

**EIGHTY-SEVENTH GENERAL ASSEMBLY
2018 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

May 2, 2018

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
SF 359	S-5288	Concurred	RECEIVED FROM THE HOUSE
SF 2411	S-5277	Adopted	MARK CHELGREN
SF 2412	S-5281	Filed	MARK CHELGREN
SF 2416	S-5278	Filed	TONY BISIGNANO
SF 2416	S-5279	Filed	DENNIS GUTH
SF 2416	S-5282	Filed	LIZ MATHIS
SF 2416	S-5283	Filed	NATE BOULTON
SF 2416	S-5289	Filed	DENNIS GUTH
HF 2493	S-5280	Withdrawn	WILLIAM A. DOTZLER, JR.
HF 2493	S-5284	Deferred	JANET PETERSEN
HF 2493	S-5285	Ruled Out of Order	WILLIAM A. DOTZLER, JR.
HF 2493	S-5286	Filed	JANET PETERSEN
HF 2493	S-5287	Filed	WILLIAM A. DOTZLER, JR.

HOUSE AMENDMENT TO
SENATE FILE 359

S-5288

1 Amend Senate File 359, as passed by the Senate, as follows:

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

4 <DIVISION I

5 FETAL BODY PARTS

6 Section 1. NEW SECTION. 146D.1 Fetal body parts — actions
7 prohibited — penalties.

8 1. A person shall not knowingly acquire, provide, receive,
9 otherwise transfer, or use a fetal body part in this state,
10 regardless of whether the acquisition, provision, receipt,
11 transfer, or use is for valuable consideration.

12 2. Subsection 1 shall not apply to any of the following:

13 a. Diagnostic or remedial tests, procedures, or observations
14 which have the sole purpose of determining the life or health
15 of the fetus in order to provide that information to the
16 pregnant woman or to preserve the life or health of the fetus
17 or pregnant woman.

18 b. The actions of a person taken in furtherance of the final
19 disposition of a fetal body part.

20 c. The pathological study of body tissue, including genetic
21 testing, for diagnostic or forensic purposes.

22 d. A fetal body part if the fetal body part results from
23 a spontaneous termination of pregnancy or stillbirth and is
24 willingly donated for the purpose of medical research.

25 3. A person who violates this section is guilty of a class
26 "C" felony.

27 4. For the purposes of this section:

28 a. "Abortion" means as defined in section 146.1.

29 b. "Fetal body part" means a cell, tissue, organ, or other
30 part of a fetus that is terminated by an abortion. "Fetal body
31 part" does not include any of the following:

32 (1) Cultured cells or cell lines derived from a spontaneous
33 termination of pregnancy or stillbirth and willingly donated
34 for the purposes of medical research.

35 (2) A cell, tissue, organ, or other part of a fetus that is

1 terminated by an abortion that occurred prior to July 1, 2018.

2 (3) All cells and tissues external to the fetal body proper.

3 *c.* "Final disposition" means the disposition of fetal
4 body parts by burial, interment, entombment, cremation, or
5 incineration.

6 *d.* "Valuable consideration" means any payment including but
7 not limited to payment associated with the transportation,
8 processing, preservation, quality control, or storage of fetal
9 body parts.

10

DIVISION II

11 ABORTION PREREQUISITES AND PROHIBITIONS — FETAL HEARTBEAT

12 Sec. 2. Section 146A.1, subsections 2 and 6, Code 2018, are
13 amended to read as follows:

14 2. Compliance with the prerequisites of this section shall
15 not apply to ~~any of the following:~~

16 ~~*a.* An abortion performed to save the life of a pregnant
17 woman.~~

18 ~~*b.* An an abortion performed in a medical emergency.~~

19 ~~*c.* The performance of a medical procedure by a physician
20 that in the physician's reasonable medical judgment is designed
21 to or intended to prevent the death or to preserve the life of
22 the pregnant woman.~~

23 6. As used in this section, ~~"unborn child":~~

24 *a.* "Medical emergency" means a situation in which an
25 abortion is performed to preserve the life of the pregnant
26 woman whose life is endangered by a physical disorder, physical
27 illness, or physical injury, including a life-endangering
28 physical condition caused by or arising from the pregnancy, but
29 not including psychological conditions, emotional conditions,
30 familial conditions, or the woman's age; or when continuation
31 of the pregnancy will create a serious risk of substantial
32 and irreversible impairment of a major bodily function of the
33 pregnant woman.

34 *b.* "Unborn child" means an individual organism of the
35 species homo sapiens from fertilization to live birth.

1 Sec. 3. NEW SECTION. 146C.1 **Definitions.**

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Abortion*" means the termination of a human pregnancy
5 with the intent other than to produce a live birth or to remove
6 a dead fetus.

7 2. "*Fetal heartbeat*" means cardiac activity, the steady and
8 repetitive rhythmic contraction of the fetal heart within the
9 gestational sac.

10 3. "*Medical emergency*" means the same as defined in section
11 146A.1.

12 4. "*Medically necessary*" means any of the following:

13 *a.* The pregnancy is the result of a rape which is reported
14 within forty-five days of the incident to a law enforcement
15 agency or to a public or private health agency which may
16 include a family physician.

17 *b.* The pregnancy is the result of incest which is reported
18 within one hundred forty days of the incident to a law
19 enforcement agency or to a public or private health agency
20 which may include a family physician.

21 *c.* Any spontaneous abortion, commonly known as a
22 miscarriage, if not all of the products of conception are
23 expelled.

24 *d.* The attending physician certifies that the fetus has a
25 fetal abnormality that in the physician's reasonable medical
26 judgment is incompatible with life.

27 5. "*Physician*" means a person licensed under chapter 148.

28 6. "*Reasonable medical judgment*" means a medical judgment
29 made by a reasonably prudent physician who is knowledgeable
30 about the case and the treatment possibilities with respect to
31 the medical conditions involved.

32 7. "*Unborn child*" means the same as defined in section
33 146A.1.

34 Sec. 4. NEW SECTION. 146C.2 **Abortion prohibited —**
35 **detectable fetal heartbeat.**

1 1. Except in the case of a medical emergency or when the
2 abortion is medically necessary, a physician shall not perform
3 an abortion unless the physician has first complied with the
4 prerequisites of chapter 146A and has tested the pregnant
5 woman as specified in this subsection, to determine if a fetal
6 heartbeat is detectable.

7 a. In testing for a detectable fetal heartbeat, the
8 physician shall perform an abdominal ultrasound, necessary to
9 detect a fetal heartbeat according to standard medical practice
10 and including the use of medical devices, as determined by
11 standard medical practice and specified by rule of the board
12 of medicine.

13 b. Following the testing of the pregnant woman for a
14 detectable fetal heartbeat, the physician shall inform the
15 pregnant woman, in writing, of all of the following:

16 (1) Whether a fetal heartbeat was detected.

17 (2) That if a fetal heartbeat was detected, an abortion is
18 prohibited.

19 c. Upon receipt of the written information, the pregnant
20 woman shall sign a form acknowledging that the pregnant woman
21 has received the information as required under this subsection.

22 2. a. A physician shall not perform an abortion upon a
23 pregnant woman when it has been determined that the unborn
24 child has a detectable fetal heartbeat, unless, in the
25 physician's reasonable medical judgment, a medical emergency
26 exists, or when the abortion is medically necessary.

27 b. Notwithstanding paragraph "a", if a physician determines
28 that the probable postfertilization age, as defined in
29 section 146B.1, of the unborn child is twenty or more weeks,
30 the physician shall not perform an abortion upon a pregnant
31 woman when it has been determined that the unborn child
32 has a detectable fetal heartbeat, unless in the physician's
33 reasonable medical judgment the pregnant woman has a condition
34 which the physician deems a medical emergency, as defined in
35 section 146B.1, or the abortion is necessary to preserve the

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1 life of an unborn child.

2 3. A physician shall retain in the woman's medical record
3 all of the following:

4 a. Documentation of the testing for a fetal heartbeat
5 as specified in subsection 1 and the results of the fetal
6 heartbeat test.

7 b. The pregnant woman's signed form acknowledging that
8 the pregnant woman received the information as required under
9 subsection 1.

10 4. This section shall not be construed to impose civil
11 or criminal liability on a woman upon whom an abortion is
12 performed in violation of this section.

