

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

**June 10, 2020**

**Clip Sheet Summary**

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

<b>Bill</b>	<b>Amendment</b>	<b>Action</b>	<b>Sponsor</b>
<a href="#">SF 2338</a> .....	<a href="#">S-5111</a> .....	Filed	RECEIVED FROM THE HOUSE
<a href="#">HF 684</a> .....	<a href="#">S-5114</a> .....	Filed	COMMITTEE ON JUDICIARY, et al
<a href="#">HF 2192</a> .....	<a href="#">S-5112</a> .....	Filed	COMMITTEE ON HUMAN RESOURCES, et al
<a href="#">HF 2259</a> .....	<a href="#">S-5115</a> .....	Filed	COMMITTEE ON STATE GOVERNMENT, et al
<a href="#">HF 2486</a> .....	<a href="#">S-5117</a> .....	Filed	COMMITTEE ON STATE GOVERNMENT, et al
<a href="#">HF 2540</a> .....	<a href="#">S-5113</a> .....	Filed	COMMITTEE ON STATE GOVERNMENT, et al
<a href="#">HF 2556</a> .....	<a href="#">S-5116</a> .....	Filed	COMMITTEE ON STATE GOVERNMENT, et al

## **Fiscal Notes**

[SF 2414](#) — [Future Ready Iowa](#) (LSB5595SZ)

HOUSE AMENDMENT TO  
SENATE FILE 2338

S-5111

1 Amend Senate File 2338, as passed by the Senate, as follows:

2 1. Page 1, by striking lines 1 through 14 and inserting:

3 <DIVISION I  
4 EVIDENCE OF MEDICAL EXPENSES AND RECOVERABLE DAMAGES FOR  
5 MEDICAL EXPENSES>

6 2. Page 2, after line 5 by inserting:

7 <DIVISION \_\_\_\_  
8 COVID-19-RELATED LIABILITY

9 Sec. \_\_\_\_ . NEW SECTION. **686D.1 Short title.**

10 This chapter shall be known and may be cited as the "*COVID-19*  
11 *Response and Back-to-Business Limited Liability Act*".

12 Sec. \_\_\_\_ . NEW SECTION. **686D.2 Definitions.**

13 When used in this chapter, unless the context otherwise  
14 requires:

15 1. "*COVID-19*" means the novel coronavirus identified  
16 as SARS-CoV-2, the disease caused by the novel coronavirus  
17 SARS-CoV-2 or a virus mutating therefrom, and conditions  
18 associated with the disease caused by the novel coronavirus  
19 SARS-CoV-2 or a virus mutating therefrom.

20 2. "*Disinfecting or cleaning supplies*" means and includes  
21 hand sanitizers, disinfectants, sprays, and wipes.

22 3. "*Health care facility*" means and includes all of the  
23 following:

24 a. A facility as defined in section 514J.102.

25 b. A facility licensed pursuant to chapter 135B.

26 c. A facility licensed pursuant to chapter 135C.

27 d. Residential care facilities, nursing facilities,  
28 intermediate care facilities for persons with mental illness,  
29 intermediate care facilities for persons with intellectual  
30 disabilities, hospice programs, elder group homes, and assisted  
31 living programs.

32 4. "*Health care professional*" means physicians and other  
33 health care practitioners who are licensed, certified, or  
34 otherwise authorized or permitted by the laws of this state  
35 to administer health care services in the ordinary course

1 of business or in the practice of a profession, whether  
2 paid or unpaid, including persons engaged in telemedicine or  
3 telehealth. *"Health care professional"* includes the employer or  
4 agent of a health care professional who provides or arranges  
5 health care.

6 5. *"Health care provider"* means and includes a health care  
7 professional, health care facility, home health care facility,  
8 and any other person or facility otherwise authorized or  
9 permitted by any federal or state statute, regulation, order,  
10 or public health guidance to administer health care services  
11 or treatment.

12 6. *"Health care services"* means services for the diagnosis,  
13 prevention, treatment, care, cure, or relief of a health  
14 condition, illness, injury, or disease.

15 7. *"Minimum medical condition"* means a diagnosis of COVID-19  
16 that requires inpatient hospitalization or results in death.

17 8. *"Person"* means the same as defined in section 4.1.  
18 *"Person"* includes an agent of a person.

19 9. *"Personal protective equipment"* means and includes  
20 protective clothing, gloves, face shields, goggles, facemasks,  
21 respirators, gowns, aprons, coveralls, and other equipment  
22 designed to protect the wearer from injury or the spread of  
23 infection or illness.

24 10. *"Premises"* means and includes any real property and  
25 any appurtenant building or structure serving a commercial,  
26 residential, educational, religious, governmental, cultural,  
27 charitable, or health care purpose.

28 11. *"Public health guidance"* means and includes written  
29 guidance related to COVID-19 issued by any of the following:

30 a. The centers for disease control and prevention of the  
31 federal department of health and human services.

32 b. The centers for Medicare and Medicaid services of the  
33 federal department of health and human services.

34 c. The federal occupational safety and health  
35 administration.

1     *d.* The office of the governor.

2     *e.* Any state agency, including the department of public  
3 health.

4     12. "*Qualified product*" means and includes all of the  
5 following:

6     *a.* Personal protective equipment used to protect the wearer  
7 from COVID-19 or to prevent the spread of COVID-19.

8     *b.* Medical devices, equipment, and supplies used to treat  
9 COVID-19, including medical devices, equipment, or supplies  
10 that are used or modified for an unapproved use to treat  
11 COVID-19 or to prevent the spread of COVID-19.

12    *c.* Medical devices, equipment, and supplies used outside of  
13 their normal use to treat COVID-19 or to prevent the spread of  
14 COVID-19.

15    *d.* Medications used to treat COVID-19, including medications  
16 prescribed or dispensed for off-label use to attempt to treat  
17 COVID-19.

18    *e.* Tests to diagnose or determine immunity to COVID-19.

19    *f.* Any component of an item described in paragraphs "*a*"  
20 through "*e*".

21    Sec. \_\_\_\_\_. NEW SECTION. **686D.3 Actual injury requirement in**  
22 **civil actions alleging COVID-19 exposure.**

23    A person shall not bring or maintain a civil action alleging  
24 exposure or potential exposure to COVID-19 unless one of the  
25 following applies:

26    1. The civil action relates to a minimum medical condition.

27    2. The civil action involves an act that was intended to  
28 cause harm.

29    3. The civil action involves an act that constitutes actual  
30 malice.

31    Sec. \_\_\_\_\_. NEW SECTION. **686D.4 Premises owner's duty of care**  
32 **— limited liability.**

33    A person who possesses or is in control of a premises,  
34 including a tenant, lessee, or occupant of a premises, who  
35 directly or indirectly invites or permits an individual onto

1 a premises, shall not be liable for civil damages for any  
2 injuries sustained from the individual's exposure to COVID-19,  
3 whether the exposure occurs on the premises or during any  
4 activity managed by the person who possesses or is in control  
5 of a premises, unless any of the following apply to the person  
6 who possesses or is in control of the premises:

7 1. The person who possesses or is in control of the premises  
8 recklessly disregards a substantial and unnecessary risk that  
9 the individual would be exposed to COVID-19.

10 2. The person who possesses or is in control of the  
11 premises exposes the individual to COVID-19 through an act that  
12 constitutes actual malice.

13 3. The person who possesses or is in control of the premises  
14 intentionally exposes the individual to COVID-19.

15 Sec. \_\_\_\_\_. NEW SECTION. **686D.5 Safe harbor for compliance**  
16 **with regulations, executive orders, or public health guidance.**

17 A person in this state shall not be held liable for civil  
18 damages for any injuries sustained from exposure or potential  
19 exposure to COVID-19 if the act or omission alleged to violate  
20 a duty of care was in substantial compliance or was consistent  
21 with any federal or state statute, regulation, order, or public  
22 health guidance related to COVID-19 that was applicable to the  
23 person or activity at issue at the time of the alleged exposure  
24 or potential exposure.

25 Sec. \_\_\_\_\_. NEW SECTION. **686D.6 Liability of health care**  
26 **providers.**

27 1. A health care provider shall not be liable for civil  
28 damages for causing or contributing, directly or indirectly, to  
29 the death or injury of an individual as a result of the health  
30 care provider's acts or omissions while providing or arranging  
31 health care in support of the state's response to COVID-19.  
32 This subsection shall apply to all of the following:

33 a. Injury or death resulting from screening, assessing,  
34 diagnosing, caring for, or treating individuals with a  
35 suspected or confirmed case of COVID-19.

1     *b.* Prescribing, administering, or dispensing a  
2 pharmaceutical for off-label use to treat a patient with a  
3 suspected or confirmed case of COVID-19.

4     *c.* Acts or omissions while providing health care to  
5 individuals unrelated to COVID-19 when those acts or omissions  
6 support the state's response to COVID-19, including any of the  
7 following:

8       (1) Delaying or canceling nonurgent or elective dental,  
9 medical, or surgical procedures, or altering the diagnosis or  
10 treatment of an individual in response to any federal or state  
11 statute, regulation, order, or public health guidance.

12       (2) Diagnosing or treating patients outside the normal  
13 scope of the health care provider's license or practice.

14       (3) Using medical devices, equipment, or supplies outside  
15 of their normal use for the provision of health care, including  
16 using or modifying medical devices, equipment, or supplies for  
17 an unapproved use.

18       (4) Conducting tests or providing treatment to any  
19 individual outside the premises of a health care facility.

20       (5) Acts or omissions undertaken by a health care provider  
21 because of a lack of staffing, facilities, medical devices,  
22 equipment, supplies, or other resources attributable to  
23 COVID-19 that renders the health care provider unable to  
24 provide the level or manner of care to any person that  
25 otherwise would have been required in the absence of COVID-19.

26       (6) Acts or omissions undertaken by a health care provider  
27 relating to use or nonuse of personal protective equipment.

28     2. This section shall not relieve any person of liability  
29 for civil damages for any act or omission which constitutes  
30 recklessness or willful misconduct.

31     Sec. \_\_\_\_ . NEW SECTION. 686D.7 Supplies, equipment, and  
32 products designed, manufactured, labeled, sold, distributed, and  
33 donated in response to COVID-19.

34     1. Any person that designs, manufactures, labels, sells,  
35 distributes, or donates household disinfecting or cleaning

1 supplies, personal protective equipment, or a qualified product  
2 in response to COVID-19 shall not be liable in a civil action  
3 alleging personal injury, death, or property damage caused by  
4 or resulting from the design, manufacturing, labeling, selling,  
5 distributing, or donating of the household disinfecting  
6 or cleaning supplies, personal protective equipment, or a  
7 qualified product.

8 2. Any person that designs, manufactures, labels, sells,  
9 distributes, or donates household disinfecting or cleaning  
10 supplies, personal protective equipment, or a qualified product  
11 in response to COVID-19 shall not be liable in a civil action  
12 alleging personal injury, death, or property damage caused by  
13 or resulting from a failure to provide proper instructions or  
14 sufficient warnings.

15 3. This section shall not apply in the event of any of the  
16 following:

17 a. The person that designs, manufactures, labels, sells,  
18 distributes, or donates household disinfecting or cleaning  
19 supplies, personal protective equipment, or a qualified  
20 product had actual knowledge of a defect in the household  
21 disinfecting or cleaning supplies, personal protective  
22 equipment, or a qualified product when put to the use for which  
23 the household disinfecting or cleaning supplies, personal  
24 protective equipment, or a qualified product was designed,  
25 manufactured, sold, distributed, or donated, and the person  
26 recklessly disregarded a substantial and unnecessary risk that  
27 the household disinfecting or cleaning supplies, personal  
28 protective equipment, or a qualified product would cause  
29 serious personal injury, death, or serious property damage.

30 b. The person that designs, manufactures, labels, sells,  
31 distributes, or donates household disinfecting or cleaning  
32 supplies, personal protective equipment, or a qualified product  
33 acted with actual malice.

34 Sec. \_\_\_\_ . NEW SECTION. 686D.8 Construction.

35 This chapter shall not be construed to do any of the

S-5111 (Continued)

1 following:

2 1. Create, recognize, or ratify a claim or cause of action  
3 of any kind.

4 2. Eliminate or satisfy a required element of a claim or  
5 cause of action of any kind.

6 3. Affect the rights or limits under workers' compensation  
7 as provided in chapter 85, 85A, or 85B, or the rights or limits  
8 related to police officers or fire fighters under chapter 410  
9 or 411.

