

**State of Iowa**

2016

**ACTS AND JOINT RESOLUTIONS**  
**(Session Laws)**

Enacted at the

**2016 REGULAR SESSION**

of the

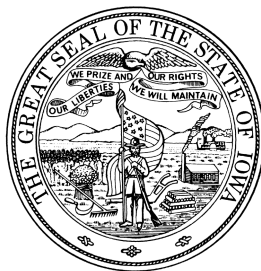
**Eighty-Sixth General Assembly**

of the

**State of Iowa**

HELD AT DES MOINES, THE CAPITAL OF THE STATE  
IN THE ONE HUNDRED SEVENTIETH YEAR OF THE STATE

REGULAR SESSION CONVENED ON THE ELEVENTH DAY OF JANUARY  
AND ADJOURNED ON THE TWENTY-NINTH DAY OF APRIL, A.D. 2016



Published under the authority of Iowa Code section 2B.10  
by the  
Legislative Services Agency  
GENERAL ASSEMBLY OF IOWA  
Des Moines



# PREFACE

## CERTIFICATION

We, Glen P. Dickinson, Director, Legislative Services Agency, Richard L. Johnson, Legal Services Division Director, and Leslie E. W. Hickey, Iowa Code Editor, certify that, to the best of our knowledge, the Acts and Resolutions in this volume have been prepared from the original enrolled Acts and Resolutions on file in the office of the Secretary of State; are correct copies of those Acts and Resolutions; are published under the authority of the statutes of this state; and constitute the Acts and Resolutions of the 2016 Regular Session of the Eighty-sixth General Assembly of the State of Iowa.

## STATUTES AS EVIDENCE

Iowa Code section 622.59 is as follows:

**622.59 Printed copies of statutes.** Printed copies of the statute laws of this or any other of the United States, or of Congress, or of any foreign government, purporting or proved to have been published under the authority thereof, or proved to be commonly admitted as evidence of the existing laws in the courts of such state or government, shall be admitted in the courts of this state as presumptive evidence of such laws.

## EXPLANATORY NOTES

*Provisional Code numbers.* Code numbers assigned to new sections and subsections in the Acts are provisional and may be changed when the 2017 Iowa Code is published. Changes will be shown in the Tables of Disposition of Acts in the 2017 Iowa Code.

*Typographic style.* The Acts and Resolutions in this volume are printed as they appear on file in the office of the Secretary of State. No editorial corrections have been made. Underlined type indicates new material added to existing statutes; strike-through type indicates deleted material. Italics within an Act indicate material that the Governor has item vetoed. Item vetoed text is also indicated by asterisks at the beginning and ending of the vetoed material. Superscript numbers indicate explanatory footnotes.

*Effective and enactment dates.* Effective and enactment dates are governed by Iowa Code section 3.7. The date of enactment generally is the date an Act is approved by the Governor, which is shown at the end of each Act. The Acts of the 2016 Regular Session generally took effect on July 1, 2016, unless otherwise provided.

*State mandates.* Iowa Code section 25B.5 requires that for each enacted bill or joint resolution containing a state mandate (defined in Iowa Code section 25B.3), an updated, final estimate of additional local revenue expenditures required by the mandate must be filed with the Secretary of State. Pursuant to Iowa Code section 2B.10 requiring that a notation of the filing of such an estimate be included in the Iowa Acts, a dagger is placed at the beginning of the enacting clause and a footnote is included for any enrolled Act or Resolution for which a mandate notation is required. No enrolled Acts required the filing of such an estimate this year.

*Resolutions.* Concurrent resolutions and Senate and House resolutions are generally not included. See Senate and House Journals for adopted resolutions.

**Orders for legal publications, including the Iowa Acts, should be directed to:**

Legislative Services Agency  
1112 E. Grand Avenue, Miller Building, Des Moines, Iowa 50319; (515) 281-6766  
[www.legis.iowa.gov/law/information](http://www.legis.iowa.gov/law/information)

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# ELECTIVE OFFICERS

Name and Office County from which  
originally chosen

## GOVERNOR

TERRY E. BRANSTAD ..... Winnebago  
Michael Boussetot, Chief of Staff  
Alicia Freed, Executive Scheduler

## LIEUTENANT GOVERNOR

KIM REYNOLDS ..... Clarke  
Phil Valenziano, Senior Policy Advisor to Lieutenant Governor  
Austin Jacobs, Executive Scheduler, Communications Advisor to the Lieutenant  
Governor

## SECRETARY OF STATE

PAUL D. PATE ..... Linn  
Mark H. Snell, Chief Deputy  
Carol Olson, Deputy of Elections  
Michael Ross, Deputy

## AUDITOR OF STATE

MARY MOSIMAN, CPA ..... Story  
Warren G. Jenkins, CPA, Chief Deputy Auditor of State  
Tamera Kusian, CPA, Deputy, Performance Investigation Division  
Andrew E. Nielsen, CPA, Deputy, Financial Audit Division

## TREASURER OF STATE

MICHAEL L. FITZGERALD ..... Polk  
Stefanie Devin, Deputy Treasurer  
Karen Austin, Deputy Treasurer

## SECRETARY OF AGRICULTURE

BILL NORTHEY ..... Dickinson  
Michael Naig, Deputy Secretary  
James Gillespie, Director, Soil Conservation and Water Quality Division  
Stephen Moline, Director, Consumer Protection and Industry Services/Food Safety  
and Animal Health  
Margaret Thomson, Director, Administrative Division

## ATTORNEY GENERAL

THOMAS J. MILLER ..... Polk  
Jeffrey S. Thompson, Solicitor General  
Eric Tabor, Chief Deputy Attorney General  
Tam Ormiston, Deputy Attorney General  
Kevin McCarthy, First Assistant Attorney General

# GENERAL ASSEMBLY

“X” means First Extraordinary Session; “XX” means Second Extraordinary Session  
 Italicized county in district column denotes home county

## SENATORS

Name and Residence	Occupation	Senatorial District	Legislative Service
Allen, Chaz Newton	Executive Director— Jasper County Economic Development Corporation	15th— <i>Jasper</i> , Polk	86(1st), 86(2nd)
Anderson, Bill Pierson	Small Business Owner/Policy Advisor—Congressman Steve King	3rd—Plymouth, <i>Woodbury</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Behn, Jerry Boone	Farmer/Agribusiness	24th— <i>Boone</i> , Greene, Hamilton, Story, Webster	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Bertrand, Rick Sioux City		7th— <i>Woodbury</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Bisignano, Tony Des Moines	Retired	17th— <i>Polk</i>	72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 86(1st), 86(2nd)
Bolkcom, Joe Iowa City	Outreach Director— University of Iowa Center for Global and Regional Environmental Research and Iowa Flood Center	43rd— <i>Johnson</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Bowman, Tod R. Maquoketa	Educator	29th—Dubuque, <i>Jackson</i> , Jones	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Brase, Chris Muscatine	Fire Fighter/Paramedic	46th— <i>Muscatine</i> , Scott	85(1st), 85(2nd), 86(1st), 86(2nd)
Breitbach, Michael Strawberry Point	Business Owner	28th—Allamakee, <i>Clayton</i> , Fayette, Winneshiak	85(1st), 85(2nd), 86(1st), 86(2nd)
Chapman, Jake Adel	Businessman/EMT	10th—Adair, Cass, <i>Dallas</i> , Guthrie, Polk	85(1st), 85(2nd), 86(1st), 86(2nd)
Chelgren, Mark Ottumwa	Entrepreneur	41st—Davis, Jefferson, Van Buren, <i>Wapello</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Costello, Mark Imogene	Farmer	12th—Fremont, <i>Mills</i> , Montgomery, Page, Ringgold, Taylor	85(1st), 85(2nd), 86(1st), 86(2nd)



Name and Residence	Occupation	Senatorial District	Legislative Service
Courtney, Thomas G. Burlington	Retired	44th— <i>Des Moines</i> , Louisa, Muscatine	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Danielson, Jeff Waterloo	Career Fire Fighter— City of Cedar Falls	30th— <i>Black Hawk</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Dearden, Dick L. Des Moines	Retired Job Developer—5th Judicial District	16th— <i>Polk</i>	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Dix, Bill Shell Rock	Minority Leader/Farmer	25th— <i>Butler</i> , Grundy, Hardin, Story	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Dotzler, William A., Jr. Waterloo	Retired—John Deere	31st— <i>Black Hawk</i>	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Dvorsky, Robert E. Coralville	Retired Executive Officer—Community Based Corrections	37th—Cedar, <i>Johnson</i> , Muscatine	72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Feenstra, Randy Hull	Finance and Insurance—Iowa State Bank/Adjunct Professor	2nd—Cherokee, O'Brien, Plymouth, <i>Sioux</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Garrett, Julian B. Indianola		13th—Madison, <i>Warren</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)

Name and Residence	Occupation	Senatorial District	Legislative Service
Gronstal, Michael E. Council Bluffs	Majority Leader	8th— <i>Pottawattamie</i>	70(1st), 70(2nd), 71(1st), 71(2nd), 72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Guth, Dennis Klemme	Farmer	4th— <i>Emmet, Hancock, Kossuth, Winnebago, Wright</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Hart, Rita Wheatland	Farmer	49th— <i>Clinton, Scott</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Hogg, Robert Cedar Rapids	Attorney	33rd— <i>Linn</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Horn, Wally E. Cedar Rapids	Legislator	35th— <i>Linn</i>	65(1st), 65(2nd), 66(1st), 66(2nd), 67(1st), 67(1st)X, 67(2nd), 68(1st), 68(2nd), 69(1st), 69(1st)X, 69(1st)XX, 69(2nd), 70(1st), 70(2nd), 71(1st), 71(2nd), 72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Jochum, Pam Dubuque	President of the Senate	50th— <i>Dubuque</i>	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Johnson, David Ocheyedan	Former Dairy Herdsman/Newspaper Owner-Editor/Polar Research/Agribusiness	1st— <i>Clay, Dickinson, Lyon, Osceola, Palo Alto</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)

Name and Residence	Occupation	Senatorial District	Legislative Service
Kapucian, Tim L. Keystone	Farmer	38th— <i>Benton</i> , Iowa, Poweshiek	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Kinney, Kevin Oxford	Retired Deputy Sheriff/Farmer	39th— <i>Johnson</i> , Keokuk, Washington	86(1st), 86(2nd)
Kraayenbrink, Tim Fort Dodge	Investment Advisor	5th— <i>Calhoun</i> , Humboldt, Pocahontas, <i>Webster</i>	86(1st), 86(2nd)
Mathis, Liz Cedar Rapids	Nonprofit Executive	34th— <i>Linn</i>	84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
McCoy, Matt Des Moines	Owner—Resource Development Consultants (RDC)	21st— <i>Polk</i> , Warren	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Petersen, Janet Des Moines	Marketing Communications Consultant	18th— <i>Polk</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Quirnbach, Herman C. Ames	Associate Professor of Economics—Iowa State University	23rd— <i>Story</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Ragan, Amanda Mason City	Executive Director— Community Kitchen of North Iowa/Executive Director—Meals on Wheels	27th— <i>Butler</i> , <i>Cerro Gordo</i> , Franklin	79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Rozenboom, Ken Oskaloosa	Farming/Ag Business	40th— <i>Appanoose</i> , <i>Mahaska</i> , Marion, Monroe, <i>Wapello</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Schneider, Charles West Des Moines	Counsel—Principal Financial Group	22nd— <i>Dallas</i> , Polk	85(1st), 85(2nd), 86(1st), 86(2nd)
Schoenjahn, Brian Arlington	Legislator/EMT— Arlington Fire Department	32nd— <i>Black Hawk</i> , Bremer, Buchanan, <i>Fayette</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Schultz, Jason Schleswig	Farmer	9th— <i>Crawford</i> , Harrison, Ida, Monona, Shelby, Woodbury	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Segebart, Mark Vail	Farmer	6th— <i>Audubon</i> , Buena Vista, Carroll, <i>Crawford</i> , Sac	85(1st), 85(2nd), 86(1st), 86(2nd)

<b>Name and Residence</b>	<b>Occupation</b>	<b>Senatorial District</b>	<b>Legislative Service</b>
Seng, Dr. Joe M. Davenport	Veterinarian	45th— <i>Scott</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Shipley, Tom Nodaway	Farmer/Legislator	11th— <i>Adams, Cass, Pottawattamie, Union</i>	86(1st), 86(2nd)
Sinclair, Amy Allerton		14th— <i>Clarke, Decatur, Jasper, Lucas, Marion, Wayne</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Smith, Roby Davenport	Small Business Owner	47th— <i>Scott</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Sodders, Steven J. State Center	Deputy Sheriff	36th— <i>Black Hawk, Marshall, Tama</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Taylor, Rich Mount Pleasant	Master HVACR Technician/Master Electrician	42nd— <i>Henry, Jefferson, Lee, Washington</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Whitver, Jack Ankeny	Business Owner/Attorney	19th— <i>Polk</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Wilhelm, Mary Jo Cresco	Appraiser	26th— <i>Cerro Gordo, Chickasaw, Floyd, Howard, Mitchell, Winneshiek, Worth</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Zaun, Brad Urbandale	Director—Master Dowel/Director— Grapnel Tech Services	20th— <i>Polk</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Zumbach, Dan Ryan	Farmer	48th— <i>Buchanan, Delaware, Jones, Linn</i>	85(1st), 85(2nd), 86(1st), 86(2nd)

## REPRESENTATIVES

Name and Residence	Occupation	Representative District	Legislative Service
Abdul-Samad, Ako Des Moines	CEO—Creative Visions	35th— <i>Polk</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Anderson, Marti Des Moines	Social Worker	36th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Bacon, Rob Slater	Retired Funeral Director	48th—Boone, Hamilton, <i>Story, Webster</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Baltimore, Chip Boone	Attorney/General Counsel	47th— <i>Boone, Greene</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Baudler, Clel Greenfield	Retired State Trooper/Farmer	20th— <i>Adair, Cass, Dallas, Guthrie</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Baxter, Terry C. Garner		8th— <i>Hancock, Kossuth, Wright</i>	86(1st), 86(2nd)
Bearinger, Bruce Oelwein		64th— <i>Buchanan, Fayette</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Bennett, Liz Cedar Rapids	Internet Sales/Support Consultant	65th— <i>Linn</i>	86(1st), 86(2nd)
Berry, Deborah L. Waterloo		62nd— <i>Black Hawk</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Best, Brian Glidden	Respiratory Therapist/ President of Bestmed Respiratory	12th— <i>Audubon, Carroll, Crawford</i>	86(1st), 86(2nd)
Branhagen, Darrel Decorah		55th— <i>Clayton, Fayette, Winneshiek</i>	86(1st), 86(2nd)
Brown-Powers, Timi Waterloo	Med-Fit Facilitator for Persons with Physical and Mental Disabilities	61st— <i>Black Hawk</i>	86(1st), 86(2nd)
Byrnes, Josh Osage	Industrial Division Chair—North Iowa Area Community College	51st— <i>Howard, Mitchell, Winneshiek, Worth</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Carlson, Gary Muscatine	Vice President—HNI Corporation	91st— <i>Muscatine</i>	86(1st), 86(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Cphoon, Dennis M. Burlington	Retired Special Education Teacher	87th— <i>Des Moines</i>	72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Cownie, Peter West Des Moines	Executive Director— Iowa State Fair Blue Ribbon Foundation	42nd— <i>Polk, Warren</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Dawson, Dave Sioux City		14th— <i>Woodbury</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Deyoe, Dave Nevada	Farmer	49th— <i>Hardin, Story</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Dolecheck, Cecil Mount Ayr	Retired Farmer	24th— <i>Montgomery, Page, Ringgold, Taylor</i>	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Dunkel, Nancy Dyersville		57th— <i>Dubuque</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Finkenauer, Abby Dubuque	Iowa Director—Make It Work	99th— <i>Dubuque</i>	86(1st), 86(2nd)
Fisher, Dean Garwin	Retired—Engineering/ Farming	72nd— <i>Black Hawk, Marshall, Tama</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Forbes, John Urbandale	Pharmacist	40th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Forristall, Greg Macedonia	Farmer	22nd— <i>Pottawattamie</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Fry, Joel Osceola	Therapist/Educator/ Consultant/Speaker	27th— <i>Clarke, Decatur, Lucas, Wayne</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Gaines, Ruth Ann Des Moines	Teacher	32nd— <i>Polk</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Gaskill, Mary Ottumwa	Retired County Auditor	81st— <i>Wapello</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Gassman, Tedd Scarville	Insurance Sales/Farmer	7th— <i>Emmet, Kossuth, Winnebago</i>	85(1st), 85(2nd), 86(1st), 86(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Grassley, Pat New Hartford	Farmer	50th— <i>Butler</i> , Grundy, Hardin	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Gustafson, Stan Cumming	Retired Marine/Attorney	25th— <i>Madison</i> , Warren	85(2nd), 86(1st), 86(2nd)
Hagenow, Chris Windsor Heights	Majority Leader/ Attorney	43rd— <i>Polk</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Hall, Chris Sioux City		13th— <i>Woodbury</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Hanson, Curt Fairfield	Retired Teacher	82nd— <i>Davis</i> , <i>Jefferson</i> , Van Buren	83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Hanusa, Mary Ann Council Bluffs	Elementary School Administrator	16th— <i>Pottawattamie</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Heartsill, Greg Melcher-Dallas	Fence Contractor	28th— <i>Jasper</i> , <i>Lucas</i> , <i>Marion</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Heaton, David E. Mount Pleasant	Retired Restaurateur	84th— <i>Henry</i> , <i>Jefferson</i> , Lee, Washington	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Heddens, Lisa Ames		46th— <i>Story</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Hein, Lee Monticello	Business Owner	96th— <i>Delaware</i> , <i>Jones</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Highfill, Jake Johnston	Commercial Real Estate	39th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Holt, Steven Denison		18th— <i>Crawford</i> , <i>Harrison</i> , <i>Shelby</i>	86(1st), 86(2nd)
Holz, Chuck Le Mars		5th— <i>Plymouth</i> , <i>Woodbury</i>	86(2nd)
Hunter, Bruce L. Des Moines		34th— <i>Polk</i>	80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Huseman, Daniel A. Aurelia	Farmer	3rd— <i>Cherokee</i> , O'Brien, <i>Plymouth</i> , <i>Sioux</i>	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Isenhart, Charles Dubuque	President—Common Good Services/Sports Official	100th— <i>Dubuque</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Jacoby, Dave Coralville	STEM Outreach Coordinator	74th— <i>Johnson</i>	80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Jones, Megan Sioux Rapids	Attorney	2nd— <i>Clay, Dickinson, Palo Alto</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Jorgensen, Ron Sioux City	Vice President for Business and Finance—Morningside College	6th— <i>Woodbury</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Kaufmann, Bobby Wilton	Grain and Livestock Farmer/Small Business Owner	73rd— <i>Cedar, Johnson, Muscatine</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Kearns, Jerry A. Keokuk	Staff Representative— United Steelworkers Union	83rd— <i>Lee</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Kelley, Daniel Newton	Realtor/Small Business Owner—DJ Service	29th— <i>Jasper</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Klein, Jarad J. Keota	Family Farmer	78th— <i>Keokuk, Washington</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Koester, Kevin Ankeny	Consultant/Retired School Administrator	38th— <i>Polk</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Kooiker, John Boyd	Farmer/Retired Rural Letter Carrier/Substitute Teacher	4th— <i>Sioux</i>	86(1st), 86(2nd)
Kressig, Bob Cedar Falls	Retired—John Deere	59th— <i>Black Hawk</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Landon, John Ankeny	Retired—Ag Business	37th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Lensing, Vicki S. Iowa City	Funeral Home Owner	85th— <i>Johnson</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Lykam, Jim Davenport	Legislator	89th— <i>Scott</i>	73(1st), 73(2nd), 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)



Name and Residence	Occupation	Representative District	Legislative Service
Mascher, Mary Iowa City	Retired Teacher	86th— <i>Johnson</i>	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Maxwell, Dave Gibson	Drainage Contractor/Farmer	76th—Iowa, <i>Poweshiek</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
McConkey, Charlie Council Bluffs	Retired Steelworker	15th— <i>Pottawattamie</i>	86(1st), 86(2nd)
Meyer, Brian Des Moines		33rd— <i>Polk</i>	85(2nd), 86(1st), 86(2nd)
Miller, Helen Fort Dodge	Attorney/Arts Educator	9th— <i>Webster</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Miller, Linda J. Bettendorf	Retired Registered Nurse	94th— <i>Scott</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Mommsen, Norlin DeWitt	Farmer	97th— <i>Clinton, Scott</i>	86(1st), 86(2nd)
Moore, Brian Bellevue	Farmer/Truck Driver	58th— <i>Dubuque, Jackson, Jones</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Moore, Tom Griswold		21st— <i>Adams, Cass, Pottawattamie, Union</i>	86(2nd)
Nunn, Zach Bondurant	Military Officer	30th— <i>Polk</i>	86(1st), 86(2nd)
Oldson, Jo Des Moines		41st— <i>Polk</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Olson, Rick Des Moines	Attorney	31st— <i>Polk</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Ourth, Scott Ackworth	Public Affairs Executive/Heavy Equipment Operator	26th— <i>Warren</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Paulsen, Kraig Hiawatha	Attorney	67th— <i>Linn</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Paustian, Ross Walcott	Farmer	92nd— <i>Scott</i>	84(1st), 84(2nd), 86(1st), 86(2nd)

<b>Name and Residence</b>	<b>Occupation</b>	<b>Representative District</b>	<b>Legislative Service</b>
Pettengill, Dawn E. Mount Auburn	Legislator	75th— <i>Benton, Iowa</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Prichard, Todd Charles City	Attorney	52nd— <i>Cerro Gordo, Chickasaw, Floyd</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Rizer, Ken Cedar Rapids		68th— <i>Linn</i>	86(1st), 86(2nd)
Rogers, Walt Cedar Falls		60th— <i>Black Hawk</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Ruff, Patti McGregor		56th— <i>Allamakee, Clayton</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Running-Marquardt, Kirsten Cedar Rapids		69th— <i>Linn</i>	83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Salmon, Sandy Janesville	Retired Home Educator	63rd— <i>Black Hawk, Bremer</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Sands, Thomas R. Wapello	Real Estate Appraiser/Farmer	88th— <i>Des Moines, Louisa, Muscatine</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Sexton, Mike Rockwell City	Environmental Consultant/Farmer/ Entrepreneur	10th— <i>Calhoun, Humboldt, Pocahontas, Webster</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 86(1st), 86(2nd)
Sheets, Larry Moulton		80th— <i>Appanoose, Mahaska, Monroe, Wapello</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Sieck, David Glenwood		23rd— <i>Fremont, Mills, Montgomery</i>	86(1st), 86(2nd)
Smith, Mark D. Marshalltown	Minority Leader/ Licensed Independent Social Worker	71st— <i>Marshall</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Staed, Art Cedar Rapids		66th— <i>Linn</i>	82(1st), 82(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Stanerson, Quentin Center Point	Teacher	95th— <i>Buchanan, Linn</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Steckman, Sharon S. Mason City	Retired Educator	53rd— <i>Cerro Gordo</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Stutsman, Sally Riverside	Former Johnson County Supervisor	77th— <i>Johnson</i>	85(1st), 85(2nd), 86(1st), 86(2nd)
Taylor, Rob West Des Moines	Small Business Owner/Consultant/ Educator	44th— <i>Dallas</i>	85(1st), 85(2nd), 86(1st), 86(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Taylor, Todd E. Cedar Rapids	AFSCME Representative	70th— <i>Linn</i>	76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Thede, Phyllis Bettendorf		93rd— <i>Scott</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Upmeyer, Linda L. Clear Lake	Speaker of the House/Nurse Practitioner	54th— <i>Butler, Cerro Gordo, Franklin</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Vander Linden, Guy Oskaloosa	Retired Marine	79th— <i>Mahaska, Marion</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Watts, Ralph C. Adel	Retired Engineer	19th— <i>Dallas, Polk</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Wessel-Kroeschell, Beth Ames	Legislator	45th— <i>Story</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Wills, John H. Spirit Lake	Environmental Coordinator	1st— <i>Dickinson, Lyon, Osceola</i>	86(1st), 86(2nd)
Winckler, Cindy Davenport	Retired Educator	90th— <i>Scott</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Windschittl, Matt W. Missouri Valley	Gunsmith/Conductor— Union Pacific Railroad	17th— <i>Harrison, Ida, Monona, Woodbury</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Wolfe, Mary Lynn Clinton		98th— <i>Clinton</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)
Worthan, Gary Storm Lake	Farmer	11th— <i>Buena Vista, Sac</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd)

# JUDICIAL BRANCH

## JUSTICES OF THE SUPREME COURT

(Justices listed according to seniority)

Name	City of Office	Term Ending
Mark S. Cady, C.J. ....	Fort Dodge .....	December 31, 2016
David S. Wiggins .....	West Des Moines .....	December 31, 2020
Daryl L. Hecht .....	Sloan .....	December 31, 2016
Brent R. Appel .....	Ackworth .....	December 31, 2016
Thomas D. Waterman .....	Pleasant Valley .....	December 31, 2020
Edward M. Mansfield .....	Des Moines .....	December 31, 2020
Bruce B. Zager .....	Waterloo .....	December 31, 2020

## JUDGES OF THE COURT OF APPEALS

(Judges listed according to seniority)

Gayle N. Vogel .....	Spirit Lake .....	December 31, 2016
Anuradha Vaitheswaran .....	Des Moines .....	December 31, 2018
Amanda Potterfield .....	Cedar Rapids .....	December 31, 2016
Richard H. Doyle .....	Des Moines .....	December 31, 2016
David R. Danilson, C.J. ....	Pleasant Hill .....	December 31, 2016
Mary E. Tabor .....	Des Moines .....	December 31, 2018
Michael R. Mullins .....	Washington .....	December 31, 2018
Thomas N. Bower .....	Cedar Falls .....	December 31, 2020
Christopher L. McDonald .....	Des Moines .....	December 31, 2020

# CONGRESSIONAL DELEGATION AND DISTRICT OFFICES

## UNITED STATES SENATORS

### Senator Joni Ernst (R)

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can be made through website

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(319) 365-4504

221 Federal Building  
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Council Bluffs, Iowa 51501  
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201 West Second Street  
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Davenport, Iowa 52801  
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733 Federal Building  
210 Walnut Street  
Des Moines, Iowa 50309  
(515) 284-4574

194 Federal Building  
320 Sixth Street  
Sioux City, Iowa 51101  
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### Senator Chuck Grassley (R)

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307 Federal Building  
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Council Bluffs, Iowa 51501  
(712) 322-7103

201 West Second Street  
Suite 720  
Davenport, Iowa 52801  
(563) 322-4331

721 Federal Building  
210 Walnut Street  
Des Moines, Iowa 50309  
(515) 288-1145

120 Federal Building  
320 Sixth Street  
Sioux City, Iowa 51101  
(712) 233-1860

210 Waterloo Building  
531 Commercial Street  
Waterloo, Iowa 50701  
(319) 232-6657

## UNITED STATES REPRESENTATIVES

First District: **Congressman Rod Blum (R)**

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# CONDITION OF STATE TREASURY

June 30, 2015

	Balance July 1, 2014	Total Receipts and Transfers	Total Available	Total Disbursements and Transfers	Balance June 30, 2015
General Fund .....	\$ 1,275,074,614	\$13,813,284,677	\$15,088,359,291	\$13,993,898,265	\$ 1,094,461,026
Special Revenue Fund .....	1,261,809,249	4,747,652,978	6,009,462,227	5,014,467,327	994,994,900
Capital Projects Fund .....	16,983,209	43,405,999	60,389,208	47,910,110	12,479,098
Debt Service Fund .....	675	4	679	679	0
Enterprise Fund .....	64,601,863	694,628,681	759,230,544	693,505,346	65,725,198
Internal Service Fund .....	120,230,263	662,317,057	782,547,320	656,022,111	126,525,209
Expendable Trust Fund .....	169,693,626	456,726,347	626,419,973	463,930,922	162,489,051
Nonexpendable Trust Fund .....	33,957,472	2,692,033	36,649,505	737,525	35,911,980
Pension Fund .....	22,004,925,404	3,391,784,590	25,396,709,994	1,891,632,619	23,505,077,375
Trust and Agency Fund .....	370,020,599	5,488,524,299	5,858,544,898	5,522,481,674	336,063,224
Totals .....	<u>\$25,317,296,974</u>	<u>\$29,301,016,665</u>	<u>\$54,618,313,639</u>	<u>\$28,284,586,578</u>	<u>\$26,333,727,061</u>

Balance July 1, 2014 .....	\$25,317,296,974
Receipts and Transfers .....	29,301,016,665
Total Available .....	54,618,313,639
Disbursements and Transfers .....	28,284,586,578
Balance June 30, 2015 .....	\$26,333,727,061

DEPARTMENT OF ADMINISTRATIVE SERVICES  
STATE ACCOUNTING ENTERPRISE

May 23, 2016



# ANALYSIS BY CHAPTERS

## 2016 REGULAR SESSION

For Conversion Tables of Senate and House Files and Joint Resolutions to chapters of the 2016 Acts, Regular Session, see page 488

CH.	FILE	TITLE
1001	SF 2035	Juvenile shelter care homes reimbursement rate
1002	SF 2288	Confidentiality of juvenile delinquency records
1003	HF 2147	Absentee voting by uniformed and overseas citizens
1004	HF 2118	Audits or examinations — financial irregularities — report to county attorney
1005	HF 2271	Identity theft — miscellaneous changes
1006	HF 2277	Utility facilities within public road rights-of-way — electric transmission facilities providing services to public utilities
1007	HF 2433	State taxation — temporary Internal Revenue Code references update — bonus depreciation — sales and use taxes
1008	SF 2151	Alcoholic beverage control — miscellaneous changes
1009	SF 2170	Public improvement projects — notice requirements
1010	SF 2181	Household hazardous materials collection and disposal programs
1011	SF 2189	Nonsubstantive Code corrections
1012	SF 2200	Educational standards — online course content delivery
1013	SF 2221	Public utilities — sanitary sewage and storm water drainage collection and disposal
1014	SF 2257	Iowa finance authority project financing — out-of-state properties, entities, and bond issuers
1015	HF 2180	Transfer of township public hall funds
1016	HF 2265	Address confidentiality program — disclosure of participant information
1017	HF 2267	Civil service employee residency requirements
1018	HF 2268	Public employee support for certification or decertification of employee organizations — confidentiality
1019	HF 2325	Sanitary districts — severance of territory — services transfer
1020	HF 2339	Watershed management — benefited lake districts
1021	HF 2343	Possession and storage of game or fur-bearing animals and pelts
1022	HF 2354	Electronic recordings of magistrate court proceedings
1023	HF 2356	Towing of implements of husbandry
1024	HF 2357	Turtle harvesting
1025	HF 2364	Meetings of governmental bodies — accessibility — notice
1026	SF 2159	State and local administration of public health services
1027	SF 2115	Interference with official acts — jailers
1028	SF 2231	Disaster aid payment authorization requirements
1029	SF 2234	National guard educational assistance program — credit hours
1030	SF 2279	Credit unions — miscellaneous changes
1031	HF 2146	Dispensing of lottery products — self-service kiosks
1032	HF 2261	Public funds investments by political subdivisions — joint investment trusts
1033	HF 2266	Unclaimed cremated remains — veterans
1034	HF 2275	Disbursement of all Iowa opportunity scholarships
1035	HF 2278	Limitations of actions — kidnapping and human trafficking
1036	HF 2336	Schools and school districts — oversight, financing, and programs
1037	HF 2342	Hunting, fishing, and fur harvester licenses — form
1038	HF 2377	Health care provider loan repayment programs
1039	HF 2387	Licensure of dentists — alternative testing methods study
1040	HF 2400	Voidable commercial transactions
1041	HF 2401	Credit card fraud — use of minor's name
1042	HF 2420	Unstated sexual abuse evidence collection kits — survey — report
1043	HF 2269	Beef cattle marketing and promotion

CH.	FILE	TITLE
1044	HF 2279	Firearm suppressors
1045	HF 2353	Emergency management organization employees — political activities
1046	HF 2386	Children conceived through sexual abuse — termination of parental rights
1047	SF 174	School finance — state percent of growth
1048	SF 175	School finance — categorical state percent of growth
1049	SF 378	Peace officer and corrections officer acts or omissions — reimbursement of criminal defense costs
1050	SF 2022	Sac and Fox Indian settlement — criminal jurisdiction
1051	SF 2059	Violator and residential facilities
1052	SF 2102	Drug prescribing and dispensing — information program — access
1053	SF 2110	Criminal history data access
1054	SF 2111	Administration of oaths or acknowledgement of signatures by peace officers or certified law enforcement officers
1055	SF 2144	Disclosure of behavioral health information — patient care coordination
1056	SF 2147	Iowa public employees' retirement system — protection occupations — regents institution peace officers and sex offender psychiatric security specialists
1057	SF 2162	Department of inspections and appeals — administrative hearings — electronic filing system
1058	SF 2164	Public intoxication and alcohol consumption offenses — expungement
1059	SF 2194	Public employment relations board administrative law judges
1060	SF 2214	Dispensing of prescription drugs — additional quantities
1061	SF 2218	Drug overdose victims — emergency treatment — opioid antagonists
1062	SF 2242	City elections — candidate filings — city clerk
1063	SF 2258	Child welfare — investigations, planning, custody, placement, and programming — sex trafficking victims
1064	SF 2276	Land surveying standards
1065	SF 2300	Economic development — high quality jobs program — renewable chemical production tax credits
1066	HF 228	Transitional coaching authorizations
1067	HF 588	Persons with disabilities windshield parking placards
1068	HF 617	Special vehicle registration plates — nonprofit organization decals
1069	HF 2282	Adoptions — appointment of guardian ad litem
1070	HF 2283	Carrying firearms while operating or riding snowmobiles or all-terrain vehicles
1071	HF 2341	Operation of postsecondary schools — accreditation requirements
1072	HF 2345	Reports on structurally deficient county bridges
1073	HF 2359	Substantive Code corrections
1074	HF 2363	Closed sessions of governmental bodies — member attendance
1075	HF 2370	Registration of postsecondary schools — exemptions
1076	HF 2385	Littering and illegal dumping
1077	SF 2191	Combatting human trafficking — office established
1078	SF 2196	Practitioner preparation programs — reading and literacy requirements
1079	HF 2264	Open enrollment and varsity athletics eligibility — harassment or bullying
1080	SF 503	Fees collected by county sheriffs — report
1081	SF 2116	Controlled substances — schedule I additions
1082	SF 2185	Violations of privacy — trespass — film defined
1083	SF 2228	Motor vehicle registration, titling, dealers, and wholesalers
1084	SF 2233	Military service — parents custody and visitation
1085	SF 2260	Medicaid — ownership and control information for nonprofit corporations
1086	SF 2273	Home food establishment licensure
1087	HF 2270	Fathers and juvenile justice proceedings — paternity established by law included
1088	HF 2335	Probate, trusts, and fiduciaries
1089	HF 2344	Termination of farm tenancies — written agreement
1090	HF 2415	Veterans preference information
1091	HF 2429	Gambling game licensure fees

CH.	FILE	TITLE
1092	SF 2219	Carbon monoxide alarms
1093	SF 453	Regulation of pharmacies, pharmacists, and outsourcing facilities
1094	SF 2259	Noncompliance with outpatient mental health treatment orders — custody and treatment
1095	SF 2306	Regulation of businesses responding to state-declared disasters
1096	HF 2274	Child labor permits — documentation of age
1097	HF 2373	Regulation of limited partnerships and limited liability companies
1098	HF 2437	Transportation — miscellaneous changes
1099	HF 2445	Wagering taxes on gambling games — promotional play receipts
1100	HF 2439	Emergency communications services — allocation of funds
1101	HF 2414	Regulation of transportation network companies and taxicabs
1102	HF 2331	Public funds investments — companies boycotting Israel
1103	SF 2326	Statewide interoperable communications system funding and E911 emergency communication fund expenditures
1104	HF 2064	Child endangerment, robbery, and criminal drug offenses — penalties and sentencing
1105	HF 2464	Environmental protection — underground storage tank and renewable fuel infrastructure funds — petroleum diminution charge
1106	SF 2309	Renewable fuel tax credits and refunds
1107	SF 2301	Educational savings plan trust — eligible entities
1108	HF 2392	Educational programs and standards — academic and career guidance, career and technical education, and work-based learning
1109	HF 2443	Economic development authority programs and duties
1110	SF 492	Disaster case management fund and grant program
1111	SF 2187	Driver's licenses — veteran status — disability certification
1112	SF 2188	Prescription authority for psychologists
1113	SF 2299	Family support programs and services — early childhood initiative
1114	SF 2304	Certification and inspection standards for children's residential facilities
1115	SF 2308	Economic development — enhance Iowa board and fund — sports tourism program and fund
1116	SF 2311	Iowa gold star military museum
1117	SF 2312	State sales tax — rebate for baseball and softball tournament facility
1118	SF 2313	Workforce development programs and unemployment insurance
1119	SF 2316	Delinquent court debt collection
1120	HF 493	Summoning emergency assistance — rights of residents, owners, tenants, and landlords
1121	HF 2273	Administration of elections
1122	HF 2394	Regulation of insurance, securities, insurers, and cemeteries
1123	HF 2413	Reading proficiency assessments and programs
1124	HF 2436	Regulation of real estate appraisal
1125	HF 2446	County medical examiner fees
1126	HF 2449	Implementation of legislative enactments — rulemaking
1127	HF 2456	Mental health and disability services funding authorization
1128	HF 2468	Taxation and tax law administration — miscellaneous changes
1129	SF 2109	Miscellaneous supplemental appropriations and transfers
1130	SF 2314	Appropriations — administration and regulation
1131	SF 2320	Appropriations — transportation
1132	SF 2323	Appropriations — education
1133	SF 2324	Appropriations — infrastructure and capital projects
1134	HF 2454	Appropriations — agriculture and natural resources
1135	HF 2455	Appropriations — economic development
1136	HF 2457	Appropriations — judicial branch
1137	HF 2458	Appropriations — justice system
1138	HF 2459	State and local government financial and regulatory matters — appropriations and miscellaneous changes
1139	HF 2460	Appropriations — health and human services

CH.	FILE	TITLE
1140	SJR 2006	Nullification of administrative rule — special education endorsement and specializations
1141	SJR 2007	Nullification of administrative rule — board of educational examiners fee increase

2016 Regular Session  
of the  
**Eighty-Sixth General Assembly**  
of the  
State of Iowa

**CHAPTER 1001**

JUVENILE SHELTER CARE HOMES REIMBURSEMENT RATE

*S.F. 2035*

**AN ACT** relating to the reimbursement rate for juvenile shelter care homes and including effective date and retroactive applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. 2015 Iowa Acts, chapter 137, section 29, subsection 9, paragraph c, is amended to read as follows:

c. Notwithstanding section 232.141, subsection 8, for the fiscal year beginning July 1, 2015, the amount of the statewide average of the actual and allowable rates for reimbursement of juvenile shelter care homes that is utilized for the limitation on recovery of unpaid costs shall ~~remain at~~ be increased by \$4.85 over the amount in effect for this purpose in the fiscal year beginning July 1, 2014.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 3. RETROACTIVE APPLICABILITY. This Act applies retroactively to July 1, 2015.

Approved February 29, 2016

**CHAPTER 1002**

CONFIDENTIALITY OF JUVENILE DELINQUENCY RECORDS

*S.F. 2288*

**AN ACT** relating to the confidentiality of juvenile court records in delinquency proceedings.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 232.11, subsection 1, unnumbered paragraph 1, Code 2016, is amended to read as follows:

A child shall have the right to be represented by counsel at the following stages of the proceedings within the jurisdiction of the juvenile court under division II or division VIII:

Sec. 2. Section 232.11, subsection 1, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. A hearing on a confidentiality order under section 232.149A or a public records order under section 232.149B.

Sec. 3. Section 232.19, subsection 4, Code 2016, is amended to read as follows:

4. Information pertaining to a child who is at least ten years of age and who is taken into custody for a delinquent act which would be a ~~public offense~~ forcible felony offense if committed by an adult is a public record and is not confidential under section 232.147, subject to the provisions of section 232.149.

Sec. 4. Section 232.147, subsections 2 and 6, Code 2016, are amended by striking the subsections.

Sec. 5. Section 232.147, subsection 3, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Official juvenile court records in all cases except those alleging delinquency the commission of a delinquent act that would be a forcible felony if committed by an adult shall be confidential and are not public records but. Unless an order sealing such confidential records in a delinquency proceeding has been entered pursuant to section 232.150, confidential records may be inspected and their contents shall be disclosed to the following without court order, provided that a person or entity who inspects or receives a confidential record under this section shall not disclose the confidential record or its contents unless required by law:

Sec. 6. Section 232.147, subsection 3, paragraphs e and f, Code 2016, are amended to read as follows:

e. An agency, association, facility or institution which has custody of the child, or is legally responsible for the care, treatment or supervision of the child, including but not limited to the department of human services.

f. A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court delinquency proceeding.

Sec. 7. Section 232.147, subsection 3, Code 2016, is amended by adding the following new paragraphs:

NEW PARAGRAPH. i. The department of corrections.

NEW PARAGRAPH. j. A judicial district department of correctional services.

NEW PARAGRAPH. k. The board of parole.

NEW PARAGRAPH. l. The superintendent or the superintendent's designee of the school district for the school attended by the child or the authorities in charge of an accredited nonpublic school attended by the child.

NEW PARAGRAPH. m. A member of the armed forces of the United States who is conducting a background investigation of an individual pursuant to federal law.

NEW PARAGRAPH. n. The statistical analysis center for the purposes stated in section 216A.136.

NEW PARAGRAPH. o. A state or local law enforcement agency.

NEW PARAGRAPH. p. The alleged victim of the delinquent act.

Sec. 8. Section 232.147, Code 2016, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. Official juvenile court records containing a petition or complaint alleging the commission of a delinquent act that would be a forcible felony if committed by an adult shall be public records subject to a confidentiality order under section 232.149A or sealing under section 232.150. However, such official records shall not be available to the

public or any governmental agency through the internet or in an electronic customized data report unless the child has been adjudicated delinquent in the matter. However, such official juvenile court records shall be disclosed through the internet or in an electronic customized data report prior to the child being adjudicated delinquent to the following without court order:

- a. The judge and professional court staff, including juvenile court officers.
- b. The child's counsel or guardian ad litem.
- c. The county attorney and the county attorney's assistants.
- d. A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court proceeding.
- e. A state or local law enforcement agency.
- f. The state public defender.
- g. The statistical analysis center for the purposes stated in section 216A.136.
- h. The department of human services.
- i. The department of corrections.
- j. A judicial district department of correctional services.
- k. The board of parole.

NEW SUBSECTION. 3B. If the court has excluded the public from a hearing pursuant to section 232.39 or 232.92, the transcript of the proceedings shall not be deemed a public record and inspection and disclosure of the contents of the transcript shall not be permitted except pursuant to a court order or unless otherwise provided in this chapter.

NEW SUBSECTION. 3C. Delinquency complaints under section 232.28 shall be released in accordance with section 915.25. Other official juvenile court records in a delinquency proceeding that are public records under this section and that have not been made confidential pursuant to section 232.149A or sealed pursuant to section 232.150 may be released under this section by a juvenile court officer.

NEW SUBSECTION. 12. Notwithstanding any provision of this section or a confidentiality order entered pursuant to section 232.149A, the juvenile court shall notify the department of transportation as required by sections 321.213 and 321.213A.

NEW SUBSECTION. 13. The confidentiality of a final adjudication of delinquency under this section or pursuant to section 232.149A shall not prohibit the state from pleading or proving the adjudication at a subsequent criminal or delinquency proceeding for the purpose of penalty enhancement when a provision of the Code specifically deems the delinquency adjudication to constitute a final conviction.

NEW SUBSECTION. 14. A provision in this section or section 232.149A or 232.150 shall not be construed to limit or restrict the production, use, or introduction of official juvenile court records in any juvenile or adult criminal proceeding, where such records are relevant and deemed admissible under any other provision of the law.

NEW SUBSECTION. 15. A provision in this section or section 232.149A shall not limit or prohibit individuals from performing any duties or responsibilities as required by section 124.415, 232.47, or 232.49.

NEW SUBSECTION. 16. Notwithstanding any provision of this section or section 232.149A to the contrary, if the child has been discharged from the jurisdiction of the juvenile court in a delinquency proceeding due to reaching the age of eighteen and restitution remains unpaid, the name of the court, the title of the action, and the court's file number shall not be kept confidential, and the restitution amount shall be a judgment and lien as provided in sections 910.7A, 910.8, 910.10, and 915.28 until the restitution is paid.

NEW SUBSECTION. 17. Notwithstanding any other provision of law, a public record which is confidential under the provisions of this chapter shall only be subject to release upon order of a court in a proceeding under this chapter.

Sec. 9. Section 232.147, subsection 5, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Pursuant to court order, official juvenile court records may be inspected by and their contents may be disclosed to:

Sec. 10. Section 232.149, Code 2016, is amended to read as follows:

**232.149 Records of criminal or juvenile justice agencies, intake officers, and juvenile court officers.**

1. The taking of a child into custody under the provisions of section 232.19 shall not be considered an arrest.

2. Records and files of a criminal or juvenile justice agency, an intake officer, or a juvenile court officer concerning a child involved in a delinquent act are public records, ~~except that release of criminal history data, intelligence data, and law enforcement investigatory files is subject to the provisions of section 22.7 and chapter 692, and juvenile court social records, as defined in section 232.2, subsection 31, shall be deemed confidential criminal identification files under section 22.7, subsection 9 confidential.~~ The records are subject to sealing under section 232.150 unless the juvenile court waives its jurisdiction over the child so that the child may be prosecuted as an adult for a public offense.

3. Records and files of a criminal or juvenile justice agency, an intake officer, or a juvenile court officer concerning a defendant transferred under section 803.6 to the juvenile court for the alleged commission of a public offense are public records, except that release of criminal history data, intelligence data, and law enforcement investigatory files is subject to the provisions of section 22.7 and chapter 692, and juvenile court social records shall be deemed confidential criminal identification files under section 22.7, subsection 9. The records are subject to sealing under section 232.150.

4. Notwithstanding subsection 2, if a juvenile who has been placed in detention under section 232.22 escapes from the facility, the criminal or juvenile justice agency may release the name of the juvenile, the facts surrounding the escape, and the offense or alleged offense which resulted in the placement of the juvenile in the facility.

5. Records of an intake officer or juvenile court officer containing a dismissal of a complaint or an informal adjustment of a complaint if no petition is filed relating to the complaint, shall not be available to the public and may only be inspected by or disclosed to the following:

- a. The judge and professional court staff, including juvenile court officers.
- b. The child's counsel or guardian ad litem.
- c. The county attorney and county attorney's assistants.
- d. The superintendent or the superintendent's designee of the school district for the school attended by the child or the authorities in charge of an accredited nonpublic school attended by the child.
- e. A member of the armed forces of the United States who is conducting a background investigation of an individual pursuant to federal law.
- f. The statistical analysis center for the purposes stated in section 216A.136.
- g. The state public defender.
- h. The department of human services.
- i. The alleged victim of the delinquent act.

Sec. 11. Section 232.149A, subsections 1 and 3, Code 2016, are amended to read as follows:

1. Notwithstanding any other provision of the Code to the contrary, upon the court's own motion or application of a person who was taken into custody for a delinquent act or was the subject of a complaint alleging delinquency or was the subject of a delinquency petition, or upon the court's own motion, alleging the commission of a delinquent act that would be a forcible felony if committed by an adult, the court after hearing, shall order official juvenile court records in the case to be kept confidential and no longer public records under sections 232.19, 232.147, and 232.149 915.25, if the court finds both of the following apply:

a. The case has been dismissed without any adjudication of delinquency and the person is no longer subject to the jurisdiction of the juvenile court in the matter.

b. Making the records confidential is in the best interests of the person and the public. The child's interest in making the records confidential outweighs the public's interest in the records remaining public records.

3. Official Unless an order sealing the records has been entered pursuant to section 232.150, official juvenile court records subject to a confidentiality order may be inspected and their contents shall be disclosed to the following without court order:



- a. The judge and professional court staff, including juvenile court officers.
- b. The child and the child's counsel.
- c. The child's parent, guardian or custodian, court appointed special advocate, and guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.
- d. The county attorney and the county attorney's assistants.
- e. An agency, association, facility, or institution which has custody of the child, or is legally responsible for the care, treatment, or supervision of the child, including but not limited to the department of human services.
- f. A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who had been the subject of a juvenile court proceeding.
- g. The child's foster parent or an individual providing preadoptive care to the child.
- h. A state or local law enforcement agency.
- i. The state public defender.
- j. The department of corrections.
- k. A judicial district department of correctional services.
- l. The board of parole.
- m. The statistical analysis center for the purposes stated in section 216A.136.
- n. The alleged victim of the delinquent act.
- o. A member of the armed forces of the United States who is conducting a background investigation of an individual pursuant to federal law.

Sec. 12. Section 232.149A, subsection 4, Code 2016, is amended by striking the subsection.

Sec. 13. NEW SECTION. 232.149B Public records orders.

1. A rebuttable presumption exists that official juvenile court records in delinquency proceedings that do not involve an allegation of delinquency that would be a forcible felony offense if committed by an adult shall remain confidential as provided by section 232.147.

2. Upon application of any person or upon the court's own motion at any time prior to the termination of juvenile court jurisdiction over the charged juvenile, and after hearing, the court shall order the official juvenile court records in such a delinquency proceeding to be public records if any of the following apply:

a. The public's interest in making the records public outweighs the juvenile's interest in maintaining the confidentiality of the records.

b. The juvenile has been placed on youthful offender status pursuant to section 232.45, subsection 7, and section 907.3A, subsection 1, and will be transferred back to the district court for sentencing prior to the child's eighteenth birthday.

3. Upon application of any person or upon the court's own motion at any time prior to the termination of juvenile court jurisdiction over the charged juvenile, and after hearing, the court may order the official juvenile court records in such a delinquency proceeding to be public records if the juvenile has been subsequently adjudicated delinquent for a public offense that would be a serious misdemeanor, aggravated misdemeanor, or felony offense if committed by an adult, or another delinquency proceeding is pending seeking such an adjudication.

4. Records subject to a public records order may be sealed at a later date pursuant to section 232.150.

Sec. 14. Section 232.150, subsection 1, paragraph a, unnumbered paragraph 1, Code 2016, is amended to read as follows:

In the case of an adjudication of delinquency, the court, shall upon its own motion, ~~shall~~ schedule a sealing of records hearing to be held two years after the date of the last official action, or the date the child becomes eighteen years of age, whichever is later, ~~or. The court shall also schedule a sealing of records hearing upon application of a person who was taken into custody for a delinquent act or was the subject of a complaint alleging delinquency~~

~~or was the subject of a delinquency petition, or upon the court's own motion, the alleging delinquency that did not result in an adjudication. The court, after hearing, shall order the official juvenile court records in the case including those specified in sections 232.147, and 232.149, 232.149A, 232.149B, and 915.25, sealed if the court finds all of the following:~~

Sec. 15. Section 232.150, subsection 1, paragraph a, Code 2016, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) The person was not adjudicated delinquent on an offense involving a violation of section 321J.2.

Sec. 16. Section 915.25, Code 2016, is amended to read as follows:

**915.25 Right to review complaint against juvenile.**

1. A complaint filed with the court or its designee pursuant to chapter 232 which alleges that a child who is at least ten years of age has committed a delinquent act, which if committed by an adult would be a public offense forcible felony, is a public record and shall not be confidential under section 232.147. The court, the court's designee, or law enforcement officials may release the complaint, including the identity of the child named in the complaint.

~~2. The court, its designee, or law enforcement officials are authorized to release the complaint, including the identity of the child named in the complaint. All other complaints filed with the court or the court's designee pursuant to chapter 232 that allege a child has committed a delinquent act are confidential under section 232.147 and are not public records, subject to entry of a public records order pursuant to section 232.149B. However, if the child named in a complaint is at large, state and local law enforcement officials are authorized to release the complaint, including the identity of the child named in the complaint, if deemed necessary for the protection of the public or the safety of the child.~~

3. Notwithstanding the provisions of sections 232.147, 232.149, and 232.149A, an intake or juvenile court officer shall disclose to the alleged victim of a delinquent act, upon the request of the victim, the complaint, the name and address of the child who allegedly committed the delinquent act, and the disposition of the complaint. If the alleged delinquent act would be a forcible felony<sup>1</sup> if committed by an adult, the intake or juvenile court officer shall provide notification to the victim of the delinquent act as required by section 915.24.

Sec. 17. APPLICABILITY. This Act applies to juvenile delinquency proceedings which are pending or arise on or after July 1, 2016.

Approved March 9, 2016

## CHAPTER 1003

### ABSENTEE VOTING BY UNIFORMED AND OVERSEAS CITIZENS

#### H.F. 2147

**AN ACT** relating to absentee voting by uniformed and overseas citizens.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 53.45, subsection 1, paragraph b, Code 2016, is amended to read as follows:

b. The application for a special absentee ballot shall not be filed earlier than ninety one hundred twenty days prior to the general election. The special absentee ballot shall list the offices and measures, if known, scheduled to appear on the general election ballot.

<sup>1</sup> See chapter 1138, §17 herein

The eligible elector may use the special absentee ballot to write in the name of any eligible candidate for each office and may vote on any measure.

Sec. 2. Section 53.53, subsection 1, Code 2016, is amended to read as follows:

1. Upon receipt of an official federal write-in ballot, the commissioner shall examine the voter's written declarations on the envelope. If ~~it appears that the voter is eligible to vote under the provisions of this subchapter, has applied in a timely fashion for an absentee ballot,~~ and has complied with all requirements for the federal write-in ballot, then the federal write-in ballot is valid unless ~~the~~ an Iowa absentee ballot is received from the voter in time to be counted.

Sec. 3. Section 53.53, subsection 4, paragraph b, Code 2016, is amended by striking the paragraph.

Approved March 10, 2016

## CHAPTER 1004

### AUDITS OR EXAMINATIONS — FINANCIAL IRREGULARITIES — REPORT TO COUNTY ATTORNEY

*H.F. 2118*

**AN ACT** concerning reports of financial irregularities filed by the state auditor with a county attorney.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 11.53, Code 2016, is amended to read as follows:

#### **11.53 Report filed with county attorney.**

If an audit or examination discloses any significant irregularity in the collection or disbursement of public funds, in the abatement of taxes, or other findings the auditor believes represent significant noncompliance, a copy of the report shall be filed with the county attorney, and it shall be the county attorney's duty to cooperate with the state auditor, and, in proper cases, with the attorney general, to secure the correction of the irregularity.

Approved March 11, 2016

## CHAPTER 1005

### IDENTITY THEFT — MISCELLANEOUS CHANGES

*H.F. 2271*

**AN ACT** relating to the criminal offense of identity theft, and providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 715A.8, subsection 3, Code 2016, is amended to read as follows:

3. a. If the value of the credit, property, ~~or~~ services, or other benefit exceeds ~~one~~ ten thousand dollars, the person commits a class "D" "C" felony.

b. If the value of the credit, property, ~~or~~ services, or other benefit exceeds one thousand dollars but does not exceed ten thousand dollars, the person commits a class "D" felony.

c. If the value of the credit, property, services, or other benefit does not exceed one thousand dollars, the person commits an aggravated misdemeanor.

Sec. 2. Section 715A.9, Code 2016, is amended to read as follows:

**715A.9 Value for purposes of identity theft.**

1. The value of credit, property, or services, or other benefit obtained is its highest value by any reasonable standard at the time the identity theft is committed. Any reasonable standard includes but is not limited to market value within the community, actual value, or replacement value.

2. If credit, property, or services are, or other benefit is obtained by two or more acts from the same person or location, or from different persons by two or more acts which occur in approximately the same location or time period so that the identity thefts are attributable to a single scheme, plan, or conspiracy, the acts may be considered as a single identity theft and the value may be the total value of all credit, property, and services, and other benefit involved.

Approved March 11, 2016

## CHAPTER 1006

### UTILITY FACILITIES WITHIN PUBLIC ROAD RIGHTS-OF-WAY — ELECTRIC TRANSMISSION FACILITIES PROVIDING SERVICES TO PUBLIC UTILITIES

*H.F. 2277*

**AN ACT** relating to utility facilities of electric transmission owners within public road rights-of-way.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 306.46, subsection 2, Code 2016, is amended to read as follows:

2. For purposes of this section, “*public utility*” means a public utility as defined in section 476.1, and shall also include waterworks, municipally owned waterworks, joint water utilities, rural water districts incorporated under chapter 357A or chapter 504, ~~and cooperative water associations, and electric transmission owners as defined in section 476.27 primarily providing service to public utilities as defined in section 476.1.~~ For the purposes of this section, “*utility facilities*” means any cables, conduits, wire, pipe, casing pipe, supporting poles, guys, and other material and equipment utilized for the furnishing of electric, gas, communications, water, or sewer service.

Approved March 11, 2016

## CHAPTER 1007

### STATE TAXATION — TEMPORARY INTERNAL REVENUE CODE REFERENCES UPDATE — BONUS DEPRECIATION — SALES AND USE TAXES

*H.F. 2433*

**AN ACT** relating to state taxation by temporarily updating the Code references to the Internal Revenue Code, decoupling from certain federal bonus depreciation provisions, rescinding certain administrative rules and rule amendments and modifying the sales tax exemptions related to the purchase of items used in manufacturing and other activities, and including effective date and retroactive applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I INTERNAL REVENUE CODE REFERENCES

Section 1. INTERNAL REVENUE CODE REFERENCES FOR 2015. Notwithstanding the definition of “Internal Revenue Code” in section 15.335, subsection 7, section 422.3, subsection 5, section 422.10, subsection 3, section 422.32, subsection 1, and section 422.33, subsection 5, Code 2016, the following shall apply for the period beginning January 1, 2015, and ending December 31, 2015, and for tax years beginning during the 2015 calendar year:

1. The definition of “Internal Revenue Code” for purposes of section 15.335, subsection 7, section 422.10, subsection 3, and section 422.33, subsection 5, Code 2016, and for purposes of references in the 2016 Iowa Code and 2016 Iowa Acts to the definition of “Internal Revenue Code” in those sections, shall mean the Internal Revenue Code in effect on January 1, 2016.

2. The definition of “Internal Revenue Code” for purposes of sections 422.3 and 422.32, Code 2016, and for purposes of references in the 2016 Iowa Code and 2016 Iowa Acts to the definition of “Internal Revenue Code” in those sections, shall mean the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended to and including January 1, 2016.

Sec. 2. DEDUCTION FOR STATE SALES AND USE TAX FOR 2015. Notwithstanding section 422.9, subsection 2, paragraph “i”, Code 2016, the deduction for state sales and use taxes is allowable under section 422.9 for tax years beginning during the 2015 calendar year, but only if the taxpayer elected to deduct the state sales and use taxes in lieu of state income taxes under section 164 of the Internal Revenue Code. The deduction for state sales and use taxes is not allowed if the taxpayer has taken the deduction for state income taxes or claimed the standard deduction under section 63 of the Internal Revenue Code.

#### Sec. 3. BONUS DEPRECIATION FOR 2015.

1. Notwithstanding section 1 of this Act, or any other provision of law to the contrary, the additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 114-113, §143, does not apply in computing net income for state tax purposes for tax years ending on or after January 1, 2015, but before January 1, 2016. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal adjusted gross income or federal taxable income, as the case may be, then the taxpayer, when computing net income for purposes of the individual income tax under section 422.7 or the corporation income tax or franchise tax under section 422.35, shall make the adjustments described in section 422.7, subsection 39A, paragraphs “a” through “c”, Code 2016, or described in section 422.35, subsection 19A, paragraphs “a” through “c”, Code 2016, as applicable.

2. In addition to the requirements of section 422.5, subsection 2, paragraph “b”, subparagraph (1), Code 2016, for purposes of the state alternative minimum taxable income calculation in section 422.5, subsection 2, paragraph “b”, subparagraph (1), to the extent that any preference or adjustment is determined by an individual’s federal adjusted gross

income, the individual's federal adjusted gross income is computed in accordance with subsection 1 of this section for tax years beginning during the 2015 calendar year.

3. In addition to the requirements of section 422.9, subsection 2, paragraph "h", Code 2016, for purposes of calculating the deductions in section 422.9 that are authorized under the Internal Revenue Code, and to the extent that any such deduction is determined by an individual's federal adjusted gross income, the individual's federal adjusted gross income is computed in accordance with subsection 1 of this section for tax years beginning during the 2015 calendar year.

Sec. 4. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 5. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2015.

## DIVISION II SALES AND USE TAXES

### Sec. 6. RESCISSION OF AMENDMENTS TO ADMINISTRATIVE RULES.

1. The amendments to 701 Iowa administrative code, rule 15.3, subrule 3; rule 18.29, subrule 7; rules 18.58, 219.11, and 219.12; rule 219.13, subrule 3; and rule 230.5, as appearing in ARC 2349C, as published in the Iowa administrative bulletin, volume XXXVIII, number 14, dated January 6, 2016, pp. 1359-1364, are rescinded.

2. As soon as practicable, the Iowa administrative code editor shall restore the language of the Iowa administrative code rules and subrules referenced in subsection 1 of this section to the language that existed on January 5, 2016.

### Sec. 7. RESCISSION OF ADMINISTRATIVE RULES.

1. 701 Iowa administrative code, rules 230.14 through 230.22, are rescinded.

2. As soon as practicable, the Iowa administrative code editor shall remove the language of the Iowa administrative code rules referenced in subsection 1 of this section from the Iowa administrative code.

Sec. 8. Section 423.3, subsection 47, paragraph a, unnumbered paragraph 1, Code 2016, is amended to read as follows:

The sales price from the sale or rental of computers, machinery, and equipment, including replacement parts, supplies, and materials used to construct or self-construct computers, machinery, and equipment, replacement parts, and supplies, if such items are any of the following:

Sec. 9. Section 423.3, subsection 47, paragraph d, Code 2016, is amended by adding the following new subparagraphs:

**NEW SUBPARAGRAPH.** (7) "*Replacement part*" means tangible personal property other than computers, machinery, equipment, or supplies, regardless of the cost or useful life of the tangible personal property, that meets all of the following conditions:

(a) The tangible personal property replaces a component of a computer, machinery, or equipment, which component is capable of being separated from the computer, machinery, or equipment.

(b) The tangible personal property performs the same or similar function as the component it replaced.

(c) The tangible personal property restores the computer, machinery, or equipment to an operational condition, or upgrades or improves the efficiency of the computer, machinery, or equipment.

**NEW SUBPARAGRAPH.** (8) "*Supplies*" means tangible personal property, other than computers, machinery, equipment, or replacement parts, that meets one of the following conditions:

(a) The tangible personal property is to be connected to a computer, machinery, or equipment and requires regular replacement because the property is consumed or

deteriorates during use, including but not limited to saw blades, drill bits, filters, and other similar items with a short useful life.

(b) The tangible personal property is used in conjunction with a computer, machinery, or equipment and is specially designed for use in manufacturing specific products and may be used interchangeably and intermittently on a particular computer, machine, or piece of equipment, including but not limited to jigs, dies, tools, and other similar items.

(c) The tangible personal property comes into physical contact with other tangible personal property used in processing and is used to assist with or maintain conditions necessary for processing, including but not limited to cutting fluids, oils, coolants, lubricants, and other similar items with a short useful life.

(d) The tangible personal property is directly and primarily used in an activity described in paragraph "a", subparagraphs (1) through (6), including but not limited to prototype materials and testing materials.

Sec. 10. EFFECTIVE UPON ENACTMENT. The sections of this division of this Act rescinding Iowa administrative code rules and amendments to Iowa administrative code rules, being deemed of immediate importance, take effect upon enactment.

Approved March 21, 2016

## CHAPTER 1008

### ALCOHOLIC BEVERAGE CONTROL — MISCELLANEOUS CHANGES

#### *S.F. 2151*

**AN ACT** relating to alcoholic beverage control and matters under the purview of the alcoholic beverages division of the department of commerce.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 123.9, subsection 5, Code 2016, is amended to read as follows:

5. To grant and issue beer permits, wine permits, special permits, liquor control licenses, and other licenses; and to suspend or revoke all such permits and licenses for cause under this chapter.

Sec. 2. Section 123.10, subsections 4 and 6, Code 2016, are amended to read as follows:

4. Prescribing forms or information blanks to be used for the purposes of this chapter. ~~The division shall prepare, print, and furnish all forms and information blanks required under this chapter.~~

6. Providing for the issuance and electronic distribution of price lists which show the price to be paid by class "E" liquor control licensees for each brand, class, or variety of liquor kept for sale by the division, providing for the filing or posting of prices charged in sales between class "A" beer and class "A" wine permit holders and retailers, as provided in this chapter, and establishing or controlling the prices based on minimum standards of fill, quantity, or alcoholic content for each individual sale of intoxicating liquor or beer as deemed necessary for retail or consumer protection. However, the division shall not regulate markups, prices, discounts, allowances, or other terms of sale at which alcoholic liquor may be purchased by the retail public or liquor control licensees from class "E" liquor control licensees or at which wine may be purchased and sold by class "A" and retail wine permittees, or change, nullify, or vary the terms of an agreement between a holder of a vintner certificate of compliance and a class "A" wine permittee.

Sec. 3. Section 123.30, subsection 4, Code 2016, is amended to read as follows:

4. Notwithstanding any provision of this chapter to the contrary, a person holding a liquor control license to sell alcoholic liquors ~~liquors~~ beverages for consumption on the licensed premises may permit a customer to remove one unsealed bottle of wine for consumption off the premises if the customer has purchased and consumed a portion of the bottle of wine on the licensed premises. The licensee or the licensee's agent shall securely reseal such bottle in a bag designed so that it is visibly apparent that the resealed bottle of wine has not been tampered with and provide a dated receipt for the resealed bottle of wine to the customer. A wine bottle resealed pursuant to the requirements of this subsection is subject to the requirements of sections 321.284 and 321.284A.

Sec. 4. Section 123.32, subsection 3, Code 2016, is amended to read as follows:

3. *Licensed premises for local events.* A local authority may define, by motion of the local authority, licensed premises which shall be used by holders of liquor control licenses, beer permits, and wine permits at festivals, fairs, or celebrations which are sponsored or authorized by the local authority. The licensed premises defined by motion of the local authority shall be used by the holders of five-day or fourteen-day class "B", class "C", special class "C", or class "D" liquor control licenses, or five-day or fourteen-day class "C" native wine or class "B" beer permits only.

Sec. 5. Section 123.34, Code 2016, is amended to read as follows:

**123.34 Expiration — seasonal, five-day, or fourteen-day license or permit.**

1. Liquor control licenses, wine permits, and beer permits, unless sooner suspended or revoked, expire one year from date of issuance. The administrator shall give sixty days' written notice of the expiration to each licensee or permittee. However, the administrator may issue six-month or eight-month seasonal licenses, class "B" wine permits, or class "B" beer permits for a proportionate part of the license or permit fee or may issue fourteen-day liquor control licenses, native wine permits, or beer permits as provided in subsection 2. No refund shall be made for seasonal licenses or permits or for fourteen-day liquor control licenses, native wine permits, or beer permits. No seasonal license or permit shall be renewed except after a period of two months.

2. The administrator may issue fourteen-day class "A", class "B", class "C", special class "C", and class "D" liquor control licenses and fourteen-day class "B" beer and class "C" native wine permits. A fourteen-day license or permit, if granted, is valid for fourteen consecutive days, but the holder shall not sell on the two Sundays in the fourteen-day period unless the holder qualifies for and obtains the privilege to sell on Sundays contained in section 123.36, subsection 5, and section 123.134, subsection 5.

3. The fee for a fourteen-day liquor control license or beer permit is one quarter of the annual fee for that class of liquor control license or beer permit. The fee for the privilege to sell on the two Sundays in the fourteen-day period is twenty percent of the price of the fourteen-day liquor control license or beer permit. The fee for a fourteen-day class "C" native wine permit is the permit fee provided in section 123.179, subsection 4.

4. The administrator may issue five-day class "A", class "B", class "C", special class "C", and class "D" liquor control licenses and five-day class "B" beer and class "C" native wine permits. A five-day license or permit is valid for five consecutive days, but the holder shall not sell alcoholic beverages on Sunday in the five-day period unless the holder qualifies for and obtains the privilege to sell on Sunday pursuant to sections 123.36 and 123.134.

5. The fee for the five-day liquor control license or beer permit is one-eighth of the annual fee for that class of license or permit. The fee for the privilege to sell on a Sunday in the five-day period is ten percent of the price of the five-day liquor control license or beer permit. The fee for a five-day class "C" native wine permit is the permit fee provided in section 123.179, subsection 4.

Sec. 6. Section 123.38, subsections 1 and 2, Code 2016, are amended to read as follows:

1. A special liquor permit, liquor control license, wine permit, or beer permit is a personal privilege and is revocable for cause. It is not property nor is it subject to attachment and execution nor alienable nor assignable, and it shall cease upon the death of the permittee



or licensee. However, the administrator of the division may in the administrator's discretion allow the executor or administrator of a permittee or licensee to operate the business of the decedent for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use it.

2. Any licensee or permittee, or the licensee's or permittee's executor or administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of the licensee's or permittee's creditors, may voluntarily surrender a license or permit to the division. When a license or permit is surrendered the division shall notify the local authority, and the division or the local authority shall refund to the person surrendering the license or permit, a proportionate amount of the fee received by the division or the local authority for the license or permit as follows: if a license or permit is surrendered during the first three months of the period for which it was issued, the refund shall be three-fourths of the amount of the fee; if surrendered more than three months but not more than six months after issuance, the refund shall be one-half of the amount of the fee; if surrendered more than six months but not more than nine months after issuance, the refund shall be one-fourth of the amount of the fee. No refund shall be made, however, for any special liquor permit, ~~nor for a liquor control license, wine permit, or beer permit surrendered more than nine months after issuance.~~ For purposes of this subsection, any portion of license or permit fees used for the purposes authorized in section 331.424, subsection 1, paragraph "a", subparagraphs (1) and (2), and in section 331.424A, shall not be deemed received either by the division or by a local authority. No refund shall be made to any licensee or permittee, upon the surrender of the license or permit, if there is at the time of surrender, a complaint filed with the division or local authority, charging the licensee or permittee with a violation of this chapter. If upon a hearing on a complaint the license or permit is not revoked or suspended, then the licensee or permittee is eligible, upon surrender of the license or permit, to receive a refund as provided in this section; ~~but.~~ However, if the license or permit is revoked or suspended upon hearing, the licensee or permittee is not eligible for the refund of any portion of the license or permit fee.

Sec. 7. Section 123.43A, subsection 3, Code 2016, is amended to read as follows:

3. A micro-distillery shall not sell micro-distilled spirits other than as permitted in this chapter and shall not allow micro-distilled spirits sold to be consumed upon the premises of the micro-distillery. However, as a part of a micro-distillery tour, micro-distilled spirits ~~of no more than two ounces per person per day~~ may be tasted pursuant to the rules of the division on the premises where fermented, distilled, or matured, when no charge is made for the tasting.

Sec. 8. Section 123.56, subsections 2 and 6, Code 2016, are amended to read as follows:

2. Native wine may be sold at retail for off-premises consumption when sold on the premises of the manufacturer, or in a retail establishment operated by the manufacturer. Sales may also be made to class "A" or retail wine permittees or liquor control licensees as authorized by the class "A" wine permit. A manufacturer of native wines shall not sell the wines other than as permitted in this chapter and shall not allow wine sold to be consumed upon the premises of the manufacturer. However, prior to sale, native wines may be tasted pursuant to the rules of the division on the premises where made, when no charge is made for the tasting. ~~A person may manufacture native wine for consumption on the manufacturer's premises, when the wine or any part of it is not manufactured for sale.~~

6. Notwithstanding any other provision of this chapter, a person employed by a manufacturer of native wine holding a class "A" native wine permittee permit may be employed by a brewery with a class "A" native beer permit provided the person has no ownership interest in either licensed premises.

Sec. 9. Section 123.92, subsection 2, paragraph a, Code 2016, is amended to read as follows:

a. Every liquor control licensee ~~and,~~ class "B" beer permittee, and class "C" native wine permittee, except a class "E" liquor control licensee, shall furnish proof of financial responsibility by the existence of a liability insurance policy in an amount determined by the

division. If an insurer provides dramshop liability insurance at a new location to a licensee or permittee who has a positive loss experience at other locations for which such insurance is provided by the insurer, and the insurer bases premium rates at the new location on the negative loss history of the previous licensee or permittee at that location, the insurer shall examine and consider adjusting the premium for the new location not less than thirty months after the insurance is issued, based on the loss experience of the licensee or permittee at that location during that thirty-month period of time.

Sec. 10. Section 123.171, Code 2016, is amended to read as follows:

**123.171 Wine certificate, permit, or license required — exception for personal use.**

1. A person shall not cause the manufacture, importation, or sale of wine in this state unless a certificate or permit as provided in this subchapter, or a liquor control license as provided in subchapter I of this chapter, is first obtained which authorizes that manufacture, importation, or sale.

2. Any person of legal age may manufacture wine for personal use without a class “A” wine permit, subject to the requirements of this subsection. Such wine may be consumed on the premises or removed from the premises where it was manufactured only if the wine is not sold, exchanged, bartered, dispensed, or given in consideration of purchase for any property or services or in evasion of the requirements of this chapter.

Sec. 11. Section 123.173, subsection 2, Code 2016, is amended to read as follows:

~~2. A class “A” wine permit allows the holder to manufacture and sell, or sell at wholesale, in this state, wine as defined in section 123.3, subsection 47. The holder of a class “A” wine permit may manufacture in this state wine having an alcoholic content greater than seventeen percent by weight or twenty-one and twenty-five hundredths percent of alcohol by volume for shipment outside this state. All class “A” premises shall be located within the state. A class “B” or class “B” native wine permit allows the holder to sell wine at retail for consumption off the premises. A class “B” or class “B” native wine permittee who also holds a class “E” liquor control license may sell wine to class “A”, class “B”, and class “C”, and special class “C” liquor control licensees for resale for consumption on the premises. Such wine sales shall be in quantities of less than one case of any wine brand but not more than one such sale shall be made to the same liquor control licensee in a twenty-four-hour period. A class “B” or class “B” native wine permittee shall not sell wine to other class “B” or class “B” native wine permittees. A class “C” native wine permit allows the holder to sell wine for consumption on or off the premises.~~

Approved March 23, 2016

## CHAPTER 1009

### PUBLIC IMPROVEMENT PROJECTS — NOTICE REQUIREMENTS

*S.F. 2170*

**AN ACT** modifying the notice requirements for public improvement projects.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 26.3, subsection 1, Code 2016, is amended to read as follows:

1. If the estimated total cost of a public improvement exceeds the competitive bid threshold of one hundred thousand dollars, or the adjusted competitive bid threshold established in section 314.1B, the governmental entity shall advertise for sealed bids for the proposed public improvement by ~~publishing~~ posting a notice to bidders. ~~The notice to bidders shall be published at least once, not less than four~~ thirteen and not more than forty-five days before the date for filing bids, ~~in a newspaper published at least once weekly and having general~~

~~circulation in the geographic area served by the governmental entity. Additionally, the governmental entity may publish a notice in a relevant contractor organization publication and a relevant contractor plan room service with statewide circulation, provided that a notice is posted and a relevant construction lead generating service with statewide circulation and on an internet site sponsored by either a governmental entity or a statewide association that represents the governmental entity. If circumstances beyond the control of the governmental entity cause a scheduled bid letting to be postponed and there are no changes to the project's contract documents, a notice to bidders of the revised date shall be posted not less than four and not more than forty-five days before the revised date for filing bids in a relevant contractor plan room service with statewide circulation and a relevant construction lead generating service with statewide circulation and on an internet site sponsored by either a governmental entity or a statewide association that represents the governmental entity.~~

Sec. 2. Section 26.12, Code 2016, is amended to read as follows:

**26.12 When hearing necessary.**

If the estimated total cost of a public improvement exceeds the competitive bid threshold in section 26.3, or as adjusted in section 314.1B, the governmental entity shall not enter into a contract for the public improvement until the governmental entity has held a public hearing and has approved the proposed plans, specifications, and form of contract, and estimated total cost of the public improvement. Notice of the hearing must be published as provided in section 362.3 and shall include a description of the public improvement and its location. At the hearing, any interested person may appear and file objections to the proposed plans, specifications, contract, or estimated cost of the public improvement. After hearing objections, the governmental entity shall by resolution enter its decision on the plans, specifications, contract, and estimated cost. This section does not apply to the state.

Approved March 23, 2016

## CHAPTER 1010

### HOUSEHOLD HAZARDOUS MATERIALS COLLECTION AND DISPOSAL PROGRAMS

#### S.F. 2181

**AN ACT** relating to the funding and operation of programs to collect and dispose of household hazardous materials.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 455E.11, subsection 2, paragraph a, subparagraph (2), subparagraph divisions (d), (e), and (f), Code 2016, are amended to read as follows:

(d) ~~For the fiscal year beginning July 1, 2005, nine and one-half percent to the department to establish permanent household hazardous waste collection sites so that both urban and rural populations are served and so that collection services are available to the public on a regular basis. Beginning July 1, 2006, six and one-quarter percent to the department to establish permanent household hazardous waste collection sites so that both urban and rural populations are served and so that collection services are available to the public on a regular basis. Beginning July 1, 2007, three~~ Three percent to the department to establish permanent household hazardous waste materials collection sites so that both urban and rural populations are served and so that collection services are available to the public on a regular basis. Beginning July 1, 2008, any moneys collected pursuant to this subparagraph division that remain unexpended at the end of a fiscal year for establishment of permanent household hazardous waste materials collection sites shall be used for purposes of subparagraph division (e).

(e) For the fiscal year beginning July 1, 2005, three percent to the department for payment of transportation costs related to household hazardous waste collection programs. Beginning July 1, 2006, six and one-quarter percent to the department for payment of transportation costs related to household hazardous waste collection programs. Beginning July 1, 2007, nine and one-half percent to the department for payment of transportation collection and disposal costs related to household hazardous waste materials collection programs.

(f) Eight and one-half percent to the department to provide additional toxic cleanup days support special events for household hazardous materials collection or other efforts of the department to support the household hazardous materials program, permanent household hazardous material collection systems and special events for household hazardous material collection, and for the natural resource geographic information system required under section 455E.8, subsection 4. Departmental rules adopted for implementation of toxic cleanup days shall provide sufficient flexibility to respond to the household hazardous material collection needs of both small and large communities. Repayment moneys from the Iowa business loan program for waste reduction and recycling pursuant to section 455B.310, subsection 2, paragraph "b", Code 1993, and discontinued pursuant to 1993 Iowa Acts, ch. 176, §45, shall be placed into this account to support household hazardous materials programs of the department.

Sec. 2. Section 455E.11, subsection 2, paragraph c, subparagraphs (1) and (2), Code 2016, are amended to read as follows:

(1) The moneys collected pursuant to section 455F.7 and moneys collected pursuant to section 29C.8A which are designated for deposit, shall be deposited in the household hazardous waste account. Two thousand dollars is appropriated annually to the Iowa department of public health to carry out departmental duties under section 135.11, subsections 18 and 19, and section 139A.21. The remainder of the account shall be used to fund toxic cleanup days and the efforts of the department to support a collection system for household hazardous materials, including public education programs, training, and consultation of local governments in the establishment and operation of permanent collection systems, and the management of collection sites, education programs, and other activities pursuant to chapter 455F, including the administration of the household hazardous materials retailer permit program by the department of revenue.

(2) The department shall submit to the general assembly, annually on or before January 1, an itemized report which includes but is not limited to the total amount of moneys collected and the sources of the moneys collected, the amount of moneys expended for administration of the programs funded within the account, results of the efforts of the department to support a collection system for household hazardous materials pursuant to chapter 455F, and an itemization of any other expenditures made within the previous fiscal year.

Sec. 3. Section 455F.1, subsection 3, Code 2016, is amended by striking the subsection.

Sec. 4. Section 455F.1, subsection 4, Code 2016, is amended to read as follows:

4. "Household hazardous material" means a product used for residential purposes and designated by rule of the department of natural resources and may include any hazardous substance as defined in section 455B.411, subsection 2; and any hazardous waste as defined in section 455B.411, subsection 3; and shall include but is not limited to the following materials: motor oils, motor oil filters, gasoline and diesel additives, degreasers, waxes, polishes, pure solvents, lacquers, thinners, caustic household cleaners, spot and stain remover with petroleum base, petroleum-based fertilizers, and paints with the exception of latex-based paints. However, "household hazardous material" does not include noncaustic household cleaners, laundry detergents or soaps, dishwashing compounds, chlorine bleach, personal care products, personal care soaps, cosmetics, and medications.

Sec. 5. Section 455F.1, Code 2016, is amended by adding the following new subsections:  
NEW SUBSECTION. 5A. "Regional collection center" means a secured facility at which collection, sorting, and packaging of household hazardous materials and hazardous materials from conditionally exempt small quantity generators are accomplished prior to transportation of these materials to the final disposal site. Regional collection centers have regular hours

during which the public may drop off hazardous materials. A regional collection center may be a government agency or a private agency under contract with a government agency as part of a solid waste comprehensive plan.

NEW SUBSECTION. 7A. "Satellite facility" means a secured facility at which collection and storage of household hazardous materials and hazardous materials from conditionally exempt small quantity generators are accomplished prior to transportation of these materials to a regional collection center. A satellite facility has a written contract with a regional collection center for the removal of collected household hazardous materials. A satellite facility may be operated by a government agency or a private agency under contract with a government agency as part of a solid waste comprehensive plan. A satellite facility is available for public drop off of household hazardous materials either during regularly scheduled hours or by appointment.

Sec. 6. Section 455F.5, Code 2016, is amended to read as follows:

**455F.5 Duties of the commission Rules.**

The commission shall:

1. Adopt rules which establish a uniform label to be supplied and used by retailers.
2. ~~Adopt rules which designate the type and amount of information to be included in the consumer information booklets and bulletins~~ adopt rules to implement the programs established pursuant to this chapter.

Sec. 7. Section 455F.6, subsection 3, Code 2016, is amended by striking the subsection.

Sec. 8. Section 455F.8, Code 2016, is amended to read as follows:

**455F.8 Household hazardous waste cleanup materials program created.**

~~The department shall conduct programs to collect and dispose of small amounts promote the proper management of household hazardous wastes which are being stored in residences or on farms materials collected from residents and conditionally exempt small quantity generators. The program shall be known as "toxic cleanup days". The department shall promote and conduct the program and shall by contract with a qualified and bonded waste handling company, collect and properly dispose of wastes believed by the person disposing of the waste to be hazardous. The department shall establish maximum amounts of hazardous wastes to be accepted from a person during the toxic cleanup days program. Amounts accepted from a person above the maximum shall be limited by the department and may be subject to a fee set by the department, but the department shall not assess a fee for amounts accepted below the maximum amount. The department shall designate the times and dates for the collection of wastes. In order to achieve the maximum benefit from the program, the department shall offer toxic cleanup days on a statewide basis and provide at least one toxic cleanup day in each departmental region. Toxic cleanup days shall be offered in both rural and urban areas to provide a comparison of response levels and to test the viability of multicounty toxic cleanup days. The department shall prepare an annual report citing the results and costs of the program for submittal to the general assembly.~~

Sec. 9. Section 455F.8A, Code 2016, is amended to read as follows:

**455F.8A Household hazardous material collection sites regional collection centers and satellite facilities.**

1. ~~By January 1, 1991, the department shall complete an assessment of the needs of local governments for temporary collection sites for household hazardous materials. Upon completion of the assessment, the department shall design a model facility which would adequately serve the needs identified. During the design phase, the department shall also identify facility permit requirements.~~

2. ~~a. Following the completion of the assessment and design of the model facility, the~~ The department shall set a goal of ~~establishing~~ establish a three-year competitive grant program to assist in the development of ~~five pilot household hazardous waste reduction and collection programs~~ permanent household hazardous material regional collection centers and satellite facilities.

~~b. The grant program shall provide for the establishment of five pilot sites~~ permanent collection facilities so that both rural and urban populations are served.

c. The department shall develop criteria to evaluate proposals for the establishment of sites permanent collection facilities. The criteria shall give priority to proposals for sites permanent collection facilities which provide the most efficient services and which provide local, public, and private contributions for establishment of the sites permanent collection facilities. The criteria shall also include a requirement that the recipient of a grant design and construct a facility sufficient for the collection, sorting, and packaging of materials prior to transportation of the materials to the final disposal site. Final review of design and construction of the proposed facilities shall be by the department.

d. The recipients of grants shall provide for collection of hazardous wastes from conditionally exempt small quantity generators in the area of the facility established. The facility shall require payment for collection from conditionally exempt small quantity generators if the amount of waste disposed is greater than ten pounds. Conditionally exempt small quantity generators which deliver their hazardous wastes to ~~the site~~ a permanent collection facility shall not be required to obtain a permit to transport the hazardous waste to the ~~site~~ permanent collection facility.

~~3. 2. A private agency~~ An owner or operator of a collection facility which provides for the collection and disposal of household hazardous waste materials as part of an approved comprehensive plan pursuant to section 455B.306 shall be eligible for reimbursement moneys pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (2), subparagraph division (e). The department shall develop eligibility criteria for the receipt of such reimbursement moneys.

Sec. 10. Section 455F.9, Code 2016, is amended to read as follows:

**455F.9 Education Public information and education program.**

~~In addition to the toxic cleanup days program, the~~ The department shall implement a public information and education program regarding the use and disposal proper management of household hazardous materials. The program shall provide appropriate information concerning the reduction in use of the materials, including the purchase of smaller quantities, selection of alternative products, and hazards associated with the use of unregistered and unregulated alternative products proper disposal. The department shall also develop and provide to a retailer upon request, at departmental expense, consumer brochures which provide information about household hazardous materials. The retailer shall distribute the brochures without charge to customers upon request. The department shall cooperate with existing educational institutions, the household product industry, distributors, wholesalers, and retailers, and other agencies of government and shall enlist the support of service organizations, whenever possible, in promoting and conducting the programs program in order to effectuate the household hazardous materials policy of the state.

Sec. 11. REPEAL. Sections 455F.4, 455F.8B, and 455F.11, Code 2016, are repealed.

Approved March 23, 2016

## CHAPTER 1011

### NONSUBSTANTIVE CODE CORRECTIONS

S.F. 2189

**AN ACT** relating to nonsubstantive Code corrections.

*Be It Enacted by the General Assembly of the State of Iowa:*

DIVISION I  
MISCELLANEOUS CHANGES

Section 1. Section 8.55, subsection 2, paragraph a, Code 2016, is amended to read as follows:

a. The first sixty million dollars of the difference between the actual net revenue for the general fund of the state for the fiscal year and the adjusted revenue estimate for the fiscal year shall be transferred to the taxpayers trust fund created in section 8.57E.