13 5. The board of medicine shall adopt rules pursuant to
14 chapter 17A to administer this section.>

15 2. Title page, line 1, by striking <certain actions
16 regarding fetal body parts> and inserting <and requiring
17 certain actions relating to a fetus>

S-5288 FILED MAY 1, 2018

CONCURRED

SENATE FILE 2411

S-5277

1 Amend Senate File 2411 as follows:

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

4 <Section 1. 2017 Iowa Acts, chapter 166, section 9, is
5 amended to read as follows:

6 SEC. 9. JUDICIAL BRANCH.

7 1. There is appropriated from the general fund of the state
8 to the judicial branch for the fiscal year beginning July 1,
9 2018, and ending June 30, 2019, the following amounts, or so
10 much thereof as is necessary, to be used for the purposes
11 designated:

12 a. For salaries of supreme court justices, appellate court
13 judges, district court judges, district associate judges,
14 associate juvenile judges, associate probate judges, judicial
15 magistrates and staff, state court administrator, clerk of the
16 supreme court, district court administrators, clerks of the
17 district court, juvenile court officers, board of law examiners
18 and board of examiners of shorthand reporters and judicial
19 qualifications commission; receipt and disbursement of child
20 support payments; reimbursement of the auditor of state for
21 expenses incurred in completing audits of the offices of the
22 clerks of the district court during the fiscal year beginning
23 July 1, 2018; and maintenance, equipment, and miscellaneous
24 purposes:

25 \$ 87,843,306
26 177,574,797

27 b. For deposit in the revolving fund created pursuant to
28 section 602.1302, subsection 3, for jury and witness fees,
29 mileage, costs related to summoning jurors, costs and fees for
30 interpreters and translators, and reimbursement of attorney
31 fees paid by the state public defender:

32 \$ 1,550,000
33 3,100,000

34 2. The judicial branch, except for purposes of internal
35 processing, shall use the current state budget system, the

1 state payroll system, and the Iowa finance and accounting
2 system in administration of programs and payments for services,
3 and shall not duplicate the state payroll, accounting, and
4 budgeting systems.

5 3. The judicial branch shall submit monthly financial
6 statements to the legislative services agency and the
7 department of management containing all appropriated accounts
8 in the same manner as provided in the monthly financial status
9 reports and personal services usage reports of the department
10 of administrative services. The monthly financial statements
11 shall include a comparison of the dollars and percentage
12 spent of budgeted versus actual revenues and expenditures on
13 a cumulative basis for full-time equivalent positions and
14 dollars.

15 4. The judicial branch shall focus efforts upon the
16 collection of delinquent fines, penalties, court costs, fees,
17 surcharges, or similar amounts.

18 5. It is the intent of the general assembly that the offices
19 of the clerks of the district court operate in all 99 counties
20 and be accessible to the public as much as is reasonably
21 possible in order to address the relative needs of the citizens
22 of each county.

23 6. In addition to the requirements for transfers under
24 section 8.39, the judicial branch shall not change the
25 appropriations from the amounts appropriated to the judicial
26 branch in this division of this Act, unless notice of the
27 revisions is given prior to their effective date to the
28 legislative services agency. The notice shall include
29 information on the branch's rationale for making the changes
30 and details concerning the workload and performance measures
31 upon which the changes are based.

32 7. The judicial branch shall submit a semiannual update
33 to the legislative services agency specifying the amounts of
34 fines, surcharges, and court costs collected using the Iowa
35 court information system since the last report. The judicial

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1 branch shall continue to facilitate the sharing of vital
2 sentencing and other information with other state departments
3 and governmental agencies involved in the criminal justice
4 system through the Iowa court information system.

5 8. The judicial branch shall provide a report to the general
6 assembly by January 1, 2019, concerning the amounts received
7 and expended from the enhanced court collections fund created
8 in section 602.1304 and the court technology and modernization
9 fund created in section 602.8108, subsection 9, during the
10 fiscal year beginning July 1, 2017, and ending June 30, 2018,
11 and the plans for expenditures from each fund during the fiscal
12 year beginning July 1, 2018, and ending June 30, 2019. A copy
13 of the report shall be provided to the legislative services
14 agency.>

By MARK CHELGREN

[S-5277](#) FILED MAY 1, 2018

ADOPTED

SENATE FILE 2412

S-5281

1 Amend Senate File 2412 as follows:

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

4 <Section 1. 2017 Iowa Acts, chapter 167, section 27, is
5 amended to read as follows:

6 SEC. 27. DEPARTMENT OF JUSTICE.

7 1. There is appropriated from the general fund of the state
8 to the department of justice for the fiscal year beginning July
9 1, 2018, and ending June 30, 2019, the following amounts, or
10 so much thereof as is necessary, to be used for the purposes
11 designated:

12 a. For the general office of attorney general for salaries,
13 support, maintenance, and miscellaneous purposes, including
14 the prosecuting attorneys training program, matching funds
15 for federal violence against women grant programs, victim
16 assistance grants, office of drug control policy prosecuting
17 attorney program, and odometer fraud enforcement, and for not
18 more than the following full-time equivalent positions:

19	\$	3,336,154
20		<u>6,511,705</u>
21	FTEs	215.00

22 As a condition of receiving the appropriation provided
23 in this lettered paragraph, the department of justice shall
24 maintain a record of the estimated time incurred representing
25 each agency or department.

26 b. For victim assistance grants:

27	\$	2,508,354
28		<u>5,016,708</u>

29 The moneys appropriated in this lettered paragraph shall be
30 used to provide grants to care providers providing services to
31 crime victims of domestic abuse or to crime victims of rape and
32 sexual assault.

33 The balance of the victim compensation fund established
34 in section 915.94 may be used to provide salary and support
35 of not more than 24.00 full-time equivalent positions and to

1 provide maintenance for the victim compensation functions
2 of the department of justice. In addition to the full-time
3 equivalent positions authorized pursuant to this paragraph,
4 5.00 full-time equivalent positions are authorized and shall
5 be used by the department of justice to employ one accountant
6 and four program planners. The department of justice may
7 employ the additional 5.00 full-time equivalent positions
8 authorized pursuant to this paragraph that are in excess of the
9 number of full-time equivalent positions authorized only if
10 the department of justice receives sufficient federal moneys
11 to maintain employment for the additional full-time equivalent
12 positions during the current fiscal year. The department
13 of justice shall only employ the additional 5.00 full-time
14 equivalent positions in succeeding fiscal years if sufficient
15 federal moneys are received during each of those succeeding
16 fiscal years.

17 The department of justice shall transfer at least \$150,000
18 from the victim compensation fund established in section 915.94
19 to the victim assistance grant program.

20 Notwithstanding section 8.33, moneys appropriated in this
21 paragraph "b" that remain unencumbered or unobligated at the
22 close of the fiscal year shall not revert but shall remain
23 available for expenditure for the purposes designated until the
24 close of the succeeding fiscal year.

25 c. For legal services for persons in poverty grants as
26 provided in section 13.34:

27	\$	1,152,301
28		<u>2,304,601</u>

29 2. a. The department of justice, in submitting budget
30 estimates for the fiscal year commencing July 1, 2019, pursuant
31 to section 8.23, shall include a report of funding from sources
32 other than amounts appropriated directly from the general fund
33 of the state to the department of justice or to the office of
34 consumer advocate. These funding sources shall include but
35 are not limited to reimbursements from other state agencies,

1 commissions, boards, or similar entities, and reimbursements
2 from special funds or internal accounts within the department
3 of justice. The department of justice shall also report actual
4 reimbursements for the fiscal year commencing July 1, 2017,
5 and actual and expected reimbursements for the fiscal year
6 commencing July 1, 2018.

7 b. The department of justice shall include the report
8 required under paragraph "a", as well as information regarding
9 any revisions occurring as a result of reimbursements actually
10 received or expected at a later date, in a report to the
11 co-chairpersons and ranking members of the joint appropriations
12 subcommittee on the justice system and the legislative services
13 agency. The department of justice shall submit the report on
14 or before January 15, 2019.

15 3. a. The department of justice shall fully reimburse
16 the costs and necessary related expenses incurred by the Iowa
17 law enforcement academy to continue to employ one additional
18 instructor position who shall provide training for ~~domestic~~
19 ~~abuse and~~ human trafficking-related issues throughout the
20 state.

21 b. The department of justice shall obtain the moneys
22 necessary to reimburse the Iowa law enforcement academy to
23 employ such an instructor from unrestricted moneys from either
24 the victim compensation fund established in section 915.94, the
25 human trafficking victim fund established in section 915.95, or
26 the human trafficking enforcement fund established in 2015 Iowa
27 Acts, chapter 138, section 141.