10 4. Abrogate, amend, repeal, alter, or affect any statutory  
11 or common law immunity or limitation of liability.

12 Sec. \_\_\_\_ . RETROACTIVE APPLICABILITY. This division of this  
13 Act applies retroactively to January 1, 2020.>

14 3. Title page, by striking lines 1 through 4 and inserting  
15 <An Act relating to civil actions, including recoverable  
16 damages for medical expenses, evidence offered to prove  
17 past medical expenses, and civil actions related to the  
18 novel coronavirus, and including retroactive applicability  
19 provisions.>

20 4. By renumbering as necessary.

S-5111 FILED JUNE 9, 2020

HOUSE FILE 684

S-5114

- 1 Amend House File 684, as passed by the House, as follows:
- 2 1. Page 1, line 1, by striking <2019> and inserting <2020>
- 3 2. Page 1, line 6, by striking <2019> and inserting <2020>
- 4 3. Page 1, line 12, by striking <2019> and inserting <2020>
- 5 4. Page 1, line 20, by striking <2019> and inserting <2020>
- 6 5. Page 1, line 31, by striking <2019> and inserting <2020>

By COMMITTEE ON JUDICIARY

BRAD ZAUN, CHAIRPERSON

S-5114 FILED JUNE 9, 2020

HOUSE FILE 2192

S-5112

1 Amend House File 2192, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 1, by striking lines 27 through 33 and inserting:

4 <b. A health carrier shall reimburse a health care  
5 professional for health care services, other than health care  
6 services for mental health conditions, illnesses, injuries, or  
7 diseases, provided by telehealth to a covered person who is not  
8 located at a facility on the same basis that the health carrier  
9 would apply to the same health care services provided to a  
10 covered person by the health care professional in person, and  
11 at a rate negotiated between the health carrier and the health  
12 care professional. The negotiated rate shall not be less than  
13 sixty-five percent of the rate that the health carrier would  
14 reimburse the health care professional for the same health  
15 care services provided to a covered person by the health care  
16 professional in person.

17 c. A health carrier shall reimburse a health care  
18 professional for health care services for a mental health  
19 condition, illness, injury, or disease provided by telehealth  
20 to a covered person who is not located at a facility on the same  
21 basis that the health carrier would apply to the same health  
22 care services for a mental health condition, illness, injury,  
23 or disease provided to a covered person by the health care  
24 professional in person, and at a rate negotiated between the  
25 health carrier and the health care provider. The negotiated  
26 rate shall not be less than ninety-five percent of the rate  
27 that the health carrier would reimburse the health care  
28 professional for the same health care services provided to a  
29 covered person by the health care professional in person.

30 d. As a condition of reimbursement pursuant to paragraph "a"  
31 or "c", a health carrier shall not require that an additional  
32 health care professional be located in the same room as the  
33 covered person while health care services for a mental health  
34 condition, illness, injury, or disease are delivered via  
35 telehealth by another health care professional to the covered

1 person.

2 e. If the governor issues a proclamation of disaster  
3 emergency pursuant to section 29C.6 that suspends the provision  
4 of in-person nonessential health care services by health care  
5 professionals, a health carrier shall reimburse a health care  
6 professional and a facility for health care services provided  
7 by telehealth to a covered person on the same basis and at the  
8 same rate as the health carrier would apply to the same health  
9 care services provided to a covered person by the health care  
10 professional and a facility in person. For purposes of this  
11 paragraph, "*nonessential health care services*" are health care  
12 services that can be delayed without undue risk to the current  
13 or future health of an individual, considering all appropriate  
14 factors, including but not limited to the following:

15 (1) The threat to an individual's life if a surgery or other  
16 procedure is delayed.

17 (2) The threat of permanent dysfunction to an individual's  
18 organ systems or an individual's extremities.

19 (3) The risk of an individual experiencing metastasis or a  
20 progression in staging of a cancer-related condition.

21 (4) The risk of an individual developing rapidly worsening  
22 or severe symptoms.

23 (5) The risk of severe pain, infection, or impact on an  
24 individual's normal oral functioning.>

By COMMITTEE ON HUMAN RESOURCES

ANNETTE SWEENEY, CHAIRPERSON

[S-5112](#) FILED JUNE 9, 2020

HOUSE FILE 2259

S-5115

- 1 Amend House File 2259, as passed by the House, as follows:
- 2 1. Page 3, after line 34 by inserting:
- 3 <7. *Whistleblower protections*. All law enforcement
- 4 officials and lodging providers shall be prohibited from
- 5 taking any adverse action against a lodging provider's
- 6 employee based on the employee's residency status because that
- 7 employee reports suspected human trafficking activities to
- 8 a law enforcement official. When reporting suspected human
- 9 trafficking activities to any law enforcement official, a
- 10 lodging provider's employee's identity shall remain anonymous
- 11 unless disclosed by the employee.>
- 12 2. Page 3, line 35, by striking <7.> and inserting <8.>
- 13 3. By renumbering, redesignating, and correcting internal
- 14 references as necessary.

By COMMITTEE ON STATE GOVERNMENT

ROBY SMITH, CHAIRPERSON

S-5115 FILED JUNE 9, 2020

HOUSE FILE 2486

S-5117

1 Amend House File 2486, as passed by the House, as follows:

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

4 <DIVISION I

5 SECRETARY OF STATE EMERGENCY POWERS

6 Section 1. Section 47.1, subsection 2, Code 2020, is amended  
7 to read as follows:

8 2. The state commissioner of elections may exercise  
9 emergency powers over any election being held in a district in  
10 which either a natural or other disaster or extremely inclement  
11 weather has occurred within twenty-one days of the election.  
12 The state commissioner of elections may also exercise emergency  
13 powers during an armed conflict involving United States armed  
14 forces, or mobilization of those forces, or if an election  
15 contest court finds that there were errors in the conduct of  
16 an election making it impossible to determine the result. The  
17 state commissioner of elections shall exercise emergency powers  
18 as provided in section 47.12.

19 Sec. 2. Section 47.1, Code 2020, is amended by adding the  
20 following new subsection:

21 NEW SUBSECTION. 2A. The general assembly may, by concurrent  
22 resolution, rescind an emergency declaratory order. If the  
23 general assembly is not in session, the legislative council  
24 may, by a majority vote, rescind the emergency declaration  
25 order. Rescission shall be effective upon filing of the  
26 concurrent resolution or vote of the legislative council with  
27 the secretary of state.

28 Sec. 3. Section 47.1, subsection 4, Code 2020, is amended by  
29 striking the subsection.

30 Sec. 4. NEW SECTION. 47.12 **Emergency election procedures.**

31 1. For purposes of this section:

32 *a. "Election contest court"* means any of the courts  
33 specified in sections 57.1, 58.4, 61.1, 62.1A, and 376.10.

34 *b. "Extremely inclement weather"* means a natural occurrence,  
35 such as a rainstorm, windstorm, ice storm, blizzard, tornado,

1 or other weather conditions, that makes travel extremely  
2 dangerous, that threatens the public health and safety, or that  
3 damages and destroys public and private property.

4 *c. "Natural disaster"* means a natural occurrence, such  
5 as a fire, flood, blizzard, earthquake, tornado, windstorm,  
6 ice storm, or other events, that threatens the public health  
7 and safety or that damages and destroys public and private  
8 property.

9 *d. "Other disaster"* means an occurrence caused by machines  
10 or people, such as fire, hazardous substance, or nuclear power  
11 plant accident or incident, that threatens the public health  
12 and safety or that damages and destroys public and private  
13 property.

14 2. The county commissioner of elections, or the county  
15 commissioner's designee, may notify the state commissioner  
16 that due to a natural or other disaster or extremely inclement  
17 weather an election cannot safely be conducted in the time  
18 or place for which the election is scheduled to be held. If  
19 the county commissioner or the county commissioner's designee  
20 is unable to transmit notice of the hazardous conditions,  
21 the notice may be given by any elected county official.  
22 Verification of the county commissioner's agreement with the  
23 severity of the conditions and the danger to the election  
24 process shall be transmitted to the state commissioner as soon  
25 as possible. Notice may be given by telephone, electronic  
26 mail, or by facsimile machine, but a signed notice shall also  
27 be delivered to the state commissioner.

28 3. After receiving notice of hazardous conditions, the  
29 state commissioner, or the state commissioner's designee, may  
30 declare that an emergency exists in the affected precinct or  
31 precincts. A copy of the declaration of the emergency shall  
32 be provided to the county commissioner and posted on the  
33 internet site for both the state commissioner and the county  
34 commissioner.

35 4. *a.* When the state commissioner has declared that an

1 emergency exists due to a natural or other disaster or to  
2 extremely inclement weather, the county commissioner, or the  
3 county commissioner's designee, shall consult with the state  
4 commissioner to develop a plan to conduct the election under  
5 the emergency conditions.

6     *b.* Modifications may be made to the method for conducting  
7 the election including relocation of polling places,  
8 postponement of the hour of opening the polls, postponement of  
9 the date of the election if no candidates for federal offices  
10 are on the ballot, reduction in the number of precinct election  
11 officials in nonpartisan elections, or other reasonable and  
12 prudent modifications that will permit the election to be  
13 conducted, but no modifications shall be made to requirements  
14 for voter identification and absentee ballot request  
15 and delivery. All modifications to the usual method for  
16 conducting elections shall be approved in advance by the state  
17 commissioner unless prior approval is impossible to obtain.

18     *c.* If an emergency exists in all precincts of a county,  
19 the number of polling places shall not be reduced by more than  
20 thirty-five percent. The polling places allowed to open shall  
21 be equitably distributed in the county based on the ratio of  
22 regular polling places located in unincorporated areas in the  
23 county to regular polling places in incorporated areas in the  
24 county.

25     5. *a.* A substitute polling place shall be as close as  
26 possible to the originally designated polling place and shall  
27 be within the same precinct if possible. Preference shall  
28 be given to buildings that are accessible to the elderly and  
29 disabled. Public buildings shall be made available without  
30 charge by the authorities responsible for their administration.  
31 If necessary, more than one precinct may be located in the same  
32 room.

33     *b.* A notice of the location of the substitute polling place  
34 shall be posted on the door of the former polling place not  
35 later than one hour before the scheduled time for opening the

1 polls or as soon as possible. If it is unsafe or impossible  
2 to post the sign on the door of the former polling place, the  
3 notice shall be posted in some other visible place at or near  
4 the site of the former polling place. If time permits, notice  
5 of the relocation of the polling place shall be published in  
6 the same newspaper in which notice of election was published,  
7 otherwise notice of relocation may be published in any  
8 newspaper of general circulation in the political subdivision  
9 that will appear on or before election day. The county  
10 commissioner shall inform all broadcast media and print news  
11 organizations serving the jurisdiction of the modifications and  
12 publish a notice on the county commissioner's internet site.

13 6. An election, other than an election at which a federal  
14 office appears on the ballot, may be postponed until the  
15 following Tuesday. If the election involves more than one  
16 precinct, the postponement must include all precincts within  
17 the political subdivision. If the election is postponed,  
18 ballots shall not be reprinted to reflect the modification in  
19 the election date. The date of the close of voter registration  
20 by mail for the election shall not be extended. Precinct  
21 election registers prepared for the original election date may  
22 be used or reprinted at the commissioner's discretion. Except  
23 as provided in this section, a postponed election shall be  
24 conducted in the same manner as an election taking place on the  
25 regularly scheduled election day.

26 7. a. Absentee ballots shall be delivered to voters  
27 pursuant to section 53.22 until the date the election is  
28 actually held. Absentee ballots shall be accepted at the  
29 commissioner's office until the hour the polls close on  
30 the date the election is held. Absentee ballots that are  
31 postmarked no later than the day before the election is  
32 actually held or that bear a barcode traceable to a date of  
33 entry into the federal mail system no later than the day before  
34 the election is actually held shall be accepted if received no  
35 later than the length of time prescribed for the usual conduct

1 of the election. The time shall be calculated from the date on  
2 which the election is held, not the date for which the election  
3 was originally scheduled.

4 *b.* If absentee ballots have been tabulated before the  
5 election is postponed, the absentee ballots shall be sealed in  
6 an envelope by the absentee and special voters precinct board  
7 and stored securely until the date the election is actually  
8 held. The sealed envelopes shall be opened by the absentee  
9 and special voters precinct board on the date the election is  
10 actually held, counters on the tabulating equipment, if any,  
11 shall be reset to zero, and all absentee ballots tabulated on  
12 the original election date shall be retabulated.

