

**EIGHTY-EIGHTH GENERAL ASSEMBLY
2020 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

March 5, 2020

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
SF 458	S-5065	Filed	RECEIVED FROM THE HOUSE
SF 537	S-5064	Filed	RECEIVED FROM THE HOUSE
SF 2268	S-5057	Ruled Out of Order	CLAIRE CELSI, et al
SF 2268	S-5058	Ruled Out of Order	JOE BOLKCOM, et al
SF 2283	S-5055	Adopted	JAKE CHAPMAN
SF 2318	S-5056	Lost	HERMAN C. QUIRMBACH
SF 2382	S-5060	Filed	JANET PETERSEN, et al
SF 2382	S-5061	Filed	JANET PETERSEN, et al
SF 2382	S-5063	Filed	TONY BISIGNANO
SF 2392	S-5054	Filed	ROBY SMITH
HF 737	S-5059	Adopted	BRAD ZAUN
HF 737	S-5062	Withdrawn	TOM SHIPLEY
HF 737	S-5066	Adopted	BRAD ZAUN

Fiscal Notes

[SF 2142](#) — [Supplemental State Aid — As Amended \(2.30% growth\)](#)
(LSB5516SV.2)

HOUSE AMENDMENT TO
SENATE FILE 458

S-5065

1 Amend Senate File 458, as passed by the Senate, as follows:

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

4 <Section 1. Section 561.21, subsection 3, Code 2019, is
5 amended by striking the subsection and inserting in lieu
6 thereof the following:

7 3. *a.* Those secured by a mechanic's lien under chapter 572,
8 including reasonable attorney fees as provided under section
9 572.32, subsection 1.

10 *b.* Those incurred for work done or material furnished,
11 including principal and interest on any note securing the
12 purchase of such material, exclusively for the improvement of
13 the homestead.

14 Sec. ____ . EFFECTIVE DATE. This Act, being deemed of
15 immediate importance, takes effect upon enactment.>

16 2. Title page, line 4, after <costs> by inserting <, and
17 including effective date provisions>

S-5065 FILED MARCH 4, 2020

HOUSE AMENDMENT TO
SENATE FILE 537

S-5064

- 1 Amend Senate File 537, as amended, passed, and reprinted by
2 the Senate, as follows:
3 1. Page 1, line 1, by striking <2019> and inserting <2020>
4 2. Page 1, line 7, by striking <muzzleloader> and inserting
5 <muzzleloader, bow,>

S-5064 FILED MARCH 4, 2020

SENATE FILE 2268

S-5057

1 Amend Senate File 2268 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 142D.1, subsections 2 and 3, Code 2020,
4 are amended to read as follows:

5 2. The general assembly finds that environmental tobacco
6 smoke ~~causes and exacerbates~~ and electronic smoking devices
7 cause and exacerbate disease in nonsmoking adults and children.
8 These findings are sufficient to warrant measures that regulate
9 smoking in public places, places of employment, and outdoor
10 areas in order to protect the public health and the health of
11 employees.

12 3. The purpose of this chapter is to reduce the level of
13 exposure by the general public and employees to environmental
14 tobacco smoke and electronic smoking devices in order to
15 improve the public health of Iowans.

16 Sec. _____. Section 142D.2, Code 2020, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 3A. *"Electronic smoking device"* means
19 any product containing or delivering nicotine or any other
20 substance intended for human consumption that can be used in
21 any manner by a person to create an aerosol or vapor. The term
22 includes any such product in any form, whether manufactured,
23 distributed, marketed, or sold as an e-cigarette, e-cigar,
24 e-pipe, e-hookah, or vape pen, or under any other product name
25 or descriptor.

26 Sec. _____. Section 142D.2, subsection 21, Code 2020, is
27 amended to read as follows:

28 21. *"Smoking"* means inhaling, exhaling, burning, or
29 carrying any lighted or heated cigar, cigarette, pipe, hookah,
30 or any other lighted or heated tobacco product or plant
31 product, whether natural or synthetic, in any manner or in any
32 form, including marijuana. *"Smoking"* includes the use of an
33 electronic smoking device. *"Smoking"* does not include smoking
34 that is associated with a recognized religious ceremony,
35 ritual, or activity, including but not limited to burning of

S-5057 (Continued)

1 incense.>

2 2. Title page, lines 1 and 2, by striking <establishing the
3 minimum age relative to various activities relating to> and
4 inserting <relating to electronic smoking devices,>

5 3. By renumbering as necessary.

By CLAIRE CELSI
JOE BOLKCOM
HERMAN C. QUIRMBACH

S-5057 FILED MARCH 4, 2020

RULED OUT OF ORDER

SENATE FILE 2268

S-5058

1 Amend Senate File 2268 as follows:

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

4 <Section 1. Section 321.216C, Code 2020, is amended to read
5 as follows:

6 **321.216C Use of driver's license or nonoperator's**
7 **identification card by underage person to obtain tobacco, tobacco**
8 **products, ~~alternative nicotine products, vapor products,~~ or**
9 **cigarettes.**

10 A person who is under the age of ~~eighteen~~ twenty-one,
11 who alters or displays or has in the person's possession
12 a fictitious or fraudulently altered driver's license or
13 nonoperator's identification card and who uses the license
14 or card to violate or attempt to violate section 453A.2,
15 subsection 2, commits a simple misdemeanor punishable as a
16 scheduled violation under section 805.8A, subsection 4. The
17 court shall forward a copy of the conviction to the department.

18 Sec. 2. Section 453A.1, subsections 1, 23, 28, and 29, Code
19 2020, are amended to read as follows:

20 1. "*Alternative nicotine product*" means a product, not
21 consisting of or containing tobacco, that provides for the
22 ingestion into the body of nicotine, whether by chewing,
23 absorbing, dissolving, inhaling, snorting, or sniffing, or
24 by any other means. "*Alternative nicotine product*" does not
25 include cigarettes, ~~tobacco products, or vapor products,~~ or
26 a product that is ~~regulated~~ authorized for sale as a drug or
27 device by the United States food and drug administration under
28 chapter V of the federal Food, Drug, and Cosmetic Act.

29 23. "*Retailer*" shall mean and include every person in
30 this state who shall sell, distribute, or offer for sale for
31 consumption or possess for the purpose of sale for consumption,
32 cigarettes, ~~alternative nicotine products, or vapor products~~
33 irrespective of quantity or amount or the number of sales.

34 28. "*Tobacco products*" means any product, or component,
35 part, or accessory of such product, containing, made in

1 whole or in part from, ordinarily derived from, or designed
2 to deliver tobacco, a tobacco substitute, or nicotine,
3 and intended for human consumption whether by chewing,
4 absorbing, dissolving, inhaling, snorting, sniffing, ingesting,
5 vaporizing, or by any other means. "Tobacco products" includes
6 but is not limited to alternative nicotine products and vapor
7 products; cigars; little cigars as defined in section 453A.42,
8 subsection 6; cheroots; stogies; periques; granulated; plug
9 cut, crimp cut, ready rubbed, and other smoking tobacco; snuff,
10 snuff flour; cavendish; plug and twist tobacco; fine-cut and
11 other chewing tobaccos; shorts; or refuse scraps, clippings,
12 cuttings and sweepings of tobacco, and other kinds and forms of
13 tobacco, prepared in such manner as to be suitable for chewing
14 or smoking in a pipe or otherwise, or both for chewing and
15 smoking; but does not mean cigarettes.