28 Sec. 2. 2017 Iowa Acts, chapter 167, section 28, is amended
29 to read as follows:

30 SEC. 28. OFFICE OF CONSUMER ADVOCATE. There is appropriated
31 from the department of commerce revolving fund created in
32 section 546.12 to the office of consumer advocate of the
33 department of justice for the fiscal year beginning July 1,
34 2018, and ending June 30, 2019, the following amount, or so
35 much thereof as is necessary, to be used for the purposes

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1 designated:

2 For salaries, support, maintenance, and miscellaneous
3 purposes, and for not more than the following full-time
4 equivalent positions:

5	\$	1,568,794
6		<u>3,137,588</u>
7	FTEs	22.00

8 Sec. 3. 2017 Iowa Acts, chapter 167, section 29, is amended
9 to read as follows:

10 SEC. 29. DEPARTMENT OF CORRECTIONS — FACILITIES.

11 1. There is appropriated from the general fund of the state
12 to the department of corrections for the fiscal year beginning
13 July 1, 2018, and ending June 30, 2019, the following amounts,
14 or so much thereof as is necessary, to be used for the purposes
15 designated:

16 a. For the operation of the Fort Madison correctional
17 facility, including salaries, support, maintenance, and
18 miscellaneous purposes:

19	\$	21,359,525
20		<u>41,079,882</u>

21 b. For the operation of the Anamosa correctional facility,
22 including salaries, support, maintenance, and miscellaneous
23 purposes:

24	\$	16,413,582
25		<u>32,164,148</u>

26 c. For the operation of the Oakdale correctional facility,
27 including salaries, support, maintenance, and miscellaneous
28 purposes:

29	\$	29,745,767
30		<u>60,314,427</u>

31 d. For the operation of the Newton correctional facility,
32 including salaries, support, maintenance, and miscellaneous
33 purposes:

34	\$	13,830,610
35		<u>28,061,220</u>

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1 e. For the operation of the Mount Pleasant correctional
2 facility, including salaries, support, maintenance, and
3 miscellaneous purposes:
4 \$ ~~12,338,207~~
5 25,526,413

6 f. For the operation of the Rockwell City correctional
7 facility, including salaries, support, maintenance, and
8 miscellaneous purposes:
9 \$ ~~4,860,229~~
10 10,458,861

11 g. For the operation of the Clarinda correctional facility,
12 including salaries, support, maintenance, and miscellaneous
13 purposes:
14 \$ ~~12,542,703~~
15 24,780,950

16 Moneys received by the department of corrections as
17 reimbursement for services provided to the Clarinda youth
18 corporation are appropriated to the department and shall be
19 used for the purpose of operating the Clarinda correctional
20 facility.

21 h. For the operation of the Mitchellville correctional
22 facility, including salaries, support, maintenance, and
23 miscellaneous purposes:
24 \$ ~~11,197,045~~
25 22,594,090

26 i. For the operation of the Fort Dodge correctional
27 facility, including salaries, support, maintenance, and
28 miscellaneous purposes:
29 \$ ~~14,883,498~~
30 29,660,231

31 j. For reimbursement of counties for temporary confinement
32 of prisoners, as provided in sections 901.7, 904.908, and
33 906.17, and for offenders confined pursuant to section 904.513:
34 \$ ~~787,546~~
35 1,575,092

1 k. For federal prison reimbursement, reimbursements for
 2 out-of-state placements, and miscellaneous contracts:
 3 \$ ~~242,206~~
 4 484,411

5 2. The department of corrections shall use moneys
 6 appropriated in subsection 1 to continue to contract for the
 7 services of a Muslim imam and a Native American spiritual
 8 leader.

9 Sec. 4. 2017 Iowa Acts, chapter 167, section 30, is amended
 10 to read as follows:

11 SEC. 30. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.
 12 There is appropriated from the general fund of the state to the
 13 department of corrections for the fiscal year beginning July
 14 1, 2018, and ending June 30, 2019, the following amounts, or
 15 so much thereof as is necessary, to be used for the purposes
 16 designated:

17 1. For general administration, including salaries and the
 18 adjustment of salaries throughout the department, support,
 19 maintenance, employment of an education director to administer
 20 a centralized education program for the correctional system,
 21 and miscellaneous purposes:
 22 \$ ~~2,576,953~~
 23 9,933,851

24 a. It is the intent of the general assembly that each
 25 lease negotiated by the department of corrections with a
 26 private corporation for the purpose of providing private
 27 industry employment of inmates in a correctional institution
 28 shall prohibit the private corporation from utilizing inmate
 29 labor for partisan political purposes for any person seeking
 30 election to public office in this state and that a violation
 31 of this requirement shall result in a termination of the lease
 32 agreement.

33 b. It is the intent of the general assembly that as a
 34 condition of receiving the appropriation provided in this
 35 subsection the department of corrections shall not enter into

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1 a lease or contractual agreement pursuant to section 904.809
2 with a private corporation for the use of building space for
3 the purpose of providing inmate employment without providing
4 that the terms of the lease or contract establish safeguards to
5 restrict, to the greatest extent feasible, access by inmates
6 working for the private corporation to personal identifying
7 information of citizens.

8 2. For educational programs for inmates at state penal
9 institutions:

10 \$ ~~1,304,055~~
11 2,608,109

12 a. To maximize the funding for educational programs,
13 the department shall establish guidelines and procedures to
14 prioritize the availability of educational and vocational
15 training for inmates based upon the goal of facilitating an
16 inmate's successful release from the correctional institution.

17 b. The director of the department of corrections may
18 transfer moneys from Iowa prison industries and the canteen
19 operating funds established pursuant to section 904.310, for
20 use in educational programs for inmates.

21 c. Notwithstanding section 8.33, moneys appropriated in
22 this subsection that remain unobligated or unexpended at the
23 close of the fiscal year shall not revert but shall remain
24 available to be used only for the purposes designated in this
25 subsection until the close of the succeeding fiscal year.

26 3. For the development of the Iowa corrections offender
27 network (ICON) data system:

28 \$ ~~1,000,000~~
29 2,000,000

30 4. For offender mental health and substance abuse
31 treatment:

32 \$ ~~14,033~~
33 28,065

34 ~~5. For department-wide duties, including operations, costs,~~
35 ~~and miscellaneous purposes:~~

1 \$ ~~648,947~~

2 Sec. 5. 2017 Iowa Acts, chapter 167, section 31, is amended
3 to read as follows:

4 SEC. 31. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
5 SERVICES.

6 1. There is appropriated from the general fund of the state
7 to the department of corrections for the fiscal year beginning
8 July 1, 2018, and ending June 30, 2019, for salaries, support,
9 maintenance, and miscellaneous purposes, the following amounts,
10 or so much thereof as is necessary, to be used for the purposes
11 designated:

12 a. For the first judicial district department of
13 correctional services:

14 \$ ~~7,318,383~~
15 14,786,766

16 It is the intent of the general assembly that the first
17 judicial district department of correctional services maintain
18 the drug courts operated by the district department.

19 b. For the second judicial district department of
20 correctional services:

21 \$ ~~5,691,870~~
22 11,433,739

23 It is the intent of the general assembly that the second
24 judicial district department of correctional services establish
25 and maintain two drug courts to be operated by the district
26 department.

27 c. For the third judicial district department of
28 correctional services:

29 \$ ~~3,583,979~~
30 7,167,957

31 d. For the fourth judicial district department of
32 correctional services:

33 \$ ~~2,789,961~~
34 5,679,922

35 e. For the fifth judicial district department of

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1 correctional services, including funding for electronic
2 monitoring devices for use on a statewide basis:
3 \$ ~~10,428,970~~
4 21,557,940

5 It is the intent of the general assembly that the fifth
6 judicial district department of correctional services maintain
7 the drug court operated by the district department.

8 f. For the sixth judicial district department of
9 correctional services:
10 \$ ~~7,356,583~~
11 14,713,165

12 It is the intent of the general assembly that the sixth
13 judicial district department of correctional services maintain
14 the drug court operated by the district department.

15 g. For the seventh judicial district department of
16 correctional services:
17 \$ ~~3,888,671~~
18 7,777,341

19 It is the intent of the general assembly that the seventh
20 judicial district department of correctional services maintain
21 the drug court operated by the district department.

22 h. For the eighth judicial district department of
23 correctional services:
24 \$ ~~4,042,261~~
25 8,084,521

26 2. Each judicial district department of correctional
27 services, within the funding available, shall continue programs
28 and plans established within that district to provide for
29 intensive supervision, sex offender treatment, diversion of
30 low-risk offenders to the least restrictive sanction available,
31 job development, and expanded use of intermediate criminal
32 sanctions.

