

Standing Appropriations Bill House File 2502

Last Action:

Final Action

May 5, 2018

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

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available online at www.legis.iowa.gov/publications/information/appropriationBillAnalysis
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FUNDING SUMMARY

This Bill makes adjustments to various General Fund standing appropriations and results in a net decrease of \$29.2 million for FY 2019. Page 2, Line 1

MAJOR INCREASES/DECREASES/TRANSFERS OF EXISTING PROGRAMS

Reduces the FY 2019 standing appropriation to the Legislative Branch by \$1.4 million and permits unexpended funds budgeted during FY 2018 to carry forward to FY 2019. Page 2, Line 5

Suspends the General Fund standing appropriation of \$14.8 million to the Department of Education for the Instructional Support Program for FY 2019. Page 2, Line 25

Increases the FY 2019 General Fund appropriation to the Cash Reserve Fund by \$2.0 million. Page 2, Line 33

Reduces the FY 2019 State school aid funding to area education agencies (AEAs) by \$15.0 million. Page 3, Line 6

Authorizes a transfer of the balance in the Taxpayers Trust Fund to the General Fund for FY 2019. The balance is currently estimated at \$8.3 million. Page 3, Line 15

STUDIES AND INTENT

Prohibits the Legislative Branch from expending funds from the standing unlimited appropriation for annual membership dues to organizations and costs associated with out-of-state travel. Provides an exception for travel expenses associated with commissioners serving on the Commission of Uniform State Laws. Page 2, Line 15

Requires the Salary Model Administrator to work with the Legislative Services Agency (LSA) to maintain the State's salary model. Requires various departments to submit salary data to the Department of Management (DOM) and the LSA. Page 3, Line 19

Requires the Department of Natural Resources (DNR) to submit a report to the General Assembly by December 1, 2018, that includes all of the financial assistance provided to private entities for the acquisition of land and an inventory of all land managed or owned on behalf of the State by the Department. Page 15, Line 3

Requires the Iowa Insurance Division to conduct an evaluation regarding minimum coverage requirements of dramshop liability insurance every two years. Page 18, Line 27

SIGNIFICANT CODE CHANGES

Make a corrective change to [HF 2456](#) (Mental Health, Complex Service Needs Workgroup Report Act), which pertains to county mental health fund balances. Page 4, Line 8

Makes a correction to [SF 516](#) (FY 2018 Standing Appropriations Act) to make inapplicable a provision that requires an appropriation from the General Fund to the Cash Reserve Fund if the balance in the Cash Reserve Fund at the close of the previous fiscal year was below the statutory maximum of 7.5% of the adjusted revenue estimate. Page 4, Line 33

Amends [SF 2117](#) (FY 2018 Budget Adjustment Act) to correct a date associated with a \$13.0 million Economic Emergency Fund appropriation to the General Fund for FY 2017. Page 5, Line 9

Makes nonsubstantive corrections to various Bills and Acts enacted during the 2018 Legislative Session. Page 5, Line 35

Amends the expert witness standards in medical malpractice lawsuits in the following ways: Page 17, Line 4

- Permits a person certified in a specialty by the Council on Podiatric Medical Education to serve as an expert witness if the defendant is certified in the same specialty.
- Permits a general physician, osteopathic physician, or podiatric physician licensed in Iowa or another state to serve as an expert witness if the defendant is a licensed podiatric physician in Iowa.

Allows a person holding a liquor control license for selling alcoholic beverages for consumption on the premises to permit a customer to remove one unsealed bottle of wine for consumption off the premises if the customer has purchased and consumed a portion of the bottle of wine on the licensed premises. The bottle is to be resealed in a bag designated for such purposes and a receipt must be provided. The open container of wine may also be carried into an immediately adjacent licensed establishment. Page 22, Line 5

Specifies that beer purchased from a liquor control licensee for consumption off the premises is allowed to be sold in a container that is not the original container if the container is carried into an immediately adjacent licensed or permitted premise. Page 22, Line 34

Permits a person committed to a sexually violent predator treatment program to waive the requirement that a final hearing be held within 60 days of the court's determination that a final hearing should be held. The committed person may reassert a demand that a final hearing be held within 60 days from the date of filing Page 23, Line 10

the demand with the Clerk of District Court. In addition, the final hearing may be continued upon request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and if the committed person is not substantially prejudiced.

Requires the sealed documents described in Iowa Code section [229A.15\(1\)](#) to be available to the prosecuting attorney or Attorney General, the committed person, and the attorney for the committed person without an order of the court.

Page 23, Line 30

Specifies that an inmate committed to the Department of Corrections (DOC) who is required to participate in a sex offender or domestic abuse treatment program shall not be eligible for any reduction of sentence until the inmate participates in and completes a sex offender or domestic abuse treatment program. Specifies that an inmate committed to the DOC may be ordered to forfeit any or all earned time if the inmate has failed to complete a sex offender or domestic abuse treatment program as specified in Iowa Code section [903A.2](#).

Page 24, Line 11

FISCAL IMPACT: Changes to the earned time calculation will have a fiscal impact on the operating budget of the DOC due to the increased length of stay for offenders who are unsuccessful in the Sex Offender Treatment Program or the Domestic Abuse Treatment Program. The additional prison costs per year are estimated to be \$486,000 in FY 2019 and \$972,000 in FY 2020. The marginal costs are estimated to increase until FY 2024, when the prison population is no longer expected to further increase as a result of this provision.

A multiple employer welfare arrangement that is recognized as tax-exempt by the Internal Revenue Service will not be considered an insurance company or association of any kind, a member of the Iowa Individual Health Benefit Reinsurance Association, or a member insurer of the Iowa Life and Health Insurance Guaranty Association.

Page 25, Line 8

Prohibits a statewide elected official or member of the General Assembly from using taxpayer funds for advertisement or promotion.

Page 25, Line 32

Amends [HF 2253](#) (Competitive Bidding Requirements Act) to exempt lease-purchase contracts that result from a request for proposals or request for qualifications issued by a city with a population of less than 21,000 according to the 2016 special census. This change applies retroactively to April 4, 2018.

Page 27, Line 7

Specifies that a construction vehicle may operate under the maximum gross weight for length and number of axles without route approval from local authorities if the vehicle is traveling on non primary roads to or from a construction site or plant, and if the vehicle abides by all restrictions on bridges. Requires vehicles crossing bridges to comply with weight restrictions for the bridges as posted on signage.

Page 27, Line 22

Specifies that a county or city cannot adopt an ordinance, motion, resolution, or amendment that sets standards or requirements for the sale or marketing of consumer merchandise that are different from State law.

Page 28, Line 6

Adds a definition of “eligible peace officer or fire fighter” as a peace officer or fire fighter to whom a line of duty death benefit is payable. Allows the employer to provide continuation of existing health insurance coverage to the surviving spouse and children of a State, county, or city peace officer who is killed in the line of duty.

Page 28, Line 27

Prohibits credit unions from including the name of any public university in the State in their names.

Page 31, Line 27

Requires that revenue from the moneys and credit tax assessed on credit union legal reserves is to be collected by the Department of Revenue and requires the Department to apportion 20.0% of the revenue to the county, 30.0% to the city general fund, and 50.0% to the State General Fund. In addition, the amount collected in each taxing district outside of cities will be apportioned 50.0% to the county and 50.0% to the State General Fund.

Page 31, Line 33

Repeals the provision stating that the moneys and credits tax is to be collected at the location of the State credit union.

Page 32, Line 8

Requires the Department of Revenue to administer and enforce the collection of the moneys and credit tax.

Page 32, Line 12

Permits moneys in the Criminalistics Laboratory Fund to be used for the purchase of laboratory supplies.

Page 33, Line 28

Specifies that of the 85.0% of the 0.1% of the total gross intrastate public utilities operating revenue from gas and electric utilities that would otherwise be dedicated to the Iowa Energy Center each year, will be transferred to the General Fund as follows:

Page 34, Line 6

- FY 2020: \$1.3 million
- FY 2021: \$2.9 million
- FY 2022: \$3.5 million

Requires State and local election officials to accept a tribal identification card or other tribal enrollment document issued by a federally recognized Indian tribe or nation, if the card or enrollment document is signed prior to its presentation to an election official. The card or enrollment document must be current and must include a photograph, signature, and valid expiration date.

Page 34, Line 34

Prohibits application of the industrial property rollback to 90.0% of assessed value to wind energy

Page 35, Line 14

conversion property benefiting from the special assessment valuation provisions of Iowa Code section [427B.26](#). The prohibition applies to wind conversion property approved for construction by the Iowa Utilities Board on or after July 1, 2018.

Repeals Iowa Code section [901.5\(10\)](#), which revokes a defendant's driver's license for 180 days if the defendant is convicted of a controlled substance offense under Iowa Code sections [124.401](#), [124.401A](#), [124.402](#), or [124.403](#). Specifies that this change takes effect on the date the Governor submits to the U.S. Secretary of Transportation a written certification that the Governor is opposed to the enforcement in Iowa of a law described in [23 U.S.C. §159\(a\)\(3\)\(A\)](#), and a written certification that the General Assembly has adopted a joint resolution expressing its opposition to the same, in accordance with federal law.

Page 35, Line 24

EFFECTIVE DATE

Specifies that the changes in this Bill pertaining to [SF 2117](#) (FY 2018 Budget Adjustment Act) are retroactive to June 30, 2017.

Page 5, Line 16

Specifies that the changes in this Bill pertaining to [SF 516](#) (FY 2018 Standing Appropriations Act) are retroactive to May 12, 2017.

Page 5, Line 24

Specifies that the changes in this Bill pertaining to [HF 2441](#) (School District Program Funding Flexibility Act) are retroactive to the effective date of [HF 2441](#) (April 11, 2018).

Page 5, Line 28

Specifies that Division II of this Bill, related to miscellaneous provisions and appropriations, takes effect upon enactment.

Page 5, Line 33

Specifies that Division XXV, pertaining to revocation of driver's licenses for drug-related convictions, takes effect on the date the Governor submits to the U.S. Secretary of Transportation a written certification that the Governor is opposed to the enforcement in Iowa of a law described in [23 U.S.C. §159\(a\)\(3\)\(A\)](#), and a written certification that the General Assembly has adopted a joint resolution expressing its opposition to the same, in accordance with [23 U.S.C. §159\(a\)\(3\)\(B\)](#).

Page 37, Line 54

House File 2502 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section
3	4	4	Add	257.35.12A
4	8	7	Amend	331.424A.9
6	2	15	Amend	9A.102.1
6	9	16	Amend	68B.2C
6	17	17	Amend	84A.4.4.f
6	32	18	Amend	123.92.3.a
7	14	19	Amend	135.16A.1.a
7	19	20	Amend	147C.1.7.e.(2).(h)
7	25	21	Amend	148H.1.4
7	33	22	Amend	256.7.21.b.(2).(d)
8	13	23	Amend	256.42.5
8	33	24	Amend	261.131.1.d
9	14	25	Amend	280.13C.4.a
9	29	26	Amend	280.13C.8.a
10	21	27	Amend	298.3.1.j
10	34	28	Amend	321G.13.2.b.(2)
11	7	29	Amend	321I.14.2.b.(2)
11	15	30	Amend	321I.14.6
11	25	31	Amend	364.4.4.i
12	1	32	Amend	633.42.1
12	21	33	Amend	633.418
13	3	34	Amend	651.29.5.b,c
13	22	35	Amend	655.6.1
13	27	36	Amend	716.11.1.b
17	4	46	Amend	147.139.3,4
17	21	47	Amend	314.30.1.c
18	11	51	Amend	123.92.1.a
18	27	52	New	505.33
19	7	54	Amend	123.30.3.a,b
19	30	55	Amend	123.30.3.c.(1)
20	13	56	Amend	123.30.3.c.(3)
20	29	57	Amend	123.30.3.d.(2)
21	5	58	Amend	123.30.3.e
22	5	59	Amend	123.30.4
22	25	60	Add	123.30.5
22	34	61	Amend	123.131.2
23	10	62	Amend	229A.8.5.e.(2)
23	30	63	Amend	229A.15
24	11	64	Amend	903A.2.1.a.(2)
24	18	65	Amend	903A.2.1.b.(2)
24	24	66	Amend	903A.3.1
25	8	67	Amend	507A.4.9.c
25	15	68	Amend	513D.1
25	32	70	New	68A.405A
27	20	73	Amend	321.463.9
28	6	74	Amend	331.301.6.c.1
28	14	75	Amend	364.3.3.c.1
28	24	76	New	509A.13C
30	22	80	Add	261.87.1.0d

House File 2502 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section
31	13	81	Amend	261.87.3
31	25	82	Add	533.212.4
31	33	83	Amend	533.329.2.b
32	8	84	Strike	533.329.2.c
32	10	85	Add	533.329.3
32	20	87	Add	257.6.1.a.(8)
32	26	88	Amend	282.1.2
33	9	89	Add	282.1.3,4
33	26	90	Amend	691.9
34	6	91	Amend	476.10A.1.c.(1)
34	31	92	Add	48A.7A.1.b.(1).(f)
35	4	93	Add	49.78.2.a.(5)
35	12	94	Add	441.21.5.d
35	24	95	Amend	124.412
36	11	96	Strike	321.212.1.d
36	13	97	Amend	321.215.1.b
36	31	98	Amend	321.215.2
37	15	99	Amend	321.215.2.c
37	22	100	Amend	321.218.1
37	34	101	Amend	321A.17.4
37	47	102	Strike	901.5.10

2 1	DIVISION I	
2 2	STANDING APPROPRIATIONS AND RELATED MATTERS	
2 3	Section 1. 2017 Iowa Acts, chapter 170, is amended by adding	
2 4	the following new section:	
2 5	NEW SECTION SEC. 5A. GENERAL ASSEMBLY — FY 2018-2019.	Reduces the FY 2019 standing appropriation to the Legislative Branch
2 6	1. The appropriations made pursuant to section 2.12 for the	by \$1,417,318 and permits unexpended funds budgeted during FY
2 7	expenses of the general assembly and legislative agencies for	2018 to carry forward to FY 2019.
2 8	the fiscal year beginning July 1, 2018, and ending June 30,	
2 9	2019, are reduced by the following amount:	
2 10 \$ 1,417,318	
2 11	2. The budgeted amounts for the general assembly and	
2 12	legislative agencies for the fiscal year beginning July 1,	
2 13	2018, may be adjusted to reflect the unexpended budgeted	
2 14	amounts from the previous fiscal year.	
2 15	3. Annual membership dues for organizations, associations,	Prohibits the Legislative Branch from expending funds from the
2 16	and conferences shall not be paid from moneys appropriated	standing unlimited appropriation for annual membership dues to
2 17	pursuant to section 2.12, except reimbursement for travel	organizations and costs associated with out-of-state travel. Provides
2 18	expenses may be paid to commissioners serving on the commission	an exception for travel expenses associated with commissioners
2 19	of uniform state laws.	serving on the Commission of Uniform State Laws.
2 20	4. Costs for out-of-state travel and per diems for	
2 21	out-of-state travel shall not be paid from moneys appropriated	FISCAL IMPACT: This will reduce Legislative Branch expenditures by
2 22	pursuant to section 2.12.	approximately \$430,000 in FY 2019.
2 23	Sec. 2. 2017 Iowa Acts, chapter 170, is amended by adding	
2 24	the following new section:	
2 25	NEW SECTION SEC. 6A. INSTRUCTIONAL SUPPORT STATE AID — FY	Suspends the General Fund standing appropriation of \$14,800,000 to
2 26	2018-2019. In lieu of the appropriation provided in section	the Department of Education for the Instructional Support Program for
2 27	257.20, subsection 2, the appropriation for the fiscal year	FY 2019.
2 28	beginning July 1, 2018, and ending June 30, 2019, for paying	
2 29	instructional support state aid under section 257.20 for such	DETAIL: Although no State funding will be provided for the
2 30	fiscal years is zero.	Instructional Support Program (and has not been provided since FY
		2011), school districts may use local property tax and income surtax to
		fund their portion of the Program. In FY 2018, 327 districts
		implemented the Program and funded the Program with \$229,329,884
		in local taxes (\$91,245,322 in income surtax and \$138,084,562 in
		property taxes).
2 31	Sec. 3. 2017 Iowa Acts, chapter 170, section 15, is amended	
2 32	to read as follows:	
2 33	SEC. 15. CASH RESERVE FUND APPROPRIATION — FY 2018-2019.	Increases the General Fund appropriation to the Cash Reserve Fund
2 34	There is appropriated from the general fund of the state to the	by \$2,000,000 for FY 2019.

2 35 cash reserve fund for the fiscal year beginning July 1, 2018,
 3 1 and ending June 30, 2019, the following amount:
 3 2 \$ 111,100,000
 3 3 113,100,000

DETAIL: A General Fund appropriation of \$111,100,000 to the Cash Reserve Fund was enacted during the 2017 Legislative Session to partially reimburse the Cash Reserve Fund for a \$131,100,000 transfer to the General Fund in FY 2017. The \$2,000,000 appropriation increase in this Bill will increase the likelihood that the balances in the State's two reserve funds will reach 10.00% of the FY 2019 adjusted revenue estimate.

3 4 Sec. 4. Section 257.35, Code 2018, is amended by adding the
 3 5 following new subsection:

3 6 NEW SUBSECTION 12A. Notwithstanding subsection 1, and in
 3 7 addition to the reduction applicable pursuant to subsection
 3 8 2, the state aid for area education agencies and the portion
 3 9 of the combined district cost calculated for these agencies
 3 10 for the fiscal year beginning July 1, 2018, and ending June
 3 11 30, 2019, shall be reduced by the department of management by
 3 12 fifteen million dollars. The reduction for each area education
 3 13 agency shall be prorated based on the reduction that the agency
 3 14 received in the fiscal year beginning July 1, 2003.

CODE: Reduces the FY 2019 State school aid funding to area education agencies (AEAs) by \$15,000,000.

DETAIL: In addition to the \$15,000,000 State aid reduction for FY 2019, the AEAs have an annual statutory reduction of \$7,500,000. The State aid reduction to the AEAs will total \$22,500,000 for FY 2019.

3 15 Sec. 5. TAXPAYERS TRUST FUND. On July 1, 2018, any
 3 16 unencumbered and unobligated moneys in the taxpayers trust fund
 3 17 created in section 8.57E are transferred to the general fund
 3 18 of the state.

Transfers the balance in the Taxpayers Trust Fund to the General Fund for FY 2019

DETAIL: This transfers approximately \$8,334,000 from the Taxpayers Trust Fund to the General Fund.

3 19 Sec. 6. SALARY MODEL ADMINISTRATOR. The salary model
 3 20 administrator shall work in conjunction with the legislative
 3 21 services agency to maintain the state's salary model used for
 3 22 analyzing, comparing, and projecting state employee salary
 3 23 and benefit information, including information relating to
 3 24 employees of the state board of regents. The department of
 3 25 revenue, the department of administrative services, the five
 3 26 institutions under the jurisdiction of the state board of
 3 27 regents, the judicial district departments of correctional
 3 28 services, and the state department of transportation shall
 3 29 provide salary data to the department of management and the
 3 30 legislative services agency to operate the state's salary
 3 31 model. The format and frequency of provision of the salary
 3 32 data shall be determined by the department of management and
 3 33 the legislative services agency. The information shall be
 3 34 used in collective bargaining processes under chapter 20 and
 3 35 in calculating the funding needs contained within the annual
 4 1 salary adjustment legislation. A state employee organization
 4 2 as defined in section 20.3, subsection 4, may request

Requires the Salary Model Administrator to work with the Legislative Services Agency (LSA) to maintain the State's salary model. Requires various departments to submit salary data to the Department of Management (DOM) and the LSA.

4 3 information produced by the model, but the information provided
 4 4 shall not contain information attributable to individual
 4 5 employees.

4 6 DIVISION II
 4 7 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

4 8 Sec. 7. Section 331.424A, subsection 9, Code 2018, as
 4 9 amended by 2018 Iowa Acts, House File 2456, section 14, is
 4 10 amended to read as follows:

4 11 a. For the fiscal year beginning July 1, 2017, and each
 4 12 subsequent fiscal year, the county budgeted amount determined
 4 13 for each county shall be the amount necessary to meet the
 4 14 county's financial obligations for the payment of services
 4 15 provided under the regional service system management plan
 4 16 approved pursuant to section 331.393, not to exceed an amount
 4 17 equal to the product of the regional per capita expenditure
 4 18 target amount multiplied by the county's population, and, for
 4 19 fiscal years beginning on or after July 1, 2021, reduced by
 4 20 the amount of the county's cash flow reduction amount for the
 4 21 fiscal year calculated under subsection 4, if applicable.

4 22 b. If a county officially joins a different region, the
 4 23 county's budgeted amount shall be the amount necessary to meet
 4 24 the county's financial obligations for payment of services
 4 25 provided under the new region's regional service system
 4 26 management plan approved pursuant to section 331.393, not to
 4 27 exceed an amount equal to the product of the new region's
 4 28 regional per capita expenditure target amount multiplied by
 4 29 the county's population, and, for fiscal years beginning on
 4 30 or after July 1, 2021, reduced by the amount of the county's
 4 31 cash flow reduction amount for the fiscal year calculated under
 4 32 subsection 4, if applicable.

4 33 Sec. 8. 2017 Iowa Acts, chapter 170, section 13, is amended
 4 34 to read as follows:

4 35 SEC. 13. TRANSFER FROM CASH RESERVE FUND. Notwithstanding
 5 1 section 8.56, subsection 3 and subsection 4, paragraph "a" and
 5 2 section 8.57, subsection 1, paragraph "a", there is transferred
 5 3 from the cash reserve fund created in section 8.56 to the
 5 4 general fund of the state for the fiscal year beginning July 1,
 5 5 2016, and ending June 30, 2017, the following amount:
 5 6 \$ 131,100,000

CODE: Amends [HF 2456](#) (Mental Health, Complex Service Needs Workgroup Report Act) to include a corrective change to Iowa Code section [331.424A\(9\)](#). This language, which pertains to county mental health fund balances, was inadvertently struck in the final version of HF 2456.

DETAIL: House File 2456 was approved by the General Assembly on March 21, 2018, and signed by the Governor on March 29, 2018. The language requires that beginning in FY 2022, counties are limited to a fund balance reserved for cash flow of 20.00% of gross expenditures if the region has a population equal to or greater than 100,000, or 25.00% of gross expenditures if the region has a population of fewer than 100,000. Counties will be required to reduce their levies by any dollar amount in excess of the cash flow amount.

CODE: Makes a correction to [SF 516](#) (FY 2018 Standing Appropriations Act) to make inapplicable a provision that requires an appropriation from the General Fund to the Cash Reserve Fund if the balance in the Cash Reserve Fund at the close of the previous fiscal year was below the statutory maximum of 7.50% of the adjusted revenue estimate.

DETAIL: [Senate File 516](#) transferred \$131,100,000 from the Cash Reserve Fund to the General Fund for FY 2017, which reduced the Cash Reserve Fund balance to \$422,400,000. This resulted in the Cash Reserve Fund balance being 5.70% of the FY 2017 adjusted revenue estimate. The Act also appropriated a total of \$131,100,000 from the General Fund to the Cash Reserve Fund over two fiscal years (\$20,000,000 for FY 2018 and \$111,100,000 for FY 2019), to reimburse the Cash Reserve Fund. It was intended that the General

5 7 Sec. 9. 2018 Iowa Acts, House File 2441, section 17,
5 8 subsection 1, is amended by striking the subsection.

Fund appropriations in [SF 516](#) were to be in lieu of the statutory appropriation in Iowa Code section [8.57\(1\)\(a\)](#).

Amends [HF 2441](#) (School District Program Funding Flexibility Act) by repealing the applicability provision related to the Department of Education limitation on guidance and interpretations.

DETAIL: [House File 2441](#) was approved by the General Assembly on April 3, 2018, and signed by the Governor on April 11, 2018.

5 9 Sec. 10. 2018 Iowa Acts, Senate File 2117, section 11,
5 10 subsection 1, is amended to read as follows:
5 11 1. There is appropriated from the Iowa economic emergency
5 12 fund created in section 8.55 to the general fund of the state
5 13 for the fiscal year beginning July 1, ~~2017~~ 2016, and ending
5 14 June 30, ~~2018~~ 2017, the following amount:
5 15 \$ 13,000,000

Amends [SF 2117](#) (FY 2018 Budget Adjustment Act) to correct a date associated with a \$13,000,000 Economic Emergency Fund appropriation to the General Fund for FY 2017.

5 16 Sec. 11. 2018 Iowa Acts, Senate File 2117, section 12, is
5 17 amended to read as follows:
5 18 SEC. 12. RETROACTIVE APPLICABILITY. The following
5 19 provision or provisions of this division of this Act apply
5 20 retroactively to ~~September 28, 2017~~ June 30, 2017:
5 21 The section of this division of this Act appropriating
5 22 moneys from the Iowa economic emergency fund to the general
5 23 fund in lieu of a prior standing appropriation.

Specifies that the changes in Section 10 of this Bill pertaining to [SF 2117](#) (FY 2018 Budget Adjustment Act) are retroactive to June 30, 2017.

5 24 Sec. 12. RETROACTIVE APPLICABILITY. The following applies
5 25 retroactively to May 12, 2017:
5 26 The section of this division of this Act amending 2017 Iowa
5 27 Acts, chapter 170, section 13.

Specifies that the changes in Section 8 of this Bill pertaining to [SF 516](#) (FY 2018 Standing Appropriations Act) are retroactive to May 12, 2017.

5 28 Sec. 13. RETROACTIVE APPLICABILITY. The following applies
5 29 retroactively to the effective date of section 256.9A, as
5 30 enacted by 2018 Iowa Acts, House File 2441, section 1:
5 31 The section of this division of this Act amending 2018 Iowa
5 32 Acts, House File 2441, section 17, subsection 1.

Specifies that the changes in Section 9 of this Bill pertaining to [HF 2441](#) (School District Program Funding Flexibility Act) are retroactive to the effective date of [HF 2441](#) (April 11, 2018).

5 33 Sec. 14. EFFECTIVE DATE. This division of this Act, being
5 34 deemed of immediate importance, takes effect upon enactment.

Specifies that Division II of this Bill, related to miscellaneous provisions and appropriations, takes effect upon enactment.

5 35 DIVISION III
6 1 CORRECTIVE PROVISIONS

6 2 Sec. 15. Section 9A.102, subsection 1, Code 2017, as amended
6 3 by 2018 Iowa Acts, Senate File 385, section 2, is amended to
6 4 read as follows:

Corrective provision for [SF 385](#) (Uniform Athlete Agents Act).

DETAIL: This Act was approved by the General Assembly on April 25,

6 5 1. "Agency contract" means an agreement in which a student
 6 6 athlete authorizes a person to negotiate or solicit on behalf
 6 7 of the athlete a professional sports services contract or an
 6 8 endorsement contract.

2018, and signed by the Governor on May 16, 2018.

6 9 Sec. 16. Section 68B.2C, as enacted by 2018 Iowa Acts,
 6 10 Senate File 2323, section 7, is amended to read as follows:
 6 11 68B.2C PROHIBITED OUTSIDE EMPLOYMENT AND ACTIVITIES — AGENTS
 6 12 OF FOREIGN PRINCIPALS.
 6 13 Officials and state employees shall not engage in any
 6 14 outside employment or activity that requires the person to
 6 15 register under the federal Foreign Agents Registration Act of of
 6 16 1938, as amended, 22 U.S.C. §611 et seq., ~~as amended~~.

Corrective provision for [SF 2323](#) (Foreign Agent Disclosure, State Officers and Employees Act).

DETAIL: This Act was approved by the General Assembly on March 19, 2018, and signed by the Governor on April 2, 2018.

6 17 Sec. 17. Section 84A.4, subsection 4, paragraph f, Code
 6 18 2018, if enacted by 2018 Iowa Acts, Senate File 2353, section
 6 19 6, is amended to read as follows:
 6 20 f. PROVEN AND PROMISING PRACTICES. The local workforce
 6 21 development board shall lead efforts in the local workforce
 6 22 development area to ~~do all of the following~~:
 6 23 ~~—(1)—Identify~~ identify and promote proven and promising
 6 24 strategies and initiatives for meeting the needs of employers,
 6 25 workers, and jobseekers, including individuals with a barrier
 6 26 to employment, in the local workforce development system,
 6 27 including providing physical and programmatic accessibility,
 6 28 in accordance with 29 U.S.C. §3248, if applicable, applicable
 6 29 provisions of chapter 216, and applicable provisions of the
 6 30 Americans with Disabilities Act of 1990, codified at 42 U.S.C.
 6 31 §12101 et seq., to the one-stop delivery system.

Corrective provision for [SF 2353](#) (Employment Services, Workforce Development Department Act).

DETAIL: This Act was approved by the General Assembly on April 30, 2018, and signed by the Governor on May 16, 2018.

6 32 Sec. 18. Section 123.92, subsection 3, paragraph a, Code
 6 33 2018, as amended by 2018 Iowa Acts, Senate File 2310, section
 6 34 47, is amended to read as follows:
 6 35 a. Notwithstanding section 123.49, subsection 1, any
 7 1 person who is injured in person or property or means of
 7 2 support by an intoxicated person who is under legal age or
 7 3 resulting from the intoxication of a person who is under
 7 4 legal age, has a right of action for all damages actually
 7 5 sustained, severally or jointly, against a person who is
 7 6 not a licensee or permittee and who dispensed or gave any
 7 7 alcoholic beverage to the intoxicated underage person when the
 7 8 nonlicensee or nonpermittee who dispensed or gave the alcoholic
 7 9 beverage to the underage person knew or should have known the
 7 10 underage person was intoxicated, or who dispensed or gave any
 7 11 alcoholic beverage to the underage person to a point where the
 7 12 nonlicensee or nonpermittee knew or should have known that the
 7 13 underage person would become intoxicated.

Corrective provision for [SF 2310](#) (Alcoholic Beverages Regulation, Technical Changes Act).

DETAIL: This Act was approved by the General Assembly on March 13, 2018, and signed by the Governor on April 2, 2018.

7 14 Sec. 19. Section 135.16A, subsection 1, paragraph a, as
7 15 enacted by 2018 Iowa Acts, House File 2408, section 1, is
7 16 amended to read as follows:
7 17 a. "Conventional eggs" means eggs ~~others~~ other than
7 18 specialty eggs.

Corrective provision for [HF 2408](#) (Egg Sales Requirements Act).

DETAIL: This Act was approved by the General Assembly on March 5, 2018, and signed by the Governor on March 21, 2018.

7 19 Sec. 20. Section 147C.1, subsection 7, paragraph e,
7 20 subparagraph (2), subparagraph division (h), as enacted by 2018
7 21 Iowa Acts, House File 2425, section 1, is amended to read as
7 22 follows:
7 23 (h) Disclosure of investigative records compiled for law
7 24 enforcement purposes ~~of any of the following~~.

Corrective Provision for [HF 2425](#) (Physical Therapy Interstate Compact Act).

DETAIL: This Act was approved by the General Assembly on March 28, 2018, and signed by the Governor on April 4, 2018.

7 25 Sec. 21. Section 148H.1, subsection 4, as enacted by 2018
7 26 Iowa Acts, Senate File 2228, section 5, is amended to read as
7 27 follows:
7 28 4. "Genetic counseling intern" means a student enrolled in
7 29 a genetic counseling program accredited by the accreditation
7 30 council for genetic counseling or its equivalent or successor
7 31 organization, or the American board of medical genetics and
7 32 genomics or its equivalent or successor organization.

Corrective provision for [SF 2228](#) (Genetic Counselors Licensure Act).

DETAIL: This Act was approved by the General Assembly on March 12, 2018, and signed by the Governor on March 29, 2018.

7 33 Sec. 22. Section 256.7, subsection 21, paragraph b,
7 34 subparagraph (2), subparagraph division (d), as enacted by 2018
7 35 Iowa Acts, House File 2235, section 1, is amended to read as
8 1 follows:
8 2 (d) That the assessment be peer-reviewed by an independent,
8 3 third-party evaluator to determine that the assessment is
8 4 aligned with the Iowa core academic standards, provides
8 5 a measurement of student growth and student proficiency,
8 6 and meets the summative assessment requirements of the
8 7 federal Every Student Succeeds Act, Pub.L. No.114-95. The
8 8 assessment developed by the Iowa testing ~~service~~ program
8 9 within the university of Iowa college of education shall ~~make~~
8 10 ~~any necessary adjustments as determined by the peer review~~
8 11 be adjusted as necessary to meet the requirements of this
8 12 subparagraph (2) as determined by the peer review.

Corrective provision for [HF 2235](#) (Statewide School Student Assessments Act).

DETAIL: This Act was approved by the General Assembly on March 21, 2018, and signed by the Governor on March 28, 2018.

8 13 Sec. 23. Section 256.42, subsection 5, Code 2018, as amended
8 14 by 2018 Iowa Acts, Senate File 2131, section 1, is amended to
8 15 read as follows:
8 16 5. Under the initiative, a student must be enrolled in
8 17 a participating school district or accredited nonpublic
8 18 school or be receiving private instruction under chapter 299A
8 19 as described in subsection 1. For a student enrolled in a
8 20 participating school district or accredited nonpublic school,
8 21 the school district or school is responsible for recording
8 22 grades received for initiative coursework in a student's

Corrective provision for [SF 2131](#) (Iowa Learning Online, Expanded Access Act).

DETAIL: This Act was approved by the General Assembly on March 5, 2018, and signed by the Governor on March 28, 2018.

8 23 permanent record, awarding high school credit for initiative
8 24 coursework, and issuing a high school ~~diplomas~~ diploma to a
8 25 student enrolled in the district or school who participates and
8 26 completes coursework under the initiative. Each participating
8 27 school shall identify a site coordinator to serve as a student
8 28 advocate and as a liaison between the initiative staff and
8 29 teachers and the school district or accredited nonpublic
8 30 school. The individual providing instruction to a student
8 31 under chapter 299A as described in subsection 1 shall receive
8 32 the student's score for completed initiative coursework.

8 33 Sec. 24. Section 261.131, subsection 1, paragraph d, Code
8 34 2018, as enacted by 2018 Iowa Acts, House File 2458, section
8 35 12, is amended to read as follows:

9 1 d. "Eligible program" means a program of study or an
9 2 academic major jointly approved by the commission and the
9 3 department of workforce development, in consultation with an
9 4 eligible institution, that leads to a credential aligned with a
9 5 high-demand job designated by the workforce development board
9 6 or a community college pursuant to section 84A.1B, subsection
9 7 13A. If the board or a community college removes a high-demand
9 8 job from a list created under section 84A.1B, subsection 13A,
9 9 an eligible student who received a scholarship for a program
9 10 based on that high-demand job shall continue to receive the
9 11 scholarship until achieving a postsecondary credential, up to
9 12 an associate degree, as long as the student continues to meet
9 13 all other eligibility requirements.

9 14 Sec. 25. Section 280.13C, subsection 4, paragraph a, Code
9 15 2018, as amended by 2018 Iowa Acts, House File 2442, section 1,
9 16 is amended to read as follows:

9 17 a. The department of public health, Iowa high school
9 18 athletic association, and the Iowa girls high school athletic
9 19 union shall work together to distribute the guidelines of the
9 20 centers for disease control and prevention ~~guidelines of the~~
9 21 United States department of health and human services and other
9 22 pertinent information to inform and educate coaches, students,
9 23 and the parents and guardians of students of the risks, signs,
9 24 symptoms, and behaviors consistent with a concussion or brain
9 25 injury, including the danger of continuing to participate in
9 26 extracurricular interscholastic activities after suffering a
9 27 concussion or brain injury and their responsibility to report
9 28 such signs, symptoms, and behaviors if they occur.

9 29 Sec. 26. Section 280.13C, subsection 8, paragraph a, Code
9 30 2018, as amended by 2018 Iowa Acts, House File 2442, section 1,
9 31 is amended to read as follows:

9 32 a. A school district or accredited nonpublic school that

Corrective provision for [HF 2458](#) (Future Ready Iowa Act).

DETAIL: This Act was approved by the General Assembly on March 19, 2018, and signed by the Governor on April 3, 2018.

Corrective provision for [HF 2442](#) (Brain Injury Policies Act).

DETAIL: This Act was approved by the General Assembly on April 12, 2018, and signed by the Governor on April 26, 2018.

Corrective provision for [HF 2442](#) (Brain Injury Policies Act).

DETAIL: This Act was approved by the General Assembly on April 12, 2018, and signed by the Governor on April 26, 2018.

9 33 adopts and follows the protocol required by this section and
 9 34 provides an emergency medical care provider or a licensed
 9 35 health care provider at a contest that is a contact or limited
 10 1 contact activity as identified by the American academy of
 10 2 pediatrics shall not be liable for any claim for injuries or
 10 3 damages based upon the actions or inactions of the emergency
 10 4 medical care provider or the licensed health care provider
 10 5 present at the contest at the request of the school district
 10 6 or accredited nonpublic school so long as the emergency
 10 7 medical care provider or the licensed health care provider
 10 8 acts reasonably and in good faith and in the best interest of
 10 9 the student athlete and without undue influence of the school
 10 10 district or accredited nonpublic school or coaching staff
 10 11 employed by the school district or accredited nonpublic school.
 10 12 A school district or accredited nonpublic school shall not be
 10 13 liable for any claim for injuries or damages if an emergency
 10 14 medical care provider or a licensed health care provider who
 10 15 was scheduled in accordance with a prearranged agreement with
 10 16 the school district or accredited nonpublic school to be
 10 17 present and available at a contest is not able to be present
 10 18 and available due to documentable, unforeseen circumstances and
 10 19 the school district or accredited nonpublic school otherwise
 10 20 followed the protocol.

10 21 Sec. 27. Section 298.3, subsection 1, paragraph j, Code
 10 22 2018, as amended by 2018 Iowa Acts, House File 2253, section 9,
 10 23 is amended to read as follows:

10 24 j. The purchase of buildings or lease-purchase option
 10 25 agreements for school buildings. However, a contract
 10 26 for construction by a private party of property to be
 10 27 lease-purchased by a public school corporation is a contract
 10 28 for a public improvement as defined in section 26.2. If the
 10 29 estimated cost of the property to be lease-purchased that is
 10 30 renovated, repaired, or involves new construction ~~in excess~~
 10 31 ~~of exceeds~~ the competitive bid threshold in section 26.3, the
 10 32 board of directors shall comply with the competitive bidding
 10 33 requirements of section 26.3.

10 34 Sec. 28. Section 321G.13, subsection 2, paragraph b,
 10 35 subparagraph (2), Code 2018, as amended by 2018 Iowa Acts,
 11 1 Senate File 2231, section 1, is amended to read as follows:

11 2 (2) A person may operate or ride on a snowmobile with a
 11 3 loaded pistol or revolver, whether concealed or not, if ~~a the~~
 11 4 person is operating or riding the snowmobile on land that is
 11 5 not owned, possessed, or rented by the person, and the person's
 11 6 conduct is otherwise lawful.

11 7 Sec. 29. Section 321I.14, subsection 2, paragraph b,

Corrective provision for [HF 2253](#) (Competitive Bidding Requirements Act).

DETAIL: This Act was approved by the General Assembly on March 28, 2018, and signed by the Governor on April 4, 2018.

Corrective provision for [SF 2231](#) (Carrying Weapons and Operating Snowmobiles and All-Terrain Vehicles Act).

DETAIL: This Act was approved by the General Assembly on March 19, 2018, and signed by the Governor on April 2, 2018.

Corrective provision for [SF 2231](#) (Carrying Weapons and Operating

11 8 subparagraph (2), Code 2018, as amended by 2018 Iowa Acts,
11 9 Senate File 2231, section 3, is amended to read as follows:
11 10 (2) A person may operate or ride ~~on an~~ an all-terrain
11 11 vehicle with a loaded pistol or revolver, whether concealed or
11 12 not, if ~~a~~ the person is operating or riding the all-terrain
11 13 vehicle on land that is not owned, possessed, or rented by the
11 14 person, and the person's conduct is otherwise lawful.

Snowmobiles and All-Terrain Vehicles Act).

DETAIL: This Act was approved by the General Assembly on March 19, 2018, and signed by the Governor on April 2, 2018.

11 15 Sec. 30. Section 3211.14, subsection 6, as enacted by 2018
11 16 Iowa Acts, Senate File 2231, section 4, is amended to read as
11 17 follows:
11 18 6. As used in this section, "rented by the person" includes
11 19 a person who does not necessarily rent the land but who
11 20 principally provides labor for the production of crops located
11 21 on agricultural land or for the production of livestock
11 22 principally located on agricultural land. The person must
11 23 personally provide such labor on a regular, continuous, and
11 24 substantial basis.

Corrective provision for [SF 2231](#) (Carrying Weapons and Operating Snowmobiles and All-Terrain Vehicles Act).

DETAIL: This Act was approved by the General Assembly on March 19, 2018, and signed by the Governor on April 2, 2018.

11 25 Sec. 31. Section 364.4, subsection 4, paragraph i, Code
11 26 2018, as amended by 2018 Iowa Acts, House File 2253, section
11 27 11, is amended to read as follows:
11 28 i. A contract for construction by a private party of
11 29 property to be lease-purchased by a city is a contract for a
11 30 public improvement under section 26.2, subsection 3. If the
11 31 estimated cost of the property to be lease-purchased that is
11 32 renovated, repaired, or involves new construction exceeds the
11 33 competitive bid threshold set in section 26.3, the city shall
11 34 comply with the competitive bidding requirements of section
11 35 26.3.

Corrective provision for [HF 2253](#) (Competitive Bidding Requirements Act).

DETAIL: This Act was approved by the General Assembly on March 28, 2018, and signed by the Governor on April 4, 2018.

12 1 Sec. 32. Section 633.42, subsection 1, Code 2018, as amended
12 2 by 2018 Iowa Acts, Senate File 2098, section 3, is amended to
12 3 read as follows:
12 4 1. At any time after the issuance of letters of appointment,
12 5 any interested person in the proceeding may file with the
12 6 clerk a written request for notice of the time and place of
12 7 all hearings in such proceeding for which notice is required
12 8 by law, by rule of court, or by an order in such proceeding.
12 9 The request for notice shall state the name of the requester,
12 10 the name of the requester's attorney, if any, and the reason
12 11 the requester is an interested person in the proceeding. The
12 12 request for notice shall provide the requester's post office
12 13 address; and, if available, the requester's electronic mail
12 14 address and telephone number. The request for notice shall
12 15 also provide the requester's attorney's post office address,
12 16 electronic mail address, and telephone number. The clerk shall
12 17 docket the request. Thereafter, unless otherwise ordered by

Corrective provision for [SF 2098](#) (Probate Procedures Act).

DETAIL: This Act was approved by the General Assembly on March 5, 2018, and signed by the Governor on March 28, 2018.

12 18 the court, the fiduciary shall serve by ordinary or electronic
12 19 mail a notice of each hearing upon such requester and the
12 20 requester's attorney, if any.

12 21 Sec. 33. Section 633.418, Code 2018, as amended by 2018
12 22 Iowa Acts, Senate File 2098, section 6, is amended to read as
12 23 follows:
12 24 633.418 FORM AND VERIFICATION OF CLAIMS — GENERAL
12 25 REQUIREMENTS.

12 26 No claim shall be allowed against an estate on application
12 27 of the claimant unless it shall be in writing, filed with
12 28 the clerk, stating the claimant's name; and address; and,
12 29 if available, telephone number and electronic mail address,
12 30 describing the nature and the amount thereof, if ascertainable,
12 31 and accompanied by the affidavit of the claimant, or someone
12 32 for the claimant, that the amount is justly due, or if not yet
12 33 due, when it will or may become due, that no payments have been
12 34 made thereon which are not credited, and that there are no
12 35 offsets to the same, to the knowledge of the affiant, except as
13 1 therein stated. If the claim is contingent, the nature of the
13 2 contingency shall also be stated.

13 3 Sec. 34. Section 651.29, subsection 5, paragraphs b and c,
13 4 as enacted by 2018 Iowa Acts, Senate File 2175, section 29, are
13 5 amended to read as follows:

13 6 b. If none of the cotenants ~~has~~ have paid the entire price
13 7 for the remaining interest in the heirs property, the court
13 8 shall resolve the partition action under section 651.30 as if
13 9 the interest of the cotenant that had requested partition by
13 10 sale of the heirs property has not been purchased.

13 11 c. If more than one cotenant ~~have~~ has paid the entire price
13 12 for the remaining interest in the heirs property, the court
13 13 shall reapportion the remaining interest among such cotenants
13 14 based on each cotenant's original fractional ownership of the
13 15 entire heirs property divided by the total original fractional
13 16 ownership of all cotenants that paid the entire price for
13 17 the remaining interest. The court shall promptly issue an
13 18 order reallocating all cotenants' interests, disburse the
13 19 amounts held by the court to the persons entitled to such
13 20 disbursements, and promptly refund any excess payments held by
13 21 the court to the appropriate persons.

13 22 Sec. 35. Section 655.6, subsection 1, as enacted by 2018
13 23 Iowa Acts, House File 2232, section 5, is amended to read as
13 24 follows:

13 25 1. The mortgagee established reasonable procedures to
13 26 achieve compliance with its obligations under section 655.3.

Corrective provision for [SF 2098](#) (Probate Procedures Act).

DETAIL: This Act was approved by the General Assembly on March 5, 2018, and signed by the Governor on March 28, 2018.

Corrective provision for [SF 2175](#) (Partition of Real Property Act).

DETAIL: This Act was approved by the General Assembly on March 28, 2018, and signed by the Governor on April 11, 2018.

Corrective provision for [HF 2232](#) (Mortgage Releases Act).

DETAIL: This Act was approved by the General Assembly on March 21, 2018, and signed by the Governor on March 28, 2018.

13 27 Sec. 36. Section 716.11, subsection 1, paragraph b, as
 13 28 enacted by 2018 Iowa Acts, Senate File 2235, section 1, is
 13 29 amended to read as follows:
 13 30 b. A gas, oil, petroleum, refined petroleum product,
 13 31 renewable fuel, or chemical critical generation, storage,
 13 32 transportation, or delivery system.

Corrective provision for [SF 2235](#) (Criminal Acts Against Critical Infrastructure Act).

DETAIL: This Act was approved by the General Assembly on April 3, 2018, and signed by the Governor on April 17, 2018.

13 33 Sec. 37. 2018 Iowa Acts, Senate File 2117, section 1,
 13 34 paragraphs p and s, are amended to read as follows:
 13 35 p.—~~Department of economic~~ Economic development authority
 14 1 \$ 157,960
 14 2 s. College student aid commission
 14 3 \$ 94,172

Corrective provision for [SF 2117](#) (FY 2018 Budget Adjustment Act).

DETAIL: This Act was approved by the General Assembly on March 21, 2018, and signed by the Governor on March 28, 2018.

14 4 Sec. 38. 2018 Iowa Acts, House File 2442, section 4, is
 14 5 amended to read as follows:
 14 6 SEC. 4. STATE MANDATE FUNDING SPECIFIED. In accordance
 14 7 with section 25B.2, subsection 3, the state cost of requiring
 14 8 compliance with any state mandate included in ~~this division~~
 14 9 of this Act shall be paid by a school district from state
 14 10 school foundation aid received by the school district under
 14 11 section 257.16. This specification of the payment of the state
 14 12 cost shall be deemed to meet all of the state funding-related
 14 13 requirements of section 25B.2, subsection 3, and no additional
 14 14 state funding shall be necessary for the full implementation of
 14 15 this Act by and enforcement of this Act against all affected
 14 16 school districts.

Corrective provision for [HF 2442](#) (Brain Injury Policies Act).

DETAIL: This Act was approved by the General Assembly on April 12, 2018, and signed by the Governor on April 26, 2018.

14 17 Sec. 39. REPEAL. 2018 Iowa Acts, House File 2348, section
 14 18 9, is repealed.

Corrective provision for [HF 2348](#) (Nonsubstantive Code Corrections Act).

DETAIL: This Act was approved by the General Assembly on March 14, 2018, and signed by the Governor on March 28, 2018.

14 19 Sec. 40. REPEAL. 2018 Iowa Acts, House File 2457, sections
 14 20 115 and 116 are repealed.

Corrective provision for [HF 2457](#) (Substantive Code Editor's Act).

DETAIL: This Act was approved by the General Assembly on March 6, 2018, and signed by the Governor on March 21, 2018.

14 21 Sec. 41. EFFECTIVE DATE. The following, being deemed of
 14 22 immediate importance, takes effect upon enactment:
 14 23 The section of this division of this Act amending 2018 Iowa
 14 24 Acts, Senate File 2117, section 1, paragraphs "p" and "s".

Corrective provision for [SF 2117](#) (FY 2018 Budget Adjustment Act).

DETAIL: This Act was approved by the General Assembly on March 21, 2018, and signed by the Governor on March 28, 2018.

14 25 Sec. 42. RETROACTIVE APPLICABILITY. The following applies
 14 26 retroactively to March 28, 2018:

Corrective provision for [SF 2117](#) (FY 2018 Budget Adjustment Act).

14 27 The section of this division of this Act amending 2018 Iowa
14 28 Acts, Senate File 2117, section 1, paragraphs “p” and “s”.

DETAIL: This Act was approved by the General Assembly on March 21, 2018, and signed by the Governor on March 28, 2018.

14 29 Sec. 43. APPLICABILITY. The following apply July 1, 2018,
14 30 to probate filings made on or after that date:

Provides that certain sections amended in [SF 2098](#) (Probate Procedures Act) are applicable on July 1, 2018.

14 31 1. The section of this division of this Act amending section
14 32 633.42.

14 33 2. The section of this division of this Act amending section
14 34 633.418.

14 35 DIVISION IV
15 1 LAND ACQUISITION AND INVENTORY
15 2 Sec. 44. LAND ACQUISITION AND INVENTORY.

15 3 1. By December 1, 2018, the department of natural resources
15 4 shall submit a report to the general assembly including all
15 5 financial assistance provided to private entities for the
15 6 acquisition of land and an inventory of all land managed or
15 7 owned on behalf of the state by the department.

Requires the Department of Natural Resources (DNR) to submit a report to the General Assembly by December 1, 2018, that includes all of the financial assistance provided to private entities for the acquisition of land and an inventory of all land managed or owned on behalf of the State by the Department.

15 8 2. The portion of the report regarding financial assistance
15 9 to private entities for land acquisition shall include the
15 10 name of the private entities, a description of the assistance
15 11 provided, the price of the tract, the date the assistance
15 12 was provided, the date of full loan repayment or cessation
15 13 of the linked deposit account, and the total amount of
15 14 outstanding loans and linked deposits associated with such land
15 15 acquisitions. This portion of the report shall also include
15 16 information regarding the land purchase including the location
15 17 and description of the land, a description of the conservation
15 18 benefits of the purchase, the name of the seller, the price
15 19 paid, and the size of the tract. If the land was later
15 20 acquired by a governmental entity, the report shall include the
15 21 name of the governmental entity, the date of the subsequent
15 22 acquisition, the price paid, and the source of the funds.

Requires the report to include the following information:

- The names of the private entities.
- Descriptions and dates of assistance provided.
- The price and size of the tract.
- The full loan repayment or cessation of the linked deposit account.
- The total amount of outstanding loans and linked deposits associated with land acquisitions.
- Location and description of the land.
- Conservation benefits of the purchase.
- The name of the seller.
- The actual amount paid.

15 23 3. The portion of the report regarding the land inventory
15 24 shall include a list of all properties owned by the state whose
15 25 purchase or donation was facilitated by the department and a
15 26 list of properties which are managed by the department, but
15 27 not owned by the state. For each owned tract of land, the
15 28 inventory shall include the location of the tract, the date
15 29 of acquisition or first management agreement, the name of the
15 30 seller or donor of the tract, the price paid for state-owned
15 31 land and the source of the funds; the owner of the tract if not
15 32 owned by the state, the size of the tract, the present use of
15 33 the tract including whether the property is open to the public,
15 34 and the identification of the government entity charged with
15 35 managing the tract. The inventory shall also identify the
16 1 location and size of all tracts which were conveyed to cities

Requires the land inventory section of the report to include a list of all properties owned by the State whose purchase or donation was facilitated by the DNR, in addition to a list of properties that are managed by the Department but not owned by the State. For each owned tract of land, the inventory shall include the following information:

- The location of the tract.
- The date of acquisition.
- The name of the seller or donor of the tract.
- The price paid and the source of the funds.
- The size of the tract.
- The present use of the tract and whether the property is open to the public.
- The government entity charged with managing the tract.

16 2 or counties within the past twenty years after termination of
16 3 state ownership.

- The location and size of all tracts which were conveyed to cities or counties within the past twenty years after previously being owned by the State.

16 4 4. For the fiscal year beginning July 1, 2018, the
16 5 environmental protection commission shall not authorize a
16 6 contract or approve costs related to the purchase of land
16 7 which obligates moneys from the water pollution control works
16 8 revolving loan fund for financial assistance to acquire new
16 9 land under the general nonpoint source program set-aside.

Prohibits the DNR and the Iowa Finance Authority from using funds from the Water Pollution Control Works Revolving Loan Fund for financial assistance to purchase new land under funds set aside from the General Nonpoint Source Program in FY 2019.

16 10 DIVISION V
16 11 IOWA GEOLOGICAL SURVEY
16 12 Sec. 45. 2018 Iowa Acts, House File 2491, section 21, if
16 13 enacted, is amended to read as follows:

16 14 SEC. 53A. STATE UNIVERSITY OF IOWA ~~GEOGRAPHICAL AND WATER~~
16 15 GEOLOGICAL SURVEY. There is appropriated from the environment
16 16 first fund created in section 8.57A to the state university of
16 17 Iowa for the fiscal year beginning July 1, 2018, and ending
16 18 June 30, 2019, the following amounts, or so much thereof as is
16 19 necessary, to be used for the purposes designated:

Makes a technical correction to [House File 2491](#) (FY 2019 Agriculture and Natural Resources Appropriations Bill) to transfer the Geological Survey Program from the DNR to the University of Iowa.

16 20 1. OPERATIONS
16 21 For purposes of supporting the operations of the Iowa
16 22 geological ~~and water~~ survey ~~of the state~~ as created within the
16 23 state university of Iowa pursuant to section 456.1 as amended
16 24 by 2018 Iowa Acts, House File 2303, section 12, including
16 25 but not limited to providing analysis; data maintenance,
16 26 collection, and compilation; investigative programs; and
16 27 information for water supply development and protection:
16 28 \$ 200,000

DETAIL: [House File 2491](#) (FY 2019 Agriculture and Natural Resources Appropriations Bill) specifies a transfer of the Geological Survey Program from the DNR to the University of Iowa.

16 29 2. WATER RESOURCE MANAGEMENT
16 30 For purposes of supporting the Iowa geological ~~and water~~
16 31 survey in measuring, assessing, and evaluating the quantity
16 32 of water sources in this state and assisting the department
16 33 of natural resources in regulating water quantity as provided
16 34 in chapter 455B, division III, part 4, pursuant to sections
16 35 455B.262B and 456.14, as enacted by this Act:
17 1 \$ 495,000

17 2 DIVISION VI
17 3 PODIATRY
17 4 Sec. 46. Section 147.139, subsections 3 and 4, Code 2018,
17 5 are amended to read as follows:

17 6 3. If the defendant is board-certified in a specialty, the
17 7 person is certified in the same or a substantially similar

CODE: Amends the expert witness standards in standard of care lawsuits in the following ways:

17 8 specialty by a board recognized by the American board of
 17 9 medical specialties, or the American osteopathic association,
 17 10 or the council on podiatric medical education.
 17 11 4. a. If the defendant is a licensed physician or
 17 12 osteopathic physician under chapter 148, the person is a
 17 13 physician or osteopathic physician licensed in this state or
 17 14 another state.
 17 15 b. If the defendant is a licensed podiatric physician under
 17 16 chapter 149, the person is a physician, osteopathic physician,
 17 17 or a podiatric physician licensed in this state or another
 17 18 state.

- Permits a person certified in a specialty by the Council on Podiatric Medical Education to serve as an expert witness if the defendant is certified in the same specialty.
- Permits a general physician, osteopathic physician, or podiatric physician licensed in Iowa or another state to serve as an expert witness if the defendant is a licensed podiatric physician in Iowa.

17 19 DIVISION VII
 17 20 CATTLE GUARDS

17 21 Sec. 47. Section 314.30, subsection 1, paragraph c, as
 17 22 enacted by 2018 Iowa Acts, Senate File 449, section 1, is
 17 23 amended to read as follows:
 17 24 c. The landowner owns the property on both sides of the
 17 25 street or highway and owns property on both sides of any access
 17 26 to the street or highway.

Amends [SF 449](#) (Cattle Guard Installation by Landowners Along Streets or Highways Act) to specify the requirements for installation of a cattle guard by a landowner.

DETAIL: The Act was approved by the General Assembly on April 2, 2018, and was signed by the Governor on April 17, 2018.

17 27 Sec. 48. 2018 Iowa Acts, Senate File 449, is amended by
 17 28 adding the following new section:
 17 29 NEW SECTION SEC. 4. INSTALLATION OF CATTLE GUARD —
 17 30 SUBSEQUENT COUNTY ACTION. Any cattle guard installed pursuant
 17 31 to this Act on or before April 25, 2018, that meets the
 17 32 requirements of this Act at the time of installation shall not
 17 33 be ordered uninstalled or found to be noncompliant with this
 17 34 Act as a result of any action taken after April 25, 2018, by
 17 35 the county with jurisdiction over the street or highway on
 18 1 which the cattle guard is installed to alter the area service
 18 2 classification of the street or highway or to otherwise alter
 18 3 the street or highway in such a way that the installation of
 18 4 the cattle guard no longer complies with this Act.

Specifies that cattle guards installed on or before April 25, 2018, will not be ordered uninstalled or found in noncompliance if the service classification of the highway changes.

18 5 Sec. 49. EFFECTIVE DATE. This division of this Act, being
 18 6 deemed of immediate importance, takes effect upon enactment.
 18 7 Sec. 50. RETROACTIVE APPLICABILITY. This division of this
 18 8 Act applies retroactively to April 17, 2018.

Specifies that Division VII takes effect upon enactment and applies retroactively to April 17, 2018.

18 9 DIVISION VIII
 18 10 DRAMSHOP

18 11 Sec. 51. Section 123.92, subsection 1, paragraph a, Code
 18 12 2018, as amended by 2018 Iowa Acts, Senate File 2169, section
 18 13 1, is amended to read as follows:

18 14 a.—Any Subject to the limitation amount specified in

Amends [SF 2169](#) (Dramshop Liability Act) to specify \$250,000 as the

18 15 ~~paragraph "c", if applicable, any~~ third party who is not the
 18 16 intoxicated person who caused the injury at issue and who
 18 17 is injured in person or property or means of support by an
 18 18 intoxicated person or resulting from the intoxication of a
 18 19 person, has a right of action for damages actually sustained,
 18 20 severally or jointly, ~~up to the amount specified in paragraph~~
 18 21 ~~"e",~~ against any licensee or permittee, whether or not the
 18 22 license or permit was issued by the division or by the
 18 23 licensing authority of any other state, who sold and served any
 18 24 beer, wine, or intoxicating liquor directly to the intoxicated
 18 25 person, provided that the person was visibly intoxicated at the
 18 26 time of the sale or service.

amount payable for damages sustained by any third party who is not the intoxicated person who caused an injury, or the person who sustained bodily harm or damages to property by an intoxicated person. Also, requires the Iowa Insurance Division to conduct an evaluation regarding minimum coverage requirements of dramshop liability insurance every two years.

This Act was approved by the General Assembly on April 4, 2018, and was signed by the Governor on April 10, 2018.

18 27 Sec. 52. NEW SECTION 505.33 DRAMSHOP LIABILITY INSURANCE
 18 28 EVALUATION.

Directs the Iowa Insurance Division is directed to compare the minimum dramshop liability insurance coverage requirements among states and other relevant issues as identified by the Division. The Division is required to submit a report including findings and recommendations by January 31, 2019, and every two years thereafter.

18 29 The division shall biennially conduct an evaluation
 18 30 concerning minimum coverage requirements of dramshop liability
 18 31 insurance. In conducting the evaluation, the division
 18 32 shall include a comparison of other states' minimum dramshop
 18 33 liability insurance coverage and any other relevant issues
 18 34 the division identifies. By January 31, 2019, and every two
 18 35 years thereafter, the division shall submit a report, including
 19 1 any findings and recommendations, to the general assembly as
 19 2 provided in chapter 7A.

19 3 Sec. 53. REPEAL. 2018 Iowa Acts, Senate File 2169, section
 19 4 2, is repealed.

Repeals the requirement for the Alcoholic Beverages Division (ABD) to conduct an evaluation regarding minimum coverage requirements of dramshop liability insurance every two years in [SF 2169](#) (Dramshop Liability Act).

19 5 DIVISION IX
 19 6 ALCOHOL

19 7 Sec. 54. Section 123.30, subsection 3, paragraphs a and
 19 8 b, Code 2018, as amended by 2018 Iowa Acts, Senate File 2310,
 19 9 section 12, are amended to read as follows:

19 10 a. CLASS "A". A class "A" liquor control license may be
 19 11 issued to a club and shall authorize the holder to purchase
 19 12 alcoholic liquors in original unopened containers from class
 19 13 "E" liquor control licensees only, wine from class "A" wine
 19 14 permittees or class "B" wine permittees who also hold class "E"
 19 15 liquor control licenses only as provided in section 123.173
 19 16 and section 123.177, and to sell alcoholic beverages to bona
 19 17 fide members and their guests by the individual drink for
 19 18 consumption on the premises only.

Amends [SF 2310](#) (Liquor Control Licenses Act) to specify that a Class A liquor control license may be issued to a club and authorizes the license holder to purchase alcoholic liquors in original unopened containers from Class E liquor control licensees only.

DETAIL: This Act was approved by the General Assembly on March 13, 2018, and was signed by the Governor on April 2, 2018.

19 19 b. CLASS "B". A class "B" liquor control license may be
 19 20 issued to a hotel or motel and shall authorize the holder to

Specifies that a Class B liquor control license may be issued to a hotel or motel. Permits these licensees to sell alcoholic beverages to patrons

19 21 purchase alcoholic liquors in original unopened containers from
 19 22 class "E" liquor control licensees only, wine from class "A"
 19 23 wine permittees or class "B" wine permittees who also hold
 19 24 class "E" liquor control licenses only as provided in section
 19 25 123.173 and section 123.177, and to sell alcoholic beverages to
 19 26 patrons by the individual drink for consumption on the premises
 19 27 only. However, beer may also be sold for consumption off the
 19 28 premises. Each license shall be effective throughout the
 19 29 premises described in the application.

19 30 Sec. 55. Section 123.30, subsection 3, paragraph c,
 19 31 subparagraph (1), Code 2018, as amended by 2018 Iowa Acts,
 19 32 Senate File 2310, section 12, is amended to read as follows:

19 33 (1) A class "C" liquor control license may be issued to
 19 34 a commercial establishment but must be issued in the name of
 19 35 the individuals who actually own the entire business and shall
 20 1 authorize the holder to purchase alcoholic liquors in original
 20 2 unopened containers from class "E" liquor control licensees
 20 3 only, wine from class "A" wine permittees or class "B" wine
 20 4 permittees who also hold class "E" liquor control licenses only
 20 5 as provided in section 123.173 and section 123.177, and to sell
 20 6 alcoholic beverages to patrons by the individual drink for
 20 7 consumption on the premises only. However, beer may also be
 20 8 sold for consumption off the premises. The holder of a class
 20 9 "C" liquor control license may also hold a special class "A"
 20 10 beer permit for the premises licensed under a class "C" liquor
 20 11 control license for the purpose of operating a brewpub pursuant
 20 12 to this chapter.

20 13 Sec. 56. Section 123.30, subsection 3, paragraph c,
 20 14 subparagraph (3), Code 2018, is amended to read as follows:

20 15 (3) A class "C" native distilled spirits liquor control
 20 16 license may be issued to a native distillery but shall be
 20 17 issued in the name of the individuals who actually own the
 20 18 business and shall only be issued to a native distillery
 20 19 which, combining all production facilities of the business,
 20 20 produces and manufactures not more than one hundred thousand
 20 21 proof gallons of distilled spirits on an annual basis. The
 20 22 license shall authorize the holder to sell native distilled
 20 23 spirits manufactured on the premises of the native distillery
 20 24 to patrons by the individual drink for consumption on the
 20 25 premises. All native distilled spirits sold by a native
 20 26 distillery for on-premises consumption shall be purchased
 20 27 from a class "E" liquor control licensee in original unopened
 20 28 containers.

20 29 Sec. 57. Section 123.30, subsection 3, paragraph d,
 20 30 subparagraph (2), Code 2018, as amended by 2018 Iowa Acts,

by the individual drink for consumption on the premises only, and to
 sell beer for consumption off the premises. Permits license holders to
 purchase alcoholic liquors in original unopened containers from Class E
 liquor control licensees only and wine from Class A wine permittees or
 Class B wine permittees who also hold class E liquor control licenses.

Specifies that a Class C liquor control license may be issued to a
 commercial establishment but must be issued in the name of the
 owner(s) of the business. Permits these licensees to sell alcoholic
 beverages to patrons by the individual drink for consumption on the
 premises only, and to sell beer for consumption off the premises. Also
 permits the commercial establishment license holder of a Class C
 liquor control license to hold a special Class A beer permit for the
 purpose of operating a brewpub. Permits license holders to purchase
 alcoholic liquors in original unopened containers from Class E liquor
 control licensees only and wine from Class A wine permittees or Class
 B wine permittees who also hold Class E liquor control licenses.

Specifies that a Class C native distilled spirits liquor control license
 may be issued to a native distillery in the name of the owner(s) of the
 business. The license holder is authorized to sell native distilled spirits
 manufactured on the premises for consumption by the glass on the
 premises. All native distilled spirits sold by a native distillery for on-
 premises consumption must be purchased from a Class E liquor
 control licensee in original unopened containers.

Permits a Class D liquor control licensee who operates train,
 watercraft, or excursion gambling boat to purchase alcoholic liquor in

20 31 Senate File 2310, section 12, is amended to read as follows:
 20 32 (2) A class "D" liquor control licensee who operates a
 20 33 train or a watercraft intrastate only, or an excursion gambling
 20 34 boat licensed under chapter 99F, shall purchase alcoholic
 20 35 liquor in original unopened containers from a class "E" liquor
 21 1 control licensee only, wine from a class "A" wine permittee or
 21 2 a class "B" wine permittee who also holds a class "E" liquor
 21 3 control license only as provided in section 123.173 and section
 21 4 123.177, and beer from a class "A" beer permittee only.
 21 5 Sec. 58. Section 123.30, subsection 3, paragraph e, Code
 21 6 2018, as amended by 2018 Iowa Acts, Senate File 2310, section
 21 7 12, is amended to read as follows:
 21 8 e. CLASS "E".

original unopened containers from Class E liquor control licensees only, wine from Class A wine permittees or Class B wine permittees who also hold Class E liquor control licenses, and beer from Class A beer permittees only.

21 9 (1) A class "E" liquor control license may be issued and
 21 10 shall authorize the holder to purchase alcoholic liquor in
 21 11 original unopened containers from the division only and high
 21 12 alcoholic content beer from a class "A" beer permittee only and
 21 13 to sell the alcoholic liquor in original unopened containers
 21 14 and high alcoholic content beer at retail to patrons for
 21 15 consumption off the licensed premises and at wholesale to other
 21 16 liquor control licensees, provided the holder has filed with
 21 17 the division a basic permit issued by the alcohol and tobacco
 21 18 tax and trade bureau of the United States department of the
 21 19 treasury. A holder of a class "E" liquor control license
 21 20 may hold other retail liquor control licenses or retail wine
 21 21 or beer permits, but the premises licensed under a class "E"
 21 22 liquor control license shall be separate from other licensed
 21 23 premises, though the separate premises may have a common
 21 24 entrance. However, the holder of a class "E" liquor control
 21 25 license may also hold a class "B" wine or class "C" beer permit
 21 26 or both for the premises licensed under a class "E" liquor
 21 27 control license.

Specifies that a Class E liquor control license may be issued and permits the license holder to purchase alcoholic liquor in original unopened containers from the Alcoholic Beverages Division (ABD) only and high alcoholic content beer from Class A beer permittees only.

Requires a Class E license holder to sell alcoholic liquor in original unopened containers. Permits the Class E license holder to sell high alcoholic content beer at retail to patrons for consumption off the licensed premises and at wholesale to other liquor control licensees if the licensee has filed with the ABD a basic permit issued by the United State Department of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

21 28 (2) The division may issue a class "E" liquor control
 21 29 license for premises covered by a liquor control license or
 21 30 wine or beer permit for on-premises consumption, if under any
 21 31 of the following circumstances:
 21 32 (a) If the premises are in a county having a population
 21 33 under nine thousand five hundred in which no other class "E"
 21 34 liquor control license has been issued by the division, and no
 21 35 other application for a class "E" liquor control license has
 22 1 been made within the previous twelve consecutive months.
 22 2 (b) If, notwithstanding any provision of this chapter to the
 22 3 contrary, the premises covered by a liquor control license is a
 22 4 grocery store that is at least five thousand square feet.

Permits the ABD to issue a Class E liquor control license for premises covered by a liquor control license or wine or beer permit for on-premises consumption if the premises are located within a county with a population of under 9,500 in which no other Class E liquor control licenses have been issued by the Division and no applications have been made within the last year, or if the premises covered by a liquor control license is a grocery store that is at least 5,000 square feet.

22 5 Sec. 59. Section 123.30, subsection 4, Code 2018, is amended

CODE: Allows a person holding a liquor control license for selling

22 6 to read as follows:
 22 7 4. Notwithstanding any provision of this chapter to the
 22 8 contrary, a person holding a liquor control license to sell
 22 9 alcoholic beverages for consumption on the licensed premises
 22 10 may permit a customer to remove one unsealed bottle of wine
 22 11 for consumption off the premises if the customer has purchased
 22 12 and consumed a portion of the bottle of wine on the licensed
 22 13 premises. The licensee or the licensee's agent shall securely
 22 14 reseal such bottle in a bag designed so that it is visibly
 22 15 apparent that the resealed bottle of wine has not been tampered
 22 16 with and provide a dated receipt for the resealed bottle of
 22 17 wine to the customer. A wine bottle resealed pursuant to the
 22 18 requirements of this subsection is subject to the requirements
 22 19 of sections 321.284 and 321.284A. A person holding a liquor
 22 20 control license to sell alcoholic beverages for consumption on
 22 21 the licensed premises may permit a customer to carry an open
 22 22 container of wine from their licensed premises into another
 22 23 immediately adjacent licensed premises, temporary closed public
 22 24 right-of-way, or private property.
 22 25 Sec. 60. Section 123.30, Code 2018, is amended by adding the
 22 26 following new subsection:
 22 27 NEW SUBSECTION 5. Notwithstanding any provision of this
 22 28 chapter to the contrary, a person holding a liquor control
 22 29 license to sell alcoholic beverages for consumption on the
 22 30 licensed premises may permit a customer to carry an open
 22 31 container of alcoholic liquor from their licensed premises
 22 32 to another immediately adjacent licensed premises, temporary
 22 33 closed public right-of-way, or private property.

22 34 Sec. 61. Section 123.131, subsection 2, unnumbered
 22 35 paragraph 1, Code 2018, is amended to read as follows:
 23 1 Subject to the rules of the division, sales of beer for
 23 2 consumption off the premises made pursuant to this section
 23 3 may be made in a container other than the original container
 23 4 only if the container is carried into an immediately adjacent
 23 5 licensed or permitted premises, temporary closed public
 23 6 right-of-way, or private property, or if all of the following
 23 7 requirements are met:

23 8 DIVISION X
 23 9 SEXUALLY VIOLENT PREDATORS

23 10 Sec. 62. Section 229A.8, subsection 5, paragraph e,
 23 11 subparagraph (2), Code 2018, is amended to read as follows:

23 12 (2)(a) If the committed person shows by a preponderance
 23 13 of the evidence that a final hearing should be held on either
 23 14 determination under subparagraph (1), subparagraph division (a)
 23 15 or (b), or both, the court shall set a final hearing within

alcoholic beverages for consumption on the premises to permit a customer to remove one unsealed bottle of wine for consumption off the premises if the customer has purchased and consumed a portion of the bottle of wine on the licensed premises. The bottle is to be resealed in a bag designated for such purposes and a receipt must be provided. The open container of wine may also be carried into an immediately adjacent licensed establishment.

CODE: Specifies that beer purchased for consumption off the premises is allowed to be sold in a container that is not the original container if the container is carried into an immediately adjacent licensed or permitted premise.

CODE: Permits a person committed to a sexually violent predator treatment program to waive the requirement that a final hearing be held within 60 days of the court's determination that a final hearing should be held. The committed person may reassert a demand that a

23 16 sixty days of the determination that a final hearing be held.
 23 17 (b) The committed person may waive the sixty-day final
 23 18 hearing requirement under subparagraph subdivision (a);
 23 19 however, the committed person or the attorney for the committed
 23 20 person may reassert a demand that the final hearing be held
 23 21 within sixty days from the date of filing the demand with the
 23 22 clerk of court.
 23 23 (c) The final hearing may be continued upon request of
 23 24 either party and a showing of good cause, or by the court
 23 25 on its own motion in the due administration of justice, and
 23 26 if the committed person is not substantially prejudiced. In
 23 27 determining what constitutes good cause, the court shall
 23 28 consider the length of the pretrial detention of the committed
 23 29 person.

final hearing be held within 60 days from the date of filing the demand with the Clerk of District Court. In addition, the final hearing may be continued upon request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and if the committed person is not substantially prejudiced.

23 30 Sec. 63. Section 229A.15, Code 2018, is amended to read as
 23 31 follows:
 23 32 229A.15 COURT RECORDS — SEALED AND OPENED BY COURT ORDER.
 23 33 1.—Any Except as otherwise provided in this section, any
 23 34 psychological reports, drug and alcohol reports, treatment
 23 35 records, reports of any diagnostic center, medical records, or
 24 1 victim impact statements which have been submitted to the court
 24 2 or admitted into evidence under this chapter shall be part of
 24 3 the record but shall be sealed and opened only on order of the
 24 4 court.
 24 5 2. The documents described in subsection 1 shall be
 24 6 available to the prosecuting attorney or attorney general, the
 24 7 committed person, and the attorney for the committed person
 24 8 without an order of the court.

CODE: Requires the sealed documents described in Iowa Code section [229A.15\(1\)](#) to be available to the prosecuting attorney or Attorney General, the committed person, and the attorney for the committed person without an order of the court.

24 9 DIVISION XI
 24 10 EARNED TIME

24 11 Sec. 64. Section 903A.2, subsection 1, paragraph a,
 24 12 subparagraph (2), Code 2018, is amended to read as follows:

24 13 (2) However, an inmate required to participate in a sex
 24 14 offender treatment program shall not be eligible for ~~a~~ any
 24 15 reduction of sentence ~~unless until~~ the inmate participates in
 24 16 and completes a sex offender treatment program established by
 24 17 the director.

24 18 Sec. 65. Section 903A.2, subsection 1, paragraph b,
 24 19 subparagraph (2), Code 2018, is amended to read as follows:

24 20 (2) An inmate required to participate in a domestic abuse
 24 21 treatment program shall not be eligible for ~~a~~ any reduction of
 24 22 sentence ~~unless until~~ the inmate participates in and completes
 24 23 a domestic abuse treatment program established by the director.

24 24 Sec. 66. Section 903A.3, subsection 1, Code 2018, is amended
 24 25 to read as follows:

CODE: Specifies that an inmate committed to the Department of Corrections (DOC) who is required to participate in a sex offender or domestic abuse treatment program shall not be eligible for any reduction of sentence until the inmate participates in and completes a sex offender or domestic abuse treatment program. Specifies that an inmate may be ordered to forfeit any or all earned time if the inmate has failed to complete a sex offender or domestic abuse treatment program as specified in Iowa Code section [903A.2](#).

DETAIL: Under Iowa Code section [903A.2\(1\)\(a\)\(2\)](#), an inmate required to participate in a sex offender treatment program (SOTP) shall not be eligible for a reduction of sentence unless the inmate participates in and completes an SOTP. Failure to complete treatment includes

24 26 1. Upon finding that an inmate has violated an institutional
 24 27 rule, has failed to complete a sex offender or domestic abuse
 24 28 treatment program as specified in section 903A.2, or has
 24 29 had an action or appeal dismissed under section 610A.2, the
 24 30 independent administrative law judge may order forfeiture of
 24 31 any or all earned time accrued and not forfeited up to the
 24 32 date of the violation by the inmate and may order forfeiture
 24 33 of any or all earned time accrued and not forfeited up to
 24 34 the date the action or appeal is dismissed, unless the court
 24 35 entered such an order under section 610A.3. The independent
 25 1 administrative law judge has discretion within the guidelines
 25 2 established pursuant to section 903A.4, to determine the amount
 25 3 of time that should be forfeited based upon the severity of the
 25 4 violation. Prior violations by the inmate may be considered by
 25 5 the administrative law judge in the decision.

refusal to attend or removal by corrections officers. Prior to 2016, the DOC policy interpreted this language to mean that an inmate could no longer accrue any earned time after refusing to attend the DOC's SOTP, but would not lose any previously accrued earned time. In January 2016, the DOC revised its policy to also include the forfeiture of previously accrued earned time. In 2017, the Iowa Supreme Court ruled in [State v. Iowa District Court for Jones County](#) that the DOC policy prior to 2016 applied and the DOC could not lawfully forfeit an offender's earned time accrued prior to refusal or removal from the SOTP.

FISCAL IMPACT: This provision will have a fiscal impact on the operating budget of the DOC due to the increased length of stay for offenders who are unsuccessful in the SOTP or the Domestic Abuse Treatment Program. It is estimated there will be 43 unsuccessful participants in the SOTP and 33 unsuccessful participants in the Domestic Abuse Treatment Program annually. The additional prison costs per year are estimated to be \$486,000 in FY 2019 and \$972,000 in FY 2020. The marginal costs are estimated to increase until FY 2024, when the prison population is no longer expected to further increase as a result of the provision.

25 6 DIVISION XII
 25 7 MULTIPLE EMPLOYER WELFARE ARRANGEMENTS
 25 8 Sec. 67. Section 507A.4, subsection 9, paragraph c,
 25 9 unnumbered paragraph 1, Code 2018, is amended to read as
 25 10 follows:

25 11 A multiple employer welfare arrangement that is recognized
 25 12 as tax-exempt under Internal Revenue Code section 501(c)(9)
 25 13 that meets all of the conditions of paragraph "a" shall not be
 25 14 considered any of the following:

CODE: Specifies that a multiple employer welfare arrangement that is recognized as tax-exempt by the Internal Revenue Service will not be considered an insurance company or association of any kind, a member of the Iowa Individual Health Benefit Reinsurance Association, or a member insurer of the Iowa Life and Health Insurance Guaranty Association.

25 15 Sec. 68. Section 513D.1, as enacted by 2018 Iowa Acts,
 25 16 Senate File 2349, section 5, is amended to read as follows:
 25 17 513D.1 ASSOCIATION HEALTH PLANS.
 25 18 The commissioner shall adopt rules that allow for the
 25 19 creation of association health plans that are consistent with
 25 20 the United States department of labor's regulations in 29
 25 21 C.F.R.pt.2510. A multiple employer welfare arrangement that
 25 22 is recognized as tax-exempt under Internal Revenue Code section
 25 23 501(c)(9) and that is registered with the commissioner prior
 25 24 to January 1, 2018, shall not be considered an association
 25 25 health plan unless the multiple employer welfare arrangement
 25 26 affirmatively elects to be treated as an association health

Amends [SF 2349](#) (Association Health Plans Act) to require that a multiple employer welfare arrangement that is recognized as tax-exempt by the Internal Revenue Service and is registered with the Iowa Insurance Commission prior to January 1, 2018, is not considered an association health plan, unless the multiple employer welfare arrangement chooses this status.

25 27 plan.

25 28 Sec. 69. REPEAL. 2018 Iowa Acts, Senate File 2349, section
25 29 7, is repealed.

Repeals the ability of the Iowa Insurance Division Commissioner to adopt emergency rules.

25 30
25 31 DIVISION XIII
25 31 SELF-PROMOTION — PUBLIC FUNDS
25 32 Sec. 70. NEW SECTION 68A.405A SELF-PROMOTION WITH TAXPAYER
25 33 FUNDS PROHIBITED.

25 34 1. a. Except as provided in sections 29C.3 and 29C.6, a
25 35 statewide elected official or member of the general assembly
26 1 shall not permit the expenditure of public moneys under the
26 2 control of the statewide elected official or member of the
26 3 general assembly, including but not limited to moneys held in a
26 4 private trust fund as defined by section 8.2, for the purpose
26 5 of any paid advertisement or promotion bearing the written
26 6 name, likeness, or voice of the statewide elected official or
26 7 member of the general assembly distributed through any of the
26 8 following means:

CODE: Prohibits a statewide elected official or member of the General Assembly from using taxpayer funds for direct mass mailings, radio advertisement or promotions, newspaper advertisements or promotions, television advertisements or promotions, Internet advertisements or promotions, or exhibit displays at the Iowa State Fair or a fairground or grounds as defined in Iowa Code section [174.1](#).

26 9 (1) A paid direct mass mailing.
26 10 (2) A paid radio advertisement or promotion.
26 11 (3) A paid newspaper advertisement or promotion.
26 12 (4) A paid television advertisement or promotion.
26 13 (5) A paid internet advertisement or promotion.
26 14 (6) A paid exhibit display at the Iowa state fair or a
26 15 fairground or grounds as defined in section 174.1.

FISCAL IMPACT: This requirement is expected to increase the cost to State agencies headed by elected officials; however, there is not sufficient information available at this time to determine the fiscal impact. The LSA did receive information from the Iowa Department of Agriculture and Land Stewardship (IDALS) concerning the Department's cost for replacing and printing new gas pump and various weight scale stickers. The Department estimates a cost of \$151,500 for labor, materials, and travel reimbursements associated with the law change.

26 16 b. Except as otherwise provided by law, paragraph "a"
26 17 shall not apply to bona fide ministerial or ceremonial records
26 18 or ordinary, common, and frequent constituent correspondence
26 19 containing the name of the statewide elected official or member
26 20 of the general assembly.

Permits statewide elected officials or members of the General Assembly to use taxpayer funds for ministerial or ceremonial records and frequent correspondence with constituents. Subjects statewide elected officials or members of the General Assembly who use taxpayer funds for advertisement or promotion to a civil penalty up to the amount of moneys withdrawn from a public account or private trust fund for this purpose. The penalty must be paid by the candidate's committee and will be deposited into the public account or private trust fund from which the moneys were withdrawn.

26 21 2. A person who willfully violates this section shall be
26 22 subject to a civil penalty of an amount up to the amount of
26 23 moneys withdrawn from a public account or private trust fund
26 24 as defined in section 8.2 used to fund the communication found
26 25 to be in violation of this section by the board or, for members
26 26 of the general assembly, by an appropriate legislative ethics
26 27 committee. A penalty imposed pursuant to this section shall
26 28 be paid by the candidate's committee. Such penalty shall be
26 29 determined and assessed by the board or, for a member of the
26 30 general assembly, the appropriate legislative ethics committee,
26 31 and paid into the account from which such moneys were
26 32 withdrawn. Additional criminal or civil penalties available
26 33 under section 68A.701 or established by the board pursuant to
26 34 section 68B.32A may also be determined and assessed by the

26 35 board for violations of this section. Nothing in this section
27 1 shall prevent the imposition of any penalty or sanction for a
27 2 violation of this section by a legislative ethics committee.

27 3
27 4 DIVISION XIV
27 4 LEASE-PURCHASE CONTRACTS
27 5 Sec. 71. 2018 Iowa Acts, House File 2253, section 13, is
27 6 amended to read as follows:

27 7 SEC. 13. APPLICABILITY. This Act applies to lease-purchase
27 8 contracts entered into on or after the effective date of this
27 9 Act. This Act does not apply to any lease-purchase contract
27 10 that results from a request for proposals or request for
27 11 qualifications issued by a city with a population of less
27 12 than 21,000 according to the 2016 special census prior to the
27 13 effective date of this Act.
27 14 Sec. 72. RETROACTIVE APPLICABILITY. The following applies
27 15 retroactively to April 4, 2018:
27 16 The section of this division of this Act amending 2018 Iowa
27 17 Acts, House File 2253, section 13.

27 18
27 19 DIVISION XV
27 19 CONSTRUCTION VEHICLES
27 20 Sec. 73. Section 321.463, subsection 9, Code 2018, is
27 21 amended to read as follows:

27 22 9. A vehicle or combination of vehicles transporting
27 23 materials or equipment on nonprimary highways to or from a
27 24 construction project or commercial plant site may operate
27 25 under the maximum gross weight table for primary highways in
27 26 subsection 6, paragraph "a", ~~if the route is approved by the~~
27 27 ~~appropriate local authority. Route approval is not required if~~
27 28 ~~the vehicle or combination of vehicles transporting materials~~
27 29 ~~or equipment to or from a construction project or commercial~~
27 30 ~~plant site complies with or~~ the maximum gross weight table for
27 31 noninterstate highways in subsection 6, paragraph "c". When
27 32 crossing a bridge, such a vehicle or combination of vehicles
27 33 shall comply with any weight restriction imposed for the
27 34 bridge pursuant to section 321.471 or 321.474, provided signs
27 35 that conform to the manual of uniform traffic-control devices
28 1 adopted by the department that give notice of the restriction
28 2 are posted as required under section 321.472 or 321.474, as
28 3 applicable.

28 4
28 5 DIVISION XVI
28 5 LOCAL ORDINANCES
28 6 Sec. 74. Section 331.301, subsection 6, paragraph c,
28 7 subparagraph (1), unnumbered paragraph 1, Code 2018, is amended

Amends [HF 2253](#) (Competitive Bidding Requirements Act) to exempt lease-purchase contracts that result from a request for proposals or request for qualifications issued by a city with a population of less than 21,000 according to the 2016 special census. This change applies retroactively to April 4, 2018.

DETAIL: This Act was approved by the General Assembly on March 28, 2018, and signed by the Governor on April 4, 2018.

CODE: Specifies that a construction vehicle may operate under the maximum gross weight for length and number of axles without route approval from local authorities if the vehicle is traveling on non primary roads to or from a construction site or plant, and if the vehicle abides by all restrictions on bridges. Requires vehicles crossing bridges to comply with weight restrictions for the bridges as posted on signage.

28 8 to read as follows:

28 9 A county shall not adopt an ordinance, motion, resolution,
 28 10 or amendment that sets standards or requirements regarding the
 28 11 sale or marketing of consumer merchandise that are different
 28 12 from, or in addition to, any ~~requirement established by state~~
 28 13 law. For purposes of this paragraph:
 28 14 Sec. 75. Section 364.3, subsection 3, paragraph c,
 28 15 subparagraph (1), unnumbered paragraph 1, Code 2018, is amended
 28 16 to read as follows:

28 17 A city shall not adopt an ordinance, motion, resolution, or
 28 18 amendment that sets standards or requirements regarding the
 28 19 sale or marketing of consumer merchandise that are different
 28 20 from, or in addition to, any ~~requirement established by state~~
 28 21 law. For purposes of this paragraph:

28 22 DIVISION XVII
 28 23 HEALTH CARE COVERAGE — SURVIVING SPOUSE AND CHILDREN
 28 24 Sec. 76. NEW SECTION 509A.13C HEALTH CARE COVERAGE FOR
 28 25 SURVIVING SPOUSE AND CHILDREN OF FIRE FIGHTERS AND PEACE
 28 26 OFFICERS IN THE LINE OF DUTY.

28 27 1. For the purposes of this section, “eligible peace officer
 28 28 or fire fighter” means a peace officer as defined in section
 28 29 801.4, or a fire fighter, to which a line of duty death benefit
 28 30 is payable pursuant to section 97A.6, subsection 16, section
 28 31 97B.52, subsection 2, or section 411.6, subsection 15.

28 32 2. a. If a governing body, a county board of supervisors,
 28 33 or a city council has procured accident or health care coverage
 28 34 for its employees under this chapter, such coverage shall
 28 35 permit continuation of existing coverage or reenrollment in
 29 1 previously existing coverage for the surviving spouse and each
 29 2 surviving child of an eligible peace officer or fire fighter.

29 3 b. A governing body, a county board of supervisors, or
 29 4 a city council shall also permit continuation of existing
 29 5 coverage for the surviving spouse and each surviving child
 29 6 of a peace officer as defined in section 801.4, or a fire
 29 7 fighter who dies and to which a line of duty death benefit is
 29 8 reasonably expected to be payable pursuant to section 97A.6,
 29 9 subsection 16, section 97B.52, subsection 2, or section 411.6,
 29 10 subsection 15, until such time as the determination of whether
 29 11 to provide a line of duty death benefit is made.

29 12 3. A governing body, a county board of supervisors, or
 29 13 a city council providing accident or health care coverage
 29 14 under this section shall not be required to pay for the cost

CODE: Specifies that a county or city cannot adopt an ordinance, motion, resolution, or amendment that sets standards or requirements for the sale or marketing of consumer merchandise that are different from State law.

CODE: Adds a definition of “eligible peace officer or fire fighter” as a peace officer or fire fighter to whom a line of duty death benefit is payable. Allows the employer to provide continuation of existing health insurance coverage to the surviving spouse and children of a State, county, or city peace officer who is killed in the line of duty.

CODE: Specifies that a surviving child of an eligible peace officer or fire fighter may be provided coverage, with the coverage paid by the governing body until the policy anniversary date on or after the child reaches the age of 26, unless the child is covered under Medicaid.

CODE: Specifies that a surviving spouse of an eligible peace officer or fire fighter may be provided coverage, with the coverage paid by the governing body until the spouse is eligible for coverage under Medicare.

CODE: Specifies that a governing body is not required to pay for the cost of accident or health care coverage.

29 15 of the coverage. However, a governing body, a county board
29 16 of supervisors, or a city council may pay the full cost or a
29 17 portion of the cost of the coverage. If the full cost of the
29 18 coverage is not paid, a surviving spouse and each surviving
29 19 child eligible for coverage under this section may elect to
29 20 continue accident or health care coverage by paying that
29 21 portion of the cost of the coverage not paid by the governing
29 22 body, county board of supervisors, or city council.

29 23 4. A governing body, a county board of supervisors, or a
29 24 city council shall notify the provider of accident or health
29 25 care coverage for its employees of a surviving spouse and
29 26 each surviving child to be provided coverage pursuant to the
29 27 requirements of this section.

CODE: Requires a governing body to notify a provider of accident or health care coverage for its employees of a surviving spouse and children that are to be provided coverage under this provision.

29 28 5. This section shall not require continuation of coverage
29 29 if the surviving spouse or surviving child who would otherwise
29 30 be entitled to continuation of coverage under this section was,
29 31 through the surviving spouse's or surviving child's actions, a
29 32 substantial contributing factor to the death of the eligible
29 33 peace officer or fire fighter.

CODE: Specifies that the continuation of coverage is not required if the surviving spouse or surviving child was a contributing factor to the death of the eligible peace officer or fire fighter.

29 34 Sec. 77. APPLICABILITY — HEALTH CARE COVERAGE FOR PRIOR
29 35 DEATHS. The surviving spouse and each surviving child of a
30 1 peace officer as defined in section 801.4, or a fire fighter
30 2 who died on or after January 1, 1985, but before July 1, 2000,
30 3 to which the requirements for providing a line of duty death
30 4 pursuant to section 97A.6, subsection 16, section 97B.52,
30 5 subsection 2, or section 411.6, subsection 15, would otherwise
30 6 have been established, and the surviving spouse and each
30 7 surviving child of an eligible peace officer or fire fighter
30 8 as defined in section 509A.13C, as enacted in this Act, may
30 9 be entitled to coverage as provided in section 509A.13C upon
30 10 written notification of the applicable governing body, county
30 11 board of supervisors, or city council. Coverage provided under
30 12 section 509A.13C pursuant to this section shall be for claims
30 13 for services incurred on or after the date of reenrollment.

Specifies that surviving spouses and children of peace officers and fire fighters who died on or after January 1, 1985, but before July 1, 2000, may be eligible for reenrollment in health care coverage. Coverage is limited to claims for services incurred on or after the date of reenrollment.

30 14 Sec. 78. EFFECTIVE DATE. This division of this Act, being
30 15 deemed of immediate importance, takes effect upon enactment.
30 16 Sec. 79. RETROACTIVE APPLICABILITY. This division of this
30 17 Act applies retroactively to a death occurring on or after
30 18 January 1, 1985.

Specifies that this Division is effective upon enactment and that coverage applies retroactively to peace officer and fire fighter deaths occurring on or after January 1, 1985.

30 19 DIVISION XVIII
30 20 SCHOLARSHIPS FOR SURVIVING CHILDREN OF CERTAIN PERSONS KILLED
30 21 IN THE LINE OF DUTY

30 22 Sec. 80. Section 261.87, subsection 1, Code 2018, is amended
 30 23 by adding the following new paragraph:
 30 24 NEW PARAGRAPH 0d. "Eligible surviving-child student" means
 30 25 a qualified student who is under the age of twenty-six, or
 30 26 under the age of thirty if the student is a veteran who is
 30 27 eligible for benefits, or has exhausted the benefits, under the
 30 28 federal Post-9/11 Veterans Educational Assistance Act of 2008;
 30 29 who is not a convicted felon as defined in section 910.15; and
 30 30 who meets any of the following criteria:

30 31 (1) Is the child of a peace officer, as defined in section
 30 32 97A.1, who was killed in the line of duty as determined by
 30 33 the board of trustees of the Iowa department of public safety
 30 34 peace officers' retirement, accident, and disability system in
 30 35 accordance with section 97A.6, subsection 16.

31 1 (2) Is the child of a police officer or a fire fighter, as
 31 2 each is defined in section 411.1, who was killed in the line of
 31 3 duty as determined by the statewide fire and police retirement
 31 4 system in accordance with section 411.6, subsection 15.

31 5 (3) Is the child of a sheriff or deputy sheriff as each is
 31 6 defined in section 97B.49C, who was killed in the line of duty
 31 7 as determined by the Iowa public employees' retirement system
 31 8 in accordance with section 97B.52, subsection 2.

31 9 (4) Is the child of a fire fighter or police officer
 31 10 included under section 97B.49B, who was killed in the line of
 31 11 duty as determined by the Iowa public employees' retirement
 31 12 system in accordance with section 97B.52, subsection 2.

31 13 Sec. 81. Section 261.87, subsection 3, Code 2018, is amended
 31 14 to read as follows:

31 15 3. PRIORITY FOR SCHOLARSHIP AWARDS. Priority for
 31 16 scholarships under this section shall be given to eligible
 31 17 foster care students, then to eligible surviving-child
 31 18 students, who meet the eligibility criteria under subsection
 31 19 2. Following distribution to students who meet the eligibility
 31 20 criteria under subsection 2, the commission may establish
 31 21 priority for awarding scholarships using any moneys that remain
 31 22 in the all Iowa opportunity scholarship fund.

31 23 DIVISION XIX
 31 24 CREDIT UNIONS

31 25 Sec. 82. Section 533.212, Code 2018, is amended by adding
 31 26 the following new subsection:

31 27 NEW SUBSECTION 4. A credit union organized in accordance
 31 28 with this chapter shall not include the name of any public
 31 29 university located in the state in its name. For purposes of
 31 30 this subsection, "public university located in the state" shall
 31 31 mean the state university of Iowa, the Iowa state university of

CODE: Provides that a qualified student under the age of 26 (or under the age of 30 if the student is or was eligible for benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008) who is not a convicted felon may be eligible for continuing coverage if the student is the child of a peace officer, police officer, fire fighter, sheriff, or deputy sheriff who was killed in the line of duty.

CODE: Adds surviving children who meet eligibility criteria to the priority list of awardees for the All Iowa Opportunity Scholarship Fund.

CODE: Prohibits credit unions from including the name of any public university in the State in their names.

31 32 science and technology, and the university of northern Iowa.

31 33 Sec. 83. Section 533.329, subsection 2, paragraph b, Code
31 34 2018, is amended to read as follows:

31 35 ~~b.—The amount collected in each taxing district within~~
32 1 ~~a city. The moneys and credits tax shall be collected by the~~
32 2 ~~department of revenue and shall be apportioned twenty percent~~
32 3 ~~to the county, thirty percent to the city general fund, and~~
32 4 ~~fifty percent to the general fund of the state, and the amount~~
32 5 ~~collected in each taxing district outside of cities shall be~~
32 6 ~~apportioned fifty percent to the county and fifty percent to~~
32 7 ~~the general fund of the state.~~

CODE: Requires that revenue from the moneys and credit tax assessed on credit union legal reserves is to be collected by the Department of Revenue and requires the Department to apportion 20.00% of the revenue to the county, 30.00% to the city general fund, and 50.00% to the State General Fund. In addition, the amount collected in each taxing district outside of cities will be apportioned 50.00% to the county and 50.00% to the State General Fund.

32 8 Sec. 84. Section 533.329, subsection 2, paragraph c, Code
32 9 2018, is amended by striking the paragraph.

CODE: Repeals the provision stating moneys and credits tax is to be collected at the location of the State credit union.

32 10 Sec. 85. Section 533.329, Code 2018, is amended by adding
32 11 the following new subsection:

32 12 NEW SUBSECTION 3. The department of revenue shall
32 13 administer and enforce the provisions of this section.

CODE: Requires the Department of Revenue to administer and enforce the collection of the moneys and credit tax.

32 14 Sec. 86. EFFECTIVE DATE. The following takes effect April
32 15 30, 2019:

Specifies the provision prohibiting credit unions from including the name of any public university in the State in their names is to take effect April 30, 2019.

32 16 The section of this division of this Act amending section
32 17 533.212.

32 18 DIVISION XX
32 19 MILITARY INSTALLATION — SCHOOL ENROLLMENT

32 20 Sec. 87. Section 257.6, subsection 1, paragraph a, Code
32 21 2018, is amended by adding the following new subparagraph:

CODE: This Division creates a provision allowing students living on Rock Island Arsenal in Illinois to enroll in schools in Scott County, Iowa as though they were residents of that school district in Iowa.

32 22 NEW SUBPARAGRAPH (8) Pupils who are enrolled in public
32 23 schools within the district under section 282.1, subsection
32 24 3, in grades kindergarten through twelve and including
32 25 prekindergarten pupils enrolled in special education programs.

CODE: Specifies that the certified enrollment count for the purpose of the school aid formula includes all students allowed for enrollment under Iowa Code section [282.1\(3\)](#). This clarifies that the students residing on the Rock Island Arsenal who are allowed to enroll in Scott County, Iowa, schools will be included in the certified enrollment count and funded through the school aid formula.

32 26 Sec. 88. Section 282.1, subsection 2, Code 2018, is amended
32 27 to read as follows:

32 28 2. For purposes of this section, "resident" means a child
32 29 who ~~is~~ meets either of the following requirements:
32 30 a. Isphysically present in a district, whose residence has
32 31 not been established in another district by operation of law,
32 32 and who meets any of the following conditions:

CODE: Specifies that a resident is a child who is physically present in a district and has not established residency in another district; and either is in the district for the purpose of making a home and not solely for school purposes is technically homeless or lives in a juvenile detention center or residential facility in the district; or who lives with a parent or guardian who is on active duty in the military and is stationed at and resides or is domiciled within a federal military installation

32 33 —a- (1) Is in the district for the purpose of making a home
 32 34 and not solely for school purposes.
 32 35 —b- (2) Meets the definitional requirements of the term
 33 1 "homeless individual" under 42 U.S.C. §11302(a) and (c).
 33 2 —c- (3) Lives in a juvenile detention center or residential
 33 3 facility in the district.

located contiguous to a county in the State.

FISCAL IMPACT: This provision is expected to slightly increase State school aid in FY 2020.

33 4 b. Is domiciled with the child's parent or guardian who is
 33 5 on active duty in the military service of the United States and
 33 6 is stationed at and resides or is domiciled within a federal
 33 7 military installation located contiguous to a county in this
 33 8 state.

CODE: Specifies that a parent or guardian who is on active duty in the military and is stationed at and resides or is domiciled within a federal military installation located contiguous to a county in the State may enroll a child in a school district in an Iowa county that is located contiguous to the out-of-state federal military installation.

33 9 Sec. 89. Section 282.1, Code 2018, is amended by adding the
 33 10 following new subsections:

33 11 NEW SUBSECTION 3. The parent or guardian of a child
 33 12 who meets the requirements of subsection 2, paragraph "b",
 33 13 paragraph may enroll the child in a school district in a county
 33 14 in this state that is located contiguous to the out-of-state
 33 15 federal military installation. Notwithstanding section 285.1
 33 16 relating to transportation of resident pupils, the parent or
 33 17 guardian is responsible for transporting the child without
 33 18 reimbursement to and from a point on a regular school bus route
 33 19 of the district of enrollment.

CODE: Specifies that the parent or guardian is responsible for transporting the child to and from a point on the regular school bus route of the district of enrollment without reimbursement.

33 20 NEW SUBSECTION 4. Notwithstanding section 282.6, if a
 33 21 parent or guardian enrolls a child in a school district in
 33 22 accordance with subsection 3, the school district shall be free
 33 23 of tuition for such child.

CODE: Specifies that the parent or guardian is not responsible for the cost of tuition for the child in the above case.

33 24 DIVISION XXI
 33 25 CRIMINALISTICS LABORATORY FUND
 33 26 Sec. 90. Section 691.9, Code 2018, is amended to read as
 33 27 follows:

33 28 691.9 CRIMINALISTICS LABORATORY FUND.
 33 29 A criminalistics laboratory fund is created as a separate
 33 30 fund in the state treasury under the control of the department
 33 31 of public safety. The fund shall consist of appropriations
 33 32 made to the fund and transfers of interest, and earnings. All
 33 33 moneys in the fund are appropriated to the department of public
 33 34 safety for use by the department in criminalistics laboratory
 33 35 equipment and supply purchasing, maintenance, depreciation, and
 34 1 training. Any balance in the fund on June 30 of any fiscal
 34 2 year shall not revert to any other fund of the state but shall
 34 3 remain available for the purposes described in this section.

CODE: Permits moneys in the Criminalistics Laboratory Fund to be used for the purchase of laboratory supplies.

34 4 DIVISION XXII
34 5 IOWA ENERGY CENTER

34 6 Sec. 91. Section 476.10A, subsection 1, paragraph c,
34 7 subparagraph (1), Code 2018, is amended to read as follows:
34 8 ~~(1) Eighty-five~~ Of eighty-five percent of the remittances
34 9 collected pursuant to this section ~~is, the following shall~~
34 10 ~~occur:~~
34 11 (a) For the fiscal year beginning July 1, 2018, such
34 12 remittances are appropriated to the Iowa energy center created
34 13 in section 15.120.
34 14 (b) For the fiscal year beginning July 1, 2019, the first
34 15 one million two hundred eighty-thousand dollars of such
34 16 remittances shall be transferred to the general fund of the
34 17 state, and the remaining amount is appropriated to the Iowa
34 18 energy center created in section 15.120.
34 19 (c) For the fiscal year beginning July 1, 2020, the
34 20 first two million nine hundred ten thousand dollars of such
34 21 remittances shall be transferred to the general fund of the
34 22 state, and the remaining amount is appropriated to the Iowa
34 23 energy center created in section 15.120.
34 24 (d) For the fiscal year beginning July 1, 2021, the first
34 25 three million five hundred thirty thousand dollars of such
34 26 remittances shall be transferred to the general fund of the
34 27 state, and the remaining amount is appropriated to the Iowa
34 28 energy center created in section 15.120.

CODE: Specifies that of the 85.00% of the 0.10% of the total gross intrastate public utilities operating revenue from gas and electric utilities that would otherwise be dedicated to the Iowa Energy Center each year, the following amounts are to be transferred to the General Fund as follows:

- FY 2020: \$1,280,000
- FY 2021: \$2,910,000
- FY 2022: \$3,500,000

DETAIL: The assessment and the Iowa Energy Center are repealed July 1, 2022 (FY 2023). Assuming the amount equal to the 85.00% remains at the FY 2017 level of \$4,132,301, the following amounts will be available for the Iowa Energy Center established in Iowa Code section [15.120](#) as follows:

- FY 2020: \$2,852,301
- FY 2021: \$1,222,301
- FY 2022: \$632,301

34 29 DIVISION XXIII
34 30 TRIBAL IDENTIFICATION CARD

34 31 Sec. 92. Section 48A.7A, subsection 1, paragraph b,
34 32 subparagraph (1), Code 2018, is amended by adding the following
34 33 new subparagraph division:

34 34 NEW SUBPARAGRAPH DIVISION (f) A tribal identification
34 35 card or other tribal enrollment document issued by a federally
35 1 recognized Indian tribe or nation, if the tribal identification
35 2 card or other tribal enrollment document is signed before the
35 3 card or document is presented to the election official.
35 4 Sec. 93. Section 49.78, subsection 2, paragraph a, Code
35 5 2018, is amended by adding the following new subparagraph:
35 6 NEW SUBPARAGRAPH (5) A current, valid tribal
35 7 identification card or other tribal enrollment document
35 8 issued by a federally recognized Indian tribe or nation, which
35 9 includes a photograph, signature, and valid expiration date.

CODE: Requires State and local election officials to accept a tribal identification card or other tribal enrollment document issued by a federally recognized Indian tribe or nation, if the card or enrollment document is signed prior to its presentation to an election official. The card or enrollment document must be current and must include a photograph, signature, and valid expiration date.

35 10 DIVISION XXIV
35 11 WIND ENERGY CONVERSION PROPERTY
35 12 Sec. 94. Section 441.21, subsection 5, Code 2018, is amended

35 13 by adding the following new paragraph:

35 14 NEW PARAGRAPH d. For valuations established for the
 35 15 assessment year beginning January 1, 2019, and each assessment
 35 16 year thereafter, the percentages of actual value at which
 35 17 property is assessed, as determined under this subsection,
 35 18 shall not be applied to the value of wind energy conversion
 35 19 property valued under section 427B.26 the construction of which
 35 20 is approved by the Iowa utilities board on or after July 1,
 35 21 2018.

CODE: Prohibits application of the industrial property rollback to 90.00% of assessed value to wind energy conversion property benefiting from the special assessment valuation provisions of Iowa Code section [427B.26](#). The prohibition applies to wind conversion property approved for construction by the Iowa Utilities Board on or after July 1, 2018.

35 22 DIVISION XXV
 35 23 REVOCATION OF DRIVER'S LICENSE FOR DRUG-RELATED CONVICTIONS

35 24 Sec. 95. Section 124.412, Code 2018, is amended to read as
 35 25 follows:

35 26 124.412 NOTICE OF CONVICTION.

35 27 If a person enters a plea of guilty to, or forfeits bail
 35 28 or collateral deposited to secure the person's appearance in
 35 29 court, and such forfeiture is not vacated, or if a person
 35 30 is found guilty upon an indictment or information alleging a
 35 31 violation of this chapter, a copy of the minutes attached to
 35 32 the indictment returned by the grand jury, or to the county
 35 33 attorney's information, a copy of the judgment and sentence,
 35 34 and a copy of the opinion of the judge if one is filed, shall
 35 35 be sent by the clerk of the district court or the judge to
 36 1 ~~the state department of transportation and to~~ any state board
 36 2 or officer by whom the convicted person has been licensed or
 36 3 registered to practice the person's profession or carry on
 36 4 the person's business. On the conviction of a person, the
 36 5 court may suspend or revoke the license or registration of the
 36 6 convicted defendant to practice the defendant's profession
 36 7 or carry on the defendant's business. On the application of
 36 8 a person whose license or registration has been suspended or
 36 9 revoked, and upon proper showing and for good cause, the board
 36 10 or officer may reinstate the license or registration.

36 11 Sec. 96. Section 321.212, subsection 1, paragraph d, Code
 36 12 2018, is amended by striking the paragraph.

36 13 Sec. 97. Section 321.215, subsection 1, paragraph b, Code
 36 14 2018, is amended to read as follows:

36 15 b. However, a temporary restricted license shall not be
 36 16 issued to a person whose license is revoked pursuant to a court
 36 17 order issued ~~under section 901.5, subsection 10, or under~~
 36 18 section 321.209, subsections 1 through 5 or subsection 7; to a
 36 19 juvenile whose license has been suspended or revoked pursuant
 36 20 to a dispositional order under section 232.52, subsection
 36 21 2, paragraph "a", for a violation of chapter 124 or 453B or
 36 22 section 126.3; to a juvenile whose license has been suspended

CODE: Repeals Iowa Code section [901.5\(10\)](#), which revokes a defendant's driver's license for 180 days if the defendant is convicted of a controlled substance offense under Iowa Code sections [124.401](#), [124.401A](#), [124.402](#), or [124.403](#). This Section makes conforming changes and provides that a defendant's driver's license that was suspended or revoked pursuant to Iowa Code section [901.5\(10\)](#) prior to the effective date of the section shall be reinstated if the defendant is otherwise eligible for a driver's license.

This Division provides a contingent effective date, specifying that the section takes effect on the date the Governor submits to the U.S. Secretary of Transportation a written certification that the Governor is opposed to the enforcement in Iowa of a law described in [23 U.S.C. §159\(a\)\(3\)\(A\)](#), and a written certification that the General Assembly has adopted a joint resolution expressing its opposition to the same, in accordance with [23 U.S.C. §159\(a\)\(3\)\(B\)](#).

DETAIL: The Department of Transportation (DOT) charges a \$20 reinstatement fee that must be paid at the time of license reinstatement. There is no civil penalty associated with this type of license revocation. All revenue the DOT generates from fees charged for driver's licenses is deposited into the Statutory Allocations Fund under the control of the DOT. In FY 2017, the DOT issued 4,778 driver's license revocations for drug convictions.

FISCAL IMPACT: This Section is estimated to reduce revenue to the Statutory Allocations Fund from driver's license reinstatement fees. It is estimated there will be fewer individuals paying a \$20 driver's license reinstatement fee if the drug revocation provision is eliminated. However, those individuals whose licenses are revoked for a drug offense often have an additional offense that would result in a license revocation. Also, a person who has a revoked or suspended license for multiple offenses or who is serving back-to-back revocations would not have to pay the \$20 fee. As a result, the reduction in revenue to the

Statutory Allocation Fund is estimated to be approximately \$24,000.

This Section is also estimated to have a positive impact on the DOT operating budget. The removal of the requirement to revoke driver's licenses for a drug conviction will reduce workload for DOT staff. It is estimated there will be some salary savings due to the decrease in processing sanction notices and Temporary Restricted License applications that would offset the lost revenue. It is estimated there will be approximately 2,389 hours of increased FTE position capacity statewide, equalling approximately 1.00 full-time equivalent (FTE) position. The corresponding salary savings is approximately \$55,263.

36 23 under section 321.213B; or to a person whose license has been
36 24 suspended pursuant to a court order under section 714.7D.A
36 25 temporary restricted license may be issued to a person whose
36 26 license is revoked under section 321.209, subsection 6, only
36 27 if the person has no previous drag racing convictions. A
36 28 person holding a temporary restricted license issued by the
36 29 department under this section shall not operate a motor vehicle
36 30 for pleasure.

36 31 Sec. 98. Section 321.215, subsection 2, unnumbered
36 32 paragraph 1, Code 2018, is amended to read as follows:

36 33 Upon conviction and the suspension or revocation of a
36 34 person's noncommercial driver's license under section 321.209,
36 35 subsection 5 or 6, or section 321.210, 321.210A, or 321.513;
37 1 ~~or upon revocation pursuant to a court order issued under~~
37 2 ~~section 901.5, subsection 10;~~ or upon the denial of issuance
37 3 of a noncommercial driver's license under section 321.560,
37 4 based solely on offenses enumerated in section 321.555,
37 5 subsection 1, paragraph "c", or section 321.555, subsection
37 6 2; or upon suspension or revocation of a juvenile's driver's
37 7 license pursuant to a dispositional order under section 232.52,
37 8 subsection 2, paragraph "a", for a violation of chapter 124
37 9 or 453B, or section 126.3; or upon suspension of a driver's
37 10 license pursuant to a court order under section 714.7D, the
37 11 person may apply to the department for a temporary restricted
37 12 license to operate a motor vehicle for the limited purpose or
37 13 purposes specified in subsection 1. The application may be
37 14 granted only if all of the following criteria are satisfied:

37 15 Sec. 99. Section 321.215, subsection 2, paragraph c, Code
37 16 2018, is amended to read as follows:

37 17 c. Proof of financial responsibility is established as
37 18 defined in chapter 321A. However, such proof is not required
37 19 if the driver's license was suspended under section 321.210A
37 20 or 321.513 ~~or revoked pursuant to a court order issued under~~
37 21 ~~section 901.5, subsection 10.~~

37 22 Sec. 100. Section 321.218, subsection 1, Code 2018, is
37 23 amended to read as follows:

37 24 1. A person whose driver's license or operating privilege
37 25 has been denied, canceled, suspended, or revoked as provided
37 26 in this chapter or as provided in section 252J.8 ~~or section~~
37 27 ~~901.5, subsection 10,~~ and who operates a motor vehicle upon
37 28 the highways of this state while the license or privilege
37 29 is denied, canceled, suspended, or revoked, commits a
37 30 simple misdemeanor. In addition to any other penalties, the
37 31 punishment imposed for a violation of this subsection shall
37 32 include assessment of a fine of not less than two hundred fifty
37 33 dollars nor more than one thousand five hundred dollars.

37 34 Sec. 101. Section 321A.17, subsection 4, Code 2018, is
37 35 amended to read as follows:

37 36 4. An individual applying for a driver's license following a
37 37 period of suspension or revocation pursuant to a dispositional
37 38 order issued under section 232.52, subsection 2, paragraph
37 39 "a", or under section 321.180B, section 321.210, subsection
37 40 1, paragraph "a", subparagraph (4), or section 321.210A,
37 41 321.213A, 321.213B, 321.216B, or 321.513, following a period
37 42 of suspension or revocation under section 321.178 or 321.194,
37 43 or following a period of revocation pursuant to a court order
37 44 issued ~~under section 901.5, subsection 10, or under section~~
37 45 321J.2A, is not required to maintain proof of financial
37 46 responsibility under this section.
37 47 Sec. 102. Section 901.5, subsection 10, Code 2018, is
37 48 amended by striking the subsection.
37 49 Sec. 103. REINSTATEMENT OF DRIVER'S LICENSE. A defendant's
37 50 driver's license suspended or revoked pursuant to section
37 51 901.5, subsection 10, prior to the effective date of this
37 52 division of this Act, shall be reinstated, if the defendant is
37 53 otherwise eligible for a driver's license.

37 54 Sec. 104. CONTINGENT EFFECTIVE DATE. This division of this
37 55 Act takes effect on the date the governor submits to the United
37 56 States secretary of transportation a written certification
37 57 that the governor is opposed to the enforcement in this state
37 58 of a law described in 23 U.S.C. §159(a)(3)(A) and a written
37 59 certification that the general assembly has adopted a joint
37 60 resolution expressing its opposition to the same, in accordance
37 61 with 23 U.S.C. §159(a)(3)(B). The office of the governor shall
37 62 notify the Code editor upon submission of the certifications
37 63 described in this section.

Specifies that this Division takes effect on the date the Governor submits to the U.S. Secretary of Transportation a written certification that the Governor is opposed to the enforcement in Iowa of a law described in 23 U.S.C. §159(a)(3)(A), and a written certification that the General Assembly has adopted a joint resolution expressing its opposition to the same, in accordance with 23 U.S.C. §159(a)(3)(B).

Unassigned Standings

General Fund

	Estimated Net FY 2018 (1)	Gov Rec FY 2019 (2)	Current Law (3)	FY 2019 Standings Bill HF 2502 (4)	Total (5)
<u>Administrative Services, Department of</u>					
State Accounting Trust Accounts					
Federal Cash Management - Standing	\$ 54,182	\$ 54,182	\$ 54,182	\$ 0	\$ 54,182
Unemployment Compensation - Standing	421,655	421,655	421,655	0	421,655
Total Administrative Services, Department of	\$ 475,837	\$ 475,837	\$ 475,837	\$ 0	\$ 475,837
<u>Education, Department of</u>					
Education, Dept. of					
State Foundation School Aid	\$ 3,179,629,446	\$ 3,233,675,665	\$ 3,226,590,000	\$ -15,000,000	\$ 3,211,590,000
Nonpublic School Transportation	8,197,091	8,197,091	8,197,091	0	8,197,091
Sac Fox Settlement Education	95,750	95,750	95,750	0	95,750
Instructional Support	0	0	14,800,000	-14,800,000	0
Total Education, Department of	\$ 3,187,922,287	\$ 3,241,968,506	\$ 3,249,682,841	\$ -29,800,000	\$ 3,219,882,841
<u>Executive Council</u>					
Executive Council					
Court Costs	\$ 57,232	\$ 56,455	\$ 56,455	\$ 0	\$ 56,455
Public Improvements	9,575	9,575	9,575	0	9,575
Drainage Assessments	19,367	19,367	19,367	0	19,367
Executive Council	-777	0	0	0	0
Total Executive Council	\$ 85,397	\$ 85,397	\$ 85,397	\$ 0	\$ 85,397
<u>Legislative Branch</u>					
Legislative Branch	\$ 31,582,682	\$ 36,712,681	\$ 37,000,000	\$ -1,417,318	\$ 35,582,682
Total Legislative Branch	\$ 31,582,682	\$ 36,712,681	\$ 37,000,000	\$ -1,417,318	\$ 35,582,682
<u>Management, Department of</u>					
Management, Dept. of					
Technology Reinvestment Fund	\$ 0	\$ 0	\$ 17,500,000	\$ 0	\$ 17,500,000
Appeal Board Claims	3,000,000	3,000,000	3,000,000	0	3,000,000
Special Olympics Fund	100,000	100,000	100,000	0	100,000
Economic Emergency Fund Appropriation	13,000,000	0	0	0	0
Cash Reserve Fund Appropriation	20,000,000	55,550,000	111,100,000	2,000,000	113,100,000
Total Management, Department of	\$ 36,100,000	\$ 58,650,000	\$ 131,700,000	\$ 2,000,000	\$ 133,700,000

Unassigned Standings

General Fund

	Estimated Net FY 2018 (1)	Gov Rec FY 2019 (2)	Current Law (3)	FY 2019 Standings Bill HF 2502 (4)	Total (5)
<u>Natural Resources, Department of</u>					
Natural Resources					
REAP GF Standing	\$ 0	\$ 0	\$ 20,000,000	\$ 0	\$ 20,000,000
Total Natural Resources, Department of	\$ 0	\$ 0	\$ 20,000,000	\$ 0	\$ 20,000,000
<u>Public Defense, Department of</u>					
Public Defense, Dept. of					
Compensation and Expense	\$ 342,556	\$ 342,556	\$ 342,556	\$ 0	\$ 342,556
Total Public Defense, Department of	\$ 342,556	\$ 342,556	\$ 342,556	\$ 0	\$ 342,556
<u>Public Safety, Department of</u>					
Public Safety, Dept. of					
DPS-POR Unfunded Liabilities	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 0	\$ 5,000,000
Total Public Safety, Department of	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 0	\$ 5,000,000
<u>Revenue, Department of</u>					
Revenue, Dept. of					
Homestead Tax Credit Aid - GF	\$ 135,071,538	\$ 135,071,538	\$ 135,071,538	\$ 0	\$ 135,071,538
Elderly & Disabled Tax Credit	24,690,028	24,690,028	24,690,028	0	24,690,028
Ag Land Tax Credit - GF	39,100,000	39,100,000	39,100,000	0	39,100,000
Military Service Tax Exemption	1,961,234	1,961,234	1,961,234	0	1,961,234
Comm & Industrial Prop Tax Replacement	152,114,544	152,114,544	152,114,544	0	152,114,544
Business Property Tax Credit	125,000,000	125,000,000	125,000,000	0	125,000,000
Total Revenue, Department of	\$ 477,937,344	\$ 477,937,344	\$ 477,937,344	\$ 0	\$ 477,937,344
Total Unassigned Standings	\$ 3,739,446,103	\$ 3,821,172,321	\$ 3,922,223,975	\$ -29,217,318	\$ 3,893,006,657