Sec. 2. Section 13.15, Code 2016, is amended to read as follows:

**13.15 Rules and forms — fees.**

1. The farm mediation service shall recommend rules to the farm assistance program coordinator. The coordinator shall adopt rules pursuant to chapter 17A to set the compensation of mediators and to implement this subchapter and chapters 654A, 654B, and 654C.

2. a. The rules shall provide for an hourly mediation fee not to exceed fifty dollars for the borrower and one hundred dollars for the creditor. The hourly mediation fee may be waived for any party demonstrating financial hardship upon application to the farm mediation service.

b. The compensation of a mediator shall be no more than twenty-five dollars per hour, and all parties shall contribute an equal amount of the cost.

3. The coordinator shall adopt voluntary mediation application and mediation request forms.

Sec. 3. Section 16.92, subsection 1, paragraph e, Code 2016, is amended to read as follows:

e. “*Mortgage*” means a mortgage or mortgage lien on an interest in real property in this state given to secure a loan in an original principal amount equal to or less than the maximum principal amount as determined by the division board and adopted by the Iowa finance authority pursuant to chapter 17A.

Sec. 4. Section 19B.2, Code 2016, is amended to read as follows:

**19B.2 Equal opportunity in state employment — affirmative action.**

1. It is the policy of this state to provide equal opportunity in state employment to all persons. An individual shall not be denied equal access to state employment opportunities because of race, creed, color, religion, national origin, sex, age, or physical or mental disability. It also is the policy of this state to apply affirmative action measures to correct deficiencies in the state employment system where those remedies are appropriate. This policy shall be construed broadly to effectuate its purposes.

2. It is the policy of this state to permit special appointments by bypassing the usual testing procedures for any applicant for whom the division of vocational rehabilitation services of the department of education or the department for the blind has certified the applicant’s disability and competence to perform the job. The department of administrative services, in cooperation with the department for the blind and the division of vocational rehabilitation services, shall develop appropriate certification procedures. This paragraph subsection should not be interpreted to bar promotional opportunities for persons who are blind or persons with physical or mental disabilities. If this paragraph subsection conflicts with any other provisions of this chapter, the provisions of this paragraph subsection govern.

Sec. 5. Section 26.13, subsection 2, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Payments made by a governmental entity or the state department of ~~transportation~~ for the construction of public improvements and highway, bridge, or culvert projects shall be made in accordance with the provisions of chapter 573, except as provided in this section:

Sec. 6. Section 28F.10, Code 2016, is amended to read as follows:

**28F.10 Refunding bonds.**

Refunding bonds may be issued by an entity in a principal amount sufficient to provide funds for the payment (including payment, including premium, if any) any, of bonds issued by said entity pursuant to the provisions of this chapter to be refunded thereby and the interest thereon and in addition for the payment of all expenses incident to the calling, retiring, or paying of such outstanding bonds to be refunded, such refunding bonds may also finance the construction of a project or projects authorized by this chapter or the improvement, addition, betterment or extension of an existing project or projects so authorized. Said refunding bonds shall not be issued to refund the principal of and interest on any bonds to be refunded unless such bonds mature or are redeemable under their terms within ten years from the date of delivery of the refunding bonds. The proceeds of said refunding bonds to be used for the payment of the principal of, interest on and redemption premiums, if any, on said bonds to be refunded which will not be due and payable immediately shall be deposited in trust for the sole purpose of making such payments in a bank or trust company within the state. Any moneys in such trust fund, prior to the date such funds will be needed for the payment of such principal of, interest on and redemption premiums, if any, of such outstanding bonds to be refunded, may be invested or reinvested as provided in the resolution authorizing said refunding bonds. Refunding bonds shall be issued in the same manner and detail as revenue bonds herein authorized.

Sec. 7. Section 29B.6, Code 2016, is amended to read as follows:

**29B.6 Imposition of restraint.**

1. ~~Arrest~~ “Arrest” is the restraint of a person by an order, not imposed as a punishment for an offense, directing the person to remain within certain specified limits. ~~Confinement~~ “Confinement” is the physical restraint of a person.

2. An enlisted member may be ordered into arrest or confinement by any commissioned officer by an order, oral or written, delivered in person or through other persons subject to this code or through any person authorized by this code to apprehend persons.

3. A commanding officer may authorize warrant officers or noncommissioned officers to order enlisted members of the officer’s command or subject to the officer’s authority into arrest or confinement.

4. A commissioned officer or a warrant officer may be ordered apprehended or into arrest or confinement only by a commanding officer to whose authority the commissioned or warrant officer is subject, by an order, oral or written, delivered in person or by another commissioned officer. The authority to order such persons apprehended or into arrest or confinement may not be delegated.

5. This section does not limit the authority of persons authorized to apprehend offenders to secure the custody of an alleged offender until the proper authority is notified.

Sec. 8. Section 29C.23, Code 2016, is amended to read as follows:

**29C.23 Iowa radio interoperability platform.**

The Iowa radio interoperability platform shall be under the joint purview of the department of public safety and the department of transportation. The departments shall jointly submit a biannual report to the Iowa statewide interoperable communications system board established in section 80.28, beginning July 1, 2016.

Sec. 9. Section 39.17, Code 2016, is amended to read as follows:

**39.17 County officers.**

1. There shall be elected in each county at the general election to be held in the year 1976 and every four years thereafter, an auditor and a sheriff, each to hold office for a term of four years.

2. There shall be elected in each county at the general election to be held in 1974 and each four years thereafter, a treasurer, a recorder, and a county attorney who shall each hold office for a term of four years.

Sec. 10. Section 46.6, Code 2016, is amended to read as follows:

**46.6 Equal seniority.**



If the judges of longest ~~service (other service, other than the chief justice)~~ justice, of the supreme court or of the district court in a district are of equal service, the eldest of such judges shall be chairperson of the particular judicial nominating commission.

Sec. 11. Section 80B.14, Code 2016, is amended to read as follows:

**80B.14 Budget submitted to department of management.**

The Iowa law enforcement academy council shall annually submit estimates of its expenditure requirements to the department of management, ~~annually and~~ in such form as required by chapter 8 ~~estimates of its expenditure requirements~~. ~~Such~~ The estimates shall include the costs of administration, maintenance, and operation, and the cost of any proposed capital improvements or additional programs.

Sec. 12. Section 84A.4, subsection 1, Code 2016, is amended to read as follows:

1. A regional advisory board shall be established in each service delivery area as defined in section 84B.2. The members of the each board shall be appointed by the governor, consistent with the requirements of federal law and in consultation with chief elected officials within the region. Chief elected officials responsible for recommendations for board membership shall include, but are not limited to, county elected officials, municipal elected officials, and community college directors. The membership of each board shall provide for equal representation of business and labor and shall include a county elected official, a city official, a representative of a school district, and a representative of a community college.

Sec. 13. Section 89B.8, subsection 2, Code 2016, is amended to read as follows:

2. The division of labor services shall administer this ~~division of the chapter~~ subchapter. The division may exercise the enforcement powers set out in chapter 88 and the rules adopted pursuant to chapter 88 to enforce this ~~division of the chapter~~ subchapter.

Sec. 14. Section 89B.12, subsections 2 and 3, Code 2016, are amended to read as follows:

2. The division of labor services shall receive and handle requests for information and complaints under this ~~division of this chapter~~ subchapter which involve employer information covered under ~~division subchapter II of this chapter~~. The labor commissioner shall adopt rules pursuant to chapter 17A regarding requests for information and the investigation and adjudication of complaints.

3. Requests for information under this ~~division of this chapter~~ subchapter are confidential.

Sec. 15. Section 92.5, subsection 9, Code 2016, is amended to read as follows:

9. a. Work in connection with motor vehicles and trucks if confined to the following:

a. (1) Dispensing gasoline and oil.

b. (2) Courtesy service.

e. (3) Car cleaning, washing, and polishing.

b. Nothing in this subsection shall be construed to include work involving the use of pits, racks, or lifting apparatus or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.

Sec. 16. Section 96.7, subsection 1, Code 2016, is amended to read as follows:

1. *Payment.* Contributions accrue and are payable, in accordance with rules adopted by the department pursuant to chapter 17A, on all taxable wages paid by an employer for insured work.

Sec. 17. Section 96.7, subsection 2, paragraph a, subparagraph (4), Code 2016, is amended to read as follows:

(4) The department shall adopt rules pursuant to chapter 17A prescribing the manner in which benefits shall be charged against the accounts of several employers for which an individual performed employment during the same calendar quarter.

Sec. 18. Section 96.7, subsection 2, paragraph c, subparagraph (2), Code 2016, is amended to read as follows:

(2) A construction contributory employer, as defined under rules adopted by the department pursuant to chapter 17A, which is newly subject to this chapter shall pay contributions at the rate specified in the twenty-first benefit ratio rank until the end of the calendar year in which the employer's account has been chargeable with benefits for twelve consecutive calendar quarters.

Sec. 19. Section 96.7, subsection 4, paragraph c, Code 2016, is amended to read as follows:

c. A hearing on an appeal shall be conducted according to rules adopted by the department pursuant to chapter 17A. A copy of the decision of the administrative law judge shall be sent by regular mail to the last address, according to the records of the department, of each affected employing unit or employer.

Sec. 20. Section 96.7, subsection 10, Code 2016, is amended to read as follows:

10. *Group accounts.* Two or more nonprofit organizations or two or more governmental entities which have become reimbursable employers in accordance with subsection 7 or subsection 8, paragraph "a", may file a joint application to the department for the establishment of a group account for the purpose of sharing the cost of benefits paid which are attributable to service in the employ of the employers. The application shall identify and authorize a group representative to act as the group's agent for the purposes of this subsection. Upon approval of the application, the department shall establish a group account for the employers effective as of the beginning of the calendar quarter in which the department receives the application and shall notify the group's agent of the effective date of the account. The account shall remain in effect for not less than one year until terminated at the discretion of the department or upon application by the group. Upon establishment of the account, each employer member of the group shall be liable for benefit reimbursements in lieu of contributions with respect to each calendar quarter in an amount which bears the same ratio to the total benefits paid in the quarter which are attributable to service performed in the employ of all members of the group, as the total wages paid for service performed in the employ of the member in the quarter bear to the total wages paid for service performed in the employ of all members of the group in the quarter. The department shall adopt rules pursuant to chapter 17A with respect to applications for establishment, maintenance, and termination of group accounts, for addition of new members to, and withdrawal of active members from group accounts, and for the determination of the amounts which are payable by members of the group and the time and manner of the payments.

Sec. 21. Section 96.7, subsection 11, paragraph a, Code 2016, is amended to read as follows:

a. If on the first day of the third month in any calendar quarter, the department has an outstanding balance of interest accrued on advance moneys received from the federal government for the payment of unemployment compensation benefits, or is projected to have an outstanding balance of accruing federal interest for that calendar quarter, the department shall collect a uniform temporary emergency surcharge for that calendar quarter, retroactive to the beginning of that calendar quarter. The surcharge shall be a percentage of employer contribution rates and shall be set at a uniform percentage, for all employers subject to the surcharge, necessary to pay the interest accrued on the moneys advanced to the department by the federal government, and to pay any additional federal interest which will accrue for the remainder of that calendar quarter. The surcharge shall apply to all employers except governmental entities, nonprofit organizations, and employers assigned a zero contribution rate. The department shall adopt rules pursuant to chapter 17A prescribing the manner in which the surcharge will be collected. Interest shall accrue on all unpaid surcharges under this subsection at the same rate as on regular contributions and shall be collectible in the same manner. The surcharge shall not affect the computation of regular contributions under this chapter.

Sec. 22. Section 96.9, subsection 5, Code 2016, is amended to read as follows:

5. *Administration expenses excluded.* Any amount credited to this state's account in the unemployment trust fund under section 903 of the Social Security Act which has been appropriated for expenses of administration pursuant to subsection 4 of this section, whether or not withdrawn from such account, shall not be deemed assets of the unemployment compensation fund for the purpose of computing contribution rates under section 96.7, subsection 3, of this chapter.

Sec. 23. Section 96.14, subsection 3, paragraph k, Code 2016, is amended to read as follows:

k. If a political subdivision or a political subdivision instrumentality becomes delinquent in the payment of contributions, any payments owed as a government employer, penalty, interest, and costs for more than two calendar quarters, the amount of such delinquency shall be deducted from any further moneys due the employer by the state. Such deduction shall be made by the director of the department of administrative services upon certification of the amount due. A copy of the certification will be mailed to the employer.

Sec. 24. Section 96.19, subsection 4, Code 2016, is amended to read as follows:

4. *"Benefit year".* The term *"benefit year"* means a period of one year beginning with the day with respect to which an individual filed a valid claim for benefits. Any claim for benefits made in accordance with section 96.6, subsection 1, shall be deemed to be a valid claim for the purposes of this subsection if the individual has been paid wages for insured work required under the provisions of this chapter.

Sec. 25. Section 96.19, subsection 16, paragraphs b, d, and g, Code 2016, are amended to read as follows:

b. Any employing unit (~~whether, whether~~ or not an employing unit at the time of acquisition) ~~acquisition~~, which acquired the organization, trade, or business, or substantially all of the assets thereof, of another employing unit which at the time of such acquisition was an employer subject to this chapter, or which acquired a part of the organization, trade, or business of another employing unit which at the time of such acquisition was an employer subject to this chapter. Provided, that such other employing unit would have been an employer under paragraph "a" of this subsection, if such part had constituted its entire organization, trade, or business.

d. Any employing unit which, together with one or more other employing units, is owned or controlled (~~by, by~~ legally enforceable means or otherwise) ~~otherwise~~, directly or indirectly by the same interests, or which owns or controls one or more other employing units (~~by by~~ legally enforceable means or otherwise) ~~otherwise~~, and which, if treated as a single unit with such other employing unit, would be an employer under paragraph "a" of this subsection.

g. Any employing unit not an employer by reason of any other paragraph of this subsection for which, within either the current or preceding calendar year, service is or was performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund; or which, as a condition for approval of this chapter for full tax credit against the tax imposed by the federal Federal Unemployment Tax Act, (~~26 U.S.C. §3301–3308~~) 26 U.S.C. §3301 – 3308, is required, pursuant to such Act, to be an "employer" under this chapter. Provided, however, that if an employer subject to contributions solely because of the terms of this subsection shall establish proper proof to the satisfaction of the department that the employer's employees have been and will be duly covered and insured under the unemployment compensation law of another jurisdiction such employer shall not be deemed an employer and such services shall not be deemed employment under this chapter.

Sec. 26. Section 96.19, subsection 18, paragraph a, subparagraphs (1), (3), and (5), Code 2016, are amended to read as follows:

(1) Any officer of a corporation. Provided that the term "employment" shall not include such officer if the officer is a majority stockholder and the officer shall not be considered an employee of the corporation unless such services are subject to a tax to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be

paid into a state unemployment fund or such services are required to be covered under this chapter of the Code, as a condition to receipt of a full tax credit against the tax imposed by the federal Federal Unemployment Tax Act (26 U.S.C. §3301–3309), 26 U.S.C. §3301 – 3309, or

(3) (a) Any individual other than an individual who is an employee under subparagraphs (1) or (2) who performs services for remuneration for any person as an agent driver or commission driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages ~~(other other than milk)~~ milk, or laundry or dry cleaning services for the individual's principal; as a traveling or city salesperson, other than as an agent driver or commission driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, the individual's principal, ~~(except except for sideline sales activities on behalf of some other person)~~ person, of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

(b) Provided, that for purposes of this subparagraph (3), the term “*employment*” shall include services performed after December 31, 1971, only if:

(i) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

(ii) The individual does not have a substantial investment in facilities used in connection with the performance of the services ~~(other, other than in facilities for transportation)~~ transportation; and

(iii) The services are not in the nature of single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(5) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational, or other organization, but only if the service is excluded from “*employment*” as defined in the federal Federal Unemployment Tax Act (26 U.S.C. §3301–3309), 26 U.S.C. §3301 – 3309, solely by reason of section 3306(c)(8) of that Act.

Sec. 27. Section 96.19, subsection 18, paragraph b, subparagraph (5), Code 2016, is amended to read as follows:

(5) Notwithstanding any other provisions of this subsection, service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which, as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act ~~(26 U.S.C. §3301–3308), 26 U.S.C. §3301 – 3308,~~ is required to be covered under this chapter.

Sec. 28. Section 96.19, subsection 18, paragraph g, subparagraph (3), subparagraph division (c), Code 2016, is amended to read as follows:

(c) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15(g) of the Agricultural Marketing Act, as amended ~~[46 Stat. 1550, §3, 12 U.S.C. §1141j], 46 Stat. 1550, §3, 12 U.S.C. §1141j,~~ or in connection with ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

Sec. 29. Section 96.19, subsection 18, paragraph g, subparagraph (3), subparagraph division (d), subparagraph subdivision (ii), Code 2016, is amended to read as follows:

(ii) In the employ of a group of operators of farms ~~(or, or a cooperative organization of which such operators are members)~~ members, in the performance of service described in subparagraph subdivision (i) of division (d) of this subparagraph, but only if such operators produced more than one-half of the commodity with respect to which such service is performed;

Sec. 30. Section 96.19, subsection 20, unnumbered paragraph 1, Code 2016, is amended to read as follows:

“*Exhaustee*” means an individual who, with respect to any week of unemployment in the individual's eligibility period has received, prior to such week, all of the regular benefits that were available to the individual under this chapter or any other state law ~~(including law, including dependents' allowances and benefits payable to federal civilian employees and~~

former armed forces personnel under ~~5 U.S.C. ch. 85~~ 5 U.S.C. ch. 85, in the individual's current benefit year that includes such weeks. Provided that for the purposes of this subsection an individual shall be deemed to have received all of the regular benefits that were available to the individual, although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in the individual's benefit year the individual may subsequently be determined to be entitled to add regular benefits, or:

Sec. 31. Section 96.19, subsections 22 and 33, Code 2016, are amended to read as follows:

22. "*Extended benefits*" means ~~benefits (including benefits, including~~ benefits payable to federal civilian employees and to former armed forces personnel pursuant to ~~5 U.S.C. ch. 85~~ 5 U.S.C. ch. 85, payable to an individual under the provisions of this section for weeks of unemployment in the individual's eligibility period.

33. "*Regular benefits*" means benefits payable to an individual under this or under any other state law ~~(including law, including~~ benefits payable to federal civilian employees and to former armed forces personnel pursuant to ~~5 U.S.C. ch. 85~~ 5 U.S.C. ch. 85, other than extended benefits.

Sec. 32. Section 97B.43, Code 2016, is amended to read as follows:

**97B.43 Prior service credit.**

1. Each member in service on July 4, 1953, who made contributions under the abolished system, and who has not applied for and qualified for benefit payments under the abolished system, shall receive credit for years of prior service in the determination of retirement allowance payments under this chapter, if the member elects to become a member on or before October 1, 1953, the member has not made application for a refund of the part of the member's contributions under the abolished system which are payable under sections 97.50 to 97.53, and the member gives written authorization prior to October 1, 1953, to the commission to credit to the retirement fund the amount of the member's contribution which would be subject to a claim for refund. The amount so credited shall, after transfer, be considered as a contribution to the retirement system made as of July 4, 1953, by the member and shall be included in the determination of the amount of moneys payable under this chapter. However, an employee who was under a contract of employment as a teacher in the public schools of the state of Iowa at the end of the school year 1952-1953, or any person covered by section 97B.1A, subsection 20, paragraph "c" or "d", shall be considered as in service as of July 4, 1953, if they were members of the abolished system.

2. Any person with a record of thirty years as a public employee in the state of Iowa prior to July 1, 1947, and who is not eligible for prior service credit under other provisions of this section, is entitled to a credit for years of prior service in the determination of the retirement allowance payment under this chapter, provided the public employee makes application to the system for credit for prior public service, accompanied by verification of the person's claim as the system may require. The person's allowance for prior service credits shall be computed in the same manner as otherwise provided in this section, but shall not exceed the sum of four hundred fifty dollars nor be less than three hundred dollars per annum. Any such person is entitled to receive retirement allowances computed as provided by this chapter, effective from the date of application to the system, provided such application is approved. However, beginning July 1, 1975, the amount of such person's retirement allowance payment received during June 1975, as computed under this section shall be increased by two hundred percent and the allowance for prior service credits shall not exceed one thousand three hundred fifty dollars nor be less than nine hundred dollars per annum. Effective July 1, 1987, there is appropriated for each fiscal year from the Iowa public employees' retirement fund created in section 97B.7 to the system an amount sufficient to fund the retirement allowance increases paid under this ~~paragraph~~ subsection. Effective July 1, 1980, a person with a record of thirty years as a public employee in the state of Iowa prior to July 1, 1947, receiving retirement allowances under this chapter shall receive the monthly increase in benefits provided in section 97B.49G, subsection 3, paragraph "a".

3. Each individual who on or after July 1, 1978, was an active, vested, or retired member and who (1) made application for and received a refund of contributions made under the abolished system or (2) has on deposit with the retirement fund contributions made under

the abolished system shall be entitled to credit for years of prior service in the determination of retirement allowance payments by filing a written election with the system on or after July 1, 1978, and by re depositing any withdrawn contributions under the abolished system together with interest as stated in this ~~paragraph~~ subsection. Any individual who on or after July 1, 1978, is a retired member and who made application for and received a refund of contributions made under the abolished system may, by filing a written election with the system on or after July 1, 1978, have the system retain fifty percent of the monthly increase in retiree benefits that will accrue to the individual because of prior service. If the monthly increase in retirement benefits is less than ten dollars, the system shall retain five dollars of the scheduled increase, and if the monthly increase is less than five dollars, the provisions of this ~~paragraph~~ subsection shall not apply. The system shall continue to retain such funds until the withdrawn contributions, together with interest accrued to the month in which the written election is filed, have been repaid. Due notice of this provision shall be sent to all retired members on or after July 1, 1978. However, this ~~paragraph~~ subsection shall not apply to any person who received a refund of any membership service contributions unless the person repaid the membership service contributions pursuant to section 97B.80C; but a refund of contributions remitted for the calendar quarter ending September 30, 1953, which was based entirely upon employment which terminated prior to July 4, 1953, shall not be considered as a refund of membership service contributions. The interest to be paid into the fund shall be compounded at the rates credited to member accounts from the date of payment of the refund of contributions under the abolished system to the date the member re deposits the refunded amount. The provisions of ~~the first paragraph of this section~~ subsection 1 relating to the consideration given to credited amounts shall apply to the re deposited amounts or to amounts left on deposit. Effective July 1, 1978, the provisions of this ~~paragraph~~ subsection shall apply to each individual who on or after July 1, 1978, was an active, vested, or retired member, but who was not in service on July 4, 1953. The period for filing the written election with the system and re depositing any withdrawn contributions together with interest accrued shall commence July 1, 1978. A member who is a retired member on or after July 1, 1978, may file written election with the system on or after July 1, 1978, to have the system retain fifty percent of the monthly increase as provided in this ~~paragraph~~ subsection.

4. Effective July 1, 2004, a member eligible for an increased retirement allowance because of the repayment of contributions under this section is entitled to receipt of adjustment payments beginning with the month in which payment was received by the system.

Sec. 33. Section 99B.27, subsection 2, paragraph n, Code 2016, is amended to read as follows:

n. ~~No A~~ A person ~~receives shall not receive~~ or ~~has have~~ any fixed or contingent right to receive, directly or indirectly, any profit, remuneration, or compensation from or related to a game in a card game tournament, except any amount which the person may win as a participant on the same basis as the other participants.

Sec. 34. Section 99B.27, subsection 2, paragraph p, unnumbered paragraph 1, Code 2016, is amended to read as follows:

The person conducting the card game tournament ~~does none~~ shall not do any of the following:

Sec. 35. Section 135B.7, subsection 2, paragraph a, Code 2016, is amended to read as follows:

a. The rules shall state that a hospital shall not deny clinical privileges to physicians and surgeons, podiatric physicians, osteopathic physicians and surgeons, dentists, certified health service providers in psychology, physician assistants, or advanced registered nurse practitioners licensed under chapter 148, 148C, 149, 152, or 153, or section 154B.7, solely by reason of the license held by the practitioner or solely by reason of the school or institution in which the practitioner received medical schooling or postgraduate training if the medical schooling or postgraduate training was accredited by an organization recognized by the council on ~~postsecondary~~ higher education accreditation or an accrediting group recognized by the United States department of education.

Sec. 36. Section 148E.2, subsection 1, paragraphs b and c, Code 2016, are amended to read as follows:

b. Successful completion of a three-year postsecondary training program or acupuncture college program which is accredited by, in candidacy for accreditation by, or which meets the standards of the ~~national accreditation commission for schools and colleges of acupuncture and oriental medicine.~~

c. Successful completion of a course in clean needle technique approved by the national certification commission for ~~the certification of acupuncturists~~ acupuncture and oriental medicine.

Sec. 37. Section 153.15A, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. That the applicant possesses a degree or certificate of graduation from a college, university, or institution of higher education, accredited by a national agency recognized by the council on ~~postsecondary~~ higher education accreditation or the United States department of education, in a program of dental hygiene with a minimum of two academic years of curriculum.

Sec. 38. Section 161A.72, subsection 1, Code 2016, is amended to read as follows:

1. Financial incentives provided under this chapter shall be administered by the division. The incentives shall be supported with funds appropriated by the general assembly, and moneys available to or obtained by the division or the committee from public or private sources, including but not limited to the United States, other states, or private organizations. The division shall adopt all rules consistent with chapter 17A necessary to carry out the purpose of this ~~division~~ subchapter as provided in section 161A.70.

Sec. 39. Section 225.24, Code 2016, is amended to read as follows:

**225.24 Collection of preliminary expense.**

Unless a committed private patient or those legally responsible for the patient's support offer to settle the amount of the claims, the regional administrator for the person's county of residence shall collect, by action if necessary, the amount of all claims for per diem and expenses that have been approved by the regional administrator for the county and paid by the regional administrator as provided under section 225.21. Any amount collected shall be credited to the county mental health and disabilities services fund created in accordance with section 331.424A.

Sec. 40. Section 234.39, Code 2016, is amended to read as follows:

**234.39 Responsibility for cost of services.**

1. It is the intent of this chapter that an individual receiving foster care services and the individual's parents or guardians shall have primary responsibility for paying the cost of the care and services. The support obligation established and adopted under this section shall be consistent with the limitations on legal liability established under sections 222.78 and 230.15, and by any other statute limiting legal responsibility for support which may be imposed on a person for the cost of care and services provided by the department. The department shall notify an individual's parents or guardians, at the time of the placement of an individual in foster care, of the responsibility for paying the cost of care and services. Support obligations shall be established as follows:

1. a. For an individual to whom section 234.35, subsection 1, is applicable, a dispositional order of the juvenile court requiring the provision of foster care, or an administrative order entered pursuant to chapter 252C, or any order establishing paternity and support for a child in foster care, shall establish, after notice and a reasonable opportunity to be heard is provided to a parent or guardian, the amount of the parent's or guardian's support obligation for the cost of foster care provided by the department. The amount of the parent's or guardian's support obligation and the amount of support debt accrued and accruing shall be established in accordance with the child support guidelines prescribed under section 598.21B. However, the court, or the department of human services in establishing support by administrative order, may deviate from the prescribed obligation after considering a recommendation by the department for expenses related to goals and objectives of a case permanency plan as defined

under section 237.15, and upon written findings of fact which specify the reason for deviation and the prescribed guidelines amount. Any order for support shall direct the payment of the support obligation to the collection services center for the use of the department's foster care recovery unit. The order shall be filed with the clerk of the district court in which the responsible parent or guardian resides and has the same force and effect as a judgment when entered in the judgment docket and lien index. The collection services center shall disburse the payments pursuant to the order and record the disbursements. If payments are not made as ordered, the child support recovery unit may certify a default to the court and the court may, on its own motion, proceed under section 598.22 or 598.23 or the child support recovery unit may enforce the judgment as allowed by law. An order entered under this ~~subsection~~ paragraph may be modified only in accordance with the guidelines prescribed under section 598.21C, or under chapter 252H.

~~2.~~ b. For an individual who is served by the department of human services under section 234.35, and is not subject to a dispositional order of the juvenile court requiring the provision of foster care, the department shall determine the obligation of the individual's parent or guardian pursuant to chapter 252C and in accordance with the child support guidelines prescribed under section 598.21B. However, the department may adjust the prescribed obligation for expenses related to goals and objectives of a case permanency plan as defined under section 237.15. An obligation determined under this ~~subsection~~ paragraph may be modified only in accordance with conditions under section 598.21C, or under chapter 252H.

~~3.~~ 2. A person entitled to periodic support payments pursuant to an order or judgment entered in any action for support, who also is or has a child receiving foster care services, is deemed to have assigned to the department current and accruing support payments attributable to the child effective as of the date the child enters foster care placement, to the extent of expenditure of foster care funds. The department shall notify the clerk of the district court when a child entitled to support payments is receiving foster care services pursuant to chapter 234. Upon notification by the department that a child entitled to periodic support payments is receiving foster care services, the clerk of the district court shall make a notation of the automatic assignment in the judgment docket and lien index. The notation constitutes constructive notice of assignment. The clerk of court shall furnish the department with copies of all orders and decrees awarding support when the child is receiving foster care services. At the time the child ceases to receive foster care services, the assignment of support shall be automatically terminated. Unpaid support accrued under the assignment of support rights during the time that the child was in foster care remains due to the department up to the amount of unreimbursed foster care funds expended. The department shall notify the clerk of court of the automatic termination of the assignment. Unless otherwise specified in the support order, an equal and proportionate share of any child support awarded shall be presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section.

~~4.~~ 3. The support debt for the costs of services, for which a support obligation is established pursuant to this section, which accrues prior to the establishment of the support debt, shall be collected, at a maximum, in the amount which is the amount of accrued support debt for the three months preceding the earlier of the following:

a. The provision by the child support recovery unit of the initial notice to the parent or guardian of the amount of the support obligation.

b. The date that the written request for a court hearing is received by the child support recovery unit as provided in section 252C.3 or 252F.3.

~~5.~~ 4. If the department makes a subsidized guardianship payment for a child, the payment shall be considered a foster care payment for purposes of child support recovery. All provisions of this and other sections, and of rules and orders adopted or entered pursuant to those sections, including for the establishment of a paternity or support order, for the amount of a support obligation, for the modification or adjustment of a support obligation, for the assignment of support, and for enforcement shall apply as if the child were receiving foster care services, or were in foster care placement, or as if foster care funds were being expended for the child. This subsection shall apply regardless of the date of placement in foster care or subsidized guardianship or the date of entry of an order, and foster care and subsidized guardianship shall be considered the same for purposes of child support recovery.



Sec. 41. Section 252H.2, subsection 2, paragraph m, Code 2016, is amended to read as follows:

*m.* “*Support order*” means an order for support issued pursuant to this chapter, chapter 232, 234, 252A, 252C, 252E, 252F, ~~252H~~, 598, 600B, or any other applicable chapter, or under a comparable statute of another state or foreign country as registered with the clerk of court or certified to the child support recovery unit.

Sec. 42. Section 256.3, Code 2016, is amended to read as follows:

**256.3 State board established.**

1. The state board of education is established for the department. The state board consists of ten members, nine voting members and one nonvoting student member. The voting members shall be appointed by the governor subject to senate confirmation. The nonvoting student member shall be appointed as provided in section 256.5A.

2. The voting members shall be registered voters of the state and hold no other elective or appointive state office. Not more than five voting members shall be of the same political party. Three of the voting members shall have substantial knowledge related to the community college system. The remaining six voting members shall be members of the general public. A voting member shall not be engaged in professional education for a major portion of the member’s time nor shall the member derive a major portion of income from any business or activity connected with education. ~~Not more than five voting members shall be of the same political party.~~

3. The terms of office for voting members are for six years beginning and ending as provided in section 69.19.

~~Three of the voting members shall have substantial knowledge related to the community college system. The remaining six voting members shall be members of the general public.~~

Sec. 43. Section 257.17, subsection 2, Code 2016, is amended to read as follows:

2. This section does not apply to a school district attendance center that has received approval from the department of education under section 279.10, subsection 2, to maintain a ~~year-around~~ year-round school calendar that commences classes in advance of the school start date established in section 279.10, subsection 1. The department of management shall prorate the reduction made pursuant to this section to account for an attendance center in a school district that is approved to maintain a ~~year-around~~ year-round school calendar under section 279.10, subsection 2.

Sec. 44. Section 279.10, subsection 2, Code 2016, is amended to read as follows:

2. The board of directors of a school district and the authorities in charge of an accredited nonpublic school may apply to the department of education for authorization to maintain a ~~year-around~~ year-round school calendar at an attendance center or school for students in prekindergarten through grade eight. However, a board shall hold a public hearing on any proposal relating to authorization for a ~~year-around~~ year-round school calendar prior to submitting an application under this subsection to the department of education for approval.

a. The initial application for a ~~year-around~~ year-round school calendar shall be submitted to the department of education not later than November 1 of the preceding school year. The department shall notify the board or the authorities of the approval or denial of an application not later than the next following January 15. The application may be approved for one or two years at a time. A board or the authorities in charge may reapply to renew an authorization by November 1 of the year prior to expiration of the authorization.

b. An attendance center or school authorized to maintain a ~~year-around~~ year-round calendar must serve all students attending the school and shall not be limited based on student achievement or based on the trait or characteristic of the student as defined in section 280.28.

c. An attendance center or school authorized to maintain a ~~year-around~~ year-round school calendar under this subsection shall provide at least ten days of instruction or the hourly equivalent during eleven of the twelve months of the school year. The period of time between instructional days shall not exceed six weeks.

d. A ~~year-around~~ year-round school calendar authorized pursuant to this subsection is exempt from the school start date specified in subsection 1.

Sec. 45. Section 307.26, subsection 1, Code 2016, is amended to read as follows:

1. Advise and assist the director in the development of aeronautics, including but not limited to the location of air terminals; accessibility of air terminals by other modes of public transportation; protective zoning provisions considering safety factors, noise, and air pollution; facilities for private and commercial aircraft; air freight facilities; and such other physical and technical aspects as may be necessary to meet present and future needs.

Sec. 46. Section 310.27, subsection 3, Code 2016, is amended to read as follows:

3. If in the judgment of the department the anticipated claims against the primary road fund for any month are in excess of moneys available, a temporary transfer for highway construction costs may be made from the farm-to-market road fund to the primary road fund providing provided that there will remain in the transferring fund a sufficient balance to meet the anticipated obligations. All transfers shall be repaid from the primary road fund to the farm-to-market road fund within sixty days from the date of the transfer. A transfer shall be made only with the approval of the director of the department of management and shall comply with the director of the department of management's rules relating to the transfer of funds. Similar transfers may be made by the department from the primary road fund to the farm-to-market road fund and these transfers shall be subject to the same terms and conditions that transfers from the farm-to-market road fund to the primary road fund are subject.

Sec. 47. Section 313.4, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. ~~Said~~ The primary road fund is hereby appropriated for and shall be used in the establishment, construction, and maintenance of the primary road system, including the drainage, grading, surfacing, and construction of bridges and culverts; the elimination or improvement of railroad crossings; the acquiring of additional right-of-way; and all other expense incurred in the construction and maintenance of ~~said~~ the primary road system and the maintenance and housing of the department.

Sec. 48. Section 321.189, subsection 2, paragraph a, Code 2016, is amended to read as follows:

a. Appearing on the driver's license shall be a distinguishing number assigned to the licensee; the licensee's full name, date of birth, sex, and residence address; a ~~colored~~ color photograph; a physical description of the licensee; the name of the state; the dates of issuance and expiration; and the usual signature of the licensee. The license shall identify the class of vehicle the licensee may operate and the applicable endorsements and restrictions which the department shall require by rule.

Sec. 49. Section 321.190, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. The department shall, upon application and payment of the required fee, issue to an applicant a nonoperator's identification card. To be valid the card shall bear a distinguishing number other than a social security number assigned to the cardholder, the full name, date of birth, sex, residence address, a physical description and a ~~colored~~ color photograph of the cardholder, the usual signature of the cardholder, and such other information as the department may require by rule. An applicant for a nonoperator's identification card shall apply for the card in the manner provided in section 321.182, subsections 1 through 3. The card shall be issued to the applicant at the time of application pursuant to procedures established by rule. An applicant for a nonoperator's identification card who is required by 50 U.S.C. app. §451 et seq. to register with the United States selective service system shall be registered by the department with the selective service system as provided in section 321.183.

Sec. 50. Section 321.215, subsection 5, Code 2016, is amended to read as follows:

5. Notwithstanding any provision of this chapter to the contrary, the department may issue a temporary restricted license to a person eligible for a temporary restricted license under this section if the person is also eligible for a temporary restricted license under section 321J.20, provided the requirements of ~~each~~ this section and section 321J.20 are satisfied.

Sec. 51. Section 321.492, Code 2016, is amended to read as follows:

**321.492 Peace officers' authority.**

1. A peace officer is authorized to stop a vehicle to require exhibition of the driver's license of the driver, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires, and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of the vehicle.

2. A peace officer having probable cause to stop a vehicle may require exhibition of the proof of financial liability coverage card issued for the vehicle if the vehicle is a motor vehicle registered in this state.

3. *a.* All peace officers as defined in section 801.4, subsection 11, paragraphs "a", "b", "c", and "h" may, having reasonable grounds that equipment violations exist, conduct spot inspections.

*b.* The department may designate employees under the supervision of the department's administrator of motor vehicles to conduct spot inspections.

Sec. 52. Section 321A.1, Code 2016, is amended to read as follows:

**321A.1 Definitions.**

The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

1. ~~County system.~~ "Book", "list", "record", or "schedule" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. ~~Department.~~ "Department" means the state department of transportation.

3. ~~Judgment.~~ A "Judgment" means a judgment which has become final by expiration without appeal during the time within which an appeal might have been perfected, or a judgment if an appeal from the judgment has been perfected, which has not been stayed by the execution, filing, and approval of a bond as provided in rule of appellate procedure 6.601(1), or a judgment which has become final by affirmation on appeal, rendered by a court of competent jurisdiction of a state or of the United States, upon a cause of action arising out of the ownership, maintenance, or use of a motor vehicle, as defined in this section, for damages, including damages for care and loss of services, because of bodily injury to or death of a person, or for damages because of injury to or destruction of property, including the loss of use of property, or upon a cause of action on an agreement of settlement for such damages.

4. ~~License.~~ A "License" means a driver's license as defined in section 321.1 issued under the laws of this state.

5. ~~Motor vehicle.~~ "Motor vehicle" means every vehicle which is self-propelled, but not including vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires and not operated upon rails. The term "car" or "automobile" shall be synonymous with the term "motor vehicle". "Motor vehicle" does not include special mobile equipment as defined in this section.

6. ~~Nonresident.~~ Every "Nonresident" means every person who is not a resident of this state.

7. ~~Nonresident operating privilege.~~ The "Nonresident operating privilege" means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by the nonresident of a motor vehicle, or the use of a motor vehicle owned by the nonresident, in this state.

8. ~~Operator.~~ A "Operator" means a person who is in actual physical control of a motor vehicle whether or not that person has a driver's license as required under the laws of this state.

9. ~~Owner.~~ “Owner” means a person who holds the legal title of a motor vehicle; however, if the motor vehicle is the subject of a security agreement with a right of possession in the debtor, the debtor shall be deemed the owner for purposes of this chapter or if the motor vehicle is leased as defined in section 321.493, the lessee shall be deemed the owner for purposes of this chapter.

10. ~~Person.~~ Every “Person” means every natural person, firm, partnership, association, or corporation.

11. ~~Proof of financial responsibility.~~ Proof “Proof of financial responsibility” means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the proof, arising out of the ownership, maintenance, or use of a motor vehicle, in amounts as follows: With respect to accidents occurring on or after January 1, 1981, and prior to January 1, 1983, the amount of fifteen thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to the limit for one person, the amount of thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and the amount of ten thousand dollars because of injury to or destruction of property of others in any one accident; and with respect to accidents occurring on or after January 1, 1983, the amount of twenty thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to the limit for one person, the amount of forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and the amount of fifteen thousand dollars because of injury to or destruction of property of others in any one accident.

12. ~~Registration.~~ Registration “Registration” means a registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles.

13. ~~Special mobile equipment.~~ “Special mobile equipment” means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, and implements of husbandry as defined in section 321.1, subsection 32. This description does not exclude other vehicles which are within the general terms of this subsection.

14. ~~State.~~ Any “State” means any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

Sec. 53. Section 321A.30, Code 2016, is amended to read as follows:

**321A.30 Rights not affected.**

This chapter shall not prevent the owner of a motor vehicle, the registration of which has been suspended hereunder, from effecting a bona fide sale of such motor vehicle to another person whose rights or privileges are not suspended under this chapter nor prevent the registration of such motor vehicle by such transferee. This chapter shall not in any wise way affect the rights of any secured party or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this chapter.

Sec. 54. Section 321J.20, subsection 9, Code 2016, is amended to read as follows:

9. Notwithstanding any provision of this chapter to the contrary, the department may issue a temporary restricted license to a person eligible for a temporary restricted license under this section if the person is also eligible for a temporary restricted license under section 321.215, provided the requirements of ~~each~~ this section and section 321.215 are satisfied.

Sec. 55. Section 331.207, subsection 3, Code 2016, is amended to read as follows:

3. The supervisor representation plans submitted at the special election shall be stated in substantially the following manner:

The individual members of the board of supervisors in  
..... county, Iowa, shall be elected:

Plan “~~one.~~” “one”. At large and without district residence requirements for the members.

Plan “~~two.~~” “two”. At large but with equal-population district residence requirements for the members.

Plan ~~“three.”~~ “three”. From single-member equal-population districts in which the electors of each district shall elect one member who must reside in that district.

Sec. 56. Section 357A.2, subsection 4, paragraph d, subparagraph (2), subparagraph division (c), Code 2016, is amended to read as follows:

(c) If the city reserving the right to provide service fails to provide service within three years of receipt of the water plan submitted under paragraph “a”, the city waives its right to provide water service and shall provide notice to the district or association by certified mail and the district or association may provide service within the area of the water plan submitted under paragraph “a”. If the city fails to provide notice to the district or association, the district or association may provide service in accordance with this paragraph “d”, regardless of whether the district or association has received such notice.

Sec. 57. Section 357A.2, subsection 4, paragraph d, subparagraph (3), Code 2016, is amended to read as follows:

(3) If the district or association fails to provide service within three years after a city waives the right to provide water service under this paragraph “d”, the district or association shall provide notice to the city by certified mail and the city may provide service within the area of the water plan submitted under paragraph “a”. If the district or association fails to provide notice to the city, the city may provide service in accordance with this paragraph “d”, regardless of whether the city has received such notice.

Sec. 58. Section 384.78, Code 2016, is amended to read as follows:

**384.78 Prior proceedings.**

Projects and proceedings for the levy of special assessments and the issuance of special assessment bonds commenced before the effective date of the city code may be hereafter consummated and completed and special assessments levied and special assessment bonds issued as required or permitted by any statute or other law amended or repealed by 64GA 1972 Iowa Acts, chapter ch. 1088, as though such repeal or amendment had not occurred, and the rights, duties, and interests flowing from such projects and proceedings remain valid and enforceable. Without limiting the foregoing, projects commenced prior to said effective date may be financed by the issuance of special assessment bonds and other bonds under any such amended or repealed law or by the issuance of special assessment bonds, or other bonds under the city code. For the purposes of this section, commencement of a project includes but is not limited to action taken by the council or authorized officer to fix a date for a hearing in connection with any part of a public improvement, and commencement of proceedings for the levy of special assessments and the issuance of special assessment bonds includes but is not limited to action taken by the council to fix a date for a hearing in connection with any public improvement proposed to be financed in whole or in part through special assessments.

Sec. 59. Section 384.84, subsection 6, paragraph b, Code 2016, is amended to read as follows:

b. A legal entity described in subsection 3, paragraph “e” or “f”, shall have the same powers and duties as a city utility or enterprise under paragraph “a” of this subsection with respect to filing suit in an appropriate court against a customer if the customer’s account for such services becomes delinquent.

Sec. 60. Section 384.103, subsection 2, paragraph b, Code 2016, is amended to read as follows:

b. In that ~~event~~ event, the chief officer or official of the governing body or the governing body may accept, enter into, and make payment under a contract for emergency repairs without holding a public hearing and advertising for bids, and the provisions of chapter 26 do not apply.

Sec. 61. Section 403A.3, subsections 4, 5, and 7, Code 2016, are amended to read as follows:

4. To lease or rent any dwellings, accommodations, lands, buildings, structures, or facilities embraced in any project and, subject to the limitations contained in this chapter with respect to the rental of dwellings in housing projects, to establish and revise the rents or charges therefor; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property subject to section 403A.20; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein; to insure or provide for the insurance, in any stock or mutual company of any real or personal property or operations of the municipality against any risks or hazards; and to procure or agree to the procurement of federal or state government insurance or guarantees of the payment of any bonds or parts thereof issued by a municipality, including the power to pay premiums on any such insurance.

5. To invest any funds held in connection with a housing project in reserve or sinking funds, or any fund not required for immediate disbursement, in property or securities which banks designated as state depositories may use to secure the deposit of state funds; and to redeem its bonds at the redemption price established therein or to purchase its bonds at less than such redemption price, all bonds so redeemed or purchased to be canceled.

7. To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend or excused from attendance; and to make available to appropriate agencies, including those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or insanitary structures within its area of operation, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety, or welfare.

Sec. 62. Section 403A.13, Code 2016, is amended to read as follows:

**403A.13 Form and sale of bonds.**

1. Bonds of a municipality shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding that permitted by chapter 74A, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of ~~redemption (with redemption, with or without premium)~~ premium, as such resolution, its trust indenture or mortgage may provide.

2. The bonds may be sold at public or private sale at not less than par.

3. If the officers of the municipality whose signatures appear on any bonds or coupons shall cease to be such officers before the delivery of the bonds, their signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if the officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

4. In any suit, action or proceedings involving the validity or enforcement of any bond issued pursuant to this chapter or the security therefor, any such bond reciting in substance that it has been issued by the municipality pursuant to this chapter shall be conclusively deemed to have been issued for such purpose and the housing project in respect to which such bond was issued shall be conclusively deemed to have been planned, located, and carried out in accordance with the purposes and provisions of this chapter.

Sec. 63. Section 403A.14, subsection 1, paragraph j, Code 2016, is amended to read as follows:

j. Exercise all or any part or combination of the powers herein granted; make such ~~covenants (other covenants, other than and in addition to the covenants herein expressly authorized)~~ authorized; and do any and all such acts and things as may be necessary or

convenient or desirable in order to secure its bonds, or, in the absolute discretion of said municipality, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

Sec. 64. Section 403A.16, unnumbered paragraph 1, Code 2016, is amended to read as follows:

A municipality shall have power by its resolution, trust indenture, mortgage, lease or other contract to confer upon any obligee the ~~right (in right, in~~ addition to all rights that may otherwise be ~~conferred) conferred~~, upon the happening of an event of default as defined in such resolution or instrument, by suit, action, or proceeding in any court of competent jurisdiction to:

Sec. 65. Section 403A.17, Code 2016, is amended to read as follows:

**403A.17 Exemption of property from execution sale.**

All ~~property (including funds)~~ property, including funds, owned or held by a municipality for the purposes of this chapter shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against the municipality be a charge or lien upon such ~~property. Provided, however~~ property. However, that the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage or other security executed or issued pursuant to this chapter or the right of obligees to pursue any remedies for the enforcement of any pledge or lien on rents, fees, or revenues or the right of the federal government to pursue any remedies conferred upon it pursuant to the provisions of this chapter.

Sec. 66. Section 403A.18, Code 2016, is amended to read as follows:

**403A.18 Transfer of possession or title to federal government.**

In any contract with the federal government for annual contributions to a municipality, the municipality may obligate ~~itself (which itself, which~~ obligation shall be specifically enforceable and shall not constitute a mortgage, notwithstanding any other ~~law) law~~, to convey to the federal government possession of or title to the housing project to which such contract relates, upon the occurrence of a substantial default ~~(as as defined in such contract) contract~~ with respect to the covenant or conditions to which the municipality is subject; and such contract may further provide that in case of such conveyance, the federal government may complete, operate, manage, lease, convey, or otherwise deal with the housing project and funds in accordance with the terms of such contract: Provided, that the contract requires that, as soon as practicable after the federal government is satisfied that all defaults with respect to the housing project have been cured and that the housing project will thereafter be operated in accordance with the terms of the contract, the federal government shall reconvey to the municipality the housing project as then constituted.

Sec. 67. Section 404.5, Code 2016, is amended to read as follows:

**404.5 Physical review of property by assessor.**

1. The local assessor shall review each first-year application by making a physical review of the property, to determine if the improvements made increased the actual value of the qualified real estate by at least fifteen percent or at least ten percent in the case of real property assessed as residential property or the applicable percent increase requirement adopted by the city or county under section 404.2. If the assessor determines that the actual value of that real estate has increased by at least the requisite percent, the assessor shall proceed to determine the actual value of the property and certify the valuation determined pursuant to section 404.3 to the county auditor at the time of transmitting the assessment rolls. However, if a new structure is erected on land upon which no structure existed at the start of the new construction, the assessor shall proceed to determine the actual value of the property and certify the valuation determined pursuant to section 404.3 to the county auditor at the time of transmitting the assessment rolls. The assessor shall notify the applicant of the determination, and the assessor's decision may be appealed to the local board of review at the times specified in section 441.37. If an application for exemption is denied as a result of failure to sufficiently increase the value of the real estate as provided in section 404.3, the owner may file a first annual application in a subsequent year when additional improvements

are made to satisfy requirements of section 404.3, and the provisions of section 404.4 shall apply. After the tax exemption is granted, the local assessor shall continue to grant the tax exemption, with periodic physical review by the assessor, for the time period specified in section 404.3, subsection 1, 2, 3, or 4, or specified in the different schedule if one has been adopted, under which the exemption was granted. The tax exemptions for the succeeding years shall be granted without the taxpayer having to file an application for the succeeding years.

2. For the purposes of this section, the actual value of the property upon which the value of improvements in the form of rehabilitation or additions to existing structures shall be determined shall be the lower of either the amount listed on the assessment rolls in the assessment year in which such improvements are first begun or the price paid by the owner if the improvements in the form of rehabilitation or additions to existing structures were begun within one year of the date the property was purchased and the sale was a fair and reasonable exchange between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and each being familiar with all the facts relating to the particular property.

Sec. 68. Section 422.7, subsections 12A, 20, and 37, Code 2016, are amended to read as follows:

12A. a. If the adjusted gross income includes income or loss from a business operated by the taxpayer, and if the business does not qualify for the adjustment under subsection 12, an additional deduction shall be allowed in computing the income or loss from the business if the business hired for employment in the state during its annual accounting period ending with or during the taxpayer's tax year either of the following:

a. (1) An individual domiciled in this state at the time of the hiring who meets any of the following conditions:

(1) (a) Has been convicted of a felony in this or any other state or the District of Columbia.

(2) (b) Is on parole pursuant to chapter 906.

(3) (c) Is on probation pursuant to chapter 907, for an offense other than a simple misdemeanor.

(4) (d) Is in a work release program pursuant to chapter 904, division IX.

b. (2) An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the interstate compact for adult offender supervision under chapter 907B applies.

b. The amount of the additional deduction is equal to sixty-five percent of the wages paid to individuals, but shall not exceed twenty thousand dollars per individual, named in ~~paragraphs "a"~~ paragraph "a", subparagraphs (1) and "b" (2) who were hired for the first time by that business during the annual accounting period for work done in the state. This additional deduction is allowed for the wages paid to those individuals successfully completing a probationary period during the twelve months following the date of first employment by the business and shall be deducted at the close of the annual accounting period.

c. The additional deduction shall not be allowed for wages paid to an individual who was hired to replace an individual whose employment was terminated within the twelve-month period preceding the date of first employment. However, if the individual being replaced left employment voluntarily without good cause attributable to the employer or if the individual was discharged for misconduct in connection with the individual's employment as determined by the department of workforce development, the additional deduction shall be allowed.

d. A taxpayer who is a partner of a partnership or a shareholder of a subchapter S corporation, may deduct that portion of wages qualified under this subsection paid by the partnership or subchapter S corporation based on the taxpayer's pro rata share of the profits or losses from the partnership or subchapter S corporation.

e. The department shall develop and distribute information concerning the deduction available for businesses employing persons named in ~~paragraphs "a"~~ paragraph "a", ~~subparagraphs (1) and "b" (2)~~.

20. a. Subtract, to the extent included, the proceeds received pursuant to a judgment in or settlement of a lawsuit against the manufacturer or distributor of a Vietnam herbicide



for damages resulting from exposure to the herbicide. This subsection applies to proceeds received by a taxpayer who is a disabled veteran or who is a beneficiary of a disabled veteran.

*b.* For purposes of this subsection:

*a.* (1) “*Vietnam herbicide*” means a herbicide, defoliant or other causative agent containing dioxin, including, but not limited to, Agent Orange, used in the Vietnam Conflict beginning December 22, 1961, and ending May 7, 1975, inclusive.

*b.* (2) “*Agent Orange*” means the herbicide composed of trichlorophenoxyacetic acid and dichlorophenoxyacetic acid and the contaminant dioxin (TCDD).

37. *a.* Notwithstanding the method for computing income from an installment sale under section 453 of the Internal Revenue Code, as defined in section 422.3, the method to be used in computing income from an installment sale shall be the method under section 453 of the Internal Revenue Code, as amended up to and including January 1, 2000. A taxpayer affected by this subsection shall make adjustments in the adjusted gross income pursuant to rules adopted by the director.

*b.* The adjustment to net income provided in this subsection is repealed for tax years beginning on or after January 1, 2002. However, to the extent that a taxpayer using the accrual method of accounting reported the entire capital gain from the sale or exchange of property on the Iowa return for the tax year beginning in the 2001 calendar year and the capital gain was reported on the installment method on the federal income tax return, any additional installment from the capital gain reported for federal income tax purposes is not to be included in net income in tax years beginning on or after January 1, 2002.

Sec. 69. Section 441.10, Code 2016, is amended to read as follows:

**441.10 Deputies — examination and appointment — suspension or discharge.**

1. Immediately after the appointment of the assessor, and at other times as the conference board directs, one or more deputy assessors may be appointed by the assessor. Each appointment shall be made from either the list of eligible candidates provided by the director of revenue, which shall contain only the names of those persons who achieve a score of seventy percent or greater on the examination administered by the director of revenue, or the list of candidates eligible for appointment as city or county assessor. Examinations for the position of deputy assessor shall be conducted in the same manner as examinations for the position of city or county assessor.

2. Following the administration of the examination, the director of revenue shall establish a register containing the names, in alphabetical order, of all individuals who are eligible for appointment as a deputy assessor. The test scores of individuals on the register shall be given to a city or county conference board upon request. All eligible individuals shall remain on the register for a period of two years following the date of certification granted by the director.

3. Incumbent deputy assessors who have served six consecutive years shall be placed on the register of individuals eligible for appointment as deputy assessor. In order to be appointed to the position of deputy assessor, the deputy assessor shall comply with the continuing education requirements. The number of credits required for certification as eligible for appointment as a deputy assessor in a jurisdiction other than where the deputy assessor is currently serving shall be prorated according to the percentage of the deputy assessor’s term which is covered by the continuing education requirements of section 441.8. The credit necessary for certification for appointment is the product of ninety multiplied by the quotient of the number of months served of a deputy assessor’s term covered by the continuing education requirements of section 441.8 divided by seventy-two. If the number of credits necessary for certification for appointment as determined under this ~~paragraph~~ subsection results in a partial credit hour, the credit hour shall be rounded to the nearest whole number.

4. The assessor may peremptorily suspend or discharge any deputy assessor under the assessor’s direction upon written charges for neglect of duty, disobedience of orders, misconduct, or failure to properly perform the deputy assessor’s duties. Within five days after delivery of written charges to the employee, the deputy assessor may appeal by written notice to the secretary or chairperson of the examining board. The board shall grant the deputy assessor a hearing within fifteen days, and a decision by a majority of the examining board is final. The assessor shall designate one of the deputies as chief deputy, and the

assessor shall assign to each deputy the duties, responsibilities, and authority as is proper for the efficient conduct of the assessor's office.

Sec. 70. Section 445.3, Code 2016, is amended to read as follows:

**445.3 Actions authorized.**

1. In addition to all other remedies and proceedings now provided by law for the collection of taxes, the county treasurer may bring or cause an ordinary suit at law to be commenced and prosecuted in the treasurer's name for the use and benefit of the county for the collection of taxes from any person, as shown by the county system in the treasurer's office, and the suit shall be in all respects commenced, tried, and prosecuted to final judgment the same as provided for ordinary actions.

2. The commencement of actions for ad valorem taxes authorized under this section shall not begin until the issuance of a tax sale certificate under the requirements of section 446.19. The commencement of actions for all other taxes authorized under this section shall not begin until ten days after the publication of tax sale under the requirements of section 446.9, subsection 2. This ~~paragraph~~ subsection does not apply to the collection of ad valorem taxes under section 445.32, and grain handling taxes under section 428.35.

3. Notwithstanding the provisions in section 535.3, interest on the judgment shall be at the rate provided in section 447.1 and shall commence from the month of the commencement of the action. This interest shall be in lieu of the interest assessed under section 445.39 from and after the month of the commencement of the action.

4. An appeal may be taken to the Iowa supreme court as in other civil cases regardless of the amount involved.

5. Notwithstanding any other provisions in this section, if the treasurer is unable or has reason to believe that the treasurer will be unable to offer land at the annual tax sale to collect the total amount due, the treasurer may immediately collect the total amount due by the commencement of an action under this section.

6. Notwithstanding any other provision of law, if a statute authorizes the collection of a delinquent tax, assessment, rate, or charge by tax sale, the tax, assessment, rate, or charge, including interest, fees, and costs, may also be collected under this section and section 445.4.

7. This section is remedial and shall apply to all delinquent taxes included in a tax sale certificate of purchase issued to a county. Upon assignment of a county-held tax sale certificate, this section shall not apply to the assignee.

Sec. 71. Section 452A.10, Code 2016, is amended to read as follows:

**452A.10 Required records.**

1. a. A motor fuel or special fuel supplier, restrictive supplier, importer, exporter, blender, dealer, user, common carrier, contract carrier, terminal, or nonterminal storage facility shall maintain, for a period of three years, records of all transactions by which the supplier, restrictive supplier, or importer withdraws from a terminal or a nonterminal storage facility within this state or imports into this state motor fuel or undyed special fuel together with invoices, bills of lading, and other pertinent records and papers as required by the department.

b. If in the normal conduct of a supplier's, restrictive supplier's, importer's, exporter's, blender's, dealer's, user's, common carrier's, contract carrier's, terminal's, or nonterminal storage facility's business the records are maintained and kept at an office outside this state, the records shall be made available for audit and examination by the department at the office outside this state, but the audit and examination shall be without expense to this state.

2. Each distributor handling motor fuel or special fuel in this state shall maintain for a period of three years records of all motor fuel or undyed special fuel purchased or otherwise acquired by the distributor, together with delivery tickets, invoices, and bills of lading, and any other records required by the department.

3. The department, after an audit and examination of records required to be maintained under this section, may authorize their disposal upon the written request of the supplier, restrictive supplier, importer, exporter, blender, dealer, user, carrier, terminal, nonterminal storage facility, or distributor.

Sec. 72. Section 452A.57, subsection 8, Code 2016, is amended to read as follows:

8. “*Motor vehicle*” shall mean and include all ~~vehicles (except vehicles, except those operated on rails)~~ rails, which are propelled by internal combustion engines and are of such design as to permit their mobile use on public highways for transporting persons or property. A farm tractor while operated on a farm or for the purpose of hauling farm machinery, equipment, or produce shall not be deemed to be a motor vehicle. “*Motor vehicle*” shall not include “*mobile machinery and equipment*” as defined in this section.

Sec. 73. Section 452A.66, Code 2016, is amended to read as follows:

**452A.66 Statutes applicable to motor fuel tax.**

1. The appropriate state agency shall administer the taxes imposed by this chapter in the same manner as and subject to section 422.25, subsection 4, and section 423.35.

2. All the provisions of section 422.26 shall apply in respect to the taxes, penalties, interest, and costs imposed by this chapter excepting that as applied to any tax imposed by this chapter, the lien ~~therein provided in section 422.26~~ shall be prior and paramount over all subsequent liens upon any personal property within this state, or right to such personal property, belonging to the taxpayer without the necessity of recording as therein provided. The requirements for recording shall, as applied to the tax imposed by this chapter, apply only to the liens upon real property. When requested to do so by any person from whom a taxpayer is seeking credit, or with whom the taxpayer is negotiating the sale of any personal property, or by any other person having a legitimate interest in such information, the director shall, upon being satisfied that such a situation exists, inform such person as to the amount of unpaid taxes due by such taxpayer under the provisions of this chapter. The giving of such information under such circumstances shall not be deemed a violation of section 452A.63 as applied to this chapter.

Sec. 74. Section 453A.1, subsection 4, Code 2016, is amended to read as follows:

4. “*Cigarette*” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. ~~Provided the definition herein~~ However, “cigarette” shall not be construed to include cigars.

Sec. 75. Section 455B.133B, subsection 4, paragraph c, subparagraph (2), Code 2016, is amended to read as follows:

(2) A person invited to attend a stakeholder meeting is not entitled to receive a per diem as specified in section 7E.6 and shall not be ~~not~~ reimbursed for expenses incurred while attending the meeting.

Sec. 76. Section 455B.133C, subsection 4, paragraph c, subparagraph (2), Code 2016, is amended to read as follows:

(2) A person invited to attend a stakeholder meeting is not entitled to receive a per diem as specified in section 7E.6 and shall not be ~~not~~ reimbursed for expenses incurred while attending the meeting.

Sec. 77. Section 455B.183, subsection 2, paragraph a, Code 2016, is amended to read as follows:

a. The submitted plans and specifications are in substantial compliance with departmental rules and the Iowa Standards standards for ~~Sewer Systems~~ sewer systems and the Iowa Standards standards for ~~Water Supply Distribution Systems~~ water supply distribution systems.

Sec. 78. Section 455B.187, Code 2016, is amended to read as follows:

**455B.187 Water well construction.**

1. A contractor shall not engage in well construction or reconstruction without first being certified as required in this part and department rules adopted pursuant to this part. Water wells shall not be constructed, reconstructed, or abandoned by a person except as provided in this part or rules adopted pursuant to this part. Within thirty days after construction or

reconstruction of a well, a contractor shall provide well information required by rule to the department and the Iowa geological survey.

2. A landowner or the landowner's agent shall not drill for or construct a new water well without first obtaining a permit for this activity from the department. The department shall not issue a permit to any person for this activity unless the person first registers with the department all wells, including abandoned wells, on the property. The department may delegate the authority to issue a permit to a county board of supervisors or the board's designee. In the event of such delegation, the department shall retain concurrent authority. The commission shall adopt rules pursuant to chapter 17A to implement this ~~paragraph~~ subsection.

3. The director may charge a fee for permits issued pursuant to this section. All fees collected pursuant to this section shall be deposited into the private water supply system account within the water quality protection fund created in section 455B.183A.

4. Notwithstanding the provisions of this section, a county board of supervisors or the board's designee may grant an exemption from the permit requirements to a landowner or the landowner's agent if an emergency drilling is necessary to meet an immediate need for water. The exemption shall be effective immediately upon approval of the county board of supervisors or the board's designee. The board of supervisors or the board's designee shall notify the director within thirty days of the granting of an exemption.

5. In the case of property owned by a state agency, a person shall not drill for or construct a new water well without first registering with the department the existence of any abandoned wells on the property. The department shall develop a prioritized closure program and time frame for the completion of the program, and shall adopt rules to implement the program.

Sec. 79. Section 455B.474, subsection 3, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Standards of performance for new underground storage tanks which shall include but are not limited to design, construction, installation, release detection, and compatibility standards. Until the effective date of the standards adopted by the commission and after January 1, 1986, a person shall not install an underground storage tank for the purpose of storing regulated substances unless the ~~tank (whether tank, whether~~ construction) construction, meets all the following conditions:

Sec. 80. Section 460.305, Code 2016, is amended to read as follows:

**460.305 Sinkholes — conservation easement ~~programs~~ program.**

1. The department shall develop and implement a program for the prevention of groundwater contamination through sinkholes. The program shall provide for education of landowners and encourage responsible chemical and land management practices in areas of the state prone to the formation of sinkholes.

2. The program may provide financial incentives for land management practices and the acquisition of conservation easements around sinkholes. The program may also provide financial assistance for the cleanup of wastes dumped into sinkholes.

3. The program shall be coordinated with the groundwater protection programs of the department of natural resources and other local, state, or federal government agencies which could compensate landowners for resource protection measures. The department shall use moneys appropriated for this purpose from the agriculture management account of the groundwater protection fund created in section 455E.11.

Sec. 81. Section 468.13, Code 2016, is amended to read as follows:

**468.13 Procedure on report — classification.**

1. Upon the filing of the report of the engineer recommending the establishment of the levee or drainage district, the board shall at its first regular, adjourned, or special meeting examine and consider the same, and, if the plan is not approved the board may employ ~~said the same engineer~~ another disinterested engineer to report another plan or make additional examination and surveys and file an additional report covering such matters as the board may direct. Additional surveys and reports must be made in accordance with the provisions of sections 468.11 and 468.12. At any time prior to the final adoption of the plans they may

be amended, and as finally adopted by the board shall be conclusive unless the action of the board in finally adopting them shall be appealed from as hereinafter provided.

2. If the petition or other landowners requested a classification of the district prior to establishment, the board shall order a classification as provided by sections 468.38 through 468.44 after they have approved the report of the engineer as a tentative plan. The notice of hearing provided by section 468.14 shall also include the requirements of the notice of hearing provided in section 468.45 as to this classification, and the hearing on the petition provided in section 468.21 shall also include the matters to be heard as provided in section 468.46.

3. If the board establishes the district as provided in section 468.22, the classification which is finally approved at ~~said the~~ hearing by the board shall remain the basis of all future assessments for the purposes of said district as provided in section 468.49. The landowners shall have the same right of appeal from this classification as they would have if the petition had not requested a classification prior to establishment and the classification had been made after establishment.

Sec. 82. Section 468.35, subsection 2, Code 2016, is amended to read as follows:

2. A bid shall be in writing, specifying the portion of the work upon which the bid is made, and filed with the auditor. The bid shall be accompanied with a bid security. The bid security shall be in the form of a deposit of cash, a certified check on and certified by a bank in Iowa, a certified share draft drawn on a credit union in Iowa, or a bid bond with a corporate surety satisfactory to the board as provided in section 73A.20. The bid security must be payable to the auditor or the auditor's order at the auditor's office in a sum equal to five percent of the amount of the bid. However, if the maximum limit on a bid security would cause a denial of funds or services from the federal government which would otherwise be available, or if the maximum limit would otherwise be inconsistent with the requirements of federal law, the maximum limit may be suspended to the extent necessary to prevent denial of federal funds or services or to eliminate the inconsistency with federal requirements. The cash, check, or share draft of an unsuccessful bidder shall be returned, and the bid bond of an unsuccessful bidder shall be canceled. The bid security of a successful bidder shall be maintained as a guarantee that the bidder will enter into a contract in accordance with the bids.

Sec. 83. Section 468.103, Code 2016, is amended to read as follows:

**468.103 Final settlement — claims for damages.**

1. If ~~it the~~ board finds the work under any contract has been completed and accepted, the board shall compute the balance due, and if there are no liens on file against such balance, it shall enter of record an order directing the auditor to draw a warrant in favor of ~~said the~~ contractor upon the levee or drainage fund of ~~said the~~ district or give the contractor an order directing the county treasurer to deliver to the contractor improvement certificates or drainage bonds, as the case may be, for such balance found to be due, but such warrants, improvement certificates or bonds shall not be delivered to the contractor until the expiration of thirty days after the acceptance of the work.

2. If any claims for damages have been filed as provided in section 468.102, the board shall review ~~said claims~~ and determine ~~said the~~ claims. If the determination by the board on any claim for damages results in a finding by the board that the damages resulting to the claimant were due to the negligence of the contractor, then the board shall provide for payment of ~~said the~~ claim out of the remaining funds owing to the contractor. If the determination by the board results in a finding that the damages resulting to the claimant were not due to the negligence of the contractor, but resulted from unavoidable necessity in the performance of the contract, then the board shall allow for payment of ~~said the~~ claim in the amount fixed by the board out of the funds in ~~said the~~ drainage district.

Sec. 84. Section 475A.6, Code 2016, is amended to read as follows:

**475A.6 Certification of expenses to utilities division.**

1. *a.* The consumer advocate shall determine the advocate's expenses, including a reasonable allocation of general office expenses, directly attributable to the performance of the advocate's duties involving specific persons subject to direct assessment, and shall certify

the expenses to the utilities division not less than quarterly. The expenses shall then be includable in the expenses of the division subject to direct assessment under section 476.10.

b. The consumer advocate shall annually, within ninety days after the close of each fiscal year, determine the advocate's expenses, including a reasonable allocation of general office expenses, attributable to the performance of the advocate's duties generally, and shall certify the expenses to the utilities division. The expenses shall then be includable in the expenses of the division subject to remainder assessment under section 476.10.

2. The consumer advocate is entitled to notice and opportunity to be heard in any utilities board proceeding on objection to an assessment for expenses certified by the consumer advocate. Expenses assessed under this section shall not exceed the amount appropriated for the consumer advocate division of the department of justice.

3. The office of consumer advocate may expend additional funds, including funds for outside consultants, if those additional expenditures are actual expenses which exceed the funds budgeted for the performance of the advocate's duties. Before the office expends or encumbers an amount in excess of the funds budgeted, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the expenses exceed the funds budgeted by the general assembly to the office of consumer advocate and that the office does not have other funds from which such expenses can be paid. Upon approval of the director of the department of management, the office may expend and encumber funds for excess expenses. The amounts necessary to fund the excess expenses shall be collected from those utilities or persons which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2, subsection 8.

Sec. 85. Section 476B.6, subsection 5, paragraph d, Code 2016, is amended to read as follows:

d. If the tax credit application is filed by a partnership, limited liability company, S corporation, estate, trust, or other reporting entity, all of ~~whose~~ the income of which is taxed directly to its equity holders or beneficiaries for the taxes imposed under chapter 422, division V, or under chapter 423, 432, or 437A, the tax credit certificate shall be issued directly to the partnership, limited liability company, S corporation, estate, trust, or other reporting entity.

Sec. 86. Section 476C.4, subsection 4, paragraph d, Code 2016, is amended to read as follows:

d. If the tax credit application is filed by a partnership, limited liability company, S corporation, estate, trust, or other reporting entity, all of ~~whose~~ the income of which is taxed directly to its equity holders or beneficiaries for the taxes imposed under chapter 422, division V, or under chapter 423, 432, or 437A, the tax credit certificate shall be issued directly to the partnership, limited liability company, S corporation, estate, trust, or other reporting entity.

Sec. 87. Section 478.14, Code 2016, is amended to read as follows:

**478.14 Service furnished.**

1. Any city which owns or operates a system for the distribution of electric light or power, and which has obtained electric energy for such distribution from any person or firm or corporation owning or operating an electric light and power plant or transmission line, shall be entitled to have the service reasonably needed by such municipality and its patrons continued at and for a reasonable rate and charge and under reasonable rules of service.

2. It shall be unlawful for the owner or operator of ~~such~~ the light and power plant or transmission line to disconnect or discontinue such ~~service (except service, except during nonpayment of reasonable charges)~~ charges, so long as ~~such~~ the operator holds or enjoys any franchise to go upon or use any public streets, highways, or grounds.

3. Until the municipality and the operator shall agree upon a rate or charge for ~~such~~ the service the municipality shall pay and the operator shall accept the rate provided in the expired contract if any existed, and, if none existed, then the rate before paid. This shall be without prejudice, however, to the right of either party to test in court or before any lawfully constituted rate-making tribunal the reasonableness of ~~such~~ the rate.

4. This section shall not apply if the original service to the municipality was given in case of emergency or for any other temporary purpose.

Sec. 88. Section 481A.22, subsection 4, Code 2016, is amended to read as follows:

4. It is unlawful for any person to hold, conduct, or to participate in a field or retriever trial before the permit required by this section has been secured or for any person to possess or remove from the trial grounds any birds which have not been tagged as required in this section required.

Sec. 89. Section 508.37, subsection 6, paragraph d, Code 2016, is amended to read as follows:

d. (1) All adjusted premiums and present values referred to in this section shall for policies of ordinary insurance be calculated on the basis of the ~~Commissioners 1958 Standard Ordinary Mortality Table~~ commissioners 1958 standard ordinary mortality table, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than six years younger than the actual age of the insured. The calculations for all policies of industrial insurance issued before January 1, 1968, shall be made on the basis of the ~~1941 Standard Industrial Mortality Table~~ standard industrial mortality table, except that a company may file with the commissioner a written notice of its election that the adjusted premiums and present values shall be calculated on the basis of the ~~Commissioners 1961 Standard Industrial Mortality Table~~ commissioners 1961 standard industrial mortality table, after a specified date before January 1, 1968. Whether or not any election has been made, the ~~Commissioners 1961 Standard Industrial Mortality Table~~ commissioners 1961 standard industrial mortality table shall be the basis for these calculations as to all policies of industrial insurance issued on or after January 1, 1968. All calculations shall be made on the basis of the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided that the rate of interest shall not exceed three and one-half percent per annum, except that a rate of interest not exceeding four percent per annum may be used for policies issued on or after July 1, 1974, and prior to January 1, 1980, and a rate of interest not exceeding five and one-half percent per annum may be used for policies issued on or after January 1, 1980.

(2) However, in calculating the present value under subparagraph (1) of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed in the case of policies of ordinary insurance, may be not more than those shown in the ~~Commissioners 1958 Extended Term Insurance Table~~ commissioners 1958 extended term insurance table, and in the case of policies of industrial insurance, may be not more than one hundred thirty percent of the rates of mortality according to the ~~1941 Standard Industrial Mortality Table~~ standard industrial mortality table, except that when the ~~Commissioners 1961 Standard Industrial Mortality Table~~ commissioners 1961 standard industrial mortality table becomes applicable as specified in this paragraph, the rates of mortality assumed may be not more than those shown in the ~~Commissioners 1961 Industrial Extended Term Insurance Table~~ commissioners 1961 industrial extended term insurance table. In addition, for insurance issued on a substandard basis, the calculation under subparagraph (1) of adjusted premiums and present values may be based on any other table of mortality that is specified by the company and approved by the commissioner.

Sec. 90. Section 508.37, subsection 7, paragraph h, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of either the ~~Commissioners 1980 Standard Ordinary Mortality Table~~ commissioners 1980 standard ordinary mortality table or, at the election of the company for any one or more specified plans of life insurance, the ~~Commissioners 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors~~ commissioners 1980 standard ordinary mortality table with ten-year select mortality factors; shall for all policies of industrial insurance be calculated on the basis of the ~~Commissioners 1961 Standard Industrial Mortality Table~~ commissioners 1961 standard

industrial mortality table; and shall for all policies issued in a particular calendar year be calculated on the basis of a rate of interest not exceeding the nonforfeiture interest rate as defined in paragraph "i" for policies issued in that calendar year. However:

Sec. 91. Section 508.37, subsection 7, paragraph h, subparagraphs (4), (6), (7), (8), and (9), Code 2016, are amended to read as follows:

(4) In calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the ~~Commissioners 1980 Extended Term Insurance Table~~ commissioners 1980 extended term insurance table for policies of ordinary insurance and not more than the ~~Commissioners 1961 Industrial Extended Term Insurance Table~~ commissioners 1961 industrial extended term insurance table for policies of industrial insurance.

(6) For policies issued prior to the operative date of the valuation manual, any ~~commissioners standard ordinary mortality tables~~ adopted after 1980 by the national association of insurance commissioners and approved by rule adopted by the commissioner for use in determining the minimum nonforfeiture standard may be substituted for the ~~Commissioners 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors~~ commissioners 1980 standard ordinary mortality table with or without ten-year select mortality factors or for the ~~Commissioners 1980 Extended Term Insurance Table~~ commissioners 1980 extended term insurance table.

(7) For policies issued on or after the operative date of the valuation manual, the valuation manual shall provide the ~~commissioners standard mortality table~~ for use in determining the minimum forfeiture standard that may be substituted for the ~~Commissioners 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors~~ commissioners 1980 standard ordinary mortality table with or without ten-year select mortality factors or for the ~~Commissioners 1980 Extended Term Insurance Table~~ commissioners 1980 extended term insurance table. If the commissioner approves by rule the ~~Commissioners Standard Ordinary Mortality Table~~ commissioners standard ordinary mortality table adopted by the national association of insurance commissioners for use in determining the minimum nonforfeiture standard for policies or contracts issued on or after the operative date of the valuation manual, then that minimum nonforfeiture standard supersedes the minimum nonforfeiture standard provided by the valuation manual.

(8) Any industrial mortality tables adopted after 1980 by the national association of insurance commissioners and approved by rule adopted by the commissioner for use in determining the minimum nonforfeiture standard may be substituted for the ~~Commissioners 1961 Standard Industrial Mortality Table~~ commissioners 1961 standard industrial mortality table or the ~~Commissioners 1961 Industrial Extended Term Insurance Table~~ commissioners 1961 industrial extended term insurance table.

(9) For policies issued on or after the operative date of the valuation manual, the valuation manual shall provide the ~~Commissioners Standard Mortality Table~~ commissioners standard ordinary mortality table for use in determining the minimum nonforfeiture standard that may be substituted for the ~~Commissioners 1961 Standard Industrial Mortality Table~~ commissioners 1961 standard industrial mortality table or the ~~Commissioners 1961 Industrial Extended Term Insurance Table~~ commissioners 1961 industrial extended term insurance table. If the commissioner approves by rule any ~~Commissioners Standard Industrial Mortality Table~~ commissioners standard industrial mortality table adopted by the national association of insurance commissioners for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual, then that minimum nonforfeiture standard supersedes the minimum nonforfeiture standard provided by the valuation manual.

Sec. 92. Section 508.38, subsection 3, paragraph a, subparagraph (1), unnumbered paragraph 1, Code 2016, is amended to read as follows:

The minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at rates of interest



as indicated in paragraph “b” of the net ~~considerations~~ (as considerations, as hereinafter ~~defined~~) defined, paid prior to such time, decreased by the sum of all of the following:

Sec. 93. Section 509.19, subsection 2, paragraph e, Code 2016, is amended to read as follows:

e. A multiple employer welfare arrangement, as defined in section 3 of the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. §1002, ~~paragraph 40~~ (40), that meets the requirements of section 507A.4, subsection 9, paragraph “a”.

Sec. 94. Section 511.34, Code 2016, is amended to read as follows:

**511.34 Failure to attach — defenses — estoppel.**

The omission so to do shall not render the policy invalid, but if any company or association neglects to comply with the requirements of section 511.33, ~~it the company or association~~ shall forever be precluded from pleading, alleging, or proving such application or representations, or any part thereof, or the falsity thereof, or any part thereof, in any action upon ~~such the~~ the policy, and the plaintiff in any such action shall not be required, in order to recover against ~~such the~~ the company or association, either to plead or prove such application or representation, but may do so at the plaintiff’s option.

Sec. 95. Section 514C.27, subsection 5, Code 2016, is amended to read as follows:

5. This section shall not apply to ~~accident-only~~ accident-only, specified disease, short-term hospital or medical, hospital confinement indemnity, credit, dental, vision, Medicare supplement, long-term care, basic hospital and medical-surgical expense coverage as defined by the commissioner, disability income insurance coverage, coverage issued as a supplement to liability insurance, workers’ compensation or similar insurance, or automobile medical payment insurance, or individual accident and sickness policies issued to individuals or to individual members of a member association.

Sec. 96. Section 514J.107, subsection 3, paragraph b, Code 2016, is amended to read as follows:

b. The health care service that is the subject of the adverse determination or of the final adverse ~~determination~~, determination is a covered service under the covered person’s health benefit plan, but for a determination by the health carrier that the health care service is not covered because it does not meet the health carrier’s requirements for medical necessity, appropriateness, health care setting, level of care, or effectiveness.

Sec. 97. Section 515.63, Code 2016, is amended to read as follows:

**515.63 Annual statement.**

The president or the vice president and secretary of each company organized or authorized to do business in the state shall annually on or before the first day of March of each year prepare under oath and file with the commissioner of insurance or a depository designated by the commissioner a full, true, and complete statement of the condition of such company on the last day of the preceding year, which shall exhibit the following items and facts:

1. ~~First~~— The amount of capital stock of the company.
2. ~~Second~~— The names of the officers.
3. ~~Third~~— The name of the company and where located.
4. ~~Fourth~~— The amount of its capital stock paid up.
5. ~~Fifth~~— The property or assets held by the company, specifying:
  - a. The value of real estate owned by the company.
  - b. The amount of cash on hand and deposited in banks to the credit of the company, and in what bank deposited.
  - c. The amount of cash in the hands of agents and in the course of transmission.
  - d. The amount of loans secured by first mortgage on real estate, with the rate of interest thereon.
  - e. The amount of all other bonds and loans and how secured, with the rate of interest thereon.
  - f. The amount due the company on which judgment has been obtained.

g. The amount of bonds of the state, of the United States, of any county or municipal corporation of the state, and of any other bonds owned by the company, specifying the amount and number thereof, and par and market value of each kind.

h. The amount of bonds, stock, and other evidences of indebtedness held by such company as collateral security for loans, with amount loaned on each kind, and its par and market value.

i. The amount of assessments on stock and premium notes, paid and unpaid.

j. The amount of interest actually due and unpaid.

k. All other securities and their value.

l. The amount for which premium notes have been given on which policies have been issued.

6. ~~Sixth~~— Liabilities of such company, specifying:

a. Losses adjusted and due.

b. Losses adjusted and not due.

c. Losses unadjusted.

d. Losses in suspense and the cause thereof.

e. Losses resisted and in litigation.

f. Dividends in scrip or cash, specifying the amount of each, declared but not due.

g. Dividends declared and due.

h. The amount required to reinsure all outstanding risks on the basis of the unearned premium reserve as required by law.

i. The amount due banks or other creditors.

j. The amount of money borrowed and the security therefor.

k. All other claims against the company.

7. ~~Seventh~~— The income of the company during the previous year, specifying:

a. The amount received for premiums, exclusive of premium notes.

b. The amount of premium notes received.

c. The amount received for interest.

d. The amount received for assessments or calls on stock notes, or premium notes.

e. The amount received from all other sources.

8. ~~Eighth~~— The expenditures during the preceding year, specifying:

a. The amount of losses paid during said term, stating how much of the same accrued prior, and how much subsequent, to the date of the preceding statement, and the amount at which such losses were estimated in such statement.

b. The amount paid for dividends.

c. The amount paid for commissions, salaries, expenses, and other charges of agents, clerks, and other employees.

d. The amount paid for salaries, fees, and other charges of officers and directors.

e. The amount paid for local, state, national and other taxes and duties.

f. The amount paid for all other expenses, including printing, stationery, rents, furniture, or otherwise.

9. ~~Ninth~~— The largest amount insured in any one risk.

10. ~~Tenth~~— The amount of risks written during the year then ending.

11. ~~Eleventh~~— The amount of risks in force having less than one year to run.

12. ~~Twelfth~~— The amount of risks in force having more than one and not over three years to run.

13. ~~Thirteenth~~— The amount of risks having more than three years to run.

14. ~~Fourteenth~~— The dividends, if any, declared on premiums received for risks not terminated.

15. ~~Fifteenth~~— All other information as required by the national association of insurance commissioners' annual statement blank. The annual statement blank shall be prepared in accordance with instructions prescribed by the commissioner. All financial information reflected in the annual report shall be kept and prepared in accordance with accounting practices and procedures prescribed by the commissioner. The commissioner may adopt by reference the annual statement handbook and the accounting practices and procedures manual of the national association of insurance commissioners.

Sec. 98. Section 515.134, Code 2016, is amended to read as follows:

**515.134 Failure to attach — effect.**

The omission so to do shall not render the policy invalid, but if any company or association neglects to comply with the requirements of section 515.133 ~~it, the company or association~~ shall forever be precluded from pleading, alleging, or proving any such application or representations, or any part thereof, or falsity thereof, or any parts thereof, in any action upon ~~such~~ the policy, and the plaintiff in any such action shall not be required, in order to recover against ~~such~~ the company or association, either to plead or prove such application or representation, but may do so at the plaintiff's option.

Sec. 99. Section 524.103, subsection 23, Code 2016, is amended to read as follows:

23. "Fiduciary" means an executor, administrator, guardian, conservator, receiver, trustee, or one acting in a similar capacity.

Sec. 100. Section 524.215, subsection 1, Code 2016, is amended to read as follows:

1. All records of the division of banking shall be public records subject to the provisions of chapter 22, except that all papers, documents, reports, reports of examinations, and other writings relating specifically to the supervision and regulation of any state bank or other person by the superintendent pursuant to the laws of this state shall not be public records and shall not be open for examination or copying by the public or for examination or publication by the news media.

Sec. 101. Section 524.911, Code 2016, is amended to read as follows:

**524.911 Letters of credit.**

A state bank shall have the power to issue, advise, and confirm letters of credit authorizing a beneficiary thereof to draw on or demand payment of the state bank or its correspondent banks.

Sec. 102. Section 524.1002, subsection 4, Code 2016, is amended to read as follows:

4. A state bank shall not make a loan or extension of credit of any funds held as fiduciary, directly or indirectly, to or for the benefit of a director, officer, or employee of the state bank or of an affiliate, a partnership or other unincorporated association of which such director, officer, or employee is a partner or member, or a corporation in which such officer, director, or employee has a controlling interest, except a loan specifically authorized by the terms upon which the state bank was designated as fiduciary.

Sec. 103. Section 524.1805, subsection 6, Code 2016, is amended to read as follows:

6. An out-of-state bank or out-of-state bank holding company that is organized under laws other than those of this state is subject to and shall comply with the provisions of chapter 490, division XV, relating to foreign corporations, and shall immediately provide the superintendent of banking with a copy of each filing submitted to the secretary of state under ~~that~~ chapter 490, division XV.