33 3. Each judicial district department of correctional
34 services shall provide alternatives to prison consistent with
35 chapter 901B. The alternatives to prison shall ensure public

1 safety while providing maximum rehabilitation to the offender.
2 A judicial district department of correctional services may
3 also establish a day program.

4 4. The governor's office of drug control policy shall
5 consider federal grants made to the department of corrections
6 for the benefit of each of the eight judicial district
7 departments of correctional services as local government
8 grants, as defined pursuant to federal regulations.

9 5. The department of corrections shall continue to contract
10 with a judicial district department of correctional services to
11 provide for the rental of electronic monitoring equipment which
12 shall be available statewide.

13 6. The public safety assessment shall not be utilized
14 in pretrial hearings when determining whether to detain or
15 release a defendant before trial, and the use of the public
16 safety assessment pilot program shall be terminated as of the
17 effective date of this subsection, until such time the use of
18 the public safety assessment has been specifically authorized
19 by the general assembly.

20 Sec. 6. 2017 Iowa Acts, chapter 167, section 36, is amended
21 to read as follows:

22 SEC. 36. IOWA LAW ENFORCEMENT ACADEMY.

23 1. There is appropriated from the general fund of the
24 state to the Iowa law enforcement academy for the fiscal year
25 beginning July 1, 2018, and ending June 30, 2019, the following
26 amount, or so much thereof as is necessary, to be used for the
27 purposes designated:

28 For salaries, support, maintenance, and miscellaneous
29 purposes, including jailer training and technical assistance,
30 and for not more than the following full-time equivalent
31 positions:

32	\$	477,378
33		<u>971,341</u>
34	FTEs	25.00
35		<u>26.00</u>

1 The Iowa law enforcement academy may temporarily exceed and
2 draw more than the amount appropriated in this subsection and
3 incur a negative cash balance as long as there are receivables
4 equal to or greater than the negative balance and the amount
5 appropriated in this subsection is not exceeded at the close
6 of the fiscal year.

7 2. The Iowa law enforcement academy may select at least
8 five automobiles of the department of public safety, division
9 of state patrol, prior to turning over the automobiles to
10 the department of administrative services to be disposed
11 of by public auction, and the Iowa law enforcement academy
12 may exchange any automobile owned by the academy for each
13 automobile selected if the selected automobile is used in
14 training law enforcement officers at the academy. However, any
15 automobile exchanged by the academy shall be substituted for
16 the selected vehicle of the department of public safety and
17 sold by public auction with the receipts being deposited in the
18 depreciation fund to the credit of the department of public
19 safety, division of state patrol.

20 3. The Iowa law enforcement academy shall provide training
21 for domestic abuse and human trafficking-related issues
22 throughout the state. The training shall be offered at no
23 cost to the attendees and the training shall not replace any
24 existing domestic abuse or human trafficking training offered
25 by the academy.

26 Sec. 7. 2017 Iowa Acts, chapter 167, section 37, is amended
27 to read as follows:

28 SEC. 37. STATE PUBLIC DEFENDER. There is appropriated from
29 the general fund of the state to the office of the state public
30 defender of the department of inspections and appeals for the
31 fiscal year beginning July 1, 2018, and ending June 30, 2019,
32 the following amounts, or so much thereof as is necessary, to
33 be used for the purposes designated:

34 1. For salaries, support, maintenance, and miscellaneous
35 purposes, and for not more than the following full-time

S-5281 (Continued)

1 equivalent positions:

2 \$ ~~13,091,122~~
3 26,505,299
4 FTEs 223.00

5 2. For payments on behalf of eligible adults and juveniles
6 from the indigent defense fund, in accordance with section
7 815.11:

8 \$ ~~16,722,224~~
9 35,144,448

10 Sec. 8. 2017 Iowa Acts, chapter 167, section 38, is amended
11 to read as follows:

12 SEC. 38. BOARD OF PAROLE. There is appropriated from the
13 general fund of the state to the board of parole for the fiscal
14 year beginning July 1, 2018, and ending June 30, 2019, the
15 following amount, or so much thereof as is necessary, to be
16 used for the purposes designated:

17 For salaries, support, maintenance, and miscellaneous
18 purposes, and for not more than the following full-time
19 equivalent positions:

20 \$ 595,866
21 1,221,374
22 FTEs 10.75

23 Sec. 9. 2017 Iowa Acts, chapter 167, section 39, is amended
24 to read as follows:

25 SEC. 39. DEPARTMENT OF PUBLIC DEFENSE.

26 1. There is appropriated from the general fund of the
27 state to the department of public defense, for the fiscal year
28 beginning July 1, 2018, and ending June 30, 2019, the following
29 amounts, or so much thereof as is necessary, to be used for the
30 purposes designated:

31 For salaries, support, maintenance, and miscellaneous
32 purposes, and for not more than the following full-time
33 equivalent positions:

34 \$ ~~3,111,662~~
35 6,334,961

1 FTEs 248.00

2 2. The department of public defense may temporarily exceed
3 and draw more than the amount appropriated in this section and
4 incur a negative cash balance as long as there are receivables
5 of federal funds equal to or greater than the negative balance
6 and the amount appropriated in this section is not exceeded at
7 the close of the fiscal year.

8 Sec. 10. 2017 Iowa Acts, chapter 167, section 40, is amended
9 to read as follows:

10 SEC. 40. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY
11 MANAGEMENT.

12 1. There is appropriated from the general fund of the state
13 to the department of homeland security and emergency management
14 for the fiscal year beginning July 1, 2018, and ending June
15 30, 2019, the following amounts, or so much thereof as is
16 necessary, to be used for the purposes designated:

17 For salaries, support, maintenance, and miscellaneous
18 purposes, and for not more than the following full-time
19 equivalent positions:

20	\$	1,060,964
21		<u>2,123,610</u>
22	FTEs	33.87

23 2. The department of homeland security and emergency
24 management may temporarily exceed and draw more than the amount
25 appropriated in this section and incur a negative cash balance
26 as long as there are receivables of federal funds equal to or
27 greater than the negative balance and the amount appropriated
28 in this section is not exceeded at the close of the fiscal
29 year.

30 Sec. 11. 2017 Iowa Acts, chapter 167, section 41, is amended
31 to read as follows:

32 SEC. 41. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
33 from the general fund of the state to the department of public
34 safety for the fiscal year beginning July 1, 2018, and ending
35 June 30, 2019, the following amounts, or so much thereof as is

S-5281 (Continued)

1 necessary, to be used for the purposes designated:

2 1. For the department's administrative functions, including
3 salaries and the adjustment of salaries throughout the
4 department, the criminal justice information system, and for
5 not more than the following full-time equivalent positions:

6	\$	<u>2,071,566</u>
7		<u>6,631,377</u>
8	FTEs	37.00

9 2. For the division of criminal investigation, including
10 the state's contribution to the peace officers' retirement,
11 accident, and disability system provided in chapter 97A in the
12 amount of the state's normal contribution rate, as defined in
13 section 97A.8, multiplied by the salaries for which the moneys
14 are appropriated, to meet federal fund matching requirements,
15 and for not more than the following full-time equivalent
16 positions:

17	\$	<u>6,795,272</u>
18		<u>14,463,083</u>
19	FTEs	<u>160.00</u>
20		<u>162.00</u>

21 a. As a condition of the appropriation in this subsection,
22 the division of criminal investigation shall expend up to
23 \$200,000 to employ 2.0 full-time equivalent positions to assist
24 in expediting the processing and analysis of DNA samples.

25 b. The division of criminal investigation may employ two of
26 the three additional full-time equivalent positions authorized
27 pursuant to this subsection that are in excess of the number
28 of full-time equivalent positions authorized for the previous
29 fiscal year only if the division of criminal investigation
30 receives sufficient federal moneys to maintain employment for
31 the additional 2.00 full-time equivalent positions during the
32 current fiscal year. The division of criminal investigation
33 shall only employ the additional 2.00 full-time equivalent
34 positions in succeeding fiscal years if sufficient federal
35 moneys are received during each of those succeeding fiscal

S-5281 (Continued)

1 years.