13 8. The absentee and special voters precinct board shall  
14 meet to consider provisional ballots at the times specified in  
15 sections 50.22 and 52.23, calculated from the date the election  
16 is held. No absentee ballots shall be counted until the date  
17 the election is held.

18 9. The canvass of votes shall be rescheduled for one week  
19 after the originally scheduled canvass date.

20 10. *a.* If the emergency is declared while the polls are  
21 open and the decision is made to postpone the election, each  
22 precinct polling place in the political subdivision shall be  
23 notified to close its doors and to halt all voting immediately.  
24 People present in the polling place who are waiting to vote  
25 shall not be given ballots. People who have received and  
26 marked their ballots shall deposit them in the ballot box.  
27 Unmarked ballots shall be returned to the precinct election  
28 officials.

29 *b.* The precinct election officials shall seal all ballots  
30 that were cast before the declaration of the emergency in  
31 secure containers. The containers shall be clearly marked as  
32 ballots from the postponed election. If it is safe to do so,  
33 the ballot containers, election register, and other election  
34 supplies shall be transported to the county commissioner's  
35 office. The ballots shall be stored in a secure place. If

1 it is unsafe to travel to the county commissioner's office,  
2 the chairperson of the precinct election board shall securely  
3 store the ballots and the election register until it is safe  
4 to return the ballots and election register to the county  
5 commissioner. If no contest is pending six months after the  
6 canvass for the election is completed, the unopened, sealed  
7 ballot containers shall be destroyed.

8 *c.* If automatic tabulating equipment is used, the automatic  
9 tabulating equipment shall be closed and sealed without  
10 printing the results. Before the date the election is held,  
11 the automatic tabulating equipment shall be reset to zero.  
12 Documents showing the progress of the count, if any, shall be  
13 sealed in an envelope and stored. No person shall reveal the  
14 progress of the count. After six months, the sealed envelope  
15 containing the vote totals shall be destroyed if no contest is  
16 pending.

17 11. The state commissioner shall maintain records of each  
18 emergency declaration. The records of emergency declarations  
19 for federal elections shall be kept for twenty-two months  
20 and records for all other elections shall be kept for six  
21 months following the election. The records shall include the  
22 following information:

23 *a.* The county in which the emergency occurred.

24 *b.* The date and time the emergency declaration was  
25 requested.

26 *c.* The name and title of the person making the request.

27 *d.* The name and date of the election affected.

28 *e.* The jurisdiction for which the election is to be  
29 conducted.

30 *f.* The number of precincts in the jurisdiction.

31 *g.* The number of precincts affected by the emergency.

32 *h.* The nature of the emergency.

33 *i.* The date or dates of the occurrence of the natural or  
34 other disaster or extremely inclement weather.

35 *j.* The conditions affecting the conduct of the election.

1     *k.* Whether the polling places may safely be opened on time.

2     *l.* Any action taken such as but not limited to moving the  
3 polling place, changing the voting system, or postponing the  
4 election until the following Tuesday.

5     *m.* The method to be used to inform the public of changes  
6 made in the election procedure.

7     *n.* The signature of the state commissioner or the state  
8 commissioner's designee who was responsible for declaring the  
9 emergency.

10    12. *a.* (1) If an emergency occurs that will adversely  
11 affect the conduct of an election at which candidates for  
12 federal office will appear on the ballot, the election shall  
13 not be postponed or delayed. Emergency measures shall be  
14 limited to relocation of polling places, modification of  
15 the method of voting not including requirements for voter  
16 identification and absentee ballot request and delivery,  
17 reduction of the number of precinct election officials at  
18 a precinct, and other modifications of prescribed election  
19 procedures that will enable the election to be conducted on the  
20 date and during the hours required by law.

21    (2) The primary election held in June of even-numbered years  
22 and the general election held in November of even-numbered  
23 years shall not be postponed. Special elections called by  
24 the governor pursuant to section 69.14 shall not be postponed  
25 unless no federal office appears on the ballot.

26    *b.* If a federal or state court order extends the time  
27 established for closing the polls pursuant to section 49.73,  
28 any person who votes after the statutory hour for closing the  
29 polls shall vote only by casting a provisional ballot pursuant  
30 to section 49.81. Provisional ballots cast after the statutory  
31 hour for closing the polls shall be sealed in a separate  
32 envelope from provisional ballots cast during the statutory  
33 polling hours. The absentee and special voters precinct board  
34 shall tabulate and report the results of the two sets of  
35 provisional ballots separately.

1 13. A voter who is entitled to vote by absentee ballot under  
2 the federal Uniformed and Overseas Citizens Absentee Voting  
3 Act, 42 U.S.C. §1973ff et seq., and the provisions set forth  
4 in chapter 53, subchapter II, may return an absentee ballot  
5 via electronic transmission only if the voter is located in an  
6 area designated by the federal department of defense to be an  
7 imminent danger pay area or if the voter is an active member of  
8 the army, navy, marine corps, merchant marine, coast guard, air  
9 force, or Iowa national guard and is located outside the United  
10 States or any of its territories. Procedures for the return of  
11 absentee ballots by electronic transmission shall be determined  
12 by the state commissioner by rule.

13 14. *a.* If an election contest court finds that there were  
14 errors in the conduct of an election that make it impossible  
15 to determine the result of the election, the contest court  
16 shall notify the state commissioner of its finding. The state  
17 commissioner shall order a repeat election to be held. The  
18 repeat election date shall be set by the state commissioner.  
19 The repeat election shall be conducted under the state  
20 commissioner's supervision.

21 *b.* The repeat election shall be held at the earliest  
22 possible time, but it shall not be held earlier than fourteen  
23 days after the date the election was set aside. Voter  
24 registration, publication, equipment testing, and other  
25 applicable deadlines shall be calculated from the date of the  
26 repeat election.

27 *c.* The repeat election shall be conducted under the same  
28 procedures required for the election that was set aside,  
29 except that all known errors in preparation and procedure  
30 shall be corrected. The nominations from the initial election  
31 shall be used in the repeat election unless the contest court  
32 specifically rejects the initial nomination process in its  
33 findings. Precinct election officials for the repeat election  
34 may be replaced at the discretion of the auditor.

35 *d.* The following materials prepared for the original

1 election shall be used or reconstructed for the repeat  
2 election:

3 (1) Ballots showing the date of repeat election, which may  
4 be stamped on ballots printed for the original election.

5 (2) Notice of election showing the date of repeat election.

6 DIVISION II

7 COUNTY SEALS

8 Sec. 5. Section 331.552, subsection 4, Code 2020, is amended  
9 to read as follows:

10 4. a. Keep the official county seal provided by the county.  
11 The official seal shall be an impression seal on the face of  
12 which shall appear the name of the county, the word "county"  
13 which may be abbreviated, ~~the word "treasurer" which may be~~  
14 ~~abbreviated,~~ and the word "Iowa". A county shall have only one  
15 official county seal.

16 b. Notwithstanding paragraph "a", the county commissioner  
17 of elections may use a facsimile of the official county seal  
18 or a modified facsimile of the official county seal for the  
19 purposes of election duties set forth in sections 43.36 and  
20 49.51, and section 49.57, subsection 6. If modified, the  
21 county seal shall contain the name of the county, the word  
22 "county", which may be abbreviated, the word "auditor", which  
23 may be abbreviated, and the word "Iowa".

24 DIVISION III

25 VOTER IDENTIFICATION

26 Sec. 6. Section 53.2, subsection 4, paragraph a, unnumbered  
27 paragraph 1, Code 2020, is amended to read as follows:

28 ~~Each application shall contain the following information To~~  
29 request an absentee ballot, a registered voter shall provide:

30 Sec. 7. Section 53.2, subsection 4, paragraph b, Code 2020,  
31 is amended to read as follows:

32 b. If insufficient information has been provided, including  
33 the absence of a voter verification number, either on the  
34 prescribed form or on an application created by the applicant,  
35 the commissioner shall, ~~by the best means available, obtain~~

1 ~~the additional necessary information~~ within twenty-four hours  
2 after the receipt of the absentee ballot request, contact the  
3 applicant by telephone and electronic mail, if such information  
4 has been provided by the applicant. If the commissioner is  
5 unable to contact the applicant by telephone or electronic  
6 mail, the commissioner shall send a notice to the applicant  
7 at the address where the applicant is registered to vote, or  
8 to the applicant's mailing address if it is different from  
9 the residential address. If the applicant has requested the  
10 ballot to be sent to an address that is not the applicant's  
11 residential or mailing address, the commissioner shall send an  
12 additional notice to the address where the applicant requested  
13 the ballot to be sent. A commissioner shall not use the voter  
14 registration system to obtain additional necessary information.  
15 A voter requesting or casting a ballot pursuant to section  
16 53.22 shall not be required to provide a voter verification  
17 number.

18 Sec. 8. Section 53.2, subsection 4, Code 2020, is amended by  
19 adding the following new paragraph:

20 NEW PARAGRAPH. *d.* If an applicant does not have current  
21 access to the applicant's voter verification number, the  
22 commissioner shall verify the applicant's identity prior to  
23 supplying the voter verification number by asking the applicant  
24 to provide at least two of the following facts about the  
25 applicant:

26 (1) Date of birth.

27 (2) The last four digits of the applicant's social security  
28 number, if applicable.

29 (3) Residential address.

30 (4) Mailing address.

31 (5) Middle name.

32 (6) Voter verification number as defined in paragraph "c".

33 Sec. 9. Section 53.10, subsection 2, paragraph a, Code 2020,  
34 is amended to read as follows:

35 *a.* Each person who wishes to vote by absentee ballot at

1 the commissioner's office shall first sign an application  
2 for a ballot including the following information: name,  
3 current address, voter verification number, and the election  
4 for which the ballot is requested. The person may report a  
5 change of address or other information on the person's voter  
6 registration record at that time. Prior to furnishing a  
7 ballot, the commissioner shall verify the person's identity  
8 as provided in section 49.78. The registered voter shall  
9 immediately mark the ballot; enclose the ballot in a secrecy  
10 envelope, if necessary, and seal it in the envelope marked  
11 with the affidavit; subscribe to the affidavit on the reverse  
12 side of the envelope; and return the absentee ballot to the  
13 commissioner. The commissioner shall record the numbers  
14 appearing on the application and affidavit envelope along with  
15 the name of the registered voter.

16 Sec. 10. Section 53.10, subsection 2, Code 2020, is amended  
17 by adding the following new paragraph:

18 NEW PARAGRAPH. *Ob.* If an unregistered person offering  
19 to vote an absentee ballot pursuant to this section prior to  
20 the deadline in section 48A.9 does not have an Iowa driver's  
21 license, an Iowa nonoperator's identification card, or a voter  
22 identification number assigned to the voter by the state  
23 commissioner pursuant to section 47.7, subsection 2, the person  
24 may satisfy identity and residence requirements as provided in  
25 section 49.78. This section shall also apply to a registered  
26 voter casting a ballot pursuant to this section who has not yet  
27 received a voter verification number.

28 Sec. 11. Section 53.18, subsections 2 and 3, Code 2020, are  
29 amended to read as follows:

30 2. a. If the commissioner receives the return envelope  
31 containing the completed absentee ballot by 5:00 p.m. on the  
32 Saturday before the election for general elections and by 5:00  
33 p.m. on the Friday before the election for all other elections,  
34 the commissioner shall review the affidavit marked on the  
35 return envelope, if applicable, for completeness or shall open

1 the return envelope to review the affidavit for completeness.  
2 ~~If the affidavit is incomplete, the commissioner shall, within~~  
3 ~~twenty-four hours of the time the envelope was received, notify~~  
4 ~~the voter of that fact and that the voter may complete the~~  
5 ~~affidavit in person at the office of the commissioner by 5:00~~  
6 ~~p.m. on the day before the election, vote a replacement ballot~~  
7 ~~in the manner and within the time period provided in subsection~~  
8 ~~3, or appear at the voter's precinct polling place on election~~  
9 ~~day and cast a ballot in accordance with section 53.19,~~  
10 subsection 3. If the affidavit lacks the signature of the  
11 registered voter, the commissioner shall, within twenty-four  
12 hours of the receipt of the envelope, notify the voter of the  
13 deficiency and inform the voter that the voter may vote a  
14 replacement ballot as provided in subsection 3, cast a ballot  
15 as provided in section 53.19, subsection 3, or complete the  
16 affidavit in person at the office of the commissioner not later  
17 than noon on the Monday following the election, or if the law  
18 authorizing the election specifies that the votes be canvassed  
19 earlier than the Monday following the election, before the  
20 canvass of the election.

21 b. If the commissioner receives the return envelope  
22 containing the completed absentee ballot after the deadline  
23 in paragraph "a", the commissioner shall submit the affidavit  
24 to the absentee and special voters precinct board for review.  
25 If the absentee and special voters precinct determines that  
26 the affidavit is incomplete, the commissioner shall, within  
27 twenty-four hours of the determination, notify the voter. If  
28 the affidavit lacks the signature of the registered voter, the  
29 commissioner shall notify the voter that the voter may complete  
30 the affidavit in person at the office of the commissioner  
31 not later than noon on the Monday following the election, or  
32 if the law authorizing the election specifies that the votes  
33 be canvassed earlier than the Monday following the election,  
34 before the canvass of the election.

35 3. If the affidavit envelope or the return envelope marked

1 with the affidavit contains a defect that would cause the  
2 absentee ballot to be rejected by the absentee and special  
3 voters precinct board, the commissioner shall immediately  
4 notify the voter of that fact and that the voter's absentee  
5 ballot shall not be counted unless the voter requests and  
6 returns a replacement ballot in the time permitted under  
7 section 53.17, subsection 2. ~~For the purposes of this section,~~  
8 ~~a return envelope marked with the affidavit shall be considered~~  
9 ~~to contain a defect if it appears to the commissioner that~~  
10 ~~the signature on the envelope has been signed by someone~~  
11 ~~other than the registered voter, in comparing the signature~~  
12 ~~on the envelope to the signature on record of the registered~~  
13 ~~voter named on the envelope. A signature or marking made~~  
14 ~~in accordance with section 39.3, subsection 17, shall not~~  
15 ~~be considered a defect for purposes of this section.~~ The  
16 voter may request a replacement ballot in person, in writing,  
17 or over the telephone. The same serial number that was  
18 assigned to the records of the original absentee ballot  
19 application shall be used on the envelope and records of the  
20 replacement ballot. The envelope marked with the affidavit and  
21 containing the completed replacement ballot shall be marked  
22 "Replacement ballot". The envelope marked with the affidavit  
23 and containing the original ballot shall be marked "Defective"  
24 and the replacement ballot shall be attached to such envelope  
25 containing the original ballot and shall be stored in a secure  
26 place until they are delivered to the absentee and special  
27 voters precinct board, notwithstanding sections 53.26 and  
28 53.27.

29 Sec. 12. Section 53.18, Code 2020, is amended by adding the  
30 following new subsection:

31 NEW SUBSECTION. 04. For the purposes of this section, a  
32 return envelope marked with the affidavit shall be considered  
33 incomplete if the affidavit lacks the registered voter's  
34 signature. A signature or marking made in accordance with  
35 section 39.3, subsection 17, shall not cause an affidavit to be

1 considered incomplete.

2 Sec. 13. Section 53.22, subsection 3, Code 2020, is amended  
3 to read as follows:

4 3. Any registered voter who becomes a patient, tenant, or  
5 resident of a hospital, assisted living program, or health care  
6 facility in the county where the voter is registered to vote  
7 ~~within three days prior to the date of any election~~ after the  
8 deadline to make a written application for an absentee ballot  
9 as provided in section 53.2 or on election day may request an  
10 absentee ballot during that period or on election day. As an  
11 alternative to the application procedure prescribed by section  
12 53.2, the registered voter may make the request directly to  
13 the officers who are delivering and returning absentee ballots  
14 under this section. Alternatively, the request may be made by  
15 telephone to the office of the commissioner not later than four  
16 hours before the close of the polls. If the requester is found  
17 to be a registered voter of that county, these officers shall  
18 deliver the appropriate absentee ballot to the registered voter  
19 in the manner prescribed by this section.

20 Sec. 14. Section 53.22, subsection 6, paragraph a, Code  
21 2020, is amended to read as follows:

22 a. If the registered voter becomes a patient, tenant, or  
23 resident of a hospital, assisted living program, or health  
24 care facility outside the county where the voter is registered  
25 to vote ~~within three days before the date of any election~~  
26 after the deadline to make a written application for an  
27 absentee ballot as provided in section 53.2 or on election  
28 day, the voter may designate a person to deliver and return  
29 the absentee ballot. The designee may be any person the voter  
30 chooses except that no candidate for any office to be voted  
31 upon for the election for which the ballot is requested may  
32 deliver a ballot under this subsection. The request for an  
33 absentee ballot may be made by telephone to the office of the  
34 commissioner not later than four hours before the close of the  
35 polls. If the requester is found to be a registered voter of

1 that county, the ballot shall be delivered by mail or by the  
2 person designated by the voter. An application form shall be  
3 included with the absentee ballot and shall be signed by the  
4 voter and returned with the ballot.

5 DIVISION IV

6 CONDUCT OF ELECTIONS

7 Sec. 15. Section 43.14, subsection 1, paragraph g, Code  
8 2020, is amended by striking the paragraph.

9 Sec. 16. Section 43.24, subsection 1, paragraph a, Code  
10 2020, is amended to read as follows:

11 a. Objections to the legal sufficiency of a nomination  
12 petition or certificate of nomination filed or issued under  
13 this chapter or to the eligibility of a candidate may be filed  
14 in writing by any person who would have the right to vote for  
15 the candidate for the office in question. Objections relating  
16 to incorrect or incomplete information for information that is  
17 required under section 43.14 or 43.18 shall be sustained.

18 Sec. 17. Section 44.6, Code 2020, is amended to read as  
19 follows:

20 **44.6 Hearing before state commissioner.**

21 Objections filed with the state commissioner shall be  
22 considered by the secretary of state and auditor of state and  
23 attorney general, and a majority decision shall be final; but  
24 if the objection is to the certificate of nomination of one  
25 or more of the above named officers, said officer or officers  
26 so objected to shall not pass upon the same, but their places  
27 shall be filled, respectively, by the treasurer of state,  
28 the governor, and the secretary of agriculture. Objections  
29 relating to incorrect or incomplete information for information  
30 that is required under section 44.3 shall be sustained.

31 Sec. 18. Section 44.7, Code 2020, is amended to read as  
32 follows:

33 **44.7 Hearing before commissioner.**

34 Except as otherwise provided in section 44.8, objections  
35 filed with the commissioner shall be considered by the county

1 auditor, county treasurer, and county attorney, and a majority  
2 decision shall be final. However, if the objection is to the  
3 certificate of nomination of one or more of the above named  
4 county officers, the officer or officers objected to shall not  
5 pass upon the objection, but their places shall be filled,  
6 respectively, by the chairperson of the board of supervisors,  
7 the sheriff, and the county recorder. Objections relating to  
8 incorrect or incomplete information for information that is  
9 required under section 44.3 shall be sustained.

10 Sec. 19. Section 44.8, Code 2020, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 3. Objections relating to incorrect or  
13 incomplete information for information that is required under  
14 section 44.3 shall be sustained.

15 Sec. 20. Section 45.5, subsection 1, paragraph f, Code 2020,  
16 is amended by striking the paragraph.

17 Sec. 21. NEW SECTION. **49.42B Form of official ballot —**  
18 **candidates for president and vice president.**

19 When candidates for president and vice president of the  
20 United States appear on the ballot, the following statement  
21 shall appear directly above the section of the ballot listing  
22 such candidates:

23 [A ballot cast for the named candidates for president and vice  
24 president of the United States is considered to be cast for  
25 the slate of presidential electors nominated by the political  
26 party, nonparty political organization, or independent  
27 candidate.]

28 Sec. 22. Section 50.48, subsection 3, Code 2020, is amended  
29 by adding the following new paragraph:

30 NEW PARAGRAPH. *c.* In addition to the persons listed in  
31 paragraph "a", the candidate requesting the recount and the  
32 apparent winning candidate may each submit a request to a  
33 commissioner from a county other than the county conducting the  
34 recount to be present at the recount. Such a commissioner may  
35 report any irregularities observed by the commissioner at any

1 time after the election to the state commissioner.

2 Sec. 23. Section 53.8, Code 2020, is amended by adding the  
3 following new subsection:

4 NEW SUBSECTION. 4. *a.* The state commissioner shall not  
5 mail an application for an absentee ballot to a person who has  
6 not requested such application.

7 *b.* The commissioner and the state commissioner shall not  
8 mail an absentee ballot to a person who has not submitted an  
9 application for an absentee ballot.

10 Sec. 24. Section 53.30, Code 2020, is amended to read as  
11 follows:

12 **53.30 Ballots, ballot envelopes, and other information**  
13 **preserved.**

14 1. At the conclusion of each meeting of the absentee and  
15 special voter precinct board, the board shall reconcile the  
16 number of signed affidavits provided to the board by the  
17 commissioner and the number of ballots that were counted and  
18 tabulated. The board shall record the number of ballots that  
19 were rejected prior to opening the affidavit envelope, the  
20 number of absentee ballots that have been challenged and are  
21 currently unopened, and the number of absentee ballots that  
22 were accepted for counting and tabulation. The board shall  
23 also reconcile the number of provisional ballots provided  
24 to the board by the commissioner, the number of provisional  
25 ballots that were accepted for counting and tabulation, and the  
26 number of provisional ballots that were rejected.

27 2. At the conclusion of each meeting of the absentee and  
28 special voters precinct board, the board shall securely seal  
29 all ballots counted by them in the manner prescribed in section  
30 50.12. The ballot envelopes, including the affidavit envelope  
31 if an affidavit envelope was provided, the return envelope, and  
32 secrecy envelope bearing the signatures of precinct election  
33 officials, as required by section 53.23, shall be preserved.  
34 All applications for absentee ballots, ballots rejected without  
35 being opened, absentee ballot logs, and any other documents

1 pertaining to the absentee ballot process shall be preserved  
2 until such time as the documents may be destroyed pursuant to  
3 section 50.19.

4 3. Following each primary and general election,  
5 commissioners shall report to the state commissioner the  
6 number of voted absentee ballots received by the commissioner,  
7 the total number of absentee ballots counted and tabulated  
8 by the board, and the number of absentee ballots rejected by  
9 the board. The commissioner shall also provide the number of  
10 provisional ballots cast, the number of provisional ballots  
11 rejected, and the number of provisional ballots that were  
12 counted and tabulated by the board.

13 Sec. 25. Section 54.5, subsection 2, Code 2020, is amended  
14 to read as follows:

15 2. The state central committee shall also file a list of  
16 the names and addresses of the party's presidential electors  
17 and alternate electors, one from each congressional district  
18 and two from the state at large, not later than 5:00 p.m.  
19 on the eighty-first day before the general election. A  
20 political party may elect up to two alternate electors at the  
21 party's state convention. Additionally, the party's state  
22 central committee may nominate one alternate elector for each  
23 congressional district.

24 Sec. 26. Section 54.5, Code 2020, is amended by adding the  
25 following new subsection:

26 NEW SUBSECTION. 2A. Each elector nominee and alternate  
27 elector nominee of a political party or group of petitioners  
28 shall execute the following pledge, which shall accompany  
29 the submission of the corresponding names to the state  
30 commissioner:

31 If selected for the position of elector, I agree to serve  
32 and to mark my ballots for president and vice president for  
33 the nominees for those offices of the party (or group of  
34 petitioners) that nominated me.

35 Sec. 27. Section 54.7, Code 2020, is amended to read as

1 follows:

2 **54.7 Meeting — certificate.**

3 1. The presidential electors and alternate electors shall  
4 meet in the capitol, at the seat of government, on the first  
5 Monday after the second Wednesday in December next following  
6 their election.

7 2. If, at the time of such meeting, any elector for any  
8 cause is absent, those present shall at once proceed to  
9 elect, from the citizens of the state, a substitute elector or  
10 electors, and certify the choice so made to the governor, and  
11 the governor shall immediately cause the person or persons so  
12 selected to be notified thereof the state commissioner shall  
13 appoint an individual to substitute for the elector as follows:

14 a. If the alternate elector is present to vote, by  
15 appointing the alternate elector for the vacant position.

16 b. If the alternate elector is not present to vote, by  
17 appointing an elector chosen by lot from among the other  
18 alternate electors present to vote who were nominated by the  
19 same political party or group of petitioners.

20 c. If the number of alternate electors present to vote is  
21 insufficient to fill a vacant position pursuant to paragraphs  
22 "a" and "b", by appointing any immediately available citizen  
23 of the state who is qualified to serve as an elector and  
24 chosen through nomination by a plurality vote of the remaining  
25 electors, including nomination and vote by a single elector if  
26 only one remains.

27 d. If there is a tie between at least two nominees to  
28 substitute as an elector in a vote conducted under paragraph  
29 "c", by appointing an elector chosen by lot from among those  
30 nominees.

31 e. If all elector positions are vacant and cannot be filled  
32 through the processes set forth in paragraphs "a", "b", "c", and  
33 "d", by appointing a single presidential elector with remaining  
34 vacant positions filled pursuant to the method set forth in  
35 paragraph "c" and, if necessary, paragraph "d".

1     3. To qualify to substitute for an elector under subsection  
2 2, an individual who has not executed the pledge required for  
3 elector nominees and alternate elector nominees under section  
4 54.5 shall execute the following pledge:  
5 I agree to serve and to mark my ballots for president and vice  
6 president consistent with the pledge of the individual whose  
7 elector position I have succeeded.

8     Sec. 28. Section 54.8, Code 2020, is amended by striking the  
9 section and inserting in lieu thereof the following:

10     **54.8 Elector voting — certificate of governor.**

11     1. At the time designated for elector voting and after all  
12 vacant positions have been filled under section 54.7, the state  
13 commissioner shall provide each elector with a presidential  
14 and a vice presidential ballot. The elector shall mark the  
15 elector's presidential and vice presidential ballots with  
16 the elector's votes for the offices of president and vice  
17 president, respectively, along with the elector's signature and  
18 the elector's legibly printed name.

19     2. Except as otherwise provided by law of this state outside  
20 of this chapter, each elector shall present both completed  
21 ballots to the state commissioner who shall examine the ballots  
22 and accept and cast all ballots of electors whose votes are  
23 consistent with their pledges executed under section 54.5  
24 or 54.7. Except as otherwise provided by law of this state  
25 outside of this chapter, the state commissioner shall not  
26 accept and shall not count an elector's presidential and vice  
27 presidential ballots if the elector has not marked both ballots  
28 or has marked one ballot in violation of the elector's pledge.

29     3. An elector who refuses to present a ballot, presents  
30 an unmarked ballot, or presents a ballot marked in violation  
31 of the elector's pledge executed under section 54.5 or 54.7  
32 vacates the office of elector. The state commissioner shall  
33 declare the creation of the vacancy and fill the vacancy  
34 pursuant to section 54.7.

35     4. The state commissioner shall distribute ballots to

1 and collect ballots from a substitute elector and repeat the  
2 process set forth in this section for examining ballots,  
3 declaring and filling vacant positions as required, and  
4 recording appropriately completed ballots from the substituted  
5 electors until all of the state's electoral votes have been  
6 cast and recorded.

7 5. The governor shall duly certify the results, under the  
8 seal of the state, to the United States secretary of state, and  
9 as required by Act of Congress related to such elections.

10 Sec. 29. NEW SECTION. **54.8A Elector replacement —**  
11 **associated certificates.**

12 1. After the vote of this state's electors is completed,  
13 if the final list of electors differs from any list that the  
14 governor previously included on a certificate of ascertainment  
15 prepared and transmitted under 3 U.S.C. §6, the state  
16 commissioner shall immediately prepare an amended certificate  
17 of ascertainment and transmit the amended certificate to the  
18 governor for the governor's signature.

19 2. The governor shall immediately deliver the signed  
20 amended certificate of ascertainment to the state commissioner  
21 and a signed duplicate original of the amended certificate  
22 of ascertainment to all individuals entitled to receive this  
23 state's certificate of ascertainment, indicating that the  
24 amended certificate of ascertainment is to be substituted for  
25 the certificate of ascertainment previously submitted.

26 3. The state commissioner shall prepare a certificate  
27 of vote. The electors on the final list shall sign the  
28 certificate. The state commissioner shall process and  
29 transmit the signed certificate with the amended certificate of  
30 ascertainment under 3 U.S.C. §§9 through 11.

31 Sec. 30. Section 54.9, Code 2020, is amended to read as  
32 follows:

33 **54.9 Compensation.**

34 The electors shall each receive a compensation of  
35 ~~five dollars~~ one-half of the federal general services

1 administration's per diem rate for the relevant date and  
2 location for every day's attendance, and the same mileage as  
3 members of the general assembly which shall be paid from funds  
4 not otherwise appropriated from the general fund of the state.

5 Sec. 31. REPEAL. Section 43.80, Code 2020, is repealed.

6 Sec. 32. EFFECTIVE DATE. The following takes effect January  
7 1, 2021:

8 The section of this division of this Act repealing section  
9 43.80.

10 DIVISION V

11 NOMINATIONS BY PETITION

12 Sec. 33. Section 43.20, subsection 1, Code 2020, is amended  
13 by striking the subsection and inserting in lieu thereof the  
14 following:

15 1. Nomination papers shall be signed by eligible electors as  
16 provided in section 45.1.

17 Sec. 34. Section 43.20, subsection 2, Code 2020, is amended  
18 by striking the subsection.

19 Sec. 35. Section 45.1, Code 2020, is amended to read as  
20 follows:

21 **45.1 Nominations by petition.**

22 1. Nominations for candidates for president and vice  
23 president, governor and lieutenant governor, and ~~for other~~  
24 ~~statewide elected offices~~ United States senator may be made  
25 by nomination petitions signed by not less than ~~one thousand~~  
26 ~~five hundred eligible electors residing in not less than~~  
27 ~~ten counties of the state~~ four thousand eligible electors,  
28 including at least two hundred eligible electors each from at  
29 least ten counties of the state.

30 2. Nominations for candidates for statewide offices other  
31 than those listed in subsection 1 may be made by nomination  
32 petitions signed by not less than two thousand five hundred  
33 eligible electors, including at least one hundred twenty-five  
34 eligible electors from not less than ten counties of the state.

35 ~~2.~~ 3. Nominations for candidates for a representative

1 in the United States house of representatives may be made by  
2 nomination petitions signed by not less than ~~the number of~~  
3 ~~eligible electors equal to the number of signatures required in~~  
4 ~~subsection 1 divided by the number of congressional districts.~~  
5 ~~Signers of the petition shall be eligible electors who are~~  
6 ~~residents of the congressional district~~ two thousand eligible  
7 electors who are residents of the congressional district,  
8 including at least seventy-seven eligible electors each from at  
9 least one-half of the counties in the congressional district.

10 ~~3.~~ 4. Nominations for candidates for the state senate  
11 may be made by nomination petitions signed by not less than  
12 one hundred eligible electors who are residents of the senate  
13 district.

14 ~~4.~~ 5. Nominations for candidates for the state house of  
15 representatives may be made by nomination petitions signed by  
16 not less than fifty eligible electors who are residents of the  
17 representative district.

18 ~~5.~~ 6. Nominations for candidates for offices filled by the  
19 voters of a whole county may be made by nomination petitions  
20 signed by not less than two hundred eligible electors who are  
21 residents of the county ~~equal in number to at least one percent~~  
22 ~~of the number of registered voters in the county on July 1 in~~  
23 ~~the year preceding the year in which the office will appear on~~  
24 ~~the ballot, or by at least two hundred fifty eligible electors~~  
25 ~~who are residents of the county, whichever is less.~~

26 ~~6.~~ 7. Nominations for candidates for the office of county  
27 supervisor elected by the voters of a supervisor district may  
28 be made by nomination petitions signed by not less than two  
29 hundred eligible electors who are residents of the supervisor  
30 district ~~equal in number to at least one percent of the number~~  
31 ~~of registered voters in the supervisor district on July 1 in~~  
32 ~~the year preceding the year in which the office will appear on~~  
33 ~~the ballot, or by at least one hundred fifty eligible electors~~  
34 ~~who are residents of the supervisor district, whichever is~~  
35 less.

1     ~~7.~~ 8. *a.* Nomination papers for the offices of president  
2 and vice president shall include the names of the candidates  
3 for both offices on each page of the petition. A certificate  
4 listing the names of the candidates for presidential electors,  
5 one from each congressional district and two from the state at  
6 large, shall be filed in the state commissioner's office at the  
7 same time the nomination papers are filed.

8     *b.* Nomination papers for the offices of governor and  
9 lieutenant governor shall include the names of candidates for  
10 both offices on each page of the petition. Nomination papers  
11 for other statewide elected offices and all other offices shall  
12 include the name of the candidate on each page of the petition.

13     ~~8.~~ 9. Nominations for candidates for elective offices in  
14 cities where the council has adopted nominations under this  
15 chapter may be submitted as follows:

16     *a.* Except as otherwise provided in subsection 9 10, in  
17 cities having a population of ~~three thousand five hundred~~  
18 twenty thousand or greater according to the most recent federal  
19 decennial census, nominations may be made by nomination papers  
20 signed by not less than ~~twenty-five~~ one hundred eligible  
21 electors who are residents of the city or ward.

22     *b.* In cities having a population of ~~one hundred five~~  
23 thousand or greater, but less than ~~three thousand five hundred~~  
24 twenty thousand, according to the most recent federal decennial  
25 census, nominations may be made by nomination papers signed by  
26 not less than ~~ten~~ fifty eligible electors who are residents of  
27 the city or ward.

28     *c.* In cities having a population ~~less than one hundred of~~  
29 one thousand or greater, but less than five thousand, according  
30 to the most recent federal decennial census, nominations may  
31 be made by nomination papers signed by not less than ~~five~~  
32 twenty-five eligible electors who are residents of the city.

33     *d.* In cities having a population less than one thousand  
34 according to the most recent decennial census, nominations  
35 may be made by nomination papers signed by not less than ten

1 eligible electors who are residents of the city.

2 ~~9. 10. Nominations for candidates, other than partisan~~  
3 ~~candidates, for elective offices in special charter cities~~  
4 ~~subject to section 43.112 may be submitted as follows:~~

5 ~~a. For the office of mayor, and alderman at large,~~  
6 ~~nominations and ward alderman in special charter cities subject~~  
7 ~~to the provisions of section 43.112 may be made by nomination~~  
8 ~~papers signed by not less than one hundred eligible electors~~  
9 ~~residing in the city equal in number to at least two percent of~~  
10 ~~the total vote received by all candidates for mayor at the last~~  
11 ~~preceding city election.~~

12 ~~b. For the office of ward alderman, nominations may be made~~  
13 ~~by nomination papers signed by eligible electors residing in~~  
14 ~~the ward equal in number to at least two percent of the total~~  
15 ~~vote received by all candidates for ward alderman in that ward~~  
16 ~~at the last preceding city election.~~

17 Sec. 36. EFFECTIVE DATE. This division of this Act takes  
18 effect January 1, 2021.

19 DIVISION VI

20 VOTER REGISTRATION

21 Sec. 37. Section 47.7, Code 2020, is amended by adding the  
22 following new subsection:

23 NEW SUBSECTION. 3. The state registrar of voters shall use  
24 information from the electronic registration information center  
25 to update information in the statewide voter registration  
26 system, including but not limited to the following reports:

- 27 a. In-state duplicates.
- 28 b. In-state updates.
- 29 c. Cross-state matches.
- 30 d. Deceased.
- 31 e. Eligible but unregistered.
- 32 f. National change of address.

33 Sec. 38. Section 48A.10A, subsection 1, Code 2020, is  
34 amended to read as follows:

35 1. The state registrar shall compare lists of persons who

1 are registered to vote with the department of transportation's  
2 driver's license and nonoperator's identification card files  
3 and shall, on an initial basis, issue a voter identification  
4 card to each active, registered voter whose name does not  
5 appear in the department of transportation's files or upon the  
6 request of the registered voter. The voter identification  
7 card shall include the name of the registered voter, a  
8 signature line above which the registered voter shall  
9 sign the voter identification card, the registered voter's  
10 identification number assigned to the voter pursuant to section  
11 47.7, subsection 2, and an additional four-digit personal  
12 identification number assigned by the state commissioner.

13 Sec. 39. Section 48A.28, subsections 1 and 2, Code 2020, are  
14 amended to read as follows:

15 1. Each commissioner shall conduct a systematic program  
16 that makes a reasonable effort to remove from the official list  
17 of registered voters the names of registered voters who have  
18 changed residence from their registration addresses. ~~Either or~~  
19 ~~both of the methods described in this section may be used.~~

20 2. a. A commissioner ~~may~~ shall participate in the United  
21 States postal service national change of address program, as  
22 provided in section 48A.27. The state voter registration  
23 commission shall adopt rules establishing specific requirements  
24 for participation and use of the national change of address  
25 program.