Sec. 104. Section 535.12, subsections 1 and 4, Code 2016, are amended to read as follows:

1. An agricultural credit corporation, ~~as defined in subsection 4,~~ may lend money pursuant to a written promissory note or other writing evidencing the loan obligation, at a rate of interest which is not more than four percentage points above the lending rate in effect at the farm credit bank of Omaha, Nebraska, for the month during which the writing evidencing the loan obligation is made, provided that the loan is for an agricultural production purpose ~~as defined in subsection 5~~ and further provided that the loan would, but for this section, be subject to the maximum rate of interest prescribed by section 535.2, subsection 3, paragraph "a".

4. As used in this section:

a. "~~agricultural~~ Agricultural credit corporation" means a corporation which has been designated by the farm credit bank of Omaha, Nebraska, as an agricultural credit corporation eligible to sell or discount loans to that bank pursuant to 12 U.S.C. §2075.

b. "Agricultural production purpose" means a purpose related to the production of agricultural products.

c. "Agricultural products" includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products thereof, and any and all products produced on farms.

Sec. 105. Section 535.12, subsection 5, Code 2016, is amended by striking the subsection.

Sec. 106. Section 536.26, Code 2016, is amended to read as follows:

**536.26 Insured loans.**

1. A licensee shall not, directly or indirectly, sell or offer for sale any life or accident and health insurance in connection with a loan made under this chapter except as and to the extent authorized by this section. Life, accident and health insurance, or any of them, may be written by a licensed insurance producer upon or in connection with any loan for a term not extending beyond the final maturity date of the loan contract, but only upon one obligor on any one loan contract.

2. The amount of life insurance shall at no time exceed the unpaid balance of principal and interest combined which are scheduled to be outstanding under the terms of the loan contract or the actual amount unpaid on the loan contract, whichever is greater.

3. Accident and health insurance shall provide benefits not in excess of the unpaid balance of principal and interest combined which are scheduled to be outstanding under the terms of the loan contract and the amount of each periodic benefit payment shall not exceed the total amount payable divided by the number of installments and shall provide that if the insured obligor is disabled, as defined in the policy, for a period of more than fourteen days, benefits shall commence as of the first day of disability.

4. The premium, which shall be the only charge for ~~such~~ the insurance, shall not exceed that approved by the commissioner of insurance of the state of Iowa as filed in the office of such commissioner. Such charge, computed at the time the loan is made for the full term of the loan contract on the total amount required to pay principal and interest.

5. If a borrower procures insurance by or through a licensee, the licensee shall cause to be delivered to the borrower a copy of the policy within fifteen days from the date such insurance is procured. No licensee shall decline new or existing insurance which meets the standards set out herein nor prevent any obligor from obtaining such insurance coverage from other sources.

6. If the loan contract is prepaid in full by cash, a new loan, or ~~otherwise (except otherwise, except by the insurancee) insurance,~~ any life, accident, and health insurance procured by or through a licensee shall be canceled and the unearned premium shall be refunded. The amount of ~~such~~ the refund shall represent at least as great a proportion of the insurance premium or identifiable charge as the sum of the consecutive monthly balances of principal and interest of the loan contract originally scheduled to be outstanding after the installment date nearest the date of prepayment bears to the sum of all such monthly balances of the loan contract originally scheduled to be outstanding.

Sec. 107. Section 554.2602, subsection 3, Code 2016, is amended to read as follows:

3. The seller's rights with respect to goods wrongfully rejected are governed by the provisions of this Article on ~~Seller's~~ seller's remedies in general (section 554.2703).

Sec. 108. Section 600B.22, Code 2016, is amended to read as follows:

**600B.22 Death of defendant.**

In case of the death of the defendant the action may be prosecuted against the personal representative of the deceased with like effects as if ~~he~~ the defendant were living, subject as regards the measure of support to the provision of section 600B.6.

Sec. 109. Section 600B.37, Code 2016, is amended to read as follows:

**600B.37 Contempt.**

If the father fails to comply with or violates the terms or conditions of a support order made pursuant to the provisions of this chapter, ~~he~~ the father shall be punished by the court in the same manner and to the same extent as is provided by law for a contempt of such court in any other suit or proceeding cognizable by such court.

Sec. 110. Section 602.9115, Code 2016, is amended to read as follows:

**602.9115 Annuity for survivor of annuitant.**

~~1. For the purposes of this article, “survivor” means the surviving spouse of a person who was a judge, if married to the judge for at least one year preceding the judge’s death.~~

~~1. 2. The survivor of a judge who was qualified for retirement compensation under the system at the time of the judge’s death, is entitled to receive an annuity of one-half of the amount of the annuity the judge was receiving or would have been entitled to receive at the time of the judge’s death, or if the judge died before age sixty-five, then one-half of the amount the judge would have been entitled to receive at age sixty-five based on the judge’s years of service for which contributions were made to the system. The annuity shall begin on the judge’s death or upon the survivor’s reaching age sixty, whichever is later. However, a survivor less than sixty years old may elect to receive a decreased retirement annuity to begin on the judge’s death by filing a written election with the state court administrator. The election is subject to the approval of the state court administrator. The amount of the decreased retirement annuity shall be the actuarial equivalent of the amount of the annuity otherwise payable to the survivor under this section.~~

~~2. For the purposes of this article “survivor” means the surviving spouse of a person who was a judge, if married to the judge for at least one year preceding the judge’s death.~~

3. If the judge dies leaving a survivor but without receiving in annuities an amount equal to the judge’s credit, the balance shall be credited to the account of the judge’s survivor, and if the survivor dies without receiving in annuities an amount equal to the balance, the amount remaining shall be paid to the survivor’s legal representatives within one year of the survivor’s death.

Sec. 111. Section 614.6, Code 2016, is amended to read as follows:

**614.6 Nonresident or unknown defendant.**

1. The period of limitation specified in sections 614.1 through 614.5 shall be computed omitting any time when:

~~1. a.~~ a. The defendant is a nonresident of the state, or

~~2. b.~~ b. In those cases involving personal injuries or death resulting from a felony or indictable misdemeanor, while the identity of the defendant is unknown after diligent effort has been made to discover it.

2. The provisions of this section shall be effective January 1, 1970, and to this extent the provisions are retroactive.

Sec. 112. Section 636.21, Code 2016, is amended to read as follows:

**636.21 Commissioner as process agent.**

It shall be the duty of the commissioner of insurance, upon service being made upon the commissioner, to immediately mail a copy of ~~such~~ the notice to ~~such~~ the company at ~~their~~ the ~~company’s~~ company’s principal place of business, and any notice so served shall be deemed to be good and sufficient service on any such company.

Sec. 113. Section 657A.12, subsection 2, Code 2016, is amended to read as follows:

2. After filing the petition with the clerk of the district court, the governmental entity shall also file the petition in the office of the county treasurer. The county treasurer shall include a notation of the pendency of the action in the county system, as defined in section 445.1, until the judgment of the court is satisfied or until the action is dismissed. Pursuant to section 446.7, an affected property that is subject to a pending action shall not be offered for sale by the county treasurer at a tax sale.

Sec. 114. Section 670.2, Code 2016, is amended to read as follows:

**670.2 Liability imposed.**

1. Except as otherwise provided in this chapter, every municipality is subject to liability for its torts and those of its officers and employees, acting within the scope of their employment or duties, whether arising out of a governmental or proprietary function.

2. For the purposes of this chapter, ~~employee~~ “employee” includes a person who performs services for a municipality whether or not the person is compensated for the services, unless

the services are performed only as an incident to the person's attendance at a municipality function.

3. A person who performs services for a municipality or an agency or subdivision of a municipality and who does not receive compensation is not personally liable for a claim based upon an act or omission of the person performed in the discharge of the person's duties, except for acts or omissions which involve intentional misconduct or knowing violation of the law, or for a transaction from which the person derives an improper personal benefit. For purposes of this section, "compensation" does not include payments to reimburse a person for expenses.

Sec. 115. Section 670.9, Code 2016, is amended to read as follows:

**670.9 Compromise and settlement.**

The governing body of any municipality may compromise, adjust and settle tort claims against the municipality, its officers, employees and agents, for damages under ~~sections~~ section 670.2 or 670.8 and may appropriate money for the payment of amounts agreed upon.

Sec. 116. Section 724.10, subsection 1, Code 2016, is amended to read as follows:

1. A person shall not be issued a permit to carry weapons unless the person has completed and signed an application on a form to be prescribed and published by the commissioner of public safety. The application shall require only the full name, driver's license or nonoperator's identification card number, residence, place of birth, and date of birth of the applicant, and shall state whether the applicant meets the criteria specified in sections 724.8 and 724.9. An applicant may provide the applicant's social security number if the applicant so chooses. The applicant shall also display an identification card that bears a distinguishing number assigned to the cardholder, the full name, date of birth, sex, residence address, and a brief description and ~~colored~~ color photograph of the cardholder.

Sec. 117. Section 724.17, Code 2016, is amended to read as follows:

**724.17 Application for annual permit to acquire — criminal history check required.**

The application for an annual permit to acquire pistols or revolvers may be made to the sheriff of the county of the applicant's residence and shall be on a form prescribed and published by the commissioner of public safety. The application shall require only the full name of the applicant, the driver's license or nonoperator's identification card number of the applicant, the residence of the applicant, and the date and place of birth of the applicant. The applicant shall also display an identification card that bears a distinguishing number assigned to the cardholder, the full name, date of birth, sex, residence address, and brief description and ~~colored~~ color photograph of the cardholder, or other identification as specified by rule of the department of public safety. The sheriff shall conduct a criminal history check concerning each applicant by obtaining criminal history data from the department of public safety which shall include an inquiry of the national instant criminal background check system maintained by the federal bureau of investigation or any successor agency. A person who makes what the person knows to be a false statement of material fact on an application submitted under this section or who submits what the person knows to be any materially falsified or forged documentation in connection with such an application commits a class "D" felony.

Sec. 118. Section 724.25, subsection 2, Code 2016, is amended to read as follows:

2. As used in this chapter an "antique firearm" means any ~~firearm (including firearm,~~ including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) system, manufactured in or before 1898. An antique firearm also means a replica of a firearm so described if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or if the replica uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Sec. 119. Section 903A.2, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. (1) Category “A” sentences are those sentences which are not subject to a maximum accumulation of earned time of fifteen percent of the total sentence of confinement under section 902.12. To the extent provided in subsection 5, category “A” sentences also include life sentences imposed under section 902.1. An inmate of an institution under the control of the department of corrections who is serving a category “A” sentence is eligible for a reduction of sentence equal to one and two-tenths days for each day the inmate demonstrates good conduct and satisfactorily participates in any program or placement status identified by the director to earn the reduction. The programs include but are not limited to the following:

- (1) (a) Employment in the institution.
- (2) (b) Iowa state industries.
- (3) (c) An employment program established by the director.
- (4) (d) A treatment program established by the director.
- (5) (e) An inmate educational program approved by the director.

(2) However, an inmate required to participate in a sex offender treatment program shall not be eligible for a reduction of sentence unless the inmate participates in and completes a sex offender treatment program established by the director.

(3) An inmate serving a category “A” sentence is eligible for an additional reduction of sentence of up to three hundred sixty-five days of the full term of the sentence of the inmate for exemplary acts. In accordance with section 903A.4, the director shall by policy identify what constitutes an exemplary act that may warrant an additional reduction of sentence.

#### DIVISION II CORRESPONDING CHANGES

Sec. 120. Section 97B.49A, subsection 4, paragraph b, Code 2016, is amended to read as follows:

b. For each member employed before January 1, 1976, who has qualified for prior service credit in accordance with ~~the first paragraph of~~ section 97B.43, subsection 1, a formula benefit shall be determined equal to the larger of the benefit determined under this paragraph and paragraph “a” of this subsection, as applicable, the benefit determined under subsection 3, or the benefit determined under section 97B.49G, subsection 1. The amount of the monthly formula benefit under this paragraph shall be equal to eight-tenths of one percent per year of prior service credit multiplied by the monthly rate of the member’s total remuneration not in excess of three thousand dollars annually during the twelve consecutive months of the member’s prior service for which that total remuneration was the highest. An additional three-tenths of one percent of the remuneration not in excess of three thousand dollars annually shall be payable for prior service during each year in which the accrued liability for benefit payments created by the abolished system is funded by appropriation from the Iowa public employees’ retirement fund.

#### DIVISION III CODE EDITOR DIRECTIVES

Sec. 121. CODE EDITOR DIRECTIVES.

1. Sections 28A.2, 28A.19, 28A.22, 28A.26, 28E.21, 28E.25, 103A.1, 103A.54, 103A.56, 103A.57, 189.17, 304A.10, 306C.6, 306C.7, 306C.9, 306C.14, and 306C.17, Code 2016, are amended by striking the word “division” and inserting in lieu thereof the word “subchapter”.

2. Sections 28A.3, subsection 1; 28A.4, subsection 1; 28A.5, subsection 1, paragraph “a”; 28A.7, subsection 1; 28A.9, subsection 1; 28A.10, subsection 1, unnumbered paragraph 1 and paragraphs “j” and “o”; 28A.10, subsection 2, paragraph “b”; 28A.18, subsection 1, paragraph “a”; 28A.21, subsection 4; 28E.35, unnumbered paragraph 1; 89B.15, subsection 1; 101.21, unnumbered paragraph 1; 101.24, subsection 1, unnumbered paragraph 1; 101.24, subsection 1, paragraph “b”, subparagraph (2); 101.24, subsection 3; 101.24, subsection 4, unnumbered paragraph 1; 101.24, subsection 4, paragraph “d”, unnumbered paragraph 1; 101.25, subsection 1; 101.26, subsections 1, 2, 3, and 4; 103A.51, unnumbered paragraph 1; 103A.52, subsection 3; 161A.42, unnumbered paragraph 1; 237.15, unnumbered paragraph 1;

304A.8, unnumbered paragraph 1; 306C.1, unnumbered paragraph 1; 306C.10, unnumbered paragraph 1; 306C.10, subsection 4, paragraph “f”; 306C.11, subsection 3, paragraph “a”; 306C.11, subsection 5, paragraph “a”, subparagraph (2); 306C.13, unnumbered paragraph 1; 306C.13, subsection 8, paragraph “f”; 306C.15, unnumbered paragraph 1 and subsection 4; 306C.18, subsection 3; and 306C.19, unnumbered paragraph 1, Code 2016, are amended by striking the word “division” and inserting in lieu thereof the word “subchapter”.

3. The Code editor shall change Code chapter division designations to subchapter designations in the following Code chapters:

- a. 28A.
- b. 28E.
- c. 89B.
- d. 101.
- e. 103A.
- f. 161A.
- g. 189.
- h. 237.
- i. 304A.
- j. 306C.

4. The Code editor is directed to number unnumbered paragraphs within sections 13C.8, 28F.14, 43.4, 97A.4, 97A.6A, 161A.6, 161A.10, 161A.20, 183A.7, 183A.9, 190.2, 192.107, 257.5, 303.22, 303.26, 303.30, 303.66, 331.306, 384.19, 423B.5, 427.2, 428.4, 452A.58, 455A.8A, 455B.302, 491.112, 499.3, 499.79, 499.80, 514.5, 598.17, 622.69, 622.105, 633.89, 633.415, 669.10, 714.5, 804.1, and 804.31, Code 2016, in accordance with established Code section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

5. The Code editor is directed to letter unnumbered paragraphs within sections 80A.17, subsection 1, and 97B.1A, subsection 9, Code 2016, in accordance with established Code section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

6. The Code editor shall combine the individual repeal entries into combined repeal entries for the following repealed Code sections:

- a. Sections 554.3120, 554.3121, and 554.3122.
- b. Sections 554.3506, 554.3507, 554.3508, 554.3509, 554.3510, and 554.3511.
- c. Sections 554.3802, 554.3803, 554.3804, 554.3805, and 554.3806.

Approved March 23, 2016

## CHAPTER 1012

### EDUCATIONAL STANDARDS — ONLINE COURSE CONTENT DELIVERY

*S.F. 2200*

**AN ACT** concerning instruction provided through the Iowa learning online initiative.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 256.42, subsection 7, Code 2016, is amended to read as follows:

7. The department may waive for one year the provisions of section 256.11, subsection 5, which require that specified subjects be offered and taught by professional staff of a school district or school, if the school district or school makes every reasonable and ~~good-faith~~ **good-faith** effort to employ a teacher licensed under chapter 272 for such a subject, and the school district or school proves to the satisfaction of the department that the school district or school is unable to employ such a teacher. The specified subject shall be provided by the



initiative. The specified subject may instead be provided by the school district or school if all of the following conditions are met:

a. The course content is provided through an online learning platform by an Iowa licensed teacher with online learning experience.

b. The course content provided is aligned with school district or school standards and satisfies the requirements of subsection 6.

c. The course is not offered by the initiative pursuant to this section, or the course offered by the initiative lacks the capacity to accommodate additional students.

d. The course is the sole course per semester that the school district or school is providing instead of the initiative pursuant to this subsection.

Approved March 23, 2016

## CHAPTER 1013

### PUBLIC UTILITIES — SANITARY SEWAGE AND STORM WATER DRAINAGE COLLECTION AND DISPOSAL

*S.F. 2221*

**AN ACT** relating to public utilities and sanitary sewage or storm water drainage disposal system providers.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 476.1, subsection 3, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Furnishing sanitary sewage or storm water drainage disposal by piped collection system to the public for compensation.

Sec. 2. Section 476.1, subsection 5, Code 2016, is amended to read as follows:

5. This chapter does not apply to ~~waterworks having less than two thousand customers,~~ municipally owned waterworks, ~~waterworks having less than two thousand customers,~~ joint water utilities established pursuant to chapter 389, rural water districts incorporated and organized pursuant to chapters 357A and 504, cooperative water associations incorporated and organized pursuant to chapter 499, municipally owned sanitary sewage or storm water drainage systems, sanitary districts incorporated and organized pursuant to chapter 358, districts organized pursuant to chapter 468, or to a person furnishing electricity to five or fewer customers either by secondary line or from an alternate energy production facility or small hydro facility, from electricity that is produced primarily for the person's own use.

Sec. 3. Section 476.8, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Every public utility is required to furnish reasonably adequate service and facilities. "*Reasonably adequate service and facilities*" for public utilities furnishing gas or electricity includes programs for customers to encourage the use of energy efficiency and renewable energy sources. The charge made by any public utility for any heat, light, gas, energy efficiency and renewable energy programs, water or power produced, transmitted, delivered or furnished, sanitary sewage or storm water collected and treated, or communications services, or for any service rendered or to be rendered in connection therewith shall be reasonable and just, and every unjust or unreasonable charge for such service is prohibited and declared unlawful. In determining reasonable and just rates, the board shall consider all factors relating to value and shall not be bound by rate base decisions or rulings made prior to the adoption of this chapter.

Sec. 4. Section 476.9, subsection 2, Code 2016, is amended to read as follows:

2. Every public utility engaged directly or indirectly in any other business than that of the production, transmission, or furnishing of heat, light, water, or power, the collection and treatment of sanitary sewage or storm water, or the furnishing of communications services to the public shall, if required by the board, keep and render separately to the board in like manner and form the accounts of all such other business, in which case all the provisions of this chapter shall apply to the books, accounts, papers and records of such other business and all profits and losses may be taken into consideration by the board if deemed relevant to the general fiscal condition of the public utility.

Approved March 23, 2016

## CHAPTER 1014

### IOWA FINANCE AUTHORITY PROJECT FINANCING — OUT-OF-STATE PROPERTIES, ENTITIES, AND BOND ISSUERS

*S.F. 2257*

**AN ACT** concerning the issuance of bonds authorized by the Iowa finance authority relating to projects and bond issuers regardless of location.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 16.1, subsection 32, paragraph a, Code 2016, is amended to read as follows:

a. Real or personal property connected with a facility to be acquired, constructed, financed, refinanced, improved, or equipped pursuant to one or more of the programs, including any such property located outside of the state if the authority has conclusively determined that the entity financing or refinancing property located outside the state, or an affiliate of such entity, is also engaged in the financing or refinancing of property located within the state, or, alternatively, the entity seeking the financing or refinancing, or an affiliate of such entity, maintains a presence within the state.

Sec. 2. Section 16.5, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. Issue its negotiable bonds and notes as provided in this chapter in order to finance its programs. In addition, the authority may issue bonds, notes, or other obligations for public or private entities for the purpose of financing any project regardless of location for the authority's programs.

Sec. 3. Section 16.26, Code 2016, is amended by adding the following new subsection:

**NEW SUBSECTION.** 10. In connection with any financing which involves an out-of-state issuer issuing bonds, notes, or other obligations for facilities located in the state, the authority is designated as the only governmental unit in the state that may conduct the public hearing required by section 147(f) of the federal Internal Revenue Code, as defined in section 422.3, and the governor of Iowa is designated as the applicable elected representative pursuant to section 147(f) of the federal Internal Revenue Code, as defined in section 422.3.

Approved March 23, 2016

## CHAPTER 1015

### TRANSFER OF TOWNSHIP PUBLIC HALL FUNDS

*H.F. 2180*

**AN ACT** relating to requirements for the transfer of township funds raised for purposes of acquiring or repairing a public hall.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 360.3, Code 2016, is amended to read as follows:

#### **360.3 Transfer of fund.**

When there are funds ~~in~~ under the hands control of a township clerk, raised under this chapter which are not desired for the purposes for which they were raised, the funds trustees may, by majority vote, order that the full amount of the funds in the account established for that purpose be transferred to the general fund of a school district or districts pro rata in which the funds were raised, when a petition is presented to the trustees, signed by a majority of the registered voters of the township, as shown by the election register or registers of the last preceding primary or general election held in the township. The transfer of funds shall be made by the township clerk upon order of the trustees ~~after the filing of the petition with the clerk,~~ and the clerk shall dissolve the account from which the transfer is made.

Approved March 23, 2016

## CHAPTER 1016

### ADDRESS CONFIDENTIALITY PROGRAM — DISCLOSURE OF PARTICIPANT INFORMATION

*H.F. 2265*

**AN ACT** relating to the disclosure of an address confidentiality program participant's address in certain legal proceedings.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 9E.7, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. Except as otherwise provided in subsection 2 and in section 9E.8, information collected, created, or maintained by the secretary related to applicants, eligible persons, and program participants is confidential unless otherwise ordered by a court or released by the lawful custodian of the records pursuant to state or federal law.

#### **Sec. 2. NEW SECTION. 9E.8 Disclosure of program participant address in legal proceedings — protective order.**

1. If a program participant's address is protected under section 9E.5, a person shall not be compelled to disclose the program participant's address during discovery or during a proceeding before a court or other tribunal unless the court or other tribunal finds all of the following:

a. A reasonable belief exists that the address is needed to obtain information or evidence without which the investigation, prosecution, or litigation cannot proceed.

b. No other practicable means is available of obtaining the information or evidence from any other source.

2. The court or other tribunal shall provide the program participant with notice that disclosure of the program participant's address is sought and provide the program participant an opportunity to present evidence at a hearing regarding the potential harm to

the safety of the program participant if the program participant's address is disclosed. In determining whether to compel disclosure, the court or other tribunal shall consider whether the potential harm to the safety of the program participant is outweighed by the interest in disclosure relating to the investigation, prosecution, or litigation. In a criminal proceeding, the court or other tribunal shall order disclosure of a program participant's address if protecting the program participant's address would violate a defendant's constitutional right to confront a witness.

3. Disclosure of a program participant's address under this section shall be limited under the terms of the order by the court or other tribunal to ensure that the disclosure and dissemination of the address will be no wider than necessary for the purposes of the investigation, prosecution, or litigation.

4. This section does not prevent the court or other tribunal from issuing a protective order to prevent disclosure of information other than the program participant's address that could reasonably lead to the discovery of the program participant's location.

5. This section shall apply to a participant in an out-of-state address confidentiality program substantially similar to the address confidentiality program established in this chapter.

Approved March 23, 2016

## CHAPTER 1017

### CIVIL SERVICE EMPLOYEE RESIDENCY REQUIREMENTS

*H.F. 2267*

**AN ACT** related to civil service employees by providing cities with the authority to eliminate state residency requirements and modifying a city's authority to set distance or travel-based residency requirements.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 400.17, subsection 3, Code 2016, is amended to read as follows:

3. a. Employees shall not be required to be a resident of the city in which they are employed, but they shall become a resident of the state within two years of such appointment or the date employment begins and shall remain a resident of the state during the remainder of employment. However, cities The state residency requirement under this paragraph "a" shall not apply to employees of a city that has adopted an ordinance to allow its employees to reside in another state and shall not apply to an employee of a city that later repeals such an ordinance if the employee resides in another state at the time of the repeal.

b. Cities may set a reasonable maximum distance outside of the corporate limits of the city, or a reasonable maximum travel time, that police officers, fire fighters, and other critical municipal city employees may live from their place of employment. Each An employee residing outside the state subject to a residency requirement based on distance or travel time who does not meet that residency requirement on the date of appointment or on the date employment begins shall take reasonable steps to become a resident of the state meet the requirement as soon as practicable following appointment or beginning of employment, and a city may provide the employee up to one year from the date of appointment or the date employment begins to meet the residency requirement.

Approved March 23, 2016

**CHAPTER 1018****PUBLIC EMPLOYEE SUPPORT FOR CERTIFICATION OR DECERTIFICATION OF  
EMPLOYEE ORGANIZATIONS — CONFIDENTIALITY***H.F. 2268*

**AN ACT** concerning the confidentiality of public employee support information submitted to the public employment relations board.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 22.7, Code 2016, is amended by adding the following new subsection: **NEW SUBSECTION. 68.** The evidence of public employee support for the certification or decertification of an employee organization as defined in section 20.3 that is submitted to the public employment relations board as provided in sections 20.14 and 20.15.

Approved March 23, 2016

**CHAPTER 1019****SANITARY DISTRICTS — SEVERANCE OF TERRITORY — SERVICES TRANSFER***H.F. 2325*

**AN ACT** authorizing the severance of territory and transfer of services of a sanitary district by resolution.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **NEW SECTION. 358.30A Severance of territory by resolution.**

1. The board of trustees of a sanitary district may by resolution propose the severance of a portion of the sanitary district's territory. The resolution shall specify the boundaries of the territory sought to be severed and shall propose another sanitary district or other governmental entity to which responsibility for the services provided by the sanitary district that adopted the resolution will be transferred. Within ten days following adoption of the resolution, the board of trustees shall file a copy of the resolution with the board of trustees of the sanitary district or the governing body of the other governmental entity to which responsibility for the services provided by the sanitary district seeking severance is proposed to be transferred.

2. *a.* At the next regular meeting of the board of trustees following adoption of the resolution, the board of trustees seeking severance shall set the time and place for a public hearing on the proposed severance and transfer, and any agreement between the sanitary district and the sanitary district or governmental entity to which responsibility for the services being provided will be transferred pursuant to subsection 3. The board of trustees shall give notice to interested persons of the resolution and of the public hearing by publication as provided in section 331.305. Proof of publication shall be filed with and preserved by the county auditor. A copy of the notice shall also be sent by regular mail to each owner of each tract of land within the area to be severed, as shown by the transfer books of the county auditor's office.

*b.* The notice of the public hearing shall include the following information:

(1) That a resolution has been adopted proposing to sever property from the sanitary district.

(2) A description of the property to be severed from the sanitary district.

(3) Identification of the sanitary district or governmental entity to which the responsibility for services will be transferred and a description of such services.

(4) The date, time, and place of the public hearing at which the severance and transfer will be considered.

3. *a.* Unless otherwise provided by an agreement under paragraph “*b*”, and upon approval of the severance and transfer under subsection 4, the real and personal property of the sanitary district located in the territory to be severed shall be transferred to the sanitary district or governmental entity assuming responsibility for services, and all liabilities, indebtedness, and all other property of the sanitary district outside of the territory to be severed shall remain with the sanitary district seeking severance.

*b.* The sanitary district seeking severance and the sanitary district or governmental entity to which the responsibility for services will be transferred may enter into an agreement for the transition of such services, the distribution and transfer of assets located in the territory to be severed, and the allocation of liabilities related to the territory to be severed.

4. At the hearing, all persons interested in the matter of the severance and transfer may appear and shall be heard and the board of trustees shall receive evidence on the matter. After hearing and reviewing the statements and evidence, if the board of trustees determines that the public health, comfort, convenience, or welfare will be promoted by the severance and transfer and if the other sanitary district or governmental entity has by resolution agreed to assume the duties, responsibilities, and functions of the sanitary district, the board of trustees of the sanitary district seeking severance may approve or deny the severance and transfer by order of the board of trustees. A decision of the board of trustees either approving or denying the severance and transfer shall not occur until at least two weeks have elapsed following the public hearing. The order of the board of trustees approving or denying the severance and transfer is not subject to approval at an election.

5. When a severance and transfer has been approved by order of the board of trustees, the order of the board of trustees shall be filed in the office of the recorder. The severance and transfer order shall be entered on the county records, showing the date when the severance and transfer became effective. Any agreement entered into under subsection 3 shall also be filed along with, and as part of, the order of the board of trustees.

6. The assumption of duties, responsibilities, and functions by the sanitary district or other governmental entity shall not affect or impair any rights or liabilities then existing for or against either the sanitary district from which the territory was severed or the assuming sanitary district or governmental entity, and they may be enforced as provided in this subchapter.

7. An action shall not be commenced to contest action of the board of trustees of a sanitary district seeking severance under this section unless it is brought within thirty days of the entry of the severance and transfer order in the county records.

Approved March 23, 2016

## CHAPTER 1020

### WATERSHED MANAGEMENT — BENEFITED LAKE DISTRICTS

*H.F. 2339*

**AN ACT** allowing benefited recreational lake districts and water quality districts to become members of watershed management authorities.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 466B.2, subsection 3, Code 2016, is amended to read as follows:

3. “*Political subdivision*” means a any of the following:

a. A city;

b. A county;~~or.~~

- c. A soil and water conservation district described in section 161A.5.  
d. A benefited recreational lake district or a water quality district or a combined district incorporated as a public entity and organized pursuant to chapter 357E.

Approved March 23, 2016

## CHAPTER 1021

### POSSESSION AND STORAGE OF GAME OR FUR-BEARING ANIMALS AND PELTS

H.F. 2343

**AN ACT** relating to possession and storage of game or fur-bearing animals and their pelts and including penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 481A.57, Code 2016, is amended to read as follows:

**481A.57 Possession and storage.**

A person having lawful possession of game or fur-bearing animals or their pelts, ~~except deer venison, may hold them for not to exceed thirty days after the close of the open season for such game or furbearers. A person having lawful possession of deer venison which is lawfully taken by that person with a valid deer hunting or trapping license, may hold, possess, or store the deer venison game or fur-bearing animals or their pelts in an amount that does not exceed the possession limit for the game or fur-bearing animal, from the date of taking until the following September 1 day before the first day of the next open season for that game or fur-bearing animal. From September 1 until the first day of the next deer open season for which the person holds a valid deer hunting license, the person shall not possess more than twenty-five pounds of deer venison.~~ Any person may possess up to twenty-five pounds of deer venison if the deer was obtained from a lawful source. ~~A permit to hold for a longer period may be granted by the department.~~

Approved March 23, 2016

## CHAPTER 1022

### ELECTRONIC RECORDINGS OF MAGISTRATE COURT PROCEEDINGS

H.F. 2354

**AN ACT** relating to electronic recordings of court proceedings within a magistrate's jurisdiction.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 602.1209, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 16A. Prescribe practices and procedures for the maintenance of electronic recordings and production of transcripts from electronic recordings referred to in section 602.6405, subsection 4.

Sec. 2. Section 602.6405, Code 2016, is amended by adding the following new subsection:  
**NEW SUBSECTION.** 4. Trials and contested hearings within a magistrate's jurisdiction shall be electronically recorded, unless a party provides a certified court reporter at the party's expense. The electronic recordings shall be securely maintained consistent with the practices and procedures prescribed by the state court administrator and shall be retained for one year after entry of a final judgment in the trial court or until thirty days after final disposition, whichever is later. Transcripts from electronic recordings required for appeals shall be produced and paid for in a manner consistent with practices and procedures prescribed by the state court administrator.

Approved March 23, 2016

## CHAPTER 1023

### TOWING OF IMPLEMENTS OF HUSBANDRY

H.F. 2356

**AN ACT** providing for the towing of certain implements of husbandry in tandem among manufacturers, retail sellers, and farm purchasers.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 321.383, subsection 1, Code 2016, is amended to read as follows:

1. This chapter with respect to equipment on vehicles does not apply to implements of husbandry, road machinery, or bulk spreaders and other fertilizer and chemical equipment defined as special mobile equipment, except as made applicable in this section. However, the movement of implements of husbandry on a roadway is subject to safety rules adopted by the department. The safety rules shall prohibit the movement of any power unit towing more than one implement of husbandry, except implements of husbandry that are not self-propelled and are capable of being towed in tandem, from the manufacturer to the retail seller, from the retail seller to the farm purchaser, or from the manufacturer to the farm purchaser.

Approved March 23, 2016

## CHAPTER 1024

### TURTLE HARVESTING

H.F. 2357

**AN ACT** relating to turtle harvesting in the state and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 481A.67, Code 2016, is amended to read as follows:

**481A.67 Seasons and limits — turtle harvesting.**

1. It is unlawful for a person, except as otherwise expressly provided, to take, capture, or kill fish, frogs, or turtles except during the open season established by the commission. It is unlawful during open season to take in any one day an amount in excess of the daily catch limit designated for each variety or each locality, or have in possession any variety of fish, frog, or turtle in excess of the possession limit, or have in possession any frog, fish, or turtle



at any time under the minimum length or weight. The open season, possession limit, daily catch limit, and the minimum length or weight for each variety of fish, frog, or turtle shall be established by rule of the department or commission under the authority of sections 456A.24, 481A.38, 481A.39, and 482.1.

2. Notwithstanding any provision of law to the contrary, the natural resource commission shall adopt rules pursuant to chapter 17A establishing seasons and daily catch limits for the noncommercial harvest of turtles in any waters of the state pursuant to section 483A.28. Seasons established pursuant to this subsection shall not apply to the noncommercial harvest of snapping turtles.

3. Notwithstanding any provision of law to the contrary, the natural resource commission shall adopt rules pursuant to chapter 17A establishing seasons and daily catch limits for the commercial harvest of turtles in any waters of the state.

4. Beginning no later than January 1, 2017, and ending no earlier than January 1, 2021, the commission shall conduct a review of the status of the turtle population in the state by region, in cooperation with appropriate organizations and in accordance with sound fish and wildlife management principles, and shall report its recommendations to the general assembly on whether restrictions on noncommercial and commercial turtle harvesting in the state should be revised no later than June 30, 2021. This subsection is repealed effective July 1, 2021.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 23, 2016

## CHAPTER 1025

### MEETINGS OF GOVERNMENTAL BODIES — ACCESSIBILITY — NOTICE

H.F. 2364

**AN ACT** relating to public notice and the accessibility of meetings of governmental bodies.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 21.4, subsections 1 and 2, Code 2016, are amended to read as follows:

1. a. Except as provided in subsection 3, a governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

b. Each meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impracticable. Special access to the meeting may be granted to persons with disabilities.

2. a. Notice Except as otherwise provided in paragraph "c", notice conforming with all of the requirements of subsection 1 of this section shall be given at least twenty-four hours prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. ~~Each meeting shall be held at a place reasonably accessible to the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Special access to the meeting may be granted to persons with disabilities.~~

b. When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

c. If a governmental body is prevented from convening an otherwise properly noticed meeting under the requirements of subsection 1, the governmental body may convene the meeting if the governmental body posts an amended notice of the meeting conforming with all of the requirements of subsection 1.

Approved March 23, 2016

## CHAPTER 1026

### STATE AND LOCAL ADMINISTRATION OF PUBLIC HEALTH SERVICES

S.F. 2159

**AN ACT** relating to public health including public health modernization and boards of health.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I

#### IOWA PUBLIC HEALTH MODERNIZATION ACT

Section 1. Section 135A.2, Code 2016, is amended to read as follows:

##### **135A.2 Definitions.**

As used in this chapter, unless the context otherwise requires, the following definitions apply:

1. *“Academic institution”* means an institution of higher education in the state which grants ~~undergraduate and postgraduate~~ degrees in public health or another health-related field and is accredited by a nationally recognized accrediting agency as determined by the United States secretary of education. For purposes of this definition, *“accredited”* means a certification of the quality of an institution of higher education.

2. ~~“Accrediting entity” means a legal, independent, nonprofit or governmental entity or entities approved by the state board of health for the purpose of accrediting designated local public health agencies and the department pursuant to the voluntary accreditation program developed under this chapter.~~

3. ~~“Administration” means the operational procedures, personnel and fiscal management systems, and facility requirements that must be in place for the delivery and assurance of public health services.~~

4. ~~“Committee” means the governmental public health evaluation committee as established in this chapter.~~

5. ~~“Communication and information technology” means the processes, procedures, and equipment needed to provide public information and transmit and receive information among public health entities and community partners; and applies to the procedures, physical hardware, and software required to transmit, receive, and process electronic information.~~

6. ~~2. “Council” means the governmental public health advisory council as established in this chapter.~~

7. ~~3. “Department” means the department of public health.~~

8. ~~4. “Designated local public health agency” means an entity that is either governed by or contractually responsible to a local board of health and designated by the local board to comply with the Iowa public health standards for a jurisdiction.~~

9. ~~“Governance” means the functions and responsibilities of the local boards of health and the state board of health to oversee governmental public health matters.~~

~~10. 5. “Governmental public health system” means the system described in section 135A.6 local boards of health, the state board of health, designated local public health agencies, the state hygienic laboratory, and the department.~~

~~11. “Iowa public health standards” means the governmental public health standards adopted by rule by the state board of health.~~

~~12. 6. “Local board of health” means a county or district board of health.~~

~~13. 7. “Organizational capacity” means the governmental public health infrastructure that must be in place in order to deliver public health services.~~

~~14. “Public health region” means, at a minimum, one of six geographical areas approved by the state board of health for the purposes of coordination, resource sharing, and planning and to improve delivery of public health services.~~

~~15. “Public health services” means the basic public health services that all Iowans should reasonably expect to be provided by designated local public health agencies and the department.~~

~~16. “Voluntary accreditation” means verification of a designated local public health agency or the department that demonstrates compliance with the Iowa public health standards by an accrediting entity.~~

~~17. “Workforce” means the necessary qualified and competent staff required to deliver public health services.~~

~~8. “Public health system” means all public, private, and voluntary entities that contribute to the delivery of public health services within a jurisdiction.~~

Sec. 2. Section 135A.3, Code 2016, is amended to read as follows:

**135A.3 Governmental public health system modernization — lead agency.**

1. The department is designated as the lead agency in this state to administer this chapter.

~~2. The department, in collaboration with the governmental public health advisory council and the governmental public health evaluation committee, shall coordinate implementation of this chapter including but not limited to the voluntary accreditation of designated local public health agencies and the department in accordance with the Iowa public health standards. Such implementation administration shall include evaluation of and quality improvement measures for the governmental public health system.~~

Sec. 3. Section 135A.4, Code 2016, is amended to read as follows:

**135A.4 Governmental public health advisory council — legislative intent.**

1. It is the intent of the general assembly that Iowa’s governmentally sponsored public health system be effective, efficient, well-organized, and well-coordinated in order to have the greatest impact on the improvement of health status for all Iowans. The governmental public health advisory council is intended to support this goal, and is established to provide recommendations to the director of the department to support improved organization and delivery of critical public health services across the state.

~~1. 2. A governmental public health advisory council is established to advise the department and make policy recommendations to the director of the department concerning administration, implementation, and coordination of this chapter and to make recommendations to the department and the state board of health regarding the governmental public health system. The council shall meet at least quarterly. The council shall consist of no fewer than fifteen members and no more than twenty-three twenty-eight members. The members shall be appointed by the director. The director may solicit and consider recommendations from professional organizations, associations, and academic institutions in making appointments to the council.~~

~~2. Council members shall not be members of the governmental public health evaluation committee.~~

~~3. Council members shall serve for a term of two years and may be reappointed for a maximum of three consecutive terms. Initial appointment shall be in staggered terms. Vacancies shall be filled for the remainder of the original appointment.~~

~~4. The membership of the council shall consist of all of the following members who satisfy all of the following requirements:~~

~~a. One member who has expertise in injury prevention.~~

- ~~b. One member who has expertise in environmental health.~~
- ~~c. One member who has expertise in emergency preparedness.~~
- ~~d. One member who has expertise in health promotion and chronic disease prevention.~~
- ~~e. One member who has epidemiological expertise in communicable and infectious disease prevention and control.~~
- ~~f. a. One member representing each of Iowa's six public health regions. Twelve members who is represent various subfields of public health. These members shall provide geographical representation from all areas of the state. Each of these members shall be an employee of a designated local public health agency or member of a local board of health. Such members shall include a minimum of one local public health administrator and one physician member of a local board of health.~~
- ~~g. b. Two members who are representatives of the department.~~
- ~~h. c. The director of the state hygienic laboratory at the university of Iowa, or the director's designee.~~
- ~~i. d. At least one representative two representatives from academic institutions which grant undergraduate and postgraduate degrees in public health or other related health field and are accredited by a nationally recognized accrediting agency as determined by the United States secretary of education. For purposes of this paragraph, "accredited" means a certification of the quality of an institution of higher education.~~
- ~~j. e. Two members who serve on a county board of supervisors.~~
- ~~f. At least one economist who has demonstrated experience in public health, health care, or a health-related field.~~
- ~~g. At least one research analyst.~~
- ~~k. h. Four nonvoting, ex-officio members who shall consist of four members of the general assembly, two from the senate and two from the house of representatives, with not more than one member from each chamber being from the same political party. The two senators shall be designated, one member each, by the majority leader of the senate after consultation with the president and by the minority leader of the senate. The two representatives shall be designated, one member each, by the speaker of the house of representatives after consultation with the majority leader of the house of representatives and by the minority leader of the house of representatives.~~
- ~~l. i. A member of the state board of health who shall be a nonvoting, ex-officio member.~~
5. The council may utilize other relevant public health expertise when necessary to carry out its roles and responsibilities.
6. The council shall do all of the following:
- a. Advise the department and make policy recommendations to the director of the department and the state board of health concerning administration, implementation, and coordination of this chapter and the governmental public health system.
- b. Propose to the director public health standards that should may be utilized for voluntary accreditation of designated local public health agencies and the department that include but are not limited to the organizational capacity and by the governmental public health service components described in section 135A.6, subsection 1, by October 1, 2009 system.
- c. Recommend to the department an accrediting entity and identify the roles and responsibilities for the oversight and implementation of the voluntary accreditation of designated local public health agencies and the department by January 2, 2010. This shall include completion of a pilot accreditation process for one designated local public health agency and the department by July 1, 2011. Develop and implement processes for longitudinal evaluation of the public health system including collection of information about organizational capacity and public health service delivery.
- d. Recommend to the director strategies to implement voluntary accreditation of designated local public health agencies and the department effective January 2, 2012.
- e. Periodically review and make recommendations to the department regarding revisions to the public health standards pursuant to paragraph "b", as needed and based on reports prepared by the governmental public health evaluation committee pursuant to section 135A.5.
- d. Determine what process and outcome improvements in the governmental public health system are attributable to voluntary accreditation.

e. Assure that the evaluation process is capturing data to support key research in public health system effectiveness and health outcomes.

f. Develop and make recommendations for improvements to the public health system.

g. Make recommendations for resources to support the public health system.

f. h. Review rules developed and adopted by the state board of health under this chapter and make recommendations to the department for revisions to further promote implementation of this chapter and modernization of the governmental public health system.

g. i. Form and utilize subcommittees as necessary to carry out the duties of the council.

j. Annually submit a report on the activities of the council to the state board of health by July 1.

Sec. 4. Section 135A.8, subsections 2 and 3, Code 2016, are amended to read as follows:

2. The fund is established to assist local boards of health and the department with the provision of governmental public health system organizational capacity and public health service delivery and to achieve and maintain voluntary accreditation ~~in accordance with the Iowa public health standards~~. At least seventy percent of the funds shall be made available to local boards of health and up to thirty percent of the funds may be utilized by the department.

3. Moneys in the fund may be allocated by the department to a local board of health for organizational capacity and service delivery. Such allocation may be made on a matching, dollar-for-dollar basis for the acquisition of equipment, or by providing grants to achieve and maintain voluntary accreditation ~~in accordance with the Iowa public health standards~~.

Sec. 5. Section 135A.9, Code 2016, is amended to read as follows:

**135A.9 Rules.**

The state board of health shall adopt rules pursuant to chapter 17A to implement this chapter which shall include but are not limited to the following:

~~1. Incorporation of the Iowa public health standards recommended to the department pursuant to section 135A.4, subsection 6.~~

~~2. A voluntary accreditation process to begin no later than January 2, 2012, for designated local public health agencies and the department.~~

~~3. 1. Rules relating to the operation of the governmental public health advisory council.~~

~~4. Rules relating to the operation of the governmental public health system evaluation committee.~~

~~5. 2. The application and award process for governmental public health system fund moneys.~~

~~6. Rules relating to data collection for the governmental public health system and the voluntary accreditation program.~~

~~7. 3. Rules otherwise necessary to implement the chapter.~~

Sec. 6. REPEAL. Sections 135A.5, 135A.6, 135A.7, and 135A.10, Code 2016, are repealed.

DIVISION II  
STATE AND DISTRICT BOARDS OF HEALTH

Sec. 7. Section 136.3, subsection 5, Code 2016, is amended by striking the subsection.

Sec. 8. Section 136.3, subsections 6 and 8, Code 2016, are amended to read as follows:

6. Assure that the department complies with Iowa Code, and administrative rules, ~~and the Iowa public health standards~~. For this purpose the board shall have access at any time to all documents and records of the department.

8. Advise or make recommendations to the director of public health, governor, and general assembly relative to public health and advocate for ~~state and local public health to comply with the Iowa~~ the importance of public health standards for state and local public health.

Sec. 9. Section 137.102, subsection 10, Code 2016, is amended by striking the subsection.

Sec. 10. Section 137.104, subsection 1, paragraph b, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Make and enforce such reasonable rules and regulations not inconsistent with law, and the rules of the state board,~~or the Iowa public health standards~~ as may be necessary for the protection and improvement of the public health.

Sec. 11. Section 137.105, subsection 1, paragraph c, Code 2016, is amended to read as follows:

c. All members of a district board shall be appointed by the county board of supervisors from each county represented by the district. Each county board of supervisors shall appoint at least one but no more than three members to the district board,~~and each county board of supervisors shall appoint the same number of members to the district board. There shall be no more than one board of supervisors member from any participating county on the district board.~~

Sec. 12. Section 137.106, subsection 1, Code 2016, is amended to read as follows:

1. A written narrative that explains how ~~the formation of a district board will increase organizational capacity and attain the capability to provide population-based and personal public health services compared with operating as individual county boards.~~

Sec. 13. Section 137.111, Code 2016, is amended to read as follows:

**137.111 District treasurer and auditor.**

Upon establishment of a district board, the district board shall designate a treasurer of ~~a county within its jurisdiction~~ to serve as treasurer of the district health department, and shall designate ~~the an~~ auditor of ~~the same county~~ to serve as auditor of the district health department. The A treasurer or auditor of any county within the district may also serve in the capacity of treasurer or auditor of the district health department, respectively, or the district board may contract with a third party to act as the treasurer or auditor of the district health department. A county treasurer's and the or county auditor's official bonds shall bond may extend to cover their respective duties performed on behalf of the district health department. A county treasurer shall not serve in the capacity of district health department treasurer without consent from the county and agreement from the treasurer to perform this function, and a county auditor shall not serve in the capacity of district health department auditor without consent from the county and agreement from the auditor to perform this function.

Approved March 24, 2016

## CHAPTER 1027

### INTERFERENCE WITH OFFICIAL ACTS — JAILERS

#### S.F. 2115

**AN ACT** creating the criminal offense of interference with official acts against a jailer, and providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 719.1, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. A person commits interference with official acts when the person knowingly resists or obstructs anyone known by the person to be a peace officer, jailer, emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, jailer, emergency medical care provider under chapter 147A, or fire fighter, whether paid or

volunteer, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court.

Sec. 2. Section 719.1, Code 2016, is amended by adding the following new subsection: NEW SUBSECTION. 4. The term “jailer” as used in this section means the same as defined in section 708.3A.

Approved March 30, 2016

## CHAPTER 1028

### DISASTER AID PAYMENT AUTHORIZATION REQUIREMENTS

*S.F. 2231*

**AN ACT** relating to disaster aid payment authorization requirements under specified circumstances.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 7D.29, subsection 2, Code 2016, is amended to read as follows:

2. a. At least two weeks prior to the executive council’s approval of a payment authorization under this section, the secretary of the executive council shall notify the legislative services agency that the authorization request will be considered by the executive council and shall provide background information justifying the request.

b. The notification requirement specified in paragraph “a” is not applicable to a request for the expenditure of disaster aid from the contingent fund created in section 29C.20 or to a request for the expenditure of disaster aid individual assistance grant funds pursuant to section 29C.20A.

Sec. 2. Section 29C.20, subsection 1, paragraph a, subparagraph (5), Code 2016, is amended to read as follows:

(5) Paying the expenses incurred by and claims of a homeland security and emergency response team when acting under the authority of section 29C.8, and public health response teams when acting under the provisions of section 135.143, and a party state rendering assistance under the provisions of section 29C.21.

Approved March 30, 2016

## CHAPTER 1029

### NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM — CREDIT HOURS

*S.F. 2234*

**AN ACT** relating to the credit hours of educational assistance under the national guard educational assistance program.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 261.86, subsection 3, paragraph a, Code 2016, is amended to read as follows:

a. An eligible member of the national guard, attending an institution as provided in subsection 1, paragraph “d”, shall not receive educational assistance under this section for more than one hundred twenty semester, or the equivalent, credit hours of undergraduate study. A national guard member who has met the educational requirements for a baccalaureate degree is ineligible for educational assistance under this section.

Approved March 30, 2016

## CHAPTER 1030

### CREDIT UNIONS — MISCELLANEOUS CHANGES

*S.F. 2279*

**AN ACT** relating to the credit union division and its regulatory matters.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 7A.4, Code 2016, is amended by adding the following new subsection: NEW SUBSECTION. 5. Superintendent of credit unions.

Sec. 2. Section 533.113, subsection 1, paragraph d, Code 2016, is amended to read as follows:

d. Make or cause to be made an examination of any person having business transactions or a relationship with any state credit union, ~~upon application to and order of the district court of Polk county,~~ when such examination is deemed necessary and advisable in order to determine whether the capital of the state credit union is impaired or whether the safety of its deposits, its financial information or accounts, or its computer systems or computer networks, is imperiled.

Sec. 3. Section 533.114, subsection 2, paragraphs b and c, Code 2016, are amended to read as follows:

b. A summary of the assets, liabilities, and capital structures of all state credit unions, ~~and a summary of the volume of consumer installment credit outstanding per state credit union,~~ as of December 31 of the year for which the report is made.

c. A statement of the receipts and disbursements of funds of the superintendent during the calendar fiscal year ending on the preceding December 31 June 30 of the year for which the report is made and of the funds on hand on that ~~December 31,~~ including an estimate of the disbursements of credit union division funds for consumer credit protection during the year for which the report is made June 30.

Sec. 4. NEW SECTION. 533.115A Conducting business outside of state.

If a state credit union has an office and conducts business in another state having laws or regulations allowing credit unions to exercise additional powers, the state credit union may request permission from the superintendent to exercise such additional powers while operating in the other state with only the resident members of that other state.

Sec. 5. NEW SECTION. 533.201A Change in place of business.

1. A state credit union shall notify the superintendent of any change in its principal place of business within ten days of the change. A state credit union shall also file an application to relocate an office as provided by rule.

2. A state credit union changing its principal place of business shall review and amend its articles of incorporation, if necessary.



Sec. 6. Section 533.205, Code 2016, is amended by adding the following new subsection:  
**NEW SUBSECTION. 9. Penalties.** The superintendent may impose a penalty, after notice in writing and opportunity for a hearing, for a violation of this section. If a state credit union fails to satisfactorily resolve the matter within sixty days from receipt of such notice, the superintendent may impose a penalty against the state credit union in an amount not to exceed one hundred dollars per day per violation for each day that the violation remains unresolved.

Sec. 7. **NEW SECTION. 533.331 Data breach — duty to notify.**

1. In accordance with 12 C.F.R. pt. 748, Appendix B, a state credit union shall maintain an information security response program that includes procedures for notifying the credit union division as soon as possible after the credit union becomes aware of an incident involving unauthorized access to or use of sensitive member information that would permit access to the member's account, as further detailed in 12 C.F.R. pt. 748.

2. State credit unions that experience an information security breach may be subject to chapter 715C.

Sec. 8. Section 533.401, subsection 1, Code 2016, is amended to read as follows:

1. With the approval of the superintendent and the national credit union administration, a state credit union may merge with another credit union under the existing certificate of approval of the other credit union if the merger is pursuant to a plan agreed upon by a majority of the board of directors of each credit union joining in the merger and the merger is approved by the affirmative vote of a majority of the members of the merging credit union according to the provisions of section 533.203. At least twenty days' notice shall be provided between the sending of notice and the scheduled conclusion of the vote.

Sec. 9. **REPEAL.** Sections 533.327 and 533.328, Code 2016, are repealed.

Approved March 30, 2016

## CHAPTER 1031

### DISPENSING OF LOTTERY PRODUCTS — SELF-SERVICE KIOSKS

*H.F. 2146*

**AN ACT** authorizing the dispensing of lottery tickets and products by self-service kiosks, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 99G.3, Code 2016, is amended by adding the following new subsection:  
**NEW SUBSECTION. 14A.** “*Self-service kiosk*” means a machine or other similar electronic device that dispenses only on-line lotto tickets, instant tickets, pull-tab tickets, or other printed lottery products, and that does not provide a visual or audio representation of lottery game play. A “*self-service kiosk*” is not a monitor vending machine or player-activated gaming machine for purposes of this chapter.

Sec. 2. **NEW SECTION. 99G.12 Self-service kiosks.**

1. The authority may operate self-service kiosks to dispense authorized lottery tickets or products in locations where lottery games and lottery products are sold, subject to the requirements of this chapter.

2. A self-service kiosk operated to dispense authorized lottery tickets or products shall meet all of the following requirements:

a. The self-service kiosk shall be owned or leased by the authority.

b. The self-service kiosk shall only be located in a retail location licensed by the authority pursuant to this chapter. The authority shall determine, in its sole discretion, the placement of the self-service kiosk.

c. The self-service kiosk may dispense change to a purchaser but shall not be used to dispense cash winnings for a lottery ticket or product to a player.

d. The self-service kiosk shall not extend or arrange credit for the purchase of a lottery ticket or product.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 30, 2016

## CHAPTER 1032

### PUBLIC FUNDS INVESTMENTS BY POLITICAL SUBDIVISIONS — JOINT INVESTMENT TRUSTS

*H.F. 2261*

**AN ACT** authorizing political subdivisions to invest in certain joint investment trusts that are operated in accordance with the governmental accounting standards board.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 12B.10, subsection 5, paragraph a, subparagraph (7), Code 2016, is amended to read as follows:

(7) (a) A joint investment trust organized pursuant to chapter 28E prior to and existing in good standing on the effective date of this Act or a joint investment trust organized pursuant to chapter 28E after April 28, 1992, provided that the joint investment trust shall ~~either~~ be ~~rated~~ one of the following:

(i) ~~Rated within the two highest classifications by at least one of the standard rating services approved by the superintendent of banking by rule adopted pursuant to chapter 17A and operated in accordance with either 17 C.F.R. §270.2a-7, or be registered with the requirements of the governmental accounting standards board for external investment pools.~~

(ii) Registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. §80a-1, and operated in accordance with 17 C.F.R. §270.2a-7.

(b) The manager or investment advisor of the joint investment trust shall be registered with the federal securities and exchange commission under the Investment Advisor Act of 1940, 15 U.S.C. §80b-1.

Approved March 30, 2016

**CHAPTER 1033**

## UNCLAIMED CREMATED REMAINS — VETERANS

H.F. 2266

**AN ACT** concerning unclaimed cremated remains.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 144.27, Code 2016, is amended to read as follows:

**144.27 Funeral director's duty.**

1. The funeral director who first assumes custody of a dead body shall file the death certificate, obtain the personal data from the next of kin or the best qualified person or source available and obtain the medical certification of cause of death from the person responsible for completing the certification. When a person other than a funeral director assumes custody of a dead body, the person shall be responsible for carrying out the provisions of this section.

2. *a.* A funeral director responsible for filing a death certificate under this section may after a period of one hundred eighty days release to the department of veterans affairs the name of a deceased person whose cremated remains are not claimed by a person authorized to control the decedent's remains under section 144C.5, for the purposes of determining whether the deceased person is a veteran or dependent of a veteran and is eligible for inurnment at a national or state veterans cemetery. If obtained pursuant to subsection 1, the funeral director may also release to the department of veterans affairs documents of identification, including but not limited to the social security number, military service number, and military separation or discharge documents, or such similar federal or state documents, of such a person.

*b.* If the department of veterans affairs determines that the cremated remains of the deceased person are eligible for inurnment at a national or state veterans cemetery, the department of veterans affairs shall notify the funeral director of the determination. If the cremated remains have not been claimed by a person authorized to control the decedent's remains under section 144C.5 one hundred eighty days after the funeral director receives notice under this paragraph "b", all rights to the cremated remains shall cease, and the funeral director shall transfer the cremated remains to an eligible veterans organization if the eligible veterans organization has secured arrangements for the inurnment of the cremated remains at a national or state veterans cemetery. For purposes of this subsection, an "*eligible veterans organization*" means a veterans service organization organized for the benefit of veterans and chartered by the United States Congress or a veterans remains organization exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code that is recognized by the department of veterans affairs to inurn unclaimed cremated remains.

*c.* A funeral director providing information or transferring cremated remains shall be immune from criminal, civil, or other regulatory liability arising from any actions in accordance with this subsection. In addition, the department of veterans affairs, a national or state veterans cemetery, and an eligible veterans organization shall be immune from criminal, civil, or other regulatory liability arising from any actions in accordance with this subsection. Such immunity shall not apply to acts or omissions constituting intentional misconduct.

Approved March 30, 2016

**CHAPTER 1034**

## DISBURSEMENT OF ALL IOWA OPPORTUNITY SCHOLARSHIPS

H.F. 2275

**AN ACT** relating to the disbursement of all Iowa opportunity scholarships.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 261.87, subsection 3, Code 2016, is amended to read as follows:

3. *Extent of scholarship.* A qualified student at an eligible institution may receive scholarships for not more than the equivalent of two full-time academic years of undergraduate study, excluding summer semesters. Scholarships awarded pursuant to this section may, at the qualified student's request, be awarded ~~on an annual basis or semester~~ disbursed over a single academic year or two academic years, and shall not exceed the lesser ~~least~~ of the following amounts, as determined by the commission:

a. The student's financial need.

b. ~~One-half of the~~ The average resident tuition rate and mandatory fees established for institutions of higher learning governed by the state board of regents for a scholarship disbursed over one academic year, or one-half of that amount for a scholarship disbursed over two academic years.

c. The resident tuition and mandatory fees charged for the program of enrollment by the eligible institution at which the student is enrolled.

Approved March 30, 2016

**CHAPTER 1035**

## LIMITATIONS OF ACTIONS — KIDNAPPING AND HUMAN TRAFFICKING

H.F. 2278

**AN ACT** relating to the limitations of criminal actions in kidnapping or human trafficking offenses, and providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. 802.2C Kidnapping.

An information or indictment for kidnapping in the first, second, or third degree committed on or with a person who is under the age of eighteen years shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile, whichever is later.

Sec. 2. NEW SECTION. 802.2D Human trafficking.

An information or indictment for human trafficking in violation of section 710A.2, committed on or with a person who is under the age of eighteen years shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person's DNA profile, whichever is later.

Sec. 3. Section 802.3, Code 2016, is amended to read as follows:

**802.3 Felony — aggravated or serious misdemeanor.**

In all cases, except those enumerated in section 802.1, 802.2, 802.2A, 802.2B, 802.2C, 802.2D, or 802.10, an indictment or information for a felony or aggravated or serious misdemeanor shall be found within three years after its commission.

Sec. 4. Section 802.10, subsection 3, Code 2016, is amended to read as follows:

3. However, notwithstanding subsection 2, an indictment or information shall be found against a person within three years from the date the person is identified by the person's DNA profile. If the action involves sexual abuse, or another sexual offense, kidnapping, or human trafficking, the indictment or information shall be found as provided in section 802.2, ~~or 802.2B~~, 802.2C, or 802.2D, if the person is identified by the person's DNA profile.

Approved March 30, 2016

## CHAPTER 1036

### SCHOOLS AND SCHOOL DISTRICTS — OVERSIGHT, FINANCING, AND PROGRAMS

*H.F. 2336*

**AN ACT** relating to the duties and authority of the state board of education, the department of education, and local school districts and to the programs and activities under the purview of the state board and the department.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 256.7, subsection 15, Code 2016, is amended by striking the subsection.

Sec. 2. Section 256.9, subsections 26, 27, 36, 40, 54, and 59, Code 2016, are amended by striking the subsections.

Sec. 3. Section 257.1, subsection 2, paragraph c, Code 2016, is amended by striking the paragraph.

Sec. 4. Section 257.14, subsections 1 and 2, Code 2016, are amended to read as follows:

1. For the budget year commencing July 1, 2001 2016, if the department of management determines that the regular program district cost of and succeeding budget years, a school district for a budget year is less than the total of the regular program district cost plus any adjustment added under this section for the base year for that school district, the school district shall be eligible to receive for a budget adjustment for that district for that budget year up to in an amount equal to the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year. The board of directors of a school district that wishes to receive a budget adjustment pursuant to this subsection shall, notwithstanding the public notice and hearing provisions of chapter 24 or any other provision to the contrary, within thirty days following May 9, 2001, adopt a resolution to receive the budget adjustment and immediately notify the department of management of the adoption of the resolution and the amount of the budget adjustment to be received.

2. For the budget years commencing July 1, 2002, and July 1, 2003, if the department of management determines that the regular program district cost of a school district for a budget year is less than the total of the regular program district cost plus any adjustment added under this section for the base year for that school district, the school district shall be eligible to receive a budget adjustment for that district for that budget year up to an amount equal to the difference. The board of directors of a school district that wishes to receive a budget adjustment for a budget year pursuant to this subsection section shall adopt by May

15 of the base year for which the budget adjustment is sought, a resolution to receive the budget adjustment by May 15, annually, and shall notify the department of management of the adoption of the resolution and the amount of the budget adjustment to be received.

Sec. 5. Section 257.14, subsection 3, Code 2016, is amended by striking the subsection.

Sec. 6. Section 282.8, Code 2016, is amended to read as follows:

**282.8 Attending school outside state.**

1. The boards of directors of school districts located near the state boundaries may designate schools of equivalent standing across the state line for attendance of both elementary and high secondary school pupils when the public school in the adjoining state is nearer than any appropriate public school in a pupil's district of residence or in Iowa. Distance shall be measured by the nearest traveled public road. Arrangements shall be subject to reciprocal agreements made between the chief state school officers of the respective states. Notwithstanding section 282.1, arrangements between districts pursuant to the reciprocal agreements made under this section shall establish tuition and transportation fees in an amount acceptable to the affected boards, but the tuition and transportation fee established shall not be less than the lower average cost per pupil of the tuition fee established pursuant to section 282.24 for the school district or the equivalent tuition rate for the non-Iowa school district for the previous school year, and the transportation fee established shall not be less than the lower average transportation cost per mile for yellow school buses as described in section 321.373 for the previous school year of the two affected school districts. For the purpose of this section average cost per pupil for the previous school year is determined by dividing the district's operating expenditures for the previous school year by the number of children enrolled in the district in the previous school year on the date specified in section 257.6, subsection 1. The agreement shall provide that if the tuition fee for the school district in the adjoining state is a variable rate, the test of which tuition fee is lower shall be determined for each student by the affected boards.

2. A person attending school in another state pursuant to this section shall continue to be treated as a pupil of the district of residence in the apportionment of the current school fund and the payment of state aid for state school foundation aid purposes under section 257.6.

3. Notwithstanding the tuition provisions of subsection 1, the tuition fee established for a child requiring special education under chapter 256B shall be equal to the actual cost of the special education instructional program provided to that child under the child's individualized education program.

4. If the chief state school officers of the respective states have not entered into a reciprocal agreement under this section, or the agreement has expired or been terminated, or the distance to the public school in the adjoining state is not nearer than an appropriate public school in the pupil's district of residence or an appropriate public school in Iowa, the pupil attending school outside the state shall be considered a nonresident child for purposes of tuition payments to the receiving district and shall not be treated as a pupil of the district of residence for state school foundation aid purposes under section 257.6.

5. The whole grade sharing provisions of sections 282.10 through 282.12 and the open enrollment provisions of section 282.18 shall not apply to agreements made between districts under this section.

Sec. 7. Section 282.10, subsection 4, Code 2016, is amended to read as follows:

4. A whole grade sharing agreement shall be signed by the boards of the districts involved in the agreement not later than February 1 of the school year preceding the school year for which the agreement is to take effect. The boards of the districts shall negotiate as part of the new or existing agreement the disposition of funding provided under chapter 284, including the following:

a. Funding for the beginning teacher mentoring and induction programs pursuant to section 284.13, subsection 1, paragraph "b".

b. The teacher leadership supplement state cost per pupil as provided in section 257.9, unless all of the districts subject to the agreement are receiving such funding.

c. Teacher leadership supplemental aid payments as provided in section 284.13, subsection 1, paragraph “e”, unless all of the districts subject to the agreement are receiving such payments. This paragraph “c” is repealed June 30, 2018.

Sec. 8. Section 282.12, subsection 4, Code 2016, is amended to read as follows:

4. The number of pupils participating in a whole grade sharing agreement shall be determined on the date specified in section 257.6, subsection 1, and on the ~~third~~ second Friday of ~~February~~ January of each year.

Sec. 9. Section 282.18, subsection 7, Code 2016, is amended to read as follows:

7. A pupil participating in open enrollment shall be counted, for state school foundation aid purposes, in the pupil’s district of residence. A pupil’s residence, for purposes of this section, means a residence under section 282.1. The board of directors of the district of residence shall pay to the receiving district the sum of the state cost per pupil for the previous school year, and plus either the teacher leadership supplement state cost per pupil for the previous fiscal year as provided in section 257.9, or the teacher leadership supplement foundation aid for the previous fiscal year as provided in section 284.13, subsection 1, paragraph “e”, if both the district of residence and the receiving district are receiving such supplements, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year. If the pupil participating in open enrollment is also an eligible pupil under section 261E.6, the receiving district shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in section 261E.7.

Sec. 10. Section 282.18, subsection 9, paragraph c, Code 2016, is amended to read as follows:

c. Quarterly payments The receiving district shall bill the first resident district according to the timeline in section 282.20, subsection 3. Payments shall be made to the receiving district in a timely manner.

Sec. 11. Section 282.24, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. The maximum tuition fee that may be charged for elementary and high secondary school students residing within another school district or corporation except students attending school in another district under section 282.7, subsection 1 or 3, is the district cost per pupil of the receiving district as computed in section 257.10.

Sec. 12. Section 282.24, subsection 2, Code 2016, is amended by striking the subsection.

Sec. 13. Section 284.12, Code 2016, is amended to read as follows:

**284.12 Reports—rules Rules.**

1. ~~The department shall annually report the statewide progress on the following:~~

~~a. Student achievement scores in mathematics and reading at the fourth and eighth grade levels on a district-by-district basis as reported to the local communities pursuant to section 256.7, subsection 21, paragraph “c”.~~

~~b. Evaluator training program.~~

~~c. Changes and improvements in the evaluation of teachers under the Iowa teaching standards.~~

~~2. The report shall be made available to the chairpersons and ranking members of the senate and house committees on education, the deans of the colleges of education at approved practitioner preparation institutions in this state, the state board, the governor, and school districts by January 1. School districts shall provide information as required by the department for the compilation of the report and for accounting and auditing purposes.~~

3. In developing administrative rules for consideration by the state board, the department shall consult with stakeholders who might reasonably be affected by the proposed rule, including persons representing teachers, administrators, school boards, approved practitioner preparation institutions, and other appropriate education stakeholders.

Sec. 14. Section 284.15, subsection 6, paragraphs a and c, Code 2016, are amended to read as follows:

a. A school district may apply to the department for approval to implement the career paths, leadership roles, and compensation framework specified in subsection 2, or a comparable system of career paths and compensation for teachers that contains differentiated multiple leadership roles. The director shall consider the recommendations of the commission established pursuant to subsection 12 when approving or disapproving applications submitted pursuant to this section. A school district may modify an approved framework or comparable system if the director or the director's designee approves the modification. A school district may appeal the director's or the director's designee's decision to the state board and the state board's decision is final.

c. A school district approved to implement the framework or a comparable system pursuant to this subsection shall submit to the department director or the director's designee for approval any proposed change modification to the framework or comparable system.

Sec. 15. REPEAL. Sections 256.19, 279.55, 279.56, and 279.57, Code 2016, are repealed.

Approved March 30, 2016

## CHAPTER 1037

### HUNTING, FISHING, AND FUR HARVESTER LICENSES — FORM

*H.F. 2342*

**AN ACT** relating to signatures and other writing on applications for hunting, fishing, and fur harvester licenses.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 483A.18, Code 2016, is amended to read as follows:

**483A.18 Form of licenses.**

All hunting, fishing, and fur harvester licenses shall contain a general description of the licensee. Such licenses shall be upon such forms as the commission shall adopt. The address and the signature of the applicant and all signatures and other writing shall be in ~~ink~~ writing. All licenses shall clearly indicate the nature of the privilege granted.

Approved March 30, 2016

## CHAPTER 1038

### HEALTH CARE PROVIDER LOAN REPAYMENT PROGRAMS

*H.F. 2377*

**AN ACT** relating to the rural Iowa primary care and the rural Iowa advanced registered nurse practitioner and physician assistant loan repayment programs.

*Be It Enacted by the General Assembly of the State of Iowa:*



Section 1. Section 261.113, subsection 5, paragraph a, Code 2016, is amended to read as follows:

a. The amount of loan repayment an eligible student who enters into an agreement pursuant to subsection 3 shall receive if in compliance with obligations under the agreement shall not exceed ~~fifty~~ forty thousand dollars annually for an eligible loan. Payments under this section may be made for each year of eligible practice during a period of five consecutive years and shall not exceed a total of two hundred thousand dollars.

Sec. 2. Section 261.114, subsection 5, Code 2016, is amended to read as follows:

5. *Loan repayment amounts.*

α. The amount of loan repayment an eligible student who enters into an agreement pursuant to subsection 3 shall receive if in compliance with obligations under the agreement shall not exceed ~~five~~ four thousand dollars annually for an eligible loan. Payments under this section may be made for each year of eligible practice during a period of five consecutive years and shall not exceed a total of twenty thousand dollars.

~~b. The commission shall not enter into more than fifteen program agreements annually, with the exception of agreements providing for additional loan repayment with surplus funds in accordance with subsection 7.~~

Approved March 30, 2016

## CHAPTER 1039

### LICENSURE OF DENTISTS — ALTERNATIVE TESTING METHODS STUDY

H.F. 2387

**AN ACT** requiring the dental board to offer an alternative examination for licensure.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. DENTAL BOARD — ALTERNATIVE TESTING STUDY.

1. The dental board, jointly with the university of Iowa college of dentistry, shall study the use of a station-based examination for the licensure of dentists for implementation no later than academic year 2017-2018. The dental board and the university of Iowa college of dentistry shall develop a joint strategy for alternative and improved testing methods involving the use of live patients.

2. The dental board and the university of Iowa college of dentistry shall jointly file a report on the findings and recommendations of the study with the general assembly no later than December 15, 2016. The cost of the study and report shall be treated as an additional cost to the dental board.

Approved March 30, 2016

**CHAPTER 1040**

## VOIDABLE COMMERCIAL TRANSACTIONS

H.F. 2400

AN ACT providing for voidable commercial transactions and including applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 684.1, Code 2016, is amended to read as follows:

**684.1 Definitions.**

As used in this chapter:

1. "Affiliate" means any of the following:

a. A person ~~who~~ that directly or indirectly owns, controls, or holds with power to vote, twenty percent or more of the outstanding voting securities of the debtor, other than a person ~~who~~ that holds the securities as either of the following:

(1) As a fiduciary or agent without sole discretionary power to vote the securities.

(2) Solely to secure a debt, if the person has not in fact exercised the power to vote.

b. A corporation twenty percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the debtor or a person ~~who~~ that directly or indirectly owns, controls, or holds with power to vote, twenty percent or more of the outstanding voting securities of the debtor, other than a person ~~who~~ that holds the securities as either of the following:

(1) As a fiduciary or agent without sole discretionary power to vote the securities.

(2) Solely to secure a debt, if the person has not in fact exercised the power to vote.

c. A person whose business is operated by the debtor under a lease or other agreement, or a person substantially all of whose assets are controlled by the debtor.

d. A person ~~who~~ that operates the debtor's business under a lease or other agreement or controls substantially all of the debtor's assets.

2. "Asset" means property of a debtor, but does not include any of the following:

a. Property to the extent it is encumbered by a valid lien.

b. Property to the extent it is generally exempt under nonbankruptcy law.

c. An interest in property held in tenancy by the entireties to the extent it is not subject to process by a creditor holding a claim against only one tenant.

3. "Claim", except as used in "claim for relief", means a right to payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

4. "Creditor" means a person ~~who~~ that has a claim.

5. "Debt" means liability on a claim.

6. "Debtor" means a person ~~who~~ that is liable on a claim.

7. "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

8. "Insider" includes all of the following:

a. If the debtor is an individual, all of the following:

(1) A relative of the debtor or of a general partner of the debtor.

(2) A partnership in which the debtor is a general partner.

(3) A general partner in a partnership described in subparagraph (2).

(4) A corporation of which the debtor is a director, officer, or person in control.

b. If the debtor is a corporation, all of the following:

(1) A director of the debtor.

(2) An officer of the debtor.

(3) A person in control of the debtor.

(4) A partnership in which the debtor is a general partner.

(5) A general partner in a partnership described in subparagraph (4).

(6) A relative of a general partner, director, officer, or person in control of the debtor.

c. If the debtor is a partnership, all of the following:

(1) A general partner in the debtor.

(2) A relative of a general partner in, or a general partner of, or a person in control of the debtor.

(3) Another partnership in which the debtor is a general partner.

(4) A general partner in a partnership described in subparagraph (3).

(5) A person in control of the debtor.

d. An affiliate, or an insider of an affiliate as if the affiliate were the debtor.

e. A managing agent of the debtor.

8. 9. “*Lien*” means a charge against or an interest in property to secure payment of a debt or performance of an obligation, and includes a security interest created by agreement, a judicial lien obtained by legal or equitable process or proceedings, a common-law lien, or a statutory lien.

10. “*Organization*” means a person other than an individual.

11. “*Person*” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

9. 12. “*Property*” means anything that may be the subject of ownership.

13. “*Record*” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

10. 14. “*Relative*” means an individual related by consanguinity within the third degree as determined by the common law, a spouse, or an individual related to a spouse within the third degree as so determined, and includes an individual in an adoptive relationship within the third degree.

15. “*Sign*” means, with present intent to authenticate or adopt a record to do either of the following:

a. Execute or adopt a tangible symbol.

b. Attach to or logically associate with the record an electronic symbol, sound, or process.

11. 16. “*Transfer*” means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with an asset or an interest in an asset, and includes payment of money, release, lease, license, and creation of a lien or other encumbrance.

12. 17. “*Valid lien*” means a lien that is effective against the holder of a judicial lien subsequently obtained by legal or equitable process or proceedings.

Sec. 2. Section 684.2, Code 2016, is amended to read as follows:

**684.2 Insolvency.**

1. A debtor is insolvent if, at a fair valuation, the sum of the debtor’s debts is greater than all the sum of the debtor’s assets, at a fair valuation.

2. A debtor ~~who~~ that is generally not paying the debtor’s debts as they become due other than as a result of a bona fide dispute is presumed to be insolvent. The presumption imposes on the party against which the presumption is directed the burden of proving that the nonexistence of insolvency is more probable than its existence.

3. ~~A partnership is insolvent under subsection 1 if the sum of the partnership’s debts is greater than the aggregate, at a fair valuation, of all of the partnership’s assets, and the sum of the excess of the value of each general partner’s nonpartnership assets over the partner’s nonpartnership debts.~~

4. 3. Assets under this section do not include property that has been transferred, concealed, or removed with intent to hinder, delay, or defraud creditors or that has been transferred in a manner making the transfer voidable under this chapter.

5. 4. Debts under this section do not include an obligation to the extent it is secured by a valid lien on property of the debtor not included as an asset.

Sec. 3. Section 684.4, Code 2016, is amended to read as follows:

**684.4 Transfers fraudulent Transfer or obligation voidable as to present and or future creditors creditor.**

1. A transfer made or obligation incurred by a debtor is ~~fraudulent~~ voidable as to a creditor, whether the creditor’s claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation under any of the following circumstances:

a. With actual intent to hinder, delay, or defraud any creditor of the debtor.

b. Without receiving a reasonably equivalent value in exchange for the transfer or obligation, if either of the following applies:

(1) The debtor was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction.

(2) The debtor intended to incur, or believed or reasonably should have believed that the debtor would incur, debts beyond the debtor's ability to pay as they became due.

2. In determining actual intent under subsection 1, paragraph "a", consideration may be given, among other factors, to whether any or all of the following apply:

a. ~~Whether the~~ The transfer or obligation was to an insider.

b. ~~Whether the~~ The debtor retained possession or control of the property transferred after the transfer.

c. ~~Whether the~~ The transfer or obligation was disclosed or concealed.

d. ~~Whether, before~~ Before the transfer was made or obligation was incurred, the debtor had been sued or threatened with suit.

e. ~~Whether the~~ The transfer was of substantially all the debtor's assets.

f. ~~Whether the~~ The debtor absconded.

g. ~~Whether the~~ The debtor removed or concealed assets.

h. ~~Whether the~~ The value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred.

i. ~~Whether the~~ The debtor was insolvent or became insolvent shortly after the transfer was made or the obligation was incurred.

j. ~~Whether the~~ The transfer occurred shortly before or shortly after a substantial debt was incurred.

k. ~~Whether the~~ The debtor transferred the essential assets of the business to a lienor ~~who~~ that transferred the assets to an insider of the debtor.

3. A creditor making a claim for relief under subsection 1 has the burden of proving the elements of the claim for relief by a preponderance of the evidence.

Sec. 4. Section 684.5, Code 2016, is amended to read as follows:

**684.5 ~~Transfers fraudulent~~ Transfer or obligation voidable as to present creditors creditor.**

1. A transfer made or obligation incurred by a debtor is ~~fraudulent voidable~~ as to a creditor whose claim arose before the transfer was made or the obligation was incurred if the debtor made the transfer or incurred the obligation without receiving a reasonably equivalent value in exchange for the transfer or obligation and the debtor was insolvent at that time or the debtor became insolvent as a result of the transfer or obligation.

2. A transfer made by a debtor is ~~fraudulent voidable~~ as to a creditor whose claim arose before the transfer was made if the transfer was made to an insider for an antecedent debt, the debtor was insolvent at that time, and the insider had reasonable cause to believe that the debtor was insolvent.

3. Subject to section 684.2, subsection 2, a creditor making a claim for relief under subsection 1 or 2 has the burden of proving the elements of the claim for relief by a preponderance of the evidence.

Sec. 5. Section 684.6, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. With respect to an asset that is real property other than a fixture, but including the interest of a seller or purchaser under a contract for the sale of the asset, when the transfer is so far perfected that a good-faith purchaser of the asset from the debtor against ~~whom~~ which applicable law permits the transfer to be perfected cannot acquire an interest in the asset that is superior to the interest of the transferee.

Sec. 6. Section 684.6, subsection 5, paragraph b, Code 2016, is amended to read as follows:

b. If evidenced by a writing record, when the ~~writing executed~~ record signed by the obligor is delivered to or for the benefit of the obligee.

Sec. 7. Section 684.7, subsection 1, paragraph b, Code 2016, is amended to read as follows:

~~b. A remedy by any special action available under this subtitle, including An~~ attachment or other provisional remedy, against the asset transferred or other property of the transferee if available under applicable law.

Sec. 8. Section 684.8, Code 2016, is amended to read as follows:

**684.8 Defenses, liability, and protection of transferee or obligee.**

1. A transfer or obligation is not voidable under section ~~684.7~~, 684.4, subsection 1, paragraph "a", against a person ~~who~~ that took in good faith and for a reasonably equivalent value ~~given the debtor~~ or against any subsequent transferee or obligee.

2. To the extent a transfer is avoidable in an action by a creditor under section 684.7, subsection 1, paragraph "a", all of the following apply:

~~a. Except as otherwise provided in this section, to the extent a transfer is voidable in an action by a creditor under section 684.7, subsection 1, paragraph "a", the creditor may recover judgment for the value of the asset transferred, as adjusted under subsection 3, or the amount necessary to satisfy the creditor's claim, whichever is less. The judgment may be entered against either of the following:~~

~~a. (1) The first transferee of the asset or the person for whose benefit the transfer was made.~~

~~b. (2) Any subsequent transferee~~ An immediate or mediate transferee of the first transferee, other than a any of the following:

~~(a) A good-faith transferee or obligee who that took for value or from any subsequent transferee or obligee.~~

~~(b) An immediate or mediate good-faith transferee of a person described in subparagraph division (a).~~

b. Recovery pursuant to section 684.7, subsection 1, paragraph "a", or section 684.7, subsection 2, of or from the asset transferred or its proceeds, by levy or otherwise, is available only against a person described in paragraph "a", subparagraph (1) or (2).

3. If the judgment under subsection 2 is based upon the value of the asset transferred, the judgment must be for an amount equal to the value of the asset at the time of the transfer, subject to adjustment as the equities may require.

4. Notwithstanding voidability of a transfer or an obligation under this chapter, a good-faith transferee or obligee is entitled, to the extent of the value given the debtor for the transfer or obligation, to any of the following:

a. A lien on or a right to retain ~~any~~ an interest in the asset transferred.

b. Enforcement of ~~any~~ an obligation incurred.

c. A reduction in the amount of the liability on the judgment.

5. A transfer is not voidable under section 684.4, subsection 1, paragraph "b", or section 684.5 if the transfer results from either of the following:

a. Termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law.

b. Enforcement of a security interest in compliance with chapter 554, article 9, other than acceptance of collateral in full or partial satisfaction of the obligation it secures.

6. A transfer is not voidable under section 684.5, subsection 2, in any of the following circumstances:

a. To the extent the insider gave new value to or for the benefit of the debtor after the transfer was made ~~unless, except to the extent~~ the new value was secured by a valid lien.

b. If made in the ordinary course of business or financial affairs of the debtor and the insider.

c. If made pursuant to a good-faith effort to rehabilitate the debtor and the transfer secured present value given for that purpose as well as an antecedent debt of the debtor.

7. The burden of proving matters referred to in this section is determined according to the following:

a. A party that seeks to invoke subsection 1, 4, 5, or 6, has the burden of proving the applicability of that subsection.

b. Except as otherwise provided in paragraphs “c” and “d”, the creditor has the burden of proving each applicable element of subsection 2 or 3.

c. The transferee has the burden of proving the applicability to the transferee of subsection 2, paragraph “a”, subparagraph (2), subparagraph division (a) or (b).

d. A party that seeks adjustment under subsection 3 has the burden of proving the adjustment.

8. The standard of proof required to establish matters referred to in this section is preponderance of the evidence.

Sec. 9. Section 684.9, Code 2016, is amended to read as follows:

**684.9 Extinguishment of cause-of-action claim for relief.**

A ~~cause-of-action claim for relief~~ with respect to a ~~fraudulent~~ transfer or obligation under this chapter is extinguished unless action is brought as follows:

1. Under section 684.4, subsection 1, paragraph “a”, ~~within five~~ not later than four years after the transfer was made or the obligation was incurred or, if later, ~~within~~ not later than one year after the transfer or obligation was or could reasonably have been discovered by the claimant.

2. Under section 684.4, subsection 1, paragraph “b”, or section 684.5, subsection 1, ~~within five~~ not later than four years after the transfer was made or the obligation was incurred.

3. ~~Under section 684.5, subsection 2, within~~ not later than one year after the transfer was made ~~or the obligation was incurred.~~

Sec. 10. NEW SECTION. **684.9A Governing law.**

1. In this section, a debtor’s location is determined as follows:

a. A debtor who is an individual is located at the individual’s principal residence.

b. A debtor that is an organization and has only one place of business is located at its place of business.

c. A debtor that is an organization and has more than one place of business is located at its chief executive office.

2. A claim for relief in the nature of a claim for relief under this chapter is governed by the local law of the jurisdiction in which the debtor is located when the transfer is made or the obligation is incurred.

Sec. 11. NEW SECTION. **684.9B Application to series organization.**

1. As used in this section:

a. “*Protected series*” means an arrangement, however denominated, created by a series organization that, pursuant to the law under which the series organization is organized, has the characteristics set forth in paragraph “b”.

b. “*Series organization*” means an organization that, pursuant to the law under which it is organized, has the following characteristics:

(1) The organic record of the organization provides for creation by the organization of one or more protected series, however denominated, with respect to specified property of the organization, and for records to be maintained for each protected series that identify the property of or associated with the protected series.

(2) Debt incurred or existing with respect to the activities of, or property of or associated with, a particular protected series is enforceable against the property of or associated with the protected series only, and not against the property of or associated with the organization or other protected series of the organization.

(3) Debt incurred or existing with respect to the activities or property of the organization is enforceable against the property of the organization only, and not against the property of or associated with a protected series of the organization.

2. A series organization and each protected series of the organization is a separate person for purposes of this chapter, even if for other purposes a protected series is not a person separate from the organization or other protected series of the organization.

Sec. 12. NEW SECTION. **684.9C Relation to Electronic Signatures in Global and National Commerce Act.**

This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §7001 et seq., but does not modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. §7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. §7003(b).

Sec. 13. Section 684.12, Code 2016, is amended to read as follows:

**684.12 Short title.**

This chapter ~~may be cited, which was formerly cited as the “Uniform Fraudulent Transfer Act.”~~ may be cited as the “Iowa Uniform Voidable Transactions Act”.

Sec. 14. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:
  - a. Section 684.9A, as enacted in this Act, to section 684.10.
  - b. Section 684.9B, as enacted in this Act, to section 684.11.
  - c. Section 684.9C, as enacted in this Act, to section 684.14.
  - d. Section 684.10 is transferred to section 684.12.
  - e. Section 684.11 is transferred to section 684.13.
  - f. Section 684.12, as amended in this Act, to section 684.15.
2. The Code editor is directed to correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

Sec. 15. APPLICABILITY.