16 29. "Vapor product" means any ~~noncombustible~~ product,
17 ~~which may or may not contain nicotine, that employs a heating~~
18 ~~element, power source, electronic circuit, or other electronic,~~
19 ~~chemical, or mechanical means, regardless of shape or size,~~
20 ~~that can be used to produce vapor from a solution or other~~
21 substance or device that may be used to deliver any aerosolized
22 or vaporized substance to the person using the device. "Vapor
23 product" includes an electronic cigarette, electronic cigar,
24 electronic cigarillo, electronic pipe, electronic hookah, a
25 vape pen, or similar product or device, and any cartridge or
26 ~~other container of a solution or other substance, which may~~
27 ~~or may not contain nicotine, that is intended to be used with~~
28 ~~or in an electronic cigarette, electronic cigar, electronic~~
29 ~~cigarillo, electronic pipe, or similar product or device~~
30 includes any component, part, or accessory of the product
31 or device, and any substance intended to be aerosolized or
32 vaporized during the use of the device, whether or not the
33 substance contains nicotine. "Vapor product" does not include
34 a product ~~regulated~~ authorized for sale as a drug or device by
35 the United States food and drug administration under chapter V

1 of the federal Food, Drug, and Cosmetic Act.

2 Sec. 3. Section 453A.2, subsections 1, 2, 3, and 8, Code
3 2020, are amended to read as follows:

4 1. A person shall not sell, give, or otherwise supply any
5 tobacco, tobacco products, ~~alternative nicotine products, vapor~~
6 ~~products,~~ or cigarettes to any person under eighteen twenty-one
7 years of age.

8 2. A person under eighteen twenty-one years of age shall
9 not smoke, use, possess, purchase, or attempt to purchase any
10 tobacco, tobacco products, ~~alternative nicotine products, vapor~~
11 ~~products,~~ or cigarettes.

12 3. Possession of tobacco, tobacco products, ~~alternative~~
13 ~~nicotine products, vapor products,~~ or cigarettes by an
14 individual under eighteen twenty-one years of age does not
15 constitute a violation under this section if the individual
16 under eighteen twenty-one years of age possesses the tobacco,
17 tobacco products, ~~alternative nicotine products, vapor~~
18 ~~products,~~ or cigarettes as part of the individual's employment
19 and the individual is employed by a person who holds a valid
20 permit under this chapter or who lawfully offers for sale or
21 sells cigarettes or tobacco products.

22 8. a. A person shall not be guilty of a violation of this
23 section if conduct that would otherwise constitute a violation
24 is performed to assess compliance with tobacco, tobacco
25 products, ~~alternative nicotine products, vapor products,~~ or
26 cigarette laws if any of the following applies:

27 (1) The compliance effort is conducted by or under the
28 supervision of law enforcement officers.

29 (2) The compliance effort is conducted with the advance
30 knowledge of law enforcement officers and reasonable measures
31 are adopted by those conducting the effort to ensure that use
32 of tobacco, tobacco products, ~~alternative nicotine products,~~
33 ~~vapor products,~~ or cigarettes by individuals under eighteen
34 twenty-one years of age does not result from participation by
35 any individual under eighteen twenty-one years of age in the

1 compliance effort.

2 *b.* For the purposes of this subsection, "*law enforcement*
3 *officer*" means a peace officer as defined in section 801.4 and
4 includes persons designated under subsection 4 to enforce this
5 section.

6 Sec. 4. Section 453A.4, subsection 1, Code 2020, is amended
7 to read as follows:

8 1. If a person holding a permit under this chapter or an
9 employee of such a permittee has a reasonable belief based on
10 factual evidence that a driver's license as defined in section
11 321.1, subsection 20A, or nonoperator's identification card
12 issued pursuant to section 321.190 offered by a person who
13 wishes to purchase tobacco, tobacco products, ~~alternative~~
14 ~~nicotine products, vapor products,~~ or cigarettes is altered
15 or falsified or belongs to another person, the permittee or
16 employee may retain the driver's license or nonoperator's
17 identification card. Within twenty-four hours, the card shall
18 be delivered to the appropriate city or county law enforcement
19 agency of the jurisdiction in which the permittee's premises
20 are located, and the permittee shall file a written report of
21 the circumstances under which the card was retained. The local
22 law enforcement agency may investigate whether a violation
23 of section 321.216, 321.216A, or 321.216C has occurred. If
24 an investigation is not initiated or probable cause is not
25 established by the local law enforcement agency, the driver's
26 license or nonoperator's identification card shall be delivered
27 to the person to whom it was issued. The local law enforcement
28 agency may forward the card with the report to the state
29 department of transportation for investigation, in which
30 case, the state department of transportation may investigate
31 whether a violation of section 321.216, 321.216A, or 321.216C
32 has occurred. The state department of transportation shall
33 return the card to the person to whom it was issued if an
34 investigation is not initiated or probable cause is not
35 established.

1 Sec. 5. Section 453A.5, subsection 1, Code 2020, is amended
2 to read as follows:

3 1. The alcoholic beverages division of the department of
4 commerce shall develop a tobacco compliance employee training
5 program not to exceed two hours in length for employees and
6 prospective employees of retailers, as defined in sections
7 453A.1 and 453A.42, to inform the employees about state and
8 federal laws and regulations regarding the sale of tobacco,
9 tobacco products, ~~alternative nicotine products, vapor~~
10 ~~products,~~ and cigarettes to persons under eighteen twenty-one
11 years of age and compliance with and the importance of laws
12 regarding the sale of tobacco, tobacco products, ~~alternative~~
13 ~~nicotine products, vapor products,~~ and cigarettes to persons
14 under eighteen twenty-one years of age.

15 Sec. 6. Section 453A.13, subsections 1, 6, 9, and 10, Code
16 2020, are amended to read as follows:

17 1. *Permits required.* Every distributor, wholesaler,
18 cigarette vendor, and retailer, now engaged or who desires to
19 become engaged in the sale or use of cigarettes, upon which a
20 tax is required to be paid, and every retailer now engaged or
21 who desires to become engaged in selling, offering for sale, or
22 distributing alternative nicotine products or vapor products,
23 ~~including~~ through delivery sales, shall obtain a state or
24 retail permit as a distributor, wholesaler, cigarette vendor,
25 or retailer, as the case may be.

26 6. *No sales without permit.* A distributor, wholesaler,
27 cigarette vendor, or retailer shall not sell any cigarettes,
28 and shall not sell any alternative nicotine products, or vapor
29 products through delivery sales, until such application has
30 been filed and the fee prescribed paid for a permit and until
31 such permit is obtained and only while such permit is unrevoked
32 and unexpired.

33 9. *Permit — form and contents.* Each permit issued shall
34 describe clearly the place of business for which it is issued,
35 shall be nonassignable, consecutively numbered, designating the

1 kind of permit, and shall authorize the sale of cigarettes,
2 or alternative nicotine products, or vapor products through
3 delivery sale, in this state subject to the limitations and
4 restrictions herein contained. The retail permits shall
5 be upon forms furnished by the department or on forms made
6 available or approved by the department.

7 10. *Permit displayed.* The permit shall, at all times,
8 be publicly displayed by the distributor, wholesaler, or
9 retailer at the place of business so as to be easily seen by
10 the public and the persons authorized to inspect the place
11 of business. The proprietor or keeper of any building or
12 place where cigarettes, ~~alternative nicotine products, vapor~~
13 ~~products,~~ tobacco, or tobacco products are kept for sale or
14 with intent to sell, or where alternative nicotine products
15 or vapor products are kept for delivery sale or with intent
16 to sell, shall upon request of any agent of the department or
17 any peace officer exhibit the permit. A refusal or failure to
18 exhibit the permit is prima facie evidence that the cigarettes,
19 alternative nicotine products, vapor products, tobacco, or
20 tobacco products are kept for sale or with intent to sell in
21 violation of this subchapter.

