whether the project supports flood response, flood  
8 recovery, or flood mitigation activities.

9 (2) Whether moneys from the fund are essential to meet  
10 the necessary expenses or serious needs of the political  
11 subdivision related to flood response, flood recovery, or flood  
12 mitigation.

13 *b.* Upon review of a project application, the board shall  
14 approve, defer, or deny the application. If a project  
15 application is approved, the board shall specify the amount of  
16 moneys from the fund awarded to the political subdivision. The  
17 board shall negotiate and execute on behalf of the department  
18 all necessary agreements to provide the moneys. If a project  
19 application is deferred or denied, the board shall state the  
20 reasons for such deferral or denial.

21 5. Notwithstanding section 8.33, moneys in the fund  
22 that remain unencumbered or unobligated at the close of a  
23 fiscal year shall not revert but shall remain available for  
24 expenditure for the purposes designated in this section.  
25 Notwithstanding section 12C.7, subsection 2, interest or  
26 earnings on moneys deposited in the fund shall be credited to  
27 the fund.

28 Sec. 28. FLOOD RECOVERY APPROPRIATION. There is  
29 appropriated from the general fund of the state to the  
30 department of homeland security and emergency management, for  
31 the fiscal year beginning July 1, 2018, and ending June 30,  
32 2019, the following amount, or so much thereof as is necessary,  
33 to be credited to the flood recovery fund created in section  
34 418.16, as enacted by this Act, and used for the purposes  
35 designated in section 418.16, as enacted by this Act:

1 ..... \$ 15,000,000

2 Sec. 29. EMERGENCY RULES. The department of homeland  
3 security and emergency management may adopt emergency  
4 rules under section 17A.4, subsection 3, and section 17A.5,  
5 subsection 2, paragraph "b", to implement the provisions of  
6 this division of this Act and the rules shall be effective  
7 immediately upon filing unless a later date is specified in the  
8 rules. Any rules adopted in accordance with this section shall  
9 also be published as a notice of intended action as provided  
10 in section 17A.4.

11 Sec. 30. EFFECTIVE DATE. This division of this Act, being  
12 deemed of immediate importance, takes effect upon enactment.

13 DIVISION VI

14 STATE BUDGET PROCESS

15 Sec. 31. Section 8.6, Code 2019, is amended by adding the  
16 following new subsection:

17 NEW SUBSECTION. 16. *Salary model administrator.* To  
18 designate a position within the department to serve as the  
19 salary model administrator.

20 a. The salary model administrator shall work in conjunction  
21 with the legislative services agency to maintain the state's  
22 salary model used for analyzing, comparing, and projecting  
23 state employee salary and benefit information, including  
24 information relating to employees of the state board of  
25 regents.

26 b. The department of revenue, the department of  
27 administrative services, the institutions governed by the state  
28 board of regents pursuant to section 262.7, each judicial  
29 district's department of correctional services, and the state  
30 department of transportation shall provide salary data to the  
31 department of management and the legislative services agency  
32 to operate the state's salary model. The format and frequency  
33 of provision of the salary data shall be determined by the  
34 department of management and the legislative services agency.

35 c. The information shall be used in collective bargaining

1 processes under chapter 20 and in calculating the funding needs  
2 contained within any annual salary adjustment legislation.  
3 A state employee organization as defined in section 20.3,  
4 subsection 4, may request information produced by the model,  
5 but the information provided shall not contain information  
6 attributable to individual employees.

7 Sec. 32. Section 8.23, subsection 1, unnumbered paragraph  
8 1, Code 2019, is amended to read as follows:

9 On or before October ~~±~~ 15, prior to each legislative  
10 session, all departments and establishments of the government  
11 shall transmit to the director, on blanks to be furnished by  
12 the director, estimates of their expenditure requirements,  
13 including every proposed expenditure, for the ensuing fiscal  
14 year, ~~classified so as to distinguish between expenditures~~  
15 ~~estimated for administration, operation, and maintenance, and~~  
16 ~~the cost of each project involving the purchase of land or the~~  
17 ~~making of a public improvement or capital outlay of a permanent~~  
18 ~~character,~~ together with supporting data and explanations  
19 as called for by the director after consultation with the  
20 legislative services agency.

21 Sec. 33. Section 8.23, subsection 1, paragraph a, Code 2019,  
22 is amended to read as follows:

23 a. The estimates of expenditure requirements shall be  
24 ~~based upon seventy-five percent of the funding provided for~~  
25 ~~the current fiscal year accounted for by program reduced by~~  
26 ~~the historical employee vacancy factor in a form specified by~~  
27 ~~the director,~~ and the remainder of the estimate of expenditure  
28 requirements shall include all proposed expenditures and shall  
29 be prioritized by program or the results to be achieved. The  
30 estimates shall be accompanied with by performance measures  
31 for evaluating the effectiveness of the program programs or  
32 results.

33 Sec. 34. Section 602.1301, subsection 2, paragraph a,  
34 unnumbered paragraph 1, Code 2019, is amended to read as  
35 follows:

1 As early as possible, but not later than December 1, the  
2 supreme court shall submit to the legislative services agency  
3 the annual budget request and detailed supporting information  
4 for the judicial branch. The submission shall be designed  
5 to assist the legislative services agency in its preparation  
6 for legislative consideration of the budget request. The  
7 information submitted shall contain and be arranged in a format  
8 substantially similar to the format specified by the director  
9 of the department of management and used by all departments  
10 and establishments in transmitting to the director estimates  
11 of their expenditure requirements pursuant to section 8.23,  
12 ~~except the estimates of expenditure requirements shall be based~~  
13 ~~upon one hundred percent of funding for the current fiscal~~  
14 ~~year accounted for by program, and using the same line item~~  
15 ~~definitions of expenditures as used for the current fiscal~~  
16 ~~year's budget request, and the remainder of the estimate of~~  
17 ~~expenditure requirements prioritized by program.~~ The supreme  
18 court shall also make use of the department of management's  
19 automated budget system when submitting information to the  
20 director of the department of management to assist the director  
21 in the transmittal of information as required under section  
22 8.35A. The supreme court shall budget and track expenditures  
23 by the following separate organization codes:

24 DIVISION VII

25 BLACKOUT SPECIAL REGISTRATION PLATES

26 Sec. 35. Section 321.34, Code 2019, is amended by adding the  
27 following new subsection:

28 NEW SUBSECTION. 11C. *Blackout plates.*

29 *a.* Upon application and payment of the proper fees,  
30 the director may issue blackout plates to the owner of a  
31 motor vehicle subject to registration under section 321.109,  
32 subsection 1, autocycle, motor truck, motor home, multipurpose  
33 vehicle, motorcycle, trailer, or travel trailer.

34 *b.* Blackout plates shall be designed by the department. A  
35 blackout plate's background shall be black, and the plate's

1 letters and numbers shall be white.

2     *c.* The special blackout fee for letter-number designated  
3 blackout plates is thirty-five dollars. An applicant may  
4 obtain personalized blackout plates upon payment of the fee for  
5 personalized plates as provided in subsection 5, which is in  
6 addition to the special blackout fee. The fees collected by  
7 the director under this subsection shall be paid monthly to the  
8 treasurer of state and deposited in the road use tax fund.

9     *d.* Upon receipt of the special registration plates, the  
10 applicant shall surrender the current registration plates to  
11 the county treasurer. The county treasurer shall validate  
12 the special registration plates in the same manner as regular  
13 registration plates are validated under this section. The  
14 annual special blackout fee for letter-number designated plates  
15 is ten dollars which shall be paid in addition to the regular  
16 annual registration fee. The annual fee for personalized  
17 blackout plates is five dollars which shall be paid in addition  
18 to the annual special blackout fee and the regular annual  
19 registration fee. The annual special blackout fee shall be  
20 credited as provided under paragraph "*c*".

21     *e.* The department shall not condition the issuance of  
22 blackout plates on the receipt of any number of orders for  
23 blackout plates.

24     Sec. 36. Section 321.166, subsection 9, Code 2019, is  
25 amended to read as follows:

26     9. Special registration plates issued pursuant to section  
27 321.34, other than gold star, medal of honor, collegiate, fire  
28 fighter, ~~and~~ natural resources, and blackout registration  
29 plates, shall be consistent with the design and color of  
30 regular registration plates but shall provide a space on a  
31 portion of the plate for the purpose of allowing the placement  
32 of a distinguishing processed emblem or an organization  
33 decal. Special registration plates shall also comply with  
34 the requirements for regular registration plates as provided  
35 in this section to the extent the requirements are consistent

1 with the section authorizing a particular special vehicle  
2 registration plate.

3

DIVISION VIII

4

GAMBLING REGULATION

5 Sec. 37. Section 99F.7A, subsection 3, if enacted by 2019  
6 Iowa Acts, Senate File 617, section 10, is amended to read as  
7 follows:

8 3. A licensee under this section may enter into operating  
9 agreements with one or two entities to have up to a total of  
10 two individually branded internet sites to conduct advance  
11 deposit sports wagering for the licensee, unless one additional  
12 operating agreement or individually branded internet site  
13 is authorized by the commission. However, a person shall  
14 not sell, grant, assign, or turn over to another person the  
15 operation of an individually branded internet site to conduct  
16 advance deposit wagering for the licensee without the approval  
17 of the commission. This section does not prohibit an agreement  
18 entered into between a licensee under this section and an  
19 advanced deposit sports wagering operator as approved by the  
20 commission.