1. a. This Act applies to a transfer made or an obligation incurred on or after the effective date of this Act.
  - b. This Act does not apply to a transfer made or an obligation incurred prior to the effective date of this Act.
2. For purposes of this section, a transfer is made and an obligation is incurred at the time provided in section 684.6.

Approved March 30, 2016

## CHAPTER 1041

### CREDIT CARD FRAUD — USE OF MINOR’S NAME

*H.F. 2401*

**AN ACT** prohibiting persons from opening or using a credit card in the name of a minor without the consent of the minor’s parent, guardian, or legal custodian, and providing criminal penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. **715A.6B Credit card fraud — minor involved.**

1. For purposes of this section, “minor” means any person under the age of eighteen.
2. A person commits a public offense if the person applies for a credit card in the name of a minor, other than the person, without the consent of the minor’s parent, guardian, or legal custodian. A person adding a minor as an authorized user of the person’s credit card does not commit an offense under this subsection. An offense under this subsection is a class “D” felony.
3. a. A person commits a public offense if the person uses a credit card obtained in violation of subsection 2 to secure or seek to secure property or services. An offense under this subsection shall be as follows:
  - (1) A class “C” felony if the value of the property or services secured or sought to be secured by means of the credit card is greater than ten thousand dollars.

(2) A class “D” felony if the value of the property or services secured or sought to be secured by means of the credit card is ten thousand dollars or less.

b. For purposes of this subsection, the value of property or services shall be determined as provided in section 715A.6, subsection 3.

Approved March 30, 2016

## CHAPTER 1042

### UNTESTED SEXUAL ABUSE EVIDENCE COLLECTION KITS — SURVEY — REPORT

*H.F. 2420*

**AN ACT** relating to untested sexual abuse evidence collection kits stored at law enforcement agencies.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### Section 1. SEXUAL ABUSE EVIDENCE COLLECTION KIT — INVENTORY.

1. As used in this section, unless the context otherwise requires:

a. “Laboratory” means the state criminalistics laboratory or similar qualified laboratory.

b. “Law enforcement agency” means any governmental agency that investigates persons suspected of or charged with a sex abuse crime. “Law enforcement agency” also includes any governmental agency that collects, stores, processes, transmits, or disseminates analysis of evidence collected in connection with a sexual abuse related crime.

c. “Forensic medical examination” means a sexual abuse examination by a health care provider for the purpose of gathering and preserving evidence of sexual abuse.

d. “Sexual abuse evidence collection kit” means a sexual abuse evidence collection kit that includes a human biological specimen collected by a health care provider during a forensic medical examination conducted pursuant to section 709.10, subsection 1.

e. “Untested sexual abuse evidence collection kit” means a sexual abuse evidence collection kit collected pursuant to section 709.10 that has not been submitted to a laboratory for either a serology or deoxyribonucleic acid test.

2. The department of justice shall conduct a survey of law enforcement agencies charged with the maintenance, storage, or preservation of untested sexual abuse evidence collection kits. The survey shall contain the following requirements or questions:

a. Does your agency presently store untested sexual abuse evidence collection kits?

b. Where does your agency store untested sexual abuse evidence collection kits?

c. Please inventory all untested sexual abuse evidence collection kits, and identify any of the following that apply:

(1) The unique identifier for the kit.

(2) The date the crime occurred.

(3) The date of examination and forensic collection.

(4) The reason for not submitting the kit to the laboratory for analysis:

(a) The suspect has not been identified.

(b) The existence of doubt about the truthfulness of the victim’s accusation.

(c) The case has been dismissed.

(d) The uncertainty about the usefulness of the forensic evidence in the untested sexual abuse evidence collection kit.

(e) The suspect has been identified but not formally charged.

(f) Insufficient funds for testing the sexual abuse evidence collection kit.

(g) The victim did not file charges.

(h) Whether consent was an issue in the case.

(i) Perceived laboratory guidelines.



(j) Other reasons.

(5) (a) Whether a conviction was obtained for any crime associated with the untested sexual abuse evidence collection kit.

(b) If such a conviction was obtained please provide the defendant's name, case number, and the county where the conviction occurred.

d. (1) In the inventory of your agency, how many untested sexual abuse evidence collection kits contain collected forensic evidence that have not been sent to a laboratory?

(2) In the inventory of your agency, how many untested sexual abuse evidence collection kits are held for which the crime was not reported to law enforcement, but the kit was still delivered to your law enforcement agency for storage?

e. Under what circumstances is an untested sexual abuse evidence collection kit destroyed or disposed of by the agency?

3. If information was obtained under subsection 2, paragraph "c", subparagraph (5), that a conviction was obtained for any crime associated with an untested sexual abuse evidence collection kit, the attorney general shall provide the office of the state public defender with the defendant's name, case number, and the county where the conviction occurred, within sixty days of receiving such information.

4. The law enforcement agency shall submit the answers to the survey to the department of justice by January 1, 2017. If a law enforcement agency does not possess any untested sexual abuse evidence collection kits, the agency shall provide written confirmation of such a fact to the department of justice by January 1, 2017.

5. a. The department of justice shall compile the results of the survey and submit a written report to the general assembly no later than March 15, 2017, detailing the results of the survey.

b. The report shall also include the name and contact information of each law enforcement agency that failed to submit answers to the survey as required by subsection 4.

6. The department of justice shall compile and submit a report to the office of the state public defender, not later than March 15, 2017, that provides the date an untested sexual abuse evidence collection kit was collected, where the collection occurred, and the case number, if any, associated with the untested sexual abuse evidence collection kit.

Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Approved March 30, 2016

## CHAPTER 1043

### BEEF CATTLE MARKETING AND PROMOTION

*H.F. 2269*

**AN ACT** providing for certain excise taxes imposed on the sale of cattle and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 181.1, subsection 3, Code 2016, is amended by striking the subsection and inserting in lieu thereof the following:

3. "Executive committee" means the executive committee of the association as created in section 181.3.

Sec. 2. Section 181.1, subsection 6, paragraph b, Code 2016, is amended to read as follows:

b. The person acquired ownership of cattle to facilitate the transfer of ownership of such cattle from the seller to a third party; resold such cattle no later than ten days from the date

on which the person acquired ownership; and certified as required by rules adopted by the council executive committee.

Sec. 3. Section 181.2, Code 2016, is amended to read as follows:

**181.2 Duties and objects of association.**

The Iowa beef cattle producers association shall do all of the following:

1. Aid in the marketing and promotion of the cattle industry of the state.
2. ~~Provide for practical and scientific instruction in the breeding and raising of cattle~~ Conduct research on beef production and evaluate Iowa beef production needs.
3. ~~Make demonstrations in the feeding of cattle and publish suggestions beneficial to such business~~ Provide educational materials and opportunities to consumers, producers, and youth regarding the benefits of Iowa's beef cattle industry.
4. ~~Aid and promote cattle feeding contests, shows, and sales.~~
5. 4. Prepare an annual report of the proceedings and expenditures of the council executive committee as provided in section 181.18B.

Sec. 4. Section 181.3, Code 2016, is amended to read as follows:

**181.3 Iowa beef industry council Executive committee — creation and operation.**

1. An ~~Iowa beef industry council executive committee~~ of the Iowa beef cattle producers association is created. The council executive committee consists of ~~eight~~ ten members, including all of the following:

a. Five producers elected by the Iowa beef cattle producers association pursuant to section 181.6A.

b. Two producers appointed by the Iowa cattlemen's association.

c. One livestock market representative appointed pursuant to subsection 2.

e. ~~d.~~ The secretary of agriculture or a designee, who shall serve as a voting an ex officio, voting member.

~~d.~~ e. The dean of the college of agriculture and life sciences of Iowa state university of science and technology or a designee, who shall serve as a voting an ex officio, voting member.

2. The Iowa livestock auction market association shall nominate two livestock market representatives. The secretary of agriculture shall appoint one of the nominees or another livestock market representative of the secretary's choice, who shall serve at the pleasure of the secretary.

3. The council executive committee shall elect a chairperson, secretary, and other officers it deems necessary.

4. a. A member who is a producer or livestock market representative described in subsection 1, paragraphs "a" through "c", shall serve a three-year term. The member shall not serve more than two consecutive full terms.

b. Except for an ex officio members member, vacancies a vacancy in the council executive committee resulting from death, inability or refusal to serve, or failure to meet the qualifications of this chapter shall be filled by the council executive committee. If the council executive committee fails to fill a vacancy, the secretary shall fill it. Vacancy appointments A vacancy appointment shall be filled only for the remainder of the unexpired term.

Sec. 5. Section 181.4, Code 2016, is amended to read as follows:

**181.4 Employees of council Executive committee — employees.**

The council executive committee may employ two or more competent persons who shall devote their entire time, under the direction of the council executive committee, in carrying out the provisions of this chapter. The salary of persons so employed shall be set by the council executive committee, and the persons shall hold office at the pleasure of the council executive committee.

Sec. 6. Section 181.6A, Code 2016, is amended to read as follows:

**181.6A Election of council Executive committee — election.**

1. The Iowa beef cattle producers association shall hold an annual meeting of producers. An election shall be held at the annual meeting, as necessary, for election of producers to the council executive committee.

2. Prior to the annual meeting, the association shall appoint a nominating committee. At least sixty days prior to the annual meeting of the association, the nominating committee shall nominate two producers as candidates for each position on the council executive committee for which an election is to be held. At least forty-five days prior to the annual meeting of the association, additional candidates may be nominated by a written petition of fifty producers. Procedures governing the place of filing and the contents of the petition shall be promulgated and publicized by the council executive committee.

3. Producers attending the annual meeting of the association may vote for one nominee for each position on the council executive committee for which an election is held. Producers not attending the annual meeting of the association may vote by absentee ballot if the ballot is requested and mailed, with proper postage, to the council executive committee prior to the annual meeting of the association. For each position for which an election is held, the candidate receiving the highest number of votes shall be elected.

4. Notice of election for council executive committee membership shall be given by the council executive committee by publication in a newspaper of general circulation in the state and in any other reasonable manner as determined by the council executive committee, and shall set forth the date, time, and place of the annual meeting of the association. The council executive committee shall administer the elections, with the assistance of the secretary.

Sec. 7. Section 181.7, Code 2016, is amended to read as follows:

**181.7 Research Executive committee — research and education programs.**

The council executive committee shall initiate, administer, or participate in research and education programs directed toward the better and more efficient production, promotion, and utilization of cattle and the marketing of products made from cattle. The council executive committee shall provide for the methods and means that it determines are necessary to further the purposes of this section, including but not limited to any of the following:

1. Providing public relations and other promotion techniques for the maintenance of present markets.

2. Making donations to nonprofit organizations furthering the purposes of this section.

3. Assisting in the development of new or larger domestic markets for products made from cattle.

4. Assisting in the development of new or larger foreign markets for cattle and products made from cattle.

Sec. 8. Section 181.7A, Code 2016, is amended to read as follows:

**181.7A Commencement of federal assessment — suspension and recommencement of state assessment — rate.**

1. Prior to the commencement of the collection of the federal assessment, the council executive committee may seek certification as a qualified state beef council within the meaning of the federal Act.

2. The council executive committee shall suspend the state assessment upon collection of the federal assessment. The state assessment shall recommence upon the earlier of the following:

a. The noncollection of the federal assessment. The recommenced state assessment shall be imposed for a four-year period. Its effective date shall be the first date for which the federal assessment is not collected.

b. The passage of a special referendum pursuant to section 181.19 regardless of whether a federal assessment is being collected.

3. The rate of the recommenced state assessment shall be the same as the rate that was last in effect under section 181.19 immediately prior to the suspension of the state assessment.

Sec. 9. Section 181.8, Code 2016, is amended to read as follows:

**181.8 Entering Executive committee — entering premises — examining records.**

The council executive committee may authorize its agents to enter at a reasonable time upon the premises of any purchaser charged by this chapter with remitting the state assessment to the council executive committee, and to examine records and other instruments relating to the collection of the state assessment. However, the council executive

committee must first have reasonable grounds to believe that the state assessment has not been remitted or fully accounted for.

~~The council may enter into arrangements with persons purchasing cattle outside of this state for remitting the state assessment by such purchasers.~~

Sec. 10. Section 181.11, Code 2016, is amended to read as follows:

**181.11 Collection of state assessment.**

1. A state assessment imposed as provided in this chapter shall be levied and collected from the purchaser on each sale of cattle at a rate provided in this chapter. The state assessment shall be imposed on any person selling cattle and shall be deducted by the purchaser from the price paid to the seller. The purchaser, at the time of the sale, shall make and deliver to the seller a separate invoice for each sale showing the names and addresses of the seller and the purchaser, the number of cattle sold, and the date of sale. The purchaser shall forward the state assessment to the council executive committee at a time prescribed by the council executive committee, but not later than the last day of the month following the end of the prior reporting period in which the cattle are sold.

2. ~~The executive committee may enter into arrangements with persons purchasing cattle outside of this state for remitting the state assessment by such purchasers.~~

Sec. 11. Section 181.12, Code 2016, is amended to read as follows:

**181.12 Remission of state assessment on application.**

A person from whom a state assessment is collected may, by written application filed with the council executive committee within sixty ninety days after its collection, have the amount remitted to the person by the council executive committee. The information that the state assessment is refundable and the address of the council executive committee to which application for a refund may be made shall appear on the invoice of sale form supplied by the purchaser to the producer near the area on the form which shows the amount of the state assessment paid. The council executive committee shall furnish uniform application for refund forms and envelopes properly addressed to the council to each purchaser charged by this chapter with remitting the state assessment in sufficient number to make the refund forms and envelopes readily available to all producers. A purchaser charged by this chapter with remitting the state assessment shall display the application for refund forms and envelopes in a prominent position in its place of business and make them the forms readily available to all producers.

Sec. 12. Section 181.13, Code 2016, is amended to read as follows:

**181.13 Administration of moneys originating from state assessment — appropriation.**

1. All state assessments imposed under this chapter shall be paid to and collected by the council executive committee and deposited with the treasurer of state in a separate cattle promotion fund which shall be created by the treasurer of state. The department of administrative services shall transfer moneys from the fund to the council executive committee for deposit into an account established by the council executive committee in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the council executive committee. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open. From the moneys collected, deposited, and transferred to the council executive committee, in accordance with the provisions of this chapter, the council executive committee shall first pay the costs of referendums held pursuant to this chapter, the costs of collection of such state assessments, and the expenses of its agents. At least ten percent of the remaining moneys shall be remitted to the association in proportions determined by the council executive committee, for use in a manner not inconsistent with section 181.7. The remaining moneys, with approval of a majority of the council executive committee, shall be expended as the council executive committee finds necessary to carry out the provisions and purposes of this chapter. However, in no event shall the total expenses exceed the total amount transferred from the fund for use by the council executive committee.

2. All moneys deposited in the cattle promotion fund and transferred to the council executive committee pursuant to this section are appropriated and shall be used for the

administration of this chapter and for the payment of claims based upon obligations incurred in the performance of activities and functions set forth in this chapter.

3. If the state assessment is suspended as provided in section 181.7A or a continuance referendum fails to pass as provided in section 181.19A, moneys remaining in the cattle promotion fund and transferred to the ~~council~~ executive committee shall continue to be transferred and expended in accordance with the provisions of this chapter until exhausted.

Sec. 13. Section 181.17, Code 2016, is amended to read as follows:

**181.17 Producers not members.**

A producer who is not a member of the Iowa beef cattle producers association shall be entitled to vote in elections of persons to be members of the ~~council~~ executive committee in the same manner as if the producer were a member. The members elected to the ~~council~~ executive committee shall elect from their number the officers referred to in section 181.1A.

Sec. 14. Section 181.18, Code 2016, is amended to read as follows:

**181.18 Rules.**

All rules of the ~~council heretofore or hereinafter promulgated~~ adopted by the executive committee shall be subject to the provisions of chapter 17A.

Sec. 15. Section 181.18B, Code 2016, is amended to read as follows:

**181.18B Report.**

Each year, the ~~council~~ executive committee shall prepare and submit a report summarizing the activities of the ~~council~~ executive committee under this chapter to the auditor of state and the secretary of agriculture. The report shall show all income, expenses, and other relevant information concerning fees collected and expended under this chapter.

Sec. 16. Section 181.19, subsections 1 and 2, Code 2016, are amended to read as follows:

1. The secretary shall, upon the petition of five hundred producers, conduct an initial referendum to determine whether a state assessment is to be imposed, at a rate established by the ~~council of~~ executive committee not to exceed ~~fifty cents~~ one dollar per head on all cattle sold for any purpose.

2. The secretary shall, upon the petition of five hundred producers, conduct a special referendum to do any of the following:

a. Determine whether a state assessment already imposed shall be increased to a rate, established by the ~~council~~ executive committee, not to exceed one dollar per head on all cattle sold for any purpose.

b. Determine whether a state assessment suspended pursuant to section 181.7A is to be in addition to a federal assessment. The state assessment shall be imposed at a rate of ~~fifty cents~~ not to exceed one dollar per head on all cattle sold for whatever purpose.

Sec. 17. Section 181.19A, subsection 3, Code 2016, is amended to read as follows:

3. If the secretary determines that the referendum has not passed, the secretary and the ~~council~~ executive committee shall terminate the assessment in an orderly manner as soon as practicable after the determination. Another referendum shall not be held for at least one hundred eighty days from the date that the assessment is terminated.

Sec. 18. REPEAL. 2004 Iowa Acts, chapter 1037, section 17, is repealed.

Sec. 19. TRANSITION — APPOINTMENT AND TERMS OF EXECUTIVE COMMITTEE MEMBERS.

1. This Act's amendments changing the name of the "Iowa beef industry council" to the "executive committee" of the Iowa beef cattle producers association shall not affect the appointment or term of office of a member who served on the Iowa beef industry council immediately prior to the effective date of this Act. That member shall continue to serve on the executive committee until the member's term expires.

2. The executive committee of the Iowa beef cattle producers association created in section 181.3 as amended in this Act may establish terms for any number of the five members first elected or reelected by the Iowa beef cattle producers association under that section on or

after the effective date of this Act to ensure elected members serve staggered terms. The executive committee may also establish initial terms for the two new members appointed by the Iowa cattlemen's association under that section as amended by this Act to ensure appointed members serve staggered terms. The executive committee shall operate under 101 IAC 1.5 and 1.6 until the appointment of the new members.

Sec. 20. TRANSITION — ADMINISTRATIVE RULES AND OTHER ACTIONS AND DOCUMENTS. Any rule, form, order, or directive promulgated by the Iowa beef industry council created in section 181.3, in force and effect immediately prior to the effective date of this Act, shall continue in full force and effect until the earlier of the following:

1. It is amended, rescinded, or supplemented by the affirmative action of the executive council<sup>1</sup> of the Iowa beef cattle producers association created in section 181.3, as amended in this Act.

2. It expires by its own terms.

Sec. 21. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 31, 2016

## CHAPTER 1044

### FIREARM SUPPRESSORS

*H.F. 2279*

**AN ACT** relating to possessing and transferring firearm suppressors, providing penalties, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 724.1, subsection 1, paragraph h, Code 2016, is amended by striking the paragraph.

Sec. 2. **NEW SECTION. 724.1A Firearm suppressors — certification.**

1. As used in this section, unless the context otherwise requires:

a. “*Certification*” means the participation and assent of the chief law enforcement officer of the jurisdiction where the applicant resides or maintains an address of record, that is necessary under federal law for the approval of an application to make or transfer a firearm suppressor.

b. “*Chief law enforcement officer*” means the county sheriff, chief of police, or the designee of such official, that the federal bureau of alcohol, tobacco, firearms and explosives, or any successor agency, has identified by regulation or has determined is otherwise eligible to provide any required certification for making or transferring a firearm suppressor.

c. “*Firearm suppressor*” means a mechanical device specifically constructed and designed so that when attached to a firearm it silences, muffles, or suppresses the sound when fired and that is considered a “*firearm silencer*” or “*firearm muffler*” as defined in 18 U.S.C. §921.

2. a. A chief law enforcement officer is not required to make any certification under this section the chief law enforcement officer knows to be false, but the chief law enforcement officer shall not refuse, based on a generalized objection, to issue a certification to make or transfer a firearm suppressor.

b. When the certification of the chief law enforcement officer is required by federal law or regulation for making or transferring a firearm suppressor, the chief law enforcement officer

<sup>1</sup> See chapter 1138, §28 herein

shall, within thirty days of receipt of a request for certification, issue such certification if the applicant is not prohibited by law from making or transferring a firearm suppressor or is not the subject of a proceeding that could result in the applicant being prohibited by law from making or transferring the firearm suppressor. If the chief law enforcement officer does not issue a certification as required by this section, the chief law enforcement officer shall provide the applicant with a written notification of the denial and the reason for the denial.

c. A certification that has been approved under this section grants the person the authority to make or transfer a firearm suppressor as provided by state and federal law.

3. An applicant whose request for certification is denied may appeal the decision of the chief law enforcement officer to the district court for the county in which the applicant resides or maintains an address of record. The court shall review the decision of the chief law enforcement officer to deny the certification de novo. If the court finds that the applicant is not prohibited by law from making or transferring the firearm suppressor, and is not the subject of a proceeding that could result in such prohibition, or that no substantial evidence supports the decision of the chief law enforcement officer, the court shall order the chief law enforcement officer to issue the certification and award court costs and reasonable attorney fees to the applicant. If the court determines the applicant is not eligible to be issued a certification, the court shall award court costs and reasonable attorney fees to the political subdivision of the state representing the chief law enforcement officer.

4. In making a determination about whether to issue a certification under subsection 2, a chief law enforcement officer may conduct a criminal background check, including an inquiry of the national instant criminal background check system maintained by the federal bureau of investigation or any successor agency, but shall only require the applicant to provide as much information as is necessary to identify the applicant for this purpose or to determine the disposition of an arrest or proceeding relevant to the eligibility of the applicant to lawfully possess or receive a firearm suppressor. A chief law enforcement officer shall not require access to or consent to inspect any private premises as a condition of providing a certification under this section.

5. A chief law enforcement officer and employees of the chief law enforcement officer who act in good faith are immune from liability arising from any act or omission in making a certification as required by this section.

**Sec. 3. NEW SECTION. 724.1B Firearm suppressors — penalty.**

1. A person shall not knowingly possess a firearm suppressor in this state in violation of federal law.

2. A person who possesses a firearm suppressor in violation of subsection 1 commits a class “D” felony.

**Sec. 4. EFFECTIVE UPON ENACTMENT.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 31, 2016

## CHAPTER 1045

EMERGENCY MANAGEMENT ORGANIZATION EMPLOYEES — POLITICAL ACTIVITIES

*H.F. 2353*

**AN ACT** removing prohibitions on emergency management organization employees from holding elective office.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 29C.16, Code 2016, is amended to read as follows:

**29C.16 Political activity prohibited.**

1. A person employed by any organization for emergency management established under this chapter shall not:

~~a. 1. During working hours or when performing official duties or when using public equipment or at any time on public property, take part in any way in soliciting any contribution for any political party or any person seeking political office. The provisions of this section do not preclude any employee from holding any nonpartisan elective office for which no pay is received or any office for which only token pay is received.~~

~~b. 2. Seek or attempt to use any political endorsement in connection with any appointment to a position created under this chapter.~~

~~c. 3. Use any official authority or influence for the purpose of interfering with an election or affecting the results thereof of an election.~~

~~2. Any employee of an organization for emergency management shall not become a candidate for any partisan elective office.~~

Approved March 31, 2016

## CHAPTER 1046

### CHILDREN CONCEIVED THROUGH SEXUAL ABUSE — TERMINATION OF PARENTAL RIGHTS

*H.F. 2386*

**AN ACT** relating to grounds for termination of parental rights of an individual relative to sexual abuse.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 232.116, subsection 1, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. *p.* The court finds there is clear and convincing evidence that the child was conceived as the result of sexual abuse as defined in section 709.1, and the biological parent against whom the sexual abuse was perpetrated requests termination of the parental rights of the biological parent who perpetrated the sexual abuse.

Sec. 2. Section 600A.8, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 11. The court finds there is clear and convincing evidence that the child was conceived as the result of sexual abuse as defined in section 709.1, and the biological parent against whom the sexual abuse was perpetrated requests termination of the parental rights of the biological parent who perpetrated the sexual abuse.

Approved March 31, 2016



**CHAPTER 1047**

## SCHOOL FINANCE — STATE PERCENT OF GROWTH

## S.F. 174

**AN ACT** establishing the state percent of growth and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 257.8, subsection 1, Code 2016, is amended to read as follows:

1. *State percent of growth.* ~~The state percent of growth for the budget year beginning July 1, 2013, is two percent.~~ The state percent of growth for the budget year beginning July 1, 2014, is four percent. The state percent of growth for the budget year beginning July 1, 2015, is one and twenty-five hundredths percent. The state percent of growth for the budget year beginning July 1, 2016, is two and twenty-five hundredths percent. The state percent of growth for each subsequent budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the state percent of growth for a budget year shall be the only subject matter of the bill which enacts the state percent of growth for a budget year.

Sec. 2. CODE SECTION 257.8 — IMPLEMENTATION. The requirement of section 257.8, subsection 1, regarding the enactment of bills establishing the regular program state percent of growth within thirty days of the submission in the year preceding the base year of the governor's budget does not apply to this Act.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 6, 2016

**CHAPTER 1048**

## SCHOOL FINANCE — CATEGORICAL STATE PERCENT OF GROWTH

## S.F. 175

**AN ACT** establishing the categorical state percent of growth and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 257.8, subsection 2, Code 2016, is amended to read as follows:

2. *Categorical state percent of growth.* ~~The categorical state percent of growth for the budget year beginning July 1, 2013, is two percent.~~ The categorical state percent of growth for the budget year beginning July 1, 2014, is four percent. The categorical state percent of growth for the budget year beginning July 1, 2015, is one and twenty-five hundredths percent. The categorical state percent of growth for the budget year beginning July 1, 2016, is two and twenty-five hundredths percent. The categorical state percent of growth for each budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the categorical state percent of growth for a budget year shall be the only subject matter of the bill which enacts the categorical state percent of growth for a budget year. The categorical state percent of growth may include state percents of growth for the teacher salary supplement, the professional development supplement, the early intervention supplement, and the teacher leadership supplement.

Sec. 2. CODE SECTION 257.8 — IMPLEMENTATION. The requirement of section 257.8, subsection 2, regarding the enactment of bills establishing the categorical state percent of growth within thirty days of the submission in the year preceding the base year of the governor's budget does not apply to this Act.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 6, 2016

## CHAPTER 1049

### PEACE OFFICER AND CORRECTIONS OFFICER ACTS OR OMISSIONS — REIMBURSEMENT OF CRIMINAL DEFENSE COSTS

S.F. 378

**AN ACT** relating to reimbursement of defense costs of peace officers and corrections officers.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### Section 1. NEW SECTION. **80F.2 Reimbursement of defense costs.**

1. If a peace officer, as defined in section 801.4, or a corrections officer is charged with the alleged commission of a public offense, based on acts or omissions within the scope of the officer's lawful duty or authority, and the charge is dismissed or the officer is acquitted of the charge, the presiding magistrate or judge shall enter judgment awarding reimbursement to the officer for any costs incurred in defending against the charge, including but not limited to a reasonable attorney fee, if the court finds the existence of any of the following grounds:

- a. The charge was without probable cause.
- b. The charge was filed for malicious purposes.
- c. The charge was unwarranted in consideration of all of the circumstances and matters of law attending the alleged offense.

2. The officer may apply for review of a failure or refusal to rule or an adverse ruling as to the existence of any of the above grounds. The application shall be to a district judge if the officer is seeking review of the act of a magistrate or district associate judge and the application shall be to a different district judge if review is sought of an act of a district judge.

Sec. 2. REPEAL. Section 80.37, Code 2015,<sup>1</sup> is repealed.

Approved April 6, 2016

## CHAPTER 1050

### SAC AND FOX INDIAN SETTLEMENT — CRIMINAL JURISDICTION

S.F. 2022

**AN ACT** relating to criminal jurisdiction on the Sac and Fox Indian settlement.

*Be It Enacted by the General Assembly of the State of Iowa:*

<sup>1</sup> See chapter 1138, §29 herein

Section 1. NEW SECTION. 1.15A **Criminal jurisdiction — Sac and Fox Indian settlement.**

Notwithstanding any other provision of law to the contrary, the state of Iowa tenders to the United States any and all criminal jurisdiction which the state of Iowa has over criminal offenses committed by or against Indians on the Sac and Fox Indian settlement in Tama, Iowa, and that as soon as the United States accepts and assumes such criminal jurisdiction previously conferred to the state of Iowa or reserved by the state of Iowa, all criminal jurisdiction on the part of the state of Iowa over criminal offenses committed by or against Indians on the Sac and Fox Indian settlement in Tama, Iowa, shall cease.

Approved April 6, 2016

## CHAPTER 1051

### VIOLATOR AND RESIDENTIAL FACILITIES

*S.F. 2059*

**AN ACT** relating to persons on probation, parole, or work release at the violator facility or a residential facility operated by the judicial district department of correctional services.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 904.207, Code 2016, is amended to read as follows:

**904.207 Violator facility.**

The director ~~shall~~ may establish a violator facility as a freestanding facility, or designate a portion of an existing correctional facility for the purpose. A violator facility is for the temporary confinement of offenders who have violated conditions of release under work release or parole as defined in section 906.1, or probation granted as a result of suspension of a sentence to the custody of the director of the department of corrections. ~~The~~ If a violator facility is established, the director shall adopt rules pursuant to chapter 17A, subject to the approval of the board, to implement this section.

Sec. 2. Section 905.11, Code 2016, is amended to read as follows:

**905.11 Residential facility residency — minimum.**

A person who is serving a sentence under section 902.12, the maximum term of which exceeds ten years, and who is released on parole or work release shall reside in a residential facility operated by the district department ~~for a period of not less than one year until such time as the district department recommends to the board of parole that the person may be supervised in the community rather than in a residential facility and the board of parole approves the recommendation.~~

Approved April 6, 2016

**CHAPTER 1052****DRUG PRESCRIBING AND DISPENSING — INFORMATION PROGRAM — ACCESS***S.F. 2102*

**AN ACT** relating to access to the information program for drug prescribing and dispensing administered by the board of pharmacy.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **NEW SECTION. 124.550 Definitions.**

For purposes of this division, unless the context otherwise requires:

1. “*Pharmacist*” means a practicing pharmacist who is actively engaged in and responsible for the pharmaceutical care of the patient about whom information is requested.

2. “*Prescribing practitioner*” means a practitioner who has prescribed or is contemplating the authorization of a prescription for the patient about whom information is requested.

Sec. 2. Section 124.551, Code 2016, is amended to read as follows:

**124.551 Information program for drug prescribing and dispensing.**

1. Contingent upon the receipt of funds pursuant to section 124.557 sufficient to carry out the purposes of this division, the board, in conjunction with the advisory council created in section 124.555, shall establish and maintain an information program for drug prescribing and dispensing.

2. The program shall collect from pharmacies dispensing information for controlled substances identified pursuant to section 124.554, subsection 1, paragraph “g”. The information collected shall be used by prescribing practitioners and pharmacists on a need-to-know basis for purposes of improving patient health care by facilitating early identification of patients who may be at risk for addiction, or who may be using, abusing, or diverting drugs for unlawful or otherwise unauthorized purposes at risk to themselves and others, or who may be appropriately using controlled substances lawfully prescribed for them but unknown to the practitioner. ~~For purposes of this division, “prescribing practitioner” means a practitioner who has prescribed or is contemplating the authorization of a prescription for the patient about whom information is requested, and “pharmacist” means a practicing pharmacist who is actively engaged in and responsible for the pharmaceutical care of the patient about whom information is requested.~~

3. The board shall implement technological improvements to facilitate secure access to the program through electronic health and pharmacy information systems. The board shall collect, store, and disseminate program information consistent with security criteria established by rule, including use of appropriate encryption or other industry-recognized security technology.

4. The board shall seek any federal waiver necessary to implement the provisions of the program.

Sec. 3. Section 124.553, subsection 1, Code 2016, is amended by adding the following new paragraph:

**NEW PARAGRAPH. e.** An institutional user established by the board to facilitate the secure access of a prescribing practitioner or pharmacist to the program through electronic health and pharmacy information systems.

Sec. 4. Section 124.553, subsection 2, Code 2016, is amended to read as follows:

2. The board shall maintain a record of each person that requests information from the program. Pursuant to rules adopted by the board and advisory council under section 124.554, the board may use the records to document and report statistical information, and may provide program information for statistical, public research, public policy, or educational purposes, after removing personal identifying information of a patient, prescribing practitioner, dispenser, or other person who is identified in the information.

**CHAPTER 1053**

## CRIMINAL HISTORY DATA ACCESS

## S.F. 2110

**AN ACT** relating to persons examining and obtaining their own criminal history data.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 692.5, Code 2016, is amended to read as follows:

**692.5 Right of notice, access and challenge.**

1. Any person or the person's attorney shall have the right to examine and obtain a copy of criminal history data filed with the department that refers to the person. The person or person's attorney shall ~~present or mail to the department written authorization and~~ provide the person's fingerprint identification to the department on a form and in a manner prescribed by the department. The department shall not copy the fingerprint identification and shall return or destroy the identification after the copy of the criminal history data is made. The department may prescribe reasonable hours and places of examination.

2. ~~Any~~ A person who files with the division a written statement to the effect that ~~a statement~~ information contained in the criminal history data ~~that refers to the person~~ is nonfactual, or ~~that information contained in the criminal history data~~ is not authorized by law to be kept, and requests a correction or elimination of ~~that the~~ the information that refers to ~~that the~~ the person shall be notified within twenty days by the division, in writing, of the division's decision or order regarding the correction or elimination. Judicial review of the actions of the division may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Immediately upon the filing of the petition for judicial review the court shall order the division to file with the court a certified copy of the criminal history data and in no other situation shall the division furnish an individual or the individual's attorney with a certified copy, except as provided by this chapter.

3. Upon the request of the petitioner, the record and evidence in a judicial review proceeding shall be closed to all but the court and its officers, and access thereto shall be refused unless otherwise ordered by the court. The clerk shall maintain a separate docket for such actions. A person, other than the petitioner, shall not permit a copy of any of the testimony or pleadings or the substance thereof to be made available to any person other than a party to the action or the party's attorney. Violation of this section shall be a public offense, punishable under section 692.7. The provisions of this section shall be the sole right of action against the department, its subdivisions, or employees regarding improper storage or release of criminal history data.

4. Whenever the division corrects or eliminates criminal history data as requested or as ordered by the court, the division shall advise ~~all agencies or individuals who have received the incorrect information~~ the federal bureau of investigation, if applicable, to correct ~~their~~ its files. ~~Upon application to the district court and service of notice on the commissioner of public safety, any individual may request and obtain a list of all persons and agencies who received criminal history data referring to the individual, unless good cause be shown why the individual should not receive the list.~~

Approved April 6, 2016

## CHAPTER 1054

### ADMINISTRATION OF OATHS OR ACKNOWLEDGEMENT OF SIGNATURES BY PEACE OFFICERS OR CERTIFIED LAW ENFORCEMENT OFFICERS

*S.F. 2111*

**AN ACT** providing that certain peace officers and law enforcement officials are not required to use a notarial stamp when administering oaths or acknowledging signatures.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 9B.17, subsection 2, Code 2016, is amended to read as follows:

2. a. This section does not apply to a judicial officer as defined in section 602.1101 performing a notarial act in accordance with state or federal authority. This section does not apply to a chief officer or a chief officer's designee certifying a peace officer's verification of a uniform citation and complaint pursuant to section 805.6, subsection 3. This section does not apply to a peace officer administering an oath or acknowledging a signature pursuant to section 80.9A, subsection 3, or to a certified law enforcement officer administering an oath or acknowledging a signature pursuant to section 817.3.

b. A judicial officer, chief officer, ~~or~~ chief officer's designee, peace officer, or certified law enforcement officer performing an act described in paragraph "a" is not required to acquire or use an official stamp in performing these acts that act.

Approved April 6, 2016

## CHAPTER 1055

### DISCLOSURE OF BEHAVIORAL HEALTH INFORMATION — PATIENT CARE COORDINATION

*S.F. 2144*

**AN ACT** relating to the disclosure of behavioral health information for the purpose of patient care coordination, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I

#### DISCLOSURE OF BEHAVIORAL HEALTH INFORMATION

Section 1. Section 125.37, subsection 3, Code 2016, is amended to read as follows:

3. Notwithstanding the provisions of subsection 1 ~~of this section~~, a patient's records may be disclosed to only under any of the following circumstances:

a. To medical personnel in a medical emergency with or without the patient's consent.

b. For purposes of care coordination as defined in section 135.154 if not otherwise restricted by federal law or regulation.

Sec. 2. Section 228.2, Code 2016, is amended to read as follows:

**228.2 Mental health information disclosure prohibited — exceptions — record of disclosure.**

1. Except as specifically authorized in subsection 4, section 228.3, 228.5, 228.6, 228.7, or 228.8, or for the purposes of care coordination as defined in section 135.154 if not otherwise restricted by federal law or regulation, a mental health professional, data collector, or employee or agent of a mental health professional, of a data collector, or of or for a mental health facility shall not disclose or permit the disclosure of mental health information.

2. *a.* Upon disclosure of mental health information pursuant to subsection 4, section 228.3, 228.5, 228.6, 228.7, or 228.8, or for the purposes of care coordination as defined in section 135.154 if not otherwise restricted by federal law or regulation, the person disclosing the mental health information shall enter a notation on and maintain the notation with the individual's record of mental health information, stating the date of the disclosure and the name of the recipient of mental health information.

*b.* The person disclosing the mental health information shall give the recipient of the information a statement which informs the recipient that disclosures may only be made pursuant to the written authorization of an individual or an individual's legal representative, or as otherwise provided in this chapter, that the unauthorized disclosure of mental health information is unlawful, and that civil damages and criminal penalties may be applicable to the unauthorized disclosure of mental health information.

3. A recipient of mental health information shall not disclose the information received, except as specifically authorized for initial disclosure in subsection 4, section 228.3, 228.5, 228.6, 228.7, or 228.8, or for the purposes of care coordination as defined in section 135.154 if not otherwise restricted by federal law or regulation.

~~4. However, mental~~ Mental health information may be transferred at any time to another facility, physician, or mental health professional in cases of a medical emergency or if the individual or the individual's legal representative requests the transfer in writing for the purposes of receipt of medical or mental health professional services, at which time the requirements of subsection 2 shall be followed.

Sec. 3. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

## DIVISION II CONDITIONAL ENACTMENT

Sec. 4. Section 125.37, subsection 3, Code 2016, as amended in this Act, is amended to read as follows:

3. Notwithstanding the provisions of subsection 1, a patient's records may be disclosed only under any of the following circumstances:

*a.* To medical personnel in a medical emergency with or without the patient's consent.

*b.* For purposes of care coordination as defined in section ~~135.154~~ 135D.2 if not otherwise restricted by federal law or regulation.

Sec. 5. Section 228.2, Code 2016, as amended in this Act, is amended to read as follows:

**228.2 Mental health information disclosure prohibited — exceptions — record of disclosure.**

1. Except as specifically authorized in subsection 4, section 228.3, 228.5, 228.6, 228.7, or 228.8, or for the purposes of care coordination as defined in section ~~135.154~~ 135D.2 if not otherwise restricted by federal law or regulation, a mental health professional, data collector, or employee or agent of a mental health professional, of a data collector, or of or for a mental health facility shall not disclose or permit the disclosure of mental health information.

2. *a.* Upon disclosure of mental health information pursuant to subsection 4, section 228.3, 228.5, 228.6, 228.7, or 228.8, or for the purposes of care coordination as defined in section ~~135.154~~ 135D.2 if not otherwise restricted by federal law or regulation, the person disclosing the mental health information shall enter a notation on and maintain the notation with the individual's record of mental health information, stating the date of the disclosure and the name of the recipient of mental health information.

*b.* The person disclosing the mental health information shall give the recipient of the information a statement which informs the recipient that disclosures may only be made pursuant to the written authorization of an individual or an individual's legal representative, or as otherwise provided in this chapter, that the unauthorized disclosure of mental health information is unlawful, and that civil damages and criminal penalties may be applicable to the unauthorized disclosure of mental health information.

3. A recipient of mental health information shall not disclose the information received, except as specifically authorized for initial disclosure in subsection 4, section 228.3, 228.5,

228.6, 228.7, or 228.8, or for the purposes of care coordination as defined in section ~~135-154~~ 135D.2 if not otherwise restricted by federal law or regulation.

4. Mental health information may be transferred at any time to another facility, physician, or mental health professional in cases of a medical emergency or if the individual or the individual's legal representative requests the transfer in writing for the purposes of receipt of medical or mental health professional services, at which time the requirements of subsection 2 shall be followed.

Sec. 6. EFFECTIVE DATE. This division of this Act takes effect upon the assumption of the administration and governance, including but not limited to the assumption of the assets and liabilities, of the Iowa health information network by the designated entity. The department of public health shall notify the Code editor of the date of such assumption by the designated entity.

Approved April 6, 2016

## CHAPTER 1056

### IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM — PROTECTION OCCUPATIONS — REGENTS INSTITUTION PEACE OFFICERS AND SEX OFFENDER PSYCHIATRIC SECURITY SPECIALISTS

*S.F. 2147*

**AN ACT** including certain board of regents institution peace officers and civil commitment unit for sex offenders employees in the protection occupation category of the Iowa public employees' retirement system.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 97B.49B, subsection 1, paragraph e, Code 2016, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (15) A peace officer employed by an institution under the control of the state board of regents whose position requires law enforcement certification pursuant to section 262.13.

NEW SUBPARAGRAPH. (16) A person employed by the department of human services as a psychiatric security specialist at a civil commitment unit for sexually violent offenders facility.

Approved April 6, 2016

## CHAPTER 1057

### DEPARTMENT OF INSPECTIONS AND APPEALS — ADMINISTRATIVE HEARINGS — ELECTRONIC FILING SYSTEM

*S.F. 2162*

**AN ACT** providing for the use of an electronic filing system for administrative proceedings by the administrative hearings division of the department of inspections and appeals.

*Be It Enacted by the General Assembly of the State of Iowa:*



Section 1. Section 10A.801, subsection 1, unnumbered paragraph 1, Code 2016, is amended to read as follows:

For purposes of this ~~section~~ article, unless the context otherwise requires:

Sec. 2. NEW SECTION. 10A.802 Administrative hearing electronic filing system — rules.

1. Notwithstanding section 10A.801, subsection 7, paragraph “b”, and section 554D.120, the division may adopt rules pursuant to this chapter and chapter 17A establishing an electronic filing system for contested case and other administrative proceedings conducted by the division and prescribing whether and to what extent the division will accept, process, distribute, and retain electronic records and electronic signatures from appellants, governmental agencies, and other persons with respect to such proceedings.

2. If the division adopts rules pursuant to subsection 1, the rules may include but are not limited to the following:

a. Defining terms.

b. The manner and format in which an electronic record is created, generated, sent, communicated, received, filed, recorded, and stored.

c. Establishing the electronic filing system to create, generate, send, communicate, receive, file, record, and store an electronic record.

d. How a traditional written signature will relate to an electronic signature.

e. The criteria establishing when an electronic document must be electronically signed.

f. The type of electronic signature required.

g. The manner and format in which an electronic signature is associated with an electronic record.

h. Who can create an electronic signature.

i. The criteria and procedures to follow when filing an electronic document, including who is allowed to file electronically, how notice is given, and electronic service of process.

j. Establishing processes and procedures to ensure adequate preservation, integrity, security, disposition, and audit worthiness of the electronic records.

k. Establishing the criteria for the retention of paper documents when deemed necessary to promote the integrity of electronic records.

l. Establishing the appropriate level of public access to differing classes of electronic records and other agency records to ensure the confidentiality of any records that are required by law to be confidential.

m. Establishing any other process or procedures attributable to creating, generating, communicating, storing, processing, and using electronic records and electronic signatures, and how these electronic records and electronic signatures will relate to nonelectronic agency records.

3. Rules adopted pursuant to this section shall provide for the division’s acceptance of the filing of paper documents.

4. Rules adopted pursuant to this section shall prevail over any other law, including chapter 17A, or agency rule that specifies the method, manner, or format for sending, receiving, serving, retaining, or creating paper records or other documents related to a contested case proceeding, including but not limited to a request or demand for a contested case proceeding, a notice of hearing, and a proposed or final decision. The division may limit the applicability and scope of any rules adopted pursuant to this section to one or more agencies or by specific case type for the purpose of testing and implementing an electronic filing system.

5. An electronic record that complies with the rules adopted under this section shall prevail over any law, including chapter 17A, that requires a written record, and an electronic signature that complies with the rules adopted under this section shall prevail over any law that requires a written signature. An electronic record or signature that complies with rules adopted under this section shall not be denied legal effect or enforceability based solely because of the record’s or signature’s electronic form. The determination of an electronic record’s or signature’s legal consequence is determined by this chapter, applicable law, and applicable division and agency rules.

6. Any electronic record, including but not limited to a recording or transcription of oral proceedings, maintained in an electronic filing system established by the division shall be the

official record of the contested case and maintenance of the record in the system shall satisfy the obligation of an agency to file and maintain any such record.

Approved April 6, 2016

## CHAPTER 1058

### PUBLIC INTOXICATION AND ALCOHOL CONSUMPTION OFFENSES — EXPUNGEMENT

*S.F. 2164*

**AN ACT** relating to the expungement of criminal offenses for alcohol consumption in public, public intoxication, simulated public intoxication, or similar local ordinances, or when a finding of contempt has been entered, and including applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 123.46, subsection 6, Code 2016, is amended to read as follows:

6. Upon the expiration of two years following conviction for a violation of this section and a violation of a local ordinance that arose from the same transaction or occurrence, a person may petition the court to expunge the conviction including the conviction for a violation of a local ordinance that arose from the same transaction or occurrence, and if the person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of chapter 321 during the two-year period, the conviction and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence shall be expunged as a matter of law. The court shall enter an order that the record of the conviction and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence be expunged by the clerk of the district court. Notwithstanding section 692.2, after receipt of notice from the clerk of the district court that a record of conviction and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence has been expunged, the record of conviction and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence shall be removed from the criminal history data files maintained by the department of public safety if such a record was maintained in the criminal history data files.

Sec. 2. Section 907.9, subsection 4, paragraphs d and e, Code 2016, are amended to read as follows:

d. A count or related charge that was dismissed shall not be expunged pursuant to paragraph “c” in any case in which a count or charge resulted in a conviction, not including a finding of contempt, that was not expunged.

e. The provisions of paragraph “c” apply whether the deferred judgment was expunged prior to July 1, 2012, or on or after July 1, 2012. The provisions of paragraph “d” apply whether the deferred judgment was expunged prior to the effective date of this Act, or on or after the effective date of this Act.

Sec. 3. **APPLICABILITY AND IMPLEMENTATION.** The judicial branch shall have until July 1, 2017, to implement the amendment to section 907.9 in this Act relating to the expungement of the court’s record of a dismissed count or related charge and a finding of contempt.

Approved April 6, 2016

**CHAPTER 1059****PUBLIC EMPLOYMENT RELATIONS BOARD ADMINISTRATIVE LAW JUDGES***S.F. 2194*

**AN ACT** concerning administrative law judges appointed or employed by the public employment relations board.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 8A.412, subsection 11, Code 2016, is amended to read as follows:

11. Professional employees under the supervision of the attorney general, the state public defender, the secretary of state, the auditor of state, the treasurer of state, and the public employment relations board. However, employees of the consumer advocate division of the department of justice, other than the consumer advocate, and administrative law judges appointed or employed by the public employment relations board are subject to the merit system.

Sec. 2. Section 8A.415, subsection 1, paragraph b, Code 2016, is amended to read as follows:

b. If not satisfied, the employee may, within thirty calendar days following the director's response, file an appeal with the public employment relations board. The hearing shall be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act, chapter 17A. Decisions rendered shall be based upon a standard of substantial compliance with this subchapter and the rules of the department. Decisions by the public employment relations board constitute final agency action. However, if the employee is an administrative law judge appointed or employed by the public employment relations board, the employee's appeal shall be heard by an administrative law judge employed by the administrative hearings division of the department of inspections and appeals in accordance with the provisions of section 10A.801, whose decision shall constitute final agency action.

Sec. 3. Section 8A.415, subsection 2, paragraph b, Code 2016, is amended to read as follows:

b. If not satisfied, the employee may, within thirty calendar days following the director's response, file an appeal with the public employment relations board. The employee has the right to a hearing closed to the public, unless a public hearing is requested by the employee. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act, chapter 17A. If the public employment relations board finds that the action taken by the appointing authority was for political, religious, racial, national origin, sex, age, or other reasons not constituting just cause, the employee may be reinstated without loss of pay or benefits for the elapsed period, or the public employment relations board may provide other appropriate remedies. Decisions by the public employment relations board constitute final agency action. However, if the employee is an administrative law judge appointed or employed by the public employment relations board, the employee's appeal shall be heard by an administrative law judge employed by the administrative hearings division of the department of inspections and appeals in accordance with the provisions of section 10A.801, whose decision shall constitute final agency action.

Approved April 6, 2016

**CHAPTER 1060**

## DISPENSING OF PRESCRIPTION DRUGS — ADDITIONAL QUANTITIES

## S.F. 2214

AN ACT relating to the dispensing of additional quantities of a prescription within the limitations of the prescription.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 155A.27, Code 2016, is amended to read as follows:

**155A.27 Requirements for prescription.**

1. To be valid, each prescription drug order issued or dispensed in this state must be based on a valid patient-practitioner relationship, and:

1. *a.* If written, electronic, or facsimile, shall contain:

*a.* (1) The date of issue.

*b.* (2) The name and address of the patient for whom, or the owner of the animal for which, the drug is dispensed.

*c.* (3) The name, strength, and quantity of the drug, medicine, or device prescribed.

*d.* (4) The directions for use of the drug, medicine, or device prescribed.

*e.* (5) The name, address, and written or electronic signature of the practitioner issuing the prescription.

*f.* (6) The federal drug enforcement administration number, if required under chapter 124.

2. *b.* If electronic:

*a.* (1) The practitioner shall ensure that the electronic system used to transmit the electronic prescription has adequate security and system safeguards designed to prevent and detect unauthorized access, modification, or manipulation of the prescription.

*b.* (2) The practitioner shall provide verbal verification of the electronic prescription upon the request of the pharmacy.

3. ~~*a.*~~ *c.* (1) If facsimile, in addition to the requirements of ~~subsection 1~~ paragraph "a", shall contain all of the following:

(1) (a) The identification number of the facsimile machine which is used to transmit the prescription.

(2) (b) The time and date of transmission of the prescription.

(3) (c) The name, address, telephone number, and facsimile number of the pharmacy to which the prescription is being transmitted.

*b.* (2) A practitioner shall provide verbal verification of the facsimile prescription upon the request of the pharmacy.

4. *d.* If oral, the practitioner issuing the prescription shall furnish the same information required for a written prescription, except for the written signature and address of the practitioner. Upon receipt of an oral prescription, the pharmacist shall promptly reduce the oral prescription to a written format by recording the information required in a written prescription.

2. This section shall not be interpreted to prohibit a pharmacist, in exercising the pharmacist's professional judgment, from dispensing, at one time, additional quantities of a prescription drug, with the exception of a prescription drug that is a controlled substance as defined in section 124.101, up to the total number of dosage units authorized by the prescriber on the original prescription and any refills of the prescription, not to exceed a ninety-day supply of the prescription drug as specified in the prescription.

Approved April 6, 2016

## CHAPTER 1061

### DRUG OVERDOSE VICTIMS — EMERGENCY TREATMENT — OPIOID ANTAGONISTS

S.F. 2218

**AN ACT** relating to the possession and administration of emergency drugs by first responders and other persons in a position to assist for purposes of treating drug overdose victims and including contingent implementation provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

**Section 1. NEW SECTION. 135.190 Possession and administration of opioid antagonists.**

1. For purposes of this section, unless the context otherwise requires: <sup>1</sup>

a. “*Opioid antagonist*” means the same as defined in section 147A.1.

b. “*Opioid-related overdose*” means the same as defined in section 147A.1.

c. “*Person in a position to assist*” means a family member, friend, caregiver, health care provider, employee of a substance abuse treatment facility, or other person who may be in a place to render aid to a person at risk of experiencing an opioid-related overdose. <sup>2</sup>

2. A person in a position to assist may possess and provide or administer an opioid antagonist to an individual if the person in a position to assist reasonably and in good faith believes that such individual is experiencing an opioid-related overdose.

3. A person in a position to assist <sup>3</sup> who has acted reasonably and in good faith shall not be liable for any injury arising from the provision, administration, or assistance in the administration of an opioid antagonist as provided in this section.

Sec. 2. Section 147A.1, Code 2016, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. “*First responder*” means an emergency medical care provider, a registered nurse staffing an authorized service program under section 147A.12, a physician assistant staffing an authorized service program under section 147A.13, a fire fighter, or a peace officer as defined in section 801.4 who is trained and authorized to administer an opioid antagonist.

NEW SUBSECTION. 6B. “*Licensed health care professional*” means the same as defined in section 280.16.

NEW SUBSECTION. 6C. “*Opioid antagonist*” means a drug that binds to opioid receptors and blocks or inhibits the effects of opioids acting on those receptors, including but not limited to naloxone hydrochloride or any other similarly acting drug approved by the United States food and drug administration.

NEW SUBSECTION. 6D. “*Opioid-related overdose*” means a condition affecting a person which may include extreme physical illness, a decreased level of consciousness, respiratory depression, a coma, or the ceasing of respiratory or circulatory function resulting from the consumption or use of an opioid, or another substance with which an opioid was combined.

**Sec. 3. NEW SECTION. 147A.18 Possession and administration of an opioid antagonist — immunity.**

1. Notwithstanding any other provision of law to the contrary, a licensed health care professional may prescribe an opioid antagonist in the name of a service program, law enforcement agency, or fire department to be maintained for use as provided in this section.

2. A service program, law enforcement agency, or fire department may obtain a prescription for and maintain a supply of opioid antagonists. A service program, law enforcement agency, or fire department that obtains such a prescription shall replace an opioid antagonist upon its use or expiration.

3. A first responder employed by a service program, law enforcement agency, or fire department that maintains a supply of opioid antagonists pursuant to this section may possess and provide or administer such an opioid antagonist to an individual if the first

<sup>1</sup> See chapter 1139, §68 herein

<sup>2</sup> See chapter 1139, §69 herein

<sup>3</sup> See chapter 1139, §70 herein

responder reasonably and in good faith believes that such individual is experiencing an opioid-related overdose.

4. The following persons, provided they have acted reasonably and in good faith, shall not be liable for any injury arising from the provision, administration, or assistance in the administration of an opioid antagonist as provided in this section:

a. A first responder who provides, administers, or assists in the administration of an opioid antagonist to an individual as provided in this section.

b. A service program, law enforcement agency, or fire department.

c. The prescriber of the opioid antagonist.

5. The department shall adopt rules pursuant to chapter 17A to implement and administer this section, including but not limited to standards and procedures for the prescription, distribution, storage, replacement, and administration of opioid antagonists, and for the training and authorization to be required for first responders to administer an opioid antagonist.<sup>4</sup>

Sec. 4. CONTINGENT IMPLEMENTATION. Implementation of the section of this Act enacting section 147A.18 is contingent upon the availability of funding.<sup>5 6</sup>

Approved April 6, 2016

## CHAPTER 1062

### CITY ELECTIONS — CANDIDATE FILINGS — CITY CLERK

*S.F. 2242*

**AN ACT** relating to the administration of city elections by permitting the county commissioner of elections to designate a city clerk to receive city candidate filings.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 376.4, subsections 1, 3, 4, 5, and 6, Code 2016, are amended to read as follows:

1. a. An eligible elector of a city may become a candidate for an elective city office by filing with the county commissioner of elections responsible under section 47.2 for conducting elections held for the city a valid petition requesting that the elector's name be placed on the ballot for that office, or by filing a valid petition with the designated city clerk. The petition must be filed not more than seventy-one days and not less than forty-seven days before the date of the election, and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election, but not less than ten persons. However, for those cities which may be required to hold a primary election, the petition must be filed not more than eighty-five days and not less than sixty-eight days before the date of the regular city election. Nomination petitions shall be filed not later than 5:00 p.m. on the last day for filing.

b. The petitioners for an individual seeking election from a ward must be residents of the ward at the time of signing the petition. An individual is not eligible for election from a ward unless the individual is a resident of the ward at the time the individual files the petition and at the time of election.

c. The county commissioner may designate the city clerk of a city to receive nomination papers for elective city offices. If so designated, the city clerk shall have all the duties of the county commissioner provided in this section.

<sup>4</sup> See chapter 1139, §71 herein

<sup>5</sup> See chapter 1139, §72 herein

<sup>6</sup> See chapter 1139, §73 herein

3. On the final date for filing nomination papers the office of the county commissioner and the office of the city clerk designated pursuant to subsection 1 shall remain open until 5:00 p.m.

4. The county commissioner or the city clerk designated pursuant to subsection 1 shall review each petition and affidavit of candidacy for completeness following the standards in section 45.5 and shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The county commissioner or the designated city clerk shall note upon each petition and affidavit accepted for filing the date and time that they were filed. The county commissioner or the designated city clerk shall return any rejected nomination papers to the person on whose behalf the nomination papers were filed.

5. Nomination papers filed with the county commissioner or the city clerk designated pursuant to subsection 1 shall be available for public inspection.

6. The city clerk shall deliver the text of any public measure being submitted by the city council to the electorate to the county commissioner of elections. If the county commissioner has designated the city clerk to receive nomination papers for elective city offices pursuant to subsection 1, the city clerk shall deliver the nomination papers accepted for filing to the county commissioner. The text of any public measure and nomination papers required to be delivered under this subsection shall be delivered no later than the day after the last day on which nomination petitions can be filed, and not later than 5:00 p.m. 12:00 noon on that day.

Approved April 6, 2016

## CHAPTER 1063

### CHILD WELFARE — INVESTIGATIONS, PLANNING, CUSTODY, PLACEMENT, AND PROGRAMMING — SEX TRAFFICKING VICTIMS

S.F. 2258

**AN ACT** concerning child welfare, including provisions relating to children under the custody, control, and supervision of the department of human services and provisions relating to children who are sex trafficking victims.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 232.2, subsection 4, unnumbered paragraph 1, Code 2016, is amended to read as follows:

“*Case permanency plan*” means the plan, mandated by Pub. L. No. 96-272 and Pub. L. No. 105-89, as codified in 42 U.S.C. §622(b)(10), 671(a)(16), and 675(1),(5), which is designed to achieve placement in the most appropriate, least restrictive, and most family-like setting available and in close proximity to the parent’s home, consistent with the best interests and special needs of the child, and which considers the placement’s proximity to the school in which the child is enrolled at the time of placement. The plan shall be developed by the department or agency involved and the child’s parent, guardian, or custodian. If the child is fourteen years of age or older, the plan shall be developed in consultation with the child and, at the option of the child, with up to two persons chosen by the child to be members of the child’s case planning team if such persons are not a foster parent of, or caseworker for, the child. The department may reject a person selected by a child to be a member of the child’s case planning team at any time if the department has good cause to believe that the person would not act in the best interests of the child. One person selected by a child to be a member of the child’s case planning team may be designated to be the child’s advisor or, if necessary, the child’s advocate with respect to the application of the reasonable and prudent parent standard. The plan shall specifically include all of the following:

Sec. 2. Section 232.2, subsection 4, paragraph f, Code 2016, is amended to read as follows:

f. (1) When a child is ~~sixteen~~ fourteen years of age or older, a written transition plan of services, supports, activities, and referrals to programs which, based upon an assessment of the child's needs, would assist the child in preparing for the transition from foster care to adulthood. The transition plan and needs assessment shall be developed with a focus on the services, other support, and actions necessary to facilitate the child's successful entry into adulthood. The transition plan shall be personalized at the direction of the child and shall be developed with the child present, honoring the goals and concerns of the child, and shall address the following areas of need ~~when the child becomes an adult~~ for the child's successful transition from foster care to adulthood, including but not limited to all of the following:

- (a) Education.
- (b) Employment services and other workforce support.
- (c) Health and health care coverage.
- (d) Housing and money management.
- (e) Relationships, including local opportunities to have a mentor.

(f) If the needs assessment indicates the child is reasonably likely to need or be eligible for services or other support from the adult service system upon reaching age eighteen, the transition plan shall provide for the child's application for adult services.

(2) The transition plan shall be considered a working document and shall be reviewed and updated ~~for each permanency hearing by the court or other formal case permanency plan review~~ during a periodic case review, which shall occur at a minimum of once every six months. The transition plan shall also be reviewed and updated during the ninety calendar-day period preceding the child's eighteenth birthday and during the ninety calendar-day period immediately preceding the date the child is expected to exit foster care, if the child remains in foster care after the child's eighteenth birthday. The transition plan may be reviewed and updated more frequently.

(3) The transition plan shall be developed and reviewed by the department in collaboration with a child-centered transition team. The transition team shall be comprised of the child's caseworker and persons selected by the child, persons who have knowledge of services available to the child, and any person who may reasonably be expected to be a service provider for the child when the child becomes an adult or to become responsible for the costs of services at that time. If the child is reasonably likely to need or be eligible for adult services, the transition team membership shall include representatives from the adult services system. ~~The adult services system representatives may include but are not limited to the administrator of county general relief under chapter 251 or 252 or the regional administrator of the county mental health and disability services region, as defined in section 331.388.~~ The membership of the transition team and the meeting dates for the team shall be documented in the transition plan.

(4) The final transition plan shall specifically identify how the need for housing will be addressed.

(5) If the child is interested in pursuing higher education, the transition plan shall provide for the child's participation in the college student aid commission's program of assistance in applying for federal and state aid under section 261.2.

(6) If the needs assessment indicates the child is reasonably likely to need or be eligible for services or other support from the adult service system upon reaching age eighteen, the transition plan shall be reviewed and approved by the transition committee for the area in which the child resides, in accordance with section 235.7, before the child reaches age seventeen and one-half. The transition committee's review and approval shall be indicated in the case permanency plan.

(7) Provision for the department or a designee of the department on or before the date the child reaches age eighteen, unless the child has been placed in foster care for less than thirty days, to provide to the child a certified copy of the child's birth certificate, ~~and to facilitate securing a federal social security card, and driver's license or government-issued nonoperator's identification card.~~ The fee for the certified copy of the child's birth certificate that is otherwise chargeable under section 144.13A, 144.46, or 331.605 shall be waived by the state or county registrar.



Sec. 3. Section 232.2, subsection 4, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. *n.* Any issues relating to the application of the reasonable and prudent parent standard and the child's participation in age or developmentally appropriate activities while in foster care.

Sec. 4. Section 232.2, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 45A. "*Reasonable and prudent parent standard*" means the same as defined in section 237.1.

Sec. 5. Section 232.58, subsection 3, paragraph d, subparagraph (4), Code 2016, is amended to read as follows:

(4) If the child is sixteen years of age or older and the department has documented to the court's satisfaction a compelling reason for determining that an order under the other subparagraphs of this paragraph "d" would not be in the child's best interest, order another planned permanent living arrangement for the child.

Sec. 6. Section 232.58, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. If the court enters an order for another planned permanent living arrangement pursuant to subsection 3, paragraph "d", the court shall do all of the following:

a. Ask the child about the child's desired permanency outcome and make a judicial determination that another planned permanent living arrangement is the best permanency plan for the child.

b. Require the department to do all of the following:

(1) Document the efforts to place a child permanently with a parent, relative, or in a guardianship or adoptive placement.

(2) Document that the planned permanent living arrangement is the best permanency plan for the child and compelling reasons why it is not in the child's best interest to be placed permanently with a parent, relative, or in a guardianship or adoptive placement.

(3) Document all of the following at the permanency hearing and the six-month periodic review:

(a) The steps the department is taking to ensure that the planned permanent living arrangement follows the reasonable and prudent parent standard.

(b) Whether the child has regular opportunities to engage in age-appropriate or developmentally appropriate activities.

Sec. 7. Section 232.68, subsection 2, paragraph a, subparagraph (3), Code 2016, is amended to read as follows:

(3) The commission of a sexual offense with or to a child pursuant to chapter 709, section 726.2, or section 728.12, subsection 1, as a result of the acts or omissions of the person responsible for the care of the child or of a person who resides in a home with the child. Notwithstanding section 702.5, the commission of a sexual offense under this subparagraph includes any sexual offense referred to in this subparagraph with or to a person under the age of eighteen years.

Sec. 8. Section 232.68, subsection 2, paragraph a, Code 2016, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (11) The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a child for the purpose of commercial sexual activity as defined in section 710A.1.

Sec. 9. Section 232.68, Code 2016, is amended by adding the following new subsections:

NEW SUBSECTION. 10. "*Sex trafficking*" means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of commercial sexual activity as defined in section 710A.1.

NEW SUBSECTION. 11. "*Sex trafficking victim*" means a victim of sex trafficking.

Sec. 10. Section 232.70, subsections 8 and 9, Code 2016, are amended to read as follows:

~~8. If a report would be determined to constitute an allegation of child abuse as defined under section 232.68, subsection 2, paragraph "a", subparagraph (3) or (5), except that the suspected abuse resulted from the acts or omissions of a person other than a person responsible for the care of the child, the department shall refer the report to the appropriate law enforcement agency having jurisdiction to investigate the allegation. The department shall refer the report orally as soon as practicable and in writing within seventy-two hours of receiving the report. Within twenty-four hours of receiving a report from a mandatory or permissive reporter, the department shall inform the reporter, orally or by other appropriate means, whether or not the department has commenced an assessment of the allegation in the report.~~

~~9. Within twenty-four hours of receiving a report from a mandatory or permissive reporter, the department shall inform the reporter, orally or by other appropriate means, whether or not the department has commenced an assessment of the allegation in the report. If a report would be determined to constitute an allegation of child abuse as defined under section 232.68, subsection 2, paragraph "a", subparagraph (3) or (5), except that the suspected abuse resulted from the acts or omissions of a person other than a person responsible for the care of the child, the department shall refer the report to the appropriate law enforcement agency having jurisdiction to investigate the allegation. The department shall refer the report orally as soon as practicable and in writing within seventy-two hours of receiving the report.~~

Sec. 11. Section 232.70, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 10. If the department has reasonable cause to believe that a child under the placement, care, or supervision of the department is, or is at risk of becoming, a sex trafficking victim, the department shall do all of the following:

- a. Identify the child as a sex trafficking victim or at risk of becoming a sex trafficking victim and include documentation in the child's department records.
- b. Refer the child for appropriate services.
- c. Refer the child identified as a sex trafficking victim, within twenty-four hours, to the appropriate law enforcement agency having jurisdiction to investigate the allegation.

Sec. 12. Section 232.71B, subsection 1, paragraph a, subparagraph (1), Code 2016, is amended to read as follows:

(1) Upon acceptance of a report of child abuse, the department shall commence a child abuse assessment when the report alleges child abuse as defined in section 232.68, subsection 2, paragraph "a", subparagraphs (1) through (3) and subparagraphs (5) through ~~(10)~~ (11), or which alleges child abuse as defined in section 232.68, subsection 2, paragraph "a", subparagraph (4), that also alleges imminent danger, death, or injury to a child.

Sec. 13. Section 232.71B, subsection 3, Code 2016, is amended to read as follows:

3. *Involvement of law enforcement.*

a. The department shall apply protocols, developed with the local child protection assistance team established pursuant to section 915.35, to prioritize the actions taken in response to a child abuse assessment and shall work jointly with child protection assistance teams and law enforcement agencies in performing assessment and investigative processes for child abuse assessments in which a criminal act harming a child is alleged. The county attorney and appropriate law enforcement agencies shall also take any other lawful action which may be necessary or advisable for the protection of the child.

b. If a report is determined not to constitute a child abuse allegation or if the child abuse report is accepted but assessed under the family assessment, but a criminal act harming a child is alleged, the department shall immediately refer the matter to the appropriate law enforcement agency.

c. If the department has reasonable cause to believe that a child under the placement, care, or supervision of the department is, or is at risk of becoming, a sex trafficking victim, the department shall do all of the following:

(1) Identify the child as a sex trafficking victim or at risk of becoming a sex trafficking victim and include documentation in the child's department records.

(2) Refer the child for appropriate services.

(3) Refer the child identified as a sex trafficking victim, within twenty-four hours, to the appropriate law enforcement agency having jurisdiction to investigate the allegation.

d. The department shall report a child under the placement, care, or supervision of the department who is reported as missing or abducted to law enforcement and to the national center for missing and exploited children within twenty-four hours of receipt of the report.

Sec. 14. Section 232.102, subsection 1, paragraph a, subparagraph (3), Code 2016, is amended to read as follows:

(3) The department of human services. If the child is placed in a juvenile shelter care home or with an individual or agency as defined in section 237.1, the department shall assign decision-making authority to the juvenile shelter care home, individual, or agency for the purpose of applying the reasonable and prudent parent standard during the child's placement.

Sec. 15. Section 232.102, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. A child placed in foster care may participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities subject to the approval of the child's foster parents or the appropriate licensed foster care facility staff. A court shall make a finding at all review hearings to address the child's participation in such activities and how barriers to participation are being addressed.

Sec. 16. Section 232.104, subsection 2, paragraph d, subparagraph (4), Code 2016, is amended to read as follows:

(4) If the child is sixteen years of age or older and the department has documented to the court's satisfaction a compelling reason for determining that an order under the other subparagraphs of this paragraph "d" would not be in the child's best interest, order another planned permanent living arrangement for the child.

Sec. 17. Section 232.104, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. If the court enters an order for another planned permanent living arrangement pursuant to subsection 2, paragraph "d", the court shall do all of the following:

a. Ask the child about the child's desired permanency outcome and make a judicial determination that another planned permanent living arrangement is the best permanency plan for the child.

b. Require the department to do all of the following:

(1) Document the efforts to place a child permanently with a parent, relative, or in a guardianship or adoptive placement.

(2) Document that the planned permanent living arrangement is the best permanency plan for the child and compelling reasons why it is not in the child's best interest to be placed permanently with a parent, relative, or in a guardianship or adoptive placement.

(3) Document all of the following at the permanency hearing and the six-month periodic review:

(a) The steps the department is taking to ensure that the planned permanent living arrangement follows the reasonable and prudent parent standard.

(b) Whether the child has regular opportunities to engage in age-appropriate or developmentally appropriate activities.

Sec. 18. Section 232.127, subsection 10, Code 2016, is amended to read as follows:

10. If the child is ~~sixteen~~ fourteen years of age or older and an order for an out-of-home placement is entered, the order shall specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the child has a case permanency plan, the court shall consider the written transition plan of services and needs assessment developed for the child's case permanency plan. If the child does not have a case permanency plan containing the transition plan and needs assessment at the time the order is entered, the written transition plan and needs assessment shall be developed and submitted for the court's consideration no later than six months from the date of the transfer order. The court shall modify the initial transfer order as necessary to specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the transition plan

identifies services or other support needed to assist the child ~~when the child becomes an adult~~ in transitioning from foster care to adulthood and the court deems it to be beneficial to the child, the court may authorize the individual who is the child's guardian ad litem or court appointed special advocate to continue a relationship with and provide advice to the child for a period of time beyond the child's eighteenth birthday.

Sec. 19. Section 232.183, subsection 5, paragraph d, Code 2016, is amended to read as follows:

d. If the child is ~~sixteen~~ fourteen years of age or older, the order shall specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the child has a case permanency plan, the court shall consider the written transition plan of services and needs assessment developed for the child's case permanency plan. If the child does not have a case permanency plan containing the transition plan and needs assessment at the time the order is entered, the transition plan and needs assessment shall be developed and submitted for the court's consideration no later than six months from the date of the transfer order. The court shall modify the initial transfer order as necessary to specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the transition plan identifies services or other support needed to assist the child ~~when the child becomes an adult~~ in transitioning from foster care to adulthood and the court deems it to be beneficial to the child, the court may authorize the individual who is the child's guardian ad litem or court appointed special advocate to continue a relationship with and provide advice to the child for a period of time beyond the child's eighteenth birthday.

Sec. 20. Section 237.1, Code 2016, is amended by adding the following new subsection:

**NEW SUBSECTION. 9.** "*Reasonable and prudent parent standard*" means the standard characterized by careful and sensible parenting decisions that maintain the health, safety, and best interests of a child, while at the same time encouraging the emotional and developmental growth of a child, that a caregiver shall use when determining whether to allow a child in foster care under the placement, care, or supervision of the department to participate in extracurricular, enrichment, cultural, or social activities. For the purposes of this subsection, "*caregiver*" means an individual or an agency licensed under this chapter with which a child in foster care has been placed or a juvenile shelter care home approved under chapter 232 in which a child in foster care has been placed.

Sec. 21. **NEW SECTION. 237.14A Reasonable and prudent parent standard — immunity from liability.**

The department, or any individual, agency, or juvenile shelter care home that applies the reasonable and prudent parent standard reasonably and in good faith in regard to a child in foster care shall have immunity from civil or criminal liability which might otherwise be incurred or imposed. This section shall not remove or limit any existing liability protection afforded under any other law.

Sec. 22. **DRUG ENDANGERED CHILDREN WORKGROUP.**

1. The governor's office of drug control policy shall convene a stakeholder workgroup to meet during the 2016 legislative interim to examine issues and develop policy recommendations relating to the protection and safety of drug endangered children for purposes of child in need of assistance and child abuse proceedings. The workgroup shall request relevant data and outcome measures relating to drug endangered children from workgroup member organizations and from state departments and agencies, including but not limited to the departments of human services and public safety, the juvenile court, the judicial branch, and other appropriate organizations. The workgroup shall comprehensively review and analyze such information and propose a statutory definition of a drug endangered child for purposes of child in need of assistance and child abuse proceedings.

2. The workgroup shall be composed of all of the following members:

a. Four members of the general assembly appointed to serve in an ex officio, nonvoting capacity. The legislative members shall be selected, one member each, by the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives.

- b. Fifteen voting members to include all of the following:
- (1) One representative from each of the following:
    - (a) The division of criminal and juvenile justice planning in the department of human rights.
    - (b) The department of human services.
    - (c) The child advocacy board.
    - (d) The department of justice.
    - (e) The judicial branch.
    - (f) The governor's office of drug control policy.
    - (g) The Iowa alliance for drug endangered children.
    - (h) The Iowa county attorneys association.
    - (i) The Iowa state sheriffs' and deputies' association.
    - (j) A child welfare service provider group.
    - (k) A health care provider group.
    - (l) A mental health care provider group.
    - (m) A substance abuse provider group.
    - (n) A peace officer group.
    - (2) A child abuse prevention advocate.
  3. The workgroup shall meet up to two times during the 2016 legislative interim and shall submit findings and recommendations in a report to the general assembly by December 15, 2016.
  4. If possible, workgroup members and workgroup member organizations shall pay any costs incurred by members in attending workgroup meetings. The governor's office of drug control policy shall not be responsible for payment of per diem and other expenses of workgroup members but may pay any additional costs associated with the workgroup, not to exceed one thousand dollars, from the operating budget of the office.

Approved April 6, 2016

**CHAPTER 1064**  
LAND SURVEYING STANDARDS  
*S.F. 2276*

**AN ACT** relating to the standards for land surveying, including requirements for recorded document formatting, monument preservation certificates, and retracement plats of survey.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 331.606B, Code 2016, is amended by adding the following new subsection:

**NEW SUBSECTION.** 3A. *a.* Each document or certificate prepared by a licensed professional land surveyor and presented for recording, including a plat of survey or a drawing related to a plat of survey, shall contain an index legend. However, this requirement shall not apply to a United States public land survey corner certificate described in section 355.11.

*b.* Each document or certificate prepared by a licensed professional land surveyor and presented for recording, including a plat of survey or a drawing related to a plat of survey, shall include a blank rectangular space three and three-fourth inches in width and two and one-half inches in height reserved and delineated for the county recorder's use, unless the document is attached to a cover sheet approved by the governing board of the county land record information system.

Sec. 2. Section 355.1, Code 2016, is amended by adding the following new subsections:

**NEW SUBSECTION. 9A.** “*Public improvement project*” means a project relating to the construction of the principal structures, works, component parts, and accessories of any of the following:

- a. Underground gas, water, heating, sewer, telecommunications, and electrical connections located in streets for private property.
- b. Sanitary, storm, and combined sewers.
- c. Waterworks, water mains, and extensions.
- d. Emergency warning systems.
- e. Pedestrian underpasses or overpasses.
- f. Drainage conduits, dikes, and levees for flood protection.
- g. Public waterways, docks, and wharfs.
- h. Public parks, playgrounds, and recreational facilities.
- i. Clearing, stripping, grubbing, earthwork, erosion control, lot grading, street grading, paving, graveling, macadamizing, curbing, guttering, and surfacing with oil and gravel or chloride.
- j. Street lighting fixtures, connections, and facilities.
- k. Sewage pumping stations.
- l. Traffic control devices, fixtures, connections, and facilities.
- m. Public roads, streets, and alleys.

**NEW SUBSECTION. 9B.** “*Retracement plat of survey*” means a graphical representation of a survey of one or more parcels or tracts of land prepared by a licensed professional land surveyor and described by an existing recorded property description used for the transfer of land.

Sec. 3. **NEW SECTION. 355.6A Monument preservation certificate.**

1. If during the construction of a public improvement project the governmental entity or other organization responsible for the public improvement project determines that a monument is likely to be disturbed or removed, the entity or organization shall hire or cause to be hired a surveyor to locate and preserve, in the manner provided in this section, the monuments likely to be disturbed or removed. However, any United States public land survey corner monuments that are within the construction corridor of a public improvement project shall be preserved and replaced pursuant to section 355.11.

2. a. The surveyor shall review all relevant documents of record, including those retained by federal, state, county, and city offices, necessary for locating the monuments likely to be disturbed or removed. The surveyor shall also conduct a field survey of the construction corridor to locate such monuments and preserve their positions and, if applicable, their elevations.

b. Following the completion of the public improvement project, the surveyor shall replace any monument disturbed or removed at its preserved position pursuant to section 355.6, subsection 1. Elevation shall be preserved, if applicable, by using appropriate survey methods to determine a relative elevation on a nearby physical structure.

c. If the replacement of a monument at the preserved location is unsafe or impractical, the surveyor may, in lieu of establishing a reference monument, use a federal, state, county, or city geographic coordinate system to preserve the position.

3. The surveyor shall prepare a monument preservation certificate to record and identify a monument location preserved under this section. Multiple monuments preserved for the same public improvement project may be identified on a single certificate. The size of each sheet making up the certificate shall not be less than eight and one-half inches by eleven inches. The monument preservation certificate shall include, at a minimum, the following information:

a. A description of the public improvement project and the jurisdiction or organization under which the certificate was prepared.

b. A description of the land on which the monument is located within, including the section number, township, range, county, quarter section description, and official plat name, if applicable.

c. A description of the monument prior to being disturbed or removed, including but not limited to its size, shape, material, and color. However, the surveyor shall not be required to state the significance of any such monument.

d. A description of the procedure used to preserve the position of the monument. When a federal, state, county, or city geographic coordinate system is used to preserve the position of the monument, such description shall include a coordinate listing and elevation, if applicable, of all coordinate system access monuments used and the official name of the system, along with the geographic datum to which the coordinate system is referenced.

e. A description of the replacement monument after being preserved, including but not limited to its size, shape, material, and color. However, the surveyor shall not be required to state the significance of any such replacement monument.

f. Where the elevation of a monument is preserved, a description of the monument prior to and after replacement, including the relative elevation and a minimum of three reference ties.

g. A plan-view site drawing depicting the monument with reference to the physical surroundings and natural or man-made objects in sufficient detail to facilitate the preservation of the monument, including project control, nearby monuments, street or highway centerlines, project corridor right-of-way lines, trees, fences, or structures.

h. A statement by the surveyor certifying that the work was performed by the surveyor or under the surveyor's direct personal supervision, which shall be signed and dated by the surveyor and bear the surveyor's Iowa license number and legible seal.

4. a. The monument preservation certificate shall be filed with the county recorder pursuant to section 331.606B, subsection 4, no later than thirty days after the certificate is signed by the surveyor.

b. The county recorder shall index the monument preservation certificate according to the township, range, section number, and quarter section on which the monument is located within. If the monument is located within an official plat, the county recorder shall index the certificate alphabetically by the official plat name.

c. The index legend affixed to such certificate shall include the following information:

(1) The surveyor's name, mailing address, and other contact information.

(2) The name of the governmental entity or other organization under which the surveyor provided the professional service.

(3) The aliquot part or parts of the United States public land survey system or portion of official plat that the monument is located within.

(4) The name of the governmental entity or other organization requesting the monument preservation certificate pursuant to this section.

(5) Information necessary for the county recorder to return the certificate.

5. a. A monument preservation certificate shall not be prepared in lieu of a plat of survey or acquisition plat where a true land boundary survey is required.

b. A monument preservation certificate shall not be prepared for the identification or establishment of survey corners or right-of-way corners.

c. The surveyor preparing a monument preservation certificate shall be liable only for the accuracy or placement of the replacement monument and not for the accuracy or placement of the original monument.

#### Sec. 4. NEW SECTION. 355.7A **Retracement plats of survey.**

A retracement plat of survey shall be made, showing information developed by the survey, for each land survey performed for the purpose of surveying an existing recorded description of one or more parcels or tracts of land and shall not be used for the division of land. Each retracement plat of survey shall conform to the following provisions:

1. The original plat drawing shall remain the property of the surveyor.

2. The size of each plat sheet shall not be less than eight and one-half inches by eleven inches.

3. The scale of the plat drawing shall be clearly stated and graphically illustrated by a bar scale on every plat sheet.

4. An arrow indicating the northern direction shall be shown on each plat sheet.

5. The plat shall show that the survey is a correct representation of the recorded description of the parcel or tract. The plat shall show, clearly and unequivocally, the method used by the land surveyor to locate the recorded description of land.

6. *a.* The plat shall show the lengths and bearings of the boundaries of the parcels surveyed. The course of each boundary line shown on the plat may be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line or an offset line having a shown course. The bearings shall be referenced to a United States public land survey system land line or recorded subdivision line. If the boundary lines show bearings, lengths, or locations which vary from those recorded in deeds, abutting plats, or other instruments of record, the following note shall be placed along the lines:

Recorded as (show recorded bearing, length, or location).

*b.* Bearings and angles shown shall be given to at least the nearest minute of arc.

7. The plat shall show and identify all monuments necessary for the location of the parcel and shall indicate whether the monuments were found or placed.

8. If United States public land survey system corners control the land description, the corners shall be clearly identified on the plat including a description of the monumentation and shall indicate whether the monuments were found or placed.

9. Control monuments shall be adequately described and clearly identified on the plat and noted as found or placed.

10. Distance shall be shown in decimal feet in accordance with the definition of the U.S. survey foot. Distance measurements shall refer to the horizontal plane.

11. Curve data shall be stated in terms of radius, central angle, and length of curve, and as otherwise specified by local ordinance. In all cases, the curve data must be shown for the line affected.

12. The unadjusted error of closure shall not be greater than one in five thousand for an individual parcel.

13. If any part of the surveyed land is bounded by an irregular line, that part shall be enclosed by a meander line or an offset line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary, and shown with as much certainty as can be determined or as "more or less", if variable. In all cases, the true boundary shall be clearly indicated on the plat.

14. The acreage shall be shown for each parcel or tract included in a retracement plat of survey to the nearest one-hundredth acre. If a parcel or tract described as part of the United States public land survey system and not entirely within an official plat lies within more than one forty-acre aliquot part of a section, the acreage shall be shown only for assessment and taxation purposes for each portion of the parcel that lies within each forty-acre aliquot part. The surveyor shall not be required to establish the location of the forty-acre aliquot line by survey but is required to use reasonable assumptions in determining its approximate location for assessment and taxation purposes. If appropriate, areas of parcels or tracts of less than one acre may be expressed in square feet to the nearest ten square feet.

15. The plat shall be captioned to show the date of the survey, and shall be accompanied by a description of the parcel.

16. The plat shall contain a statement by a surveyor that the work was done and the plat was prepared by the surveyor or under the surveyor's direct personal supervision, shall be signed and dated by the surveyor, and shall bear the surveyor's Iowa license number and legible seal.

Sec. 5. Section 355.10, subsection 1, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* To retrace an existing recorded description of a parcel or tract of land.



**CHAPTER 1065****ECONOMIC DEVELOPMENT — HIGH QUALITY JOBS PROGRAM — RENEWABLE  
CHEMICAL PRODUCTION TAX CREDITS***S.F. 2300*

**AN ACT** relating to the administration of programs by the economic development authority by creating a renewable chemical production tax credit program, modifying the high quality jobs program, and including effective date and other applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

**DIVISION I  
HIGH QUALITY JOBS PROGRAM**

Section 1. Section 15.119, subsection 2, paragraph a, Code 2016, is amended to read as follows:

a. (1) The high quality job-creation jobs program administered pursuant to sections 15.326 through 15.336.

(2) In allocating tax credits pursuant to this subsection for each fiscal year of the fiscal period beginning July 1, 2016, and ending June 30, 2021, the authority shall not allocate more than one hundred five million dollars for purposes of this paragraph. This subparagraph (2) is repealed July 1, 2021.

(3) (a) In allocating tax credits pursuant to this subsection for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the authority shall not allocate more than one hundred five million dollars for purposes of this paragraph if the aggregate amount of renewable chemical production tax credits under section 15.319 that were awarded on or after July 1, 2018, but before July 1, 2021, equals or exceeds twenty-seven million dollars.

(b) As soon as practicable after June 30, 2021, the authority shall notify the general assembly of the aggregate amount of renewable chemical production tax credits awarded under section 15.319 on or after July 1, 2018, but before July 1, 2021, and whether or not the tax credit allocation limitation described in subparagraph division (a) is applicable.

(c) This subparagraph (3) is repealed July 1, 2022.

**DIVISION II  
RENEWABLE CHEMICAL PRODUCTION TAX CREDIT PROGRAM**

Sec. 2. Section 2.48, subsection 3, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. In 2022, the renewable chemical production tax credit program available under sections 15.315 through 15.322.

Sec. 3. Section 15.119, subsection 2, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. The renewable chemical production tax credit program administered pursuant to sections 15.315 through 15.322. In allocating tax credits pursuant to this subsection, the authority shall not allocate more than ten million dollars for purposes of this paragraph. This paragraph is repealed July 1, 2030.

Sec. 4. NEW SECTION. 15.315 Short title.

This part shall be known and may be cited as the “Renewable Chemical Production Tax Credit Program”.