22 Sec. 7. Section 453A.36, subsection 6, Code 2020, is amended
23 to read as follows:

24 6. Any sales of tobacco, tobacco products, ~~alternative~~
25 ~~nicotine products, vapor products,~~ or cigarettes made through a
26 cigarette vending machine are subject to rules and penalties
27 relative to retail sales of tobacco, tobacco products,
28 ~~alternative nicotine products, vapor products,~~ and cigarettes
29 provided for in this chapter. Cigarettes shall not be sold
30 through any cigarette vending machine unless the cigarettes
31 have been properly stamped or metered as provided by this
32 subchapter, and in case of violation of this provision, the
33 permit of the dealer authorizing retail sales of cigarettes
34 shall be revoked. Payment of the permit fee as provided
35 in section 453A.13 authorizes a cigarette vendor to sell

1 tobacco, tobacco products, ~~alternative nicotine products, vapor~~
2 ~~products,~~ and cigarettes through vending machines. However,
3 tobacco, tobacco products, ~~alternative nicotine products,~~
4 ~~vapor products,~~ and cigarettes shall not be sold through a
5 vending machine unless the vending machine is located in a
6 place where the retailer ensures that no person younger than
7 ~~eighteen~~ twenty-one years of age is present or permitted to
8 enter at any time. Tobacco, tobacco products, ~~alternative~~
9 ~~nicotine products, vapor products,~~ and cigarettes shall not be
10 sold through any cigarette vending machine if such products
11 are placed together with any nontobacco product, other than
12 matches, in the cigarette vending machine. This section does
13 not require a retail permit holder to buy a cigarette vendor's
14 permit if the retail permit holder is in fact the owner of the
15 cigarette vending machines and the machines are operated in the
16 location described in the retail permit.

17 Sec. 8. Section 453A.36, subsection 7, paragraph a, Code
18 2020, is amended to read as follows:

19 a. It shall be unlawful for a person other than a retailer
20 as defined in section 453A.1 or 453A.42 who holds a valid
21 retail permit, as applicable, to sell tobacco, tobacco
22 products, ~~alternative nicotine products, vapor products,~~ or
23 cigarettes at retail.

24 Sec. 9. Section 453A.36A, subsection 1, Code 2020, is
25 amended to read as follows:

26 1. Except as provided in section 453A.36, subsection 6,
27 a retailer shall not sell or offer for sale tobacco, tobacco
28 products, ~~alternative nicotine products, vapor products,~~ or
29 cigarettes through the use of a self-service display.

30 Sec. 10. Section 453A.39, Code 2020, is amended to read as
31 follows:

32 453A.39 Tobacco, tobacco products, ~~alternative nicotine~~
33 ~~products, vapor products,~~ and cigarette samples — restrictions
34 — administration.

35 1. A manufacturer, distributor, wholesaler, retailer,

1 or distributing agent, or agent thereof, shall not give
2 away cigarettes, tobacco, or tobacco products at any time
3 in connection with the manufacturer's, distributor's,
4 wholesaler's, retailer's, or distributing agent's business or
5 for promotion of the business or product, except as provided in
6 subsection 2.

7 2. a. All cigarette samples shall be shipped only to a
8 distributor that has a permit to stamp cigarettes or little
9 cigars with Iowa tax. All cigarette samples must have a
10 cigarette stamp. The manufacturer shipping samples under this
11 section shall send an affidavit to the director stating the
12 shipment information, including the date shipped, quantity, and
13 to whom the samples were shipped. The distributor receiving
14 the shipment shall send an affidavit to the director stating
15 the shipment information, including the date shipped, quantity,
16 and from whom the samples were shipped. These affidavits shall
17 be duly notarized and submitted to the director at the time of
18 shipment and receipt of the samples. The distributor shall
19 pay the tax on samples by separate remittance along with the
20 affidavit.

21 b. A manufacturer, distributor, wholesaler, retailer,
22 or distributing agent or agent ~~thereof~~ of a manufacturer,
23 distributor, wholesaler, retailer, or distributing agent shall
24 not give away any tobacco, tobacco products, ~~alternative~~
25 ~~nicotine products, vapor products,~~ or cigarettes to any person
26 under ~~eighteen~~ twenty-one years of age, or within five hundred
27 feet of any playground, school, high school, or other facility
28 when such facility is being used primarily by persons under age
29 ~~eighteen~~ twenty-one for recreational, educational, or other
30 purposes.

31 c. Proof of age shall be required if a reasonable person
32 could conclude on the basis of outward appearance that a
33 prospective recipient of a sample may be under ~~eighteen~~
34 twenty-one years of age.

35 Sec. 11. Section 453A.42, subsections 11 and 16, Code 2020,

1 are amended to read as follows:

2 11. "*Retailer*" means any person engaged in the business
3 of selling tobacco, or tobacco products, ~~alternative nicotine~~
4 ~~products, or vapor products~~ to ultimate consumers.

5 16. "*Tobacco products*" means any product, or component,
6 part, or accessory of such product, containing, made in
7 whole or in part from, ordinarily derived from, or designed
8 to deliver tobacco, a tobacco substitute, or nicotine,
9 and intended for human consumption whether by chewing,
10 absorbing, dissolving, inhaling, snorting, sniffing, ingesting,
11 vaporizing, or by any other means. "*Tobacco products*" includes
12 but is not limited to alternative nicotine products and vapor
13 products; cigars; little cigars as defined herein; cheroots;
14 stogies; periques; granulated, plug cut, crimp cut, ready
15 rubbed, and other smoking tobacco; snuff; snuff flower;
16 cavendish; plug and twist tobacco; fine-cut and other chewing
17 tobaccos; shorts; or refuse scraps, clippings, cuttings and
18 sweepings of tobacco, and other kinds and forms of tobacco,
19 ~~prepared in such manner as to be suitable for chewing or~~
20 ~~smoking in a pipe or otherwise, or both for chewing and~~
21 ~~smoking;~~ but shall not include cigarettes as defined in section
22 453A.1, subsection 4.

23 Sec. 12. Section 453A.42, Code 2020, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 17A. "*Vapor product*" means any product or
26 device that may be used to deliver any aerosolized or vaporized
27 substance to the person using the device. "*Vapor product*"
28 includes an electronic cigarette, electronic cigar, electronic
29 cigarillo, electronic pipe, electronic hookah, a vape pen, or
30 similar product or device, and includes any component, part, or
31 accessory of the product or device, and any substance intended
32 to be aerosolized or vaporized during the use of the device,
33 whether or not the substance contains nicotine. "*Vapor product*"
34 does not include a product authorized for sale as a drug or
35 device by the United States food and drug administration under

1 chapter V of the federal Food, Drug, and Cosmetic Act.

2 Sec. 13. Section 453A.47A, subsections 1, 2, 4, and 5, Code
3 2020, are amended to read as follows:

4 1. *Permits required.* A person shall not engage in the
5 business of a retailer of tobacco, or tobacco products,
6 ~~alternative nicotine products, or vapor products~~ at any place
7 of business, or of alternative nicotine products or vapor
8 products through delivery sales, without first having received
9 a permit as a retailer.

10 2. *No sales without permit.* A retailer shall not sell any
11 tobacco, or tobacco products, or sell any alternative nicotine
12 products, or vapor products through delivery sales until an
13 application has been filed and the fee prescribed paid for a
14 permit and until such permit is obtained and only while such
15 permit is not suspended, unrevoked, or unexpired.

16 4. *Retailer — multiple permits not required — effect of*
17 *suspension.* A retailer, as defined in section 453A.1, who holds
18 a permit under subchapter I of this chapter is not required to
19 also obtain a retail permit under this subchapter. However,
20 if a retailer, as defined in section 453A.1, only holds a
21 permit under subchapter I of this chapter and that permit is
22 suspended, revoked, or expired, the retailer shall not sell any
23 tobacco, or tobacco products, or sell any alternative nicotine
24 products, or vapor products through delivery sales during the
25 time which the permit is suspended, revoked, or expired.

26 5. *Separate permit.* A separate retail permit shall be
27 required of a distributor or subjobber if the distributor or
28 subjobber sells tobacco, or tobacco products at retail, or
29 sells any alternative nicotine products, or vapor products at
30 retail through delivery sales.