26 b. A commissioner participating in the national change of  
27 address program, in the first quarter of each calendar year,  
28 shall send a notice and preaddressed, postage paid return card  
29 by forwardable mail to each registered voter whose name was  
30 not reported by the national change of address program and who  
31 has not voted in ~~two or more consecutive general elections~~ the  
32 most recent general election and has not registered again, or  
33 who has not reported a change to an existing registration, ~~or~~  
34 ~~who has not responded to a notice from the commissioner or~~  
35 ~~registrar during the period between and following the previous~~

1 ~~two general elections.~~ Registered voters receiving such  
2 notice shall be marked inactive. The form and language of the  
3 notice and return card shall be specified by the state voter  
4 registration commission by rule. A registered voter shall not  
5 be sent a notice and return card under this subsection more  
6 frequently than once in a four-year period.

7 Sec. 40. Section 48A.28, subsection 3, Code 2020, is amended  
8 by striking the subsection.

9 Sec. 41. Section 48A.30, subsection 1, paragraph g, Code  
10 2020, is amended to read as follows:

11 g. The registered voter's registration record has been  
12 inactive pursuant to section 48A.28 or 48A.29 for two  
13 successive general elections.

14 Sec. 42. Section 48A.37, subsection 2, Code 2020, is amended  
15 to read as follows:

16 2. Electronic records shall include a status code  
17 designating whether the records are active, inactive,  
18 incomplete, pending, or canceled. Inactive records are records  
19 of registered voters to whom notices have been sent pursuant  
20 to section 48A.28, ~~subsection 3,~~ and who have not returned  
21 the card or otherwise responded to the notice, and those  
22 records have been designated inactive pursuant to section  
23 48A.29. Inactive records are also records of registered  
24 voters to whom notices have been sent pursuant to section  
25 48A.26A and who have not responded to the notice. Incomplete  
26 records are records missing required information pursuant to  
27 section 48A.11, subsection 8. Pending records are records of  
28 applicants whose applications have not been verified pursuant  
29 to section 48A.25A. Canceled records are records that have  
30 been canceled pursuant to section 48A.30. All other records  
31 are active records. An inactive record shall be made active  
32 when the registered voter requests an absentee ballot, votes  
33 at an election, registers again, or reports a change of name,  
34 address, telephone number, or political party or organization  
35 affiliation. An incomplete record shall be made active when

1 a completed application is received from the applicant and  
2 verified pursuant to section 48A.25A. A pending record shall  
3 be made active upon verification or upon the voter providing  
4 identification pursuant to section 48A.8.

5 **Sec. 43. NEW SECTION. 48A.39A Voter list maintenance**  
6 **reports.**

7 1. The commissioner of registration shall annually  
8 submit to the state registrar of voters a report regarding  
9 the number of voter registration records marked inactive or  
10 canceled pursuant to sections 48A.28 through 48A.30. The state  
11 registrar of voters shall publish such reports on the internet  
12 site of the state registrar of voters.

13 2. The state registrar of voters shall determine by rule the  
14 form and submission deadline of reports submitted pursuant to  
15 subsection 1.

16 DIVISION VII

17 ISSUANCE OF BONDS

18 **Sec. 44.** Section 49.45, Code 2020, is amended to read as  
19 follows:

20 **49.45 General form of ballot.**

21 1. Ballots referred to in section 49.43 shall be  
22 substantially in the following form:

23 Shall the following amendment to the Constitution (or public  
24 measure) be adopted?

25  Yes

26  No

27 (Here insert the summary, if it is for a constitutional  
28 amendment or statewide public measure, and in full the proposed  
29 constitutional amendment or public measure. The number  
30 assigned by the state commissioner or the letter assigned  
31 by the county commissioner shall be included on the ballot  
32 centered above the question, "Shall the following amendment to  
33 the Constitution [or public measure] be adopted?".)

34 2. A public measure to approve the issuance of a  
35 voter-approved physical plant and equipment levy pursuant

1 to section 298.2 shall include on the ballot the current  
2 voter-approved physical plant and equipment levy, which shall  
3 immediately follow the proposed levy, and the term of the levy.  
4 Such a public measure shall also include on the ballot the  
5 average increase or decrease in the property tax burden of an  
6 average home in the county, or the average of such averages if  
7 the levy impacts multiple counties, according to data provided  
8 by the United States census bureau.

9 DIVISION VIII

10 CAMPAIGN FINANCE

11 Sec. 45. Section 68A.406, subsection 1, paragraph f, Code  
12 2020, is amended to read as follows:

13 f. Property Notwithstanding paragraphs "d" and "e",  
14 property leased by a candidate, committee, or an organization  
15 established to advocate the nomination, election, or defeat of  
16 a candidate or the passage or defeat of a ballot issue that  
17 has not yet registered pursuant to section 68A.201, when the  
18 property is used as campaign headquarters or a campaign office  
19 and the placement of the sign is limited to the space that is  
20 actually leased.

21 Sec. 46. Section 68A.406, subsection 2, paragraph a,  
22 subparagraph (1), Code 2020, is amended to read as follows:

23 (1) Any property owned by the state or the governing  
24 body of a county, city, or other political subdivision of  
25 the state, including all property considered the public  
26 right-of-way. ~~Upon a determination by the board that a sign~~  
27 ~~has been improperly placed, the sign shall be removed by~~  
28 ~~highway authorities as provided in section 318.5, or by county~~  
29 ~~or city law enforcement authorities in a manner consistent with~~  
30 ~~section 318.5. Improperly placed signs shall be removed in the~~  
31 ~~following manner with appeals heard by the board:~~

32 (a) If a sign is in the public right-of-way and constitutes  
33 an immediate and dangerous hazard, the highway authority shall  
34 immediately, without notice or liability in damages, remove the  
35 sign.



S-5117 (Continued)

ROBY SMITH, CHAIRPERSON

[S-5117](#) FILED JUNE 9, 2020

HOUSE FILE 2540

S-5113

1 Amend House File 2540, as amended, passed, and reprinted by  
2 the House, as follows:

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

5 <DIVISION I

6 CHARITY BEER, SPIRITS, AND WINE EVENT PERMIT

7 Section 1. Section 123.32, subsection 1, paragraph b, Code  
8 2020, is amended by adding the following new subparagraph:  
9 NEW SUBPARAGRAPH. (7A) A charity beer, spirits, and wine  
10 event permit as provided in section 123.173B.

11 Sec. 2. NEW SECTION. 123.173B Charity beer, spirits, and  
12 wine event permit.

13 1. For purposes of this section, "*authorized nonprofit*  
14 *entity*" includes a nonprofit entity which has a principal office  
15 in the state, a nonprofit corporation organized under chapter  
16 504, or a foreign corporation as defined in section 504.141,  
17 whose income is exempt from federal taxation under section  
18 501(c) of the Internal Revenue Code.

19 2. Upon application to the division and receipt of a charity  
20 beer, spirits, and wine event permit, an authorized nonprofit  
21 entity may conduct an event at which the entity is authorized  
22 to serve the event's attendees beer, spirits, and wine for  
23 consumption on the premises of the event, regardless of whether  
24 the entity charges an admission fee to the event or otherwise  
25 collects the cost of the beer, spirits, and wine served from  
26 the event's attendees and subject to the requirements of this  
27 section.

28 3. An application for a charity beer, spirits, and wine  
29 event permit shall include all of the following information:

30 a. The date and time when the charity beer, spirits, and  
31 wine event is to be conducted and the location of the premises  
32 in this state where the charity beer, spirits, and wine event  
33 is to be physically conducted.

34 b. The liquor control license or wine or beer permit number  
35 issued by the division for the premises where the charity beer,

1 spirits, and wine event is to be conducted.

2 *c.* A certification that the objective of the charity beer,  
3 spirits, and wine event is to raise funds solely to be used for  
4 educational, religious, or charitable purposes and that the  
5 entire proceeds from the charity beer, spirits, and wine event  
6 are to be expended for any of the purposes described in section  
7 423.3, subsection 78.

8 4. A charity beer, spirits, and wine event shall comply with  
9 all of the following requirements:

10 *a.* The event is to be conducted on a premises covered by a  
11 valid liquor control license or wine or beer permit issued by  
12 the division.

13 *b.* The authorized nonprofit entity shall have a written  
14 agreement with the liquor control licensee or wine or beer  
15 permittee covering the premises where the event is to be  
16 conducted specifying that that licensee or permittee shall act  
17 as the agent of the authorized nonprofit entity for the purpose  
18 of providing and serving alcoholic beverages to the attendees  
19 of the event.

20 *c.* The liquor control licensee or wine or beer permittee  
21 covering the premises where the event is to be conducted shall  
22 supply all alcoholic beverages served to the attendees of the  
23 event.

24 *d.* Only those types of alcoholic beverages as are authorized  
25 to be sold by the liquor control license or wine or beer permit  
26 covering the premises where the event is to be conducted are to  
27 be served to the attendees of the event.

28 5. An authorized nonprofit entity shall be eligible to  
29 receive no more than two charity beer, spirits, and wine event  
30 permits during a calendar year and each charity beer, spirits,  
31 and wine event permit shall be valid for a period not to exceed  
32 thirty-six consecutive hours.

33 6. Any violation of the requirements of this chapter or  
34 the rules adopted pursuant to this chapter shall subject the  
35 charity beer, spirits, and wine event permit holder to the

1 general penalties provided in this chapter and shall constitute  
2 grounds for imposition of a civil penalty, suspension of  
3 the permit, or revocation of the permit after notice and  
4 opportunity for a hearing pursuant to section 123.39 and  
5 chapter 17A.

6 Sec. 3. Section 123.179, Code 2020, is amended by adding the  
7 following new subsection:

8 NEW SUBSECTION. 7. The fee for a charity beer, spirits, and  
9 wine event permit is one hundred dollars.

10 DIVISION II

11 WINE SALES

12 Sec. 4. Section 123.178, subsection 1, Code 2020, is amended  
13 to read as follows:

14 1. A person holding a class "B" wine permit may sell wine at  
15 retail for consumption off the premises. Wine shall be sold  
16 for consumption off the premises in original containers ~~only~~  
17 except as provided in subsection 4.

18 Sec. 5. Section 123.178, Code 2020, is amended by adding the  
19 following new subsections:

20 NEW SUBSECTION. 4. Subject to the rules of the division,  
21 sales made pursuant to this section may be made in a container  
22 other than the original container only if all of the following  
23 requirements are met:

24 a. The wine is transferred from the original container to  
25 the container to be sold on the licensed premises at the time  
26 of sale or when sold by telephonic or other electronic means.

27 b. The person transferring the wine from the original  
28 container to the container to be sold shall be eighteen years  
29 of age or more.

30 c. The container to be sold shall be no larger than  
31 seventy-two ounces.

32 d. The container to be sold shall be securely sealed by a  
33 method authorized by the division that is designed so that if  
34 the sealed container is reopened or the seal tampered with, it  
35 is visibly apparent that the seal on the container of wine has

1 been tampered with or the sealed container has otherwise been  
2 reopened.

3 NEW SUBSECTION. 5. A container of wine other than the  
4 original container that is sold and sealed in compliance  
5 with the requirements of subsection 4 and the rules of the  
6 division shall not be deemed an open container subject to the  
7 requirements of sections 321.284 and 321.284A if the sealed  
8 container is unopened and the seal has not been tampered with,  
9 and the contents of the container have not been partially  
10 removed.

11 Sec. 6. Section 123.178A, subsection 1, Code 2020, is  
12 amended to read as follows:

13 1. A person holding a class "B" native wine permit may sell  
14 native wine only at retail for consumption off the premises.  
15 Native wine shall be sold for consumption off the premises in  
16 original containers ~~only~~ except as provided in subsection 4.

17 Sec. 7. Section 123.178A, Code 2020, is amended by adding  
18 the following new subsections:

19 NEW SUBSECTION. 4. Subject to the rules of the division,  
20 sales made pursuant to this section may be made in a container  
21 other than the original container only if all of the following  
22 requirements are met:

23 a. The wine is transferred from the original container to  
24 the container to be sold on the licensed premises at the time  
25 of sale or when sold by telephonic or other electronic means.

26 b. The person transferring the wine from the original  
27 container to the container to be sold shall be eighteen years  
28 of age or more.

29 c. The container to be sold shall be no larger than  
30 seventy-two ounces.

31 d. The container to be sold shall be securely sealed by a  
32 method authorized by the division that is designed so that if  
33 the sealed container is reopened or the seal tampered with, it  
34 is visibly apparent that the seal on the container of wine has  
35 been tampered with or the sealed container has otherwise been

1 reopened.

2 NEW SUBSECTION. 5. A container of wine other than the  
3 original container that is sold and sealed in compliance  
4 with the requirements of subsection 4 and the rules of the  
5 division shall not be deemed an open container subject to the  
6 requirements of sections 321.284 and 321.284A if the sealed  
7 container is unopened and the seal has not been tampered with,  
8 and the contents of the container have not been partially  
9 removed.

10 Sec. 8. Section 123.178B, subsection 1, Code 2020, is  
11 amended to read as follows:

12 1. A person holding a class "C" native wine permit may  
13 sell native wine only at retail for consumption on or off the  
14 premises. Sales of wine for consumption off the premises made  
15 pursuant to this section shall be made in original containers  
16 except as provided in subsection 5.

17 Sec. 9. Section 123.178B, Code 2020, is amended by adding  
18 the following new subsections:

19 NEW SUBSECTION. 5. Subject to the rules of the division,  
20 sales made pursuant to this section may be made in a container  
21 other than the original container only if all of the following  
22 requirements are met:

23 *a.* The wine is transferred from the original container to  
24 the container to be sold on the licensed premises at the time  
25 of sale or when sold by telephonic or other electronic means.

26 *b.* The person transferring the wine from the original  
27 container to the container to be sold shall be eighteen years  
28 of age or more.

29 *c.* The container to be sold shall be no larger than  
30 seventy-two ounces.

31 *d.* The container to be sold shall be securely sealed by a  
32 method authorized by the division that is designed so that if  
33 the sealed container is reopened or the seal tampered with, it  
34 is visibly apparent that the seal on the container of wine has  
35 been tampered with or the sealed container has otherwise been

1 reopened.

2 NEW SUBSECTION. 6. A container of wine other than the  
3 original container that is sold and sealed in compliance  
4 with the requirements of subsection 5 and the rules of the  
5 division shall not be deemed an open container subject to the  
6 requirements of sections 321.284 and 321.284A if the sealed  
7 container is unopened and the seal has not been tampered with,  
8 and the contents of the container have not been partially  
9 removed.

10 DIVISION III

11 ALCOHOLIC BEVERAGES SALES

12 Sec. 10. Section 123.30, subsection 3, paragraph c,  
13 subparagraph (1), Code 2020, is amended to read as follows:

14 (1) A class "C" liquor control license may be issued to  
15 a commercial establishment but must be issued in the name  
16 of the individuals who actually own the entire business and  
17 shall authorize the holder to purchase alcoholic liquors in  
18 original unopened containers from class "E" liquor control  
19 licensees only, wine from class "A" wine permittees or class  
20 "B" wine permittees who also hold class "E" liquor control  
21 licenses only as provided in sections 123.173 and 123.177,  
22 and to sell alcoholic beverages to patrons by the individual  
23 drink for consumption on the premises only. However, alcoholic  
24 liquor, wine, and beer may also be sold for consumption off  
25 the premises. In addition, mixed drinks or cocktails may  
26 also be sold for consumption off the premises subject to the  
27 requirements of section 123.49, subsection 2, paragraph "d".  
28 The holder of a class "C" liquor control license may also hold  
29 a special class "A" beer permit for the premises licensed under  
30 a class "C" liquor control license for the purpose of operating  
31 a brewpub pursuant to this chapter.

32 Sec. 11. Section 123.30, subsection 3, paragraph c,  
33 subparagraph (3), Code 2020, is amended to read as follows:

34 (3) A class "C" native distilled spirits liquor control  
35 license may be issued to a native distillery but shall be

1 issued in the name of the individuals who actually own the  
2 business and shall only be issued to a native distillery which,  
3 combining all production facilities of the business, produces  
4 and manufactures not more than one hundred thousand proof  
5 gallons of distilled spirits on an annual basis. The license  
6 shall authorize the holder to sell native distilled spirits  
7 manufactured on the premises of the native distillery to  
8 patrons by the individual drink for consumption on the premises  
9 and mixed drinks or cocktails for consumption off the premises  
10 subject to the requirements of section 123.49, subsection 2,  
11 paragraph "d". All native distilled spirits sold by a native  
12 distillery for on-premises consumption and mixed drinks or  
13 cocktails sold for consumption off the premises shall be  
14 purchased from a class "E" liquor control licensee in original  
15 unopened containers.

16 Sec. 12. Section 123.43A, subsection 6, Code 2020, is  
17 amended to read as follows:

18 6. Notwithstanding any provision of this chapter to the  
19 contrary or the fact that a person is the holder of a class  
20 "A" native distilled spirits license, a native distillery  
21 which, combining all production facilities of the business,  
22 produces and manufactures not more than one hundred thousand  
23 proof gallons of native distilled spirits on an annual basis  
24 may sell those native distilled spirits manufactured on the  
25 premises of the native distillery for consumption on the  
26 premises by applying for a class "C" native distilled spirits  
27 liquor control license as provided in section 123.30. A  
28 native distillery may be granted not more than one class "C"  
29 native distilled spirits liquor control license. All native  
30 distilled spirits sold by a native distillery for on-premises  
31 consumption and mixed drinks or cocktails sold for consumption  
32 off the premises shall be purchased from a class "E" liquor  
33 control licensee. A manufacturer of native distilled spirits  
34 may be issued a class "C" native distilled spirits liquor  
35 control license regardless of whether the manufacturer is also

S-5113 (Continued)

1 a manufacturer of beer pursuant to a class "A" beer permit or  
2 a manufacturer of native wine pursuant to a class "A" wine  
3 permit.

4 Sec. 13. Section 123.49, subsection 2, paragraph d, Code  
5 2020, is amended by adding the following new subparagraph:

6 NEW SUBPARAGRAPH. (3) Mixed drinks or cocktails mixed on  
7 premises covered by a class "C" liquor control license or a  
8 class "C" native distilled spirits liquor control license for  
9 consumption off the licensed premises may be sold if the mixed  
10 drink or cocktail is immediately sealed with a lid or other  
11 method of securing the product and is promptly taken from the  
12 licensed premises prior to consumption of the mixed drink or  
13 cocktail. A mixed drink or cocktail that is sold and sealed  
14 in compliance with the requirements of this subparagraph shall  
15 not be deemed an open container subject to the requirements  
16 of sections 321.284 and 321.284A if the sealed container is  
17 unopened and the seal has not been tampered with, and the  
18 contents of the container have not been partially removed.

19 Sec. 14. Section 123.131, subsection 2, paragraph a, Code  
20 2020, is amended to read as follows:

21 a. The beer is transferred from the original container to  
22 the container to be sold on the licensed premises at the time  
23 of sale or when sold by telephonic or other electronic means.

24 Sec. 15. EFFECTIVE DATE. This division of this Act, being  
25 deemed of immediate importance, takes effect upon enactment.>

26 2. Title page, by striking lines 1 and 2 and inserting  
27 <An Act concerning alcoholic beverage control, establishing  
28 a charity beer, spirits, and wine event permit, providing  
29 for alcoholic beverages sales, and including effective date  
30 provisions.>

By COMMITTEE ON STATE GOVERNMENT

ROBY SMITH, CHAIRPERSON

S-5113 FILED JUNE 9, 2020

HOUSE FILE 2556

S-5116

1 Amend House File 2556, as passed by the House, as follows:

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

4 <DIVISION I

5 PUBLIC REAL PROPERTY AND LEASE CONTRACTS

6 Section 1. NEW SECTION. 7E.5B Real property lease or  
7 purchase — notice.

8 In addition to any other provision of law, any purchase or  
9 lease of real property, other than on a temporary basis, when  
10 necessary in order to implement the programs of an authority or  
11 protect the investments of an authority, shall require prior  
12 written notice from the authority to the legislative services  
13 agency. The legislative services agency shall submit the  
14 notification to the government oversight standing committees  
15 of the general assembly. The notification shall include the  
16 information as described in section 8A.321, subsection 16.

17 Sec. 2. Section 8A.321, Code 2020, is amended by adding the  
18 following new subsection:

19 NEW SUBSECTION. 16. At least thirty days prior to entering  
20 into a contract for a lease or renewal of a lease pursuant  
21 to subsection 6 or a contract for the acquisition of real  
22 property pursuant to subsection 9 in which any part or the  
23 total amount of the contract is at least fifty thousand  
24 dollars, notify the legislative services agency concerning the  
25 contract. The legislative services agency shall submit the  
26 notification to the general assembly's standing committees on  
27 government oversight. The notification is required regardless  
28 of the source of payment for the lease, renewal of lease, or  
29 acquisition of real property. The notification shall include  
30 all of the following information:

31 a. A description of the buildings and office space subject  
32 to the lease or renewal of lease or a description of the real  
33 property to be acquired.

34 b. The proposed terms of the contract.

35 c. The cost of the contract, including principal and

1 interest costs. If the actual cost of a contract is not known  
2 at least thirty days prior to entering into the contract, the  
3 director shall estimate the principal and interest costs for  
4 the contract.

5 *d.* An identification of the means and source of payment of  
6 the contract.

7 *e.* An analysis of consequences of delaying or abandoning the  
8 commencement of the contract.

9

DIVISION II

10

SALE OF PUBLIC REAL PROPERTY

11 Sec. 3. Section 8A.321, subsection 8, Code 2020, is amended  
12 to read as follows:

13 8. With the authorization of a constitutional majority  
14 of each house of the general assembly and approval by the  
15 governor, dispose of real property belonging to the state and  
16 its state agencies upon terms, conditions, and consideration  
17 as the director may recommend. Disposition of real property  
18 under this subsection shall be made under a procedure whereby  
19 the real property shall be sold to the highest responsive,  
20 responsible bidder, unless the executive council, by at least  
21 a two-thirds vote, agrees to accept a different bidder for  
22 good cause, or agrees to proceed in a different manner. If  
23 real property subject to sale under this subsection has been  
24 purchased or acquired from appropriated funds, the proceeds  
25 of the sale shall be deposited with the treasurer of state  
26 and credited to the general fund of the state or other fund  
27 from which appropriated. There is appropriated from that same  
28 fund, with the prior approval of the executive council and in  
29 cooperation with the director, a sum equal to the proceeds  
30 so deposited and credited to the state agency to which the  
31 disposed real property belonged or by which it was used, for  
32 purposes of the state agency.

33 Sec. 4. Section 297.22, subsection 1, paragraph a, Code  
34 2020, is amended to read as follows:

35 *a.* The board of directors of a school district may sell,

1 lease, or dispose of, in whole or in part, a schoolhouse,  
2 school site, or other property belonging to the district. The  
3 board shall sell real property to the highest responsive,  
4 responsible bidder unless the board, by at least a two-thirds  
5 vote, agrees to accept a different bidder for good cause,  
6 or agrees to proceed in a different manner. If the real  
7 property contains less than two acres, is located outside of a  
8 city, is not adjacent to a city, and was previously used as a  
9 schoolhouse site, the procedure contained in sections 297.15  
10 through 297.20 shall be followed in lieu of this section.

11 Sec. 5. Section 331.361, subsection 2, Code 2020, is amended  
12 by adding the following new paragraph:

13 NEW PARAGRAPH. *0a.* The board shall dispose of real property  
14 under a procedure whereby real property shall be sold to the  
15 highest responsive, responsible bidder unless the board, by at  
16 least a two-thirds vote, agrees to accept a different bidder  
17 for good cause, or agrees to proceed in a different manner.

18 Sec. 6. Section 359.52, subsection 1, Code 2020, is amended  
19 by adding the following new paragraph:

20 NEW PARAGRAPH. *0a.* The board of trustees shall dispose of  
21 real property under a procedure whereby real property shall  
22 be sold to the highest responsive, responsible bidder unless  
23 the board, by at least a two-thirds vote, agrees to accept a  
24 different bidder for good cause, or agrees to proceed in a  
25 different manner.

26 Sec. 7. Section 364.7, Code 2020, is amended by adding the  
27 following new subsection:

28 NEW SUBSECTION. *01.* The council shall dispose of real  
29 property under a procedure whereby real property shall be  
30 sold to the highest responsive, responsible bidder unless the  
31 council, by at least a two-thirds vote, agrees to accept a  
32 different bidder for good cause, or agrees to proceed in a  
33 different manner.

34  
35

DIVISION III  
OFFICIAL PUBLICATIONS

1     Sec. 8. Section 349.2, Code 2020, is amended to read as  
2 follows:

3     **349.2 Source of selection.**

4     ~~Such selection~~ Selection of newspapers in which official  
5 proceedings shall be published shall be from newspapers  
6 published, and having the largest number of bona fide yearly  
7 subscribers, within the county. When counties are divided into  
8 two divisions for district court purposes, each division shall  
9 be regarded as a county. In the event there is no newspaper  
10 published within the county, selection shall be as provided in  
11 section 349.6.

12     Sec. 9. Section 349.6, Code 2020, is amended by adding the  
13 following new subsection:

14     NEW SUBSECTION. 3. However, if there is no newspaper  
15 published within the county, the newspaper to be selected shall  
16 be determined as provided in this subsection. If one newspaper  
17 is to be selected, the board shall select a newspaper located  
18 within twenty-five miles of the border of the county that meets  
19 the requirements of section 618.5. If two newspapers are to be  
20 selected and the two newspapers with the largest number of bona  
21 fide yearly subscribers within the county are both located more  
22 than twenty-five miles from the border of the county, then the  
23 board may substitute one of the two newspapers with a newspaper  
24 that is located within twenty-five miles from the border of the  
25 county that meets the requirements of section 618.5. The board  
26 shall, in the presence of the contestants, determine the other  
27 official newspaper by lot between the previously determined two  
28 newspapers.

29     Sec. 10. Section 618.14, Code 2020, is amended to read as  
30 follows:

31     **618.14 Publication of matters of public importance.**

32     1. The governing body of any municipality or other political  
33 subdivision of the state may publish, as straight matter or  
34 display, any matter of general public importance, in one or  
35 more newspapers, as defined in section 618.3 published in and

S-5116 (Continued)

1 having general circulation in such municipality or political  
2 subdivision, at the legal or appropriate commercial rate,  
3 according to the character of the matter published.

4 2. In the event there is no such newspaper published in  
5 such municipality or political subdivision or in the event  
6 publication in more than one such newspaper is desired,  
7 publication may be made in any such newspaper having general  
8 circulation in such municipality or political subdivision.  
9 However, if no newspaper having general circulation within  
10 a municipality or political subdivision is located within  
11 twenty-five miles from the border of the municipality or  
12 political subdivision, the applicable governing body may waive  
13 the requirements in section 618.3 and designate a newspaper  
14 that is located in the applicable municipality or political  
15 subdivision or is located within twenty-five miles from the  
16 border of the applicable municipality or political subdivision  
17 that meets the requirements of section 618.5.>

18 2. Title page, by striking lines 1 through 3 and inserting  
19 <An Act concerning governmental real property and official  
20 publications.>

By COMMITTEE ON STATE GOVERNMENT

ROBY SMITH, CHAIRPERSON

[S-5116](#) FILED JUNE 9, 2020



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**SF 2414** – Future Ready Iowa (LSB5595SZ)

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Fiscal Note Version – New

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**Description**

[Senate File 2414](#) adds to and modifies the Iowa Code provisions enacted by [2018 Iowa Acts, chapter 1067](#) (Future Ready Iowa Act), and other efforts to strengthen Iowa’s workforce, including a Child Care Challenge Program, a Workforce Diploma Pilot Program, computer science instruction, work-based learning coordinators, and a Senior Year Plus Program. This Bill is organized by divisions.

DIVISION I — Future Ready Iowa Apprenticeship Programs.

Subject to an appropriation of funds, Division I creates an Expanded Registered Apprenticeship Opportunities Program that is similar to the existing [Registered Apprenticeship Development Program](#). The purpose of the new Program is to provide financial assistance to encourage sponsors of apprenticeship programs with 20 or fewer apprentices to maintain apprenticeship programs in [high-demand occupations](#).

DIVISION II — Iowa Child Care Challenge Fund.

Division II establishes an Iowa Child Care Challenge Program under the Iowa Department of Workforce Development (IWD) and creates an Iowa Child Care Challenge Fund under the control of the IWD. The IWD must administer the Program in consultation with the Workforce Development Board. The purpose of the Program is to encourage and enable businesses, nonprofit organizations, and consortiums to establish local child care facilities and increase the availability of quality, affordable child care for working Iowans. A portion of the moneys deposited in the [Iowa Employer Innovation Fund](#) created in Iowa Code section [84A.13](#), in an amount determined annually by the IWD in consultation with the Workforce Development Board, must be transferred annually to the Iowa Child Care Challenge Fund.

DIVISION III — Workforce Diploma Pilot Program.

Subject to an appropriation of sufficient funds, Division III requires the IWD to establish a Workforce Diploma Pilot Program to qualify eligible program providers to implement programs in accordance with the Department’s rules, and to assist students who are beyond school age to obtain a high school diploma while developing employability and career and technical education skills.

The IWD is required to provide payment to a qualified provider in the order in which invoices are submitted until all moneys appropriated for such purpose are exhausted. The IWD must also provide a monthly update to qualified providers, including the aggregate total of moneys paid to qualified providers to date and the estimated number of enrollments still available for the

program year. The IWD must review data to ensure the programs are achieving minimum Program performance standards and measures.

The Workforce Diploma Pilot Program is repealed effective July 1, 2023.

#### DIVISION IV — Computer Science Instruction — K-12 Educational Standards — Online Coursework.

Division IV relates to computer science instruction in kindergarten through grade 12, amending Iowa Code provisions establishing the minimum educational standards and establishing or modifying computer science instruction-related responsibilities of the Department of Education (DE), school districts, and accredited nonpublic schools. Commencing with the 2023-2024 school year, accredited schools must offer and teach computer science instruction that incorporates the computer science education standards adopted by the State Board of Education in at least one grade at the elementary level and at the middle school level. In grades 9-12, commencing with the 2022-2023 school year, one-half unit of computer science that incorporates the computer science education standards adopted by the State Board must be offered and taught; however, the one-half unit may be offered and taught online.

Each school district and accredited nonpublic school must develop and implement a K-12 computer science plan by July 1, 2022. The DE is required to develop and implement a statewide K-12 computer science instruction plan by July 1, 2022. The DE is required to convene a computer science work group to develop recommendations to strengthen computer science instruction and for the development and implementation of a statewide campaign to promote computer science to K-12 students and to the parents and legal guardians of students. The work group is required to submit its findings to the General Assembly by July 1, 2021.

No [offer and teach waiver](#) issued by the DE is required for school districts or accredited nonpublic schools for offering a world language, personal finance literacy, or computer science course online. An online class offered by a school district or accredited nonpublic school can be offered by the school district or accredited nonpublic school itself, or developed by a partnership or consortium of schools that have developed the course individually or cooperatively, or by any other online learning entity, provided that the course is taught by an Iowa-licensed teacher with online learning experience and the course content is aligned with the Iowa content standards, is rigorous, and is of high quality.

#### DIVISION V — Future Ready Iowa Skilled Workforce Last-Dollar Scholarship Program.

Division V directs the State Board of Education to adopt administrative rules establishing a process by which the DE must approve structured educational and training programs that include authentic worksite training for purposes of participating community colleges, then expands the definition of “eligible student” under the Future Ready Iowa Skilled Workforce Last-Dollar Scholarship Program administered by the Iowa College Student Aid Commission.

#### DIVISION VI — Senior Year Plus Program and Postsecondary Enrollment Options.

Division VI amends provisions under the [Senior Year Plus Program](#) by eliminating references and provisions relating to full-time and part-time enrollment.

## **Background**

### DIVISION IV — Computer Science Instruction — K-12.

In 2017, [SF 274](#) (Computer Science Education Act) was enacted to expand computer science opportunities for students statewide. Included in the legislation was the establishment of the Computer Science Professional Development Incentive Fund and a Computer Science Education Work Group. The Fund was established to provide for various forms of professional development relating to computer science and has received an annual appropriation of \$500,000. The Work Group issued its [recommendations](#) in 2017 on how to expand and strengthen computer science education in the State.

The DE recently issued the Computer Science Education in Iowa [report](#), which details the implementation of computer science instruction in school districts and district needs to support computer science education. It is estimated that 51.0% of elementary schools, 39.0% of middle schools, and 38.0% of high schools will need to either incorporate computer science instruction with current staff or add additional teachers to teach computer science to meet the requirements of this Bill.

A settlement of a Microsoft class-action lawsuit will provide \$4.0 million to be used for school districts to support Division IV of the Bill. The funds will be used for supporting computer science professional learning and training for teachers, virtual computer science curriculum for Iowa schools, and computer science curriculum for schools.

### DIVISION VI — Senior Year Plus Program and Postsecondary Enrollment Options.

The Senior Year Plus Program offers a variety of options for eligible students, including concurrent enrollment and Postsecondary Enrollment Options (PSEO). A review of concurrent enrollment credits by the DE completed during the 2018-2019 school year showed 819 students (1.8% of total enrollees) enrolled in 24 credit hours or more of coursework. One hundred seventeen districts (38.7%) enrolled at least one student in concurrent enrollment courses where credits associated with those courses met the definition of full-time enrollment (24 credits or more). The additional concurrent enrollment credit hours are already funded by supplementary weighting for an estimated total of \$240,000 in State aid from the General Fund.

PSEO enrollment has been declining in the last several years. During the 2018-2019 school year, total PSEO enrollment was 1,014 students, down from 5,916 students in the 2010-2011 school year.

## **Assumptions**

### DIVISION IV — Computer Science Instruction — K-12.

It is unknown how many school districts will choose to hire additional computer science instruction staff.

### DIVISION VI — Senior Year Plus Program and Postsecondary Enrollment Options.

- Based on an analysis by the DE of concurrent enrollment credits completed for school year 2018-2019, there may be an additional 143 students who exceed 23 credit hours during the 2021-2022 school year.
- The fiscal estimates assume each student's total credit hours will increase by 4.1 credits.
- The average cost per credit is estimated to be \$71.
- Under current law, the State cost per pupil for FY 2023 and all future years is \$7,048.
- PSEO costs will remain at \$250 per course.
- PSEO enrollment over the 23-hour credit limit may increase; however, the impact is expected to be minimal.

## **Fiscal Impact**

The estimated fiscal impact of [SF 2414](#), by division, is as follows:

Division I relates to an Expanded Registered Apprenticeship Opportunities Program and is subject to an appropriation of funds. Division I of the Bill does not have a fiscal impact because this Bill does not provide an appropriation.

Division II relates to the establishment of an Iowa Child Care Challenge Program and Fund. The Division will have a fiscal impact that cannot be determined because this Division authorizes the IWD to utilize a current appropriation for the new Program, and the impact on current education and training efforts supported by the Iowa Employer Innovation Fund cannot be determined because this Division does not specify the amount of the current appropriation that will be used for the new Program. Administration costs incurred by the IWD would be minimal and absorbed within the existing budget for the IWD.

Division III relates to a Workforce Diploma Pilot Program and is subject to an appropriation of funds. Division III of the Bill does not have a fiscal impact because this Bill does not provide an appropriation.

Division IV relates to computer science instruction. Division IV will have minimal fiscal impact to the DE. However, the fiscal impact to school districts and accredited nonpublic schools cannot be determined. It is unknown how many school districts will choose to hire additional staff to meet the requirements of this Bill. School districts may choose to use current staff or incorporate computer science into current instruction, or use an online course offering. School districts may have costs for additional staff, training and professional development of current staff, and curriculum. Some of that cost may be offset by the \$4.0 million Microsoft class-action lawsuit proceeds or by funds in the Computer Science Professional Development Incentive Fund.

Division V relates to the Future Ready Iowa Skilled Workforce Last-Dollar Scholarship Program. The Division will result in one-time and ongoing costs to the Iowa College Student Aid Commission in FY 2021 totaling an estimated \$32,000. The ongoing costs will total between \$5,000 and \$6,000 in subsequent years. These costs will be funded from the Commission's Strategic Reserve Fund, also known as the Operating Fund. The cost of awards under the Program is capped by an annual General Fund appropriation.

Division VI is expected to increase State school aid from the General Fund by an estimated \$42,000 beginning in FY 2023. Any increase in PSEO enrollments may increase individual school districts' costs; however, due to the recent decline in PSEO courses, the fiscal impact is expected to be minimal.

**Sources**

Iowa Department of Workforce Development  
Iowa Department of Education  
Iowa College Student Aid Commission  
Iowa Economic Development Authority

/s/ Holly M. Lyons

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June 8, 2020

Doc ID 11369316931

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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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