Sec. 5. NEW SECTION. 15.316 Definitions.

As used in this part, unless the context otherwise requires:

1. “*Biobased content percentage*” means, with respect to any renewable chemical, the amount, expressed as a percentage, of renewable organic material present as determined by testing representative samples using the American society for testing and materials standard D6866.

2. “*Biomass feedstock*” means sugar, polysaccharide, crude glycerin, lignin, fat, grease, or oil derived from a plant or animal, or a protein capable of being converted to a building block chemical by means of a biological or chemical conversion process.

3. “*Building block chemical*” means a molecule converted from biomass feedstock as a first product or a secondarily derived product that can be further refined into a higher-value chemical, material, or consumer product. “*Building block chemical*” includes but is not limited to high-purity glycerol, oleic acid, lauric acid, methanoic or formic acid, arabonic acid, erythronic acid, glyceric acid, glycolic acid, lactic acid, 3-hydroxypropionate, propionic acid, malonic acid, serine, succinic acid, fumaric acid, malic acid, aspartic acid, 3-hydroxybutyrolactone, acetoin, threonine, itaconic acid, furfural, levulinic acid, glutamic acid, xylonic acid, xylaric acid, xylitol, arabitol, citric acid, aconitic acid, 5-hydroxymethylfurfural, lysine, gluconic acid, glucaric acid, sorbitol, gallic acid, ferulic acid,<sup>1</sup> nonfuel butanol, nonfuel ethanol, or such additional molecules as may be included by the authority by rule after consultation with appropriate experts from Iowa state university, including but not limited to the Iowa state university center for biorenewable chemicals.

4. “*Crude glycerin*” means glycerin with a purity level below ninety-five percent.

5. “*Eligible business*” means a business meeting the requirements of section 15.317.

6. “*Food additive*” means a building block chemical that is not primarily consumed as food but which, when combined with other components, improves the taste, appearance, odor, texture, or nutritional content of food. The authority, in its discretion, shall determine whether or not a building block chemical is primarily consumed as food.

7. “*High-purity glycerol*” means glycerol with a purity level of ninety-five percent or higher.

8. “*Pre-eligibility production threshold*” means, with respect to each eligible business, the number of pounds of renewable chemicals produced, if any, by an eligible business during the calendar year prior to the calendar year in which the business first qualified as an eligible business pursuant to section 15.317.

9. “*Program*” means the renewable chemical production tax credit program administered pursuant to this part.

10. “*Renewable chemical*” means a building block chemical with a biobased content percentage of at least fifty percent. “*Renewable chemical*” does not include a chemical sold or used for the production of food, feed, or fuel. “*Renewable chemical*” includes cellulosic ethanol, starch ethanol, or other ethanol derived from biomass feedstock, fatty acid methyl esters, or butanol, but only to the extent that such molecules are produced and sold for uses other than food, feed, or fuel. “*Renewable chemical*” also includes a building block chemical that can be a food additive as long as the building block chemical is not primarily consumed as food and is also sold for uses other than food. “*Renewable chemical*” also includes supplements, vitamins, nutraceuticals, and pharmaceuticals, but only to the extent that such molecules do not provide caloric value so as to be considered sustenance as food or feed.

11. “*Sugar*” means the organic compound glucose, fructose, xylose, arabinose, lactose, sucrose, starch, cellulose, or hemicellulose.

#### Sec. 6. **NEW SECTION. 15.317 Eligibility requirements.**

To be eligible to receive the renewable chemical production tax credit pursuant to the program, a business shall meet all of the following requirements:

1. The business is physically located in this state.
2. The business is operated for profit and under single management.
3. The business is not an entity providing professional services, health care services, or medical treatments or an entity engaged primarily in retail operations.
4. The business organized, expanded, or located in the state on or after the effective date of this division of this Act.
5. The business shall not be relocating or reducing operations as described in section 15.329, subsection 1, paragraph “b”, and as determined under the discretion of the authority.
6. The business is in compliance with all agreements entered into under this program or other programs administered by the authority.

<sup>1</sup> See chapter 1135, §16 herein

Sec. 7. NEW SECTION. 15.318 **Eligible business application and agreement — maximum tax credits.**

1. *Application.*

a. An eligible business that produces a renewable chemical in this state from biomass feedstock during a calendar year may apply to the authority for the renewable chemical production tax credit provided in section 15.319.

b. The application shall be made to the authority in the manner prescribed by the authority.

c. The application shall be made during the calendar year following the calendar year in which the renewable chemicals are produced.

d. The authority may accept applications on a continuous basis or may establish, by rule, an annual application deadline.

e. The application shall include all of the following information:

(1) The amount of renewable chemicals produced in the state from biomass feedstock by the eligible business during the calendar year, measured in pounds.

(2) Any other information reasonably required by the authority in order to establish and verify eligibility under the program.

2. *Agreement and fees.*

a. Before being issued a tax credit under section 15.319, an eligible business shall enter into an agreement with the authority for the successful completion of all requirements of the program. As part of the agreement, the eligible business shall agree to collect and provide any information reasonably required by the authority in order to allow the board to fulfill its reporting obligation under section 15.320.

b. The compliance cost fees authorized in section 15.330, subsection 12, shall apply to all agreements entered into under this program and shall be collected by the authority in the same manner and to the same extent as described in that subsection.

c. An eligible business shall fulfill all the requirements of the program and the agreement before receiving a tax credit or entering into a subsequent agreement under this section. The authority may decline to enter into a subsequent agreement under this section or issue a tax credit if an agreement is not successfully fulfilled.

d. Upon establishing that all requirements of the program and the agreement have been fulfilled, the authority shall issue a tax credit and related tax credit certificate to the eligible business stating the amount of renewable chemical production tax credit the eligible business may claim.

3. *Maximum tax credit amount.*

a. The maximum amount of tax credit that may be issued under section 15.319 to an eligible business for the production of renewable chemicals in a calendar year shall not exceed the following:

(1) In the case of an eligible business that has been in operation in the state for five years or less at the time of application, one million dollars.

(2) In the case of an eligible business that has been in operation in the state for more than five years at the time of application, five hundred thousand dollars.

b. An eligible business shall not receive a tax credit for renewable chemicals produced before the date the business first qualified as an eligible business pursuant to section 15.317.

c. An eligible business shall only receive a tax credit for renewable chemicals produced in a calendar year to the extent such production exceeds the eligible business's pre-eligibility production threshold.

d. An eligible business shall not receive more than five tax credits under the program.

e. The authority shall issue tax credits under the program on a first-come, first-served basis until the maximum amount of tax credits allocated pursuant to section 15.119, subsection 2, paragraph "h", is reached. The authority shall maintain a list of successful applicants under the program, so that if the maximum aggregate amount of tax credits is reached in a given fiscal year, eligible businesses that successfully applied but for which tax credits were not issued shall be placed on a wait list in the order the eligible businesses applied and shall be given priority for receiving tax credits in succeeding fiscal years. Placement on a wait list pursuant to this paragraph shall not constitute a promise binding the state. The availability of a tax credit and issuance of a tax credit certificate pursuant to this subsection in a future fiscal year is contingent upon the availability of tax credits in that particular fiscal year.

4. *Termination and repayment.* The failure by an eligible business in fulfilling any requirement of the program or any of the terms and obligations of an agreement entered into pursuant to this section may result in the reduction, termination, or rescission of the tax credits under section 15.319 and may subject the eligible business to the repayment or recapture of tax credits claimed. The repayment or recapture of tax credits pursuant to this subsection shall be accomplished in the same manner as provided in section 15.330, subsection 2.

5. *Confidentiality.*

a. Except as provided in paragraph “b”, any information or record in the possession of the authority with respect to the program shall be presumed by the authority to be a trade secret protected under chapter 550 or common law and shall be kept confidential by the authority unless otherwise ordered by a court.

b. The identity of a tax credit recipient and the amount of the tax credit shall be considered public information under chapter 22.

**Sec. 8. NEW SECTION. 15.319 Renewable chemical production tax credit.**

1. An eligible business that has entered into an agreement pursuant to section 15.318 may claim a tax credit in an amount equal to the product of five cents multiplied by the number of pounds of renewable chemicals produced in this state from biomass feedstock by the eligible business during the calendar year in excess of the eligible business’s pre-eligibility production threshold. However, an eligible business shall not receive a tax credit for the production of a secondarily derived building block chemical if that chemical is also the subject of a credit at the time of production as a first product. The renewable chemical production tax credit shall not be available for any renewable chemical produced before the 2017 calendar year or after the 2026 calendar year.

2. The tax credit shall be allowed against taxes imposed under chapter 422, division II or III.

3. The tax credit shall be claimed for the tax year during which the eligible business was issued the tax credit.

4. An individual may claim a tax credit under this section of a partnership, limited liability company, S corporation, cooperative organized under chapter 501 and filing as a partnership for federal tax purposes, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual’s earnings from the partnership, limited liability company, S corporation, cooperative, estate, or trust.

5. Any tax credit in excess of the tax liability is refundable. In lieu of claiming a refund, the taxpayer may elect to have the overpayment shown on the taxpayer’s final, completed return credited to the tax liability for the following tax year.

6. a. To claim a tax credit under this section, a taxpayer shall include one or more tax credit certificates with the taxpayer’s tax return.

b. The tax credit certificate shall contain the taxpayer’s name, address, tax identification number, the amount of the credit, the name of the eligible business, and any other information required by the department of revenue.

c. The tax credit certificate, unless rescinded by the authority, shall be accepted by the department of revenue as payment for taxes imposed pursuant to chapter 422, divisions II and III, subject to any conditions or restrictions placed by the authority upon the face of the tax credit certificate and subject to the limitations of the program.

d. Tax credit certificates issued pursuant to this section shall not be transferred to any other person.

**Sec. 9. NEW SECTION. 15.320 Reports to general assembly.**

1. For purposes of this section, “*successful tax credit applicant*” includes, with respect to each calendar year, an eligible business that was issued a tax credit for production of renewable chemicals during that calendar year, and an eligible business that successfully applied for a tax credit for the production of renewable chemicals during that calendar year, but was not issued a tax credit and was instead placed on a wait list pursuant to section 15.318, subsection 3, paragraph “e”.

2. By January 31, 2019, and by the same date each year thereafter, the board, in cooperation with the department of revenue, shall submit to the general assembly and the governor a

report describing the activities of the program for the most recent calendar year for which the tax credit application period has ended pursuant to section 15.318, subsection 1, paragraph "c". The report shall at a minimum include the following information:

a. The aggregate number of pounds, and a list of each type, of renewable chemicals produced in Iowa by all successful tax credit applicants during the calendar year prior to the calendar year for which the successful applicants first applied for a tax credit under the program.

b. The aggregate number of pounds, and a list of each type, of renewable chemicals produced in Iowa by all successful tax credit applicants during each calendar year.

c. The aggregate sales of all renewable chemicals produced by all successful tax credit applicants in each calendar year for which there are at least five successful tax credit applicants.

d. The aggregate number of pounds, and a list of each type, of biomass feedstock used in the production of renewable chemicals in Iowa by all successful tax credit applicants during the calendar year prior to the calendar year for which the successful applicants first applied for a tax credit under the program.

e. The aggregate number of pounds, and a list of each type, of biomass feedstock used in the production of renewable chemicals in Iowa by all successful tax credit applicants during each calendar year.

f. The number of employees located in Iowa of all successful tax credit applicants during the calendar year prior to the calendar year for which the successful applicants first applied for a tax credit under the program.

g. The number of employees located in Iowa of all successful tax credit applicants during each calendar year.

h. The number and aggregate amount of tax credits issued under the program for each calendar year.

i. The number of eligible businesses placed on the wait list for each calendar year, and the total number of eligible businesses remaining on the wait list at the end of that calendar year.

j. The dollar amount of tax credit claims placed on the wait list for each calendar year, and the total dollar amount of tax credit claims remaining on the wait list at the end of that calendar year.

k. For each eligible business issued a renewable chemical production tax credit during each calendar year:

(1) The identity of the eligible business.

(2) The amount of the tax credit.

(3) The manner in which the eligible business first qualified as an eligible business under section 15.317, subsection 4, whether by organizing, expanding, or locating in the state.

l. The total amount of all renewable chemical production tax credits claimed during each calendar year, and the portion of the claims issued as refunds.

3. To protect the presumption of confidentiality established in section 15.318, subsection 5, the board shall report all information in an aggregate form to prevent, as much as possible, information being attributable to any particular eligible business, except as provided in subsection 2, paragraph "k".

**Sec. 10. NEW SECTION. 15.321 Rules.**

The authority and the department of revenue shall each adopt rules as necessary for the implementation and administration of this part.

**Sec. 11. NEW SECTION. 15.322 Future repeal.**

Section 15.315, 15.316, 15.317, 15.318, 15.319, 15.320, 15.321, and this section, are repealed July 1, 2030.

**Sec. 12. NEW SECTION. 422.10A Renewable chemical production tax credit.**

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a renewable chemical production tax credit allowed under section 15.319. This section is repealed January 1, 2033.

Sec. 13. Section 422.33, Code 2016, is amended by adding the following new subsection: NEW SUBSECTION. 22. The taxes imposed under this division shall be reduced by a renewable chemical production tax credit allowed under section 15.319. This subsection is repealed January 1, 2033.

Sec. 14. TAX CREDIT CLAIMS. Renewable chemical production tax credits issued pursuant to the renewable chemical production tax credit program enacted in this division of this Act shall not be issued by the economic development authority prior to July 1, 2018, and shall not be claimed by a taxpayer prior to September 1, 2018.

Sec. 15. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 16. APPLICABILITY. This division of this Act applies to renewable chemicals produced in the state from biomass feedstock on or after January 1, 2017.

Approved April 6, 2016

## CHAPTER 1066

### TRANSITIONAL COACHING AUTHORIZATIONS

H.F. 228

**AN ACT** relating to transitional coaching authorizations issued by the board of educational examiners and making penalties applicable.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 272.2, subsection 14, paragraph b, subparagraph (2), Code 2016, is amended to read as follows:

(2) The applicant is less than twenty-one years of age except as provided in section 272.31, subsection 1, ~~paragraph “e”~~. However, a student enrolled in a practitioner preparation program who meets board requirements for a temporary, limited-purpose license who is seeking to teach as part of a practicum or internship may be less than twenty-one years of age.

Sec. 2. Section 272.31, subsection 1, Code 2016, is amended to read as follows:

1. ~~a.~~ The Except as provided in paragraph “b”, the minimum requirements for the board to award issue a coaching authorization to an applicant are:

~~a.~~ (1) Successful completion of one semester credit hour or ten contact hours in a course relating to knowledge and understanding of the structure and function of the human body in relation to physical activity.

~~b.~~ (2) Successful completion of one semester credit hour or ten contact hours in a course relating to knowledge and understanding of human growth and development of children and youth in relation to physical activity.

~~c.~~ (3) Successful completion of two semester credit hours or twenty contact hours in a course relating to knowledge and understanding of the prevention and care of athletic injuries and medical and safety problems relating to physical activity.

~~d.~~ (4) Successful completion of one semester credit hour or ten contact hours relating to knowledge and understanding of the techniques and theory of coaching interscholastic athletics.

~~e.~~ (5) Attainment of at least eighteen years of age.

b. The board shall issue a transitional coaching authorization to an individual who is at least twenty-one years of age and who provides verification of an offer of a coaching position by a school or a consortium of schools, but who has not completed the coursework

required for a coaching authorization as specified in paragraph “a”. A transitional coaching authorization is valid for not more than one year, shall not be renewed, and is valid only in the school or consortium of schools making the offer of the coaching position. A consortium of schools may include a school district, a school district school attendance center, or an accredited nonpublic school, or any combination thereof. However, prior to issuing a transitional coaching authorization to an individual under this paragraph “b”, the board shall ensure that the individual meets all of the following requirements:

(1) Completes a shortened course of training relating to the code of professional rights and responsibilities, practices, and ethics developed in accordance with section 272.2, subsection 1, paragraph “a”, by the board specifically for transitional coaches.

(2) Completes the child and dependent adult abuse mandatory reporter training required by sections 232.69 and 235B.16.

(3) Completes a nationally recognized concussion in youth sports training course.

(4) Complies with the background investigation requirements established by the board pursuant to section 272.2, subsection 17.

Sec. 3. Section 279.19B, subsection 1, paragraph a, subparagraph (2), Code 2016, is amended to read as follows:

(2) A qualified individual who meets the requirements of section 272.31, subsection 1, paragraph “a”, and possesses a coaching authorization issued by the board of educational examiners.

Sec. 4. Section 279.19B, subsection 1, paragraph a, Code 2016, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) A qualified individual who meets the requirements of section 272.31, subsection 1, paragraph “b”, and possesses a transitional coaching authorization issued by the board of educational examiners.

Sec. 5. Section 279.19B, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. For the first two weeks of employment as a transitional coach and for the first extracurricular interscholastic athletic contest or competition sponsored by an organization as defined in section 280.13, the individual shall be supervised by a certified athletic director, administrator, or other practitioner in a supervisory role. If the individual performs to the supervising practitioner’s satisfaction, the supervising practitioner shall sign and date an evaluation form provided by the organization to certify that the individual meets expectations to work with student athletes as a transitional coach. The organization shall develop and offer on its internet site an evaluation form that meets the requirements of this subsection.

Sec. 6. Section 709.15, subsection 1, paragraph f, Code 2016, is amended to read as follows:

*f. “School employee” means a practitioner as defined in section 272.1 or a person issued a coaching authorization or a transitional coaching authorization under section 272.31, subsection 1.*

Approved April 6, 2016

**CHAPTER 1067****PERSONS WITH DISABILITIES WINDSHIELD PARKING PLACARDS***H.F. 588*

**AN ACT** relating to the issuance of persons with disabilities removable windshield parking placards, and including effective date and applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 321L.2, subsection 1, paragraph a, subparagraph (3), Code 2016, is amended to read as follows:

(3) Removable windshield placard.

(a) A person with a disability may apply for a temporary removable windshield placard ~~which shall be valid for a period of up to six months or a nonexpiring standard removable windshield placard valid for a period of five years~~, as determined by the physician's, physician assistant's, nurse practitioner's, or chiropractor's statement under this subsection.

(i) A temporary removable windshield placard shall be renewed within thirty days of the date of expiration. Persons seeking temporary removable windshield placards shall be required to furnish evidence upon initial application that they have a temporary disability and, in addition, furnish evidence at subsequent intervals that they remain temporarily disabled. Temporary removable windshield placards shall be of a distinctively different color from ~~nonexpiring standard removable windshield placards~~.

(ii) ~~A nonexpiring standard removable windshield placard shall state on the face of the placard that it is a nonexpiring placard expire on the last day of the month five years from the date of issuance. A person with a disability may renew a standard removable windshield placard within thirty days before or after the date of expiration by submitting a statement from a physician, physician's assistant, nurse practitioner, or chiropractor, as provided in this subsection, to the department that the person has a continuing need for the placard.~~

(b) The department shall issue one additional removable windshield placard upon the request of a person with a disability.

Sec. 2. Section 321L.2, subsection 4, Code 2016, is amended to read as follows:

4. A removable windshield placard shall only be displayed when the vehicle is parked in a persons with disabilities parking space. The removable windshield placard shall be displayed in a manner that allows the entire placard to be visible through the vehicle's windshield.

Sec. 3. **EFFECTIVE DATE AND APPLICABILITY.** This Act takes effect January 1, 2017, and applies to persons with disabilities placards issued on or after that date. This Act does not affect the validity of nonexpiring persons with disabilities placards issued prior to January 1, 2017.

Approved April 6, 2016

**CHAPTER 1068****SPECIAL VEHICLE REGISTRATION PLATES — NONPROFIT ORGANIZATION DECALS***H.F. 617*

**AN ACT** providing for special vehicle registration plates displaying a decal designed and issued by a nonprofit organization, providing fees, making a penalty applicable, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*



Section 1. Section 321.34, subsection 13, Code 2016, is amended by striking the subsection and inserting in lieu thereof the following:

13. *Special plates displaying organization decal.*

a. (1) The owner of a motor vehicle subject to registration pursuant to section 321.109, subsection 1, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer may upon request be issued special registration plates that contain a space reserved for the placement of an organization decal. If the special plates are requested at the time of initial application for registration and certificate of title for the vehicle, no special plate fee is required other than the regular annual registration fee for the vehicle. If the special plates are requested as replacement plates, the owner shall surrender the current regular or special registration plates in exchange for the special plates and shall pay a replacement plate fee of five dollars. The county treasurer shall validate special plates with an organization decal in the same manner as regular plates, upon payment of the annual registration fee.

(2) An applicant may obtain a personalized special registration plate with space reserved for an organization decal, subject to the additional fees for a personalized plate as provided in subsection 5. Personalized plates with space reserved for an organization decal shall be limited to no more than five initials, letters, or combinations of numerals and letters.

b. (1) An organization may apply to the department for approval to issue a decal to be displayed on vehicle registration plates. To qualify for such approval, an organization shall meet the following requirements:

(a) The primary activity or interest of the organization serves the community, contributes to the welfare of others, and is not discriminatory in its purpose, nature, activity, or name.

(b) The name and purpose of the organization do not promote any specific product or brand name that is provided for sale.

(c) The organization is a nonprofit corporation which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and is organized under the laws of this state or authorized to do business within this state.

(2) The department may accept an application for a decal design from a group of nonprofit organizations with a common purpose, provided that each organization within the group meets the requirements for a qualifying organization established by the department under this subsection.

c. An organization desiring to issue a decal shall submit an application to the department on a form to be provided by the department. Along with the application, the organization shall furnish to the department all of the following:

(1) A copy of the articles of incorporation for the organization.

(2) A copy of the charter or by-laws for the organization.

(3) Any Internal Revenue Service rulings concerning the organization's nonprofit tax exemption status.

(4) A color copy of the completed decal design.

(5) A clear and concise explanation of the purpose of the decal, all eligibility requirements for purchasing the decal, and fees to be charged for the decal.

(6) Certification by the person who has legal rights to the decal design allowing use of the design.

(7) Any other information required by the department.

d. The department shall consider a proposed decal design based upon criteria established by the department, which shall include but not be limited to the following:

(1) A decal shall not promote a specific religion, faith, or anti-religious sentiment.

(2) A decal shall not have any sexual connotation and shall not be vulgar, prejudiced, hostile, insulting, or racially or ethnically degrading.

e. Upon approval by the department of an organization's application to issue a decal and approval of the design of the decal, the organization is responsible for the production, administration, and issuance of the decal. An organization shall not issue a decal that has not been approved by the department or alter the approved design of a decal without the department's approval.

f. A person shall not display a decal on a vehicle registration plate other than a decal approved by the department.

g. The department may adopt rules pursuant to chapter 17A as necessary to implement this subsection.

Sec. 2. Section 321.166, subsection 9, Code 2016, is amended to read as follows:

9. Special registration plates issued pursuant to section 321.34, other than gold star, medal of honor, collegiate, fire fighter, and natural resources registration plates, shall be consistent with the design and color of regular registration plates but shall provide a space on a portion of the plate for the purpose of allowing the placement of a distinguishing processed emblem or an organization decal. Special registration plates shall also comply with the requirements for regular registration plates as provided in this section to the extent the requirements are consistent with the section authorizing a particular special vehicle registration plate.

Sec. 3. CONSIDERATION OF APPLICATIONS FOR AND ISSUANCE OF SPECIAL REGISTRATION PLATES WITH A PROCESSED EMBLEM. The state department of transportation may continue to issue special registration plates with a processed emblem approved by the department before January 1, 2017, pursuant to section 321.34, subsection 13, Code 2016, and may grant an application for and issue a new special registration plate with a processed emblem if the application for the plate is submitted to the department before January 1, 2017, but shall not accept, consider, or grant an application for a new special registration plate with a processed emblem submitted pursuant to section 321.34, subsection 13, Code 2016, on or after January 1, 2017.

Sec. 4. EFFECTIVE DATE. This Act takes effect January 1, 2017.

Approved April 6, 2016

## CHAPTER 1069

### ADOPTIONS — APPOINTMENT OF GUARDIAN AD LITEM

*H.F. 2282*

**AN ACT** relating to the appointment of a guardian ad litem in an adoption proceeding.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 600.5, Code 2016, is amended by adding the following new subsection: NEW SUBSECTION. 13. Whether or not a guardian ad litem should be appointed for a minor child to be adopted, and if not, the reasons therefor.

Sec. 2. NEW SECTION. **600.6A Court determination of appointment of guardian ad litem prior to setting adoption hearing.**

Prior to ordering a hearing on the adoption petition, the court shall make a determination of the need for a guardian ad litem for a minor child to be adopted and shall, in writing, either appoint or waive the appointment of a guardian ad litem for purposes of the adoption proceeding in the order setting the adoption hearing.

Approved April 6, 2016

**CHAPTER 1070****CARRYING FIREARMS WHILE OPERATING OR RIDING SNOWMOBILES OR ALL-TERRAIN VEHICLES***H.F. 2283*

**AN ACT** relating to carrying a firearm while operating or riding on a snowmobile or an all-terrain vehicle.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 321G.13, subsection 2, Code 2016, is amended to read as follows:

2. a. A person shall not operate or ride a snowmobile with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case. However, a nonambulatory person may carry an uncased and unloaded firearm while operating or riding a snowmobile.

b. (1) A person may operate or ride on a snowmobile with a loaded firearm, whether concealed or not, without a permit to carry weapons, if the person operates or rides on land owned or possessed by the person, and the person's conduct is otherwise lawful.

(2) If a person is operating or riding on a snowmobile on land that is not owned or possessed by the person, the person may operate or ride the snowmobile with a loaded firearm, whether concealed or not, if all of the following apply:

(a) The firearm is a pistol or revolver and is secured in a retention holster upon the person.

(b) The person has in the person's possession and displays to a peace officer on demand a valid permit to carry weapons which has been issued to the person.

(c) The person's conduct is within the limits of the permit to carry weapons.

c. A person shall not discharge a firearm while on a snowmobile, except that a nonambulatory person may discharge a firearm from a snowmobile while lawfully hunting if the person is not operating or riding a moving snowmobile.

Sec. 2. Section 321I.14, subsection 2, Code 2016, is amended to read as follows:

2. a. A person shall not operate or ride an all-terrain vehicle with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case. However, a nonambulatory person may carry an uncased and unloaded firearm while operating or riding an all-terrain vehicle.

b. (1) A person may operate or ride on an all-terrain vehicle with a loaded firearm, whether concealed or not, without a permit to carry weapons, if the person operates or rides on land owned or possessed by the person, and the person's conduct is otherwise lawful.

(2) If a person is operating or riding on an all-terrain vehicle on land that is not owned or possessed by the person, the person may operate or ride the all-terrain vehicle with a loaded firearm, whether concealed or not, if all of the following apply:

(a) The firearm is a pistol or revolver and is secured in a retention holster upon the person.

(b) The person has in the person's possession and displays to a peace officer on demand a valid permit to carry weapons which has been issued to the person.

(c) The person's conduct is within the limits of the permit to carry weapons.

c. A person shall not discharge a firearm while on an all-terrain vehicle, except that a nonambulatory person may discharge a firearm from an all-terrain vehicle while lawfully hunting if the person is not operating or riding a moving all-terrain vehicle.

Approved April 6, 2016

**CHAPTER 1071**

## OPERATION OF POSTSECONDARY SCHOOLS — ACCREDITATION REQUIREMENTS

*H.F. 2341*

**AN ACT** relating to the operation of certain schools under the purview of the college student aid commission.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **NEW SECTION. 261B.13 Prohibition.**

1. Notwithstanding any other provision in this chapter, a school or other entity that grants a degree shall not conduct any portion of a course of instruction or any aspect of its operations or otherwise establish a presence in this state if, with the exception of a school that qualifies for an exemption under section 261B.11, subsection 1, paragraph “h”, the school or other entity is not accredited by an accrediting agency recognized by the United States department of education.

2. A school registered under this chapter or otherwise authorized to operate under the laws of this state shall not enter into an agreement to conduct a course of instruction, confer a degree, or conduct any other aspect of its operation with another school that is in violation of this section.

3. This section shall not apply to a foreign medical school that is accredited by a foreign entity recognized by the national committee on foreign medical education and accreditation.

Approved April 6, 2016

**CHAPTER 1072**

## REPORTS ON STRUCTURALLY DEFICIENT COUNTY BRIDGES

*H.F. 2345*

**AN ACT** relating to annual reports by county engineers and the department of transportation, including reports on the use of road use tax fund moneys to replace or repair structurally deficient bridges under county jurisdiction.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **NEW SECTION. 307.32 Annual report — replacement and repair of structurally deficient secondary bridges.**

On or before February 15 of each year, the department, in collaboration with the Iowa county engineers association, shall compile the annual reports received from counties pursuant to sections 309.22 and 309.22A into a cumulative report and submit the cumulative report in electronic format to the chairpersons of the senate and house of representatives standing committees on transportation and the legislative services agency. This section is repealed June 30, 2019.

Sec. 2. **NEW SECTION. 309.22A Annual report — replacement and repair of structurally deficient bridges.**

1. On or before September 15 of each year, the county engineer of each county in the state shall certify and file a report with the department, as part of the annual report required under section 309.22, detailing the manner in which moneys received by the county from the road use tax fund were used to replace or repair structurally deficient bridges in the county. The report shall include all of the following:

a. The number of bridges under the county’s jurisdiction that have been replaced or repaired to the point that they function at full capacity.

b. The number of bridges under the county's jurisdiction that have been partially replaced or partially repaired to alleviate some structural deficiencies, but not to the point that the bridges function at full capacity, and a brief description of the replacements or repairs necessary to allow them to function at full capacity.

c. The number of bridges under the county's jurisdiction that are in the process of being replaced or repaired and a description of the timeline of each replacement or repair project.

d. The number of bridges under the county's jurisdiction that remain structurally deficient and a description of the timeline for replacement or repair of each bridge, if any.

2. This section is repealed June 30, 2019.

Approved April 6, 2016

## CHAPTER 1073

### SUBSTANTIVE CODE CORRECTIONS

H.F. 2359

AN ACT relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I

#### MISCELLANEOUS CHANGES

Section 1. Section 8D.14, Code 2016, is amended to read as follows:

**8D.14 Iowa communications network fund.**

1. There is created in the office of the treasurer of state a fund to be known as the Iowa communications network fund under the control of the Iowa telecommunications and technology commission. There shall be deposited into the Iowa communications network fund proceeds from bonds issued for purposes of projects authorized pursuant to section 8D.13, funds received from leases pursuant to section 8D.11, and other moneys by law credited to or designated by a person for deposit into the fund. Amounts deposited into the fund are appropriated to and for the use of the commission. Notwithstanding section 12C.7, interest earned on amounts deposited in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys deposited into and appropriated from the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

2. ~~The commission shall be required to repay one million dollars of start-up funding from the Iowa communications network fund to the general fund of the state. For the fiscal year beginning July 1, 2007, and ending June 30, 2008, the commission shall repay two hundred fifty thousand dollars of start-up funding at the end of that fiscal year, and for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the commission shall repay two hundred fifty thousand dollars of start-up funding at the end of that fiscal year. The remaining five hundred thousand dollars shall be repaid in a reasonable period of time thereafter as provided in this subsection. The commission shall conduct a review of the operation of the fund and the extent to which a continued need for funding for cash flow support exists, and shall provide a report summarizing the results of the review to the general assembly by January 1, 2010. The report shall also include a plan regarding repayment of the remaining five hundred thousand dollars in start-up funding in a manner which will not adversely affect network operations,~~

~~and any other recommendations relating to the fund and the operation of the network deemed appropriate by the commission.~~

Sec. 2. Section 12.77, Code 2016, is amended to read as follows:

**12.77 Construction.**

Sections 12.71 through 12.76, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect ~~its~~ the purposes of the sections.

Sec. 3. Section 12.86, Code 2016, is amended to read as follows:

**12.86 Construction.**

Sections 12.81 through 12.85, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect ~~its~~ the purposes of the sections.

Sec. 4. Section 12.90, subsection 2, Code 2016, is amended to read as follows:

2. Sections 12.87 through 12.89, and this section, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect ~~its~~ the purposes of the sections.

Sec. 5. Section 13.7, subsection 1, Code 2016, is amended to read as follows:

1. Compensation shall not be allowed to any person for services as an attorney or counselor to an executive department of the state government, or the head of an executive department of state government, or to a state board or commission. However, the executive council may authorize employment of legal assistance, at a reasonable compensation, in a pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that the department of justice cannot for reasons stated by the attorney general perform the service. The reasons and action of the executive council shall be entered upon its records. If the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the person recommended is qualified and suitable to represent the department, the person recommended shall be employed. If the attorney general does not concur in the recommendation, the department shall submit a new recommendation. This subsection does not affect the general counsel for the utilities board of the department of commerce, the legal counsel of the department of workforce development, or the general counsel for the property assessment appeal board.

Sec. 6. Section 13C.2, subsection 1, paragraph c, Code 2016, is amended to read as follows:

c. In lieu of filing the financial disclosure information at the time of registration, the professional commercial fund-raiser may file a statement with its permit application where it agrees to provide, without cost, the financial disclosure information required to be disclosed pursuant to this subsection to a person or ~~government~~ governmental entity requesting the information within one day of the request. The statement shall include the telephone number, mailing address, and names of persons to be contacted to obtain the financial disclosure information of the fund-raiser. Failure to provide this information upon request shall be a violation of this chapter.

Sec. 7. Section 13C.2, subsection 3, paragraph b, Code 2016, is amended to read as follows:

b. The attorney general may seek an injunction pursuant to section 714.16 prohibiting the professional commercial fund-raiser or charitable organization from soliciting contributions until the required financial information has been disclosed to the attorney general, person, or ~~government~~ governmental entity making the request.

Sec. 8. Section 15.338, subsection 5, Code 2016, is amended to read as follows:

5. In providing financial assistance under this section, the authority shall coordinate with a city to develop a plan for the use of funds that is consistent with the community development, housing, and economic development goals of the city. The terms of the agreement entered

into pursuant to subsection ~~3~~ 4 and the use of financial assistance provided under this section shall reflect the plan developed based on a city's goals.

Sec. 9. Section 15.353, subsection 2, paragraph d, subparagraph (2), subparagraph division (c), Code 2016, is amended to read as follows:

(c) The demand for projects applying under this paragraph "d" compared to the demand for projects applying under paragraphs "a" through "c".

Sec. 10. Section 15H.5, subsection 5, paragraphs b and d, Code 2016, are amended to read as follows:

b. The commission shall manage the Iowa summer youth corps program in a manner to maximize the leveraging of federal, local, and private funding opportunities that increase or amplify program impact and service-learning opportunities. The commission shall also encourage collaboration with, and utilization of, other national, local, and nonprofit programs engaged in community service or addressing the needs of youth from families with low income.

d. The commission shall include progress information concerning implementation of the Iowa summer youth corps program in the quarterly reports made to the governor and the general assembly in accordance with section 15H.2.

Sec. 11. Section 15H.5, subsection 6, paragraph b, Code 2016, is amended to read as follows:

b. If a stipend is provided to a youth participating in the Iowa summer youth corps program, the youth shall be age fourteen through eighteen.

Sec. 12. Section 16.2D, subsection 6, paragraph b, Code 2016, is amended to read as follows:

b. The council shall elect a chairperson and vice chairperson from the membership of the council. The chairperson and vice chairperson shall each serve two-year terms. The positions of chairperson and vice chairperson shall not both be held by ~~members who are both~~ either general public members or agency ~~directors~~ director members. The ~~position~~ positions of chairperson and vice chairperson shall rotate between agency director members and general public members.

Sec. 13. Section 17A.17, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. Unless required for the disposition of ex parte matters specifically authorized by statute, a presiding officer in a contested case, shall not communicate, directly or indirectly, with any person or party in connection with any issue of fact or law in that contested case, ~~with any person or party~~, except upon notice and opportunity for all parties to participate as shall be provided for by agency rules.

Sec. 14. Section 21.5, subsection 1, paragraph g, Code 2016, is amended to read as follows:

g. To avoid disclosure of specific law enforcement matters, such as current or proposed investigations, or inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection.

Sec. 15. Section 28F.12, subsection 2, Code 2016, is amended to read as follows:

2. If the entity is comprised solely of cities, counties, and sanitary districts established under chapter 358, or any combination thereof, it is a governmental entity with respect to projects undertaken pursuant to chapter 418 and may exercise all of the powers of a governmental entity under that chapter in connection with the a flood mitigation project. Unless otherwise provided in chapter 418, if the entity is undertaking a flood mitigation project as a governmental entity under chapter 418, the provisions of chapter 418 shall prevail over any conflicting provision in this chapter.

Sec. 16. Section 48A.26, subsections 4 and 5, Code 2016, are amended to read as follows:

4. If the registrant applied by mail to register to vote and did not answer either “yes” or “no” to the first question in section 48A.11, subsection 3, ~~paragraph “a”~~, the application shall be processed. If the application is complete and proper in all other respects and information on the application is verified, as required by section 48A.25A, the applicant shall be registered to vote and sent an acknowledgment.

5. If the registrant applied by mail to register to vote and answered “no” to the first question in section 48A.11, subsection 3, ~~paragraph “a”~~, the application shall not be processed. The acknowledgment shall advise the applicant that the registration has been rejected because the applicant indicated on the registration form that the applicant is not a citizen of the United States.

Sec. 17. Section 91E.2, subsection 1, paragraph b, Code 2016, is amended to read as follows:

b. If a Spanish-speaking interpreter is needed, the employer shall select an interpreter from a list of interpreters developed by the department of workforce development, ~~drawn from the commission of Latino affairs’ statewide list of interpreters qualified to serve Iowa courts and administrative agencies.~~

Sec. 18. Section 96.7, subsection 8, paragraph a, subparagraph (4), Code 2016, is amended to read as follows:

(4) The department, in accordance with rules adopted by the department pursuant to chapter 17A, shall notify each nonprofit organization of any determination made by the department of the status of the nonprofit organization as an employer and of the effective date of any election or termination of election. A determination is subject to appeal and review in accordance with subsections 4 and 5.

Sec. 19. Section 96.13, subsection 2, Code 2016, is amended to read as follows:

2. *Replenishment of lost funds.* If any moneys received after June 30, 1941, from the social security administration under Tit. III of the Social Security Act, or any unencumbered balances in the unemployment compensation administration fund as of that date, or any moneys granted after that date to this state pursuant to the provisions of the Wagner-Peyser Act, or any moneys made available by this state or its political subdivisions and matched by such moneys granted to this state pursuant to the provisions of the Wagner-Peyser Act, are found by the social security administration, because of any action or contingency, to have been lost or been expended for purposes other than or in amounts in excess of, those found necessary by the social security administration for the proper administration of this chapter, it is the policy of this state that such moneys shall be replaced by moneys appropriated for such purpose from the general funds of this state to the unemployment compensation administration fund for expenditure as provided in subsection 1 ~~of this section~~. Upon receipt of notice of such a finding by the social security administration, the department shall promptly report the amount required for such replacement to the governor and the governor shall at the earliest opportunity, submit to the legislature a request for the appropriation of such amount. ~~This subsection shall not be construed to relieve this state of its obligation with respect to funds received prior to July 1, 1941, pursuant to the provisions of Tit. III of the Social Security Act.~~

Sec. 20. Section 96.19, subsection 41, unnumbered paragraph 1, Code 2016, is amended to read as follows:

“Wages” means all remuneration for personal services, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash, shall be estimated and determined in accordance with rules prescribed by the department. ~~Wages payable to an individual for insured work performed prior to January 1, 1941, shall, for the purposes of sections 96.3, 96.4, and this section, be deemed to be wages paid within the calendar quarter with respect to which such wages were payable.~~



Sec. 21. Section 96.20, subsection 2, paragraph b, Code 2016, is amended to read as follows:

b. Reimbursements so payable shall be deemed to be benefits for the purposes of section 96.3, subsection 5, paragraph “a”, and section 96.9, but no reimbursement so payable shall be charged against any employer’s account for the purposes of section 96.7, unless wages so transferred are sufficient to establish a valid claim in Iowa, and that such charges shall not exceed the amount that would have been charged on the basis of a valid claim. The department is hereby authorized to make to other state or federal agencies and receive from such other state or federal agencies, reimbursements from or to the fund, in accordance with arrangements pursuant to this section. The department shall participate in any arrangements for the payment of compensation on the basis of combining an individual’s wages and employment covered under this chapter with the individual’s wages and employment covered under the unemployment compensation laws of other states which are approved by the United States secretary of labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for applying the base period of a single state law to a claim involving the combining of an individual’s wages and employment covered under two or more state unemployment compensation laws, and avoiding the duplication in the use of wages and employment by reason of such combining.

Sec. 22. Section 97B.49C, subsection 1, paragraph e, Code 2016, is amended to read as follows:

e. “*Sheriff*” means a county sheriff as ~~defined~~ described in section ~~39.17~~ 331.651.

Sec. 23. Section 97B.49G, subsection 7, paragraph a, subparagraph (3), subparagraph division (a), Code 2016, is amended to read as follows:

(a) As a county sheriff as ~~defined~~ described in section ~~39.17~~ 331.651.

Sec. 24. Section 99.28, Code 2016, is amended to read as follows:

**99.28 Certification and payment of mulct tax.**

The clerk of said court shall make and certify a return of the imposition of ~~said~~ the mulct tax forthwith to the county auditor, who shall enter the same as a tax upon the property, and against the persons upon which or whom the lien was imposed, as and when the other taxes are entered, and the same shall be and remain a lien on the land upon which such lien was imposed until fully paid. Any such lien imposed while the tax books are in the hands of the auditor shall be immediately entered ~~therein~~ in the tax books. The payment of ~~said~~ the mulct tax shall not relieve the persons or property from any other penalties provided by law.

Sec. 25. Section 99.29, Code 2016, is amended to read as follows:

**99.29 Collection of mulct tax.**

The provisions of the law relating to the collection of taxes in this state, the delinquency thereof, and sale of property for taxes shall govern in the collection of the mulct tax ~~herein~~ prescribed in this chapter insofar as ~~the same~~ those provisions are applicable.

Sec. 26. Section 99.30, Code 2016, is amended to read as follows:

**99.30 Application of mulct tax.**

The mulct tax collected shall be applied toward the deficiency in the payment of costs of the action and abatement which exist after the application of the proceeds of the sale of personal property. The remainder of the tax together with the unexpended portion of the proceeds of the sale of personal property shall be paid to the treasurer of state for deposit in the general fund of the state, except that ten percent of the amount of the whole tax collected and of the whole proceeds of the sale of the personal property, as provided in this chapter, shall be paid by the treasurer to the attorney representing the state in the injunction action, at the time of final judgment.

Sec. 27. Section 99.31, Code 2016, is amended to read as follows:

**99.31 ~~Tax~~ Mulct tax assessed.**

When such nuisance has been found to exist under any proceeding in the district court or as in this chapter provided, and the owner or agent of such building or ground whereon the same nuisance has been found to exist was not a party to such proceeding, nor appeared therein, the said mulct tax of three hundred dollars shall, nevertheless, be imposed against the persons served or appearing and against the property as set forth in this chapter ~~set forth~~.

Sec. 28. Section 99B.3, subsection 4, paragraph b, Code 2016, is amended to read as follows:

b. If a request for a hearing is timely received by the department, the applicant or licensee shall be given an opportunity for a prompt and fair hearing before the department and the denial, suspension, or revocation shall be deemed ~~suspended~~ stayed until the department makes a final determination. However, the director may suspend a license prior to a hearing if the director finds that the public integrity of the licensed activity is compromised or there is a risk to public health, safety, or welfare. In addition, at any time during or prior to the hearing the department may rescind the notice of the denial, suspension, or revocation upon being satisfied that the reasons for the denial, suspension, or revocation have been or will be removed. On the basis of any such hearing, the determination involved in the notice may be affirmed, modified, or set aside by the department in a written decision.

Sec. 29. Section 99B.55, subsection 3, paragraph b, subparagraph (2), Code 2016, is amended to read as follows:

(2) If a request for a hearing is timely received by the department, the applicant or registrant shall be given an opportunity for a prompt and fair hearing before the department and the denial, suspension, or revocation shall be deemed ~~suspended~~ stayed until the department makes a final determination. However, the director of the department may suspend a registration prior to a hearing if the director finds that the public integrity of the registered activity is compromised or there is a risk to public health, safety, or welfare. In addition, at any time during or prior to the hearing, the department may rescind the notice of the denial, suspension, or revocation upon being satisfied that the reasons for the denial, suspension, or revocation have been or will be removed. On the basis of any such hearing, the proposed action in the notice may be affirmed, modified, or set aside by the department in a written decision. The procedure governing hearings authorized by this ~~paragraph~~ subparagraph shall be in accordance with the rules ~~promulgated~~ adopted by the department and chapter 17A.

Sec. 30. Section 99F.15, subsection 6, paragraph a, Code 2016, is amended to read as follows:

a. A person who places, removes, increases, or decreases a bet after acquiring knowledge of the outcome of the gambling game which is the subject of the bet or ~~to aid who aids~~ a person in acquiring the knowledge for the purpose of placing, removing, increasing, or decreasing a bet contingent on that outcome commits the offense of unlawful betting.

Sec. 31. Section 123.9, subsection 5, Code 2016, is amended to read as follows:

5. To grant and issue beer permits, wine permits, special permits, liquor control licenses, and other licenses; and to suspend or revoke all such permits and licenses for cause under this chapter.

Sec. 32. Section 123.48, Code 2016, is amended to read as follows:

**123.48 Seizure of false or altered driver's license or ~~nonoperator~~ nonoperator's identification card.**

1. If a liquor control licensee or wine or beer permittee or an employee of the licensee or permittee has a reasonable belief based on factual evidence that a driver's license as defined in section 321.1, subsection 20A, or ~~nonoperator~~ nonoperator's identification card issued pursuant to section 321.190 offered by a person who wishes to purchase an alcoholic beverage at the licensed premises is altered or falsified or belongs to another person, the licensee, permittee, or employee may retain the driver's license or ~~nonoperator~~ nonoperator's identification card. Within twenty-four hours, the license or card shall be delivered to the appropriate city or county law enforcement agency of the jurisdiction in which the licensed

premises is located. When the license or card is delivered to the appropriate law enforcement agency, the licensee shall file a written report of the circumstances under which the license or card was retained. The local law enforcement agency may investigate whether a violation of section 321.216, 321.216A, or 321.216B has occurred. If an investigation is not initiated or a probable cause is not established by the local law enforcement agency, the driver's license or ~~nonoperator~~ nonoperator's identification card shall be delivered to the person to whom it was issued. The local law enforcement agency may forward the license or card with the report to the department of transportation for investigation, in which case, the department may investigate whether a violation of section 321.216, 321.216A, or 321.216B has occurred. The department of transportation shall return the license or card to the person to whom it was issued if an investigation is not initiated or a probable cause is not established.

2. Upon taking possession of ~~an a~~ a driver's license or nonoperator's identification card as provided in subsection 1, a receipt for the license or card with the date and hour of seizure noted shall be provided to the person from whom the license or card was seized.

3. A liquor control licensee or wine or beer permittee or an employee of the licensee or permittee is not subject to criminal prosecution for, or to civil liability for damages alleged to have resulted from, the retention and delivery of a driver's license or a ~~nonoperator~~ nonoperator's identification card which is taken pursuant to subsections 1 and 2. This section shall not be construed to relieve a licensee, permittee, or employee of the licensee or permittee from civil liability for damages resulting from the use of unreasonable force in obtaining the altered or falsified driver's license or nonoperator's identification card or the driver's license or nonoperator's identification card believed to belong to another person.

Sec. 33. Section 123.124, Code 2016, is amended to read as follows:

**123.124 Beer permits — classes.**

Permits for the manufacture and sale, or sale, of beer shall be divided into six classes, known as class "A", special class "A", class "AA", special class "AA", class "B", or class "C" beer permits. A class "A" beer permit allows the holder to manufacture and sell beer at wholesale. A holder of a special class "A" beer permit may only manufacture beer to be consumed on the licensed premises for which the person also holds a class "C" liquor control license or class "B" beer permit, to be sold to a class "A" beer permittee for resale purposes, and to be sold to distributors outside of the state that are authorized by the laws of that jurisdiction to sell beer at wholesale. A class "AA" beer permit allows the holder to manufacture and sell high alcoholic content beer at wholesale. A holder of a special class "AA" beer permit may only manufacture high alcoholic content beer to be consumed on the licensed premises for which the person also holds a class "C" liquor control license or class "B" beer permit, to be sold to a class "AA" beer permittee for resale purposes, and to be sold to distributors outside of the state that are authorized by the laws of that jurisdiction to sell high alcoholic content beer at wholesale. A class "B" beer permit allows the holder to sell beer to consumers at retail for consumption on or off the premises. A class "C" beer permit allows the holder to sell beer to consumers at retail for consumption off the premises.

Sec. 34. Section 123.127, subsection 1, unnumbered paragraph 1, Code 2016, is amended to read as follows:

A class "A", class "AA", special class "A", or special class "AA" beer permit shall be issued by the administrator to any person who:

Sec. 35. Section 123.127, subsection 2, Code 2016, is amended to read as follows:

2. An applicant for a special class "A" or special class "AA" beer permit shall comply with the requirements for a class "A" or class "AA" beer permit, as applicable, and shall also state on the application that the applicant holds or has applied for a class "C" liquor control license or class "B" beer permit.

Sec. 36. Section 123.128, unnumbered paragraph 1, Code 2016, is amended to read as follows:

A class "B" beer permit shall be issued by the administrator to any person who:

Sec. 37. Section 123.129, subsection 1, Code 2016, is amended to read as follows:

1. A class "C" beer permit shall not be issued to any person except the owner or proprietor of a grocery store or pharmacy.

Sec. 38. Section 123.129, subsection 2, unnumbered paragraph 1, Code 2016, is amended to read as follows:

A class "C" beer permit shall be issued by the administrator to any person who is the owner or proprietor of a grocery store or pharmacy, who:

Sec. 39. Section 123.130, Code 2016, is amended to read as follows:

**123.130 Authority under class "A", class "AA", special class "A", and special class "AA" beer permits.**

1. Any person holding a class "A" or class "AA" beer permit issued by the division shall be authorized to manufacture and sell, or sell at wholesale, beer for consumption off the premises, such sales within the state to be made only to persons holding subsisting class "A", "B", or "C" beer permits, or liquor control licenses issued in accordance with the provisions of this chapter. A class "A", class "AA", special class "A", or special class "AA" beer permit does not grant authority to manufacture wine as defined in section 123.3, subsection 47.

2. All class "A" and class "AA" premises shall be located within the state. All beer received by the holder of a class "A" or class "AA" beer permit from the holder of a certificate of compliance before being resold must first come to rest on the licensed premises of the permit holder, must be inventoried, and is subject to the barrel tax when resold as provided in section 123.136. A class "A" or class "AA" beer permittee shall not store beer overnight except on premises licensed under a class "A" or class "AA" beer permit.

3. All special class "A" and special class "AA" premises shall be located within the state. A person who holds a special class "A" or special class "AA" beer permit for the same location at which the person holds a class "C" liquor control license or class "B" beer permit may manufacture and sell beer to be consumed on the premises, may sell beer to a class "A" or class "AA" beer permittee for resale purposes, and may sell beer to distributors outside of the state that are authorized by the laws of that jurisdiction to sell beer at wholesale.

Sec. 40. Section 123.131, Code 2016, is amended to read as follows:

**123.131 Authority under class "B" beer permit.**

Subject to the provisions of this chapter, any person holding a class "B" beer permit shall be authorized to sell beer for consumption on or off the premises. However, unless otherwise provided in this chapter, no sale of beer shall be made for consumption on the premises unless the place where such service is made is equipped with tables and seats sufficient to accommodate not less than twenty-five persons at one time.

Sec. 41. Section 123.132, Code 2016, is amended to read as follows:

**123.132 Authority under class "C" beer permit.**

1. The holder of a class "C" beer permit shall be allowed to sell beer to consumers at retail for consumption off the premises. The sales made pursuant to this section shall be made in original containers except as provided in subsection 2.

2. Subject to the rules of the division, sales made pursuant to this section may be made in a container other than the original container only if all of the following requirements are met:

a. The beer is transferred from the original container to the container to be sold on the licensed premises at the time of sale.

b. The person transferring the beer from the original container to the container to be sold shall be eighteen years of age or more.

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

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

3. A container of beer other than the original container that is sold and sealed in compliance with the requirements of subsection 2 and the division's rules shall not be deemed an open container subject to the requirements of sections 321.284 and 321.284A if the sealed container

is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed.

4. The holder of a class “C” beer permit or the permittee’s agents or employees shall not sell beer to other retail license or permit holders knowing or having reasonable cause to believe that the beer will be resold in another licensed establishment.

Sec. 42. Section 123.134, subsections 1 and 2, Code 2016, are amended to read as follows:

1. The annual permit fee for a class “A” or special class “A” beer permit is two hundred fifty dollars.

2. The annual permit fee for a class “AA” or special class “AA” beer permit is five hundred dollars.

Sec. 43. Section 123.134, subsection 3, unnumbered paragraph 1, Code 2016, is amended to read as follows:

The annual permit fee for a class “B” beer permit shall be graduated according to population as follows:

Sec. 44. Section 123.134, subsection 4, unnumbered paragraph 1, Code 2016, is amended to read as follows:

The annual permit fee for a class “C” beer permit shall be graduated on the basis of the amount of interior floor space which comprises the retail sales area of the premises covered by the permit, as follows:

Sec. 45. Section 123.135, subsections 3, 4, and 5, Code 2016, are amended to read as follows:

3. All class “A” and class “AA” beer permit holders shall sell only those brands of beer which are manufactured, brewed, bottled, shipped, or imported by a person holding a current certificate of compliance. Any employee or agent working for or representing the holder of a certificate of compliance within this state shall submit electronically, or in a manner prescribed by the administrator, the employee’s or agent’s name and address with the division.

4. It shall be unlawful for any holder of a certificate of compliance or the holder’s agent, or any class “A” or class “AA” beer permit holder or the beer permit holder’s agent, to grant to any retail beer permit holder, directly or indirectly, any rebates, free goods, or quantity discounts on beer which are not uniformly offered to all retail permittees.

5. Notwithstanding any other penalties provided by this chapter, any holder of a certificate of compliance or any class “A” or class “AA” beer permit holder who violates this chapter or the rules adopted pursuant to this chapter is subject to a civil penalty not to exceed one thousand dollars or suspension of the holder’s certificate or permit for a period not to exceed one year, or both such civil penalty and suspension. Civil penalties imposed under this section shall be collected and retained by the division.

Sec. 46. Section 123.136, subsection 1, Code 2016, is amended to read as follows:

1. In addition to the annual permit fee to be paid by all class “A” and class “AA” beer permittees under this chapter there shall be levied and collected from the permittees on all beer manufactured for sale or sold in this state at wholesale and on all beer imported into this state for sale at wholesale and sold in this state at wholesale, and from special class “A” and special class “AA” beer permittees on all beer manufactured for consumption on the premises, a tax of five and eighty-nine hundredths dollars for every barrel containing thirty-one gallons, and at a like rate for any other quantity or for the fractional part of a barrel. However, no tax shall be levied or collected on beer shipped outside this state by a class “A” or class “AA” beer permittee or sold by one class “A” or class “AA” beer permittee to another class “A” or class “AA” beer permittee.

Sec. 47. Section 123.137, subsection 1, Code 2016, is amended to read as follows:

1. A person holding a class “A”, class “AA”, special class “A”, or special class “AA” beer permit shall, on or before the tenth day of each calendar month commencing on the tenth day of the calendar month following the month in which the person is issued a beer permit,

make a report under oath to the division electronically, or in a manner prescribed by the administrator, showing the exact number of barrels of beer, or fractional parts of barrels, sold by the beer permit holder during the preceding calendar month. The report shall also state information the administrator requires, and beer permit holders shall at the time of filing a report pay to the division the amount of tax due at the rate fixed in section 123.136.

Sec. 48. Section 123.138, subsection 1, Code 2016, is amended to read as follows:

1. Each class "A", class "AA", special class "A", or special class "AA" beer permittee shall keep proper records showing the amount of beer sold by the permittee, and these records shall be at all times open to inspection by the administrator and to other persons pursuant to section 123.30, subsection 1. Each class "B" beer permittee, class "C" beer permittee, or retail liquor control licensee shall keep proper records showing each purchase of beer made by the permittee or licensee, and the date and the amount of each purchase and the name of the person from whom each purchase was made, which records shall be open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the permittee or licensee.

Sec. 49. Section 123.139, Code 2016, is amended to read as follows:

**123.139 Separate locations — class "A", class "AA", special class "A", special class "AA".**

A class "A", class "AA", special class "A", or special class "AA" beer permittee having more than one place of business is required to have a separate beer permit for each separate place of business maintained by the permittee where beer is stored, warehoused, or sold.

Sec. 50. Section 123.140, Code 2016, is amended to read as follows:

**123.140 Separate locations — class "B" or "C".**

Every person holding a class "B" or class "C" beer permit having more than one place of business where such beer is sold which places do not constitute a single premises within the meaning of section 123.3, subsection 25 shall be required to have a separate license for each separate place of business, except as otherwise provided by this chapter.

Sec. 51. Section 123.141, Code 2016, is amended to read as follows:

**123.141 Keeping liquor where beer is sold.**

No alcoholic liquor for beverage purposes shall be used, or kept for any purpose in the place of business of class "B" beer permittees, or on the premises of such class "B" beer permittees, at any time. A violation of any provision of this section shall be grounds for suspension or revocation of the beer permit pursuant to section 123.50, subsection 3. This section shall not apply in any manner or in any way to the premises of any hotel or motel for which a class "B" beer permit has been issued, other than that part of such premises regularly used by the hotel or motel for the principal purpose of selling beer or food to the general public; or to drug stores regularly and continuously employing a registered pharmacist, from having alcohol in stock for medicinal and compounding purposes.

Sec. 52. Section 123.142, Code 2016, is amended to read as follows:

**123.142 Unlawful sale and importation.**

1. It is unlawful for the holder of a class "B" or class "C" beer permit issued under this chapter to sell beer, except beer brewed on the premises covered by a special class "A" or special class "AA" beer permit or beer purchased from a person holding a class "A" or class "AA" beer permit issued in accordance with this chapter, and on which the tax provided in section 123.136 has been paid. However, this section does not apply to class "D" liquor control licensees as provided in this chapter.

2. It shall be unlawful for any person not holding a class "A" or class "AA" beer permit to import beer into this state for the purpose of sale or resale.

Sec. 53. Section 123.143, subsection 3, Code 2016, is amended to read as follows:

3. Barrel tax revenues collected on beer manufactured in this state from a class "A" or class "AA" beer permittee which owns and operates a brewery located in Iowa shall be credited to the barrel tax fund hereby created in the office of the treasurer of state. Moneys deposited in the barrel tax fund shall not revert to the general fund of the state without a specific

appropriation by the general assembly. Moneys in the barrel tax fund are appropriated to the economic development authority for purposes of section 15E.117.

Sec. 54. Section 123.144, subsection 1, Code 2016, is amended to read as follows:

1. No person shall bottle beer within the state of Iowa, except class “A”, special class “A”, class “AA”, and special class “AA” beer permittees who have complete equipment for bottling beer and who have received the approval of the local board of health as to sanitation. It shall be the duty of local boards of health to inspect the premises and equipment of class “A”, special class “A”, class “AA”, and special class “AA” beer permittees who desire to bottle beer.

Sec. 55. Section 135.175, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. A health care workforce support initiative is established to provide for the coordination and support of various efforts to address the health care workforce shortage in this state. This initiative shall include the medical residency training state matching grants program created in section 135.176, ~~the nurse residency state matching grants program created in section 135.178, and~~ the fulfilling Iowa’s need for dentists matching grant program created in section 135.179, ~~the health care professional incentive payment program and Iowa needs nurses now initiative created in sections 261.128 and 261.129, the safety net provider recruitment and retention initiatives program created in section 135.153A, health care workforce shortage national initiatives, and the physician assistant mental health fellowship program created in section 135.177.~~

Sec. 56. Section 135.175, subsection 6, paragraphs a and c, Code 2016, are amended to read as follows:

a. Moneys in the fund and the accounts in the fund shall only be appropriated in a manner consistent with the principles specified and the strategic plan developed pursuant to sections 135.163 and 135.164 to support the medical residency training state matching grants program, ~~the nurse residency state matching grants program, the fulfilling Iowa’s need for dentists matching grant program, the health care professional incentive payment program, the Iowa needs nurses now initiative, the safety net recruitment and retention initiatives program, for national health care workforce shortage initiatives, for the physician assistant mental health fellowship program, for the purposes of the Iowa needs nurses now infrastructure account,~~ and to provide funding for state health care workforce shortage programs as provided in this section.

c. State appropriations to the fund shall be allocated in equal amounts to each of the accounts within the fund, unless otherwise specified in the appropriation or allocation. Any federal funding received for the purposes of addressing state health care workforce shortages shall be deposited in the health care workforce shortage national initiatives account, unless otherwise specified by the source of the funds, and shall be used as required by the source of the funds. If use of the federal funding is not designated, ~~twenty-five percent of such funding shall be deposited in the safety net provider network workforce shortage account to be used for the purposes of the account and the remainder of the funds~~ shall be used in accordance with the strategic plan developed by the department of public health in accordance with sections 135.163 and 135.164, or to address workforce shortages as otherwise designated by the department of public health. Other sources of funding shall be deposited in the fund or account and used as specified by the source of the funding.

Sec. 57. Section 135.176, subsection 2, paragraph a, subparagraph (1), Code 2016, is amended to read as follows:

(1) A sponsor shall demonstrate that funds have been budgeted and will be expended by the sponsor in the amount required to provide matching funds for each residency position proposed in the request for state matching funds.

Sec. 58. Section 135.185, subsection 1, paragraph b, Code 2016, is amended to read as follows:

b. “Facility” means a food establishment as defined in section 137F.1, a carnival as defined in section 88A.1, a recreational camp, a youth sports facility, or a sports area arena.

Sec. 59. Section 135C.42, subsection 3, Code 2016, is amended to read as follows:

3. ~~The department shall hold the~~ An informal conference, as required in this section, shall be held concurrently with any informal dispute resolution held pursuant to 42 C.F.R. §488.331 for those health care facilities certified under Medicare or the medical assistance program.

Sec. 60. Section 144D.1, subsection 9, Code 2016, is amended to read as follows:

9. "*Patient*" means an individual who is frail and elderly or who has a chronic, critical medical condition or a terminal illness and for which a physician orders for scope of treatment form is consistent with the individual's goals of care.

Sec. 61. Section 153.33, Code 2016, is amended to read as follows:

**153.33 Powers of board.**

1. Subject to the provisions of this chapter, any provision of this subtitle to the contrary notwithstanding, the board shall exercise the following powers:

1. a. (1) To initiate investigations of and conduct hearings on all matters or complaints relating to the practice of dentistry, dental hygiene, or dental assisting or pertaining to the enforcement of any provision of this chapter, to provide for mediation of disputes between licensees or registrants and their patients when specifically recommended by the board, to revoke or suspend licenses or registrations, or the renewal thereof, issued under this or any prior chapter, to provide for restitution to patients, and to otherwise discipline licensees and registrants.

b. (2) Subsequent to an investigation by the board, the board may appoint a disinterested third party to mediate disputes between licensees or registrants and patients. Referral of a matter to mediation shall not preclude the board from taking disciplinary action against the affected licensee or registrant.

2. b. To appoint investigators, who shall not be members of the board, to administer and aid in the enforcement of the provisions of law relating to those persons licensed to practice dentistry and dental hygiene, and persons registered as dental assistants. The amount of compensation for the investigators shall be determined pursuant to chapter 8A, subchapter IV. Investigators authorized by the board have the powers and status of peace officers when enforcing this chapter and chapters 147 and 272C.

3. ~~All employees needed to administer this chapter except the executive director shall be appointed pursuant to the merit system. The executive director shall serve at the pleasure of the board and shall be exempt from the merit system provisions of chapter 8A, subchapter IV.~~

4. c. To initiate in its own name or cause to be initiated in a proper court appropriate civil proceedings against any person to enforce the provisions of this chapter or this subtitle relating to the practice of dentistry, and the board may have the benefit of counsel in connection therewith. Any such judicial proceeding as may be initiated by the board shall be commenced and prosecuted in the same manner as any other civil action and injunctive relief may be granted therein without proof of actual damage sustained by any person but such injunctive relief shall not relieve the person so enjoined from criminal prosecution by the attorney general or county attorney for violation of any provision of this chapter or this subtitle relating to the practice of dentistry.

d. To adopt rules regarding infection control in dental practice which are consistent with standards of the federal Occupational Safety and Health Act of 1970, 29 U.S.C. §651 – 678, and recommendations of the centers for disease control.

e. To promulgate rules as may be necessary to implement the provisions of this chapter.

2. All employees needed to administer this chapter except the executive director shall be appointed pursuant to the merit system. The executive director shall serve at the pleasure of the board and shall be exempt from the merit system provisions of chapter 8A, subchapter IV.

5. 3. In any investigation made or hearing conducted by the board on its own motion, or upon written complaint filed with the board by any person, pertaining to any alleged violation of this chapter or the accusation against any licensee or registrant, the following procedure and rules so far as material to such investigation or hearing shall obtain:

a. The accusation of such person against any licensee or registrant shall be reduced to writing, verified by some person familiar with the facts therein stated, and three copies thereof filed with the board.



b. If the board shall deem the charges sufficient, if true, to warrant suspension or revocation of license or registration, it shall make an order fixing the time and place for hearing thereon and requiring the licensee or registrant to appear and answer thereto, such order, together with a copy of the charges so made to be served upon the accused at least twenty days before the date fixed for hearing, either personally or by certified or registered mail, sent to the licensee's or registrant's last known post office address as shown by the records of the board.

c. At the time and place fixed in said notice for said hearing, or at any time and place to which the said hearing shall be adjourned, the board shall hear the matter and may take evidence, administer oaths, take the deposition of witnesses, including the person accused, in the manner provided by law in civil cases, compel the appearance of witnesses before it in person the same as in civil cases by subpoena issued over the signature of the chairperson of the board and in the name of the state of Iowa, require answers to interrogatories and compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation or relating to the hearing.

d. In all such investigations and hearings pertaining to the suspension or revocation of licenses or registrations, the board and any person affected thereby may have the benefit of counsel, and upon the request of the licensee or registrant or the licensee's or registrant's counsel the board shall issue subpoenas for the attendance of such witnesses in behalf of the licensee or registrant, which subpoenas when issued shall be delivered to the licensee or registrant or the licensee's or registrant's counsel. Such subpoenas for the attendance of witnesses shall be effective if served upon the person named therein anywhere within this state, provided, that at the time of such service the fees now or hereafter provided by law for witnesses in civil cases in district court shall be paid or tendered to such person.

e. In case of disobedience of a subpoena lawfully served hereunder, the board or any party to such hearing aggrieved thereby may invoke the aid of the district court in the county where such hearing is being conducted to require the attendance and testimony of such witnesses. Such district court of the county within which the hearing is being conducted may, in case of contumacy or refusal to obey such subpoena, issue an order requiring such person to appear before said board, and if so ordered give evidence touching the matter involved in the hearing. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

f. If the licensee or registrant pleads guilty, or after hearing shall be found guilty by the board of any of the charges made, it may suspend for a limited period or revoke the license or registration, and the last renewal thereof, and shall enter the order on its records and notify the accused of the revocation or suspension of the person's license or registration, as the case may be, who shall thereupon forthwith surrender that license or registration to the board. Any such person whose license or registration has been so revoked or suspended shall not thereafter and while such revocation or suspension is in force and effect practice dentistry, dental hygiene, or dental assisting within this state.

g. The findings of fact made by the board acting within its power shall, in the absence of fraud, be conclusive, but the district court shall have power to review questions of law involved in any final decision or determination of the board; provided, that application is made by the aggrieved party within thirty days after such determination by certiorari, mandamus or such other method of review or appeal permitted under the laws of this state, and to make such further orders in respect thereto as justice may require.

h. Pending the review and final disposition thereof by the district court, the action of the board suspending or revoking such license or registration shall not be stayed.

~~6. To adopt rules regarding infection control in dental practice which are consistent with standards of the federal Occupational Safety and Health Act of 1970, 29 U.S.C. §651—678, and recommendations of the centers for disease control.~~

~~7. 4. An inspector may be appointed by the dental board pursuant to the provisions of chapter 8A, subchapter IV.~~

~~8. To promulgate rules as may be necessary to implement the provisions of this chapter.~~

Sec. 62. Section 192.110, subsection 1, Code 2016, is amended to read as follows:

1. The person has a pasteurized milk and milk products sanitation compliance rating of ninety percent or more as calculated according to the rating system as contained

in rules adopted by the department incorporating or incorporating by reference the federal publications entitled “Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of the National Conference on Interstate Milk Shipments” and “Methods of Making Sanitation Ratings of Milk Shippers”. A copy of each publication shall be on file with the department or in the office of the person subject to an inspection contract as provided in section 192.108.

Sec. 63. Section 192.118, subsection 1, Code 2016, is amended to read as follows:

1. To ~~insure~~ ensure uniformity in the tests and reporting, an employee certified by the United States public health service of the bacteriological laboratory of the department shall annually certify, in accordance with rules adopted by the department incorporating or incorporating by reference the federal publication entitled “Evaluation of Milk Laboratories”, all laboratories doing work in the sanitary quality of milk and dairy products for public report. The approval by the department shall be based on the evaluation of these laboratories as to personnel training, laboratory methods used, and reporting. The results on tests made by approved laboratories shall be reported to the department on request, on forms prescribed by the secretary of agriculture, and such reports may be used by the department.

Sec. 64. Section 206.2, subsection 24, Code 2016, is amended by striking the subsection.

Sec. 65. Section 218.95, subsection 1, paragraph h, Code 2016, is amended by striking the paragraph.

Sec. 66. Section 222.6, Code 2016, is amended to read as follows:

**222.6 State districts.**

The administrator shall divide the state into two districts in such manner that one of the resource centers shall be located within each of the districts. Such districts may from time to time be changed. After such districts have been established, the administrator shall notify all boards of supervisors, regional administrators of the ~~mental health and disability services regions~~, and clerks of the district courts of the action. Thereafter, unless the administrator otherwise orders, all admissions of persons with an intellectual disability from a district shall be to the resource center located within such district.

Sec. 67. Section 222.12, subsection 2, Code 2016, is amended to read as follows:

2. Notice of the death of the patient, and the cause of death, shall be sent to the regional administrator of the ~~mental health and disability services region~~ of for the patient’s county of residence. The fact of death with the time, place, and alleged cause shall be entered upon the docket of the court.

Sec. 68. Section 225.10, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Persons suffering from mental diseases may be admitted to the state psychiatric hospital as voluntary public patients if a physician authorized to practice medicine or osteopathic medicine in the state of Iowa files information with the regional administrator of ~~for~~ the person’s county of residence, stating all of the following:

Sec. 69. Section 225.13, Code 2016, is amended to read as follows:

**225.13 Financial condition.**

The regional administrator of ~~for~~ the county of residence of a person being admitted to the state psychiatric hospital is responsible for investigating the financial condition of the person and of those legally responsible for the person’s support.

Sec. 70. Section 225.15, subsection 2, Code 2016, is amended to read as follows:

2. A proper and competent nurse shall also be assigned to look after and care for the respondent during observation, treatment, and care. Observation, treatment, and hospital care under this section which are payable in whole or in part by a county shall only be provided as determined through the regional administrator of for the respondent’s county of residence.

Sec. 71. Section 225.17, subsection 2, Code 2016, is amended to read as follows:

2. When the respondent arrives at the hospital, the respondent shall receive the same treatment as is provided for committed public patients in section 225.15, in compliance with sections 229.13 to 229.16. However, observation, treatment, and hospital care under this section of a respondent whose expenses are payable in whole or in part by a county shall only be provided as determined through the regional administrator ~~of~~ for the respondent's county of residence.

Sec. 72. Section 225C.14, subsection 1, Code 2016, is amended to read as follows:

1. Except in cases of medical emergency, a person shall be admitted to a state mental health institute as an inpatient only after a preliminary diagnostic evaluation performed through the regional administrator ~~of~~ for the person's county of residence has confirmed that the admission is appropriate to the person's mental health needs, and that no suitable alternative method of providing the needed services in a less restrictive setting or in or nearer to the person's home community is currently available. If provided for through the regional administrator, the evaluation may be performed by a community mental health center or by an alternative diagnostic facility. The policy established by this section shall be implemented in the manner and to the extent prescribed by sections 225C.15, 225C.16, and 225C.17.

Sec. 73. Section 225C.16, subsection 2, Code 2016, is amended to read as follows:

2. The clerk of the district court in that county shall refer a person applying for authorization for voluntary admission, or for authorization for voluntary admission of another person, in accordance with section 229.42, to the regional administrator ~~of~~ for the person's county of residence under section 225C.14 for the preliminary diagnostic evaluation unless the applicant furnishes a written statement from the appropriate entity which indicates that the evaluation has been performed and that the person's admission to a state mental health institute is appropriate. This subsection does not apply when authorization for voluntary admission is sought under circumstances which, in the opinion of the chief medical officer or that officer's physician designee, constitute a medical emergency.

Sec. 74. Section 225C.19A, Code 2016, is amended to read as follows:

**225C.19A Crisis stabilization programs.**

The department shall accredit, certify, or apply standards of review to authorize the operation of crisis stabilization programs, including crisis stabilization programs operating in a psychiatric medical institution for children pursuant to chapter 135H that provide children with mental health, substance abuse, and co-occurring mental health and substance abuse services. In authorizing the operation of a crisis stabilization program, the department shall apply the relevant requirements for an emergency mental health crisis services provider and system under section 225C.19. A program authorized to operate under this section is not required to be licensed under chapter 135B, 135C, ~~or~~ 135G, or 135H, or certified under chapter 231C. The commission shall adopt rules to implement this section. The department shall accept accreditation of a crisis stabilization program by a national accrediting organization in lieu of applying the rules adopted in accordance with this section to the program.

Sec. 75. Section 226.9C, subsection 2, paragraph c, Code 2016, is amended to read as follows:

c. (1) Prior to an individual's admission for dual diagnosis treatment, the individual shall have been prescreened. The person performing the prescreening shall be either the mental health professional, as defined in section 228.1, who is contracting with the regional administrator for the county's mental health and disability services region to provide the prescreening or a mental health professional with the requisite qualifications. A mental health professional with the requisite qualifications shall meet all of the following qualifications: is

(a) Is a mental health professional as defined in section 228.1, ~~is~~.

(b) Is an alcohol and drug counselor certified by the nongovernmental Iowa board of substance abuse certification, ~~and is~~.

(c) Is employed by or providing services for a facility, as defined in section 125.2.

(2) Prior to an individual's admission for dual diagnosis treatment, the individual shall have been screened through a ~~county's~~ the regional administrator for the county to determine the appropriateness of the treatment.

Sec. 76. Section 227.1, subsection 2, Code 2016, is amended to read as follows:

2. The regulatory requirements for county and private institutions where persons with mental illness or an intellectual disability are admitted, committed, or placed shall be ~~under the supervision of~~ administered by the administrator.

Sec. 77. Section 228.1, subsection 6, paragraph b, Code 2016, is amended to read as follows:

b. The individual holds a current Iowa license if practicing in a field covered by an Iowa licensure law and is a psychiatrist, an advanced registered nurse practitioner who holds a national certification in psychiatric mental health care and is licensed by the board of nursing, a physician assistant practicing under the supervision of a psychiatrist, or an individual who holds a doctorate degree in psychology and is licensed by the board of psychology.

Sec. 78. Section 229.13, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. The court shall order a respondent whose expenses are payable in whole or in part by a mental health and disability services region placed under the care of an appropriate hospital or facility designated through the ~~county's~~ regional administrator for the county on an inpatient or outpatient basis.

Sec. 79. Section 229.14, subsection 2, paragraph a, Code 2016, is amended to read as follows:

a. For a respondent whose expenses are payable in whole or in part by a mental health and disability services region, placement as designated through the ~~county's~~ regional administrator for the county in the care of an appropriate hospital or facility on an inpatient or outpatient basis, or other appropriate treatment, or in an appropriate alternative placement.

Sec. 80. Section 229.14A, subsections 7 and 9, Code 2016, are amended to read as follows:

7. If a respondent's expenses are payable in whole or in part by a mental health and disability services region through the ~~county's~~ regional administrator for the county, notice of a placement hearing shall be provided to the county attorney and the regional administrator. At the hearing, the county may present evidence regarding appropriate placement.

9. A placement made pursuant to an order entered under section 229.13 or 229.14 or this section shall be considered to be authorized through the ~~county's~~ regional administrator for the county.

Sec. 81. Section 230.1, subsection 3, Code 2016, is amended to read as follows:

3. A mental health and disability services region or county of residence is not liable for costs and expenses associated with a person with mental illness unless the costs and expenses are for services and other support authorized for the person through the ~~county's~~ regional administrator for the county. For the purposes of this chapter, "*regional administrator*" means the same as defined in section 331.388.

Sec. 82. Section 230.3, Code 2016, is amended to read as follows:

**230.3 Certification of residence.**

If a person's county of residence is determined by the ~~county's~~ regional administrator for a county to be in another county of this state, the regional administrator making the determination shall certify the determination to the superintendent of the hospital to which the person is admitted or committed. The certification shall be accompanied by a copy of the evidence supporting the determination. Upon receiving the certification, the superintendent shall charge the expenses already incurred and unadjusted, and all future expenses of the person, to the regional administrator of for the county determined to be the county of residence.

Sec. 83. Section 232.2, subsection 4, paragraph f, subparagraph (3), Code 2016, is amended to read as follows:

(3) The transition plan shall be developed and reviewed by the department in collaboration with a child-centered transition team. The transition team shall be comprised of the child's caseworker and persons selected by the child, persons who have knowledge of services available to the child, and any person who may reasonably be expected to be a service provider for the child when the child becomes an adult or to become responsible for the costs of services at that time. If the child is reasonably likely to need or be eligible for adult services, the transition team membership shall include representatives from the adult services system. The adult services system representatives may include but are not limited to the administrator of county general relief under chapter 251 or 252 or the regional administrator of the ~~county~~ county's mental health and disability services region, as defined in section 331.388. The membership of the transition team and the meeting dates for the team shall be documented in the transition plan.

Sec. 84. Section 234.6, Code 2016, is amended to read as follows:

**234.6 Powers and duties of the administrator.**

1. The administrator shall be vested with the authority to administer the family investment program, state supplementary assistance, food programs, child welfare, and emergency relief, family and adult service programs, and any other form of public welfare assistance and institutions that are placed under the administrator's administration. The administrator shall perform duties, formulate and adopt rules as may be necessary; shall outline policies, dictate procedure, and delegate such powers as may be necessary for competent and efficient administration. Subject to restrictions that may be imposed by the director of human services and the council on human services, the administrator may abolish, alter, consolidate, or establish subdivisions and may abolish or change offices previously created. The administrator may employ necessary personnel and fix their compensation; may allocate or reallocate functions and duties among any subdivisions now existing or later established; and may adopt rules relating to the employment of personnel and the allocation of their functions and duties among the various subdivisions as competent and efficient administration may require. The administrator shall:

1. a. Cooperate with the social security administration created by the Social Security Act and codified at 42 U.S.C. §901, or other agency of the federal government for public welfare assistance, in such reasonable manner as may be necessary to qualify for federal aid, including the making of such reports in such form and containing such information as the social security administration, from time to time, may require, and to comply with such regulations as such social security administration, from time to time, may find necessary to assure the correctness and verification of such reports.

2. b. Furnish information to acquaint the public generally with the operation of the Acts under the jurisdiction of the administrator.

3. c. With the approval of the director of human services, the governor, the director of the department of management, and the director of the department of administrative services, set up from the funds under the administrator's control and management an administrative fund and from the administrative fund pay the expenses of operating the division.

4. d. Notwithstanding any provisions to the contrary in chapter 239B relating to the consideration of income and resources of claimants for assistance, the administrator, with the consent and approval of the director of human services and the council on human services, shall make such rules as may be necessary to qualify for federal aid in the assistance programs administered by the administrator.

5. ~~The department of human services shall have the power and authority to use the funds available to it, to purchase services of all kinds from public or private agencies to provide for the needs of children, including but not limited to psychiatric services, supervision, specialized group, foster homes and institutional care.~~

6. e. Have authority to use funds available to the department, subject to any limitations placed on the use thereof by the legislation appropriating the funds, to provide to or purchase, for families and individuals eligible therefor, services including but not limited to the following:

~~a.~~ (1) Child care for children or adult day services, in facilities which are licensed or are approved as meeting standards for licensure.

~~b.~~ (2) Foster care, including foster family care, group homes and institutions.

~~e.~~ (3) Family-centered services, as defined in section 232.102, subsection 10, paragraph "b".

~~d.~~ (4) Family planning.

~~e.~~ (5) Protective services.

~~f.~~ (6) Services or support provided to a child with an intellectual disability or other developmental disability or to the child's family.

~~g.~~ (7) Transportation services.

~~h.~~ (8) Any services, not otherwise enumerated in this subsection paragraph "e", authorized by or pursuant to the United States Social Security Act of 1934, as amended.

7. ~~f.~~ Administer the food programs authorized by federal law, and recommend rules necessary in the administration of those programs to the director for promulgation pursuant to chapter 17A.

8. ~~g.~~ Provide consulting and technical services to the director of the department of education, or the director's designee, upon request, relating to prekindergarten, kindergarten, and before and after school programming and facilities.

9. ~~h.~~ Recommend rules for their adoption by the council on human services for before and after school child care programs, conducted within and by or contracted for by school districts, that are appropriate for the ages of the children who receive services under the programs.

2. The department of human services shall have the power and authority to use the funds available to it, to purchase services of all kinds from public or private agencies to provide for the needs of children, including but not limited to psychiatric services, supervision, specialized group, foster homes, and institutional care.

~~10.~~ 3. In determining the reimbursement rate for services purchased by the department of human services from a person or agency, the department shall not include private moneys contributed to the person or agency unless the moneys are contributed for services provided to a specific individual.

Sec. 85. Section 249K.2, subsection 3, Code 2016, is amended to read as follows:

3. "Iowa Medicaid enterprise" means Iowa Medicaid enterprise as defined in section ~~135.154~~ 135D.2.

Sec. 86. Section 257.42, Code 2016, is amended to read as follows:

**257.42 Gifted and talented children.**

1. Boards of school districts, individually or jointly with the boards of other school districts, shall annually submit program plans for gifted and talented children programs and budget costs to the department of education and to the applicable gifted and talented children advisory council, if an advisory council has been established, as provided in this chapter.

2. The parent or guardian of a pupil may request that a gifted and talented children program be established for pupils who qualify as gifted and talented children under section 257.44, including demonstrated achievement or potential ability in a single subject area.

3. The department of education shall employ one full-time qualified staff member or consultant for gifted and talented children programs.

4. The department of education shall adopt rules under chapter 17A relating to the administration of this section and sections ~~257.42~~ 257.43 through 257.49. The rules shall prescribe the format of program plans submitted under section 257.43 and shall require that programs fulfill specified objectives. The department shall encourage and assist school districts to provide programs for gifted and talented children.

5. The department of education may request that the staff of the auditor of state conduct an independent program audit to verify that the gifted and talented programs conform to a district's program plans.

Sec. 87. Section 261.113, subsections 2 and 7, Code 2016, are amended to read as follows:

2. *Eligibility.* An individual is eligible to apply to enter into a program agreement with the commission if the individual is enrolled full-time in and receives a recommendation from the state university of Iowa college of medicine or Des Moines university — osteopathic medical center in a curriculum leading to a doctor of medicine degree or a doctor of ~~osteopathy~~ osteopathic medicine degree.

7. *Rules for additional loan repayment.* The commission shall adopt rules to provide, in addition to loan repayment provided to eligible students pursuant to this section and subject to the availability of surplus funds, loan repayment to a physician who received a doctor of medicine or ~~osteopathy~~ doctor of osteopathic medicine degree from an eligible university as provided in subsection 2, obtained a license to practice medicine and surgery or osteopathic medicine and surgery in this state, completed the physician's residency program requirement with an Iowa-based residency program, and is engaged in the full-time practice of medicine and surgery or osteopathic medicine and surgery as specified in subsection 3, paragraph "d".

Sec. 88. Section 261.113, subsection 3, unnumbered paragraph 1, Code 2016, is amended to read as follows:

A program agreement shall be entered into by an eligible student and the commission during the eligible student's final year of study leading to a doctor of medicine or ~~osteopathy~~ doctor of osteopathic medicine degree. Under the agreement, to receive loan repayments pursuant to subsection 5, an eligible student shall agree to and shall fulfill all of the following requirements:

Sec. 89. Section 261.113, subsection 3, paragraph a, Code 2016, is amended to read as follows:

a. Receive a doctor of medicine or ~~osteopathy~~ doctor of osteopathic medicine degree from an eligible university and apply for, enter, and complete a residency program approved by the commission.

Sec. 90. Section 261G.4, subsection 2, Code 2016, is amended to read as follows:

2. Notwithstanding any other provision of law to the contrary, a participating resident institution shall be required to register under chapter 261B or to comply with the registration and disclosure requirements of chapter 261 or 261B or section 714.17, subsections 2 and 3, or sections 714.18, 714.20, 714.21, and 714.23, or section 714.24, subsections 1, 2, 3, 4, and 5, or section 714.25, if the provisions of the interstate reciprocity agreement require such registration or compliance.

Sec. 91. Section 275.1, subsection 3, Code 2016, is amended to read as follows:

3. If a district is attached, division of assets and liabilities shall be made as provided in sections 275.29 ~~to~~ through 275.31. The area education agency boards shall develop detailed studies and surveys of the school districts within the area education agency and all adjacent territory for the purpose of providing for reorganization of school districts in order to effect more economical operation and the attainment of higher standards of education in the schools. The plans shall be revised periodically to reflect reorganizations which may have taken place in the area education agency and adjacent territory.

Sec. 92. Section 275.28, Code 2016, is amended to read as follows:

**275.28 Plan of division of assets and liabilities.**

In addition to setting up the territory to comprise the reorganized districts, a reorganization petition shall provide for a division of assets and liabilities of the districts affected among the reorganized districts. However, if territory is excluded from the reorganized district by the petition or by the area education agency board of directors, the division of all assets and liabilities shall be made under the provisions of sections 275.29 ~~to~~ through 275.31.

Sec. 93. Section 307.24, subsection 5, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Construct, reconstruct, improve, and maintain state institutional roads and state park roads which are part of the state park, state institution, and other state land road system

as defined in section 306.3, and bridges on such roads, roads located on state fairgrounds as defined ~~described~~ in chapter 173, and the roads and bridges located on property of community colleges as defined in section 260C.2, upon the request of the state board, department, or commission which has jurisdiction over such roads. This shall be done in such manner as may be agreed upon by the state transportation commission and the state board, department, or commission which has jurisdiction. The commission may contract with any county or municipality for the construction, reconstruction, improvement, or maintenance of such roads and bridges. Any state park road which is an extension of either a primary or secondary highway which both enters and exits from a state park at separate points shall be constructed, reconstructed, improved, and maintained as provided in section 306.4. Funds allocated from the road use tax fund for the purposes of this subsection shall be apportioned in the following manner and amounts:

Sec. 94. Section 307.46, subsection 2, Code 2016, is amended to read as follows:

2. On or before June 30 of the fiscal year following the fiscal year in which funds were encumbered under this section, the department shall report to the joint transportation, infrastructure, and capitals appropriations subcommittee, the legislative services agency, the department of management, the general assembly's standing committees on government oversight, and the legislative fiscal and oversight committees committee of the legislative council detailing how the moneys were expended. Moneys shall not be encumbered under this section from an appropriation which received a transfer from another appropriation pursuant to section 8.39.

Sec. 95. Section 307A.2, subsection 4, Code 2016, is amended to read as follows:

4. ~~The Adopt rules pursuant to chapter 17A establishing the criteria to be used by the commission for allocating funds as a result of any long-range planning process shall be adopted in accordance with the provisions of chapter 17A.~~ The commission shall adopt such rules and regulations in accordance with the provisions of chapter 17A as it may deem necessary to transact its business and for the administration and exercise of its powers and duties.

Sec. 96. Section 310.28, Code 2016, is amended to read as follows:

**310.28 Engineering and other expense.**

1. Engineering, inspection and administration expense in connection with any farm-to-market road project may be paid from ~~said the~~ county's allotment of the farm-to-market road fund. Any such expense incurred by the department may in the first instance be advanced out of the primary road fund, ~~said and such expense amounts later being shall later be~~ reimbursed to ~~said funds the primary road fund~~ out of the farm-to-market road fund.

2. ~~Provided, that no~~ No part of the salary or expense of the county engineer, any member of the county board of supervisors, any member of the department, the chief engineer, or any department head or district engineer of the department shall be paid out of the farm-to-market road fund.

Sec. 97. Section 313.2, subsection 3, Code 2016, is amended to read as follows:

3. The department may, for the purpose of affording access to cities or state parks, or for the purpose of shortening the direct line of travel on important routes, or to effect connections with interstate roads at the state line, add such road or roads to the primary road system.

Sec. 98. Section 313.12, Code 2016, is amended to read as follows:

**313.12 Supervision and inspection.**

The department is expressly charged with the duty of supervision, inspection and direction of the work of construction of primary roads on behalf of the state, and of supervising the expenditure of all funds paid on account of such work by the state or the county on the primary road system and it shall do and perform all other matters and things necessary to the faithful completion of the work herein authorized.



Sec. 99. Section 313.64, Code 2016, is amended to read as follows:

**313.64 Financial statement annually.**

1. If the department accepts the offer of any bridge over a boundary stream and enters into a written agreement in relation to the bridge as provided in sections 313.59 to ~~through~~ 313.63, this section, and section 313.65, the owner or operator of the bridge shall thereafter and until all indebtedness or other obligations against the bridge have been paid and discharged annually file with the department a sworn statement of its financial condition. The statement shall show funds on hand and indebtedness at the beginning and end of the year, receipts, disbursements, indebtedness retired during the year and any other information required by the department to show the true and complete condition of the finances with respect to the bridge and bridge approaches.

2. The annual budget of authorized operating and other expenditures for or on behalf of such bridge and approaches shall be approved by the department before becoming effective. Expenditures during the year shall not exceed the approved budget unless an increase in the annual budget be likewise approved by the department.

Sec. 100. Section 313.65, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Before any bridge owned by any individual or private corporation shall be accepted by the department under the provisions of sections 313.59 to ~~through~~ 313.64, the proposal and acceptance shall first be approved by the following tax levying and tax certifying bodies located in the tax district:

Sec. 101. Section 321.1, subsections 1A and 20A, Code 2016, are amended to read as follows:

1A. "~~Air bag~~" or "~~airbag~~" means a motor vehicle inflatable occupant restraint system that operates in the event of a crash and is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed. "~~Air bag~~" includes all component parts to a motor vehicle inflatable occupant restraint system, including but not limited to the cover, sensors, controllers, inflators, wiring, and seat belt systems.

20A. "~~Driver's license~~" means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to a temporary restricted or temporary license and an instruction, chauffeur's instruction, commercial learner's ~~permit~~, or temporary permit. For purposes of license suspension, revocation, bar, disqualification, cancellation, or denial under this chapter and chapters 321A, 321C, and 321J, "~~driver's license~~" includes any privilege to operate a motor vehicle.

Sec. 102. Section 321.12, subsection 1, Code 2016, is amended to read as follows:

1. The director may destroy any records of the department which have been maintained on file for three years ~~and~~ which the director deems obsolete and of no further service in carrying out the powers and duties of the department, except as otherwise provided in this section.

Sec. 103. Section 321.69, subsection 10, paragraph a, Code 2016, is amended to read as follows:

a. A person shall not sell, lease, or trade a motor vehicle if the person knows or reasonably should know that the motor vehicle contains a nonoperative ~~airbag~~ air bag that is part of an inflatable restraint system, or that the motor vehicle has had an ~~airbag~~ air bag removed and not replaced, unless the person clearly discloses, in writing, to the person to whom the person is selling, leasing, or trading the vehicle, prior to the sale, lease, or trade, that the ~~airbag~~ air bag is missing or nonoperative. In addition, a lessee who has executed a lease as defined in section 321F.1 shall provide the disclosure statement required in this subsection to the lessor upon termination of the lease.

Sec. 104. Section 321G.1, subsection 10, Code 2016, is amended by striking the subsection.

Sec. 105. Section 321H.2, subsection 4, Code 2016, is amended to read as follows:

4. “*National motor vehicle title information system*” means the federally mandated motor vehicle title history database established pursuant to 49 U.S.C. §30502 and maintained by the United States department of justice that links the states’ motor vehicle title records, including the department’s title records, and that requires the reporting of junk and salvage motor vehicles in order to ensure that states, law enforcement agencies, insurers, and consumers have access to information that enables the verification of a vehicle’s history, and the accuracy and legality of a motor vehicle’s title, before a purchase or title transfer occurs.

Sec. 106. Section 321I.1, subsection 11, Code 2016, is amended by striking the subsection.

Sec. 107. Section 321M.1, subsections 2, 4, and 8, Code 2016, are amended to read as follows:

2. “*County issuance*” means the system or process of issuing driver’s licenses, ~~nonoperator~~ nonoperator’s identification cards, and persons with disabilities identification devices, including all related testing, to the same extent that such items are issued by the department.

4. “*Digitized photolicensing equipment*” means the machines and related materials, obtained pursuant to contract, the use of which results in the on-site production of driver’s licenses and ~~nonoperator~~ nonoperator’s identification cards.

8. “~~Nonoperator~~ “*Nonoperator’s identification card*” means the card issued pursuant to section 321.190 that contains information pertaining to the personal characteristics of the applicant but does not convey to the person issued the card any operating privileges for any motor vehicle.

Sec. 108. Section 321M.2, Code 2016, is amended to read as follows:

**321M.2 Relation to other laws.**

Notwithstanding provisions of chapter 321 or 321L that grant sole authority to the department for the issuance of driver’s licenses, ~~nonoperator~~ nonoperator’s identification cards, and persons with disabilities identification devices, certain counties shall be authorized to issue driver’s licenses, ~~nonoperator~~ nonoperator’s identification cards, and persons with disabilities identification devices, according to the requirements of this chapter.

Sec. 109. Section 321M.3, Code 2016, is amended to read as follows:

**321M.3 Authorization to issue licenses.**

Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Cass, Cedar, Cherokee, Chickasaw, Clarke, Clayton, Crawford, Dallas, Davis, Decatur, Delaware, Dickinson, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Jones, Keokuk, Kossuth, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills, Mitchell, Monona, Monroe, Montgomery, O’Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Poweshiek, Ringgold, Sac, Shelby, Sioux, Tama, Taylor, Union, Van Buren, Warren, Washington, Wayne, Winnebago, Winneshiek, Worth, and Wright counties shall be authorized to issue driver’s licenses, ~~nonoperator~~ nonoperator’s identification cards, and persons with disabilities identification devices on a permanent basis, provided that such counties continue to meet the department’s standards for issuance.

Sec. 110. Section 321M.4, Code 2016, is amended to read as follows:

**321M.4 Termination of authorization — failure to meet standards.**

1. If a county is subject to termination of its county issuance authorization for failure to meet the department’s standards for issuance, the county shall not issue driver’s licenses, ~~nonoperator~~ nonoperator’s identification cards, or persons with disabilities identification devices until the county has been reauthorized by the department.

2. The department is not obligated to provide service in a county for issuance of driver’s licenses, ~~nonoperator~~ nonoperator’s identification cards, or persons with disabilities identification devices if the county fails to meet the department’s standards for issuance.

Sec. 111. Section 327G.32, subsection 2, paragraph a, Code 2016, is amended to read as follows:

a. An officer or employee of a railroad corporation violating a provision of this section is, upon conviction, subject to the a schedule "two" penalty provided in under section 327G.14 327C.5.

Sec. 112. Section 331.557A, subsections 1 and 3, Code 2016, are amended to read as follows:

1. Issue, renew, and replace lost or damaged ~~nonoperator~~ nonoperator's identification cards and driver's licenses, including commercial driver's licenses, according to the provisions of chapter 321M.

3. Collect fees associated with ~~nonoperator~~ nonoperator's identification cards and driver's licenses, including commercial driver's licenses, and pay to the state amounts in excess of the amount the treasurer is permitted to retain for deposit in the county general fund for license issuance.

Sec. 113. Section 331.802, subsection 3, paragraph a, Code 2016, is amended to read as follows:

a. Violent death, including ~~homicidal~~ homicide, ~~suicidal~~ suicide, or accidental death.

Sec. 114. Section 331.910, subsection 4, paragraphs a, b, and e, Code 2016, are amended to read as follows:

a. A person who is detained, committed, or placed on an involuntary basis under section 125.75 or 229.6 may be civilly committed and treated in another state pursuant to a contract under this ~~section~~ subsection.

b. A person who is detained, committed, or placed on an involuntary basis under the civil commitment laws of a bordering state substantially similar to section 125.75 or 229.6 may be civilly committed and treated in this state pursuant to a contract under this ~~section~~ subsection.

e. A person who is detained, committed, or placed under the laws of a sending state and who is transferred to a receiving state under this ~~section~~ subsection shall be considered to be in the legal custody of the authority responsible for the person under the laws of the sending state with respect to the involuntary civil commitment of the person due to a mental illness or a substance-related disorder.

Sec. 115. Section 426B.3, subsection 5, Code 2016, is amended by striking the subsection.

Sec. 116. Section 428.35, subsection 1, Code 2016, is amended to read as follows:

1. *Definitions.* ~~"Person" as used herein means individuals, corporations, firms and associations of whatever form. "Handling or handled" as used herein means the receiving of grain at or in each elevator, warehouse, mill, processing plant or other facility in this state in which it is received for storage, accumulation, sale, processing or for any purpose whatsoever. As used in this section:~~

a. "Grain" as used herein means wheat, corn, barley, oats, rye, flaxseed, field peas, soybeans, grain sorghums, spelts, and such other products as are usually stored in grain elevators. Such term excludes such seeds after being processed, and the products of such processing when packaged or sacked. The term "processing"

b. "Handling or handled" means the receiving of grain at or in each elevator, warehouse, mill, processing plant, or other facility in this state in which it is received for storage, accumulation, sale, processing, or for any purpose whatsoever.

c. "Person" means individuals, corporations, firms, and associations of whatever form.

d. "Processing" shall not include hulling, cleaning, drying, grading, or polishing.

Sec. 117. Section 434.22, Code 2016, is amended to read as follows:

**434.22 Levy and collection of tax.**

At the first meeting of the board of supervisors held after said the statement of the department of revenue under section 434.17 is received by the county auditor, the board shall cause the same to be entered on its minute book, and make and enter in the minute book an order stating the length of the main track and the assessed value of each railway

lying in each city, township, or lesser taxing district in its county, through or into which the railway extends, as fixed by the department of revenue, which shall constitute the taxable value of the property for taxing purposes; and the taxes on the property, when collected by the county treasurer, shall be disposed of as other taxes. The county auditor shall transmit a copy of the order to the council or trustees of the city or township.

Sec. 118. Section 437.10, Code 2016, is amended to read as follows:

**437.10 Entry of certificate.**

At the first meeting of the board of supervisors held after ~~said~~ the statements of the department of revenue under section 437.9 are received by the county auditor, the board shall cause such statement to be entered in its minute book and make and enter in the minute book an order stating the length of the lines and the assessed value of the property of each of the companies situated in each township or lesser taxing district in each county outside cities, as fixed by the department of revenue, which shall constitute the taxable value of the property for taxing purposes. The county auditor shall transmit a copy of the order to the trustees of each township and to the proper taxing boards in lesser taxing districts into which the line or lines of the company extend in the county. The taxes on the property when collected by the county treasurer shall be disposed of as other taxes on real estate.

Sec. 119. Section 438.15, Code 2016, is amended to read as follows:

**438.15 Assessed value in each taxing district — record.**

At the first meeting of the board of supervisors held after ~~said~~ the statement of the department of revenue under section 438.14 is received by the county auditor, the board shall cause the same to be entered on its minute book, and make and enter in the minute book an order describing and stating the assessed value of each pipeline lying in each city, township, or lesser taxing district in its county, through or into which the pipeline extends, as fixed by the department of revenue, which shall constitute the assessed value of the property for taxing purposes; and the taxes on the property, when collected by the county treasurer, shall be disposed of as other taxes. The county auditor shall transmit a copy of the order to the council of the city, or the trustees of the township, as the case may be.

Sec. 120. Section 440.6, Code 2016, is amended to read as follows:

**440.6 Fraudulent withholding — penalty.**

In case the property has been fraudulently withheld from assessment, the department of revenue may, in addition to ~~said~~ the ten percent penalty under section 440.5, add any additional percent, not exceeding fifty percent.

Sec. 121. Section 441.21, subsection 7, Code 2016, is amended to read as follows:

7. a. For the purpose of computing the debt limitations for municipalities, political subdivisions and school districts, the term “actual value” means the “actual value” as determined by subsections 1 ~~to~~ through 3 ~~of this section~~ without application of any percentage reduction and entered opposite each item, and as listed on the tax list as provided in section 443.2 as “actual value”.

b. Whenever any board of review or other tribunal changes the assessed value of property, all applicable records of assessment shall be adjusted to reflect such change in both assessed value and actual value of such property.

Sec. 122. Section 445.60, Code 2016, is amended to read as follows:

**445.60 Refunding erroneous tax.**

The board of supervisors shall direct the county treasurer to refund to the taxpayer any tax or portion of a tax found to have been erroneously or illegally paid, with all interest, fees, and costs actually paid. A refund shall not be ordered or made unless a claim for refund is presented to the board within two years of the date the tax was due, or if appealed to the board of review, the property assessment appeal board, ~~the state board of tax review~~, or district court, within two years of the final decision.

Sec. 123. Section 453A.45, subsection 1, paragraph b, Code 2016, is amended to read as follows:

b. When a licensed distributor sells tobacco products exclusively to the ultimate consumer at the address given in the license, an invoice of those sales is not required, but itemized invoices shall be made of all tobacco products transferred to other retail outlets owned or controlled by that licensed distributor. All books, records and other papers and documents required by this ~~subdivision~~ subsection to be kept shall be preserved for a period of at least three years after the date of the documents or the date of the entries appearing in the records, unless the director, in writing, authorized their destruction or disposal at an earlier date. At any time during usual business hours, the director, or the director's duly authorized agents or employees, may enter any place of business of a distributor, without a search warrant, and inspect the premises, the records required to be kept under this ~~subdivision~~ subsection, and the tobacco products contained therein, to determine if all the provisions of this division are being fully complied with. If the director, or any such agent or employee, is denied free access or is hindered or interfered with in making the examination, the license of the distributor at that premises is subject to revocation by the director.

Sec. 124. Section 455B.216, Code 2016, is amended to read as follows:

**455B.216 Examinations.**

The director shall hold at least one examination each year for the purpose of examining candidates for certification at a time and place designated by the director. Any written examination may be given by the department. All examinations in theory shall be in writing and the identity of the person taking the examination shall be concealed until after the examination papers have been graded. For examinations in practice, the identity of the person taking the examination shall also be concealed as far as possible. Those applicants whose competency is acceptable shall be recommended for certification. Applicants who fail the examination shall be allowed to take the examination at the next scheduled time. Thereafter, the applicant shall be allowed to take the examination at the discretion of the ~~board~~ director. An applicant who has failed the examination may request in writing information from the department concerning the applicant's examination grade and subject areas or questions which the applicant failed to answer correctly, except that if the director administers a uniform, standardized examination, the director is only required to provide the examination grade and the other information concerning the applicant's examination results which is available to the department.

Sec. 125. Section 456A.15, Code 2016, is amended to read as follows:

**456A.15 Removal.**

~~The appointees and employees aforesaid persons appointed or employed as provided under sections 456A.13 and 456A.14~~ may be removed by the ~~said~~ director at any time subject to the approval of the commission.

Sec. 126. Section 456A.38, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. "Agricultural land", "~~authority~~", "beginning farmer", and "farming" mean the same as defined in section 16.58.

Sec. 127. Section 456A.38, subsection 1, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0b. "Authority" means the same as defined in section 16.1.

Sec. 128. Section 459A.206, subsection 2, paragraph c, subparagraph (2), Code 2016, is amended to read as follows:

(2) At locations that reflect the continuous soil profile conditions existing within the area of the proposed basin or unformed structure, including conditions found near the corners and the deepest point of the proposed basin or unformed structure. The soil corings shall be taken to a minimum depth of ten feet below the bottom elevation of the basin or unformed structure.

Sec. 129. Section 459A.404, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. An animal truck wash effluent structure shall not be constructed, ~~including expanded, or expanded~~ within one thousand two hundred fifty feet from a residence not owned by the titleholder of the animal truck wash facility, a commercial enterprise, a bona fide religious institution, an educational institution, or a public use area, as those terms are defined in section 459.102, and as provided in rules adopted by the commission pursuant to ~~section sections~~ 459.103, ~~and as provided in rules adopted by the commission pursuant to section and~~ 459A.104.

Sec. 130. Section 459A.404, subsection 3, paragraph a, Code 2016, is amended to read as follows:

a. An animal truck wash effluent structure shall not be constructed, ~~including or expanded,~~ on land that is part of a one hundred year floodplain as designated by rules adopted by the commission pursuant to section 459A.104. The rules shall correspond to rules adopted pursuant to section 459.310, subsections 2 and 4.

Sec. 131. Section 461A.36, Code 2016, is amended to read as follows:

**461A.36 Speed limit.**

The maximum speed limit of all vehicles on state park and preserve drives, roads, and highways shall be thirty-five miles per hour. All driving shall be confined to designated roadways. Whenever the commission ~~shall determine~~ determines that ~~the a~~ a thirty-five mile per hour speed limit hereinbefore set forth is greater than is reasonable or safe under the conditions found to exist at any place of congestion or upon any part of the park roads, drives, or highways, ~~said the~~ the commission shall determine and declare a reasonable and safe speed limit ~~thereat,~~ which shall be effective when appropriate signs giving notice ~~thereof of the changed speed limit~~ are erected at ~~such the~~ the places of congestion or other parts of the park roads, drives, or highways.

Sec. 132. Section 468.149, Code 2016, is amended to read as follows:

**468.149 Obstructing or damaging.**

1. ~~Any A person or persons willfully diverting, obstructing, impeding, or filling up is guilty of a serious misdemeanor if, without legal authority, the person willfully does any of the following:~~

a. ~~Diverts, obstructs, impedes, or fills up any ditch, drain, or watercourse or breaking.~~

b. ~~Breaks down or injuring injures any levee or the bank of any settling basin, established, constructed, and maintained under any provision of law, or obstructing, or engaging.~~

c. ~~Obstructs or engages in travel or agricultural practices upon the improvement or rights-of-way of a levee or drainage district which the governing body thereof has, by resolution, determined to be injurious to such improvement or to interfere with its proper preservation, operation, or maintenance, and has prohibited, shall be deemed guilty of a serious misdemeanor and any such.~~

2. ~~Any unlawful act as above described in subsection 1 is hereby declared to be a nuisance and may be abated as such.~~

3. ~~Said A governing body shall also have the power to repair any ditch, drain, or watercourse, or any levee or bank of any settling basin, damaged by any person or persons in violation of the a resolution of said the governing body, after three days' notice to such person or persons to make such repair, in. In the event that there is a failure to do so make the repair, and the expense thereof of the repair shall be assessed to such the person or persons and shall be certified and collected in the same manner as other taxes.~~

Sec. 133. Section 468.207, Code 2016, is amended to read as follows:

**468.207 Form of notice.**

1. ~~Such~~ The notice under section 468.206 shall be captioned in the name of the district and shall be directed to ~~the all of the following:~~

a. ~~The~~ The owners of each tract or lot within ~~said the~~ the levee or drainage district, including railroad companies having rights-of-way, and lienholders and encumbrancers, ~~and to all.~~

b. The owners, lienholders, or encumbrancers of lands which an adoption of the plan would exclude from benefits and.

c. The owners, lienholders, or encumbrancers of lands outside the district which will benefit therefrom and to all other persons whom it may concern and, without from the plan.

d. Without naming them, to the occupants of all lands affected and.

e. All other persons whom the plan may concern.

2. The notice shall set forth that all of the following:

a. That there is on file in the office of the auditor a plan of construction of the federal agency (naming it) agency, naming the agency, together with reports of an engineer thereon on the plan, which the board has tentatively approved, and that such.

b. That the plan may be amended before final action; also the.

c. The day and hour set for hearing on the adoption of said the plan, and that.

d. That all claims for damages, except claims for land required for right-of-way or construction, and all objections to the adoption of said the plan for any reason must be made in writing and filed in the office of the auditor at or before the time set for hearing.

3. Provisions of this subchapter, parts 1 through 5, for giving notice, waiver of notice, waiver of objection and damages and adjournment for service contained in sections 468.15 through 468.20 shall apply.

Sec. 134. Section 468.209, Code 2016, is amended to read as follows:

**468.209 Entry of order — effect.**

1. If the board, after consideration of the subject matter, including all objections filed to the adoption of the plan and all claims for damages, shall find that the district will be benefited by adoption of the plan or the purposes for which the district was established is furthered by the plan, they the board shall enter an order approving and adopting the final plan. The order shall have the effect of:

1. a. Altering the boundaries of the district to conform to the changes effected by the plan adopted.

2. b. Canceling all existing awards for damages for property not appropriated for right-of-way or construction and rendered unnecessary by the plan so adopted.

3. c. Canceling all awards previously made for damages other than for right-of-way or construction but reinstating the claims for such damages which said claims may be amended by the claimants within ten days thereafter.

4. d. Canceling all unpaid assessments for benefits on lands excluded from the district by adoption of the plan. The assessments so canceled shall become part of the costs of the improvement.

5. e. Establishing as benefited thereby the lands added to the district by adoption of the plan and rendering same subject to classification and assessment.

6. 2. Whenever a plan has been adopted as contemplated by this section, modification and changes can be made therein without further notice or hearing, provided the same do not increase or decrease the estimated cost of the plan to the district by more than twenty-five percent.

Sec. 135. Section 468.375, Code 2016, is amended to read as follows:

**468.375 Scope of Aet Refunding bonds.**

Refunding bonds for the purposes set out in this part may be issued to pay off and take up bonds issued in payment for drainage improvements under prior laws or to refund any part thereof. Bonds thus issued shall substantially conform to the provisions of the law relating to drainage bonds and the face amount thereof shall be limited to the amount of the unpaid assessments, with interest thereon, applicable to the payment of the bonds so taken up.

Sec. 136. Section 468.540, Code 2016, is amended to read as follows:

**468.540 Refunding bonds.**

The board of supervisors of any county may extend the time of the payment of any of its outstanding drainage bonds issued in anticipation of the collection of drainage assessments levied upon property within a drainage district, and may extend the time of payment of any unpaid assessment, or any installment or installments thereof. The board may renew

or extend the time of payment of such legal bonded indebtedness, or any part thereof, for account of such drainage district, and may refund the same and issue drainage refunding bonds therefor subject to the limitation and in the manner ~~hereinafter~~ provided in this part.

Sec. 137. Section 481A.91, Code 2016, is amended to read as follows:

**481A.91 Shooting or spearing.**

~~No~~ A person shall not kill with shotgun, or spear any a beaver, mink, otter, or muskrat, or have in possession any of said animals with a shotgun or spear. A person shall not possess a beaver, mink, otter, or muskrat or the carcasses, skins, or parts thereof of any one of those animals that have been killed with a shotgun or spear.

Sec. 138. Section 484B.5, Code 2016, is amended to read as follows:

**484B.5 Boundaries signed — fenced.**

Upon receipt of a hunting preserve ~~operator's~~ license, the licensee shall promptly sign the licensed property with signs prescribed by the department. A licensee holding and releasing ungulates shall construct and maintain boundary fences prescribed by the department so as to enclose and contain all released ungulates and exclude all ungulates which are property of the state from becoming a part of the hunting preserve enterprise.

Sec. 139. Section 490.1320, subsections 1 and 3, Code 2016, are amended to read as follows:

1. Where any proposed corporate action specified in section 490.1302, subsection 1, is to be submitted to a vote at a shareholders' meeting, the meeting notice must state that the corporation has concluded that the shareholders are, are not, or may be entitled to assert appraisal rights under this ~~part~~ division. If the corporation concludes that appraisal rights are or may be available, a copy of this ~~part~~ division must accompany the meeting notice sent to those record shareholders entitled to exercise appraisal rights.

3. Where any corporate action specified in section 490.1302, subsection 1, is to be approved by written consent of the shareholders pursuant to section 490.704, all of the following apply:

a. Written notice that appraisal rights are, are not, or may be available must be sent to each record shareholder from whom a consent is solicited at the time consent of such shareholder is first solicited and, if the corporation has concluded that appraisal rights are or may be available, must be accompanied by a copy of this ~~chapter~~ division.

b. Written notice that appraisal rights are, are not, or may be available must be delivered together with the notice to nonconsenting and nonvoting shareholders required by section 490.704, subsections 5 and 6, may include the materials described in section 490.1322 and, if the corporation has concluded that appraisal rights are or may be available, must be accompanied by a copy of this ~~chapter~~ division.

Sec. 140. Section 499B.2, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Unless it is plainly evident from the context that a different meaning is intended, as used ~~herein~~ in this chapter:

Sec. 141. Section 504.834, subsection 2, paragraph c, Code 2016, is amended to read as follows:

c. Advances pursuant to part 5 of this subchapter.

Sec. 142. Section 505.32, subsection 2, paragraph g, Code 2016, is amended by striking the paragraph.

Sec. 143. Section 505.32, subsection 3, paragraph a, Code 2016, is amended to read as follows:

a. ~~The commissioner, in collaboration with the legislative health care coverage commission, shall develop a plan of operation for the exchange within one hundred eighty days from the effective date of this section July 1, 2010. The plan shall create an information clearinghouse that provides resources where Iowans can obtain information about health care coverage that is available in the state.~~



Sec. 144. Section 505.32, subsection 4, paragraph a, Code 2016, is amended by striking the paragraph.

Sec. 145. Section 507B.4, subsection 3, paragraph b, subparagraph (3), Code 2016, is amended to read as follows:

(3) *Statement of capital and surplus.*

(a) In the case of a foreign company transacting the business of casualty insurance in the state, or an officer, producer, or representative of such a company, issuing or publishing an advertisement, public announcement, sign, circular, or card that purports to disclose the company's financial standing and fails to exhibit the following: ~~the~~

(i) The capital actually paid in cash, and the amount of net surplus of assets over all the company's liabilities actually held and available for the payment of losses by fire and for the protection of holders of fire policies; and the

(ii) The amount of net surplus of assets over all liabilities in the United States actually available for the payment of losses by fire and held in the United States for the protection of holders of fire policies in the United States, including in such liabilities the fund reserved for reinsurance of outstanding risks.

(b) The amounts stated for capital and net surplus shall correspond with the latest verified statement made by the company or association to the commissioner of insurance.

Sec. 146. Section 507B.4C, subsection 5, paragraph b, Code 2016, is amended to read as follows:

b. Exempting an insurer from the death master file comparisons required under subsection 3, paragraph "a", or permitting an insurer to perform such comparisons less frequently than semiannually, upon a demonstration of financial hardship by the insurer.

Sec. 147. Section 511.31, Code 2016, is amended to read as follows:

**511.31 Physician's certificate — estoppel.**

In any case where the medical examiner, or physician acting as such, of any life insurance company or association doing business in the state shall issue a certificate of health or declare the applicant a fit subject for insurance, or so report to the company or association or its agent under the rules and regulations of ~~such~~ the company or association, ~~if the company or association~~ shall be ~~thereby~~ estopped from setting up in defense of the action on ~~such~~ the policy or certificate that the assured was not in the condition of health required by the policy at the time of the issuance or delivery ~~thereof~~ of the policy or certificate, unless the ~~same~~ policy or certificate was procured by or through the fraud or deceit of the assured.

Sec. 148. Section 515.48, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. Insure dwelling houses, stores and all kinds of buildings and household furniture, and other property against direct or indirect or consequential loss or damage, including loss of use or occupancy and the depreciation of property lost or damaged by fire, smoke, smudge, lightning and other electrical disturbances, collision, falls, wind, tornado, cyclone, volcanic eruptions, earthquake, hail, frost, snow, sleet, ice, weather or climatic conditions, including excess or deficiency of moisture, flood, rain, or drought, rising of the waters of the ocean or its tributaries, bombardment invasion, insurrection, riot, strikes, labor disturbances, sabotage, civil war or commotion, military or usurped power, any order of a civil authority made to prevent the spread of a conflagration, epidemic or catastrophe, vandalism or malicious mischief, and by explosion whether fire ensues or not, except explosion on risks specified in subsection 6 ~~of this section~~, provided, however, that there may be insured hereunder the following:

(1) Explosion of pressure vessels ~~(not, not including steam boilers of more than fifteen pounds pressure)~~ pressure, in buildings designed and used solely for residential purposes by not more than four families;

(2) Explosion of any kind originating outside of the insured building or outside of the building containing the property insured; and

(3) Explosion of pressure vessels which do not contain steam or which are not operated with steam coils or steam jackets; and ~~also against loss~~

~~(04) Loss or damage by insects or disease to farm crops or products, and loss of rental value of land used in producing such crops or products; and against accidental~~

~~(004) Accidental injury to sprinklers, pumps, water pipes, elevator tanks and cylinders, steam pipes and radiators, plumbing and its fixtures, ventilating, refrigerating, heating, lighting or cooking apparatus, or their connections, or conduits or containers of any gas, fluid or other substance; and against loss~~

~~(0004) Loss or damage to property of the insured caused by the breakage or leakage thereof; or by water, hail, rain, sleet, or snow seeping or entering through water pipes, leaks, or openings in buildings; and against loss~~

~~(00004) Loss of and damage to glass, including lettering and ornamentation thereon, and against loss or damage caused by the breakage of glass; and against loss~~

~~(000004) Loss or damage caused by railroad equipment, motor vehicles, airplanes, seaplanes, dirigibles, or other aircraft.~~

(4) Risks under a multiple peril nonassessable policy reasonably related to the ownership, use or occupancy of a private dwelling or dwellings.

Sec. 149. Section 517.3, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. All unallocated liability loss expense payments made in a given calendar year subsequent to the first four years in which an insurer has been issuing liability policies shall be distributed as follows:

- (1) Thirty-five percent shall be charged to the policies written in that year.
- (2) Forty percent to the policies written in the preceding year.
- (3) Ten percent to the policies written in the second year preceding, ~~ten.~~
- (4) ~~Ten~~ percent to the policies written in the third year preceding.
- (4) ~~(5)~~ Five percent to the policies written in the fourth year preceding.

Sec. 150. Section 519A.1, Code 2016, is amended to read as follows:

**519A.1 Intent.**

1. The general assembly finds that a critical situation exists because of the high cost and impending unavailability of medical malpractice insurance. The purposes of sections 519A.2 ~~to through~~ 519A.13 are to assure that the public is adequately protected against losses arising out of medical malpractice by providing licensed health care providers with medical malpractice insurance through the requirement that certain liability insurance carriers write medical malpractice insurance for a period of two years upon a finding of an emergency by the commissioner of insurance that either such insurance is not available through normal channels or that it is not available on a reasonable basis because of lack of competition for such insurance, or otherwise; to establish an association to equitably spread the risks for such insurance; and to provide for recoupment of losses resulting from the operation of the association through a stabilization reserve fund contributed to by insureds, a surcharge on future liability insurance policies, or a favorable premium tax treatment.

2. It is the intent of this chapter to provide only an interim solution to the impending unavailability of medical malpractice insurance. It is not anticipated that this chapter will resolve the underlying causes of the unavailability and high cost which extend beyond the insurance mechanism. It is anticipated that future legislation will be required to deal on a more permanent basis with the underlying causes of the current situation.

Sec. 151. Section 519A.2, subsection 1, Code 2016, is amended to read as follows:

1. "Association" means the joint underwriting association established pursuant to this section and sections 519A.3 ~~to through~~ 519A.13.

Sec. 152. Section 519A.3, subsection 4, unnumbered paragraph 1, Code 2016, is amended to read as follows:

The association shall, subject to the terms and conditions of ~~sections section~~ section 519A.2 to, this section, and sections 519A.4 through 519A.13, have and exercise the following powers on behalf of its members:

Sec. 153. Section 519A.4, subsection 1, Code 2016, is amended to read as follows:

1. *a.* The association shall submit a plan of operation to the commissioner, together with any amendments necessary or suitable to assure the fair, reasonable, and equitable administration of the association consistent with sections 519A.2 ~~to~~, 519A.3, this section, and sections 519A.5 through 519A.13. The plan of operation and any amendments thereto shall become effective only after promulgation of the plan or amendment by the commissioner as a rule pursuant to section 17A.4: Provided that the initial plan may in the discretion of the commissioner become effective immediately upon filing with the secretary of state pursuant to section 17A.5, subsection 2, paragraph "b", subparagraph (1), subparagraph division (a).

*b.* If the association fails to submit a suitable plan of operation within twenty-five days following the effective date of this chapter or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall adopt rules necessary to effectuate sections 519A.2 ~~to~~, 519A.3, this section, and sections 519A.5 through 519A.13. Such rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

Sec. 154. Section 519A.5, subsections 1 and 2, Code 2016, are amended to read as follows:

1. The rates, rating plans, rating classifications, and policy forms and endorsements applicable to insurance written by the association and the statistical and experience data relating thereto shall be subject to sections 519A.2 ~~to~~ through 519A.4, this section, and sections 519A.6 through 519A.13 and to the provisions of the general insurance code which are not inconsistent with the purposes and provisions of this chapter.

2. All policies issued by the association shall provide for a continuous period of coverage beginning with their respective effective dates. All policies shall terminate at 12:01 a.m. two years from the date of finding of an emergency by the commissioner, or earlier in accordance with sections 519A.2 through 519A.4, this section, and sections 519A.6 through 519A.13; or because of failure of the policyholder to pay any premium or stabilization reserve fund charge or portion of either when due. All policies shall be issued subject to the group retrospective rating plan and the stabilization reserve fund authorized by this chapter. No policy form shall be used by the association unless it has been filed with and approved by the commissioner.

Sec. 155. Section 519A.10, subsection 2, Code 2016, is amended to read as follows:

2. All orders of the commissioner made pursuant to sections 519A.2 ~~to~~ through 519A.9, this section, and sections 519A.11 through 519A.13 shall be subject to judicial review as provided in the Iowa administrative procedure Act, chapter 17A.

Sec. 156. Section 519A.13, Code 2016, is amended to read as follows:

**519A.13 Privileged communications.**

There shall be no liability on the part of, and no cause of action of any nature shall arise against the association, the commissioner, or any other person or organization, for any statements made in good faith by any of them in any report or communication concerning risks insured or to be insured by the association, or during any proceedings within the scope of sections 519A.2 ~~to~~ through 519A.12 and this section.

Sec. 157. Section 521A.5, subsection 4, paragraph d, Code 2016, is amended to read as follows:

*d.* The board of directors of a domestic insurer shall establish one or more committees comprised solely of directors or other persons appointed by the board, the majority of whom are not officers or employees of the insurer or of any entity controlling, controlled by, or under common control with the insurer and ~~who~~ are not beneficial owners of a controlling interest in the voting stock of the insurer or any such entity. The committee or committees shall have responsibility for recommending or nominating candidates for director for election by shareholders or policyholders, evaluating the performance of officers deemed to be principal officers of the insurer, and recommending to the board of directors the selection and compensation of the principal officers.

Sec. 158. Section 523A.207, subsection 1, Code 2016, is amended to read as follows:

1. A purchase agreement shall not be sold or transferred, as part of the sale of a business or the assets of a business, until an audit has been performed by a certified public accountant and filed with the commissioner that expresses the auditor's opinion of the adequacy of funding related to the purchase agreements to be sold or transferred. If the buyer of a purchase agreement sold or transferred as part of the sale of a business or the assets of a business, fails to file such an audit, the commissioner shall suspend the preneed seller's license of the buyer and the preneed sales license of any sales agent in the employ of the buyer until the audit is filed. In addition, the commissioner shall assess a penalty against the buyer in an amount up to one hundred dollars for each day that the audit remains unfiled. The commissioner shall allow a thirty-day grace period after the date that a purchase agreement is sold or transferred before suspension of a license or assessment of a penalty for failure to file an audit pursuant to this section subsection.

Sec. 159. Section 523A.807, subsection 3, unnumbered paragraph 1, Code 2016, is amended to read as follows:

If the commissioner finds that a person has violated section 523A.201, 523A.202, 523A.203, 523A.207, 523A.401, 523A.402, 523A.403, 523A.404, 523A.405, 523A.501, or 523A.502, or any rule adopted pursuant thereto, the commissioner may order any or all of the following:

Sec. 160. Section 554.11109, Code 2016, is amended to read as follows:

**554.11109 Effect of official comments.**

To the extent that they are consistent with the Iowa statutory text, the 1972 Official Comments to the 1972 Official Text of the Uniform Commercial Code are evidence of legislative intent as to the meaning of this chapter as amended by 1974 Iowa Acts, ch. 1249. However, prior drafts of the Official Text and Comments may not be used to ascertain legislative intent.

Sec. 161. Section 558.44, Code 2016, is amended to read as follows:

**558.44 Mandatory recordation of conveyances and leases of agricultural land.**

1. As used in this section, unless the context otherwise requires:

a. "Agricultural land" means agricultural land as defined in section 9H.1.

b. "Beneficial ownership" includes interests held by a nonresident alien individual directly or indirectly holding or acquiring a ten percent or greater share in the partnership, limited partnership, corporation, or trust, or directly or indirectly through two or more such entities. In addition, "beneficial ownership" shall include interests held by all nonresident alien individuals if the nonresident alien individuals in the aggregate directly or indirectly hold or acquire twenty-five percent or more of the partnership, limited partnership, corporation, or trust.

c. "Conveyance" means all deeds and all contracts for the conveyance of an estate in real property except those contracts to be fulfilled within six months from the date of execution thereof.

d. "Nonresident alien" means:

(1) An individual who is not a citizen of the United States and who is not domiciled in the United States.

(2) A corporation incorporated under the law of any foreign country.

(3) A corporation organized in the United States, beneficial ownership of which is held, directly or indirectly, by nonresident alien individuals.

(4) A trust organized in the United States or elsewhere if beneficial ownership is held, directly or indirectly, by nonresident alien individuals.

(5) A partnership or limited partnership organized in the United States or elsewhere if beneficial ownership is held, directly or indirectly, by nonresident alien individuals.

4. 2. Every conveyance or lease of agricultural land, except leases not to exceed five years in duration with renewals, conveyances or leases made by operation of law, and distributions made from estates to heirs or devisees shall be recorded by the grantee or lessee with the county recorder not later than one hundred eighty days after the date of conveyance or lease.

2. 3. For an instrument of conveyance of agricultural land deposited with an escrow agent, the fact of deposit of that instrument of conveyance with the escrow agent as well as the name and address of the grantor and grantee shall be recorded, by a document executed by the escrow agent, with the county recorder not later than one hundred eighty days from the date of the deposit with the escrow agent. For an instrument of conveyance of agricultural land delivered by an escrow agent, that instrument shall be recorded with the county recorder not later than one hundred eighty days from the date of delivery of the instrument of conveyance by the escrow agent.

3. 4. At the time of recordation of the conveyance or lease of agricultural land, except a lease not exceeding five years in duration with renewals, conveyances or leases made by operation of law and distributions made from estates of decedents to heirs or devisees, to a nonresident alien as grantee or lessee, such conveyance or lease shall disclose, in an affidavit to be recorded therewith as a precondition to recordation, the name, address, and citizenship of the nonresident alien. In addition, if the nonresident alien is a partnership, limited partnership, corporation, or trust, the affidavit shall also disclose the names, addresses, and citizenship of the nonresident alien individuals who are the beneficial owners of such entities. However, any partnership, limited partnership, corporation, or trust which has a class of equity securities registered with the United States securities and exchange commission under section 12 of the Securities Exchange Act of 1934 as amended to January 1, 1978, need only state that fact on the affidavit.

4. 5. Failure to record a conveyance or lease of agricultural land required to be recorded by this section by the grantee or lessee within the specified time limit is punishable by a fine not to exceed one hundred dollars per day for each day of violation. The county recorder shall record a conveyance or lease of agricultural land presented for recording even though not presented within one hundred eighty days after the date of conveyance or lease. The county recorder shall forward to the county attorney a copy of each such conveyance or lease of agricultural land recorded more than one hundred eighty days from the date of conveyance. The county attorney shall initiate action in the district court to enforce the provisions of this section. Failure to timely record shall not invalidate an otherwise valid conveyance or lease.

5. 6. If a real estate contract or lease is required to be recorded under this section, the requirement is satisfied by recording either the entire real estate contract or lease or a memorandum of the contract or lease containing at least the names and addresses of all parties named in the contract or lease, a description of all real property and interests therein subject to the contract or lease, the length of the contract or initial term of the lease, and in the case of a lease a statement as to whether any of the named parties have or are subject to renewal rights, and if so, the event or condition upon which renewal occurs, the number of renewal terms and the length of each, and in the case of a real estate contract a statement as to whether the seller is entitled to the remedy of forfeiture and as to the dates upon which payments are due. This subsection is effective July 1, 1980, for all contracts and leases of agricultural land made on or after July 1, 1980.

6. 7. The provisions of this section, except as otherwise provided, are effective July 1, 1979, for all conveyances and leases of agricultural land made on or after July 1, 1979.

Sec. 162. Section 598.7, subsection 1, Code 2016, is amended to read as follows:

1. The district court may, on its own motion or on the motion of any party, order the parties to participate in mediation in any dissolution of marriage action or other domestic relations action. Mediation performed under this section shall comply with the provisions of chapter 679C. The provisions of this section shall not apply if the action involves a child support or medical support obligation enforced by the child support recovery unit. The provisions of this section shall not apply to actions which involve elder abuse ~~as defined in section 235F.1 pursuant to chapter 235F~~ or domestic abuse pursuant to chapter 236. The provisions of this section shall not affect a judicial district's or court's authority to order settlement conferences pursuant to rules of civil procedure. The court shall, on application of a party, grant a waiver from any court-ordered mediation under this section if the party demonstrates that a history of domestic abuse exists as specified in section 598.41, subsection 3, paragraph "j".

Sec. 163. Section 602.8108, subsection 2, Code 2016, is amended to read as follows:

2. Except as otherwise provided, the clerk of the district court shall report and submit to the state court administrator, not later than the fifteenth day of each month, the fines and fees received during the preceding calendar month. Except as otherwise provided in subsections 3, 4, 6, 8, 9, 10, 11, and 12 this section, the state court administrator shall deposit the amounts received with the treasurer of state for deposit in the general fund of the state. The state court administrator shall report to the legislative services agency within thirty days of the beginning of each fiscal quarter the amount received during the previous quarter in the account established under this section.

Sec. 164. Section 622.28, Code 2016, is amended to read as follows:

**622.28 Writing or record — when admissible — absence of record — effect.**

1. Any writing or record, whether in the form of an entry in a book, or otherwise, including electronic means and interpretations thereof, offered as memoranda or records of acts, conditions or events to prove the facts stated therein, shall be admissible as evidence if the judge finds that they were made in the regular course of a business at or about the time of the act, condition or event recorded, and that the sources of information from which made and the method and circumstances of their preparation were such as to indicate their trustworthiness, and if the judge finds that they are not excludable as evidence because of any rule of admissibility of evidence other than the hearsay rule.

2. Evidence of the absence of a memorandum or record from the memoranda or records of a business of an asserted act, event or condition, shall be admissible as evidence to prove the nonoccurrence of the act or event, or the nonexistence of the condition, if the judge finds that it was in the regular course of that business to make such memoranda of all such acts, events or conditions at the time thereof or within a reasonable time thereafter, and to preserve them.

3. The term business “business”, as used in this section, includes a business, profession, occupation, ~~and~~ or calling of every kind.

Sec. 165. Section 622.71, Code 2016, is amended to read as follows:

**622.71 Peace officer.**

~~No~~ A peace officer who receives a regular salary, or any other public ~~official shall, in any case, official, shall not~~ receive fees as a witness in any case for testifying in regard to any matter coming to the officer's or official's knowledge in the discharge of the officer's or official's official duties in ~~such~~ that case in a court in the county of the officer's or official's residence, except ~~police~~ peace officers who are called as witnesses when not on duty.

Sec. 166. Section 626.51, Code 2016, is amended to read as follows:

**626.51 Failure to give notice — effect.**

Failure to give ~~such~~ notice of ownership or exemption shall not deprive the party of any other remedy.

Sec. 167. Section 626.52, Code 2016, is amended to read as follows:

**626.52 Right to release levy.**

If after levy the officer receives ~~such~~ notice of ownership or exemption, such officer may release the property unless a bond is given as provided in section 626.54.

Sec. 168. Section 626.53, Code 2016, is amended to read as follows:

**626.53 Exemption from liability.**

The officer shall be protected from all liability by reason of such levy until the officer receives ~~such~~ written notice of ownership or exemption.

Sec. 169. Section 626.54, Code 2016, is amended to read as follows:

**626.54 Indemnifying bond — sale and return.**

When the officer receives ~~such~~ notice of ownership or exemption, the officer may forthwith give the plaintiff, the plaintiff's agent, or attorney, notice that an indemnifying bond is required. Bond may ~~thereupon~~ be given by or for the plaintiff, with one or more sufficient sureties, to be approved by the officer, to the effect that the obligors will indemnify the officer against the damages which the officer may sustain in consequence of the seizure or sale of

the property, and will pay to any claimant thereof the damages the claimant may sustain in consequence of the seizure or sale, and will warrant to any purchaser of the property such estate or interest therein as is sold; ~~and thereupon.~~ After the bond has been given and approved, the officer shall proceed to subject the property to the execution, and shall return the indemnifying bond to the court from which the execution issued.

Sec. 170. Section 633.230, subsection 1, Code 2016, is amended by striking the subsection and inserting in lieu thereof the following:

1. In intestate matters, the administrator, as soon as letters are issued, shall cause to be published once each week for two consecutive weeks in a daily or weekly newspaper of general circulation published in the county in which the estate is pending, and at any time during the pendency of administration that the administrator has knowledge of the name and address of a person believed to own or possess a claim which will not or may not be paid or otherwise satisfied during administration, provide by ordinary mail to each such claimant at the claimant's last known address, a notice of appointment which shall be in substantially the following form:

In the District Court of Iowa  
in and for ..... County.  
In the Estate of ..... Probate No. ....  
....., Deceased  
NOTICE OF APPOINTMENT OF  
ADMINISTRATOR AND  
NOTICE TO CREDITORS

To All Persons Interested in the Estate of ....., Deceased,  
who died on or about ..... (date):

You are hereby notified that on the ..... day of ..... (month),  
..... (year), the undersigned was appointed administrator of the  
estate.

Notice is hereby given that all persons indebted to the estate are  
requested to make immediate payment to the undersigned, and  
creditors having claims against the estate shall file them with the  
clerk of the above-named district court, as provided by law, duly  
authenticated, for allowance, and, unless so filed by the later to  
occur of four months from the second publication of this notice  
or one month from the date of the mailing of this notice (unless  
otherwise allowed or paid), a claim is thereafter forever barred.

Dated this ..... day of ..... (month), ..... (year)

.....  
Administrator of the estate  
.....  
Address

.....  
Attorney for the administrator

.....  
Address  
Date of second publication  
..... day of ..... (month), ..... (year)  
(Date to be inserted by publisher)

Sec. 171. Section 633.231, subsection 2, Code 2016, is amended by striking the subsection and inserting in lieu thereof the following:

2. The notice shall be in substantially the following form:

In the District Court of Iowa  
 in and for ..... County.  
 In the Estate of ..... Probate No. ....  
 ....., Deceased

NOTICE OF OPENING  
 ADMINISTRATION OF  
 ESTATE, OF APPOINTMENT OF  
 ADMINISTRATOR, AND  
 NOTICE TO CREDITOR

To the Department of Human Services Who May Be Interested  
 in the Estate of ....., Deceased, who died on or about  
 ..... (date):

You are hereby notified that on the ..... day of ..... (month),  
 ..... (year), an intestate estate was opened in the above-named  
 court and that ..... was appointed administrator of the  
 estate.

You are further notified that the birthdate of the deceased is  
 ..... and the deceased's social security number is ...-...-....  
 The name of the spouse is ..... The birthdate of  
 the spouse is ..... and the spouse's social security number is  
 ...-...-...., and that the spouse of the deceased is alive as of the date  
 of this notice, or deceased as of ..... (date).

You are further notified that the deceased was/was not a disabled  
 or a blind child of the medical assistance recipient by the name of  
 ....., who had a birthdate of ..... and a social  
 security number of ...-...-...., and the medical assistance debt of  
 that medical assistance recipient was waived pursuant to section  
 249A.53, subsection 2, paragraph "a", subparagraph (1), and is now  
 collectible from this estate pursuant to section 249A.53, subsection  
 2, paragraph "b".

Notice is hereby given that if the department of human services  
 has a claim against the estate for the deceased person or persons  
 named in this notice, the claim shall be filed with the clerk of the  
 above-named district court, as provided by law, duly authenticated,  
 for allowance, within six months from the date of sending this notice  
 and, unless otherwise allowed or paid, the claim is thereafter forever  
 barred. If the department does not have a claim, the department  
 shall return the notice to the administrator with notification stating  
 the department does not have a claim within six months from the  
 date of sending this notice.

Dated this ..... day of ..... (month), ..... (year)

.....  
 Administrator of the estate  
 .....  
 Address

.....  
 Attorney for the administrator  
 .....  
 Address

Sec. 172. Section 633.295, Code 2016, is amended by striking the section and inserting in  
 lieu thereof the following:

**633.295 Testimony of witnesses.**

The proof may be made by the oral or written testimony of one or more of the subscribing  
 witnesses to the will. If such testimony is in writing, it shall be substantially in the following  
 form executed and sworn to before or after the death of the decedent:



In the District Court of Iowa  
in and for ..... County.

In the Matter of the Estate of ....., Deceased State of ..... ) ..... County ) ss	Probate No. .... TESTIMONY OF SUBSCRIBING WITNESS ON PROBATE OF WILL
---	---

I, ....., being first duly sworn, state:  
I reside in the County of ....., State of .....; I knew the identity of the testator on the ..... day of ..... (month), ..... (year), the date of the instrument, the original or exact reproduction of which is attached hereto, now shown to me, and purporting to be the last will and testament of the said .....; I am one of the subscribing witnesses to said instrument; at the said date of said instrument, I knew the identity of ....., the other subscribing witness; that said instrument was exhibited to me and to the other subscribing witness by the testator, who declared the same to be the testator's last will and testament, and was signed by the testator at ....., in the County of ....., State of ....., on the date shown in said instrument, in the presence of myself and the other subscribing witness; and the other subscribing witness and I then and there, at the request of the testator, in the presence of said testator and in the presence of each other, subscribed our names thereto as witnesses.

.....  
Name of Witness  
.....  
Address

Subscribed and sworn to before me this ..... day of ..... (month), ..... (year)

(Stamp)	..... Signature of notarial officer  [.....] Title of office [My commission expires: .....]
---------	--

Sec. 173. Section 633.304, subsection 3, Code 2016, is amended by striking the subsection and inserting in lieu thereof the following:

3. The notice shall be substantially in the following form:

In the District Court of Iowa  
in and for ..... County.

In the Estate of ....., Deceased	Probate No. .... NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTOR, AND NOTICE TO CREDITORS
-------------------------------------	---

To All Persons Interested in the Estate of ....., Deceased,  
who died on or about ..... (date):  
You are hereby notified that on the ..... day of ..... (month), ..... (year), the last will and testament of ....., deceased, bearing the date of the ..... day of ..... (month), ..... (year), was admitted to probate in the above-named court and that ..... was appointed executor of the estate. Any action to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of the second publication of this notice or one month from the date

of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Notice is further given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above-named district court, as provided by law, duly authenticated, for allowance, and, unless so filed by the later to occur of four months from the date of second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid), a claim is thereafter forever barred.

Dated this ..... day of ..... (month), ..... (year)

.....  
Executor of estate

.....  
Address

.....  
Attorney for executor

.....  
Address

Date of second publication  
..... day of ..... (month), ..... (year)  
(Date to be inserted by publisher)

Sec. 174. Section 633.304A, subsection 2, Code 2016, is amended by striking the subsection and inserting in lieu thereof the following:

2. The notice shall be in substantially the following form:

In the District Court of Iowa  
in and for ..... County.

In the Estate of .....  
....., Deceased

Probate No. ....  
NOTICE OF PROBATE OF WILL,  
OF APPOINTMENT OF  
EXECUTOR, AND  
NOTICE TO CREDITORS

To the Department of Human Services, Who May Be Interested in the Estate of ....., Deceased, who died on or about ..... (date):

You are hereby notified that on the ..... day of ..... (month), ..... (year), the last will and testament of ....., deceased, bearing date of the ..... day of ..... (month), ..... (year) was admitted to probate in the above-named court and that ..... was appointed executor of the estate.

You are further notified that the birthdate of the deceased is ..... and the deceased's social security number is ...-...-.... The name of the spouse is ..... The birthdate of the spouse is ..... and the spouse's social security number is ...-...-...., and that the spouse of the deceased is alive as of the date of this notice, or deceased as of ..... (date).

You are further notified that the deceased was/was not a disabled or a blind child of the medical assistance recipient by the name of ....., who had a birthdate of ..... and a social security number of ...-...-...., and the medical assistance debt of that medical assistance recipient was waived pursuant to section 249A.53, subsection 2, paragraph "a", subparagraph (1), and is now collectible from this estate pursuant to section 249A.53, subsection 2, paragraph "b".

Notice is hereby given that if the department of human services

has a claim against the estate for the deceased person or persons named in this notice, the claim shall be filed with the clerk of the above-named district court, as provided by law, duly authenticated, for allowance within six months from the date of sending this notice and, unless otherwise allowed or paid, the claim is thereafter forever barred. If the department does not have a claim, the department shall return the notice to the executor with notification that the department does not have a claim within six months from the date of sending this notice.

Dated this ..... day of ..... (month), ..... (year)  
 .....  
 Executor of estate  
 .....  
 Address  
 .....  
 Attorney for executor  
 .....  
 Address

Sec. 175. Section 633.305, subsection 3, Code 2016, is amended by striking the subsection and inserting in lieu thereof the following:

3. The notice shall be substantially in the following form:

In the District Court of Iowa  
 in and for ..... County.  
 Probate No. ....

In the Estate of .....  
 ....., Deceased

NOTICE OF PROOF OF WILL  
 WITHOUT ADMINISTRATION

To All Persons Interested in the Estate of ....., Deceased,  
 who died on or about ..... (date):

You are hereby notified that on the ..... day of ..... (month),  
 ..... (year), the last will and testament of ....., deceased,  
 bearing date of the ..... day of ..... (month), ..... (year), was  
 admitted to probate in the above-named court and there will be no  
 present administration of the estate. Any action to set aside the will  
 must be brought in the district court of the county within the later  
 to occur of four months from the date of the second publication of  
 this notice or one month from the date of mailing of this notice to all  
 heirs of the decedent and devisees under the will whose identities  
 are reasonably ascertainable, or thereafter be forever barred.

Dated this ..... day of ..... (month), ..... (year)  
 .....  
 Proponent  
 .....  
 Attorney for estate  
 .....  
 Address  
 Date of second publication  
 ..... day of ..... (month), ..... (year)  
 (Date to be inserted by publisher)

Sec. 176. Section 636.26, Code 2016, is amended to read as follows:

**636.26 Security subject to court order.**

1. When any investment is made pursuant to approval of the court as required by section 636.23 or made or held by and with the consent of the court as provided in section 636.25, such investment shall not be transferred and any security taken to secure such investment shall not be discharged or impaired prior to payment or satisfaction thereof without an order of the court to that effect, unless otherwise authorized by the will, trust agreement or other

document under which the fiduciary is acting. Nothing ~~herein~~ contained in this section shall be construed as requiring the approval of any court to release or discharge of record any mortgage or other lien held by any fiduciary upon the payment or satisfaction thereof in full.

2. All releases or discharges of record of mortgages or other liens prior to July 4, 1951, by any fiduciary without an order of court where such order was required by section 682.26, Code 1950, are hereby declared to be valid and effective from the filing or recording thereof without such order of court being had and obtained, unless within six months after said date a statement is filed under oath by the claimant or on the claimant's behalf if under disability with the county recorder where such release or discharge was filed or recorded setting forth the claim upon which the invalidity of such release or discharge is based. Nothing ~~herein~~ contained in this section shall affect pending litigation.

Sec. 177. Section 654.23, Code 2016, is amended to read as follows:

**654.23 No redemption rights after sale.**

The mortgagor has no right to redeem after sale. Junior lienholders have no right to redeem after sale. The ~~mortgagor mortgagee~~ or a junior lienholder may purchase at the sale and, if so, acquire the same title as would any other purchaser other than the mortgagor. If the mortgagor at the sale bids an amount equal to the judgment, the property shall be sold to the mortgagor even though other persons may bid an amount which is more than the judgment. If the mortgagor purchases at the sale, the liens of junior lienholders shall not be extinguished. If a person other than the mortgagor purchases at the sale, the liens of junior lienholders are extinguished.

Sec. 178. Section 656.9, Code 2016, is amended to read as follows:

**656.9 Defect in forfeiture proceedings — limitation of actions.**

An action shall not be commenced by a vendee who is not in possession of the property, or by a party to the forfeiture proceeding who is other than a vendee or vendor, that asserts a claim against real estate previously subject to a forfeiture proceeding, and such claim is based upon a defect in the forfeiture proceeding, in which the proof and record of service of notice of forfeiture required by section ~~656.6~~ 656.5 has been filed of record for more than ten years.

Sec. 179. Section 725.15, Code 2016, is amended to read as follows:

**725.15 Exceptions for legal gambling.**

Sections 725.5 ~~to through~~ 725.10 and 725.12 do not apply to a game, activity, ticket, or device when lawfully possessed, used, conducted, or participated in pursuant to chapter 99B, 99F, or 99G.

Sec. 180. Section 805.8A, subsection 5, paragraph b, Code 2016, is amended by striking the paragraph.

Sec. 181. Section 820.22, Code 2016, is amended to read as follows:

**820.22 Receiving person extradited.**

Whenever the governor of this state shall demand a person charged with crime or with escaping from confinement or breaking the terms of the person's bail, probation or parole in this state, from the executive authority of any other state, or from the chief ~~justice~~ judge or an associate ~~justice~~ judge of the ~~Supreme Court~~ superior court of the District of Columbia authorized to receive such demand under the laws of the United States, the governor shall issue a warrant under the seal of this state, to some agent, commanding the agent to receive the person so charged if delivered to the agent and convey the person to the proper officer of the county in this state in which the offense was committed.

Sec. 182. Section 901C.1, subsection 1, Code 2016, is amended by striking the subsection.

Sec. 183. Section 901C.1, subsections 4, 5, 6, and 7, Code 2016, are amended to read as follows:

4. This ~~chapter~~ section does not apply to dismissals related to a deferred judgment under section 907.9.

5. This ~~chapter~~ section applies to all public offenses, as defined under section 692.1.

6. The court shall advise the defendant of the provisions of this ~~chapter~~ section upon either the acquittal or the dismissal of all criminal charges in a case.

7. The supreme court may prescribe rules governing the procedures applicable to the expungement of the record of a criminal case under this ~~chapter~~ section.

Sec. 184. NEW SECTION. 901C.1A Definition.

As used in this chapter, unless the context otherwise requires, “*expunge*” and “*expungement*” mean the same as expunged in section 907.1.

Sec. 185. Section 916.2, subsection 4, Code 2016, is amended to read as follows:

4. A privilege under this section does not apply in matters of proof concerning the chain of custody of evidence, in matters of proof concerning the physical appearance of the victim at the time of the injury or the advocate’s first contact with the victim after the injury, or if the ~~counselor~~ advocate has reason to believe that the victim has given perjured testimony and the defendant or the state has made an offer of proof that perjury may have been committed.

Sec. 186. REPEAL. Sections 328.55, 445.6, and 558.43, Code 2016, are repealed.

Sec. 187. REPEAL. 2015 Iowa Acts, chapter 30, sections 220 and 222, are repealed.

Sec. 188. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

a. Section 901C.1 to section 901C.2.

b. Section 901C.1A as enacted in this Act to section 901C.1.

2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

Sec. 189. EFFECTIVE DATES.

1. The section of this Act amending section 249K.2, subsection 3, Code 2016, takes effect upon the assumption of the administration and governance, including but not limited to the assumption of the assets and liabilities, of the Iowa health information network by the designated entity. The department of public health shall notify the Code editor of the date of such assumption by the designated entity.

2. The section of this Act amending section 445.60, Code 2016, takes effect July 1, 2018.

3. The section of this Act repealing 2015 Iowa Acts, chapter 30, sections 220 and 222, being deemed of immediate importance, takes effect upon enactment.

## DIVISION II CORRESPONDING CHANGES

Sec. 190. Section 234.38, Code 2016, is amended to read as follows:

**234.38 Foster care reimbursement rates.**

The department of human services shall make reimbursement payments directly to foster parents for services provided to children pursuant to section 234.6, subsection 6 1, paragraph “b” “e”, subparagraph (2), or section 234.35. In any fiscal year, the reimbursement rate shall be based upon sixty-five percent of the United States department of agriculture estimate of the cost to raise a child in the calendar year immediately preceding the fiscal year. The department may pay an additional stipend for a child with special needs.

Approved April 6, 2016

**CHAPTER 1074**

## CLOSED SESSIONS OF GOVERNMENTAL BODIES — MEMBER ATTENDANCE

H.F. 2363

**AN ACT** relating to member attendance at a closed session of a governmental body.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 21.5, Code 2016, is amended by adding the following new subsection:  
**NEW SUBSECTION. 3A.** A governmental body shall not exclude a member of the governmental body from attending a closed session, unless the member's attendance at the closed session creates a conflict of interest for the member due to the specific reason announced as justification for holding the closed session.

Approved April 6, 2016

**CHAPTER 1075**

## REGISTRATION OF POSTSECONDARY SCHOOLS — EXEMPTIONS

H.F. 2370

**AN ACT** relating to exemptions from registration of postsecondary schools by the college student aid commission.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 261B.11, subsection 1, Code 2016, is amended by adding the following new paragraph:

**NEW PARAGRAPH. o.** A school of religious study located in Iowa that was established in Spain in 1982, is affiliated with the department of global missions of open bible churches, grants bachelor's degrees, and is accredited by a nationally recognized accrediting agency as determined by the United States department of education.

Sec. 2. Section 261B.11, subsections 2 and 3, Code 2016, are amended to read as follows:

2. A school that claims an exemption from registration under subsection 1, ~~paragraph "h", "i", "k", "l", or "m",~~ must apply for approval of the exemption and demonstrate to the commission or its designee that it qualifies for the exemption and meets consumer protection standards established by the commission. ~~The school must apply for approval of its exemption claim on an application supplied by the commission.~~ The commission or its designee may approve the school's exemption claim for a period not to exceed two years, or may for good cause deny it the exemption claim. A school ~~whose exemption claim is approved~~ must reapply to renew its an exemption no less frequently than every two years approved pursuant to this section.

a. A school ~~that is granted approved for~~ an exemption under this section must file evidence of financial responsibility under section 714.18 or demonstrate to the commission or its designee that the school qualifies for an exemption under section 714.18 or 714.19.

b. A for-profit school with at least one program of more than four months in length that leads to a recognized educational credential, such as an academic or professional degree, diploma, or license, must submit to the commission or its designee a tuition refund policy that meets the conditions of section 714.23.

3. A school that is denied an exemption claim by the commission ~~or its designee~~, or that no longer qualifies for a claimed exemption, shall apply for registration or cease operating in Iowa.<sup>1</sup>

Approved April 6, 2016

## CHAPTER 1076

### LITTERING AND ILLEGAL DUMPING

H.F. 2385

**AN ACT** relating to littering and illegal dumping and modifying penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 455B.307A, subsection 3, Code 2016, is amended to read as follows:

3. A person who violates this section is subject to a civil penalty ~~not to exceed of one thousand dollars for each violation~~ a first offense, two thousand dollars for a second offense, and three thousand dollars for a third or subsequent offense. The revenue from the penalty provided in this subsection shall be remitted to the treasurer of state for deposit in the general fund of the state. Fifty percent of such moneys are appropriated to the state department of transportation for purposes of the cleanup of litter and illegally discarded solid waste. The remaining fifty percent of such moneys shall be deposited in the general fund of the county in which the violation occurred to be used exclusively for the cleanup and prevention of illegal dumping.

Sec. 2. Section 455B.307A, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 4. This section shall not apply to the discarding of litter regulated under chapter 455B, division IV, part 3, and local littering ordinances.

Sec. 3. Section 455B.361, subsection 2, Code 2016, is amended to read as follows:

2. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris not exceeding ten pounds in weight or fifteen cubic feet in volume. Litter includes but is not limited to empty beverage containers, cigarette butts, food waste packaging, other food or candy wrappers, handbills, empty cartons, or boxes.

Approved April 6, 2016

## CHAPTER 1077

### COMBATTING HUMAN TRAFFICKING — OFFICE ESTABLISHED

S.F. 2191

**AN ACT** establishing an office within the department of public safety to oversee efforts to combat human trafficking.

*Be It Enacted by the General Assembly of the State of Iowa:*

<sup>1</sup> See chapter 1132, §17 herein

Section 1. NEW SECTION. 80.45 Office to combat human trafficking.

1. An office to combat human trafficking is established within the department. The purpose of the office is to oversee and coordinate efforts to combat human trafficking in this state.

2. The commissioner shall appoint a coordinator to staff the office. Additional staff may be hired, subject to the availability of funding.

3. The office shall do all of the following:

a. Serve as a point of contact for anti-human trafficking activity in this state.

b. Consult with and work jointly with other governmental agencies and nongovernmental or community organizations that have expertise in the areas of human trafficking prevention, victim protection and assistance, law enforcement, and prosecution for the purpose of combatting human trafficking in this state.

c. Develop a strategy to collect and maintain criminal history data on incidents related to human trafficking.

d. Develop a strategy for sharing victim and offender data among governmental agencies.

e. Apply for or assist other governmental agencies, as assistance is needed, to apply for grants to support human trafficking enforcement, prosecutions, trainings, and victim services.

f. Research and recommend trainings to assist governmental agencies to identify and respond appropriately to human trafficking victims.

g. Take other steps necessary to advance the purposes of the office.

h. By November 1, 2017, and annually thereafter, submit a written report to the general assembly regarding the office's activities related to combatting human trafficking and occurrences of human trafficking within this state.

4. For purposes of this section, "human trafficking" means the same as defined in section 710A.1.

Approved April 7, 2016

## CHAPTER 1078

### PRACTITIONER PREPARATION PROGRAMS — READING AND LITERACY REQUIREMENTS

S.F. 2196

**AN ACT** relating to reading and literacy requirements for practitioner preparation programs.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 256.16, subsection 1, paragraph b, Code 2016, is amended to read as follows:

b. Include preparation in reading programs, including reading recovery theory, knowledge, strategies, and approaches; and integrate reading strategies for integrating literacy instruction into content area methods coursework areas. Such preparation shall address all students, including but not limited to students with disabilities; students who are at risk of academic failure; students who have been identified as gifted and talented or limited English proficient; and students with dyslexia, whether or not such students have been identified as children requiring special education under chapter 256B.

Sec. 2. Section 272.25, unnumbered paragraph 1, Code 2016, is amended to read as follows:

~~Not later than January 1, 1991, the~~ The state board of education shall adopt rules pursuant to ~~chapter 17A~~ to implement the following for approved practitioner preparation programs:



Sec. 3. Section 272.25, subsection 3, Code 2016, is amended to read as follows:

3. A requirement that the program include instruction in skills and strategies to be used in classroom management of individuals, and of small and large groups, under varying conditions; skills for communicating and working constructively with pupils, teachers, administrators, and parents; preparation in reading theory, knowledge, strategies, and approaches, and for integrating literacy instruction in<sup>1</sup> content areas in accordance with section 256.16; and skills for understanding the role of the board of education and the functions of other education agencies in the state. The requirement shall be based upon recommendations of the department of education after consultation with teacher education faculty members in colleges and universities.

Approved April 7, 2016

## CHAPTER 1079

### OPEN ENROLLMENT AND VARSITY ATHLETICS ELIGIBILITY — HARASSMENT OR BULLYING

*H.F. 2264*

**AN ACT** concerning varsity athletics eligibility of students in open enrollment subjected to harassment or bullying and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 282.18, subsection 11, Code 2016, is amended to read as follows:

11. A pupil who participates in open enrollment for purposes of attending a grade in grades nine through twelve in a school district other than the district of residence is ineligible to participate in varsity interscholastic athletic contests and athletic competitions during the pupil's first ninety school days of enrollment in the district except that the pupil may participate immediately in a varsity interscholastic sport if the pupil is entering grade nine for the first time and did not participate in an interscholastic athletic competition for another school or school district during the summer immediately following eighth grade, if the district of residence and the other school district jointly participate in the sport, if the sport in which the pupil wishes to participate is not offered in the district of residence, if the pupil chooses to use open enrollment to attend school in another school district because the district in which the student previously attended school was dissolved and merged with one or more contiguous school districts under section 256.11, subsection 12, if the pupil participates in open enrollment because the pupil's district of residence has entered into a whole grade sharing agreement with another district for the pupil's grade, or if the parent or guardian of the pupil participating in open enrollment is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services, or if the district of residence determines that the pupil was previously subject to a founded incident of harassment or bullying as defined in section 280.28 while attending school in the district of residence. A pupil who has paid tuition and attended school, or has attended school pursuant to a mutual agreement between the two districts, in a district other than the pupil's district of residence for at least one school year is also eligible to participate immediately in interscholastic athletic contests and athletic competitions under this section, but only as a member of a team from the district that pupil had attended. For purposes of this subsection, "school days of enrollment" does not include enrollment in summer school. For purposes of this subsection, "varsity" means the same as defined in section 256.46.

<sup>1</sup> See chapter 1138, §25 herein

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 7, 2016

## CHAPTER 1080

### FEES COLLECTED BY COUNTY SHERIFFS — REPORT

*S.F. 503*

**AN ACT** relating to certain fees collected by the county sheriff.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 331.655, Code 2016, is amended by adding the following new subsection:

**NEW SUBSECTION.** 5. The Iowa state sheriffs' and deputies' association shall, no later than December 1, 2016, and every six years thereafter, submit to the chairpersons and ranking members of the standing committees on ways and means and to the legislative services agency a report that details, based on at least one year's data from a random sampling of at least ten rural counties and at least six urban counties as determined by the association, the total annual county budget allocation to the sheriff to fulfill those duties for which the sheriff is required to collect a fee under subsection 1, the average cost per service, summons, execution, or other activity by activity category, the revenue generated by collection of those fees by category, and the associated impact on property taxes for each county to fulfill those duties for which the sheriff is required to collect a fee under subsection 1. The standing committees on ways and means shall review the report during the next succeeding legislative session and the committees may sponsor and submit legislative bills for consideration by the general assembly to adjust the fees collected by the sheriff pursuant to subsection 1. For the purposes of this subsection, the term "category" means each separate activity for which the sheriff is required to collect a fee under subsection 1.

Approved April 13, 2016

## CHAPTER 1081

### CONTROLLED SUBSTANCES — SCHEDULE I ADDITIONS

*S.F. 2116*

**AN ACT** adding substances to schedule I of the controlled substance schedules, and providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 124.204, subsection 4, Code 2016, is amended by adding the following new paragraphs:

**NEW PARAGRAPH.** *al.* 4-methyl-N-ethylcathinone. Other names: 4-MEC, 2-(ethylamino)-1-(4-methylphenyl)propan-1-one.

**NEW PARAGRAPH.** *am.* 4-methyl-alpha-pyrrolidinopropiophenone. Other names: 4-MePPP, MePPP, 4-methyl-[alpha]-pyrrolidinopropiophenone,

1-(4-methylphenyl)-2-(pyrrolidin-1-yl)propan-1-one.

NEW PARAGRAPH. *an.* Alpha-pyrrolidinopentiophenone. Other names: [alpha]-PVP, [alpha]-pyrrolidinoverophenone, 1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one.

NEW PARAGRAPH. *ao.* Butylone. Other names: bk-MBDB, 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one.

NEW PARAGRAPH. *ap.* Pentedrone. Other names: [alpha]-methylaminovalerophenone, 2-(methylamino)-1-phenylpentan-1-one.

NEW PARAGRAPH. *aq.* Pentylone. Other names: bk-MBDP, 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one.

NEW PARAGRAPH. *ar.* 4-fluoro-N-methylcathinone. Other names: 4-FMC, flephedrone, 1-(4-fluorophenyl)-2-(methylamino)propan-1-one.

NEW PARAGRAPH. *as.* 3-fluoro-N-methylcathinone. Other names: 3-FMC, 1-(3-fluorophenyl)-2-(methylamino)propan-1-one.

NEW PARAGRAPH. *at.* Naphyrone. Other names: naphthylpyrovalerone, 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one.

NEW PARAGRAPH. *au.* Alpha-pyrrolidinobutiophenone. Other names: [alpha]-PBP, 1-phenyl-2-(pyrrolidin-1-yl)butan-1-one.

Sec. 2. Section 124.204, subsection 9, Code 2016, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *g.* Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate. Other names: PB-22, QUPIC.

NEW PARAGRAPH. *h.* Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate. Other names: 5-fluoro-PB-22, 5F-PB-22.

NEW PARAGRAPH. *i.* N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide. Other name: AB-FUBINACA.

NEW PARAGRAPH. *j.* N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide. Other name: ADB-PINACA.

NEW PARAGRAPH. *k.* N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide. Other name: AB-CHMINACA.

NEW PARAGRAPH. *l.* N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide. Other name: AB-PINACA.

NEW PARAGRAPH. *m.* [1-(5-fluoropentyl)-1H-indazol-3-yl] (naphthalen-1-yl)methanone. Other name: THJ-2201.

NEW PARAGRAPH. *n.* N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide. Other name: acetyl fentanyl.

NEW PARAGRAPH. *o.* N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide. Other names: MAB-CHMINACA; ADB-CHMINACA.

Approved April 13, 2016

## CHAPTER 1082

### VIOLATIONS OF PRIVACY — TRESPASS — FILM DEFINED

#### *S.F. 2185*

**AN ACT** relating to a criminal trespass that results in a violation of a person's expectation of privacy, and modifying penalties for invasion of privacy.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. **702.25 Film.**

“*Film*” means capturing moving images upon a membrane or other thin flexible material coated with light sensitive emulsion; capturing moving images electronically or digitally in such a manner that the images are stored by a computer or other electronic device; or receiving moving images in a continuous flow.

Sec. 2. Section 709.21, subsection 3, Code 2015, is amended to read as follows:

3. A person who violates this section commits a ~~serious~~ an aggravated misdemeanor.<sup>1</sup>

Sec. 3. Section 716.7, subsection 1, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. “Reasonable expectation of privacy” means circumstances in which a reasonable person would believe that the person could disrobe or partially disrobe in privacy, without being concerned that the person disrobing or partially disrobing was being viewed, photographed, or filmed when doing so.

Sec. 4. Section 716.7, subsection 2, paragraph a, Code 2016, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) Intentionally viewing, photographing, or filming another person through the window or any other aperture of a dwelling, without legitimate purpose, while present on the real property upon which the dwelling is located, or while placing on or retrieving from such property equipment to view, photograph, or film another person, if the person being viewed, photographed, or filmed has a reasonable expectation of privacy, and if the person being viewed, photographed, or filmed does not consent or cannot consent to being viewed, photographed, or filmed.

Sec. 5. Section 716.8, subsection 1, Code 2016, is amended to read as follows:

1. Any person who knowingly trespasses upon the property of another commits a simple misdemeanor, except that any person who intentionally trespasses as defined in section 716.7, subsection 2, paragraph “a”, subparagraph (7), commits a serious misdemeanor.

Approved April 13, 2016

## CHAPTER 1083

### MOTOR VEHICLE REGISTRATION, TITLING, DEALERS, AND WHOLESALERS

S.F. 2228

**AN ACT** relating to the activities of motor vehicle dealers and wholesalers, including the electronic submission of applications for motor vehicle registration and issuance of certificates of title, the use of licenses and advertisements, the furnishing of surety bonds, and the assessment of documentary fees, and making penalties applicable.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 321.20, subsections 2 and 3, Code 2016, are amended to read as follows:

2. Notwithstanding contrary provisions of this chapter or chapter 326 regarding titling and registration by means other than electronic means, the department ~~may shall, by~~ January 1, 2018, develop and implement a program to allow for electronic applications, titling, registering, and ~~electronic funds transfer transfers~~ for vehicles subject to registration in order to improve the efficiency and timeliness of the processes and to reduce costs for

<sup>1</sup> See chapter 1138, §30 herein

all parties involved. The program shall also provide for the electronic submission of any statement required by this section, except where prohibited by federal law.

3. The department shall adopt rules on the method for providing signatures for applications and statements required by this section that are made by electronic means.

Sec. 2. Section 321.20, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding this section or any other provision of law to the contrary, if the program required by subsection 2 is not implemented by January 1, 2018, an owner of a vehicle subject to registration may apply to the county treasurer of a county contiguous to the county designated for the owner under subsection 1 for registration and issuance of a certificate of title.

Sec. 3. Section 322.2, subsection 7, Code 2016, is amended to read as follows:

7. “*Engaged in the business*” means doing any of the following acts for the purpose of the sale of motor vehicles at retail: acquiring, selling, exchanging, holding, offering, displaying, brokering, accepting on consignment, conducting a retail auction, advertising as being engaged in any of those acts, or acting as an agent for the purpose of doing any of those acts. A person selling at retail more than six motor vehicles during a twelve-month period may be presumed to be engaged in the business.

Sec. 4. Section 322.3, subsection 3, Code 2016, is amended to read as follows:

3. Subsections 1, ~~and 2~~, and 16 shall not be construed to require the separate licensing of persons employed as salespersons of motor vehicles by a retail motor vehicle dealer. However, the department may promulgate reasonable rules as necessary for the proper identification of persons employed as salespersons.

Sec. 5. Section 322.3, subsection 12, Code 2016, is amended to read as follows:

12. A person who has been convicted of a fraudulent practice, has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99, has been convicted of three or more violations of subsection 16 of this section in the previous three-year period, or has been convicted of any other indictable offense in connection with selling or other activity relating to motor vehicles, in this state or any other state, shall not for a period of five years from the date of conviction be an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor vehicle dealer or represent themselves as an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor vehicle dealer.

Sec. 6. Section 322.3, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 16. A motor vehicle dealer or wholesaler licensed under this chapter shall not sell, loan, rent, lease, or charge a fee for the use of the license to another person for the purpose of allowing the person to engage in the business of selling motor vehicles.

Sec. 7. Section 322.4, subsection 1, paragraph g, Code 2016, is amended to read as follows:

g. Before the issuance of a motor vehicle dealer’s license to a dealer engaged in the sale of vehicles for which a certificate of title is required under chapter 321, or the issuance of a temporary permit under section 322.5, subsection 6, paragraph “b”, the applicant shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of fifty seventy-five thousand dollars and be conditioned upon the faithful compliance by the applicant as a dealer with all of the statutes of this state regulating or applicable to the business of a dealer in motor vehicles, and indemnifying any person who buys a motor vehicle from the dealer from any loss or damage occasioned by the failure of the dealer to comply with any of the provisions of chapter 321 and this chapter, including but not limited to the furnishing of a proper and valid certificate of title to the motor vehicle involved in a transaction. The bond shall also indemnify any motor vehicle purchaser from any loss or damage caused by the failure of the dealer to comply with the odometer requirements in section 321.71, regardless of whether the motor

vehicle was purchased directly from the dealer. The bond shall be filed with the department prior to the issuance of a license or permit. The aggregate liability of the surety, however, shall not exceed the amount of the bond.

Sec. 8. NEW SECTION. **322.19A Documentary fee.**

1. For purposes of this section, “documentary fee” means a fee that may be charged to a customer by a motor vehicle dealer for the preparation of documents related to an application for motor vehicle registration and an application for issuance of a certificate of title, and the performance of other related services for the customer. “Documentary fee” does not include any costs or fees charged to a motor vehicle dealer or a dealer’s customer by a third party.

2. A motor vehicle dealer may charge a documentary fee not to exceed one hundred eighty dollars for each motor vehicle sold in a transaction.

3. After the department has implemented a statewide program pursuant to section 321.20, subsection 2, the maximum documentary fee permitted by subsection 2 shall be reduced by twenty-five dollars.

4. A motor vehicle dealer who charges a documentary fee to a customer shall include the fee in the price of the motor vehicle. The dealer shall disclose the full amount of the fee in any price of a motor vehicle advertised by the dealer and when making or accepting an offer to sell a motor vehicle. The dealer shall provide the following notice to the customer, which notice shall be clearly and conspicuously disclosed in any motor vehicle purchase agreement with the customer:

DOCUMENTARY FEE. A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE. A DOCUMENTARY FEE IS NOT REQUIRED BY LAW, BUT MAY BE CHARGED TO A BUYER FOR THE PREPARATION OF DOCUMENTS AND THE PERFORMANCE OF RELATED SERVICES. THE MAXIMUM AMOUNT THAT MAY BE CHARGED FOR A DOCUMENTARY FEE IS DETERMINED BY IOWA CODE SECTION 322.19A. THIS NOTICE IS REQUIRED BY LAW.

5. A violation of this section is an unlawful practice under section 714.16.

Approved April 13, 2016

## CHAPTER 1084

### MILITARY SERVICE — PARENTS CUSTODY AND VISITATION

S.F. 2233

**AN ACT** creating the uniform deployed parents custody and visitation Act, and repealing current Code provisions relating to parents on active military duty.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I

#### ARTICLE I

#### GENERAL PROVISIONS

Section 1. NEW SECTION. **598C.101 Short title.**

This chapter shall be known and may be cited as the “*Uniform Deployed Parents Custody and Visitation Act*”.

Sec. 2. NEW SECTION. **598C.102 Definitions.**

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

1. “*Adult*” means an individual who has attained eighteen years of age or is an emancipated minor.
2. “*Caretaking authority*” means the right to live with and care for a child on a day-to-day basis. “*Caretaking authority*” relative to a child includes physical custody, parenting time, right to access, and visitation.
3. “*Child*” means any of the following:
  - a. An unemancipated individual who has not attained eighteen years of age.
  - b. An adult son or daughter by birth or adoption, or under a law of this state other than this chapter, who is the subject of a court order concerning custodial responsibility.
4. “*Close and substantial relationship*” means a relationship in which a significant bond exists between a child and a nonparent.
5. “*Court*” means a tribunal, including an administrative agency, authorized under a law of this state other than this chapter to make, enforce, or modify a decision regarding custodial responsibility.
6. “*Custodial responsibility*” includes all powers and duties relating to caretaking authority and decision-making authority for a child. “*Custodial responsibility*” includes physical custody, legal custody, parenting time, right to access, visitation, and authority to grant limited contact with a child.
7. “*Decision-making authority*” means the power to make important decisions regarding a child, including decisions regarding the child’s education, religious training, health care, extracurricular activities, and travel. “*Decision-making authority*” does not include the power to make decisions that necessarily accompany a grant of caretaking authority.
8. “*Deploying parent*” means a service member who is deployed or has been notified of impending deployment and is any of the following:
  - a. A parent of a child under a law of this state other than this chapter.
  - b. An individual who has custodial responsibility for a child under<sup>1</sup> law of this state other than this chapter.
9. “*Deployment*” means the movement or mobilization of a service member for more than ninety days but less than eighteen months pursuant to uniformed service orders that meet any of the following conditions:
  - a. Are designated as unaccompanied.
  - b. Do not authorize dependent travel.
  - c. Otherwise do not permit the movement of family members to the location to which the service member is deployed.
10. “*Family member*” means a sibling, aunt, uncle, cousin, stepparent, or grandparent of a child or an individual recognized to be in a familial relationship with a child under a law of this state other than this chapter.
11. “*Limited contact*” means the authority of a nonparent to visit a child for a limited time. “*Limited contact*” includes authority to take the child to a place other than the residence of the child.
12. “*Nonparent*” means an individual other than a deploying parent or other parent.
13. “*Other parent*” means an individual who, in common with a deploying parent, is one of the following:
  - a. A parent of a child under a law of this state other than this chapter.
  - b. An individual who has custodial responsibility for a child under a law of this state other than this chapter.
14. “*Record*” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
15. “*Return from deployment*” means the conclusion of a service member’s deployment as specified in uniformed service orders, less any terminal, medical, or annual leave authorized to the service member.
16. “*Service member*” means a member of a uniformed service.
17. “*Sign*” means, with present intent to authenticate or adopt a record, to execute or adopt a tangible symbol or to attach to or logically associate with the record an electronic symbol, sound, or process.

<sup>1</sup> See chapter 1138, §27 herein

18. “*State*” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

19. “*Uniformed service*” means any of the following:

a. Active and reserve components of the army, navy, air force, marine corps, or coast guard of the United States; the United States merchant marine; the commissioned corps of the United States public health service; or the commissioned corps of the national oceanic and atmospheric administration of the United States.

b. The national guard of a state, whether or not activation or performance of duties is pursuant to federal or to state authority.

**Sec. 3. NEW SECTION. 598C.103 Remedies for noncompliance.**

In addition to other remedies under a law of this state other than this chapter, if a court finds that a party to a proceeding under this chapter has acted in bad faith or intentionally failed to comply with this chapter or a court order issued under this chapter, the court may assess reasonable attorney fees and costs against the party and order other appropriate relief.

**Sec. 4. NEW SECTION. 598C.104 Jurisdiction.**

1. A court may issue an order regarding custodial responsibility under this chapter only if the court has jurisdiction under chapter 598B, the uniform child-custody jurisdiction and enforcement Act.

2. If a court has issued a temporary order regarding custodial responsibility pursuant to article III, the residence of the deploying parent is not changed by reason of the deployment for the purposes of chapter 598B, the uniform child-custody jurisdiction and enforcement Act, during the deployment.

3. If a court has issued a permanent order regarding custodial responsibility before notice of deployment and the parents modify that order temporarily by agreement pursuant to article II, the residence of the deploying parent is not changed by reason of the deployment for the purposes of chapter 598B, the uniform child-custody jurisdiction and enforcement Act.

4. If a court in another state has issued a temporary order regarding custodial responsibility as a result of impending or current deployment, the residence of the deploying parent is not changed by reason of the deployment for the purposes of chapter 598B, the uniform child-custody jurisdiction and enforcement Act.

5. This section does not prevent a court from exercising temporary emergency jurisdiction under chapter 598B, the uniform child-custody jurisdiction and enforcement Act.

**Sec. 5. NEW SECTION. 598C.105 Notification required of deploying parent.**

1. Except as otherwise provided in subsection 4, and subject to subsection 3, a deploying parent shall notify the other parent, in a record, of a pending deployment, not later than seven days after receiving notice of deployment, unless reasonably prevented from doing so by the circumstances of service. If the circumstances of service prevent giving notification within the seven days, the deploying parent shall give the notification as soon as reasonably possible.

2. Except as otherwise provided in subsection 4, and subject to subsection 3, each parent shall provide the other parent with a plan in a record for fulfilling that parent’s share of custodial responsibility during deployment. Each parent shall provide the plan as soon as reasonably possible after notification of deployment is given under subsection 1.

3. If a court order currently in effect prohibits disclosure of the address or contact information of the other parent, notification of deployment under subsection 1 or notification of a plan for custodial responsibility during deployment under subsection 2 may be made only to the issuing court. If the address of the other parent is available to the issuing court, the court shall forward the notification to the other parent. The court shall keep confidential the address or contact information of the other parent.

4. Notification in a record under subsection 1 or 2 is not required if the parents are living in the same residence and both parents have actual notice of the deployment or plan.

5. In a proceeding regarding custodial responsibility, a court may consider the reasonableness of a parent’s efforts to comply with this section.

**Sec. 6. NEW SECTION. 598C.106 Duty to notify of change of address.**



1. Except as otherwise provided in subsection 2, an individual to whom custodial responsibility has been granted during deployment pursuant to article II or III shall notify in a record the deploying parent, and any other individual with custodial responsibility for a child, of any change of the individual's mailing address or residence until the grant is terminated. The individual shall provide the notice to any court that has issued a custody or child support order concerning the child which is currently in effect.

2. If a court order currently in effect prohibits disclosure of the address or contact information of an individual to whom custodial responsibility has been granted, a notification under subsection 1 may be made only to the court that issued the order. The court shall keep confidential the mailing address or residence of the individual to whom custodial responsibility has been granted.

**Sec. 7. NEW SECTION. 598C.107 General consideration in custody proceeding of parent's military service.**

In a proceeding for custodial responsibility of a child of a service member, a court shall not consider a parent's past deployment or probable future deployment in general in determining the best interest of the child.

ARTICLE II

AGREEMENT ADDRESSING CUSTODIAL RESPONSIBILITY DURING DEPLOYMENT

**Sec. 8. NEW SECTION. 598C.201 Form of agreement.**

1. The parents of a child may enter into a temporary agreement under this article granting custodial responsibility during deployment.

2. An agreement under subsection 1 shall comply with all of the following:

a. Be in writing.

b. Be signed by both parents and any nonparent to whom custodial responsibility is granted.

3. Subject to subsection 4, an agreement under subsection 1, if feasible, must provide all of the following:

a. Identify the destination, duration, and conditions of the deployment that is the basis for the agreement.

b. Specify the allocation of caretaking authority among the deploying parent, the other parent, and any nonparent.

c. Specify any decision-making authority that accompanies a grant of caretaking authority.

d. Specify any grant of limited contact to a nonparent.

e. If under the agreement custodial responsibility is shared by the other parent and a nonparent, or by other nonparents, provide a process to resolve any dispute that may arise.

f. Specify the frequency, duration, and means, including electronic means, by which the deploying parent will have contact with the child, any role to be played by the other parent in facilitating the contact, and the allocation of any costs of contact.

g. Specify the contact between the deploying parent and child during the time the deploying parent is on leave or is otherwise available.

h. Acknowledge that any parent's child support obligation cannot be modified by the agreement, and that changing the terms of the child support obligation during deployment requires modification in the appropriate court.

i. Provide that the agreement will terminate according to the procedures under article IV after the deploying parent returns from deployment.

j. If the agreement must be filed pursuant to section 598C.205, specify which parent is required to file the agreement.

4. The omission of any of the items specified in subsection 3 does not invalidate an agreement under this section.

**Sec. 9. NEW SECTION. 598C.202 Nature of authority created by agreement.**

1. An agreement under this article is temporary and terminates pursuant to article IV after the deploying parent returns from deployment, unless the agreement has been terminated before that time by court order or modification under section 598C.203. The agreement

does not create an independent, continuing right to caretaking authority, decision-making authority, or limited contact in an individual to whom custodial responsibility is given.

2. A nonparent who has caretaking authority, decision-making authority, or limited contact by an agreement under this article has standing to enforce the agreement until it has been terminated by court order, by modification under section 598C.203, or under article IV.

**Sec. 10. NEW SECTION. 598C.203 Modification of agreement.**

1. By mutual consent, the parents of a child may modify an agreement regarding custodial responsibility made pursuant to this article.

2. If an agreement is modified under subsection 1 before deployment of a deploying parent, the modification must be in writing and signed by both parents and any nonparent who will exercise custodial responsibility under the modified agreement.

3. If an agreement is modified under subsection 1 during deployment of a deploying parent, the modification must be agreed to in a record by both parents and any nonparent who will exercise custodial responsibility under the modified agreement.

**Sec. 11. NEW SECTION. 598C.204 Power of attorney.**

A deploying parent, by power of attorney, may delegate all or part of the deploying parent's custodial responsibility to an adult nonparent for the period of deployment if no other parent possesses custodial responsibility under a law of this state other than this chapter, or if a court order currently in effect prohibits contact between the child and the other parent. The deploying parent may revoke the power of attorney by signing a revocation of the power of attorney.

**Sec. 12. NEW SECTION. 598C.205 Filing agreement or power of attorney with court.**

An agreement or power of attorney under this article must be filed within a reasonable time with any court that has entered an order on custodial responsibility or child support that is in effect concerning the child who is the subject of the agreement or power of attorney. The case number and heading of the pending case concerning custodial responsibility or child support must be provided to the court with the agreement or power of attorney.

### ARTICLE III

#### JUDICIAL PROCEDURE FOR GRANTING CUSTODIAL RESPONSIBILITY DURING DEPLOYMENT

**Sec. 13. NEW SECTION. 598C.301 Proceeding for temporary custody order.**

1. After a deploying parent receives notice of deployment and until the deployment terminates, a court may issue a temporary order granting custodial responsibility unless prohibited by the federal Servicemembers Civil Relief Act, 50 U.S.C. app. §§521 and 522 or the Iowa national guard civil relief provisions contained in chapter 29A, subchapter VI. A court shall not issue a temporary order granting custodial responsibility without notice to the deploying parent. A court shall not issue a permanent order granting custodial responsibility without the consent of the deploying parent.

2. At any time after a deploying parent receives notice of deployment, either parent may file a motion regarding custodial responsibility of a child during deployment. The motion must be filed in a pending proceeding for custodial responsibility in a court with jurisdiction under section 598C.104 or, if there is no pending proceeding in a court with jurisdiction under section 598C.104, in a new action for granting custodial responsibility during deployment.

**Sec. 14. NEW SECTION. 598C.302 Expedited hearing.**

If a motion to grant custodial responsibility is filed under section 598C.301, subsection 2, before a deploying parent deploys, the court shall conduct an expedited hearing.

**Sec. 15. NEW SECTION. 598C.303 Testimony by electronic means.**

In a proceeding under this article, a party or witness who is not reasonably available to appear personally may appear, provide testimony, and present evidence by electronic means unless the court finds good cause to require a personal appearance. For purposes of this

section, “*electronic means*” includes communication by telephone, video conference, or the internet.

**Sec. 16. NEW SECTION. 598C.304 Effect of prior judicial order or agreement.**

In a proceeding for a grant of custodial responsibility pursuant to this article, the following rules shall apply:

1. A prior judicial order designating custodial responsibility in the event of deployment is binding on the court unless the circumstances meet the requirements of a law of this state other than this chapter for modifying a judicial order regarding custodial responsibility.

2. The court shall enforce a prior written agreement between the parents for designating custodial responsibility in the event of deployment, including an agreement executed under article II, unless the court finds that the agreement is contrary to the best interest of the child.

**Sec. 17. NEW SECTION. 598C.305 Grant of caretaking or decision-making authority to nonparent.**

1. On motion of a deploying parent and in accordance with a law of this state other than this chapter, if it is in the best interest of the child, a court may grant caretaking authority to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship.

2. Unless a grant of caretaking authority to a nonparent under subsection 1 is agreed to by the other parent, the grant is limited to an amount of time not greater than one of the following:

a. The amount of time granted to the deploying parent under a permanent custody order, but the court may add unusual travel time necessary to transport the child.

b. In the absence of a permanent custody order that is currently in effect, the amount of time that the deploying parent habitually cared for the child before being notified of deployment, but the court may add unusual travel time necessary to transport the child.

3. A court may grant part of a deploying parent’s decision-making authority, if the deploying parent is unable to exercise that authority, to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship. If a court grants the authority to a nonparent, the court shall specify the decision-making powers granted, including decisions regarding the child’s education, religious training, health care, extracurricular activities, and travel.

4. In determining the best interest of the child, the court shall ensure all of the following:

a. That the specified adult family member or adult with whom the child has a close and substantial relationship is not a sex offender as defined in section 692A.101.

b. That the specified adult family member or adult with whom the child has a close and substantial relationship does not have a history of domestic abuse, as defined in section 236.2. In determining whether a history of domestic abuse exists, the court’s consideration shall include but is not limited to commencement of an action pursuant to section 236.3, the issuance of a protective order against the individual or the issuance of a court order or consent agreement pursuant to section 236.5, the issuance of an emergency order pursuant to section 236.6, the holding of an individual in contempt pursuant to section 664A.7, the response of a peace officer to the scene of alleged domestic abuse or the arrest of an individual following response to a report of alleged domestic abuse, or a conviction for domestic abuse assault pursuant to section 708.2A.

c. That the specified adult family member or adult with whom the child has a close and substantial relationship does not have a record of founded child or dependent adult abuse.

d. That the specified adult family member or adult has established a close and substantial relationship with the child and that granting caretaking authority or decision-making authority to the specified individual will provide the child the opportunity to maintain an ongoing relationship that is important to the child.

e. That the specified adult family member or adult with whom the child has a close and substantial relationship demonstrates an ability to personally and financially support the child and will support the child’s relationship with both of the child’s parents during the grant of caretaking authority or decision-making authority.

Sec. 18. **NEW SECTION. 598C.306 Grant of limited contact.**

On motion of a deploying parent, and in accordance with a law of this state other than this chapter, unless the court finds that the contact would be contrary to the best interest of the child, a court may grant limited contact to a nonparent who is a family member of the child or an individual with whom the child has a close and substantial relationship.

Sec. 19. **NEW SECTION. 598C.307 Nature of authority created by temporary custody order.**

1. A grant of authority under this article is temporary and terminates under article IV after the return from deployment of the deploying parent, unless the grant has been terminated before that time by court order. The grant does not create an independent, continuing right to caretaking authority, decision-making authority, or limited contact in an individual to whom it is granted.

2. A nonparent granted caretaking authority, decision-making authority, or limited contact under this article has standing to enforce the grant until it is terminated by court order or under article IV.

Sec. 20. **NEW SECTION. 598C.308 Content of temporary custody order.**

1. An order granting custodial responsibility under this article must do all of the following:

a. Designate the order as temporary.

b. Identify to the extent feasible the destination, duration, and conditions of the deployment.

2. If applicable, an order for custodial responsibility under this article must do all of the following:

a. Specify the allocation of caretaking authority, decision-making authority, or limited contact among the deploying parent, the other parent, and any nonparent.

b. If the order divides caretaking authority or decision-making authority between individuals, or grants caretaking authority to one individual and limited contact to another, provide a process to resolve any dispute that may arise.

c. Provide for liberal communication between the deploying parent and the child during deployment, including through electronic means, unless contrary to the best interest of the child, and allocate any costs of communications.

d. Provide for liberal contact between the deploying parent and the child during the time the deploying parent is on leave or otherwise available, unless contrary to the best interest of the child.

e. Provide for reasonable contact between the deploying parent and the child after return from deployment until the temporary order is terminated, unless it is contrary to the best interest of the child, which may include additional contact time to compensate for contact time lost during deployment.

f. Provide that the order will terminate pursuant to article IV after the deploying parent returns from deployment.

Sec. 21. **NEW SECTION. 598C.309 Order for child support.**

If a court has issued an order granting caretaking authority under this article, or an agreement granting caretaking authority has been executed under article II, the court may enter a temporary order for child support consistent with a law of this state other than this chapter if the court has jurisdiction under chapter 252K, the uniform interstate family support Act.

Sec. 22. **NEW SECTION. 598C.310 Modifying or terminating grant of custodial responsibility to nonparent.**

1. Except for an order under section 598C.304, and except as otherwise provided in subsection 2, and consistent with the federal Servicemembers Civil Relief Act, 50 U.S.C. app. §§521 and 522 and the Iowa national guard civil relief provisions contained in chapter 29A, subchapter VI, on motion of a deploying or other parent or any nonparent to whom caretaking authority, decision-making authority, or limited contact has been granted, the court may modify or terminate the grant if the modification or termination is consistent with this article and it is in the best interest of the child. A modification is temporary and

terminates pursuant to article IV after the deploying parent returns from deployment, unless the grant has been terminated before that time by court order.

2. The court may appoint a guardian ad litem or an attorney to represent the best interest of the child or may require an appropriate agency to make an investigation of the parties as provided in section 598.12.

#### ARTICLE IV RETURN FROM DEPLOYMENT

##### Sec. 23. NEW SECTION. 598C.401 Procedure for terminating temporary grant of custodial responsibility established by agreement.

1. At any time after return from deployment, a temporary agreement granting custodial responsibility under article II may be terminated by an agreement to terminate signed by the deploying parent and the other parent.

2. A temporary agreement under article II granting custodial responsibility terminates on one of the following dates:

a. If an agreement to terminate under subsection 1 specifies a date for termination, on that date.

b. If the agreement to terminate does not specify a date, on the date of the last signature of the deploying parent or the other parent.

3. In the absence of an agreement under subsection 1 to terminate, a temporary agreement granting custodial responsibility terminates under article II sixty days after the deploying parent gives notice in a record to the other parent that the deploying parent returned from deployment.

4. If a temporary agreement granting custodial responsibility was filed with a court pursuant to section 598C.205, an agreement to terminate the temporary agreement also must be filed with that court within a reasonable time after the signing of the agreement. The case number and heading of the case concerning custodial responsibility or child support must be provided to the court with the agreement to terminate.

##### Sec. 24. NEW SECTION. 598C.402 Consent procedure for terminating temporary grant of custodial responsibility established by court order.

At any time after a deploying parent returns from deployment, the deploying parent and the other parent may file with the court an agreement to terminate a temporary order for custodial responsibility issued under article III. After an agreement to terminate has been filed, the court shall issue an order terminating the temporary order effective on the date specified in the agreement. If a date is not specified, the order is effective immediately.

##### Sec. 25. NEW SECTION. 598C.403 Visitation before termination of temporary grant of custodial responsibility.

After a deploying parent returns from deployment and until a temporary agreement or order for custodial responsibility established under article II or III is terminated, the court may issue a temporary order granting the deploying parent reasonable contact with the child unless it is contrary to the best interest of the child, which may include additional contact time to compensate for contact time lost during deployment.

##### Sec. 26. NEW SECTION. 598C.404 Termination by operation of law of temporary grant of custodial responsibility established by court order.

1. If an agreement between the parties to terminate a temporary order for custodial responsibility under article III has not been filed, the order terminates sixty days after the deploying parent gives notice in a record to the other parent and any nonparent granted custodial responsibility that the deploying parent has returned from deployment.

2. A proceeding seeking to prevent termination of a temporary order for custodial responsibility is governed by the law of this state other than this chapter.

ARTICLE V  
MISCELLANEOUS PROVISIONS

Sec. 27. **NEW SECTION. 598C.501 Uniformity of application and construction.**

This chapter shall be applied and construed with consideration given to the need to promote uniformity of the law with respect to its subject matter among states that enact the uniform deployed parents custody and visitation Act.

Sec. 28. **NEW SECTION. 598C.502 Relation to Electronic Signatures in Global and National Commerce Act.**

This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §7001 et seq., but does not modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. §7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. §7003(b).

Sec. 29. **NEW SECTION. 598C.503 Applicability.**

This chapter does not affect the validity of a temporary court order concerning custodial responsibility during deployment which was entered before July 1, 2016.

DIVISION II

Sec. 30. **REPEAL.** Sections 598.41C and 598.41D, Code 2016, are repealed.

Approved April 13, 2016

**CHAPTER 1085**

MEDICAID — OWNERSHIP AND CONTROL INFORMATION FOR NONPROFIT  
CORPORATIONS

*S.F. 2260*

**AN ACT** relating to disclosure of ownership and control information for nonprofit corporations under the Medicaid program, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 22.7, Code 2016, is amended by adding the following new subsection:  
**NEW SUBSECTION. 68.** Information required to be provided by a disclosing entity pursuant to 42 C.F.R. §455.104, pertaining to an individual with an ownership or control interest who is an officer or director of a nonprofit corporation.

Sec. 2. **DISCLOSURE OF OWNERSHIP OR CONTROL INFORMATION BY NONPROFIT CORPORATIONS UNDER MEDICAID PROGRAM.** Any information required to be provided by a disclosing entity pursuant to 42 C.F.R. §455.104, pertaining to an individual with an ownership or control interest who is an officer or director of a nonprofit corporation, shall only be required to be disclosed to and collected by the department of human services as the single state agency designated to administer or supervise the administration of the Medicaid program. A Medicaid managed care organization contracting with the state shall not require disclosure or collection of such ownership or control information from a nonprofit corporation. The department of human services may only disseminate such ownership or control information to a managed care organization if, and only to the extent, necessary to ensure compliance with federal law.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 13, 2016

## CHAPTER 1086

### HOME FOOD ESTABLISHMENT LICENSURE

*S.F. 2273*

**AN ACT** relating to licensure of home food establishments.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 10A.104, subsection 12, Code 2016, is amended to read as follows:

12. Administer inspections and licensing of hotels and home ~~food establishments~~ bakeries.

Sec. 2. Section 137D.1, subsections 3 and 4, Code 2016, are amended to read as follows:

3. ~~“Home food establishment”~~ “Home bakery” means a business on the premises of a residence in which prepared food is created for sale or resale, for consumption off the premises, if the business has gross annual sales of prepared food of less than ~~twenty thirty-five~~ thousand dollars. However, a ~~home food establishment~~ “home bakery” does not include a residence in which food is prepared to be used or sold by churches, fraternal societies, charitable organizations, or civic organizations.

4. “Prepared food” means soft pies, bakery products with a custard or cream filling, or ~~any other potentially hazardous~~ baked goods that are a time/temperature control for safety food. ~~“Prepared food” does not mean nonhazardous include baked goods that are not a time/temperature control for safety food, including but not limited to breads, fruit pies, cakes, or other nonhazardous pastries that are not a time/temperature control for safety food.~~

Sec. 3. Section 137D.1, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 5. “Time/temperature control for safety food” means a food that requires time and temperature controls for safety to limit pathogenic microorganism growth or toxin formation.

Sec. 4. Section 137D.2, Code 2016, is amended to read as follows:

#### **137D.2 Licenses and inspections.**

1. A person shall not open or operate a ~~home food establishment~~ bakery until a license has been obtained from the department of inspections and appeals. The department shall collect a fee of thirty-three dollars and seventy-five cents for a license. After collection, the fees shall be deposited in the general fund of the state. A license shall expire one year from date of issue. A license is renewable.

2. A person shall not sell or distribute from a ~~home food establishment~~ bakery if the ~~home food establishment~~ bakery is unlicensed, the license of the ~~home food establishment~~ bakery is suspended, or the food fails to meet standards adopted for such food by the department.

3. An application for a license under this chapter shall be made upon a form furnished by the department and shall contain the items required by it according to rules adopted by the department.

4. The department shall regulate, license, and inspect ~~home food establishments~~ bakeries according to standards adopted by rule.

5. The department shall provide for the periodic inspection of a ~~home food establishment~~ bakery. The inspector may enter the ~~home food establishment~~ bakery at any reasonable hour to make the inspection. The department shall inspect only those areas related to preparing food for sale.

6. The department shall regulate and inspect food prepared at a home ~~food establishment~~ bakery according to standards adopted by rule. The inspection may occur at any place where the prepared food is created, transported, or stored for sale or resale.

Sec. 5. Section 137D.3, Code 2016, is amended to read as follows:

**137D.3 Penalty.**

A person who violates a provision of this chapter, including a standard adopted by departmental rule, relating to home ~~food establishments~~ bakeries or prepared foods created in a home ~~food establishment~~ bakery, is guilty of a simple misdemeanor. Each day that the violation continues constitutes a separate offense.

Sec. 6. Section 137D.4, Code 2016, is amended to read as follows:

**137D.4 Injunction.**

A person operating a home ~~food establishment~~ bakery or selling prepared foods created at a home ~~food establishment~~ bakery in violation of a provision of this chapter may be restrained by injunction from further operating that home ~~food establishment~~ bakery. If an imminent health hazard exists, the home ~~food establishment~~ bakery must cease operation. Operation shall not be resumed until authorized by the department.

Sec. 7. Section 137D.6, Code 2016, is amended to read as follows:

**137D.6 Conflicts with state building code.**

Provisions of this chapter, including standards for home ~~food establishments~~ bakeries adopted by the department, in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state.

Sec. 8. Section 137D.8, subsections 1 and 3, Code 2016, are amended to read as follows:

1. The person's home ~~food establishment~~ bakery does not conform to a provision of this chapter or a rule adopted pursuant to this chapter.

3. The person conducts an activity constituting a criminal offense in the home ~~food establishment~~ bakery and is convicted of a serious misdemeanor or a more serious offense as a result.

Sec. 9. Section 137F.1, subsection 7, paragraph d, Code 2016, is amended to read as follows:

d. Premises which are a home ~~food establishment~~ bakery pursuant to chapter 137D.

Approved April 13, 2016

## CHAPTER 1087

### FATHERS AND JUVENILE JUSTICE PROCEEDINGS — PATERNITY ESTABLISHED BY LAW INCLUDED

*H.F. 2270*

**AN ACT** including fathers whose paternity has been lawfully established in the definition of parent for the purposes of juvenile justice proceedings.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 232.2, subsection 39, Code 2016, is amended to read as follows:

39. "Parent" means a biological or adoptive mother or father of a child ~~but; or a father whose paternity has been established by operation of law due to the individual's marriage to the mother at the time of conception, birth, or at any time during the period between~~



conception and birth of the child, by order of a court of competent jurisdiction, or by administrative order when authorized by state law. "Parent" does not include a mother or father whose parental rights have been terminated.

Approved April 13, 2016

## CHAPTER 1088

### PROBATE, TRUSTS, AND FIDUCIARIES

H.F. 2335

**AN ACT** relating to civil law provisions, including notice requirements for the disposition of the real property of an estate, notice and document delivery under the trust code, the powers of an agent under a power of attorney, and liability for refusing to accept an acknowledged power of attorney, and including effective date and retroactive and other applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I

#### SALE OF REAL PROPERTY OF AN ESTATE — NOTICE REQUIREMENTS

Section 1. Section 633.389, Code 2016, is amended to read as follows:

**633.389 Notice on sale, mortgage, exchange, pledge, or lease of property.**

Upon the filing of the petition, unless notice is waived in writing, or unless all interested persons are also personal representatives and have signed the petition, notice in accordance with section 633.40, shall be served on all persons interested in the property, provided that as to personal property and as to the lease of real property not specifically devised, for a period not to exceed one year, the court may hear the petition without notice. When notice is required, the notice shall state briefly the nature of the application. Upon satisfactory proof, the court may order the sale, mortgage, exchange, pledge or lease of the property described, or any part of the property, at a price and upon terms and conditions as the court may authorize. For the purposes of this section, the term "*all persons interested*" includes only distributees in the estate and persons who have requested notice as provided by this probate code.

#### DIVISION II

#### TRUST CODE — NOTICE AND DOCUMENT DELIVERY REQUIREMENTS

Sec. 2. NEW SECTION. **633A.1109 Methods of notice and document delivery — waiver.**

Except as otherwise provided by this chapter:

1. Giving notice to a person, including notice of a judicial proceeding, or the sending of a document to a person under this chapter shall be accomplished in a manner reasonably suitable under the circumstances and likely to result in receipt of the notice or document. Permissible methods of giving notice or sending a document include first-class mail, personal delivery to a person's last known place of residence or place of business, or by properly directed electronic mail. When notice in a trust proceeding is served on an interested party via the United States postal service, the service is made and completed when the notice being served is enclosed in a sealed envelope with proper postage paid, is addressed to the interested party at the party's last known post office address, and is deposited in a mail receptacle provided by the United States postal service.

2. In the case of a proceeding against an unknown person whose address or whereabouts are unknown, the court shall prescribe that notice may be served by publication within the time and in the manner provided by the rules of civil procedure.

3. Notice under this chapter or the right to receive a document under this chapter may be waived by the person to be notified or entitled to receive the document.

4. For purposes of this section, “*properly directed*” means directed to an electronic mail address that the sender reasonably believes is a current electronic mail address of the recipient.

Sec. 3. APPLICABILITY. This division of this Act applies to notices and documents sent on or after July 1, 2016, regarding trusts in existence on or created after July 1, 2016.

### DIVISION III

#### POWERS OF ATTORNEY — POWERS OF AN AGENT — LIABILITY FOR REFUSAL TO ACCEPT ACKNOWLEDGED POWER OF ATTORNEY

Sec. 4. Section 633B.120, subsection 3, paragraph b, Code 2016, is amended to read as follows:

b. Liability for damages sustained by the principal ~~for~~ and reasonable attorney fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney, provided that any such action must be brought within one year of the initial request for acceptance of the power of attorney.

Sec. 5. Section 633B.204, subsections 2 and 3, Code 2016, are amended to read as follows:

2. Sell; exchange; convey with or without covenants, representations, or warranties; quitclaim; release; surrender; retain title for security; encumber; partition; consent to partitioning; be subject to an easement or covenant; subdivide; apply for zoning or other governmental permits; plat or consent to platting; develop; grant an option concerning; lease; sublease; contribute to an entity in exchange for an interest in that entity; or otherwise grant or dispose of an interest in real property or a right incident to real property, including the transfer or release of any and all of the principal’s homestead rights under section 561.13 and chapter 597.

3. Pledge or mortgage an interest in real property or a right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal, including the transfer or release of any and all of the principal’s homestead rights under section 561.13 and chapter 597.

Sec. 6. Section 633B.211, subsection 2, paragraph h, Code 2016, is amended by striking the paragraph.

Sec. 7. Section 633B.214, subsection 2, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Create and fund a medical assistance income trust as defined in section 633C.1 or a trust or device that meets the criteria of 42 U.S.C. §1396p(d)(4)(B)(i)-(ii) that is authorized under the applicable law of another jurisdiction in which the principal is a resident.

Sec. 8. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 9. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2014.

Approved April 13, 2016

**CHAPTER 1089****TERMINATION OF FARM TENANCIES — WRITTEN AGREEMENT***H.F. 2344*

**AN ACT** requiring that agreements to terminate farm tenancies be in writing.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 562.6, Code 2016, is amended to read as follows:

**562.6 Agreement for termination.**

If ~~an a written~~ agreement is made fixing the time of the termination of a tenancy, ~~whether in writing or not~~, the tenancy shall terminate at the time agreed upon, without notice. Except for a farm tenant who is a mere cropper or a person who holds a farm tenancy with an acreage of less than forty acres where an animal feeding operation is the primary use of the acreage, a farm tenancy shall continue beyond the agreed term for the following crop year and otherwise upon the same terms and conditions as the original lease unless written notice for termination is served upon either party or a successor of the party in the manner provided in section 562.7, whereupon the farm tenancy shall terminate March 1 following. However, the tenancy shall not continue because of an absence of notice if there is default in the performance of the existing rental agreement.

Approved April 13, 2016

**CHAPTER 1090****VETERANS PREFERENCE INFORMATION***H.F. 2415*

**AN ACT** concerning veterans preference information.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **NEW SECTION. 35C.9 Veterans preference — information clearinghouse.**

1. The department of workforce development, in coordination with the department of administrative services, shall establish a clearinghouse for the purpose of providing information to the state, political subdivisions of the state, and veterans who are citizens and residents of the United States, concerning the rights and duties relating to providing veterans preference as required by this chapter.

2. The information provided, which shall include a written statement in plain language concerning the rights and duties of this chapter, shall be developed by the department of workforce development in consultation with the office of the attorney general and the department of administrative services. The information provided shall also include information concerning the enforcement of the requirements of this chapter.

3. The internet site for the department of workforce development, the department of administrative services, the office of the attorney general, and the department of veterans affairs shall include a link to the information provided pursuant to this section.

Approved April 13, 2016

**CHAPTER 1091****GAMBLING GAME LICENSURE FEES***H.F. 2429*

**AN ACT** concerning gambling game licensure fees, and including penalty and applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 99F.10, subsection 7, Code 2016, is amended to read as follows:

7. In addition to any other fees required by this chapter, a person awarded a new license to conduct gambling games pursuant to section 99F.7 on or after January 1, 2004, shall pay the applicable initial license fee to the commission as provided by this subsection. A person awarded a new license shall pay one-fifth of the applicable initial license fee immediately upon the granting of the license, one-fifth of the applicable initial license fee within one year of the granting of the license, one-fifth of the applicable initial license fee within two years of the granting of the license, one-fifth of the applicable initial license fee within three years of the granting of the license, and the remaining one-fifth of the applicable initial license fee within four years of the granting of the license. However, the license fee provided for in this subsection shall not only apply when a licensed facility is sold and a new license is issued to the purchaser a person for a facility that increases the number of licensed facilities in the applicable county or counties. Fees paid pursuant to this subsection are not refundable to the licensee. For purposes of this subsection, the applicable initial license fee shall be five million dollars if the population of the county where the licensee shall conduct gambling games is fifteen thousand or less based upon the most recent federal decennial census, shall be ten million dollars if the population of the county where the licensee shall conduct gambling games is more than fifteen thousand and less than one hundred thousand based upon the most recent federal decennial census, and shall be twenty million dollars if the population of the county where the licensee shall conduct gambling games is one hundred thousand or more based upon the most recent federal decennial census. Moneys collected by the commission from an initial license fee paid under this subsection shall be deposited in the rebuild Iowa infrastructure fund created in section 8.57.

Sec. 2. **APPLICABILITY.** This Act applies to initial or renewed licenses issued to a qualified sponsoring organization on or after the effective date of this Act.

Approved April 13, 2016

**CHAPTER 1092****CARBON MONOXIDE ALARMS***S.F. 2219*

**AN ACT** requiring carbon monoxide alarms in certain dwellings and multiple-unit residential buildings, making penalties applicable, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 100.18, subsection 1, Code 2016, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0a. “Carbon monoxide alarm” means a device which detects carbon monoxide and which incorporates an alarm-sounding unit operated from a power supply either in the unit or obtained at the point of installation.

NEW PARAGRAPH. *0b.* “Fuel” means coal, kerosene, oil, fuel gases, or other petroleum products or hydrocarbon products such as wood that emit carbon monoxide as a by-product of combustion.

Sec. 2. Section 100.18, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. *a.* Multiple-unit residential buildings and single-family dwellings, the construction of which is begun on or after July 1, 2018, and that have a fuel-fired heater or appliance, a fireplace, or an attached garage, shall include the installation of carbon monoxide alarms in compliance with the rules established by the state fire marshal under subsection 4.

*b.* The rules shall require the installation of carbon monoxide alarms in existing single-family rental units and multiple-unit residential buildings that have a fuel-fired heater or appliance, a fireplace, or an attached garage. Existing single-family dwellings that have a fuel-fired heater or appliance, a fireplace, or an attached garage shall be equipped with approved carbon monoxide alarms. For purposes of this paragraph, “*approved carbon monoxide alarm*” means a carbon monoxide alarm that meets the standards established by the underwriters’ laboratories or is approved by the state fire marshal as established by rule under subsection 4. A person who files for a homestead credit pursuant to chapter 425 shall certify that the single-family dwelling for which the credit is filed and that has a fuel-fired heater or appliance, a fireplace, or an attached garage, has carbon monoxide alarms installed in compliance with this section, or that such alarms will be installed within thirty days of the date the filing for the credit is made. The state fire marshal shall adopt rules and establish appropriate procedures to administer this subsection.

*c.* An owner of a multiple-unit residential building or a single-family rental unit that has a fuel-fired heater or appliance, a fireplace, or an attached garage, or an owner’s agent, shall supply light-emitting carbon monoxide alarms, upon request, for a tenant with a hearing impairment.

*d.* The owner of a building requiring the installation of carbon monoxide alarms under this subsection shall install a carbon monoxide alarm in a location as specified by rules established by the state fire marshal under subsection 4, taking into account the number and location of all fuel sources in the building.

Sec. 3. Section 100.18, subsections 4, 6, and 7, Code 2016, are amended to read as follows:

4. The state fire marshal shall enforce the requirements of ~~subsection~~ subsections 2 and 2A and may implement a program of inspections to monitor compliance with the provisions of ~~that subsection~~ those subsections. Upon inspection, the state fire marshal shall issue a written notice to the owner or manager of a multiple-unit residential building or single-family dwelling rental unit informing the owner or manager of compliance or noncompliance with this section. The state fire marshal may contract with any political subdivision without fee assessed to either the state fire marshal or the political subdivision, for the performance of the inspection and notification responsibilities. The inspections authorized under this section are limited to the placement, repair, and operability of smoke detectors and carbon monoxide alarms. Any broader inspection authority is not derived from this section. The state fire marshal shall adopt rules under chapter 17A as necessary to enforce this section including rules concerning the placement of smoke detectors and carbon monoxide alarms and the use of acceptable smoke detectors and carbon monoxide alarms. The smoke detectors and carbon monoxide alarms shall display a label or other identification issued by an approved testing agency or another label specifically approved by the state fire marshal.

6. If a smoke detector or carbon monoxide alarm is found to be inoperable, the owner or manager of the multiple-unit residential building or single-family dwelling rental unit shall correct the situation within ~~fourteen~~ thirty days after written notification to the owner or manager by the tenant, guest, roomer, state fire marshal, fire marshal’s subordinates, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials. If the owner or manager of a multiple-unit residential building or single-family rental unit fails to correct the situation within the ~~fourteen~~ thirty days the tenant, guest, or roomer may cause the smoke detector or carbon monoxide alarm to be repaired or purchase and install a smoke detector or carbon monoxide alarm required under this section and may deduct the repair

cost or purchase price from the next rental payment or payments made by the tenant, guest, or roomer. However, a lessor or owner may require a lessee, tenant, guest, or roomer who has a residency of longer than thirty days to provide the battery for a battery operated smoke detector or carbon monoxide alarm.

7. No person may render inoperable a smoke detector, or carbon monoxide alarm which is required to be installed by this section, by tampering.

Sec. 4. EFFECTIVE DATE. This Act takes effect July 1, 2018.

Approved April 14, 2016

## CHAPTER 1093

### REGULATION OF PHARMACIES, PHARMACISTS, AND OUTSOURCING FACILITIES

S.F. 453

**AN ACT** relating to the board of pharmacy, including nonresident pharmacy and outsourcing facility licensure, pharmacist supervision of pharmacy technicians, alternate board members, and enforcement authority.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 147.107, subsection 2, paragraph a, Code 2016, is amended to read as follows:

a. A pharmacist, physician, dentist, or podiatric physician who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions to staff assistants only when verification of the accuracy and completeness of the dispensing is determined by the pharmacist or practitioner in the pharmacist's or practitioner's physical presence. However, the physical presence requirement does not apply when a pharmacist or practitioner is utilizing an automated dispensing system; or when a pharmacist is utilizing a tech-check-tech program, as defined in section 155A.3; or when a pharmacist is remotely supervising a certified pharmacy technician practicing at a telepharmacy site approved by the board of pharmacy. When using an automated dispensing system the pharmacist or practitioner shall utilize an internal quality control assurance plan that ensures accuracy for dispensing. When using a tech-check-tech program or when remotely supervising a certified pharmacy technician practicing at an approved telepharmacy site, the pharmacist shall utilize an internal quality control assurance plan, in accordance with rules adopted by the board of pharmacy, that ensures accuracy for dispensing. Verification of automated dispensing, and tech-check-tech, and telepharmacy practice accuracy and completeness remains the responsibility of the pharmacist or practitioner and shall be determined in accordance with rules adopted by the board of pharmacy, the board of medicine, the dental board, and the board of podiatry for their respective licensees.

Sec. 2. Section 155A.3, Code 2016, is amended by adding the following new subsections:  
**NEW SUBSECTION. 24A.** "*Managing pharmacy*" means a licensed pharmacy that oversees the activities of a telepharmacy site.

**NEW SUBSECTION. 40A.** "*Telepharmacy*" means the practice of pharmacy via telecommunications as provided by the board by rule.

**NEW SUBSECTION. 40B.** "*Telepharmacy site*" means a licensed pharmacy that is operated by a managing pharmacy and staffed by one or more qualified certified pharmacy technicians where pharmaceutical care services, including the storage and dispensing of prescription drugs, drug regimen review, and patient counseling, are provided by a licensed pharmacist through the use of technology.

Sec. 3. Section 155A.13, subsection 3, Code 2016, is amended to read as follows:

3. a. The board may issue a special or limited-use pharmacy license based upon special conditions of use imposed pursuant to rules adopted by the board for cases in which the board determines that certain requirements may be waived.

b. The board shall adopt rules for the issuance of a special or limited-use pharmacy license to a telepharmacy site. The rules shall address:

(1) Requirements for establishment and operation of a telepharmacy site, including but not limited to physical requirements and required policies and procedures.

(2) Requirements for being a managing pharmacy.

(3) Requirements governing operating agreements between telepharmacy sites and managing pharmacies.

(4) Training and experience required for certified pharmacy technicians working at a telepharmacy site.

(5) Requirements for a pharmacist providing services to and supervising a telepharmacy site.

(6) Any other health and safety concerns associated with a telepharmacy site.

c. The board shall not issue a special or limited-use pharmacy license to a proposed telepharmacy site if a licensed pharmacy that dispenses prescription drugs to outpatients is located within ten miles by the shortest driving distance of the proposed telepharmacy site unless the proposed telepharmacy site is located on property owned, operated, or leased by the state or unless the proposed telepharmacy site is located within a hospital campus and is limited to inpatient dispensing. The mileage requirement does not apply to a telepharmacy site that has been approved by the board and is operating as a telepharmacy prior to July 1, 2016.

d. An applicant seeking a special or limited-use pharmacy licensed for a proposed telepharmacy site that does not meet the mileage requirement established in paragraph "c" and is not statutorily exempt from the mileage requirement may apply to the board for a waiver of the mileage requirement. A waiver request shall only be granted if the applicant can demonstrate to the board that the proposed telepharmacy site is located in an area where there is limited access to pharmacy services and can establish the existence of compelling circumstances that justify waiving the mileage requirement. The board's decision to grant or deny a waiver request shall be a proposed decision subject to mandatory review by the director of the department of public health. The director shall review a proposed decision and shall have the power to approve, modify, or veto a proposed decision. The director's decision on a waiver request shall be considered final agency action subject to judicial review under chapter 17A.<sup>1</sup>

e. The board shall issue a special or limited-use pharmacy license to a telepharmacy site that meets the minimum requirements established by the board by rule.

Sec. 4. Section 155A.13A, Code 2016, is amended to read as follows:

**155A.13A Nonresident pharmacy license — required, renewal, discipline.**

1. *License required.* A pharmacy located outside of this state which that delivers, dispenses, or distributes by any method, prescription drugs or devices to an ultimate user in this state shall obtain a nonresident pharmacy license from the board. The board shall make available an application form for a nonresident pharmacy license and shall require such information it deems necessary to fulfill the purposes of this section. A nonresident pharmacy shall do all of the following in order to obtain a nonresident pharmacy license from the board:

a. Submit a completed application form and an application fee as determined by the board.

~~b. Submit evidence of possession of a valid pharmacy license, permit, or registration as a pharmacy in compliance with the laws of the state in which it is located, a copy of the most recent inspection report resulting from an inspection conducted by the regulatory or licensing agency of the state in which it is located, and evidence of compliance with all legal directions and requests for information issued by the regulatory or licensing agency of the state in which it is located~~ issued by the home state licensing authority.

<sup>1</sup> See chapter 1138, §22 herein

~~c. (1) Submit a list of the names, titles, and locations of all principal owners, partners, or officers of the nonresident pharmacy, all pharmacists employed by the nonresident pharmacy who deliver, dispense, or distribute by any method prescription drugs to an ultimate user in this state, and of the pharmacist in charge of the nonresident pharmacy. A nonresident pharmacy shall update the list within thirty days of any addition, deletion, or other change to the list. Submit an inspection report that satisfies all of the following requirements:~~

~~(a) Less than two years have passed since the date of inspection.~~

~~(b) The inspection occurred while the pharmacy was in operation. An inspection prior to the initial opening of the pharmacy shall not satisfy this requirement.~~

~~(c) The inspection report addresses all aspects of the pharmacy's business that will be utilized in Iowa.~~

~~(d) The inspection was performed by or on behalf of the home state licensing authority, if available.~~

~~(e) The inspection report is the most recent report available that satisfies the requirements of this paragraph "c".~~

~~(2) If the home state licensing authority has not conducted an inspection satisfying the requirements of this paragraph "c", the pharmacy may submit an inspection report from the national association of boards of pharmacy's verified pharmacy program, or the pharmacy may submit an inspection report from another qualified entity if preapproved by the board, if the inspection report satisfies all of the other requirements of this paragraph "c".~~

~~(3) The board may recover from a nonresident pharmacy, prior to the issuance of a license or renewal, the costs associated with conducting an inspection by or on behalf of the board for purposes of satisfying the requirement in subparagraph (1), subparagraph division (d). In addition, the nonresident pharmacy shall submit evidence of corrective actions for all deficiencies noted in the inspection report and shall submit evidence of compliance with all legal directives of the home state regulatory or licensing authority.~~

~~d. Submit evidence that the nonresident pharmacy maintains records of the controlled substances delivered, dispensed, or distributed to ultimate users in this state.~~

~~e. Submit evidence that the nonresident pharmacy provides, during its regular hours of operation for at least six days and for at least forty hours per week, a toll-free telephone service to facilitate communication between ultimate users in this state and, the telephone number of which is printed on the label affixed to each prescription dispensed or distributed in Iowa, that allows patients to speak with a pharmacist who has access to the ultimate user's patient records in the nonresident pharmacy, and that the toll-free number is printed on the label affixed to each container of prescription drugs delivered, dispensed, or distributed in this state at least six days per week for a total of at least forty hours.~~

~~2. *Pharmacist license requirement.* The pharmacist who is the pharmacist in charge of the nonresident pharmacy shall be designated as such on the nonresident pharmacy license application or renewal. Any change in the pharmacist in charge shall be reported to the board within ten days of the change. The pharmacist in charge must be registered, not licensed, according to rules established by the board of pharmacy.~~

~~2. *3. License renewal.* A nonresident pharmacy shall renew its license on or before January 1 annually. In order to renew a nonresident pharmacy license, a nonresident pharmacy shall submit a renewal completed application and fee as determined by the board, and shall fulfill all of the requirements of subsection 1, paragraphs "b" through "e". A nonresident pharmacy shall pay an additional fee for late renewal as determined by the board.~~

~~4. *License denial.* The board shall refuse to issue a nonresident pharmacy license for failure to meet the requirements of subsection 1. The board may refuse to issue or renew a license for any grounds under which the board may impose discipline. License or renewal denials shall be considered contested cases governed by chapter 17A.~~

~~3. *5. Discipline.* The board may deny fine, suspend, or revoke, or impose other disciplinary sanctions on a nonresident pharmacy license for any violation of this section, section 155A.15, subsection 2, paragraph "a", "b", "d", "e", "f", "g", "h", or "i", chapter 124, 124A, 124B, 126, or 205, or a rule of the board. of the following:~~

~~a. Any violation of the federal Food, Drug, and Cosmetic Act or federal regulations promulgated under the Act. A warning letter issued by the United States food and drug administration shall be conclusive evidence of a violation.~~



b. Any conviction of a crime related to prescription drugs or the practice of pharmacy committed by the nonresident pharmacy, pharmacist in charge, or individual owner, or if the pharmacy is an association, joint stock company, partnership, or corporation, by any managing officer.

c. Refusing access to the pharmacy or pharmacy records to an agent of the board for the purpose of conducting an inspection or investigation.

d. Any violation of this chapter or chapter 124, 124A, 124B, 126, or 205, or rule of the board.

**Sec. 5. NEW SECTION. 155A.13C Outsourcing facility license — renewal, cancellation, denial, discipline.**

1. *License required.* Any compounding facility that is registered as an outsourcing facility, as defined in 21 U.S.C. §353b, that distributes sterile compounded human drug products without a patient-specific prescription to an authorized agent or practitioner in this state shall obtain an outsourcing facility license from the board prior to engaging in such distribution. If an outsourcing facility dispenses prescription drugs pursuant to patient-specific prescriptions to patients in Iowa, the outsourcing facility shall obtain and maintain a valid Iowa pharmacy license or Iowa nonresident pharmacy license under this chapter. The board shall make available an application form for an outsourcing facility license and shall require such information it deems necessary to fulfill the purposes of this section. An outsourcing facility shall do all of the following in order to obtain an outsourcing facility license from the board:

a. Submit a completed application form and application fee as determined by the board.

b. Submit evidence of possession of a valid registration as an outsourcing facility with the United States food and drug administration.

c. If one or more inspections have been conducted by the United States food and drug administration in the five-year period immediately preceding the application, submit a copy of any correspondence from the United States food and drug administration as a result of the inspection, including but not limited to any form 483s, warning letters, or formal responses, and all correspondence from the applicant to the United States food and drug administration related to such inspections, including but not limited to formal responses and corrective action plans. In addition, the applicant shall submit evidence of correction of all deficiencies discovered in such inspections and evidence of compliance with all directives from the United States food and drug administration.

d. Submit evidence that the supervising pharmacist, as described in 21 U.S.C. §353b(a), holds a valid pharmacist license in the state in which the facility is located and that such license is in good standing.

2. *License renewal.* An outsourcing facility shall renew its license on or before January 1 annually. In order to renew an outsourcing facility license, an outsourcing facility shall submit a completed application and fee as determined by the board, and shall fulfill all of the requirements of subsection 1. An outsourcing facility shall pay an additional fee for late renewal as determined by the board.

3. *License cancellation.* If a facility ceases to be registered as an outsourcing facility with the United States food and drug administration, the facility shall notify the board in writing and shall surrender its Iowa outsourcing facility license to the board within thirty days of such occurrence. Upon receipt, the board shall administratively cancel the outsourcing facility license.

4. *License denial.* The board shall refuse to issue an outsourcing facility license for failure to meet the requirements of subsection 1. The board may refuse to issue or renew a license for any grounds under which the board may impose discipline. License or renewal denials shall be considered contested cases governed by chapter 17A.

5. *Discipline.* The board may fine, suspend, revoke, or impose other disciplinary sanctions on an outsourcing facility license for any of the following:

a. Any violation of the federal Food, Drug, and Cosmetic Act or federal regulations promulgated under the Act. A warning letter issued by the United States food and drug administration shall be conclusive evidence of a violation.

b. Any conviction of a crime related to prescription drugs or the practice of pharmacy committed by the outsourcing facility, supervising pharmacist, or individual owner, or if the

outsourcing facility is an association, joint stock company, partnership, or corporation, by any managing officer.

c. Refusing access to the outsourcing facility or facility records to an agent of the board for the purpose of conducting an inspection or investigation.

d. Any violation of this chapter or chapter 124, 124A, 124B, 126, or 205, or rule of the board.

Sec. 6. Section 155A.26, subsections 2, 3, and 4, Code 2016, are amended to read as follows:

2. Make audits of the supply and inventory of controlled substances and prescription drugs in the possession of any and all individuals or institutions authorized to have possession of any controlled substances or prescription drugs, regardless of the location of the individual or institution.

3. Conduct routine and unannounced inspections of pharmacies, drug wholesalers, and the offices or business locations of all individuals and institutions authorized to have possession of prescription drugs including controlled substances or prescription devices, regardless of the location of the office or business.

4. Conduct inspections and investigations related to the practice of pharmacy and the distribution of prescription drugs and devices in and into this state.

Sec. 7. Section 155A.33, Code 2016, is amended to read as follows:

**155A.33 Delegation of technical functions.**

A pharmacist may delegate technical dispensing functions to pharmacy technicians, but only if the pharmacist is physically present to verify the accuracy and completeness of the patient's prescription prior to the delivery of the prescription to the patient or the patient's representative. However, the physical presence requirement does not apply when a pharmacist is utilizing an automated dispensing system or a tech-check-tech program or when a pharmacist is remotely supervising a certified pharmacy technician practicing at a telepharmacy site approved by the board. When using an automated dispensing system or a tech-check-tech program, or when remotely supervising a certified pharmacy technician practicing at an approved telepharmacy site, the pharmacist shall utilize an internal quality control assurance plan that ensures accuracy for dispensing. Verification of automated dispensing, and tech-check-tech, and telepharmacy practice accuracy and completeness remains the responsibility of the pharmacist and shall be determined in accordance with rules adopted by the board.

Sec. 8. NEW SECTION. **155A.45 Inspection reports — disclosure.**

Notwithstanding section 272C.6, subsection 4, paragraph "a", an inspection report in possession of the board, regardless of whether the report is based on a routine inspection or an inspection prompted by one or more complaints, may be disclosed to the national association of boards of pharmacy's inspection network.

Approved April 21, 2016

## CHAPTER 1094

### NONCOMPLIANCE WITH OUTPATIENT MENTAL HEALTH TREATMENT ORDERS — CUSTODY AND TREATMENT

*S.F. 2259*

**AN ACT** concerning treatment of a person with a serious mental impairment who fails to comply with an outpatient treatment order.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 229.13, Code 2016, is amended by adding the following new subsection:

**NEW SUBSECTION.** 7. *a.* If the respondent is ordered to undergo outpatient treatment and the respondent's failure to comply with the course of treatment results in behavior by the respondent which, in the opinion of the respondent's mental health professional acting within the scope of the mental health professional's practice, is likely to result in physical injury to the respondent's self or others if allowed to continue, all of the following shall occur:

(1) The respondent's mental health professional acting within the scope of the mental health professional's practice shall notify the committing court, with preference given to the committing judge, if available, in the appropriate county who<sup>1</sup> shall enter a written order directing that the respondent be taken into immediate custody by the appropriate sheriff or sheriff's deputy. The appropriate sheriff or sheriff's deputy shall exercise all due diligence in taking the respondent into protective custody to a hospital or other suitable facility.

(2) Once in protective custody, the respondent shall be given the choice of being treated by the appropriate medication which may include the use of injectable antipsychotic medicine by a mental health professional acting within the scope of the mental health professional's practice at an outpatient psychiatric clinic, hospital, or other suitable facility or being placed for treatment under the care of a hospital or other suitable facility for inpatient treatment.

(3) If the respondent chooses to be treated by the appropriate medication which may include the use of injectable antipsychotic medicine but the mental health professional acting within the scope of the mental health professional's practice at the outpatient psychiatric clinic, hospital, or other suitable facility determines that the respondent's behavior continues to be likely to result in physical injury to the respondent's self or others if allowed to continue, the mental health professional acting within the scope of the mental health professional's practice shall comply with the provisions of subparagraph (1) and, following notice and hearing held in accordance with the procedures in section 229.12, the court may order the respondent treated on an inpatient basis requiring full-time custody, care, and treatment in a hospital until such time as the chief medical officer reports that the respondent does not require further treatment for serious mental impairment or has indicated the respondent is willing to submit to treatment on another basis as ordered by the court.

*b.* A region shall contract with mental health professionals to provide the appropriate treatment including treatment by the use of injectable antipsychotic medicine pursuant to this section.

Approved April 21, 2016

## CHAPTER 1095

### REGULATION OF BUSINESSES RESPONDING TO STATE-DECLARED DISASTERS

*S.F. 2306*

**AN ACT** establishing the facilitating business rapid response to state-declared disasters Act, and including effective date and retroactive applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 29C.1, subsection 3, Code 2016, is amended to read as follows:

3. To provide for the rendering of mutual aid among the political subdivisions of the state and with other states, and to cooperate with the federal government with respect to the carrying out of emergency management functions, and to ensure the state government and

<sup>1</sup> See chapter 1138, §23 herein

its departments and agencies facilitate the rapid response of businesses and workers in the state and other states to a disaster.

**Sec. 2. NEW SECTION. 29C.24 Facilitating business rapid response to state-declared disasters Act.**

1. *Title.* This section may be cited as the “*Facilitating Business Rapid Response to State-Declared Disasters Act*”.

2. *Definitions.* For purposes of this section, unless the context otherwise requires:

a. (1) “*Critical infrastructure*” means real and personal property and equipment owned or used by any of the following networks or systems, including related support facilities, which network or system provides service to more than one customer or person:

(a) Communication and video networks.

(b) Electric generation, transmission, and distribution systems.

(c) Gas distribution systems.

(d) Water and wastewater pipeline systems.

(2) “*Critical infrastructure*” includes but is not limited to buildings, structures, offices, lines, poles, pipes, and equipment.

b. “*Declared state disaster or emergency*” means a disaster or emergency event that meets at least one of the following conditions:

(1) A disaster emergency proclamation has been issued by the governor pursuant to section 29C.6 in relation to the event.

(2) A presidential declaration of a major disaster has been issued in relation to the event.

c. “*Disaster or emergency-related work*” means repairing, renovating, installing, building, or rendering services or other business activities, that relate to critical infrastructure that has been damaged, impaired, or destroyed by a declared state disaster or emergency.

d. “*Disaster response period*” means, with respect to each declared state disaster or emergency, a period of time that begins ten calendar days prior to the day the governor proclaims a disaster emergency or the president declares a major disaster, whichever occurs first, and extends for a period of sixty calendar days after the end of the declared state disaster or emergency.

e. (1) “*Out-of-state business*” means a business entity that meets all of the following requirements:

(a) The business entity is requested to perform disaster or emergency-related work in the state by a registered business or by the state or a political subdivision of the state.

(b) Except for disaster and emergency-related work, the business entity has no presence in the state and conducts no business in the state.

(c) Except for disaster and emergency-related work, the business entity had no registrations, tax filings, or nexus in the state for the tax year immediately preceding the year in which the relevant declared state disaster or emergency occurs.

(2) “*Out-of-state business*” may include a business entity that is affiliated with a registered business solely through common ownership.

f. “*Out-of-state employee*” means an employee who does not work in this state except to perform disaster or emergency-related work during a disaster response period.

g. “*Registered business*” means a business entity that is registered to do business in the state prior to the declared state disaster or emergency.

3. *Business and employee status during disaster response period.*

a. Notwithstanding any other provision of law to the contrary, an out-of-state business that conducts operations within the state solely for the purpose of performing disaster or emergency-related work during a disaster response period shall not be considered to have established a level of presence that would subject the out-of-state business to any of the following:

(1) The requirement to complete or obtain any state or local registration, license, or similar authorization as a condition of doing business in this state or engaging in an occupation in this state, or to pay any related fee, including but not limited to the requirement to register with the secretary of state or a political subdivision. This subparagraph (1) does not apply to the notification and insurance verification requirements in subsection 5.

(2) (a) The requirement to collect and remit any tax imposed upon another person or file any related tax return or obtain any related tax permit. This subparagraph division (a) does not apply to an out-of-state business for the collection and remittance of sales and use taxes under chapter 423 if the out-of-state business is registered voluntarily as a seller under the streamlined sales and use tax agreement.

(b) Subparagraph division (a) shall not be construed to protect or otherwise exempt any person liable for the payment of a tax, other than the out-of-state business, from the responsibility to pay such tax.

(3) The imposition of income taxes under chapter 422, divisions II and III, including the requirement to file tax returns under sections 422.13 through 422.15 or 422.36, as applicable, and including the requirement to withhold and remit income tax from out-of-state employees under section 422.16. In addition, the performance of disaster or emergency-related work during a disaster response period by an out-of-state business or out-of-state employee shall not require an out-of-state business to be included in a consolidated return under section 422.37, and shall not increase the amount of net income of the out-of-state business allocated and apportioned to the state under sections 422.8 or 422.33, as applicable.

(4) The employment security requirements under chapter 96, including but not limited to the payment of employer contributions under section 96.7.

(5) The use tax under chapter 423, subchapter III, or the equipment tax under chapter 423D, on tangible personal property or equipment purchased outside the state and brought into the state to aid in the performance of disaster or emergency-related work during a disaster response period if such tangible personal property or equipment does not remain in the state after the conclusion of the disaster response period.

(6) The assessment of property taxes by the department of revenue under sections 428.24 through 428.26, 428.28, and 428.29, or chapters 433, 434, 435, and 437 through 438, or by a local assessor under another provision of law, on property brought into the state to aid in the performance of disaster or emergency-related work during a disaster period if such property does not remain in the state after the conclusion of the disaster response period.<sup>1</sup>

b. Notwithstanding any other provision of law to the contrary, the performance of disaster or emergency-related work during a disaster response period by an out-of-state employee shall not be used as the basis to determine that the out-of-state employee has established residency or a level of presence that would subject the out-of-state employee to any of the following:

(1) The requirement to complete or obtain any state or local registration, license, or similar authorization as a condition of doing business in this state or engaging in an occupation in this state, or to pay any related fee, including but not limited to the requirement to register with the secretary of state or a political subdivision.

(2) The imposition of income taxes under chapter 422, division II, including the requirement to file tax returns under section 422.13 and the requirement to be subject to withholding of income tax under section 422.16. In addition, the performance of disaster or emergency-related work during a disaster response period by an out-of-state employee shall not increase the amount of net income of the out-of-state employee allocated and apportioned to the state under section 422.8.

(3) The use tax under chapter 423, subchapter III, or the equipment tax under chapter 423D, on tangible personal property or equipment purchased outside the state and used in the state to aid in the performance of disaster or emergency-related work during a disaster response period if such tangible personal property or equipment does not remain in the state after the conclusion of the disaster response period.

c. During a disaster response period, an out-of-state business or an out-of-state employee shall be subject to all taxes and fees not included in paragraphs "a" and "b", and this subsection shall not be construed to provide protection or exemption during a disaster response period or any other period from taxes or taxable events not included in paragraphs "a" and "b".

4. *Business and employee status after a disaster response period.* An out-of-state business or out-of-state employee that remains in the state after the conclusion of the disaster

<sup>1</sup> See chapter 1138, §20 herein

response period for<sup>2</sup> which the disaster or emergency-related work was performed shall be fully subject to the state's standards for establishing presence, residency, or doing business as otherwise provided by law, and shall be responsible for any resulting taxes, fees, licensing, registration, filing, or other requirements.

5. *Notification and insurance verification during disaster response period.*

a. An out-of-state business that enters the state to perform disaster and emergency-related work during a disaster response period shall provide notification to the secretary of state, which notification shall contain all the following information related to the out-of-state business:

- (1) Name.
- (2) State of domicile.
- (3) Principal business address.
- (4) Federal employer identification number.
- (5) The date the out-of-state business entered the state.
- (6) Contact information.

(7) A statement that the out-of-state business is in the state for the purpose of responding to a declared state disaster or emergency.

b. For an out-of-state business that enters this state to perform disaster and emergency-related work during a disaster response period as an affiliate of a registered business, the registered business shall provide, on behalf of the affiliate out-of-state business, the notification required in paragraph "a", which notification shall also include contact information for the registered business.

c. Upon request of the secretary of state, an out-of-state business that enters the state to perform disaster and emergency-related work during a disaster response period shall provide proof of workers' compensation insurance coverage and liability insurance coverage, if any. Such proof shall be provided within ten days of the request.

d. The secretary of state shall transmit notification and insurance verification information to the department, department of revenue, and other appropriate state and local government agencies and officials.

6. *Powers and duties not created.* This Act shall not be construed to place any new mandates or duties upon a local emergency management commission or create any new authority or power for a local emergency management commission not already expressly granted in another provision of this chapter.

7. *Rules.* The department, the secretary of state, and the department of revenue shall each adopt rules pursuant to chapter 17A to jointly administer this section.

Sec. 3. Section 422.8, subsection 2, paragraph a, Code 2016, is amended to read as follows:

a. Nonresident's net income allocated to Iowa is the net income, or portion of net income, which is derived from a business, trade, profession, or occupation carried on within this state or income from any property, trust, estate, or other source within Iowa. However, income derived from a business, trade, profession, or occupation carried on within this state and income from any property, trust, estate, or other source within Iowa shall not include distributions from pensions, including defined benefit or defined contribution plans, annuities, individual retirement accounts, and deferred compensation plans or any earnings attributable thereto so long as the distribution is directly related to an individual's documented retirement and received while the individual is a nonresident of this state. If a business, trade, profession, or occupation is carried on partly within and partly without the state, only the portion of the net income which is fairly and equitably attributable to that part of the business, trade, profession, or occupation carried on within the state is allocated to Iowa for purposes of section 422.5, subsection 1, paragraph "j", and section 422.13 and income from any property, trust, estate, or other source partly within and partly without the state is allocated to Iowa in the same manner, except that annuities, interest on bank deposits and interest-bearing obligations, and dividends are allocated to Iowa only to the extent to which they are derived from a business, trade, profession, or occupation

<sup>2</sup> See chapter 1138, §21 herein

carried on within the state. Net income described in section 29C.24, subsection 3, paragraph “a”, subparagraph (3), and paragraph “b”, subparagraph (2), shall not be allocated and apportioned to the state, as provided in section 29C.24.

Sec. 4. Section 422.13, Code 2016, is amended by adding the following new subsection:  
NEW SUBSECTION. 6. Notwithstanding subsections 1 through 5 and sections 422.14 and 422.15, a return is not required by a taxpayer as provided in section 29C.24.

Sec. 5. Section 422.16, subsection 1, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Individuals described in section 29C.24 are not subject to withholding, as provided in that section.

Sec. 6. Section 422.33, subsection 2, paragraph a, subparagraph (2), Code 2016, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (0f) Notwithstanding subparagraph division (c), income described in section 29C.24, subsection 3, paragraph “a”, subparagraph (3), shall not be allocated and apportioned to the state, as provided in section 29C.24.

Sec. 7. Section 422.36, Code 2016, is amended by adding the following new subsection:  
NEW SUBSECTION. 7. Notwithstanding subsection 1, a return is not required by a taxpayer as provided in section 29C.24.

Sec. 8. Section 422.37, subsection 2, Code 2016, is amended to read as follows:

2. All members of the affiliated group shall join in the filing of an Iowa consolidated return to the extent they are subject to the tax imposed by section 422.33, except as otherwise provided in section 29C.24.

Sec. 9. Section 423.6, Code 2016, is amended by adding the following new subsection:  
NEW SUBSECTION. 17. Tangible personal property exempt from the use tax as provided in section 29C.24.

Sec. 10. Section 423.33, subsection 1, Code 2016, is amended to read as follows:

1. *Liability of purchaser for sales tax.* If a purchaser fails to pay sales tax to the retailer required to collect the tax, then in addition to all of the rights, obligations, and remedies provided, the tax is payable by the purchaser directly to the department, and sections 423.31, 423.32, 423.37, 423.38, 423.39, 423.40, 423.41, and 423.42 apply to the purchaser. For failure to pay, the retailer and purchaser are liable, unless the circumstances described in section 29C.24, subsection 3, paragraph “a”, subparagraph (2), section 421.60, subsection 2, paragraph “m”, section 423.34A, or section 423.45, subsection 4, paragraph “b” or “e”, or subsection 5, paragraph “c” or “e”, are applicable.

Sec. 11. NEW SECTION. 423.58 Collection, permit, and tax return exemption for certain out-of-state businesses.

Notwithstanding sections 423.14, 423.29, 423.31, 423.32, and 423.36, a person meeting the requirements of section 29C.24 is not required to obtain a sales or use tax permit, collect and remit sales and use tax, or make and file applicable sales or use tax returns, as provided in section 29C.24, subsection 3, paragraph “a”, subparagraph (2).

Sec. 12. Section 423D.3, Code 2016, is amended to read as follows:

**423D.3 Exemption.**

There is exempted from tax imposed by this chapter the following:

1. The sales price on the lease or rental of equipment to contractors for direct and primary use in construction is exempt from the tax imposed by this chapter.

2. The sales price or purchase price of equipment exempt from the equipment tax as provided in section 29C.24.

Sec. 13. Section 427.1, Code 2016, is amended by adding the following new subsection: NEW SUBSECTION. 41. Property described in and meeting the requirements of section 29C.24, subsection 3, paragraph “a”, subparagraph (6).

Sec. 14. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 15. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to January 1, 2016, for tax years beginning on or after that date:

1. The section of this Act amending section 422.8.
2. The section of this Act amending section 422.13.
3. The section of this Act amending section 422.16.
4. The section of this Act amending section 422.33.
5. The section of this Act amending section 422.36.
6. The section of this Act amending section 422.37.

Approved April 21, 2016

## CHAPTER 1096

### CHILD LABOR PERMITS — DOCUMENTATION OF AGE

*H.F. 2274*

**AN ACT** concerning documentation of age for purposes of obtaining a child labor permit.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 92.11, subsection 2, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0c. An instruction permit issued under section 321.180B, subsection 1.

Sec. 2. Section 92.11, subsection 2, paragraph c, Code 2016, is amended to read as follows:

c. For cases where the proofs designated in paragraphs “a”, ~~and “b”~~, and “0c” are not obtainable, documentation issued by the federal government that is deemed by the commissioner to be sufficient evidence of age, or an affidavit signed by a licensed physician certifying that in the physician’s opinion the applicant for the work permit is fourteen years of age or more.

Approved April 21, 2016

## CHAPTER 1097

### REGULATION OF LIMITED PARTNERSHIPS AND LIMITED LIABILITY COMPANIES

*H.F. 2373*

**AN ACT** relating to the organization and administration of limited partnerships and limited liability companies doing business in Iowa.

*Be It Enacted by the General Assembly of the State of Iowa:*



DIVISION I  
UNIFORM LIMITED PARTNERSHIP ACT

Section 1. Section 488.102, subsection 5, Code 2016, is amended by striking the subsection.

Sec. 2. Section 488.102, Code 2016, is amended by adding the following new subsection:

**NEW SUBSECTION.** 19A. “Registered office” means:

a. With respect to a limited partnership, the office that the limited partnership is required to designate and maintain under section 488.114.

b. With respect to a foreign limited partnership, its principal office.

Sec. 3. Section 488.111, unnumbered paragraph 1, Code 2016, is amended to read as follows:

A limited partnership shall maintain at its ~~designated~~ registered office all of the following information:

Sec. 4. Section 488.114, Code 2016, is amended to read as follows:

**488.114 Office Registered office and registered agent for service of process.**

1. A limited partnership shall designate and continuously maintain in this state both of the following:

a. ~~An~~ A registered office, which need not be a place of its activity in this state.

b. ~~An~~ A registered agent for service of process.

2. A foreign limited partnership shall designate and continuously maintain in this state ~~an~~ a registered agent for service of process.

3. ~~An~~ A registered agent for service of process of a limited partnership or foreign limited partnership must be an individual who is a resident of Iowa or other person authorized to do business in this state.

Sec. 5. Section 488.115, Code 2016, is amended to read as follows:

**488.115 Change of ~~designated~~ registered office or registered agent for service of process.**

1. In order to change its ~~designated~~ registered office, registered agent for service of process, or the address of its registered agent for service of process, a limited partnership or a foreign limited partnership may deliver to the secretary of state for filing a statement of change containing all of the following:

a. The name of the limited partnership or foreign limited partnership.

b. The street and mailing address of its current ~~designated~~ registered office.

c. If the current ~~designated~~ registered office is to be changed, the street and mailing address of the new ~~designated~~ registered office.

d. The name and street and mailing address of its current registered agent for service of process.

e. If the current registered agent for service of process or an address of the agent is to be changed, the new information.

2. Subject to section 488.206, subsection 3, a statement of change is effective when filed by the secretary of state.

Sec. 6. Section 488.116, Code 2016, is amended to read as follows:

**488.116 Resignation of registered agent for service of process.**

1. In order to resign as ~~an~~ a registered agent for service of process of a limited partnership or foreign limited partnership, the agent must deliver to the secretary of state for filing a statement of resignation containing the name of the limited partnership or foreign limited partnership.

2. After receiving a statement of resignation, the secretary of state shall file it and mail a copy to the ~~designated~~ registered office of the limited partnership or foreign limited partnership and another copy to the principal office if the address of the office appears in the records of the secretary of state and is different from the address of the ~~designated~~ registered office.

3. ~~An~~ A registered agency for service of process is terminated on the date on which the statement of resignation was filed with the secretary of state.

Sec. 7. Section 488.117, subsections 1, 2, and 3, Code 2016, are amended to read as follows:

1. ~~An~~ A registered agent for service of process appointed by a limited partnership or foreign limited partnership is ~~an~~ a registered agent of the limited partnership or foreign limited partnership for service of any process, notice, or demand required or permitted by law to be served upon the limited partnership or foreign limited partnership.

2. If a limited partnership or foreign limited partnership does not appoint or maintain ~~an~~ a registered agent for service of process in this state or the registered agent for service of process cannot with reasonable diligence be found at the registered agent's address, the secretary of state is an agent of the limited partnership or foreign limited partnership upon whom process, notice, or demand may be served.

3. Service of any process, notice, or demand on the secretary of state may be made by delivering to and leaving with the secretary of state duplicate copies of the process, notice, or demand. If a process, notice, or demand is served on the secretary of state, the secretary of state shall forward one of the copies by certified mail or restricted certified mail to the limited partnership or foreign limited partnership at its ~~designated~~ registered office.

Sec. 8. Section 488.201, subsection 1, paragraph b, Code 2016, is amended to read as follows:

b. The street and mailing address of the initial ~~designated~~ registered office and the name and street and mailing address of the initial registered agent for service of process.

Sec. 9. Section 488.210, subsection 1, paragraph b, Code 2016, is amended to read as follows:

b. The street and mailing address of its ~~designated~~ registered office and the name and street and mailing address of its registered agent for service of process in this state.

Sec. 10. Section 488.210, subsection 4, Code 2016, is amended to read as follows:

4. If a filed biennial report contains an address of a ~~designated~~ registered office or the name or address of ~~an~~ a registered agent for service of process which differs from the information shown in the records of the secretary of state immediately before the filing, the differing information in the biennial report is considered a statement of change under section 488.115.

Sec. 11. Section 488.304, subsection 1, Code 2016, is amended to read as follows:

1. On ten days' demand, made in a record received by the limited partnership, a limited partner may inspect and copy required information during regular business hours in the limited partnership's ~~designated~~ registered office. The limited partner need not have any particular purpose for seeking the information.

Sec. 12. Section 488.304, subsection 4, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Subject to subsection 6, a person dissociated as a limited partner may inspect and copy required information during regular business hours in the limited partnership's ~~designated~~ registered office if the person complies with all of the following:

Sec. 13. Section 488.407, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. In the limited partnership's ~~designated~~ registered office, required information.

Sec. 14. Section 488.807, subsection 2, paragraph a, Code 2016, is amended to read as follows:

a. Be published at least once in a newspaper of general circulation in the county in which the dissolved limited partnership's principal office is located or, if it has none in this state, in the county in which the limited partnership's ~~designated~~ registered office is or was last located.

Sec. 15. Section 488.809, subsection 5, Code 2016, is amended to read as follows:

5. The administrative dissolution of a limited partnership does not terminate the authority of its registered agent for service of process.

Sec. 16. Section 488.902, subsection 1, paragraph d, Code 2016, is amended to read as follows:

d. The name and street and mailing address of the foreign limited partnership's initial registered agent for service of process in this state.

Sec. 17. Section 488.906, subsection 1, paragraphs c and d, Code 2016, are amended to read as follows:

c. Appoint and maintain ~~an~~ a registered agent for service of process as required by section 488.114, subsection 2.

d. Deliver for filing a statement of a change under section 488.115 within thirty days after a change has occurred in the name or address of the registered agent for service of process.

Sec. 18. Section 488.906, subsection 2, unnumbered paragraph 1, Code 2016, is amended to read as follows:

In order to revoke a certificate of authority, the secretary of state must prepare, sign, and file a notice of revocation and send a copy to the foreign limited partnership's registered agent for service of process in this state, or if the foreign limited partnership does not appoint and maintain a proper agent in this state, to the foreign limited partnership's ~~designated~~ registered office. The notice must state all of the following:

## DIVISION II REVISED UNIFORM LIMITED LIABILITY COMPANY ACT

Sec. 19. Section 489.208, Code 2016, is amended to read as follows:

### **489.208 Certificate of existence or authorization.**

~~1. The secretary of state, upon request and payment of the requisite fee, shall furnish to any person a certificate of existence for a limited liability company if the records filed in the office of the secretary of state show that the company has been formed under section 489.201 and the secretary of state has not filed a statement of termination pertaining to the company. Any person may apply to the secretary of state to be furnished a certificate of existence for a domestic limited liability company or a certificate of authorization for a foreign limited liability company.~~

2. A certificate of existence or certificate of authorization must state set forth all of the following:

a. The domestic limited liability company's name or the foreign limited liability company's name used in this state,

b. One of the following:

(1) That the company was ~~If it is a domestic limited liability company, that the company is~~ duly formed under the laws of this state, the date of its formation, and the period of its duration if less than perpetual.

(2) If it is a foreign limited liability company, that the company is authorized to transact business in this state.

~~c. Whether~~ That all fees, taxes, and penalties due under this chapter or other law to the secretary of state have been paid.

~~d. Whether~~ That the company's most recent biennial report required by section ~~489.209~~ this chapter has been filed by the secretary of state.

~~e. Whether the secretary of state has administratively dissolved the~~ If it is a domestic limited liability company, that a statement of dissolution or statement of termination has not been filed.

~~f. Whether the company has delivered to the secretary of state for filing a statement of dissolution.~~

~~g. That a statement of termination has not been filed by the secretary of state.~~

~~h. f.~~ Other facts of record in the office of the secretary of state which are specified by the person requesting the certificate that may be requested by the applicant.

~~2. The secretary of state, upon request and payment of the requisite fee, shall furnish to any person a certificate of authorization for a foreign limited liability company if the records filed in the office of the secretary of state show that the secretary of state has filed a certificate of authority, has not revoked the certificate of authority, and has not filed a notice of cancellation. A certificate of authorization must state all of the following:~~

~~a. The company's name and any alternate name adopted under section 489.805, subsection 1, for use in this state.~~

~~b. That the company is authorized to transact business in this state.~~

~~c. Whether all fees, taxes, and penalties due under this chapter or other law to the secretary of state have been paid.~~

~~d. Whether the company's most recent biennial report required by section 489.209 has been filed by the secretary of state.~~

~~e. That the secretary of state has not revoked the company's certificate of authority and has not filed a notice of cancellation.~~

~~f. Other facts of record in the office of the secretary of state which are specified by the person requesting the certificate.~~

~~3. 2. Subject to any qualification stated in the certificate, a certificate of existence or certificate of authorization issued by the secretary of state is conclusive evidence that the domestic limited liability company is in existence or the foreign limited liability company is authorized to transact business in this state.~~

Sec. 20. Section 489.802, Code 2016, is amended to read as follows:

**489.802 Application for certificate of authority.**

1. A foreign limited liability company may apply for a certificate of authority to transact business in this state by delivering an application to the secretary of state for filing. The application must state set forth all of the following:

a. The name of the foreign limited liability company and, or, if the its name does not comply with is unavailable for use in this state, either a name that satisfies the requirements of section 489.108, or an alternate name adopted pursuant to section 489.805, subsection 1.

b. The name of the state or other jurisdiction under whose law the company it is formed.

c. Its date of formation and period of duration.

d. The street and mailing addresses address of the company's principal office and, if the law of the jurisdiction under which the company is formed requires the company to maintain an office in that jurisdiction, the street and mailing addresses of the required its principal office.

e. The name of the company's initial address of its registered office in this state and the name of its registered agent for service of process in this state at that office.

f. If the foreign limited liability company is member-managed, the name and street and mailing address of at least one member; or if the foreign limited liability company is manager-managed, the name and street and mailing address of at least one manager.

2. A The foreign limited liability company shall deliver with a the completed application under subsection 1 a certificate of existence or a record of similar import signed by to the secretary of state or other official having custody of the company's publicly filed, and shall also deliver to the secretary of state a certificate of existence or a document of similar import duly authenticated by the secretary of state or other official having custody of records in the state or other jurisdiction under whose law the company is formed and which is dated no earlier than ninety days prior to the date the application is filed with the secretary of state.

Sec. 21. Section 489.1103, Code 2016, is amended to read as follows:

**489.1103 Name.**

The name of a professional limited liability company, the name of a foreign professional limited liability company or its name as modified for use in this state, and any fictitious name or trade name adopted by a professional limited liability company or foreign professional limited liability company shall contain the words "professional limited liability company" "Professional Limited Company", "professional limited company" "Professional Limited Liability Company", or the abbreviation "P.L.L.C.", "PLLC", "P.L.C.", or "PLC", "P.L.L.C." or "PLLC", and except for the addition of such words or abbreviation, shall be a name which

could lawfully be used by a licensed individual or by a partnership of licensed individuals in the practice in this state of a profession which the professional limited liability company is authorized to practice. Each regulating board may by rule adopt additional requirements as to the corporate names and fictitious or trade names of professional limited liability companies and foreign professional limited liability companies which are authorized to practice a profession which is within the jurisdiction of the regulating board.

Approved April 21, 2016

## CHAPTER 1098

### TRANSPORTATION — MISCELLANEOUS CHANGES

*H.F. 2437*

**AN ACT** relating to matters under the purview of the department of transportation, providing fees, and making penalties applicable.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I AUTOCYCLES

Section 1. Section 321.1, Code 2016, is amended by adding the following new subsection:  
**NEW SUBSECTION. 06A.** “*Autocycle*” means a three-wheeled motor vehicle originally designed with two front wheels and one rear wheel, a steering wheel rather than handlebars, no more than two permanent seats that do not require the operator or a passenger to straddle or sit astride the vehicle, and foot pedals that control the brakes, acceleration, and clutch, where applicable. A motor vehicle meeting the definition of “*autocycle*” is an autocycle even if the vehicle bears a vehicle identification number, or is accompanied by a manufacturer’s certificate of origin, that identifies the vehicle as a motorcycle.

Sec. 2. Section 321.1, subsection 40, paragraph a, Code 2016, is amended to read as follows:

a. “*Motorcycle*” means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground including a motor scooter but excluding a tractor, an autocycle, and a motorized bicycle.

Sec. 3. Section 321.34, subsection 1, Code 2016, is amended to read as follows:

1. *Plates issued.* The county treasurer upon receiving application, accompanied by proper fee, for registration of a vehicle shall issue to the owner one registration plate for a motorcycle, motorized bicycle, autocycle, truck tractor, trailer, or semitrailer and two registration plates for every other motor vehicle. The registration plates, including special registration plates, shall be assigned to the owner of a vehicle. When the owner of a registered vehicle transfers or assigns ownership of the vehicle to another person, the owner shall remove the registration plates from the vehicle. The owner shall forward the plates to the county treasurer where the vehicle is registered or the owner may have the plates assigned to another vehicle within thirty days after transfer, upon payment of the fees required by law. The owner shall immediately affix registration plates retained by the owner to another vehicle owned or acquired by the owner, providing the owner complies with section 321.46. The department shall adopt rules providing for the assignment of registration plates to the transferee of a vehicle for which a credit is allowed under section 321.46, subsection 6.

Sec. 4. Section 321.34, subsection 5, paragraph a, Code 2016, is amended to read as follows:

a. Upon application and the payment of a fee of twenty-five dollars, the director may issue to the owner of a motor vehicle registered in this state or a trailer or travel trailer registered in this state, personalized registration plates marked with up to seven initials, letters, or combination of numerals and letters requested by the owner. However, personalized registration plates for autocycles, motorcycles, and motorized bicycles shall be marked with no more than six initials, letters, or combinations of numerals and letters. Upon receipt of the personalized registration plates, the applicant shall surrender the regular registration plates to the county treasurer. The fee for issuance of the personalized registration plates shall be in addition to the regular annual registration fee.

Sec. 5. Section 321.34, subsection 8, paragraph a, Code 2016, is amended to read as follows:

a. The owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motorcycle, trailer, or motor truck who has been awarded the medal of honor may, upon written application to the department, order special registration plates which shall be red, white, and blue in color and shall bear an emblem of the medal of honor and an identifying number. Each applicant applying for special registration plates under this subsection may order only one set of registration plates under this subsection. The application is subject to approval by the department and the special registration plates shall be issued at no charge to the applicant in exchange for the registration plates previously issued to the person. A person who is issued special plates under this subsection is exempt from payment of any annual registration fee for the motor vehicle bearing the special plates. The department shall validate the special plates in the same manner as regular registration plates are validated under this section. The department shall not issue special registration plates until service organizations in the state have furnished the department either the special dies or the cost of the special dies necessary for the manufacture of the special registration plate.

Sec. 6. Section 321.34, subsection 8A, paragraph a, Code 2016, is amended to read as follows:

a. The owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motorcycle, trailer, or motor truck who was a prisoner of war during a time of military conflict may, upon written application to the department, order only one set of special registration plates with an ex-prisoner of war processed emblem. The emblem shall be designed by the department in cooperation with the adjutant general and shall signify that the owner was a prisoner of war as described in this subsection. The application is subject to approval by the department, in consultation with the adjutant general. The special plates shall be issued at no charge and are subject to an annual registration fee of fifteen dollars. The county treasurer shall validate the special plates in the same manner as regular registration plates are validated under this section.

Sec. 7. Section 321.34, subsection 11, paragraph a, Code 2016, is amended to read as follows:

a. Upon application and payment of the proper fees, the director may issue natural resources plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer.

Sec. 8. Section 321.34, subsection 11A, paragraph a, Code 2016, is amended to read as follows:

a. Upon application and payment of the proper fees, the director may issue "love our kids" plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer.

Sec. 9. Section 321.34, subsection 11B, paragraph a, Code 2016, is amended to read as follows:

a. Upon application and payment of the proper fees, the director may issue “motorcycle rider education” plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer.

Sec. 10. Section 321.34, subsection 12, paragraphs a and d, Code 2016, are amended to read as follows:

a. The owner of a motor vehicle subject to registration pursuant to section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer may, upon written application to the department, order special registration plates with a distinguishing processed emblem as authorized by this section or as approved by the department. The fee for the issuance of special registration plates is twenty-five dollars for each vehicle, unless otherwise provided by this section, which fee is in addition to the regular annual registration fee. The county treasurer shall validate special registration plates with a distinguishing processed emblem in the same manner as regular registration plates, upon payment of five dollars in addition to the regular annual registration fee.

d. A special registration plate issued for a motorcycle, autocycle, or motorized bicycle under this section shall be designated in the manner provided for personalized registration plates under subsection 5, paragraph “a”.

Sec. 11. Section 321.34, subsection 15, paragraph a, Code 2016, is amended to read as follows:

a. The owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motorcycle, trailer, or motor truck who has been awarded the legion of merit shall be issued one set of special registration plates with a legion of merit processed emblem, upon written application to the department and presentation of satisfactory proof of the award of the legion of merit as established by the Congress of the United States. The emblem shall be designed by the department in cooperation with the adjutant general and shall signify that the owner was awarded the legion of merit. The application is subject to approval by the department, in consultation with the adjutant general. The special plates shall be issued at no charge and are subject to an annual registration fee of fifteen dollars. The county treasurer shall validate the special plates in the same manner as regular registration plates are validated under this section.

Sec. 12. Section 321.37, subsections 1 and 2, Code 2016, are amended to read as follows:

1. Registration plates issued for a motor vehicle other than a an autocycle, motorcycle, motorized bicycle, or a truck tractor shall be attached to the motor vehicle, one in the front and the other in the rear. The registration plate issued for a an autocycle, motorcycle, or other vehicle required to be registered hereunder shall be attached to the rear of the vehicle. The registration plate issued for a truck tractor shall be attached to the front of the truck tractor. The special plate issued to a dealer shall be attached to the rear of the vehicle when operated on the highways of this state.

2. Registration plates issued for a motor vehicle which is model year 1948 or older, and reconstructed or specially constructed vehicles built to resemble a model year 1948 vehicle or older, other than a truck registered for more than five tons, autocycle, motorcycle, or truck tractor, may display one registration plate on the rear of the vehicle if the other registration plate issued to the vehicle is carried in the vehicle at all times when the vehicle is operated on a public highway.

Sec. 13. Section 321.69, subsection 9, Code 2016, is amended to read as follows:

9. Except for subsections 10 and 11, this section does not apply to motor trucks and truck tractors with a gross vehicle weight rating of sixteen thousand pounds or more, vehicles more than seven model years old, autocycles, motorcycles, motorized bicycles, and special mobile equipment. This section does apply to motor homes. The requirement in subsection 1 that the new certificate of title and registration receipt shall state on the face whether a prior owner had disclosed that the vehicle was damaged to the extent that it was a wrecked or

salvage vehicle as defined in section 321.52, subsection 4, paragraph “d”, does not apply to a vehicle with a certificate of title bearing a designation that the vehicle was previously titled on a salvage certificate of title pursuant to section 321.52, subsection 4, paragraph “b”, or to a vehicle with a certificate of title bearing a “REBUILT” or “SALVAGE” designation pursuant to section 321.24, subsection 4 or 5. Except for subsections 10 and 11, this section does not apply to new motor vehicles with a true mileage, as defined in section 321.71, of one thousand miles or less, unless such vehicle has incurred damage as described in subsection 2.

Sec. 14. Section 321.105A, subsection 2, paragraph c, subparagraph (6), Code 2016, is amended to read as follows:

(6) Vehicles, excluding autocycles, motorcycles, and motorized bicycles, subject to registration in any state when purchased for rental or registered and titled by a motor vehicle dealer licensed pursuant to chapter 322 for rental use, and held for rental for a period of one hundred twenty days or more and actually rented for periods of sixty days or less by a person regularly engaged in the business of renting vehicles, including but not limited to motor vehicle dealers licensed pursuant to chapter 322 who rent automobiles to users, if the rental of the vehicles is subject to taxation under section 423.2 or chapter 423C.

Sec. 15. Section 321.109, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. The annual fee for all motor vehicles including vehicles designated by manufacturers as station wagons, 1993 and subsequent model year multipurpose vehicles, and 2010 and subsequent model year motor trucks with an unladen weight of ten thousand pounds or less, except motor trucks registered under section 321.122, business-trade trucks, special trucks, motor homes, motorsports recreational vehicles, ambulances, hearses, autocycles, motorcycles, motorized bicycles, and 1992 and older model year multipurpose vehicles, shall be equal to one percent of the value as fixed by the department plus forty cents for each one hundred pounds or fraction thereof of weight of vehicle, as fixed by the department. The weight of a motor vehicle, fixed by the department for registration purposes, shall include the weight of a battery, heater, bumpers, spare tire, and wheel. Provided, however, that for any new vehicle purchased in this state by a nonresident for removal to the nonresident’s state of residence the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of ten dollars shall be paid. And provided, however, that for any used vehicle held by a registered dealer and not currently registered in this state, or for any vehicle held by an individual and currently registered in this state, when purchased in this state by a nonresident for removal to the nonresident’s state of residence, the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of three dollars shall be paid. The county treasurer shall issue a nontransferable certificate of registration for which no refund shall be allowed; and the transit plates shall be void thirty days after issuance. Such purchaser may apply for a certificate of title by surrendering the manufacturer’s or importer’s certificate or certificate of title, duly assigned as provided in this chapter. In this event, the treasurer in the county of purchase shall, when satisfied with the genuineness and regularity of the application, and upon payment of a fee of twenty dollars, issue a certificate of title in the name and address of the nonresident purchaser delivering the title to the owner. If there is a security interest noted on the title, the county treasurer shall mail to the secured party an acknowledgment of the notation of the security interest. The county treasurer shall not release a security interest that has been noted on a title issued to a nonresident purchaser as provided in this paragraph. The application requirements of section 321.20 apply to a title issued as provided in this subsection, except that a natural person who applies for a certificate of title shall provide either the person’s social security number, passport number, or driver’s license number, whether the license was issued by this state, another state, or another country. The provisions of this subsection relating to multipurpose vehicles are effective for all 1993 and subsequent model years. The annual registration fee for multipurpose vehicles that are 1992 model years and older shall be in accordance with section 321.124.



Sec. 16. Section 321.117, Code 2016, is amended to read as follows:

**321.117 Motorcycle, autocycle, ambulance, and hearse fees.**

For all motorcycles and autocycles the annual registration fee shall be twenty dollars. For all motorized bicycles the annual registration fee shall be seven dollars. When the motorcycle or autocycle is more than five model years old, the annual registration fee shall be ten dollars. The annual registration fee for ambulances and hearses shall be fifty dollars. Passenger car plates shall be issued for ambulances and hearses.

Sec. 17. Section 321.166, subsections 1, 3, and 4, Code 2016, are amended to read as follows:

1. a. Registration plates shall be of metal and of a size not to exceed six inches by twelve inches, except that the size of plates issued for use on autocycles, motorized bicycles, motorcycles, motorcycle trailers, and trailers with an empty weight of two thousand pounds or less shall be established by the department.

b. Trailers with empty weights of two thousand pounds or less may, upon request, be licensed with regular-sized license plates.

3. The registration plate number shall be displayed in characters which shall not exceed a height of four inches nor a stroke width exceeding five-eighths of an inch. Special plates issued to dealers shall display the alphabetical character "D", which shall be of the same size as the characters in the registration plate. The registration plate number issued for autocycles, motorized bicycles, motorcycles, trailers with an empty weight of two thousand pounds or less, and motorcycle trailers shall be a size prescribed by the department.

4. The registration plate number, except on autocycles, motorized bicycles, motorcycles, motorcycle trailers, and trailers with an empty weight of two thousand pounds or less, shall be of sufficient size to be readable from a distance of one hundred feet during daylight.

Sec. 18. Section 322.2, Code 2016, is amended by adding the following new subsection:

**NEW SUBSECTION.** 1A. "Autocycle" means as defined in section 321.1.

Sec. 19. Section 322.5, subsection 6, paragraph a, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Upon application for and receipt of a temporary permit issued by the department under this subsection, a motor vehicle dealer authorized to sell used motorcycles or autocycles may display, offer for sale, and negotiate sales of used motorcycles or autocycles at a motorcycle rally located in this state that meets all of the following conditions:

Sec. 20. Section 322.5, subsection 6, paragraph b, subparagraph (1), Code 2016, is amended to read as follows:

(1) The person presents the department with a current motor vehicle dealer license valid for the sale of used motorcycles or autocycles at retail in the person's state of residence.

Sec. 21. Section 322.5, subsection 6, paragraph d, Code 2016, is amended to read as follows:

d. A sale of a motorcycle or autocycle at a motorcycle rally shall not be completed and an agreement for the sale of a motorcycle or autocycle shall not be signed at a motorcycle rally. All such sales shall be consummated at the motor vehicle dealer's principal place of business.

Sec. 22. Section 322.36, Code 2016, is amended to read as follows:

**322.36 Motorcycle and autocycle dealer business hours.**

A person in the business of selling motorcycles or autocycles under chapter 322D is not required to maintain regular business hours at the dealer's principal place of business or other place of business.

Sec. 23. Section 322D.1, subsection 2, Code 2016, is amended to read as follows:

2. "Attachment" means a machine or part of a machine designed to be used on and in conjunction with a farm implement, motorcycle, autocycle, all-terrain vehicle, or snowmobile.

Sec. 24. Section 322D.1, Code 2016, is amended by adding the following new subsection:  
**NEW SUBSECTION. 2A.** “*Autocycle*” means as defined in section 321.1.

Sec. 25. Section 322D.1, subsection 4, paragraphs b and e, Code 2016, are amended to read as follows:

b. The franchisee is granted the right to offer and sell farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments manufactured or distributed by the franchiser.

e. The operation of the franchisee’s business is substantially reliant on the franchiser for the continued supply of farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments.

Sec. 26. Section 322D.1, subsections 5, 6, and 7, Code 2016, are amended to read as follows:

5. “*Franchisee*” means a person who receives farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments from the franchiser under a franchise and who offers and sells the farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments to the general public.

6. “*Franchiser*” means a person who manufactures, wholesales, or distributes farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments, and who enters into a franchise.

7. “*Motorcycle*” means a motor vehicle as defined in section 321.1 other than an all-terrain vehicle, which has a saddle or seat for the use of a rider and that is designed to travel on not more than two wheels in contact with the ground, but excluding a motorized bicycle or autocycle as defined in section 321.1.

Sec. 27. Section 322D.2, Code 2016, is amended to read as follows:

**322D.2 Franchisee’s rights to payment.**

1. A franchisee who enters into a written franchise with a franchiser to maintain a stock of farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments has the following rights to payment, at the option of the franchisee, if the franchise is terminated:

a. One hundred percent of the net cost of new, unused, complete farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related attachments, which were purchased from the franchiser. In addition, the franchisee shall have a right of payment for transportation charges on the farm implements, motorcycles, autocycles, all-terrain vehicles, or snowmobiles, which have been paid by the franchisee.

b. Eighty-five percent of the net prices of any repair parts, including superseded parts, which were purchased from the franchiser and held by the franchisee on the date that the franchise terminated.

c. Five percent of the net prices of parts resold under paragraph “b” for handling, packing, and loading of the parts. However, this payment shall not be due to the franchisee if the franchiser elects to perform the handling, packing, and loading.

2. Upon receipt of the payments due under subsection 1, the franchiser is entitled to possession of and title to the farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments.

3. The cost of farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related attachments and the price of repair parts shall be determined by reference to the franchiser’s price list or catalog in effect at the time of the franchise termination.

Sec. 28. Section 322D.3, subsections 7 and 9, Code 2016, are amended to read as follows:

7. A farm implement, motorcycle, autocycle, all-terrain vehicle, or snowmobile which is not in new, unused, undamaged, or complete condition.

9. A farm implement, motorcycle, autocycle, all-terrain vehicle, or snowmobile which was purchased twenty-four months or more prior to the termination of the franchise.

Sec. 29. Section 322D.8, Code 2016, is amended to read as follows:

**322D.8 Application — motorcycle or autocycle franchise agreements.**

The rights under section 322D.2, subsection 1, apply to motorcycle or autocycle franchise agreements in effect on July 1, 1985, which have no expiration date and are continuing agreements, and to those entered into or renewed after July 1, 1985, but only to motorcycles, autocycles, and motorcycle or autocycle attachments and parts purchased after July 1, 1985.

Sec. 30. Section 322G.2, subsection 13, Code 2016, is amended to read as follows:

13. “*Motor vehicle*” means a self-propelled vehicle purchased or leased in this state, except as provided in section 322G.15, and primarily designed for the transportation of persons or property over public streets and highways, but does not include mopeds, motorcycles, autocycles, motor homes, or vehicles over fifteen thousand pounds gross vehicle weight rating.

## DIVISION II REPAIRED SALVAGE MOTOR VEHICLES

Sec. 31. Section 321.24, subsection 5, Code 2016, is amended to read as follows:

5. If the prior certificate of title is from another state and indicates that the vehicle was junked, an Iowa junking certificate shall be issued according to section 321.52, subsections 2 and 3. If the prior certificate of title from another state indicates that the vehicle is salvaged and not rebuilt or is a salvage certificate of title, an Iowa salvage certificate of title shall be issued and a “SALVAGE” designation shall be retained on all subsequent Iowa certificates of title and registration receipts for the vehicle, except unless the owner has surrendered the prior certificate of title and a salvage theft examination certificate, as provided under section 321.52, subsection 4, paragraph “b”, and the salvage theft examination certificate was properly executed within thirty days of the date the owner was assigned the prior certificate of title. The department may require that subsequent Iowa certificates of title retain other states’ designations which indicate that a vehicle had incurred prior damage. The department shall determine the manner in which other states’ rebuilt, salvage, or other designations are to be indicated on Iowa titles.

Sec. 32. Section 321.52, subsection 4, paragraph c, Code 2016, is amended to read as follows:

c. A salvage theft examination shall be made by a peace officer who has been specially certified and recertified when required by the Iowa law enforcement academy to do salvage theft examinations. The Iowa law enforcement academy shall determine standards for training and certification, conduct training, and may approve alternative training programs which satisfy the academy’s standards for training and certification. The owner of the salvage vehicle shall make the vehicle available for examination at a time and location designated by the peace officer doing the examination. The owner may obtain a permit to drive the vehicle to and from the examination location by submitting a repair affidavit to the agency performing the examination stating that the vehicle is reasonably safe for operation and listing the repairs which have been made to the vehicle. The owner must be present for the examination and have available for inspection the salvage title, bills of sale for all essential parts changed, if applicable, and the repair affidavit. The examination shall be for the purposes of determining whether the vehicle or repair components have been stolen. The examination is not a safety inspection and a signed salvage theft examination certificate shall not be construed by any court of law to be a certification that the vehicle is safe to be operated. There shall be no cause of action against the peace officer or the agency conducting the examination or the county treasurer for failure to discover or note safety defects. If the vehicle passes the theft examination, the peace officer shall indicate that the vehicle passed examination on the salvage theft examination certificate. The permit and salvage theft examination certificate shall be on controlled forms prescribed and furnished by the department. The owner shall pay a fee of thirty fifty dollars upon completion of at the time the examination is scheduled. The agency performing the examinations shall retain twenty forty dollars of the fee and shall pay five dollars of the fee to the department and five dollars of the fee to the treasurer of state for deposit in the general fund of the state. Moneys deposited to the general fund under this paragraph are subject to the requirements

of section 8.60 and shall be used by the Iowa law enforcement academy to provide for the special training, certification, and recertification of officers as required by this subsection.

DIVISION III  
SPECIAL MINOR'S DRIVER'S LICENSES

Sec. 33. Section 321.194, Code 2016, is amended to read as follows:

**321.194 Special minors' licenses.**

1. ~~Driver's license issued for travel to and from school~~ Persons eligible. Upon certification of a special need by the school board, superintendent of the applicant's school, or principal, if authorized by the superintendent, the department may issue a class C or M driver's license to a person between the ages of fourteen and eighteen years ~~whose~~ if all of the following apply:

a. ~~The person's~~ The person's driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and ~~who~~ the person has not been convicted of a moving traffic violation or involved in a motor vehicle accident for, the six-month period immediately preceding the application for the special minor's license ~~and who.~~

b. The person has successfully completed an approved driver education course. However, the completion of a course is not required if the applicant demonstrates to the satisfaction of the department that completion of the course would impose a hardship upon the applicant. The department shall adopt rules defining the term "hardship" and establish procedures for the demonstration and determination of when completion of the course would impose a hardship upon an applicant.

2. Driving privileges.

a. Permitted operations. The driver's license entitles the holder, while having the license in immediate possession, to operate a motor vehicle other than a commercial motor vehicle or as a chauffeur:

(1) During the hours of 5:00 a.m. to 10:00 p.m. over the most direct and accessible route between the licensee's residence and schools of enrollment or the closest school bus stop or public transportation service, and between schools of enrollment, for the purpose of attending duly scheduled courses of instruction and extracurricular activities within the school district of enrollment.

(2) During the hours of 5:00 a.m. to 10:00 p.m. over the most direct and accessible route between the licensee's residence or school of enrollment and a site, facility, or school that is not the ~~student's~~ licensee's school of enrollment for the purpose of participating in extracurricular activities conducted under a sharing agreement with the ~~student's~~ licensee's school of enrollment or conducted at a site or facility designated by the licensee's school district for the accommodation of the school's extracurricular activities, provided the site, facility, or school is within the licensee's school district of enrollment or is within a school district contiguous to the licensee's school district of enrollment.

(3) To a service station for the purpose of refueling, so long as the service station is the station closest to the route the licensee is traveling on under subparagraph (1) or (2).

(4) At any time when the licensee is accompanied in accordance with section 321.180B, subsection 1.

b. Restrictions.

(1) Passengers. Unless accompanied in accordance with section 321.180B, subsection 1, a person issued a driver's license pursuant to this section must limit the number of unrelated minor passengers in the motor vehicle when the licensee is operating the motor vehicle to one. For purposes of this section, "unrelated minor passenger" means a passenger who is under eighteen years of age and who is not a sibling of the driver, a stepsibling of the driver, or a child who resides in the same household as the driver.

(2) Electronic communication devices. A person issued a driver's license under this section shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This subparagraph does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment. The department, in cooperation with the department of

public safety, shall establish educational programs to foster compliance with the requirements of this subparagraph.

e. 3. Certification of need and issuance of license. Each application shall be accompanied by a statement from the school board, superintendent, or principal, if authorized by the superintendent, of the applicant's school. The statement shall be upon a form provided by the department. The school board, superintendent, or principal, if authorized by the superintendent, shall certify that a need exists for the license and that the board, superintendent, or principal authorized by the superintendent is not responsible for actions of the applicant which pertain to the use of the driver's license. Upon receipt of a statement of necessity, the department shall issue the driver's license provided the applicant is otherwise eligible for issuance of the license. The fact that the applicant resides at a distance less than one mile from the applicant's school of enrollment is prima facie evidence of the nonexistence of necessity for the issuance of a license. The school board shall develop and adopt a policy establishing the criteria that shall be used by a school district administrator to approve or deny certification that a need exists for a license. The student may appeal to the school board the decision of a school district administrator to deny certification. The decision of the school board is final. The driver's license shall not be issued for purposes of attending a public school in a school district other than either of the following:

(1) a. The district of residence of the parent or guardian of the student.

(2) b. A district which is contiguous to the district of residence of the parent or guardian of the student, if the student is enrolled in the public school which is not the school district of residence because of open enrollment under section 282.18 or as a result of an election by the student's district of residence to enter into one or more sharing agreements pursuant to the procedures in chapter 282.

~~d. (1) A person issued a driver's license under this section shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This subparagraph does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment.~~

~~(2) The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of subparagraph (1).~~

~~2. 4. Suspension and revocation.~~ A driver's license issued under this section is subject to suspension or revocation for the same reasons and in the same manner as suspension or revocation of any other driver's license. The department may also suspend a driver's license issued under this section upon receiving satisfactory evidence that the licensee has violated the restrictions of the license or has been involved in one or more accidents chargeable to the licensee. The department may suspend a driver's license issued under this section upon receiving a record of the licensee's conviction for one violation. The department shall revoke the license upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways other than parking violations as defined in section 321.210. After a person licensed under this section receives two or more convictions which require revocation of the person's license under this section, the department shall not grant an application for a new driver's license until the expiration of thirty days.

~~3. 5. Citations for violation of restrictions.~~ A person who violates the restrictions imposed under subsection 1, ~~paragraph "a" or "d",~~ 2 may be issued a citation under this section and shall not be issued a citation under section 321.193. A violation of the restrictions imposed under subsection 1, ~~paragraph "a" or "d",~~ 2 shall not be considered a moving violation.

Sec. 34. Section 321.482A, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Notwithstanding section 321.482, a person who is convicted of operating a motor vehicle in violation of section 321.178, subsection 2, paragraph "a", subparagraph (2), section 321.180B, subsection 6, section 321.194, subsection 1 2, paragraph "d" "b", subparagraph (2), section 321.256, section 321.257, section 321.275, subsection 4, section 321.276, 321.297, 321.298, 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307, 321.308, section 321.309,

subsection 2, or section 321.311, 321.319, 321.320, 321.321, 321.322, 321.323, 321.324, 321.324A, 321.327, 321.329, 321.333, or 321.372, subsection 3, causing serious injury to or the death of another person may be subject to the following penalties in addition to the penalty provided for a scheduled violation in section 805.8A or any other penalty provided by law:

DIVISION IV  
OVERSIZE AND OVERWEIGHT MOTOR VEHICLES

Sec. 35. Section 321E.7, subsection 1, Code 2016, is amended by adding the following new paragraph:

**NEW PARAGRAPH.** *e.* Vehicles operating under a permit issued pursuant to section 321E.8, 321E.9, or 321E.9A may have a gross weight not to exceed forty-six thousand pounds on a single tandem axle of the truck tractor and a gross weight not to exceed forty-six thousand pounds on a single tandem axle of the trailer or semitrailer if each axle of each tandem group has at least four tires.

DIVISION V  
AIRCRAFT

Sec. 36. Section 328.24, subsection 1, Code 2016, is amended to read as follows:

1. If, during the year for which an aircraft, except ~~nonresident~~ aircraft used for the application of herbicides and pesticides, was registered and the required fee paid, the aircraft is destroyed by fire or accident or junked, and its identity as an aircraft entirely eliminated, or the aircraft is removed and continuously used beyond the boundaries of the state, then the owner in whose name it was registered at the time of destruction, dismantling, or removal from the state shall return the certificate of registration to the department within thirty days and make affidavit of the destruction, dismantling, or removal and make claim for the refund. The refund shall be paid from the general fund of the state.

Approved April 21, 2016

## CHAPTER 1099

### WAGERING TAXES ON GAMBLING GAMES — PROMOTIONAL PLAY RECEIPTS

*H.F. 2445*

**AN ACT** excluding certain promotional play receipts from the definition of adjusted gross receipts for purposes of the wagering tax on gambling games and relating to other matters involving gambling games regulation.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 99F.1, subsection 1, Code 2016, is amended to read as follows:

1. “*Adjusted gross receipts*” means the gross receipts less winnings paid to wagerers. However, “adjusted gross receipts” does not include promotional play receipts received after the date in any fiscal year that the commission determines that the wagering tax imposed pursuant to section 99F.11 on all licensees in that fiscal year on promotional play receipts exceeds twenty-five million eight hundred twenty thousand dollars.

Sec. 2. Section 99F.1, Code 2016, is amended by adding the following new subsection:

**NEW SUBSECTION.** 19A. “*Promotional play receipts*” means the total sums wagered on gambling games with tokens, chips, electronic credits, or other forms of cashless wagering

provided by the licensee without an exchange of money as described in section 99F.9, subsection 3.

Approved April 21, 2016

## CHAPTER 1100

### EMERGENCY COMMUNICATIONS SERVICES — ALLOCATION OF FUNDS

*H.F. 2439*

**AN ACT** relating to the distribution and permissible expenditures of the emergency communications service surcharge and the duties of the E911 communications council.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 34A.7A, subsection 2, Code 2016, is amended to read as follows:

2. Moneys collected pursuant to subsection 1 and section 34A.7B, subsection 2, shall be deposited in a separate E911 emergency communications fund within the state treasury under the control of the program manager. Section 8.33 shall not apply to moneys in the fund. Moneys earned as income, including as interest, from the fund shall remain in the fund until expended as provided in this section. Moneys in the fund shall be expended and distributed in the following priority order:

a. An amount as appropriated by the general assembly to the director shall be allocated to the director and program manager for implementation, support, and maintenance of the functions of the director and program manager and to employ the auditor of state to perform an annual audit of the E911 emergency communications fund.

b. (1) The program manager shall allocate to each joint E911 service board and to the department of public safety a minimum of one thousand dollars per calendar quarter for each public safety answering point within the service area of the department of public safety or joint E911 service board that has submitted an annual written request to the program manager in a form approved by the program manager by May 15 of each year.

(2) The amount allocated under this paragraph "b" shall be sixty percent of the total amount of surcharge generated per calendar quarter allocated as follows:

(a) Sixty-five percent of the total dollars available for allocation shall be allocated in proportion to the square miles of the service area to the total square miles in this state.

(b) Thirty-five percent of the total dollars available for allocation shall be allocated in proportion to the wireless E911 calls taken at the public safety answering point in the service area to the total number of wireless E911 calls originating in this state.

(c) Notwithstanding subparagraph divisions (a) and (b), the minimum amount allocated to each joint E911 service board and to the department of public safety shall be no less than one thousand dollars for each public safety answering point within the service area of the department of public safety or joint E911 service board.

(3) The funds allocated in this paragraph "b" shall be used by the public safety answering points for the receipt and disposition of 911 calls.

b. c. From July 1, 2013, until June 30, 2026, the program manager shall allocate ten percent of the total amount of surcharge generated to wireless carriers to recover their costs to deliver E911 phase 1 services. If the allocation in this paragraph is insufficient to reimburse all wireless carriers for such carrier's eligible expenses, the program manager shall allocate a prorated amount to each wireless carrier equal to the percentage of such carrier's eligible expenses as compared to the total of all eligible expenses for all wireless carriers for the calendar quarter during which such expenses were submitted. When prorated expenses are paid, the remaining unpaid expenses shall no longer be eligible for payment under this paragraph.

~~e. d.~~ The program manager shall reimburse communications service providers on a calendar quarter basis for carriers' eligible expenses for transport costs between the selective router and the public safety answering points related to the delivery of wireless E911 phase 1 services and the integration of an internet protocol-enabled next generation 911 network.

~~d. e.~~ The program manager shall reimburse wire-line carriers and third-party E911 automatic location information database providers on a calendar quarterly basis for the costs of maintaining and upgrading the E911 components and functionalities beyond the input to the E911 selective router, including the E911 selective router and the automatic location information database.

~~e. (1)~~ The program manager shall allocate to each joint E911 service board and to the department of public safety a minimum of one thousand dollars per calendar quarter for each public safety answering point within the service area of the department of public safety or joint E911 service board that has submitted an annual written request to the program manager in a form approved by the program manager by May 15 of each year.

~~(2)~~ The amount allocated under this paragraph "e" shall be forty-six percent of the total amount of surcharge generated per calendar quarter allocated as follows:

~~(a)~~ Sixty-five percent of the total dollars available for allocation shall be allocated in proportion to the square miles of the service area to the total square miles in this state.

~~(b)~~ Thirty-five percent of the total dollars available for allocation shall be allocated in proportion to the wireless E911 calls taken at the public safety answering point in the service area to the total number of wireless E911 calls originating in this state.

~~(c)~~ Notwithstanding subparagraph divisions (a) and (b), the minimum amount allocated to each joint E911 service board and to the department of public safety shall be no less than one thousand dollars for each public safety answering point within the service area of the department of public safety or joint E911 service board.

~~(3)~~ The funds allocated in this paragraph "e" shall be used for communication equipment utilized by the public safety answering points for the implementation and maintenance of E911 services.

~~f.~~ The department of homeland security and emergency management may, in a reserve account established within the E911 emergency communications fund, credit each fiscal year an amount of up to twelve and one-half percent of the annual emergency communications service surcharge collected pursuant to subsection 1 and the prepaid wireless E911 surcharge collected pursuant to section 34A.7B, subsection 2. However, the moneys contained in such reserve account shall not exceed twelve and one-half percent of the total surcharges collected for each fiscal year. Moneys credited to the reserve account shall only be used by the department for the purpose of repairing or replacing equipment in the event of a catastrophic equipment failure, as determined by the director.

~~f. g. (1)~~ If moneys remain in the fund after fully paying all obligations under paragraphs "a", "b", "c", "d", and "e", and "f", the remainder may be accumulated in the fund as a carryover operating surplus. an amount of up to four million four hundred thousand dollars shall, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, be expended and distributed in the following priority order:

~~(a) (i)~~ The director, in consultation with the program manager and the E911 communications council, may provide grants to any public safety answering point agreeing to consolidate. For purposes of this subparagraph division, "consolidate" means the consolidation of all public safety answering point systems, functions, enhanced 911 service areas, and physical facilities of two or more public safety answering points, resulting in the consolidated public safety answering point being responsible for all call answering and dispatch functions for the combined enhanced 911 service area, or the consolidation of two or more public safety answering points utilizing shared services technology to combine public safety answering point systems, including but not limited to 911 call processing equipment, computer-aided dispatch, mapping, radio, and logging recorders. Such a grant to a public safety answering point shall not exceed one-half of the projected cost of consolidation, or two hundred thousand dollars, whichever is less.

~~(ii)~~ Grants provided under this subparagraph may, subject to available funding, be provided until June 30, 2022.



(iii) The director, in consultation with the program manager and the E911 communications council, shall adopt rules governing the eligibility for and the E911 communications council's distribution of grants to public safety answering points pursuant to this subparagraph division.

(b) The program manager, in consultation with the E911 communications council, shall allocate an amount, not to exceed one hundred thousand dollars per fiscal year, for development of public awareness and educational programs related to the use of 911 by the public, educational programs for personnel responsible for the maintenance, operation, and upgrading of local E911 systems, and the expenses of members of the E911 communications council for travel, monthly meetings, and training, provided, however, that the members have not received reimbursement funds for such expenses from another source.

(c) The remaining surplus shall be used to fund future network and public safety answering point improvements for program manager shall allocate an equal amount of moneys to each public safety answering point for the following costs:

(i) Costs related to the receipt and disposition of 911 calls, including hardware and software for an internet protocol-enabled next generation 911 network, and wireless carriers' transport costs related to wireless E911 services, if those costs are not otherwise recovered by wireless carriers through customer billing or other sources and approved by the program manager in consultation with the E911 communications council.

(ii) Local costs related to access the state's interoperable communications system.

(2) Notwithstanding section 8.33, any moneys remaining in the fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain available for the purposes of the fund.

g. h. The director, in consultation with the program manager and the E911 communications council, shall adopt rules pursuant to chapter 17A governing the distribution of the surcharge collected and distributed pursuant to this subsection. The rules shall include provisions that all joint E911 service boards and the department of public safety which answer or service wireless E911 calls are eligible to receive an equitable portion of the receipts.

Sec. 2. Section 34A.15, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. The council may provide grants, subject to available moneys in the E911 emergency communications fund, to public safety answering points agreeing to consolidate pursuant to section 34A.7A, subsection 2, paragraph "g".

Sec. 3. **STUDY OF CONSOLIDATION OF PUBLIC SAFETY ANSWERING POINTS.** The department of homeland security and emergency management shall conduct a study to determine how public safety answering points can be consolidated to achieve operational and cost efficiencies. The study shall also review sections 34A.7 and 34A.7A to determine the most efficient method of distributing surcharge revenues to support a network of consolidated public safety answering points. The department shall submit a report containing the results of the study no later than January 15, 2017.

Approved April 29, 2016

## CHAPTER 1101

### REGULATION OF TRANSPORTATION NETWORK COMPANIES AND TAXICABS

*H.F. 2414*

**AN ACT** providing for the regulation of transportation network companies and taxicabs, providing penalties, and including effective date and applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 321.1, subsection 8, Code 2016, is amended by adding the following new paragraphs:

**NEW PARAGRAPH. j.** A transportation network company driver, as defined in section 321N.1, is not a chauffeur.

**NEW PARAGRAPH. k.** A person operating a taxicab having a seating capacity of less than seven passengers and not operating on a regular route or between specified points is not a chauffeur.

Sec. 2. Section 321.40, Code 2016, is amended by adding the following new subsection:

**NEW SUBSECTION. 6A. a.** The department or the county treasurer shall refuse to renew the registration of a vehicle registered to an applicant if the department or the county treasurer knows that the applicant has not paid a civil penalty imposed on the applicant pursuant to section 321N.3, subsection 3. An applicant may contest this action by requesting a contested case proceeding from the department. The department shall notify the county treasurers through the distributed teleprocessing network of persons who have not paid such civil penalties.

**b.** The county treasurer of the county of an applicant's residence and in which the applicant's vehicle is registered, in cooperation with the department, may collect a civil penalty imposed on the applicant pursuant to section 321N.3, subsection 3, when the applicant applies for renewal of a vehicle registration. The applicant may remit full payment of the civil penalty, along with a processing fee of five dollars, to the county treasurer at the time of registration renewal. Upon full payment of the civil penalty, the processing fee, and the vehicle registration fee, the county treasurer shall issue the registration to the applicant. A county treasurer collecting a civil penalty on behalf of the department pursuant to this subsection shall update the vehicle registration records through the distributed teleprocessing network on a daily basis for all applicants who have paid civil penalties pursuant to this subsection. A county treasurer shall forward all funds collected on behalf of the department to the department.

Sec. 3. Section 321.236, subsection 7, Code 2016, is amended to read as follows:

7. Licensing and regulating the operation of vehicles offered to the public for hire and used principally in intracity operation, except to the extent such licensure and regulation conflicts with section 321.241, section 321N.11, section 325A.6, or any other provision of the Code.

Sec. 4. **NEW SECTION. 321.241 Regulation of taxicabs by local authorities — limits.**

1. A local authority shall not enact, enforce, or maintain any ordinance, regulation, or rule that imposes a requirement on a person operating a taxicab having a seating capacity of less than seven passengers and not operating on a regular route or between specified points that is more restrictive than any of the following:

**a.** Requiring the person to have a driver's license valid for the operation of the motor vehicle used as a taxicab that is not an instruction permit, special instruction permit, or temporary restricted license.

**b.** Prohibiting the person from operating the taxicab if any of the following apply:

(1) The person is restricted to operating motor vehicles equipped with an ignition interlock device.

(2) The person's driving privileges have been suspended, revoked, barred, canceled, denied, or disqualified in the prior three-year period.

(3) The person has been convicted of more than three moving violations in the prior three-year period.

(4) The person has been convicted of violating section 321.218, 321.277, or 321J.21, or section 321A.32, subsection 1, in the prior three-year period.

(5) The person has been convicted in the prior seven-year period of a felony, of violating section 321J.2 or 321J.2A, or of any crime involving resisting law enforcement, dishonesty, injury to another person, damage to the property of another person, or operating a vehicle in a manner that endangers another person.

(6) The person is registered on the national sex offender registry.

2. A local authority shall not enact, enforce, or maintain any ordinance, regulation, or rule that requires a corporation, partnership, sole proprietorship, or other entity that sells or offers for sale transportation by taxicabs having a seating capacity of less than seven passengers and not operating on a regular route or between specified points to maintain a physical place of business in the local authority's jurisdiction as a condition of operating such taxicabs in the local authority's jurisdiction.

Sec. 5. Section 321.446, subsection 4, paragraph c, Code 2016, is amended to read as follows:

c. If a child under fourteen years of age, or a child fourteen years of age or older who is unable to fasten a seatbelt due to a temporary or permanent disability, is being transported in a taxicab or in a personal vehicle operated by a transportation network company driver, as defined in section 321N.1, in a manner that is not in compliance with subsection 1 or 2, the parent, legal guardian, or other responsible adult traveling with the child shall be served with a citation for a violation of this section in lieu of the taxicab operator or transportation network company driver. Otherwise, if a passenger being transported in the taxicab or in a personal vehicle operated by a transportation network company driver is fourteen years of age or older, the citation shall be served on the passenger in lieu of the taxicab operator or transportation network company driver.

Sec. 6. NEW SECTION. 321N.1 Definitions.

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

1. "Department" means the state department of transportation.
2. "Digital network" means an online-enabled application, internet site, or system offered or utilized by a transportation network company that enables transportation network company riders to prearrange rides with transportation network company drivers.
3. "Personal vehicle" means a noncommercial motor vehicle that is used by a transportation network company driver and is owned, leased, or otherwise authorized for use by the transportation network company driver. "Personal vehicle" does not include a taxicab, limousine, or other vehicle for hire.
4. "Prearranged ride" means the provision of transportation by a transportation network company driver to a transportation network company rider. A prearranged ride begins when a driver accepts a ride request from a rider through a digital network controlled by a transportation network company, continues while the driver transports the requesting rider, and ends when the last requesting rider departs from the driver's personal vehicle. A prearranged ride does not include transportation provided using a taxicab, limousine, or other vehicle for hire, or a shared expense carpool or vanpool arrangement.
5. "Transportation network company" or "company" means a corporation, partnership, sole proprietorship, or other entity that operates in this state and uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company is not deemed to control, direct, or manage a transportation network company driver that connects to its digital network, or the driver's personal vehicle, except as agreed to by the company and the driver pursuant to a written contract.
6. "Transportation network company driver" or "driver" means an individual who does all of the following:
  - a. Receives connections to potential transportation network company riders and other related services from a transportation network company in exchange for payment of a fee to the transportation network company.
  - b. Uses a personal vehicle to offer or provide prearranged rides to transportation network company riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.
7. "Transportation network company rider" or "rider" means an individual or group of individuals who use a transportation network company's digital network to connect with a transportation network company driver to request a prearranged ride for the individual or group of individuals, and who receive the prearranged ride in the driver's personal vehicle between locations chosen by the individual or group of individuals.

**Sec. 7. NEW SECTION. 321N.2 Permit required — examination of records — sanctions.**

1. A transportation network company shall not operate or conduct business in this state without a permit issued pursuant to this section.

2. *a.* Upon the filing of an application by a transportation network company with the department and a determination by the department that the company is in compliance with the provisions of this chapter, the department shall issue a permit to the company. An application filed pursuant to this section shall be in writing and shall contain all of the following:

(1) The full legal name and tax identification number of the applicant.

(2) The address of the applicant's principal place of business.

(3) A statement agreeing to comply with all applicable requirements of this chapter signed by the applicant.

(4) Proof of compliance with the financial responsibility requirements of section 321N.4, submitted in a manner prescribed by the department.

(5) Proof that the applicant has established a zero tolerance policy for the use of drugs and alcohol as provided in section 321N.3, submitted in a manner prescribed by the department.

(6) Proof that the applicant requires personal vehicles to comply with applicable motor vehicle equipment requirements as provided in section 321N.3, submitted in a manner prescribed by the department.

(7) Proof that the applicant has adopted and is enforcing nondiscrimination and accessibility policies, submitted in a manner prescribed by the department.

(8) Proof that the applicant has established record retention guidelines, submitted in a manner prescribed by the department, that comply with all of the following:

(a) A record of a prearranged ride shall be retained for at least six years after the date the prearranged ride was provided, unless the company is notified that the record is material to a judicial proceeding, in which case the record shall be retained for at least two years after final disposition of the judicial proceeding.

(b) A record of a transportation network company driver shall be retained for at least six years after the date on which the driver's activation on the company's digital network ended, unless the company is notified that the record is material to a judicial proceeding, in which case the record shall be retained for at least two years after final disposition of the judicial proceeding.

*b.* The permit application shall be accompanied by a fee of five thousand dollars. All fees received by the department for permits issued pursuant to this section shall be paid monthly to the treasurer of state and deposited in the road use tax fund.

3. A permit issued pursuant to this section shall be valid for one year after the date of issuance.

4. The department may deny issuance of a permit if the department determines, and evidence demonstrates, that the applicant is not in compliance or is unable to comply with the provisions of this chapter.

5. The department may examine the records of a transportation network company for the purpose of enforcing this chapter. The examination may include a random sample of the company's records related to transportation network company drivers and prearranged rides. The examination shall take place at the department's motor vehicle division building unless another location is agreed to by the department and the company. Such examinations shall not occur more than twice per year unless additional examinations are necessary to investigate a complaint. Records obtained by the department pursuant to this subsection are not public records or otherwise subject to disclosure under chapter 22, and shall be kept confidential by the department except to the extent such records may be required to be disclosed in a departmental or judicial proceeding.

6. The department may suspend the permit of a transportation network company for a violation of this chapter or a rule adopted under this chapter until the company demonstrates to the department that the company is in compliance with the applicable requirements. The department may revoke the permit of a transportation network company for continued noncompliance with this chapter or a rule adopted under this chapter.

7. A transportation network company whose application for a permit has been denied, or whose permit has been suspended or revoked, shall have all rights afforded to the company under chapter 17A and rules adopted by the department to contest the department's decision.

8. The department may adopt rules pursuant to chapter 17A to administer this section.

Sec. 8. NEW SECTION. **321N.3 Exclusions — driver requirements.**

1. A transportation network company, a transportation network company driver, or a personal vehicle used to provide a prearranged ride is not a motor carrier as defined in section 325A.1, private carrier as defined in section 325A.1, charter carrier as defined in section 325A.12, or common carrier.

2. Prior to permitting an individual to act as a transportation network company driver on a transportation network company's digital network, the company shall do all of the following:

a. Require the individual to submit an application to the company with the individual's name, address, and age, and with copies of the individual's driver's license, the registration for the personal vehicle the individual will use to provide prearranged rides, proof of financial liability coverage, as defined in section 321.1, subsection 24B, covering the individual's use of the personal vehicle, proof of financial responsibility covering the individual in the types and amounts required by section 321N.4, and any other information required by the company.

b. Conduct, or instruct a third party to conduct, a local and national criminal background check on the individual and a search of the national sex offender registry database for the individual.

c. Obtain and review a driving history research report on the individual.

d. Obtain a disclosure form signed by the individual notifying the individual of all of the following:

(1) If a lien exists against a personal vehicle the individual intends to use while acting as a transportation network company driver, the individual is required to notify the lienholder within the seven-day period prior to using the vehicle for such purposes that the individual intends to use the vehicle for such purposes.

(2) If the individual is not the owner of the personal vehicle the individual intends to use while acting as a transportation network company driver, the individual is required to notify the owner of the vehicle within the seven-day period prior to using the vehicle for such purposes that the individual intends to use the vehicle for such purposes and that the owner's automobile insurance policy, depending on the policy's terms, may not provide any coverage while the individual is logged on to the company's digital network and is available to receive requests for a prearranged ride, or while the individual is engaged in a prearranged ride.

(3) Failure to notify a lienholder or an owner pursuant to this paragraph "d" shall result in the imposition of a civil penalty as provided in subsection 3.

3. If an individual fails to notify a lienholder or an owner pursuant to subsection 2, the department shall assess a civil penalty against the individual in the amount of two hundred fifty dollars. All moneys collected by the department pursuant to this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund.

4. A transportation network company shall not knowingly allow an individual to act as a driver on the company's digital network if any of the following apply:

a. The individual does not have a driver's license valid for the operation of the personal vehicle. A driver's license valid for the operation of the personal vehicle shall not include an instruction permit, special instruction permit, or temporary restricted license.

b. The individual is restricted to operating motor vehicles equipped with an ignition interlock device.

c. The individual's driving privileges have been suspended, revoked, barred, canceled, denied, or disqualified in the prior three-year period.

d. The individual has been convicted of more than three moving violations in the prior three-year period.

e. The individual has been convicted of violating section 321.218, 321.277, or 321J.21, or section 321A.32, subsection 1, in the prior three-year period.

f. The individual has been convicted in the prior seven-year period of a felony, of violating section 321J.2 or 321J.2A, or of any crime involving resisting law enforcement, dishonesty,

injury to another person, damage to the property of another person, or operating a vehicle in a manner that endangers another person.

- g. The individual is registered on the national sex offender registry.
- h. The individual is not at least nineteen years of age.
- i. The individual is unable to provide any information required by this section.

5. A transportation network company shall adopt and enforce a zero tolerance policy prohibiting the use of drugs or alcohol by a transportation network company driver while the driver is providing a prearranged ride or is logged on to the company's digital network and available to receive requests for transportation from potential riders. The policy shall include provisions providing for the investigation of alleged violations of the policy and the suspension of drivers under investigation.

6. A transportation network company shall require that a personal vehicle used to provide prearranged rides shall comply with all applicable motor vehicle equipment requirements.

**Sec. 9. NEW SECTION. 321N.4 Financial responsibility.**

1. A transportation network company driver, or a transportation network company on the driver's behalf, shall maintain primary automobile insurance that does all of the following:

a. Recognizes that the driver is a transportation network company driver or that the driver otherwise uses a motor vehicle to transport passengers for compensation.

b. Covers the driver while the driver is logged on to the transportation network company's digital network and while the driver is engaged in a prearranged ride.

c. Covers the driver in the amounts set forth in subsections 2 and 3.

2. a. While a participating transportation network company driver is logged on to a transportation network company's digital network and is available to receive requests for a prearranged ride, but is not engaged in a prearranged ride, primary automobile insurance maintained pursuant to paragraph "c" shall cover the driver in the amount of at least fifty thousand dollars because of bodily injury to or death of one person in any one accident, the amount of at least one hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and the amount of at least twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

b. The requirements of paragraph "a" shall be in addition to the automobile insurance requirements set forth in chapter 516A or any other provision of law.

c. The requirements of paragraph "a" may be satisfied by any of the following:

(1) Insurance maintained by the transportation network company driver.

(2) Insurance maintained by the transportation network company.

(3) A combination of subparagraphs (1) and (2).

3. a. While a transportation network company driver is engaged in a prearranged ride, primary automobile insurance maintained pursuant to paragraph "c" shall cover the driver in the amount of at least one million dollars because of bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident.

b. The requirements of paragraph "a" shall be in addition to the automobile insurance requirements set forth in chapter 516A or any other provision of law.

c. The requirements of paragraph "a" may be satisfied by any of the following:

(1) Insurance maintained by the transportation network company driver.

(2) Insurance maintained by the transportation network company.

(3) A combination of subparagraphs (1) and (2).

4. If insurance maintained by a transportation network company driver under this chapter lapses or does not provide coverage in the amounts required by subsections 2 and 3, insurance maintained by a transportation network company shall provide coverage in the amounts required by subsections 2 and 3 beginning with the first dollar of a claim, and the company shall have a duty to defend the claim.

5. Coverage under an automobile insurance policy maintained by a transportation network company under this chapter shall not be dependent on the insurer of a driver's personal vehicle first denying a claim, nor shall a personal automobile insurance policy be required to first deny a claim.

6. Insurance maintained under this chapter shall be provided by an insurer governed by chapter 515 or 518, or by a surplus lines insurer governed by chapter 515I. A surplus lines

insurer that issues a policy pursuant to this section shall be considered an insurance carrier duly authorized to transact business in this state for the purposes of chapter 321A.

7. Insurance maintained under this chapter shall be deemed to satisfy the financial responsibility requirements for a motor vehicle under chapter 321A.

8. A transportation network company driver shall carry proof of financial liability coverage, as required by section 321.20B, in the amounts required by subsections 2 and 3, at all times during which the driver uses a motor vehicle in connection with the use of a transportation network company's digital network. In the event of an accident, the driver shall provide proof of financial liability coverage to any directly interested party or insurer, and to any investigating police officer, upon request and in a format provided for under section 321.20B. Upon such a request, the driver shall also disclose to any directly interested party or insurer, and to any investigating police officer, whether the driver was logged on to a company's digital network or was providing a prearranged ride at the time of the accident.

**Sec. 10. NEW SECTION. 321N.5 Disclosure requirements.**

A transportation network company shall disclose all of the following information to a transportation network company driver in writing before the driver may accept a request from a rider for a prearranged ride on the company's digital network:

1. The types, amounts, terms, and limits of automobile insurance provided by the company to the driver while the driver uses a personal vehicle in connection with the use of the company's digital network.

2. That the driver's own automobile insurance policy, depending on the policy's terms, may not provide any coverage while the driver is logged on to the company's digital network and is available to receive requests for a prearranged ride, or while the driver is engaged in a prearranged ride.

**Sec. 11. NEW SECTION. 321N.6 Insurers.**

1. *a.* Notwithstanding any other provision of law to the contrary, an insurer that writes automobile insurance within this state may exclude any and all coverage afforded to an insured person under a policy issued to the owner or operator of a personal vehicle for any injury or loss that occurs while the insured is logged on to a transportation network company's digital network or while the insured is providing a prearranged ride. This right to exclude coverage may apply to any type of coverage provided for in the insured's policy, including but not limited to liability coverage for bodily injury and property damage, personal injury protection coverage, uninsured and underinsured motorist coverage, medical payments coverage, comprehensive physical damage coverage, and collision physical damage coverage.

*b.* This chapter shall not be construed to require an insurer to provide coverage to an individual while the individual is logged on to a company's digital network, is engaged in a prearranged ride, or is otherwise transporting another individual or group of individuals in a vehicle for compensation.

*c.* This chapter shall not be construed to preclude an insurer from providing coverage for a transportation network company driver's personal vehicle, if the insurer chooses to do so by contract or endorsement.

2. *a.* An insurer that excludes coverage pursuant to subsection 1 shall not have a duty to defend or indemnify a claim expressly excluded from a policy issued by the insurer. This chapter shall not be deemed to invalidate or limit an exclusion contained in a policy, including a policy in use or approved for use in this state prior to the effective date of this Act, that excludes coverage for vehicles used to carry individuals or property for compensation or vehicles available for hire by the public.

*b.* An insurer that defends or indemnifies a claim against an insured transportation network company driver that is excluded under the terms of the driver's policy shall have a right of action for contribution or indemnity against an insurer providing automobile insurance to the driver under this chapter during the period in which the loss occurred.

3. In a claims coverage investigation, any involved transportation network company and any insurer providing coverage pursuant to this chapter shall cooperate to facilitate the exchange of relevant information with one another, and with any insurer of the transportation

network company driver, where applicable, including but not limited to the precise times during which the driver logged on and off of the company's digital network in the twelve-hour period immediately preceding and in the twelve-hour period immediately following the accident, and shall disclose to one another a clear description of any relevant automobile insurance provided pursuant to this chapter, including any applicable limits and exclusions.

Sec. 12. NEW SECTION. **321N.7 Identification of drivers and vehicles.**

Before a transportation network company rider enters the personal vehicle of a transportation network company driver, the transportation network company shall disclose all of the following information to the rider on the company's digital network:

1. A picture that prominently displays the face of the driver.
2. The make, model, and registration plate number of the personal vehicle used by the driver.

Sec. 13. NEW SECTION. **321N.8 Electronic receipt.**

Within a reasonable period of time following the completion of a prearranged ride provided to a transportation network company rider, the transportation network company shall transmit an electronic receipt to the rider containing all of the following information:

1. The origin and destination of the trip.
2. The total time and distance of the trip.
3. An itemized account of the total fare paid by the rider, if any.

Sec. 14. NEW SECTION. **321N.9 Street hails prohibited.**

A transportation network company driver shall not solicit or accept riders hailing the driver from the street.

Sec. 15. NEW SECTION. **321N.10 Disclosure of personal information.**

1. A transportation network company shall not disclose a transportation network company rider's personal information to a third party unless the rider consents to the disclosure, the disclosure is required by law, the disclosure is required to protect or defend the terms of use of the company's services, or the disclosure is required to investigate a violation of the terms of use. For purposes of this section, "*personal information*" includes but is not limited to the rider's name, home address, telephone number, and payment information.

2. Notwithstanding subsection 1, a transportation network company may disclose a rider's name and telephone number to the driver providing a prearranged ride to the rider in order to facilitate the identification of the rider by the driver, or to facilitate communication between the rider and the driver.

Sec. 16. NEW SECTION. **321N.11 Regulation by political subdivisions prohibited — exception.**

1. *a.* Except as otherwise provided in this section, transportation network companies, transportation network company drivers, and personal vehicles, in the course of their operation pursuant to this chapter, shall be exclusively controlled, supervised, and regulated by the department in accordance with this chapter.

*b.* Except as otherwise provided in this section, no provision of this chapter shall be construed to authorize a political subdivision of the state to enact an ordinance regulating transportation network companies, transportation network company drivers, or personal vehicles operated pursuant to this chapter.

2. No provision of this chapter shall be construed to limit the rights and powers of a commercial service airport, as defined in 49 U.S.C. §47102, to do any of the following:

*a.* Regulate the operation of motor vehicles on the airport's premises in accordance with rules, regulations, and policies adopted for the orderly use of the airport.

*b.* Establish, alter, and collect rates, fees, rental payments, or other charges for the use of the airport's services and facilities.



Sec. 17. Section 325A.1, subsections 6, 7, and 13, Code 2016, are amended to read as follows:

6. “Motor carrier” means a person defined in subsection 8, 9, or 10, but does not include a transportation network company or a transportation network company driver, as defined in section 321N.1.

7. “Motor carrier certificate” means a certificate issued by the department to any person transporting passengers on any highway of this state for hire, other than a transportation network company or a transportation network company driver, as defined in section 321N.1. This certificate is transferable.

13. “Private carrier” means a person who provides transportation of property or passengers by motor vehicle, is not a for-hire motor carrier or a transportation network company or a transportation network company driver, as defined in section 321N.1, or who transports commodities of which the person is the owner, lessee, or bailee and the transportation is a furtherance of the person’s primary business or occupation.

Sec. 18. Section 325A.2, subsection 2, Code 2016, is amended to read as follows:

2. A local authority, as defined in section 321.1, shall not impose any regulations, including special registration or inspection requirements, upon the operation of motor carriers that are more restrictive than any of the provisions of this chapter, or section 321.449 or 321.450. This subsection does not, however, prohibit a local authority from exercising the home rule power of the local authority to impose additional or more restrictive regulations or requirements upon the operation of taxicabs or limousines engaged in nonfixed route transportation for hire, except to the extent such regulations or requirements conflict with section 321.241, section 325A.6, or any other provision of the Code.

Sec. 19. Section 325A.6, Code 2016, is amended to read as follows:

**325A.6 Insurance.**

1. All Except as provided in subsection 2, all motor carriers subject to this chapter shall have minimum insurance coverage which meets the limits established in the federal motor carrier safety regulations in 49 C.F.R. pt. 387.

2. All motor vehicles providing taxicab services, having a seating capacity of less than seven passengers, and not operating on a regular route or between specified points shall maintain primary automobile insurance in the amount of at least one million dollars because of bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident. A political subdivision of the state shall not enact an ordinance requiring insurance coverage for such vehicles in an amount different than the amount required by this subsection.

Sec. 20. Section 325A.11, Code 2016, is amended to read as follows:

**325A.11 Passenger transportation.**

In addition to the requirements of subchapter 1, motor carriers of passengers and charter carriers shall comply with the requirements of this subchapter. A transportation network company or a transportation network company driver, as defined in section 321N.1, need not comply with the requirements of subchapter 1 or this subchapter.

Sec. 21. Section 325A.12, subsection 3, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. A transportation network company or a transportation network company driver, as defined in section 321N.1.

Sec. 22. Section 327D.1, Code 2016, is amended to read as follows:

**327D.1 Applicability of chapter.**

This chapter applies to intrastate transportation by for-hire common carriers of persons and property. However, this chapter does not apply to regular route motor carriers of passengers or charter carriers, as defined under section 325A.12, or a transportation network company or a transportation network company driver, as defined in section 321N.1.

Sec. 23. LOCAL ORDINANCES VOID — VALIDITY OF PROCEEDINGS. On January 1, 2017, all local ordinances, regulations, and rules not consistent with this Act are void. However, this Act shall not affect the validity of any proceeding brought or punishment imposed prior to January 1, 2017, for a violation of such a local ordinance, regulation, or rule.

Sec. 24. EFFECTIVE DATE. This Act takes effect January 1, 2017.

Sec. 25. APPLICABILITY OF INSURANCE PROVISIONS. The section of this Act enacting section 321N.4 shall apply on and after the date of approval of the form filings necessary to implement section 321N.4 by the commissioner of insurance as required under 191 IAC 20.4.

Approved May 9, 2016

## CHAPTER 1102

### PUBLIC FUNDS INVESTMENTS — COMPANIES BOYCOTTING ISRAEL

H.F. 2331

**AN ACT** concerning investment of certain public funds in and public contracts with companies that boycott Israel.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. **12J.1 Legislative findings and intent.**

The general assembly is deeply concerned and does not support boycotts and related tactics that have become a tool of economic warfare that threaten the sovereignty and security of allies and trade partners of the United States, including the state of Israel. Therefore, the general assembly intends that state funds and funds administered by the state, including public employee retirement funds, should not be invested in, and public contracts should not be entered into with, companies that refuse to engage in commerce with Israel and boycott Israel or persons doing business in Israel or territories controlled by Israel.

Sec. 2. NEW SECTION. **12J.2 Definitions.**

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

1. “*Company*” means any business or business entity that is publicly traded and that is not based in the United States.

2. “*Direct holdings*” in a company means all publicly traded securities of that company that are held directly by the public fund in an actively managed account or fund in which the public fund owns all shares or interests.

3. “*Indirect holdings*” in a company means all securities of that company that are held in an account or fund managed by one or more persons not employed by the public fund, in which the public fund owns shares or interests together with other investors not subject to the provisions of this chapter. Indirect holdings include but are not limited to mutual funds, fund of funds, index funds, private equity funds, hedge funds, and real estate funds.

4. “*Public entity*” means the state, political subdivisions of the state, public school corporations, and all public officers, boards, commissions, departments, agencies, and authorities empowered by law to enter into public contracts for the expenditure of public funds, including the state board of regents and institutions under the control of the state board of regents.

5. “*Public fund*” means the treasurer of state, the state board of regents, the public safety peace officers’ retirement system created in chapter 97A, the Iowa public employees’ retirement system created in chapter 97B, the statewide fire and police retirement system created in chapter 411, or the judicial retirement system created in chapter 602.

6. “*Scrutinized company*” means any company that publicly states it is participating in a boycott of Israel.

Sec. 3. NEW SECTION. **12J.3 Identification of companies — notice.**

1. a. By March 1, 2017, the public fund shall make its best efforts to identify or have identified all scrutinized companies in which the public fund has direct or indirect holdings or could possibly have such holdings in the future and shall create and make available to the public a scrutinized companies list for that public fund. The public fund shall review on an annual basis and update, if necessary, the scrutinized companies list.

b. In making its best efforts to identify or have identified scrutinized companies, the public fund may review and rely, in the best judgment of the public fund, on publicly available information regarding companies, and including other information that may be provided by nonprofit organizations, research firms, international organizations, and government entities. The public fund may also contact asset managers and institutional investors for the public fund to identify scrutinized companies based upon industry-recognized lists of such companies that the public fund may have indirect holdings in.

c. The Iowa public employees’ retirement system, acting on behalf of the system and other public funds subject to this section, may develop and issue a request for proposals for third-party services to complete the identification of scrutinized companies and the compilation of a scrutinized companies list. The Iowa public employees’ retirement system shall consult with all other public funds on the development of the request for proposals. However, selection of a successful proposal and the final scope of services to be provided shall be determined only by those public funds that have agreed to utilize the third-party services. If more than one public fund decides to utilize the third-party services, the participating public funds shall equally share the costs of such services.

2. a. For each company on the scrutinized companies list, the public fund shall send or have sent a written notice informing the company of its status as a scrutinized company and that it may become subject to divestment and restrictions on investment in the company by the public fund. The notice shall offer the company the opportunity to clarify its activities or to cease its activities causing its inclusion on the scrutinized company list. The public fund or its representative shall continue to provide such written notice on an annual basis if the company remains a scrutinized company.

b. If, following notice as provided by this section, a scrutinized company ceases activity that designates it as a scrutinized company and submits a written statement to the public fund that it has ceased engaging in activities boycotting Israel, the company shall be removed from the scrutinized companies list.

Sec. 4. NEW SECTION. **12J.4 Prohibited investments — divestment.**

1. The public fund shall not acquire publicly traded securities of a company on the public fund’s most recent scrutinized companies list so long as such company remains on the public fund’s scrutinized companies list as provided in this chapter.

2. a. The public fund shall sell, redeem, divest, or withdraw all publicly traded securities of a company on the public fund’s list of scrutinized companies, so long as the company remains on that list, within eighteen months following the first written notice sent to the scrutinized company as required by section 12J.3.

b. This subsection shall not be construed to require the premature or otherwise imprudent sale, redemption, divestment, or withdrawal of an investment, but such sale, redemption, divestment, or withdrawal shall be completed as provided by this subsection.

3. The requirements of this section shall not apply to indirect holdings of a scrutinized company. The public fund shall, however, submit letters to the managers of such investment funds containing scrutinized companies requesting that they consider removing such companies from the fund or create a similar fund with indirect holdings devoid of such companies. If the manager creates a similar fund with indirect holdings devoid of such companies, the public fund is encouraged to replace all applicable investments with investments in the similar fund consistent with prudent investing standards.

Sec. 5. NEW SECTION. **12J.5 Reports.**

1. *Scrutinized companies list.* Each public fund shall, within thirty days after the scrutinized companies list is created or updated as required by section 12J.3, make the list available to the public.

2. *Annual report.* On October 1, 2017, and each October 1 thereafter, each public fund shall make available to the public, and file with the general assembly, an annual report covering the prior fiscal year that includes the following:

a. The scrutinized companies list as of the end of the fiscal year.

b. A summary of all written notices sent as required by section 12J.3 during the fiscal year.

c. All investments sold, redeemed, divested, or withdrawn as provided in section 12J.4 during the fiscal year.

Sec. 6. NEW SECTION. **12J.6 Public entities — contract requirements.**

A public entity shall not enter into a contract of one thousand dollars or more with a scrutinized company included on a scrutinized company list created by a public fund pursuant to section 12J.3 to acquire or dispose of services, supplies, information technology, or construction.

Sec. 7. NEW SECTION. **12J.7 Legal obligations — immunity.**

With respect to actions taken in compliance with this chapter, including all good-faith determinations regarding companies as required by this chapter, the public fund shall be immune from any liability and exempt from any conflicting statutory or common law obligations, including any such obligations in respect to choice of asset managers, investment funds, or investments for the public fund's securities portfolios.

Approved May 10, 2016

## CHAPTER 1103

### STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM FUNDING AND E911 EMERGENCY COMMUNICATION FUND EXPENDITURES

S.F. 2326

**AN ACT** relating to the funding of the statewide interoperable communications system and the expenditure of moneys from the E911 emergency communications fund.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 29C.23, Code 2016, is amended to read as follows:

**29C.23 ~~Iowa radio interoperability platform~~ Statewide interoperable communications system.**

1. ~~The Iowa radio interoperability platform statewide interoperable communications system~~ shall be under the joint purview of the department of public safety and the department of transportation. The departments shall jointly submit a biannual report to the Iowa statewide interoperable communications system board beginning July 1, 2016.

2. The treasurer of state is authorized to enter into a financing agreement in accordance with the provisions of section 12.28 for the purpose of building the statewide interoperable communications system.

Sec. 2. Section 34A.7A, subsection 2, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Of.* The program manager shall allocate four million three hundred eighty-three thousand dollars to the department of public safety in the fiscal year beginning July 1, 2016, and ending June 30, 2017, for payments and other costs due under a financing

agreement entered into by the treasurer of state for building the statewide interoperable communications system pursuant to section 29C.23, subsection 2.

Sec. 3. Section 34A.7A, subsection 2, paragraph f, Code 2016, is amended to read as follows:

f. If moneys remain in the fund after fully paying all obligations under paragraphs “a”, “b”, “c”, “d”, and “e”, and “*Of*”, the remainder may be accumulated in the fund as a carryover operating surplus. The program manager, in consultation with the E911 communications council, shall allocate an amount, not to exceed one hundred thousand dollars per fiscal year, for development of public awareness and educational programs related to the use of 911 by the public, educational programs for personnel responsible for the maintenance, operation, and upgrading of local E911 systems, and the expenses of members of the E911 communications council for travel, monthly meetings, and training. The remaining surplus shall be used to fund future network and public safety answering point improvements for the receipt and disposition of 911 calls, including hardware and software for an internet protocol-enabled next generation network, and wireless carriers’ transport costs related to wireless E911 services, if those costs are not otherwise recovered by wireless carriers through customer billing or other sources and approved by the program manager in consultation with the E911 communications council. Notwithstanding section 8.33, any moneys remaining in the fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain available for the purposes of the fund.

Sec. 4. CODE EDITOR DIRECTIVE. If 2016 Iowa Acts, House File 2439<sup>1</sup> and this Act, if enacted, amend section 34A.7A, subsection 2, by adding new lettered paragraphs before section 34A.7A, subsection 2, paragraph “f”, the Code editor shall, if possible, harmonize the amendments in those two Acts to section 34A.7A, subsection 2, paragraph “f”, to modify the references to the lettered paragraphs codified in that subsection 2 before that paragraph “f”, so that the references also refer to both new lettered paragraphs added by those two Acts.

Approved May 11, 2016

## CHAPTER 1104

### CHILD ENDANGERMENT, ROBBERY, AND CRIMINAL DRUG OFFENSES — PENALTIES AND SENTENCING

*H.F. 2064*

**AN ACT** relating to the criminal offenses of child endangerment and robbery and criminal drug offenses, and providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 124.413, subsection 1, Code 2016, is amended to read as follows:

1. A Except as provided in subsection 3 and sections 901.11 and 901.12, a person sentenced pursuant to section 124.401, subsection 1, paragraph “a”, “b”, “c”, “e”, or “f”, shall not be eligible for parole or work release until the person has served a minimum period of confinement of one-third of the maximum indeterminate sentence prescribed by law.

Sec. 2. Section 124.413, Code 2016, is amended by adding the following new subsection:

**NEW SUBSECTION. 3.** A person serving a sentence pursuant to section 124.401, subsection 1, paragraph “b” or “c”, shall be denied parole or work release, based upon all the pertinent information as determined by the court under section 901.11, subsection 1, until

<sup>1</sup> Chapter 1100 herein

the person has served between one-half of the minimum term of confinement prescribed in subsection 1 and the maximum indeterminate sentence prescribed by law.

Sec. 3. Section 711.3, Code 2016, is amended to read as follows:

**711.3 Robbery in the second degree.**

All robbery which is not robbery in the first degree is robbery in the second degree, except as provided in section 711.3A. Robbery in the second degree is a class “C” felony.

Sec. 4. NEW SECTION. **711.3A Robbery in the third degree.**

1. A person commits robbery in the third degree when, while perpetrating a robbery, the person commits an assault as described in section 708.2, subsection 6, upon another person.

2. Robbery in the third degree is an aggravated misdemeanor.

Sec. 5. Section 802.2B, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. Child endangerment in violation of section 726.6, subsection 4, 5, or 6.

Sec. 6. NEW SECTION. **901.11 Parole eligibility determination by court — certain drug, child endangerment, and robbery offenses.**

1. At the time of sentencing, the court shall determine when a person convicted under section 124.401, subsection 1, paragraph “b” or “c”, shall first become eligible for parole or work release within the parameters described in section 124.413, subsection 3, based upon all the pertinent information including the person’s criminal record, a validated risk assessment, and the negative impact the offense has had on the victim or other persons.

2. At the time of sentencing, the court shall determine when a person convicted of child endangerment as described in section 902.12, subsection 2, shall first become eligible for parole or work release within the parameters specified in section 902.12, subsection 2, based upon all pertinent information including the person’s criminal record, a validated risk assessment, and whether the offense involved multiple intentional acts or a series of intentional acts, or whether the offense involved torture or cruelty.

3. At the time of sentencing, the court shall determine when a person convicted of robbery in the second degree as described in section 902.12, subsection 3, shall first become eligible for parole or work release within the parameters specified in section 902.12, subsection 3, based upon all pertinent information including the person’s criminal record, a validated risk assessment, and the negative impact the offense has had on the victim or other persons.

Sec. 7. NEW SECTION. **901.12 Mandatory minimum sentence — parole eligibility — certain earlier drug offenses.**

1. Effective July 1, 2016, and notwithstanding section 124.413, a person whose sentence commenced prior to July 1, 2016, for a conviction under section 124.401, subsection 1, paragraph “b” or “c”, who has not previously been convicted of a forcible felony, and who does not have a prior conviction under section 124.401, subsection 1, paragraph “a”, “b”, or “c”, shall first be eligible for parole or work release after the person has served one-half of the minimum term of confinement prescribed in section 124.413.

2. When the board of parole considers a person for parole or work release pursuant to this section, the board shall consider all pertinent information including the person’s criminal record, a validated risk assessment, and the negative impact the offense has had on the victim or other persons.

Sec. 8. Section 902.12, Code 2016, is amended to read as follows:

**902.12 Minimum sentence for certain felonies — eligibility for parole or work release.**

1. A person serving a sentence for conviction of the following felonies, including a person serving a sentence for conviction of the following felonies prior to July 1, 2003, shall be denied parole or work release unless the person has served at least seven-tenths of the maximum term of the person’s sentence:

1. a. Murder in the second degree in violation of section 707.3.

2. b. Attempted murder in violation of section 707.11.

3. c. Sexual abuse in the second degree in violation of section 709.3.

4. d. Kidnapping in the second degree in violation of section 710.3.
5. e. Robbery in the first or second degree in violation of section 711.2 or 711.3, except as determined in subsection 3.
6. f. Vehicular homicide in violation of section 707.6A, subsection 1 or 2, if the person was also convicted under section 321.261, subsection 4, based on the same facts or event that resulted in the conviction under section 707.6A, subsection 1 or 2.
2. A person serving a sentence for a conviction of child endangerment as defined in section 726.6, subsection 1, paragraph "b", that is described and punishable under section 726.6, subsection 4, shall be denied parole or work release until the person has served between three-tenths and seven-tenths of the maximum term of the person's sentence as determined under section 901.11, subsection 2.
3. A person serving a sentence for a conviction for robbery in the second degree in violation of section 711.3 for a conviction that occurs on or after July 1, 2016, shall be denied parole or work release until the person has served between one-half and seven-tenths of the maximum term of the person's sentence as determined under section 901.11, subsection 3.

Approved May 12, 2016

## CHAPTER 1105

### ENVIRONMENTAL PROTECTION — UNDERGROUND STORAGE TANK AND RENEWABLE FUEL INFRASTRUCTURE FUNDS — PETROLEUM DIMINUTION CHARGE *H.F. 2464*

**AN ACT** relating to environmental protection by modifying and eliminating allocations from the statutory allocations fund to the Iowa comprehensive petroleum underground storage tank fund and the renewable fuel infrastructure fund, making related changes, including changes related to the repeal of the environmental protection charge on petroleum diminution, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I UNDERGROUND STORAGE TANK FUND AND RENEWABLE FUEL INFRASTRUCTURE FUND ALLOCATIONS

Section 1. Section 321.145, subsection 2, paragraph a, Code 2016, as amended by division II of this Act, is amended by striking the paragraph.

Sec. 2. Section 321.145, subsection 2, paragraph b, Code 2016, is amended to read as follows:

b. Moneys ~~remaining after the operation of paragraph "a"~~ shall be credited in order of priority as follows:

(1) An amount equal to four percent of the revenue from the operation of section 321.105A, subsection 2, shall be credited to the department, to be used for purposes of public transit assistance under chapter 324A.

(2) An amount equal to two dollars per year of license validity for each issued or renewed driver's license which is valid for the operation of a motorcycle shall be credited to the motorcycle rider education fund established under section 321.179.

(3) The amounts required to be transferred pursuant to section 321.34 from revenues available under this subsection shall be transferred and credited as provided in section 321.34, subsections 7, 10, 10A, 11, 11A, 11B, 13, 16, 17, 18, 19, 20, 20A, 20B, 20C, 21, 22, 23, 24, 25, and 26 for the various purposes specified in those subsections.

Sec. 3. Section 455B.302, unnumbered paragraph 3, Code 2016, is amended to read as follows:

A city or county which provides closure or postclosure care on the premises of a sanitary landfill owned by a private agency, shall have a lien upon the property to secure payment for the amount of materials and labor expended by the city or county to perform the required closure or postclosure care on the premises. The lien shall be recordable and collectable in the same manner as provided in section 424.11, Code 2016. The lien shall attach at the time the city or county incurs expenses to provide closure or postclosure care on the premises of the sanitary landfill. The lien shall be valid as against subsequent mortgagees, purchasers, or judgment creditors, for value and without notice of the lien, only upon filing a notice of the lien with the recorder of the county in which the property is located. Upon payment, the city or county shall release the lien. If no lien has been recorded at the time the property is sold or transferred, the property shall not be subject to a lien or claim for any closure or postclosure costs incurred by the city or county.

Sec. 4. Section 455B.392, subsection 7, paragraph d, Code 2016, is amended to read as follows:

d. Cleanup expenses incurred by the state or a political subdivision shall be a lien upon the real estate constituting the hazardous condition site, recordable and collectable in the same manner as provided for in section 424.11, Code 2016, subject to the terms of this subsection. The lien shall attach at the time the state or a political subdivision incurs expenses to clean up the hazardous condition site. The lien shall be valid as against subsequent mortgagees, purchasers, or judgment creditors, for value and without notice of the lien, only when a notice of the lien is filed with the recorder of the county in which the property is located. Upon payment by the person to the state or a political subdivision, of the amount specified in this subsection, the state or a political subdivision shall release the lien. If no lien has been recorded at the time the person sells or transfers the property, then the person shall not be liable for any cleanup costs incurred by the state or a political subdivision.

Sec. 5. Section 455G.1, subsection 2, unnumbered paragraph 1, Code 2016, is amended to read as follows:

This subchapter applies to petroleum underground storage tanks for which an owner or operator is required to maintain proof of financial responsibility under federal or state law, from the effective date of the regulation of the federal environmental protection agency governing that tank, and not from the effective compliance date, unless the effective compliance date of the regulation is the effective date of the regulation. An owner or operator of a petroleum underground storage tank required by federal or state law to maintain proof of financial responsibility for that underground storage tank is subject to this subchapter ~~and chapter 424~~.

Sec. 6. Section 455G.3, subsection 1, Code 2016, is amended to read as follows:

1. The Iowa comprehensive petroleum underground storage tank fund is created as a separate fund in the state treasury, and any funds remaining in the fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Iowa comprehensive petroleum underground storage tank fund. Interest or other income earned by the fund shall be deposited in the fund. The fund shall include moneys credited to the fund under this section, section 321.145, subsection 2, paragraph "a", Code 2016, and sections 455G.8 and 455G.9, and section 455G.11, Code 2003, and other funds which by law may be credited to the fund. The moneys in the fund are appropriated to and for the purposes of the board as provided in this subchapter. Amounts in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes set forth in this subchapter. The treasurer of state shall act as custodian of the fund and disburse amounts contained in it as directed by the board including automatic disbursements of funds as received pursuant to the terms of bond indentures and documents and security provisions to trustees and custodians. The treasurer of state is authorized to invest the funds deposited in the fund at the direction of the board and subject to any limitations contained in any applicable bond proceedings. The income from such investment shall be credited to



and deposited in the fund. The fund shall be administered by the board which shall make expenditures from the fund consistent with the purposes of the programs set out in this subchapter without further appropriation. The fund may be divided into different accounts with different depositories as determined by the board and to fulfill the purposes of this subchapter.

Sec. 7. Section 455G.3, subsection 5, Code 2016, is amended by striking the subsection.

Sec. 8. Section 455G.4, subsection 3, paragraph b, Code 2016, is amended by striking the paragraph.

Sec. 9. Section 455G.5, unnumbered paragraphs 2 and 3, Code 2016, are amended to read as follows:

The board may enter into a contract or an agreement authorized under chapter 28E with a private agency or person, the department of natural resources, the Iowa finance authority, the department of administrative services, the department of revenue, other departments, agencies, or governmental subdivisions of this state, another state, or the United States, in connection with its administration and implementation of this subchapter or chapter ~~424~~ or 455B.

The board may reimburse a contractor, public or private, retained pursuant to this section for expenses incurred in the execution of a contract or agreement. Reimbursable expenses include, by way of example, but not exclusion, the costs of ~~collecting the environmental protection charge~~ or administering specific delegated duties or powers of the board.

Sec. 10. Section 455G.6, subsection 4, Code 2016, is amended to read as follows:

4. Grant a mortgage, lien, pledge, assignment, or other encumbrance on one or more improvements, revenues, asset of right, accounts, or funds established or received in connection with the fund, including revenues derived from the moneys credited under section 321.145, subsection 2, paragraph "a", Code 2016, and deposited in the fund or an account of the fund.

Sec. 11. Section 455G.8, subsection 2, Code 2016, is amended to read as follows:

2. *Statutory allocations fund.* The moneys credited from the statutory allocations fund under section 321.145, subsection 2, paragraph "a", Code 2016, shall be allocated, consistent with this subchapter, among the fund's accounts, for debt service and other fund expenses, according to the fund budget, resolution, trust agreement, or other instrument prepared or entered into by the board or treasurer of state under direction of the board.

Sec. 12. Section 455G.9, subsection 5, paragraph a, Code 2016, is amended to read as follows:

a. If an owner or operator ceases to own or operate a tank site for which remedial account benefits were received within ten years of the receipt of any account benefit and sells or transfers a property interest in the tank site for an amount which exceeds one hundred twenty percent of the precorrective action value, adjusted for equipment and capital improvements, the owner or operator shall refund to the remedial account an amount equal to ninety percent of the amount in excess of one hundred twenty percent of the precorrective action value up to a maximum of the expenses incurred by the remedial account associated with the tank site plus interest, equal to the interest for the most recent twelve-month period for the most recent bond issue for the fund, on the expenses incurred, compounded annually. An owner or operator under this subsection shall notify the board of the sale or transfer of the property interest in the tank site. Expenses incurred by the fund are a lien upon the property recordable and collectible in the same manner as the lien provided for in section 424.11, Code 2016, at the time of sale or transfer, subject to the terms of this section.

Sec. 13. Section 455G.9, subsections 7 and 10, Code 2016, are amended to read as follows:

7. *Expenses of cleanup not required.* When an owner or operator who is eligible for benefits under this subchapter is allowed by the department of natural resources to monitor in place, the expenses incurred for cleanup beyond the level required by the department of

natural resources may be covered under any of the accounts established under the fund only if approved by the board as cost-effective relative to the department accepted monitoring plan or relative to the repeal date specified in section 424.19, Code 2016. The cleanup expenses incurred for work completed beyond what is required is the responsibility of the person contracting for the excess cleanup. The board shall seek to terminate the responsible party's environmental liabilities at such sites prior to the board ceasing operation.

10. *Expenses incurred by governmental subdivisions and public works utilities.* The board shall adopt rules for reimbursement for reasonable expenses incurred by a governmental subdivision or public works utility for sampling, treating, handling, or disposing, as required by the department, of petroleum-contaminated soil and groundwater encountered in a public right-of-way during installation, maintenance, or repair of a utility or public improvement. The board may seek full recovery from a responsible party liable for the release for such expenses and for all other costs and reasonable attorney fees and costs of litigation for which moneys are expended by the fund. Any expense described in this subsection incurred by the fund constitutes a lien upon the property from which the release occurred. A lien shall be recorded and an expense shall be collected in the same manner as provided in section 424.11, Code 2016.

Sec. 14. Section 455G.13, subsection 5, Code 2016, is amended to read as follows:

5. *Lien on tank site.* Any amount for which an owner or operator is liable to the fund, if not paid when due, by statute, rule, or contract, or determination of liability by the board or department of natural resources after hearing, shall constitute a lien upon the real property where the tank, which was the subject of corrective action, is situated, and the liability shall be collected in the same manner as the environmental protection charge pursuant to section 424.11, Code 2016.

Sec. 15. EFFECTIVE DATE. This division of this Act takes effect December 31, 2016.

## DIVISION II

### RENEWABLE FUEL INFRASTRUCTURE FUND — ENVIRONMENTAL PROTECTION CHARGE ON PETROLEUM DIMINUTION REPEAL

Sec. 16. Section 321.145, subsection 2, paragraph a, subparagraph (2), Code 2016, is amended to read as follows:

(2) Second, ~~seven~~ one million five hundred fifty thousand dollars per quarter shall be deposited into and credited to the renewable fuel infrastructure fund created in section 159A.16, and the moneys so deposited are a continuing appropriation for expenditure under chapter 159A, subchapter III, and moneys so appropriated shall not be used for other purposes.

Sec. 17. Section 424.19, Code 2016, is amended to read as follows:

#### **424.19 Future repeal.**

This chapter is repealed effective ~~June 30~~ December 31, 2016.

Sec. 18. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 16, 2016

**CHAPTER 1106****RENEWABLE FUEL TAX CREDITS AND REFUNDS***S.F. 2309*

**AN ACT** providing for tax credits and refunds relating to renewable fuels including their component biofuels and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

**DIVISION I****INCOME TAX — E-15 PLUS GASOLINE PROMOTION TAX CREDIT**

Section 1. Section 422.11Y, subsection 9, Code 2016, is amended to read as follows:

9. This section is repealed on January 1, ~~2018~~ 2025.

Sec. 2. Section 422.33, subsection 11D, paragraph c, Code 2016, is amended to read as follows:

c. This subsection is repealed on January 1, ~~2018~~ 2025.

Sec. 3. 2011 Iowa Acts, chapter 113, section 37, is amended to read as follows:

**SEC. 37. TAX CREDIT AVAILABILITY.** For a retail dealer who may claim an E-15 plus gasoline promotion tax credit under section 422.11Y or 422.33, subsection 11D, as enacted in this Act and amended in subsequent Acts, in calendar year ~~2017~~ 2024, and whose tax year ends prior to December 31, ~~2017~~ 2024, the retail dealer may continue to claim the tax credit in the retail dealer's following tax year. In that case, the tax credit shall be calculated in the same manner as provided in section 422.11Y or 422.33, subsection 11D, as enacted in this Act and amended in subsequent Acts, for the remaining period beginning on the first day of the retail dealer's new tax year until December 31, ~~2017~~ 2024. For that remaining period, the tax credit shall be calculated in the same manner as a retail dealer whose tax year began on the previous January 1 and who is calculating the tax credit on December 31, ~~2017~~ 2024.

**DIVISION II****INCOME TAX — E-85 GASOLINE PROMOTION TAX CREDIT**

Sec. 4. Section 422.11O, subsection 8, Code 2016, is amended to read as follows:

8. This section is repealed on January 1, ~~2018~~ 2025.

Sec. 5. Section 422.33, subsection 11B, paragraph c, Code 2016, is amended to read as follows:

c. This subsection is repealed on January 1, ~~2018~~ 2025.

Sec. 6. 2006 Iowa Acts, chapter 1142, section 49, subsection 3, as amended by 2011 Iowa Acts, chapter 113, section 20, is amended to read as follows:

3. For a retail dealer who may claim an E-85 gasoline promotion tax credit under section 422.11O or 422.33, subsection 11B, as enacted in this Act and amended in subsequent Acts, in calendar year ~~2017~~ 2024 and whose tax year ends prior to December 31, ~~2017~~ 2024, the retail dealer may continue to claim the tax credit in the retail dealer's following tax year. In that case, the tax credit shall be calculated in the same manner as provided in section 422.11O or 422.33, subsection 11B, as enacted in this Act and amended in subsequent Acts, for the remaining period beginning on the first day of the retail dealer's new tax year until December 31, ~~2017~~ 2024. For that remaining period, the tax credit shall be calculated in the same manner as a retail dealer whose tax year began on the previous January 1 and who is calculating the tax credit on December 31, ~~2017~~ 2024.

DIVISION III  
INCOME TAX — BIODIESEL BLENDED FUEL TAX CREDIT

Sec. 7. Section 422.11P, subsection 3, paragraph b, Code 2016, is amended to read as follows:

b. The tax credit shall apply to biodiesel blended fuel classified as provided in this section, if the classification meets the standards provided in section 214A.2. In ensuring that biodiesel blended fuel meets the classification requirements of this section, the department shall take into account reasonable variances due to testing and other limitations. The department shall adopt rules to provide that where a blending error occurs and an insufficient amount of biodiesel has inadvertently been blended with petroleum-based diesel fuel so that the mixture fails to qualify as B-11 or higher a one percent tolerance applies when classifying the biodiesel blended fuel.

Sec. 8. Section 422.11P, subsections 4 and 8, Code 2016, are amended to read as follows:

4. For a retail dealer whose tax year is on a calendar year basis, the retail dealer shall calculate the amount of the tax credit by multiplying a designated rate by the retail dealer's total biodiesel blended fuel gallonage as provided in section 452A.31 which qualifies under this subsection.

a. ~~In calendar year 2012, in order to qualify for the tax credit, the biodiesel blended fuel must be classified as B-2~~ B-5 or higher as provided in paragraph "b".

~~(1) For biodiesel blended fuel classified as B-2 or higher but not as high as B-5, the designated rate is two cents.~~

~~(2) b. (1) (a) For~~ Until December 31, 2017, for biodiesel blended fuel classified as B-5 or higher, the designated rate is four and one-half cents.

(b) This subparagraph (1) is repealed on January 1, 2019.

~~b. (2) In calendar year 2013 and for each subsequent calendar year, in order to qualify for the tax credit, the~~ Beginning January 1, 2018, the designated rate is determined as follows:

~~(a) For biodiesel blended fuel must be classified as B-5 or higher. The but not as high as B-11, the designated rate for the qualifying biodiesel blended fuel is four and one-half three and one-half cents.~~

(b) For biodiesel blended fuel classified as B-11 or higher, the designated rate is five and one-half cents.

8. This section is repealed January 1, 2018 2025.

Sec. 9. Section 422.33, subsection 11C, paragraph c, Code 2016, is amended to read as follows:

c. This subsection is repealed on January 1, ~~2018~~ 2025.

Sec. 10. 2011 Iowa Acts, chapter 113, section 31, is amended to read as follows:

SEC. 31. TAX CREDIT AVAILABILITY. For a retail dealer who may claim a biodiesel blended fuel promotion tax credit under section 422.11P or 422.33, subsection 11C, as amended in this Act and amended in subsequent Acts, in calendar year ~~2017~~ 2024, and whose tax year ends prior to December 31, ~~2017~~ 2024, the retail dealer may continue to claim the tax credit in the retail dealer's following tax year. In that case, the tax credit shall be calculated in the same manner as provided in section 422.11P or 422.33, subsection 11C, as amended in this Act and amended in subsequent Acts, for the remaining period beginning on the first day of the retail dealer's new tax year until December 31, ~~2017~~ 2024. For that remaining period, the tax credit shall be calculated in the same manner as a retail dealer whose tax year began on the previous January 1 and who is calculating the tax credit on December 31, ~~2017~~ 2024.

DIVISION IV  
SALES AND USE TAX — BIODIESEL PRODUCTION REFUND

Sec. 11. Section 423.4, subsection 9, paragraph e, Code 2016, is amended to read as follows:

e. This subsection is repealed on January 1, ~~2018~~ 2025.

DIVISION V  
FUTURE REPEALS

Sec. 12. Section 422.11O, subsection 5, Code 2016, is amended to read as follows:

5. ~~a.~~ A retail dealer is eligible to claim an E-85 gasoline promotion tax credit as provided in this section even though the retail dealer claims ~~one or all of the following related tax credits:~~

~~(1) The ethanol promotion tax credit pursuant to section 422.11N.~~

~~(2) The an E-15 plus gasoline promotion tax credit pursuant to section 422.11Y.~~

~~b. (1) The retail dealer may claim the E-85 gasoline promotion tax credit and one or more of the related tax credits as provided in paragraph "a" for the same tax year.~~

~~(2) The retail dealer may claim the ethanol promotion tax credit as provided in paragraph "a" for the same ethanol gallonage used to calculate and claim the E-85 gasoline promotion tax credit.~~

Sec. 13. Section 422.11Y, subsection 6, Code 2016, is amended to read as follows:

6. ~~a.~~ A retail dealer is eligible to claim an E-15 plus gasoline promotion tax credit as provided in this section even though the retail dealer claims ~~one or all of the following related tax credits:~~

~~(1) The ethanol promotion tax credit pursuant to section 422.11N.~~

~~(2) The an E-85 gasoline promotion tax credit pursuant to section 422.11O.~~

~~b. (1) The retail dealer may claim the E-15 plus gasoline promotion tax credit and one or more of the related tax credits as provided in paragraph "a" for the same tax year.~~

~~(2) The retail dealer may claim the ethanol promotion tax credit as provided in paragraph "a" for the same ethanol gallonage used to calculate and claim the E-15 plus gasoline promotion tax credit.~~

Sec. 14. REPEAL. Any intervening provision effective prior to the effective date of this division of this Act that amends section 422.11O, subsection 5, or section 422.11Y, subsection 6, as amended in this division of this Act, is repealed, unless that Act or another Act specifically provides otherwise.

Sec. 15. EFFECTIVE DATE. This division of this Act takes effect January 1, 2021.

Approved May 24, 2016

## CHAPTER 1107

### EDUCATIONAL SAVINGS PLAN TRUST — ELIGIBLE ENTITIES

#### S.F. 2301

**AN ACT** relating to the Iowa educational savings plan trust and including effective date and retroactive applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 12D.1, subsection 2, paragraphs e and g, