

Senate File 638 - Reprinted

SENATE FILE 638
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1262)

(As Amended and Passed by the Senate April 26, 2019)

A BILL FOR

1 An Act relating to state and local finances by making
2 appropriations, providing for legal and regulatory
3 responsibilities, providing for other properly related
4 matters, and including effective date, applicability, and
5 retroactive applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

STANDING APPROPRIATIONS AND RELATED MATTERS

1 Section 1. LIMITATIONS OF STANDING APPROPRIATIONS — FY
2 2019-2020. Notwithstanding the standing appropriation in the
3 following designated section for the fiscal year beginning July
4 1, 2019, and ending June 30, 2020, the amount appropriated from
5 the general fund of the state pursuant to that section for the
6 following designated purpose shall not exceed the following
7 amount:
8

9
10 For payment of claims for nonpublic school transportation
11 under section 285.2:

12 \$ 8,197,091

13 If total approved claims for reimbursement for nonpublic
14 school pupil transportation exceed the amount appropriated in
15 accordance with this section, the department of education shall
16 prorate the amount of each approved claim.

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

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

25 NEW SUBSECTION. 13A. Notwithstanding subsection 1, and in
26 addition to the reduction applicable pursuant to subsection
27 2, the state aid for area education agencies and the portion
28 of the combined district cost calculated for these agencies
29 for the fiscal year beginning July 1, 2019, and ending June
30 30, 2020, shall be reduced by the department of management by
31 fifteen million dollars. The reduction for each area education
32 agency shall be prorated based on the reduction that the agency
33 received in the fiscal year beginning July 1, 2003.

34 Sec. 4. SPECIAL FUNDS — SALARY ADJUSTMENTS —
35 UNAPPROPRIATED MONEYS — FY 2019-2020 — FY 2020-2021. For the

1 fiscal year beginning July 1, 2019, and ending June 30, 2020,
2 and for the fiscal year beginning July 1, 2020, and ending June
3 30, 2021, salary adjustments otherwise provided may be funded
4 as determined by the department of management, subject to any
5 applicable constitutional limitation, using unappropriated
6 moneys remaining in the department of commerce revolving
7 fund, the gaming enforcement revolving fund, the gaming
8 regulatory revolving fund, the primary road fund, the road
9 use tax fund, the fish and game protection fund, and the Iowa
10 public employees' retirement fund, and in other departmental
11 revolving, trust, or special funds for which the general
12 assembly has not made an operating budget appropriation.

13 DIVISION II

14 MISCELLANEOUS APPROPRIATIONS

15 Sec. 5. DEPARTMENT OF PUBLIC SAFETY.

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

21 For costs associated with the training and equipment needs
22 of volunteer fire fighters:

23 \$ 50,000

24 2. Notwithstanding section 8.33, moneys appropriated in
25 this section that remain unencumbered or unobligated at the
26 close of the fiscal year shall not revert but shall remain
27 available for expenditure only for the purpose designated in
28 this section until the close of the succeeding fiscal year.

29 3. Notwithstanding section 8.39, the department of public
30 safety may reallocate moneys appropriated in this section
31 and moneys appropriated in 2019 Iowa Acts, Senate File 615,
32 section 15, if enacted, as necessary to best fulfill the needs
33 provided for in the appropriation. However, the department
34 shall not reallocate moneys appropriated to the department
35 in this section and moneys appropriated in 2019 Iowa Acts,

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

9 DIVISION III

10 MISCELLANEOUS PROVISIONS

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

13 **2C.18 Report to general assembly.**

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

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

26 NEW SUBSECTION. 9. Notwithstanding section 331.604 or any
27 other provision of law to the contrary, the county recorder
28 shall not charge or collect a fee for the submission or filing
29 of a groundwater hazard statement.

30 DIVISION IV

31 CORRECTIVE PROVISIONS

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

34 **29C.20C Immunity — licensed architects and professional**
35 **engineers.**

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

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

23 1. Recommending to the ~~board~~ department the adoption of
24 rules pursuant to chapter 17A as it deems necessary for the
25 board and division.

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

29 a. The director of the department of human services or the
30 director's designee.

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

34 3. The director of the department of human services and the
35 director of the department of education, or their designees,

1 shall serve as co-chairpersons of the state board. Board
2 members shall not be entitled to a per diem as specified in
3 section 7E.6 and shall not be entitled to actual and necessary
4 expenses incurred while engaged in their official duties.

5 Sec. 12. Section 261H.3, subsections 1 and 2, as enacted by
6 2019 Iowa Acts, Senate File 274, section 3, are amended to read
7 as follows:

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

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

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

34 20. "*Towable recreational vehicle dealer*" or "*dealer*" means
35 a person required to be licensed under this chapter who is

1 authorized to sell and service towable recreational vehicles.

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

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

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

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

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

22 2. The commissioner ~~or~~ of insurance may take any enforcement
23 action under the commissioner's authority to enforce compliance
24 with [this chapter](#).

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

28 c. The board of directors of the insurer has passed a
29 resolution seeking approval as a domestic surplus lines insurer
30 in this state and stating that the insurer shall only write
31 surplus ~~line~~ lines business. The resolution shall not be
32 amended without approval of the commissioner.

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

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

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

20 **633.648 Appointment of attorney in compromise of personal**
21 **injury settlements.**

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

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

32 *a. "Covered individual" means an individual who has, seeks*
33 *to have, or may have access to children, the elderly, or*
34 *individuals with disabilities served by a qualified entity and*
35 *who is employed by, volunteers with, or seeks to volunteer with*

1 a qualified entity; or owns or operates or seeks to own or
2 operate, a qualified entity.

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

5 6. Sections 15E.206, subsection 3, paragraph "a";
6 15E.207, subsection 2, paragraph "b", subparagraph (2),
7 subparagraph division (c); 15E.208, subsection 5, paragraph
8 "g", subparagraphs (1) and (2); 15E.208, subsection 6,
9 paragraph "d", subparagraph (1), subparagraph division
10 (a); 135.61, unnumbered paragraph 1; 135.61, subsection
11 1, paragraph "d"; 135.61, subsection 4; 135.62, subsection
12 1; 135.62, subsection 2, paragraph "f", subparagraphs (2),
13 (4), and (5); 135.63, subsection 1; 135.63, subsection 2,
14 unnumbered paragraph 1; 135.63, subsection 2, paragraph "f";
15 135.63, subsection 2, paragraph "g", subparagraph (1); 135.63,
16 subsection 2, paragraph "h", subparagraph (1), unnumbered
17 paragraph 1; 135.63, subsection 2, paragraph "j"; 135.63,
18 subsection 2, paragraph "k", subparagraph (1), unnumbered
19 paragraph 1; 135.63, subsection 2, paragraph "l", unnumbered
20 paragraph 1; 135.63, subsection 2, paragraphs "m" and "n";
21 135.63, subsection 2, paragraph "p", unnumbered paragraph 1;
22 135.63, subsection 3; 135.64, subsection 3; 135.72, unnumbered
23 paragraph 1; 135.73, subsection 1; 135.73, subsection
24 2, unnumbered paragraph 1; 135.73, subsection 3; 135.74,
25 subsections 1 and 3; 135.75, subsection 2; 135.76, subsection
26 1; 135.100, unnumbered paragraph 1; 135.105A, subsection 5;
27 135.108, unnumbered paragraph 1; 135.140, unnumbered paragraph
28 1; 249K.2, subsection 6; 490.120, subsection 12, paragraph "c",
29 subparagraph (1); 490.140, subsection 29; 490.640, subsection
30 8; 490.809, subsection 2; 490.858, subsection 2; 490.1101,
31 unnumbered paragraph 1; 490.1105, subsection 3; 490.1107,
32 subsection 1, paragraph "h"; 490.1107, subsection 2; 490.1107,
33 subsection 4, paragraph "b"; 490.1108, subsection 1; 490.1114,
34 subsection 1; 490.1114, subsection 2, paragraph "g"; 490.1202,
35 subsection 7; 490.1301, unnumbered paragraph 1; 490.1320,

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

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

12 1. The section of this division of this Act amending section
13 29C.20.