21 Sec. 38. Section 99F.13, Code 2019, is amended to read as  
22 follows:

23 **99F.13 Annual audit of licensee operations.**

24 Within ninety days after the end of the licensee's fiscal  
25 year, the licensee shall transmit to the commission an audit  
26 of the licensee's total gambling operations, including an  
27 itemization of all expenses and subsidies. For a licensed  
28 subsidiary of a parent company, an audit of the parent company  
29 meets the requirements of this section. All audits shall  
30 be conducted by certified public accountants authorized  
31 to practice in the state of Iowa under chapter 542 ~~who are~~  
32 ~~selected by the board of supervisors of the county in which the~~  
33 ~~licensee operates.~~

34

DIVISION IX

35

PUBLIC UTILITIES

1     Sec. 39. Section 476.6, subsection 15, paragraph c,  
2 subparagraphs (2) and (4), Code 2019, are amended to read as  
3 follows:

4     (2) Notwithstanding the goals developed pursuant to  
5 paragraph "b", the board shall not require or allow a gas  
6 utility to adopt an energy efficiency plan that results in  
7 projected cumulative average annual costs that exceed one  
8 and one-half percent of the gas utility's expected annual  
9 Iowa retail rate revenue from retail customers in the state,  
10 shall not require or allow an electric utility to adopt an  
11 energy efficiency plan that results in projected cumulative  
12 average annual costs that exceed two percent of the electric  
13 utility's expected annual Iowa retail rate revenue from retail  
14 customers in the state, and shall not require or allow an  
15 electric utility to adopt a demand response plan that results  
16 in projected cumulative average annual costs that exceed two  
17 percent of the electric utility's expected annual Iowa retail  
18 rate revenue from retail customers in the state. For purposes  
19 of determining the two percent threshold amount, the board  
20 shall exclude from an electric utility's expected annual Iowa  
21 retail rate revenue the revenues expected from customers that  
22 have received exemptions from energy efficiency plans pursuant  
23 to paragraph "a". This subparagraph shall apply to energy  
24 efficiency plans and demand response plans that are effective  
25 on or after January 1, 2019.

26     (4) The board shall approve, reject, or modify a plan filed  
27 pursuant to this subsection no later than March 31, 2019. If  
28 the board fails to approve, reject, or modify a plan filed by a  
29 gas or electric utility on or before such date, any plan filed  
30 by the gas or electric utility that was approved by the board  
31 prior to May 4, 2018, shall be terminated. The board shall  
32 not require or allow a gas or electric utility to implement an  
33 energy efficiency plan or demand response plan that does not  
34 meet the requirements of this subsection.

35

DIVISION X

1 BOARD OF REGENTS CAPITAL PROJECTS

2 Sec. 40. BOARD OF REGENTS CAPITAL PROJECTS REPORT.

3 1. The state board of regents shall submit a written report,  
4 including such information and recommendations as required by  
5 this section, to the general assembly by December 13, 2019,  
6 regarding the financing of capital projects at institutions  
7 under the control of the state board of regents.

8 2. The written report shall include a list of all capital  
9 projects initiated by an institution under the control of the  
10 state board of regents since January 1, 2004, in which the  
11 state provided at least a part of the financing for the project  
12 from an appropriation from the rebuild Iowa infrastructure fund  
13 created in section 8.57. For each project listed, the report  
14 shall include all of the following information:

15 a. Total cost of each project.

16 b. The amount and percentage of each project financed  
17 through donations and gifts from private sources.

18 c. The amount and percentage of each project financed  
19 through funding from the federal government.

20 d. The amount and percentage of each project financed  
21 through institution sources.

22 e. The amount and percentage of each project financed  
23 through state dollars.

24 f. The amount and percentage of each project financed  
25 through other sources.

26 g. Whether each project was considered a renovation or new  
27 construction.

28 3. The written report shall include, for each year since  
29 January 1, 2004, the percentage of capital project costs that  
30 were covered by donations and gifts from private sources for  
31 capital projects that did not receive state funding.

32 4. The written report shall include information regarding  
33 how the state board of regents defines new construction and  
34 renovations, a list of capital projects initiated due to  
35 extraordinary circumstances, and the current method used by

H-1326 (Continued)

1 the state board of regents and institutions under the control  
2 of the state board of regents to develop financing plans for  
3 capital projects.

4 5. The written report shall also include recommendations to  
5 the general assembly regarding the following:

6 a. The type of capital projects that should be eligible for  
7 state funding.

8 b. The share of state-funded capital projects that should be  
9 funded with non-state dollars.

10 c. How the fundraising plan will be developed for  
11 state-funded projects.

12 Sec. 41. REPEAL. Section 262.67, if enacted by 2019 Iowa  
13 Acts, House File 765, section 16, is repealed.

14 DIVISION XI

15 WATERSHED MANAGEMENT AUTHORITIES

16 Sec. 42. Section 466B.22, Code 2019, is amended by adding  
17 the following new subsection:

18 NEW SUBSECTION. 5. If a portion of a United States  
19 geological survey hydrologic unit code 8 watershed is located  
20 outside of this state, any political subdivision in such a  
21 watershed may participate in any watershed management authority  
22 which includes the county in which the political subdivision  
23 is located.>>

By HALL of Woodbury

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ADOPTED