2 3. For the criminalistics laboratory fund created in
3 section 691.9:

4 \$ ~~151,173~~
5 302,345

6 4. a. For the division of narcotics enforcement, including
7 the state's contribution to the peace officers' retirement,
8 accident, and disability system provided in chapter 97A in the
9 amount of the state's normal contribution rate, as defined in
10 section 97A.8, multiplied by the salaries for which the moneys
11 are appropriated, to meet federal fund matching requirements,
12 and for not more than the following full-time equivalent
13 positions:

14 \$ ~~3,726,650~~
15 7,585,873
16 FTEs 66.50

17 The division of narcotics enforcement may employ an
18 additional 1.00 full-time equivalent position authorized
19 pursuant to this lettered paragraph that is in excess of
20 the number of full-time equivalent positions authorized for
21 the previous fiscal year only if the division of narcotics
22 enforcement receives sufficient federal moneys to maintain
23 employment for the additional full-time equivalent position
24 during the current fiscal year. The division of narcotics
25 enforcement shall only employ the additional full-time
26 equivalent position in succeeding fiscal years if sufficient
27 federal moneys are received during each of those succeeding
28 fiscal years.

29 b. For the division of narcotics enforcement for undercover
30 purchases:

31 \$ ~~54,521~~
32 109,042

33 5. For the division of state fire marshal, for fire
34 protection services as provided through the state fire service
35 and emergency response council as created in the department,

S-5281 (Continued)

1 and for the state's contribution to the peace officers'
2 retirement, accident, and disability system provided in chapter
3 97A in the amount of the state's normal contribution rate,
4 as defined in section 97A.8, multiplied by the salaries for
5 which the moneys are appropriated, and for not more than the
6 following full-time equivalent positions:

7	\$	2,343,357
8		<u>4,765,056</u>
9	FTEs	53.00

10 As a condition of receiving the appropriation in this
11 subsection, the commissioner of the department of public safety
12 shall appoint the administrator of the fire service training
13 bureau of the division of state fire marshal as provided in
14 section 100B.7.

15 6. For the division of state patrol, for salaries, support,
16 maintenance, workers' compensation costs, and miscellaneous
17 purposes, including the state's contribution to the peace
18 officers' retirement, accident, and disability system provided
19 in chapter 97A in the amount of the state's normal contribution
20 rate, as defined in section 97A.8, multiplied by the salaries
21 for which the moneys are appropriated, and for not more than
22 the following full-time equivalent positions:

23	\$	30,683,170
24		<u>62,126,287</u>
25	FTEs	511.40

26 It is the intent of the general assembly that members of the
27 state patrol be assigned to patrol the highways and roads in
28 lieu of assignments for inspecting school buses for the school
29 districts.

30 7. For deposit in the sick leave benefits fund established
31 under section 80.42 for all departmental employees eligible to
32 receive benefits for accrued sick leave under the collective
33 bargaining agreement:

34	\$	139,759
35		<u>279,517</u>

S-5281 (Continued)

1 8. For costs associated with the training and equipment
2 needs of volunteer fire fighters:

3 \$ 412,760
4 825,520

5 a. Notwithstanding section 8.33, moneys appropriated in
6 this subsection that remain unencumbered or unobligated at the
7 close of the fiscal year shall not revert but shall remain
8 available for expenditure only for the purpose designated in
9 this subsection until the close of the succeeding fiscal year.

10 b. Notwithstanding section 8.39, the department of public
11 safety may reallocate moneys appropriated in this section
12 as necessary to best fulfill the needs provided for in the
13 appropriation. However, the department shall not reallocate
14 moneys appropriated to the department in this section unless
15 notice of the reallocation is given to the legislative services
16 agency and the department of management prior to the effective
17 date of the reallocation. The notice shall include information
18 regarding the rationale for reallocating the moneys. The
19 department shall not reallocate moneys appropriated in this
20 section for the purpose of eliminating any program.

21 9. For the public safety interoperable and broadband
22 communications fund established in section 80.44:

23 \$ 57,831
24 115,661

25 10. For the office to combat human trafficking established
26 pursuant to section 80.45 as enacted by 2016 Iowa Acts, chapter
27 1077, section 1, including salaries, support, maintenance,
28 miscellaneous purposes, and for not more than the following
29 full-time equivalent positions:

30 \$ 75,000
31 150,000
32 FTEs 2.00

33 ~~11. For department wide duties, including operations,~~
34 ~~costs, and miscellaneous purposes:~~

35 \$ ~~917,487~~

1 Sec. 12. 2017 Iowa Acts, chapter 167, section 42, is amended
2 to read as follows:

3 SEC. 42. GAMING ENFORCEMENT.

4 1. There is appropriated from the gaming enforcement
5 revolving fund created in section 80.43 to the department of
6 public safety for the fiscal year beginning July 1, 2018, and
7 ending June 30, 2019, the following amount, or so much thereof
8 as is necessary, to be used for the purposes designated:

9	For any direct support costs for agents and officers of	
10	the division of criminal investigation's excursion gambling	
11	boat, gambling structure, and racetrack enclosure enforcement	
12	activities, including salaries, support, maintenance, and	
13	miscellaneous purposes, and for not more than the following	
14	full-time equivalent positions:	
15	.....	\$ 4,872,636
16		<u>10,239,218</u>
17	..... FTEs	73.00

18 2. For each additional license to conduct gambling games on
19 an excursion gambling boat, gambling structure, or racetrack
20 enclosure issued during the fiscal year beginning July 1, 2018,
21 there is appropriated from the gaming enforcement fund to the
22 department of public safety for the fiscal year beginning July
23 1, 2018, and ending June 30, 2019, an additional amount of not
24 more than \$300,000 to be used for not more than 3.00 additional
25 full-time equivalent positions.

26 3. The department of public safety, with the approval of the
27 department of management, may employ no more than three special
28 agents for each additional riverboat or gambling structure
29 regulated after July 1, 2018, and three special agents for
30 each racing facility which becomes operational during the
31 fiscal year which begins July 1, 2018. Positions authorized
32 in this subsection are in addition to the full-time equivalent
33 positions otherwise authorized in this section.

34 Sec. 13. 2017 Iowa Acts, chapter 167, section 43, is amended
35 to read as follows:

1 SEC. 43. CIVIL RIGHTS COMMISSION.

2 1. There is appropriated from the general fund of the state
3 to the Iowa state civil rights commission for the fiscal year
4 beginning July 1, 2018, and ending June 30, 2019, the following
5 amount, or so much thereof as is necessary, to be used for the
6 purposes designated:

7 For salaries, support, maintenance, and miscellaneous
8 purposes, and for not more than the following full-time
9 equivalent positions:

10	.....	\$	578,531
11			<u>1,198,266</u>
12	.....	FTEs	30.00

13 2. The Iowa state civil rights commission may enter into
14 a contract with a nonprofit organization to provide legal
15 assistance to resolve civil rights complaints.

16 Sec. 14. 2017 Iowa Acts, chapter 167, section 44, is amended
17 to read as follows:

18 SEC. 44. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION.

19 1. There is appropriated from the general fund of the state
20 to the criminal and juvenile justice planning division of the
21 department of human rights for the fiscal year beginning July
22 1, 2018, and ending June 30, 2019, the following amount or
23 so much thereof as is necessary, to be used for the purposes
24 designated:

25 For salaries, support, maintenance, and miscellaneous
26 purposes, and for not more than the following full-time
27 equivalent positions:

28	.....	\$	593,917
29			<u>1,209,410</u>
30	.....	FTEs	9.56

31 2. The criminal and juvenile justice planning advisory
32 council and the juvenile justice advisory council shall
33 coordinate their efforts in carrying out their respective
34 duties relative to juvenile justice.

35 Sec. 15. 2017 Iowa Acts, chapter 167, section 45, is amended

1 to read as follows:

2 SEC. 45. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY
3 MANAGEMENT. There is appropriated from the ~~E911~~ 911 emergency
4 communications fund created in section 34A.7A to the department
5 of homeland security and emergency management for the fiscal
6 year beginning July 1, 2018, and ending June 30, 2019, the
7 following amount, or so much thereof as is necessary, to be
8 used for the purposes designated:

9 For implementation, support, and maintenance of the
10 functions of the administrator and program manager under
11 chapter 34A and to employ the auditor of the state to perform
12 an annual audit of the ~~E911~~ 911 emergency communications fund:
13 \$ ~~125,000~~
14 250,000

15 Sec. 16. 2017 Iowa Acts, chapter 167, is amended by adding
16 the following new section:

17 NEW SECTION. SEC. 46. CONSUMER EDUCATION AND
18 LITIGATION — FARM MEDIATION AND PROSECUTIONS, APPEALS, AND
19 CLAIMS. Notwithstanding section 714.16C, there is appropriated
20 from the consumer education and litigation fund to the
21 department of justice for the fiscal year beginning July 1,
22 2018, and ending June 30, 2019, the following amount, or so
23 much thereof as is necessary, to be used for the purposes
24 designated:

25 a. For farm mediation services as specified in section
26 13.13, subsection 2:
27 \$ 300,000

28 b. For salaries, support, maintenance, and miscellaneous
29 purposes for criminal prosecutions, criminal appeals, and
30 performing duties pursuant to chapter 669:
31 \$ 1,000,000

32 Sec. 17. Section 13.2, subsection 1, paragraph g, Code 2018,
33 is amended by striking the paragraph.

34 Sec. 18. NEW SECTION. 80.46 Public safety support trust
35 fund.

1 1. A public safety support trust fund is established in
2 the state treasury under the control of the department. The
3 department may receive and accept donations, grants, loans, and
4 contributions in accordance with section 565.3 from any public
5 or private source for deposit into the trust fund. Moneys
6 credited to the trust fund are appropriated to the department
7 for the purpose of supporting the activities of the department.

8 2. Notwithstanding section 8.33, moneys in the trust fund
9 shall not revert. Notwithstanding section 12C.7, subsection
10 2, interest or earnings on moneys deposited in the trust fund
11 shall be credited to the trust fund.

12 Sec. 19. NEW SECTION. 719.9 Use of unmanned aerial vehicle
13 — prohibitions.

14 1. As used in this section:

15 a. "*Facility*" means a county jail, municipal holding
16 facility, secure facility for the detention or custody
17 of juveniles, community-based correctional facility, or
18 institution under the management of the department of
19 corrections.

20 b. "*Unmanned aerial vehicle*" means a vehicle or device
21 that uses aerodynamic forces to achieve flight and is piloted
22 remotely.

23 2. A person shall not operate an unmanned aerial vehicle
24 knowing that the unmanned aerial vehicle is operating in, on,
25 or above a facility and any contiguous real property comprising
26 the surrounding grounds of the facility, unless the unmanned
27 aerial vehicle is operated by a law enforcement agency or the
28 person has permission from the authority in charge of the
29 facility to operate an unmanned aerial vehicle in, on, or above
30 such facility.

31 3. This section does not apply to an unmanned aerial
32 vehicle while operating for commercial use in compliance with
33 federal aviation administration regulations, authorizations,
34 or exemptions.

35 4. A person who violates this section commits a class "D"

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1 felony.

2 Sec. 20. Section 904.310A, Code 2018, is amended by striking
3 the section and inserting in lieu thereof the following:

4 **904.310A Information or materials — distribution.**

5 1. Funds appropriated to the department or other funds made
6 available to the department shall not be used to distribute
7 or make available any commercially published information or
8 material to an inmate when such information or material is
9 sexually explicit or features nudity.

10 2. The department shall adopt rules pursuant to chapter 17A
11 to administer this section.

12 Sec. 21. EFFECTIVE DATE. The following, being deemed of
13 immediate importance, takes effect upon enactment:

14 The portion of this Act amending 2017 Iowa Acts, chapter 167,
15 section 31, prohibiting the utilization of the public safety
16 assessment in pretrial hearings.>

17 2. Title page, line 1, by striking <system> and inserting
18 <system, and including effective date provisions>

By MARK CHELGREN

S-5281 FILED MAY 1, 2018

SENATE FILE 2416

S-5278

1 Amend Senate File 2416 as follows:

2 1. Page 21, after line 7 by inserting:

3 <Sec. _____. Section 48A.7A, subsection 1, paragraph b,
4 subparagraph (1), Code 2018, is amended by adding the following
5 new subparagraph division:

6 NEW SUBPARAGRAPH DIVISION. (f) A tribal identification
7 card or other tribal enrollment document issued by a federally
8 recognized Indian tribe or nation, if the tribal identification
9 card or other tribal enrollment document is signed before the
10 card or document is presented to the election official.

11 Sec. _____. Section 49.78, subsection 2, paragraph a, Code
12 2018, is amended by adding the following new subparagraph:

13 NEW SUBPARAGRAPH. (5) A current, valid tribal
14 identification card or other tribal enrollment document
15 issued by a federally recognized Indian tribe or nation, which
16 includes a photograph, signature, and valid expiration date.>

17 2. By renumbering as necessary.

By TONY BISIGNANO

S-5278 FILED MAY 1, 2018

SENATE FILE 2416

S-5279

1 Amend Senate File 2416 as follows:

2 1. Page 6, by striking lines 3 through 11 and inserting:

3 <(4) There is appropriated from the special employment
4 contingency fund to the insurance division of the department of
5 commerce for the fiscal year beginning July 1, 2018, and ending
6 June 30, 2019, the following amount, or so much thereof as is
7 necessary, to be used by the insurance fraud bureau established
8 in section 507E.2 for the investigation and prosecution of
9 workers' compensation fraud:

10 \$ 200,000

11 (5) The division is authorized an additional 2.00 full-time
12 equivalent positions for the insurance fraud bureau established
13 in chapter 507E to retain one prosecuting attorney and one
14 special investigator for the investigation and prosecution of
15 workers' compensation fraud. Full-time equivalent positions
16 authorized in this subparagraph are in addition to those
17 authorized in subparagraph (1).>

18 2. Page 21, after line 7 by inserting:

19 <Sec. ____ . NEW SECTION. 507E.9 Prosecuting attorney —
20 prosecution of workers' compensation fraud.

21 1. The bureau shall retain a prosecuting attorney to
22 prosecute any criminal action for workers' compensation fraud,
23 in all counties of the state, which may be brought pursuant to
24 this chapter in which the bureau may be interested and when, in
25 the judgment of the prosecuting attorney, the interest of the
26 bureau requires such action be taken.

27 2. The prosecuting attorney or commissioner of insurance
28 may request the assistance of a county attorney to assist with
29 or handle the prosecution of a criminal action for workers'
30 compensation fraud which may be brought pursuant to this
31 chapter.

32 3. The prosecuting attorney retained by the bureau pursuant
33 to this section shall report to the commissioner of insurance.>

34 3. By renumbering as necessary.

S-5279 (Continued)

By DENNIS GUTH

S-5279 FILED MAY 1, 2018

SENATE FILE 2416

S-5282

1 Amend Senate File 2416 as follows:

2 1. Page 21, after line 7 by inserting:

3 <Sec. ____ . NEW SECTION. 7D.17 Board meetings by executive
4 council members.

5 Any member of the executive council that is a member of a
6 statutory board, commission, council, or committee shall attend
7 all meetings of the board, commission, council, or committee,
8 either personally or through a designee from the executive
9 council member's office.

10 Sec. ____ . NEW SECTION. 11.5C Audit of authority expenses.

11 1. The auditor of state shall contract with a private
12 accounting firm to conduct an annual rotating full audit of
13 expenses that are reimbursed by state funds from the following
14 state entities:

15 a. Agricultural development authority.

16 b. Economic development authority.

17 c. Iowa communications network.

18 d. Iowa finance authority.

19 e. Iowa lottery authority.

20 f. Iowa state fair authority.

21 g. Tobacco settlement authority.

22 2. Each year, if the private accounting firm does not
23 conduct a full audit of such expenses relating to an entity
24 listed in subsection 1, the auditor of state shall conduct a
25 sample audit of the entity. The auditor of state shall ensure
26 that each listed entity receives either a full audit or a
27 sample audit each year.>

28 2. By renumbering as necessary.

By LIZ MATHIS

S-5282 FILED MAY 1, 2018

SENATE FILE 2416

S-5283

1 Amend the amendment, S-5279, to Senate File 2416 as follows:

2 1. Page 1, line 22, after <fraud,> by inserting <including

3 failure to obtain insurance pursuant to section 87.14A,>

By NATE BOULTON

S-5283 FILED MAY 1, 2018

SENATE FILE 2416

S-5289

- 1 Amend Senate File 2416 as follows:
- 2 1. Page 6, by striking lines 3 through 11.

By DENNIS GUTH

S-5289 FILED MAY 1, 2018

HOUSE FILE 2493

S-5280

1 Amend the amendment, S-5273, to House File 2493, as amended,
2 passed, and reprinted by the House, as follows:

3 1. Page 1, after line 28 by inserting:

4 <___. Page 18, line 4, after <program.> by inserting
5 <Notwithstanding chapters 8A and 8B and the rules adopted
6 pursuant thereto, the department may enter into a contract
7 relating to unemployment insurance systems modernization for a
8 term of not more than ten years.>>

9 2. By renumbering as necessary.

By WILLIAM A. DOTZLER, JR.

S-5280 FILED MAY 1, 2018

WITHDRAWN

HOUSE FILE 2493

S-5284

1 Amend the amendment, S-5273, to House File 2493, as amended,
2 passed, and reprinted by the House, as follows:

3 1. Page 3, after line 25 by inserting:

4 <DIVISION ____

5 MISCELLANEOUS

6 Sec. ____ . DEPARTMENT OF ADMINISTRATIVE SERVICES INDEPENDENT
7 ANALYSIS. The department of administrative services shall
8 contract with a private accounting firm to conduct an
9 independent forensic analysis of all expenses reimbursed by the
10 state to the former director of the Iowa finance authority and
11 all Iowa finance authority employees for the period January
12 1, 2011, through March 23, 2018. Such expenses shall include
13 all travel, lodging, meals, beverages, personal services,
14 entertainment, office expenses, and all other expenditures not
15 included in the authority's budget. In addition, the forensic
16 analysis shall include an analysis of any personal financial
17 or other personal accounts used by the authority director or
18 any employee of the authority to collect agency fees or other
19 moneys collected by the authority. The department shall submit
20 a report with a summary of the results of the independent
21 forensic analysis to the general assembly no later than June
22 30, 2018.

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

25 2. By renumbering as necessary.

By JANET PETERSEN

S-5284 FILED MAY 1, 2018

DEFERRED

HOUSE FILE 2493

S-5285

1 Amend the amendment, S-5273, to House File 2493, as amended,
2 passed, and reprinted by the House, as follows:

3 1. Page 1, after line 24 by inserting:

4 <___. Page 12, line 29, after <department.> by inserting
5 <Such moneys shall not be used for advertising expenditures
6 prior to an election as prohibited pursuant to section
7 68A.405A, if enacted.>>

8 2. Page 2, after line 31 by inserting:

9 <Sec. ___. NEW SECTION. 68A.405A Advertising expenditures
10 prior to elections prohibited.

11 1. For the purposes of this section:

12 a. "*Designated communication*" means a public advertisement
13 or promotion delivered through a paid direct mailing, a paid
14 radio communication, or a paid television communication funded
15 in whole or in part with public moneys or moneys held in a
16 private trust fund as defined by section 8.2, or a trust
17 fund controlled by a political subdivision of the state, if
18 such paid direct mailing, paid radio communication, or paid
19 television communication bears the written name, likeness, or
20 voice of a statewide elected official, a member of the general
21 assembly, or a local official. "*Designated communication*" does
22 not mean any of the following:

23 (1) A report, record, letter, memorandum, document,
24 envelope, cover sheet, certificate, constituent correspondence,
25 routine ministerial material, or ceremonial material bearing
26 the name, official logo, or official letterhead of the office
27 of a statewide elected official, a member of the general
28 assembly, or local official, provided that such report,
29 record, letter, memorandum, document, envelope, cover sheet,
30 certificate, routine ministerial material, or ceremonial
31 material is used or generated in the course of the statewide
32 elected official's, member of the general assembly's, or local
33 official's duties.

34 (2) A depiction of the great seal of the state of Iowa
35 through any medium when such depiction has been approved by the

1 office of the governor.

2 (3) Official press releases or press advisories issued by
3 the office of a statewide elected official, a member of the
4 general assembly, or a local official in any form.

5 (4) A publication, literature, or other medium of
6 communication designed to further the purposes of section
7 29C.3.

8 (5) A payment made by the office of a statewide elected
9 official, the general assembly, or a local official to the
10 management of a fair in order to reserve a physical floor space
11 at a fairground or grounds as defined by section 174.1 for use
12 by the statewide elected official, the general assembly, or
13 the local official for a booth or display at a fair event as
14 defined in section 174.1.

15 *b. "Designated exhibit expenditure"* means a billboard,
16 placard, banner, table skirt, sign, display, or other physical
17 structure in excess of one hundred fifty square inches funded
18 in whole or in part with public moneys or moneys held in a
19 private trust fund as defined in section 8.2, or a trust fund
20 controlled by a political subdivision of the state, and placed
21 or displayed within or upon a defined physical booth space
22 located at a fairground or grounds as defined in section 174.1
23 bearing the written name, likeness, or voice of a statewide
24 elected official, a member of the general assembly, or a local
25 official. *"Designated exhibit expenditure"* does not mean any
26 of the following:

27 (1) A report, record, letter, memorandum, document,
28 envelope, cover sheet, certificate, constituent correspondence,
29 routine ministerial material, or ceremonial material bearing
30 the name, official logo, or official letterhead of the office
31 of a statewide elected official, a member of the general
32 assembly, or local official, provided that such report,
33 record, letter, memorandum, document, envelope, cover sheet,
34 certificate, routine ministerial material, or ceremonial
35 material is used or generated in the course of the statewide

1 elected official's, member of the general assembly's, or local
2 official's duties.

3 (2) A depiction of the great seal of the state of Iowa
4 through any medium when such depiction has been approved by the
5 office of the governor.

6 (3) Official press releases or press advisories issued by
7 the office of a statewide elected official, a member of the
8 general assembly, or a local official in any form.

9 (4) A publication, literature, or other medium of
10 communication designed to further the purposes of section
11 29C.3.

12 (5) A payment made by the office of a statewide elected
13 official, the general assembly, or a local official to the
14 management of a fair in order to reserve a physical floor space
15 at a fairground or grounds as defined by section 174.1 for use
16 by the statewide elected official, the general assembly, or
17 the local official for a booth or display at a fair event as
18 defined in section 174.1.

19 *c. "Local official"* means the same as defined in section
20 68B.2.

21 *d. "Statewide elected official"* means the same as defined
22 in section 68B.2.

23 2. A statewide elected official, a member of the general
24 assembly, or a local official shall not make or authorize a
25 designated communication or designated exhibit expenditure to
26 be made within sixty days before a general election.

27 3. A statewide elected official, member of the general
28 assembly, or local official who makes or authorizes a
29 designated communication or designated exhibit expenditure to
30 be made more than sixty days before a general election shall
31 clearly affix to the designated communication or designated
32 exhibit expenditure an attribution statement disclosing the
33 source of the public moneys or moneys held in trust used to
34 pay for the designated communication or designated exhibit
35 expenditure. An attribution statement is not required to be

1 affixed to a designated communication or designated exhibit
2 expenditure made using a medium substantially similar to those
3 listed in section 68A.405, subsection 2.

4 4. An attribution statement required by subsection 3 shall
5 be displayed or transmitted as follows:

6 a. For a designated communication in the form of a paid
7 direct mailing, the attribution statement shall be printed on
8 the paid direct mailing and shall include the words "paid for
9 by" followed by the exact source of the public moneys or moneys
10 held in trust so used to pay for the designated communication
11 in question.

12 b. For a designated communication in the form of a paid
13 radio communication, the attribution statement shall be stated
14 clearly and in an understandable manner easily ascertainable by
15 the listener of such paid radio communication and shall include
16 the words "paid for by" followed by the exact source of the
17 public moneys or moneys held in trust so used to pay for the
18 designated communication.

19 c. For a designated communication in the form of a paid
20 television communication, the attribution statement shall
21 include the words "paid for by" followed by the exact source
22 of the public moneys or moneys held in trust so used to pay for
23 the designated communication. Such attribution statement shall
24 be displayed on the screen in a clearly readable manner for at
25 least four seconds.

26 d. For a designated exhibit expenditure requiring an
27 attribution statement, the attribution statement shall be
28 printed on the billboard, placard, banner, table skirt,
29 sign, display, or other physical structure and shall include
30 the words "paid for by" followed by the exact source of the
31 public moneys or moneys held in trust so used to pay for the
32 designated exhibit expenditure.

33 5. A person who willfully violates this section shall be
34 subject to a civil penalty of an amount up to the amount of
35 moneys withdrawn from a public account, private trust fund

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1 as defined in section 8.2, or trust fund controlled by a
2 political subdivision of the state used to fund the designated
3 communication or designated exhibit expenditure found to be in
4 violation of this section by the board. Such penalty shall be
5 determined and assessed by the board and paid into the account
6 from which such moneys were withdrawn. Additional criminal or
7 civil penalties available under section 68A.701 or established
8 by the board pursuant to section 68B.32A may also be determined
9 and assessed by the board for violations of this section.

10 6. This section shall not apply to any physically printed or
11 electronically printed, published, or disseminated materials or
12 literature generated by a statewide elected official, member of
13 the general assembly, or local official prior to the effective
14 date of this division of this Act.>

15 3. Page 3, after line 25 by inserting:

16 <___. Title page, line 6, after <atters,> by inserting <and
17 relating to the expenditure of public funds, and>>

18 4. By renumbering as necessary.

By WILLIAM A. DOTZLER, JR.

S-5285 FILED MAY 1, 2018

RULED OUT OF ORDER

HOUSE FILE 2493

S-5286

1 Amend House File 2493, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 18, after line 12 by inserting:

4 <DIVISION III

5 MISCELLANEOUS

6 Sec. ____ . DEPARTMENT OF ADMINISTRATIVE SERVICES INDEPENDENT
7 ANALYSIS. The department of administrative services shall
8 contract with a private accounting firm to conduct an
9 independent forensic analysis of all expenses reimbursed by the
10 state to the former director of the Iowa finance authority and
11 all Iowa finance authority employees for the period January
12 1, 2011, through June 30, 2018. Such expenses shall include
13 all travel, lodging, meals, beverages, personal services,
14 entertainment, office expenses, and all other expenditures not
15 included in the authority's budget. In addition, the forensic
16 analysis shall include an analysis of any personal financial
17 or other personal accounts used by the authority director or
18 any employee of the authority to collect agency fees or other
19 moneys collected by the authority.>

20 2. By renumbering, redesignating, and correcting internal
21 references as necessary.

By JANET PETERSEN

S-5286 FILED MAY 1, 2018

HOUSE FILE 2493

S-5287

1 Amend House File 2493, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 12, line 29, after <department.> by inserting <Such
4 moneys shall not be used for advertising expenditures prior
5 to an election as prohibited pursuant to section 68A.405A, if
6 enacted.>

7 2. Page 18, after line 12 by inserting:

8 <DIVISION ____

9 MISCELLANEOUS

10 Sec. ____ . NEW SECTION. 68A.405A Advertising expenditures
11 prior to elections prohibited.

12 1. For the purposes of this section:

13 a. "*Designated communication*" means a public advertisement
14 or promotion delivered through a paid direct mailing, a paid
15 radio communication, or a paid television communication funded
16 in whole or in part with public moneys or moneys held in a
17 private trust fund as defined by section 8.2, or a trust
18 fund controlled by a political subdivision of the state, if
19 such paid direct mailing, paid radio communication, or paid
20 television communication bears the written name, likeness, or
21 voice of a statewide elected official, a member of the general
22 assembly, or a local official. "*Designated communication*" does
23 not mean any of the following:

24 (1) A report, record, letter, memorandum, document,
25 envelope, cover sheet, certificate, constituent correspondence,
26 routine ministerial material, or ceremonial material bearing
27 the name, official logo, or official letterhead of the office
28 of a statewide elected official, a member of the general
29 assembly, or local official, provided that such report,
30 record, letter, memorandum, document, envelope, cover sheet,
31 certificate, routine ministerial material, or ceremonial
32 material is used or generated in the course of the statewide
33 elected official's, member of the general assembly's, or local
34 official's duties.

35 (2) A depiction of the great seal of the state of Iowa

1 through any medium when such depiction has been approved by the
2 office of the governor.

3 (3) Official press releases or press advisories issued by
4 the office of a statewide elected official, a member of the
5 general assembly, or a local official in any form.

6 (4) A publication, literature, or other medium of
7 communication designed to further the purposes of section
8 29C.3.

9 (5) A payment made by the office of a statewide elected
10 official, the general assembly, or a local official to the
11 management of a fair in order to reserve a physical floor space
12 at a fairground or grounds as defined by section 174.1 for use
13 by the statewide elected official, the general assembly, or
14 the local official for a booth or display at a fair event as
15 defined in section 174.1.

16 *b. "Designated exhibit expenditure"* means a billboard,
17 placard, banner, table skirt, sign, display, or other physical
18 structure in excess of one hundred fifty square inches funded
19 in whole or in part with public moneys or moneys held in a
20 private trust fund as defined in section 8.2, or a trust fund
21 controlled by a political subdivision of the state, and placed
22 or displayed within or upon a defined physical booth space
23 located at a fairground or grounds as defined in section 174.1
24 bearing the written name, likeness, or voice of a statewide
25 elected official, a member of the general assembly, or a local
26 official. *"Designated exhibit expenditure"* does not mean any
27 of the following:

28 (1) A report, record, letter, memorandum, document,
29 envelope, cover sheet, certificate, constituent correspondence,
30 routine ministerial material, or ceremonial material bearing
31 the name, official logo, or official letterhead of the office
32 of a statewide elected official, a member of the general
33 assembly, or local official, provided that such report,
34 record, letter, memorandum, document, envelope, cover sheet,
35 certificate, routine ministerial material, or ceremonial

1 material is used or generated in the course of the statewide
2 elected official's, member of the general assembly's, or local
3 official's duties.

4 (2) A depiction of the great seal of the state of Iowa
5 through any medium when such depiction has been approved by the
6 office of the governor.

7 (3) Official press releases or press advisories issued by
8 the office of a statewide elected official, a member of the
9 general assembly, or a local official in any form.

10 (4) A publication, literature, or other medium of
11 communication designed to further the purposes of section
12 29C.3.

13 (5) A payment made by the office of a statewide elected
14 official, the general assembly, or a local official to the
15 management of a fair in order to reserve a physical floor space
16 at a fairground or grounds as defined by section 174.1 for use
17 by the statewide elected official, the general assembly, or
18 the local official for a booth or display at a fair event as
19 defined in section 174.1.

20 *c. "Local official"* means the same as defined in section
21 68B.2.

22 *d. "Statewide elected official"* means the same as defined
23 in section 68B.2.

24 2. A statewide elected official, a member of the general
25 assembly, or a local official shall not make or authorize a
26 designated communication or designated exhibit expenditure to
27 be made within sixty days before a general election.

28 3. A statewide elected official, member of the general
29 assembly, or local official who makes or authorizes a
30 designated communication or designated exhibit expenditure to
31 be made more than sixty days before a general election shall
32 clearly affix to the designated communication or designated
33 exhibit expenditure an attribution statement disclosing the
34 source of the public moneys or moneys held in trust used to
35 pay for the designated communication or designated exhibit

1 expenditure. An attribution statement is not required to be
2 affixed to a designated communication or designated exhibit
3 expenditure made using a medium substantially similar to those
4 listed in section 68A.405, subsection 2.

5 4. An attribution statement required by subsection 3 shall
6 be displayed or transmitted as follows:

7 a. For a designated communication in the form of a paid
8 direct mailing, the attribution statement shall be printed on
9 the paid direct mailing and shall include the words "paid for
10 by" followed by the exact source of the public moneys or moneys
11 held in trust so used to pay for the designated communication
12 in question.

13 b. For a designated communication in the form of a paid
14 radio communication, the attribution statement shall be stated
15 clearly and in an understandable manner easily ascertainable by
16 the listener of such paid radio communication and shall include
17 the words "paid for by" followed by the exact source of the
18 public moneys or moneys held in trust so used to pay for the
19 designated communication.

20 c. For a designated communication in the form of a paid
21 television communication, the attribution statement shall
22 include the words "paid for by" followed by the exact source
23 of the public moneys or moneys held in trust so used to pay for
24 the designated communication. Such attribution statement shall
25 be displayed on the screen in a clearly readable manner for at
26 least four seconds.

27 d. For a designated exhibit expenditure requiring an
28 attribution statement, the attribution statement shall be
29 printed on the billboard, placard, banner, table skirt,
30 sign, display, or other physical structure and shall include
31 the words "paid for by" followed by the exact source of the
32 public moneys or moneys held in trust so used to pay for the
33 designated exhibit expenditure.

34 5. A person who willfully violates this section shall be
35 subject to a civil penalty of an amount up to the amount of

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1 moneys withdrawn from a public account, private trust fund
2 as defined in section 8.2, or trust fund controlled by a
3 political subdivision of the state used to fund the designated
4 communication or designated exhibit expenditure found to be in
5 violation of this section by the board. Such penalty shall be
6 determined and assessed by the board and paid into the account
7 from which such moneys were withdrawn. Additional criminal or
8 civil penalties available under section 68A.701 or established
9 by the board pursuant to section 68B.32A may also be determined
10 and assessed by the board for violations of this section.

11 6. This section shall not apply to any physically printed or
12 electronically printed, published, or disseminated materials or
13 literature generated by a statewide elected official, member of
14 the general assembly, or local official prior to the effective
15 date of this division of this Act.>

16 3. Title page, line 6, after <atters,> by inserting <and
17 relating to the expenditure of public funds, and>

18 4. By renumbering as necessary.

By WILLIAM A. DOTZLER, JR.

[S-5287](#) FILED MAY 1, 2018