14 2. The section of this division of this Act amending section
15 261H.3, subsections 1 and 2.

16 Sec. 23. EFFECTIVE DATE. The following takes effect January
17 1, 2020:

18 The section of this division of this Act amending section
19 633.648.

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

23 The section of this division of this Act amending section
24 29C.20.

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

27 The section of this division of this Act amending section
28 261H.3, subsections 1 and 2.

29 Sec. 26. APPLICABILITY. The following applies to
30 guardianships and guardianship proceedings for adults and
31 conservatorships and conservatorship proceedings for adults and
32 minors established or pending before, on, or after January 1,
33 2020:

34 The section of this division of this Act amending section
35 633.648.

DIVISION V

FLOOD RECOVERY

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

1
2
3
4 1. A flood recovery fund is established in the state
5 treasury under the control of the board. The fund shall
6 consist of moneys appropriated to the fund by the general
7 assembly and any other moneys available to, obtained by, or
8 accepted by the board for deposit in the fund. Moneys in the
9 fund are appropriated to the department and shall be used for
10 the purposes designated in this section. Moneys in the fund
11 shall not supplant any federal disaster recovery moneys.

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

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

24 a. A description of the project and the manner in which
25 the project supports flood response, flood recovery, or flood
26 mitigation activities.

27 b. A description of the financial assistance needed from the
28 fund.

29 c. Details on any additional moneys to be applied to the
30 project.

31 4. a. The board shall review all project applications.
32 During the review of a project application, the board shall
33 consider, at a minimum, all of the following:

34 (1) Whether the project supports flood response, flood
35 recovery, or flood mitigation activities.

1 (2) Whether moneys from the fund are essential to meet
2 the necessary expenses or serious needs of the political
3 subdivision related to flood response, flood recovery, or flood
4 mitigation.

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

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

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

28 \$ 15,000,000

29 Sec. 29. EMERGENCY RULES. The department of homeland
30 security and emergency management may adopt emergency
31 rules under section 17A.4, subsection 3, and section 17A.5,
32 subsection 2, paragraph "b", to implement the provisions of
33 this division of this Act and the rules shall be effective
34 immediately upon filing unless a later date is specified in the
35 rules. Any rules adopted in accordance with this section shall

1 also be published as a notice of intended action as provided
2 in section 17A.4.

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

5 DIVISION VI

6 STATE BUDGET PROCESS

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

9 NEW SUBSECTION. 16. *Salary model administrator.* To
10 designate a position within the department to serve as the
11 salary model administrator.

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

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

27 c. The information shall be used in collective bargaining
28 processes under chapter 20 and in calculating the funding needs
29 contained within any annual salary adjustment legislation.
30 A state employee organization as defined in section 20.3,
31 subsection 4, may request information produced by the model,
32 but the information provided shall not contain information
33 attributable to individual employees.

34 Sec. 32. Section 8.23, subsection 1, unnumbered paragraph
35 1, Code 2019, is amended to read as follows:

1 On or before October 1, prior to each legislative session,
2 all departments and establishments of the government shall
3 transmit to the director, on blanks to be furnished by the
4 director, estimates of their expenditure requirements,
5 including every proposed expenditure, for the ensuing fiscal
6 year, ~~classified so as to distinguish between expenditures~~
7 ~~estimated for administration, operation, and maintenance, and~~
8 ~~the cost of each project involving the purchase of land or the~~
9 ~~making of a public improvement or capital outlay of a permanent~~
10 ~~character,~~ together with supporting data and explanations
11 as called for by the director after consultation with the
12 legislative services agency.

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

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

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

28 As early as possible, but not later than December 1, the
29 supreme court shall submit to the legislative services agency
30 the annual budget request and detailed supporting information
31 for the judicial branch. The submission shall be designed
32 to assist the legislative services agency in its preparation
33 for legislative consideration of the budget request. The
34 information submitted shall contain and be arranged in a format
35 substantially similar to the format specified by the director

1 of the department of management and used by all departments
2 and establishments in transmitting to the director estimates
3 of their expenditure requirements pursuant to [section 8.23](#),
4 ~~except the estimates of expenditure requirements shall be based~~
5 ~~upon one hundred percent of funding for the current fiscal~~
6 ~~year accounted for by program, and using the same line item~~
7 ~~definitions of expenditures as used for the current fiscal~~
8 ~~year's budget request, and the remainder of the estimate of~~
9 ~~expenditure requirements prioritized by program.~~ The supreme
10 court shall also make use of the department of management's
11 automated budget system when submitting information to the
12 director of the department of management to assist the director
13 in the transmittal of information as required under section
14 8.35A. The supreme court shall budget and track expenditures
15 by the following separate organization codes:

16 DIVISION VII

17 BLACKOUT SPECIAL REGISTRATION PLATES

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

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

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

26 *b.* Blackout plates shall be designed by the department. A
27 blackout plate's background shall be black, and the plate's
28 letters and numbers shall be white.

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

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

13 *e.* The department shall not condition the issuance of
14 blackout plates on the receipt of any number of orders for
15 blackout plates.

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

18 9. Special registration plates issued pursuant to section
19 321.34, other than gold star, medal of honor, collegiate, fire
20 fighter, ~~and~~ natural resources, and blackout registration
21 plates, shall be consistent with the design and color of
22 regular registration plates but shall provide a space on a
23 portion of the plate for the purpose of allowing the placement
24 of a distinguishing processed emblem or an organization
25 decal. Special registration plates shall also comply with
26 the requirements for regular registration plates as provided
27 in [this section](#) to the extent the requirements are consistent
28 with the section authorizing a particular special vehicle
29 registration plate.

30 DIVISION VIII

31 GAMBLING REGULATION

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

35 3. A licensee under this section may enter into operating

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

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

15 **99F.13 Annual audit of licensee operations.**

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

26 DIVISION IX

27 PUBLIC UTILITIES

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

31 (2) Notwithstanding the goals developed pursuant to
32 paragraph "b", the board shall not require or allow a gas
33 utility to adopt an energy efficiency plan that results in
34 projected cumulative average annual costs that exceed one
35 and one-half percent of the gas utility's expected annual

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

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

27 DIVISION X

28 BOARD OF REGENTS CAPITAL PROJECTS

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

30 1. The state board of regents shall submit a written report,
31 including such information and recommendations as required by
32 this section, to the general assembly by December 13, 2019,
33 regarding the financing of capital projects at institutions
34 under the control of the state board of regents.

35 2. The written report shall include a list of all capital

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

- 7 a. Total cost of each project.
- 8 b. The amount and percentage of each project financed
9 through donations and gifts from private sources.
- 10 c. The amount and percentage of each project financed
11 through funding from the federal government.
- 12 d. The amount and percentage of each project financed
13 through institution sources.
- 14 e. The amount and percentage of each project financed
15 through state dollars.
- 16 f. The amount and percentage of each project financed
17 through other sources.
- 18 g. Whether each project was considered a renovation or new
19 construction.

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

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

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

- 33 a. The type of capital projects that should be eligible for
34 state funding.
- 35 b. The share of state-funded capital projects that should be

1 funded with non-state dollars.

2 c. How the fundraising plan will be developed for
3 state-funded projects.

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

6 DIVISION XI

7 WATERSHED MANAGEMENT AUTHORITIES

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

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