31 Sec. 14. Section 453A.47A, subsection 10, paragraph b, Code
32 2020, is amended to read as follows:

33 b. Every retailer shall, when requested by the department,
34 make additional reports as the department deems necessary and
35 proper and shall at the request of the department furnish full

1 and complete information pertaining to any transaction of the
2 retailer involving the purchase or sale or use of tobacco,
3 or tobacco products, ~~alternative nicotine products, or vapor~~
4 ~~products.~~

5 Sec. 15. Section 453A.47B, Code 2020, is amended to read as
6 follows:

7 **453A.47B Requirements for mailing or shipping — alternative**
8 **nicotine products or vapor products.**

9 A retailer shall not mail, ship, or otherwise cause to be
10 delivered any alternative nicotine product or vapor product in
11 connection with a delivery sale unless the retailer meets all
12 of the following ~~apply~~ conditions:

13 1. Prior to sale to the purchaser, the retailer verifies
14 that the purchaser is at least ~~eighteen~~ twenty-one years of age
15 through or by one of the following:

16 a. A commercially available database, or aggregate of
17 databases, that is regularly used by government and businesses
18 for the purpose of age and identity verification.

19 b. Obtaining a copy of a valid government-issued document
20 that provides the name, address, and date of birth of the
21 purchaser.

22 2. The retailer uses a method of mailing, shipping, or
23 delivery that requires the signature of a person who is at
24 least ~~eighteen~~ twenty-one years of age before the shipping
25 package is released to the purchaser.

26 Sec. 16. Section 805.8C, subsection 3, Code 2020, is amended
27 to read as follows:

28 3. *Violations related to smoking, tobacco, tobacco products,*
29 ~~*alternative nicotine products, vapor products, and cigarettes.*~~

30 a. For violations described in section 142D.9, subsection 1,
31 the scheduled fine is fifty dollars, and is a civil penalty,
32 and the criminal penalty surcharge under section 911.1 shall
33 not be added to the penalty, and the court costs pursuant
34 to section 805.9, subsection 6, shall not be imposed. If
35 the civil penalty assessed for a violation described in

1 section 142D.9, subsection 1, is not paid in a timely manner,
2 a citation shall be issued for the violation in the manner
3 provided in section 804.1. However, a person under age
4 eighteen shall not be detained in a secure facility for failure
5 to pay the civil penalty. The complainant shall not be charged
6 a filing fee.

7 *b.* For violations of section 453A.2, subsection 1, by an
8 employee of a retailer, the scheduled fine is as follows:

9 (1) If the violation is a first offense, the scheduled fine
10 is one hundred dollars.

11 (2) If the violation is a second offense, the scheduled fine
12 is two hundred fifty dollars.

13 (3) If the violation is a third or subsequent offense, the
14 scheduled fine is five hundred dollars.

15 *c.* For violations of section 453A.2, subsection 2, the
16 scheduled fine is as follows and is a civil penalty, and the
17 criminal penalty surcharge under section 911.1 shall not be
18 added to the penalty, and the court costs pursuant to section
19 805.9, subsection 6, shall not be imposed:

20 (1) If the violation is a first offense, the scheduled fine
21 is fifty dollars.

22 (2) If the violation is a second offense, the scheduled fine
23 is one hundred dollars.

24 (3) If the violation is a third or subsequent offense, the
25 scheduled fine is two hundred fifty dollars.

26 Sec. 17. EFFECTIVE DATE. This Act, being deemed of
27 immediate importance, takes effect upon enactment.>

28 2. Title page, line 1 and 2, by striking <establishing the
29 minimum age relative to various activities>

By JOE BOLKCOM
LIZ MATHIS
CLAIRE CELSI
JACKIE SMITH
ROBERT M. HOGG

S-5058 (Continued)

HERMAN C. QUIRMBACH

JANET PETERSEN

AMANDA RAGAN

S-5058 FILED MARCH 4, 2020

RULED OUT OF ORDER

SENATE FILE 2283

S-5055

- 1 Amend Senate File 2283 as follows:
- 2 1. Page 1, after line 16 by inserting:
- 3 <Sec. ____ . EFFECTIVE DATE. This Act, being deemed of
- 4 immediate importance, takes effect upon enactment.>
- 5 2. Title page, line 2, after <providers> by inserting <and
- 6 including effective date provisions>
- 7 3. By renumbering as necessary.

By JAKE CHAPMAN

S-5055 FILED MARCH 4, 2020

ADOPTED

SENATE FILE 2318

S-5056

1 Amend Senate File 2318 as follows:

2 1. Page 1, by striking lines 16 and 17 and inserting:

3 <c. "Health benefit plan" means all of the following:

4 (1) A health benefit plan as defined in section 514J.102.

5 (2) A health benefit plan sponsored by a nonprofit
6 agricultural organization domiciled in this state and offered
7 to the nonprofit agricultural organization's members pursuant
8 to section 505.20.>

9 2. Page 1, line 33, after <carrier> by inserting <or health
10 benefit plan>

11 3. Page 2, after line 5 by inserting:

12 <5. Notwithstanding section 505.20, a health benefit plan
13 as specified in subsection 1, paragraph "c", subparagraph (2),
14 shall be subject to and comply with the provisions of this
15 section.>

By HERMAN C. QUIRMBACH

S-5056 FILED MARCH 4, 2020

LOST

SENATE FILE 2382

S-5060

1 Amend Senate File 2382 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 614.1, subsection 12, Code 2020, is
4 amended to read as follows:

5 12. *Sexual abuse or sexual exploitation by a counselor,*
6 *therapist, or school employee.* An action for damages for
7 injury suffered as a result of sexual abuse, as defined in
8 section 709.1, by a counselor, therapist, or school employee,
9 as defined in section 709.15, or as a result of sexual
10 exploitation by a counselor, therapist, or school employee
11 ~~shall be brought within five years of the date the victim was~~
12 ~~last treated by the counselor or therapist, or within five~~
13 ~~years of the date the victim was last enrolled in or attended~~
14 ~~the school, if the counselor, therapist, or school employee is~~
15 twenty-seven years of age or older, may be commenced at any
16 time after the commission of the offense.

17 Sec. _____. Section 614.1, Code 2020, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 12A. *Sexual abuse.* An action for damages
20 for injury suffered as a result of sexual abuse in the first
21 degree as defined in section 709.2, sexual abuse in the second
22 degree as defined in section 709.3, or sexual abuse in the
23 third degree as defined in section 709.4, committed against a
24 child by a person who is twenty-seven years of age or older,
25 may be commenced at any time after the commission of the
26 offense.

27 Sec. _____. Section 614.8A, Code 2020, is amended to read as
28 follows:

29 **614.8A Damages for child sexual abuse — time limitation.**

30 1. An action for damages for injury suffered as a result of
31 sexual abuse, except for sexual abuse in the first degree as
32 defined in section 709.2, sexual abuse in the second degree as
33 defined in section 709.3, or sexual abuse in the third degree
34 as defined in section 709.4, which occurred when the injured
35 person was a child, but not discovered until after the injured

1 person is of the age of majority, shall be brought within four
2 years from the time of discovery by the injured party of both
3 the injury and the causal relationship between the injury and
4 the sexual abuse.

5 2. An action for damages for injury suffered as a result of
6 sexual abuse in the first degree as defined in section 709.2,
7 sexual abuse in the second degree as defined in section 709.3,
8 or sexual abuse in the third degree as defined in section 709.4
9 committed against a child by a person who is twenty-seven
10 years of age or older may be commenced at any time after the
11 commission of the offense.>

12 2. Title page, line 1, by striking <establishing> and
13 inserting <relating to certain sexual offenses against minors,
14 including>

15 3. Title page, line 2, by striking <age,> and inserting
16 <age and statute of limitation periods for sexual abuse in the
17 first, second, and third degree and sexual exploitation by a
18 counselor, therapist, or school employee,>

19 4. By renumbering as necessary.

By JANET PETERSEN
KEVIN KINNEY

SENATE FILE 2382

S-5061

1 Amend Senate File 2382 as follows:

2 1. Page 1, after line 7 by inserting:

3 <Sec. _____. Section 802.2, Code 2020, is amended to read as
4 follows:

5 **802.2 Sexual abuse — first, second, or third degree.**

6 ~~1. An information or indictment for sexual abuse in the~~
7 ~~first, second, or third degree committed on or with a person~~
8 ~~who is under the age of eighteen years shall be found within~~
9 ~~fifteen years after the person upon whom the offense is~~
10 ~~committed attains eighteen years of age, or if the person~~
11 ~~against whom the information or indictment is sought is~~
12 ~~identified through the use of a DNA profile, an information or~~
13 ~~indictment shall be found within three years from the date the~~
14 ~~person is identified by the person's DNA profile, whichever is~~
15 later by a person who is twenty-seven years of age or older may
16 be commenced at any time after the commission of the offense.

17 ~~2. An information or indictment for any other sexual abuse~~
18 ~~in the first, second, or third degree shall be found within ten~~
19 ~~years after its commission, or if the person against whom the~~
20 ~~information or indictment is sought is identified through the~~
21 ~~use of a DNA profile, an information or indictment shall be~~
22 ~~found within three years from the date the person is identified~~
23 ~~by the person's DNA profile, whichever is later.~~

24 ~~3. As used in this section, "identified" means a person's~~
25 ~~legal name is known and the person has been determined to be~~
26 ~~the source of the DNA.~~

27 Sec. _____. Section 802.2A, subsection 2, Code 2020, is
28 amended to read as follows:

29 2. An indictment or information for sexual exploitation by
30 a counselor, therapist, or school employee under section 709.15
31 committed on or with a person who is under the age of eighteen
32 ~~shall be found within fifteen years after the person upon whom~~
33 ~~the offense is committed attains eighteen years of age. An~~
34 ~~information or indictment for any other sexual exploitation~~
35 ~~shall be found within ten years of the date the victim was last~~

S-5061 (Continued)

1 ~~treated by the counselor or therapist, or within ten years of~~
2 ~~the date the victim was enrolled in or attended the school, if~~
3 the counselor, therapist, or school employee is twenty-seven
4 years of age or older, may be commenced at any time after the
5 commission of the offense.>

6 2. Title page, line 1, by striking <establishing> and
7 inserting <relating to certain sexual offenses against minors,
8 including>

9 3. Title page, line 2, by striking <age,> and inserting
10 <age and statute of limitation periods for sexual abuse in the
11 first, second, and third degree and sexual exploitation by a
12 counselor, therapist, or school employee,>

13 4. By renumbering as necessary.

By JANET PETERSEN
TONY BISIGNANO

S-5061 FILED MARCH 4, 2020

SENATE FILE 2382

S-5063

- 1 Amend Senate File 2382 as follows:
- 2 1. Page 1, after line 7 by inserting:
- 3 <Sec. ____ . NEW SECTION. 709.23 Sexual activity — age of
- 4 consent.
- 5 Notwithstanding any other provision of the Code to the
- 6 contrary, the minimum age for consensual sexual activity
- 7 between two persons shall be eighteen years of age, unless at
- 8 the time of the activity the persons are cohabitating as a
- 9 married couple.>
- 10 2. By renumbering as necessary.

By TONY BISIGNANO

S-5063 FILED MARCH 4, 2020

SENATE FILE 2392

S-5054

1 Amend the amendment, S-5053, to Senate File 2392 as follows:
2 1. Page 2, before line 11 by inserting:
3 <___. Page 14, line 6, by striking <4C.2> and inserting
4 <4B.2>
5 ___. Page 15, line 14, by striking <4C.2> and inserting
6 <4B.2>
7 ___. Page 15, line 25, by striking <4C.1> and inserting
8 <4B.1>
9 ___. Page 17, line 21, by striking <4C.2> and inserting
10 <4B.2>
11 ___. Page 19, line 19, by striking <4C.3> and inserting
12 <4B.3>>

By ROBY SMITH

S-5054 FILED MARCH 4, 2020

HOUSE FILE 737

S-5059

- 1 Amend House File 737, as passed by the House, as follows:
- 2 1. Page 2, line 6, by striking <2019> and inserting <2020>
- 3 2. Page 2, line 10, by striking <2019> and inserting <2020>
- 4 3. Page 3, line 12, by striking <2019> and inserting <2020>
- 5 4. Page 3, lines 33 and 34, by striking ~~<practicing~~
- 6 ~~veterinary medicine as provided in chapter 169>~~ and inserting
- 7 <practicing veterinary medicine as provided in chapter 169>
- 8 5. Page 4, line 18, after <issued> by inserting <or renewed>
- 9 6. Page 5, line 9, by striking <2019> and inserting <2020>
- 10 7. Page 6, by striking lines 16 through 21 and inserting:
- 11 <2. This section does not apply to a any of the following:
- 12 a. A person issued or renewed an authorization to operate
- 13 a commercial establishment, or a person acting under the
- 14 direction or supervision of that person, if all of the
- 15 following apply:
- 16 (1) The animal, as described in subsection 1, was maintained
- 17 as part of the commercial establishment's operation.
- 18 (2) In providing conditions for the welfare of the animal,
- 19 as described in subsection 1, the person complied with the
- 20 standard of care requirements provided in section 162.10A,
- 21 subsection 1, including any applicable rules adopted by the
- 22 department applying to any of the following:
- 23 (a) A state licensee or registrant operating pursuant to
- 24 section 162.10A, subsection 2, paragraph "a" or "b".
- 25 (b) A permittee operating pursuant to section 162.10A,
- 26 subsection 2, paragraph "c".
- 27 b. A research facility, as defined in section 162.2,
- 28 provided that if the research facility has been issued or
- 29 renewed a valid authorization by the department pursuant
- 30 to chapter 162, and performs functions within the scope of
- 31 accepted practices and disciplines associated with the research
- 32 facility.>
- 33 8. Page 7, line 9, by striking <2019> and inserting <2020>
- 34 9. Page 7, lines 20 and 21, by striking ~~<practicing~~
- 35 ~~veterinary medicine as provided in chapter 169>~~ and inserting

1 <practicing veterinary medicine as provided in chapter 169>

2 10. Page 8, line 10, after <issued> by inserting <or
3 renewed>

4 11. Page 9, by striking lines 9 and 10 and inserting:

5 <4. a. A person who commits animal torture is guilty of an
6 aggravated misdemeanor.>

7 12. Page 9, line 11, by striking <5.> and inserting <b.>

8 13. Page 9, line 11, by striking <subsection 4> and
9 inserting <paragraph "a">

10 14. Page 9, line 12, by striking <"C"> and inserting <"D">

11 15. Page 9, after line 19 by inserting:

12 <c. (1) A person convicted of animal torture shall also
13 be sentenced, in addition to any other punishment provided
14 by law, to an additional term of confinement committing the
15 person into the custody of the director of the department of
16 corrections for a period of not less than one year but not more
17 than three years as determined by the court, with eligibility
18 for parole as provided in chapter 906. The board of parole
19 shall determine whether the person should be released on parole
20 or placed in a work release program. The additional term of
21 confinement imposed under this paragraph shall commence upon
22 completion of the sentence imposed under paragraph "a" or "b",
23 or any other applicable criminal sentencing provisions for
24 the underlying criminal offense, and the person shall begin
25 the additional term of confinement under supervision as if on
26 parole or work release. The person shall be placed on the
27 corrections continuum described in chapter 901B, and the terms
28 and conditions of the additional term of confinement, including
29 any violations, shall be subject to the same procedures set
30 forth in chapters 901B, 905, 906, and 908, and rules adopted
31 under those chapters for persons on parole or work release.

32 (2) The revocation of parole or work release may be
33 for a period of up to six months upon a first revocation,
34 and up to one year upon a second or subsequent revocation.
35 Notwithstanding section 903.4, the place of confinement after

1 any revocation shall be at a correctional institution or
2 facility.>

3 16. Page 10, line 10, by striking <2019> and inserting
4 <2020>

5 17. Page 10, line 22, after <issued> by inserting <or
6 renewed>

7 18. Page 11, after line 2 by inserting:

8 <Sec. _____. Section 901.5, Code 2020, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 14. In addition to any other sentence or
11 other penalty imposed against the defendant, the court shall
12 impose an additional term of confinement if required under
13 section 717B.3A, subsection 4.

14 Sec. _____. Section 902.12, Code 2020, is amended by adding
15 the following new subsection:

16 NEW SUBSECTION. 6. A person serving a sentence for a
17 conviction for animal torture in violation of section 717B.3A
18 that occurs on or after July 1, 2020, shall be denied parole or
19 work release until the person has served seven-tenths of the
20 maximum term of the person's sentence.

21 Sec. _____. Section 907.3, subsection 1, paragraph a, Code
22 2020, is amended by adding the following new subparagraph:

23 NEW SUBPARAGRAPH. (15) The offense is a violation of
24 section 717B.3A.

25 Sec. _____. Section 907.3, subsection 2, paragraph a, Code
26 2020, is amended by adding the following new subparagraph:

27 NEW SUBPARAGRAPH. (9) The offense is a violation of section
28 717B.3A.

29 Sec. _____. Section 907.3, subsection 3, Code 2020, is amended
30 by adding the following new paragraph:

31 NEW PARAGRAPH. h. The offense is a violation of section
32 717B.3A.>

33 19. By renumbering as necessary.

By BRAD ZAUN

S-5059 (Continued)

[S-5059](#) FILED MARCH 4, 2020

ADOPTED

HOUSE FILE 737

S-5062

1 Amend House File 737, as passed by the House, as follows:

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

4 <Section 1. Section 717B.1, Code 2020, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 3A. "*Commercial establishment*" means the
7 same as defined in section 162.2.

8 Sec. 2. Section 717B.2, unnumbered paragraph 1, Code 2020,
9 is amended to read as follows:

10 A person ~~is guilty of~~ commits animal abuse if the person
11 intentionally injures, maims, disfigures, or destroys an animal
12 owned by another person, in any manner, including intentionally
13 poisoning the animal. A person ~~guilty of~~ who commits animal
14 abuse is guilty of an aggravated misdemeanor. Animal neglect
15 as provided in section 717B.3 is not an included offense of
16 animal abuse. On a charge of animal abuse, the court shall
17 not accept a plea agreement unless the agreement includes
18 a plea of guilty to the offense of animal abuse. A person
19 sentenced for committing animal abuse shall be sentenced to
20 and shall serve the maximum period of imprisonment for the
21 offense, notwithstanding any other provision of law to the
22 contrary. The person's sentence shall not be reduced under
23 chapter 903A or any other provision of law. In addition,
24 the sentencing order shall provide that the person complete
25 a supervised community work requirement, which may include a
26 work requirement performed at an animal shelter or pound, as
27 those terms are defined in section 162.2, according to terms
28 required by the court. This section shall not apply to any of
29 the following:

30 Sec. 3. Section 717B.2, Code 2020, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 12. A commercial establishment, provided
33 that the commercial establishment's conduct complies with
34 applicable standard of care requirements in section 162.10A.

35 Sec. 4. Section 717B.3, subsection 1, unnumbered paragraph

1 1, Code 2020, is amended to read as follows:

2 A person who impounds or confines, in any place, an animal ~~is~~
3 ~~guilty of~~ commits animal neglect if the person does any of the
4 following:

5 Sec. 5. Section 717B.3, subsection 2, Code 2020, is amended
6 to read as follows:

7 2. This section does not apply to a any of the following:

8 a. A person who is issued or renewed an authorization as
9 provided in chapter 162, or a person acting under the direction
10 or supervision of the person, if all of the following apply:

11 (1) The animal, as described in subsection 1, was maintained
12 as part of the commercial establishment's operation.

13 (2) In providing conditions for the welfare of the animal,
14 as described in subsection 1, the person complied with the
15 standard of care requirements provided in section 162.10A,
16 subsection 1, including any applicable rules adopted by the
17 department applying to any of the following:

18 (a) A state licensee or registrant operating pursuant to
19 section 162.10A, subsection 2, paragraph "a" or "b".

20 (b) A permittee operating pursuant to section 162.10A,
21 subsection 2, paragraph "c".

22 b. A research facility, as defined in section 162.2,
23 ~~provided that~~ if the research facility performs functions
24 within the scope of accepted practices and disciplines
25 associated with the research facility.

26 Sec. 6. Section 717B.3, subsection 3, Code 2020, is amended
27 to read as follows:

28 3. a. A person who negligently or intentionally commits
29 the offense of animal neglect is guilty of a ~~simple~~ serious
30 misdemeanor.

31 b. A person who intentionally commits the offense of animal
32 neglect which results in serious injury to or the death of an
33 animal is guilty of a ~~serious~~ an aggravated misdemeanor. In
34 addition, the sentencing order shall provide that the person
35 complete a supervised community work requirement, which may

1 include a work requirement performed at an animal shelter or
2 pound, as those terms are defined in section 162.2, according
3 to terms required by the court.

4 Sec. 7. Section 717B.3A, subsection 1, Code 2020, is amended
5 to read as follows:

6 1. A person ~~is guilty of~~ commits animal torture, regardless
7 of whether the person is the owner of the animal, if the person
8 intentionally inflicts upon the animal severe physical pain
9 ~~with a depraved or sadistic intent to cause in a manner that~~
10 causes the animal's prolonged suffering or death.

11 Sec. 8. Section 717B.3A, subsection 2, Code 2020, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. 1. A commercial establishment, provided that
14 the commercial establishment's conduct complies with applicable
15 standard of care requirements in section 162.10A.

16 Sec. 9. Section 717B.3A, subsection 3, Code 2020, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. c. (1) A person convicted of animal torture
19 shall also be sentenced, in addition to any other punishment
20 provided by law, to an additional term of confinement
21 committing the person into the custody of the director of the
22 department of corrections for a period of not less than one
23 year but not more than three years as determined by the court,
24 with eligibility for parole as provided in chapter 906. The
25 board of parole shall determine whether the person should be
26 released on parole or placed in a work release program. The
27 additional term of confinement imposed under this paragraph
28 shall commence upon completion of the sentence imposed under
29 paragraph "a", subparagraph (1) or (2), or any other applicable
30 criminal sentencing provisions for the underlying criminal
31 offense, and the person shall begin the additional term of
32 confinement under supervision as if on parole or work release.
33 The person shall be placed on the corrections continuum
34 described in chapter 901B, and the terms and conditions of the
35 additional term of confinement, including any violations, shall

1 be subject to the same procedures set forth in chapters 901B,
2 905, 906, and 908, and rules adopted under those chapters for
3 persons on parole or work release.

4 (2) The revocation of parole or work release may be
5 for a period of up to six months upon a first revocation,
6 and up to one year upon a second or subsequent revocation.
7 Notwithstanding section 903.4, the place of confinement after
8 any revocation shall be at a correctional institution or
9 facility.

10 Sec. 10. Section 901.5, Code 2020, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 14. In addition to any other sentence or
13 other penalty imposed against the defendant, the court shall
14 impose an additional term of confinement if required under
15 section 717B.3A, subsection 3, paragraph "c".

16 Sec. 11. Section 902.12, Code 2020, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 6. A person serving a sentence for a
19 conviction for animal torture in violation of section 717B.3A
20 that occurs on or after July 1, 2020, shall be denied parole or
21 work release until the person has served seven-tenths of the
22 maximum term of the person's sentence.

23 Sec. 12. Section 907.3, subsection 1, paragraph a, Code
24 2020, is amended by adding the following new subparagraph:

25 NEW SUBPARAGRAPH. (15) The offense is a violation of
26 section 717B.3A.

27 Sec. 13. Section 907.3, subsection 2, paragraph a, Code
28 2020, is amended by adding the following new subparagraph:

29 NEW SUBPARAGRAPH. (9) The offense is a violation of section
30 717B.3A.

31 Sec. 14. Section 907.3, subsection 3, Code 2020, is amended
32 by adding the following new paragraph:

33 NEW PARAGRAPH. h. The offense is a violation of section
34 717B.3A.>

S-5062 (Continued)

By TOM SHIPLEY

S-5062 FILED MARCH 4, 2020
WITHDRAWN

HOUSE FILE 737

S-5066

1 Amend the amendment, S-5059, to House File 737, as passed by
2 the House, as follows:

3 1. Page 1, by striking lines 18 and 24 and inserting:

4 <(2) In providing conditions for the welfare of the animal,
5 as described in subsection 1, the person complied with the
6 standard of care requirements provided in section 162.10A,
7 subsection 1, including any applicable rules adopted by the
8 department applying to any of the following:

9 (a) A state licensee or registrant operating pursuant to
10 section 162.10A, subsection 2, paragraph "a" or "b".

11 (b) A permittee operating pursuant to section 162.10A,
12 subsection 2, paragraph "c".>

By BRAD ZAUN

S-5066 FILED MARCH 4, 2020

ADOPTED



[SF 2142](#) – Senate Supplemental State Aid (2.30% Growth) (LSB5516SVV.1)
Staff Contact: Michael Guanci (515.725.1286) michael.guanci@legis.iowa.gov
Fiscal Note Version – As amended by [S-5049](#)

Description

[Senate File 2142](#) as amended by [S-5049](#) modifies and establishes provisions related to the funding of school districts, including establishing a State supplemental aid rate (percent of growth) and the categorical State percent of growth for the budget year beginning July 1, 2020 (FY 2021), and providing for other changes to the school aid formula.

Senate File 2142 as amended has three provisions with a fiscal impact:

- Establishes a 2.30% State percent of growth rate to be applied to the State cost per pupil (SCPP) for FY 2021.
- Establishes a 2.30% State percent of growth rate to be applied to each of the State categorical cost per pupil amounts and to the standing appropriation for the Transportation Equity Fund for FY 2021.
- Provides additional property tax replacement funding based on the per pupil increase that results from the establishment of the State percent of growth in FY 2021. The Bill requires the additional levy portion of the FY 2021 State cost per pupil amount to be frozen at \$750 per pupil, regardless of the per pupil increase for FY 2021. Without enactment of this provision, the increase in the FY 2021 State cost per pupil due to the State percent of growth will include a per pupil property tax increase equivalent to one-eighth (12.5%) of the total per pupil increase.

The Bill takes effect upon enactment.

Background

State Cost Per Pupil. The school aid formula provides funding to school districts and Area Education Agencies (AEAs) through a mix of State aid and property taxes. In general, funding is generated on a per pupil basis, with the per pupil amounts providing an overall budget limitation (or spending authority). There are five State cost per pupil funding levels that would be increased by a 2.30% State percent of growth for FY 2021 with the enactment of SF 2142 as amended.

Table 1 provides the supplemental State aid amounts (also referred to as per pupil growth amounts) and State cost per pupil amounts for FY 2021 based on a 2.30% growth rate. The supplemental State aid amounts will be applied to all corresponding district and AEA cost per pupil amounts. In addition to a 2.30% growth rate, the 2020 Iowa Acts chapter [1002](#) (School Finance — Regular State Cost per Pupil — School Transportation Funding) enacted on February 25, 2020, adds an additional \$10 to the State cost per pupil separate from the State supplemental aid.

Table 1 — SF 2142 as Amended
FY 2021 State Cost Per Pupil Calculations

	FY 2020 State Cost Per Pupil	FY 2021 State Percent of Growth	FY 2021 Supplemental State Aid	FY 2021 State Cost Per Pupil
Regular Program	\$ 6,880	2.30%	\$ 158	\$ 7,048 *
Special Education Program	6,880	2.30%	158	7,048 *
AEA Special Education Services	301.62	2.30%	6.94	308.56
AEA Media Services	56.24	2.30%	1.29	57.53
AEA Education Services	62.05	2.30%	1.43	63.48

* 2020 Iowa Acts chapter 1002 increases the FY 2021 SPPP by an additional \$10.

In addition to the State percent of growth and supplemental State aid amounts for FY 2021, enrollments, weightings, and taxable valuations within each school district have an impact on the amount of total school aid funding, including the amount of State aid and local property tax required to generate the total funding amount.

State Categorical Supplements. The State categorical supplements are funded entirely through State aid and generate funds for each school district and AEA through the school aid formula on a per pupil basis. The FY 2021 State cost per pupil funding levels for the teacher salary supplement (district and AEA), professional development supplement (district and AEA), early intervention supplement (district only), and Teacher Leadership and Compensation (TLC) (district only) supplement would be increased by a 2.30% State percent of growth for FY 2021. **Table 2** provides the per pupil growth amounts and State cost per pupil amounts for FY 2021 based on SF 2142 as amended.

Table 2 — SF 2142 as Amended
FY 2021 State Categorical Cost Per Pupil Calculations

	FY 2020 State Cost Per Pupil	FY 2021 State Percent of Growth	FY 2021 Supplemental State Aid	FY 2021 State Cost Per Pupil
Teacher Salary - Districts	\$ 591.96	2.30%	\$13.62	\$ 605.58
Professional Development - Districts	67.04	2.30%	1.54	68.58
Early Intervention	73.03	2.30%	1.68	74.71
Teacher Leadership and Compensation	333.23	2.30%	7.66	340.89
Teacher Salary - AEAs	30.98	2.30%	0.71	31.69
Professional Development - AEAs	3.62	2.30%	0.08	3.70

Additionally, there is a budget guarantee provision for each of the State categorical supplements, which provides each district and AEA with a minimum of the previous fiscal year's level of funding (net of the previous year's budget guarantee amount). This provision for the State categorical supplements is funded entirely through State aid.

Transportation Equity Fund. 2020 Iowa Acts chapter [1002](#) (School Finance — Regular State Cost per Pupil — School Transportation Funding), allows for the standing appropriation to the Transportation Equity Fund to grow at the same rate as the categorical State percent of growth, although it is not a categorical. The Transportation Equity Fund appropriation is not included in the combined district cost or in the total State aid appropriation.

Property Tax Replacement Payment (PTRP). 2013 Iowa Acts, chapter [121](#) (Education Reform), included the creation of the PTRP provision to replace local property tax amounts with State aid. The provision froze the additional levy portion of the State cost per pupil at \$750; based on the State percent of growth enacted during the intervening fiscal years, this provision created \$15 per pupil in property tax relief in FY 2014 and up to \$131 per pupil in FY 2021. The continual growth is a result of the requirement that the per pupil property tax relief of previous fiscal years carry forward into future fiscal years. Enactment of SF 2142 as amended will maintain the additional levy portion of the State cost per pupil at \$750 in FY 2021. The per pupil property tax relief amount will be based on the State percent of growth enacted for FY 2021. **Table 3** provides detail regarding the State cost per pupil funding levels as provided by a 2.30% growth rate for FY 2021 in SF 2142 as amended.

**Table 3 — SF 2142 as Amended
FY 2021 Property Tax Replacement Payment Calculation**

		FY 2020	Increase Due To Supplemental State Aid Rate	FY 2021
Regular Program	\$	6,880	\$ 158	\$ 7,048 *
Unadjusted Additional Levy		860	20	881 *
PTRP Portion		110	21	131
Fixed Additional Levy Portion		750	0	750

* 2020 Iowa Acts chapter 1002 increases the FY 2021 SPP by an additional \$10, and increases the unadjusted additional levy by \$1.

Assumptions

- Estimates are based on October 2019 certified enrollments and supplementary weightings for FY 2021, which were approved by the School Budget Review Committee (SBRC) in December 2019.
- A statewide taxable valuation growth rate of 4.92% for FY 2021 was previously agreed upon by the Legislative Services Agency (LSA) and the Department of Management. Based on this assumed rate, the statewide total for the uniform levy is estimated to account for \$47.2 million (+5.0%) of the school foundation property tax change in FY 2021 (including the uniform levy portion of the commercial/industrial rollback replacement payment). The estimated increase in the uniform levy amount is not affected by the establishment of the State percent of growth rate. Property tax adjustment aid amounts are based on the statewide taxable valuation growth factor applied to each school district's FY 2021 taxable valuation amount.
- Total State aid includes funding from the State General Fund and other funds appropriated or deposited in the Property Tax Equity and Relief (PTER) Fund, which is used to provide additional property tax relief through the school aid formula.
- Establishing an FY 2021 State percent of growth will also affect the amount of funding generated for the Statewide Voluntary Preschool Program. Funding for the Program is provided by State General Fund dollars and is included in the overall State aid total.
- Districts eligible for the 101.00% budget adjustment will approve use of that provision.
- Beginning in FY 2021, the additional \$15.0 million State aid reduction to AEAs implemented in FY 2020 will be restored.
- The General Fund appropriation to the Transportation Equity Fund will increase by the categorical State percent of growth.
- Other legislation may have an impact on the amount of State aid and property tax generated though the school aid formula. The fiscal impact shown in **Table 4** includes only the provisions in this Bill as amended under current law.

Fiscal Impact

The following table provides the estimated fiscal impact of the three provisions of SF 2142 as amended: State supplemental aid, State categorical rate, and PTRP implementation. These provisions include:

- Restoration of the \$15.0 million reduction in State aid to the AEAs. Under current law, the reduction will total \$7.5 million (a statutory reduction implemented annually).
- \$75.1 million in PTRP funding, an increase of \$12.4 million (19.80%) compared to FY 2020.
- \$552.8 million for the State categorical supplements for school districts and AEAs, an increase of \$14.9 million (2.78%). This includes:
 - \$313.4 million for the teacher salary supplement at the district and AEA level.
 - \$35.6 million for the professional development supplement at the district and AEA level.
 - \$36.6 million for the early intervention supplement.
 - \$167.3 million for the teacher leadership supplement.
- \$88.1 million for preschool formula funding, an increase of \$2.0 million (2.31%) compared to FY 2020. The preschool formula funding is included in the State aid amount but is not included in the combined district cost total.
- \$8.3 million in budget adjustment funding for 106 qualifying districts, a decrease of \$1.5 million (15.59%) compared to FY 2020. The budget guarantee adjustment is calculated at the school district level so that school districts receive 101.00% of their previous year's funding. The budget guarantee adjustment is funded entirely through property taxes.
- The total property tax funds generated through the school aid formula are estimated to be \$1.612 billion, an increase of \$49.1 million (3.14%) compared to FY 2020.
- The total State aid from the General Fund (reflecting the total school aid funding level for school districts and AEAs generated through the school aid formula) is estimated to be \$3.392 billion, an increase of \$106.3 million (3.24%) compared to FY 2020. Any legislative action affecting FY 2021 school aid provisions will have an impact on school aid amounts. Additionally, any variations in the assumptions noted may result in changes in the FY 2021 estimates provided in the following table.

Table 4 further provides the fiscal impact of SF 2142 as amended. This also includes the increase in the State cost per pupil under the provisions of 2020 Iowa Acts chapter 1002, and the standing appropriation to the Transportation Equity Fund, which is not included in the total State aid from the General Fund.

Table 4 — SF 2142 As Amended

Legislative Services Agency: FY 2021 School Aid Estimates — Senate File 2142 as Amended (Statewide Dollars in Millions)

State Percent of Growth: 2.30%	*State Cost Per Pupil: \$7,048		State Supplemental Aid: \$158	
AEA Reduction: \$7,500,000	Additional Reduction: \$0		Total AEA Reduction: \$7,500,000	
Program Funding:	FY 2020	Est. FY 2021	Est. Change	% Change
Regular Program District Cost	\$ 3,364.1	\$ 3,461.5	\$ 97.4	2.90%
Regular Program Budget Adjustment	9.8	8.3	-1.5	-15.59%
Supplementary Weighting (District)	104.8	106.5	1.8	1.68%
Special Education Instruction (District)	460.2	478.6	18.3	3.99%
Teacher Salary Supplement (District)	288.6	296.6	8.0	2.76%
Professional Development Supplement (District)	32.7	33.6	0.9	2.75%
Early Intervention Supplement (District)	35.6	36.6	1.0	2.76%
Teacher Leadership Supplement (District)	162.7	167.3	4.5	2.79%
AEA Special Ed Support District Cost	167.3	172.3	4.9	2.94%
AEA Special Ed Support Adjustment	1.4	1.2	-0.2	-17.18%
AEA Media Services	29.3	30.1	0.8	2.78%
AEA Ed Services	32.4	33.3	0.9	2.79%
AEA Teacher Salary Supplement	16.4	16.8	0.5	3.00%
AEA Professional Development Supplement	1.9	2.0	0.1	2.93%
Dropout and Dropout Prevention	124.9	124.9	0.0	0.00%
Combined District Cost	\$ 4,809.6	\$ 4,961.9	\$ 152.4	3.17%
Statewide Voluntary Preschool Program	\$ 86.2	\$ 88.1	\$ 2.0	2.31%
State Aid:	FY 2020	Est. FY 2021	Est. Change	% Change
Regular Program	\$ 1,964.5	\$ 2,005.0	\$ 40.5	2.06%
Supplementary Weighting	91.4	93.0	1.6	1.75%
Special Education Weighting	401.6	417.8	16.2	4.04%
Property Tax Adjustment Aid (1992)	7.7	7.4	-0.4	-4.92%
Property Tax Replacement Payment (PTRP)	62.6	75.1	12.4	19.80%
Adjusted Additional Property Tax - General Fund	24.0	24.0	0.0	0.00%
Statewide Voluntary Preschool Program	86.2	88.1	2.0	2.31%
Minimum State Aid	0.0	0.0	0.0	
State Aid from General Fund	\$ 3,285.4	\$ 3,391.8	\$ 106.3	3.24%
**Excess from SAVE Fund	10.1	10.4	0.3	2.67%
Total State Aid (Includes Non-General Fund)	\$ 3,295.6	\$ 3,402.2	\$ 106.6	3.23%
Local Property Tax:	FY 2020	Est. FY 2021	Est. Change	% Change
Uniform Levy Amount	\$ 948.3	\$ 995.5	\$ 47.2	4.98%
Additional Levy	614.1	616.1	1.9	0.31%
Total Levy to Fund Combined District Cost	\$ 1,562.5	\$ 1,611.6	\$ 49.1	3.14%
Comm/Ind - Uniform Levy Replacement	22.8	21.9	-0.9	-3.95%
Comm/Ind - Additional Levy Replacement	14.9	14.5	-0.4	-2.73%
Miscellaneous Information:	FY 2020	Est. FY 2021	Est. Change	% Change
State Cost Per Pupil	\$ 6,880	\$ 7,048	\$ 168	2.44%
Number of Districts with Budget Adjustment	114	106	-8	-7.02%
Percent of Districts with Budget Adjustment	34.86%	32.42%		
Statewide Categoricals Total	\$ 537.9	\$ 552.8	\$ 14.9	2.78%
Property Tax Relief Payment Per Pupil	110	131	21	19.09%
Statewide AEA Funding Reduction	-22.5	-7.5	15.0	66.67%
Statewide AEA Funding	226.2	248.1	21.9	9.67%
Transportation Equity Fund	19.0	26.7	7.7	40.47%

Notes:

Totals may not sum due to data duplication and exclusion. For example, other funds are provided by State Aid but not included in the State Aid section because the funds are represented in the Program Funding section listed above.

Transportation Equity Fund dollars are not included in the total State aid amounts. The provision for minimum State aid requires that the State provide at least \$300 per student.

* 2020 Iowa Acts chapter 1002 adds an additional \$10 to the State cost per pupil separate from the State supplemental aid.

** Secure an Advanced Vision for Education (SAVE) Fund.

Sources: Department of Management (School Aid File), LSA analysis and calculations

Sources

Iowa Department of Education, Certified Enrollment and Enrollment Projections File
Iowa Department of Management, School Aid File
Iowa Department of Revenue
LSA analysis and calculations

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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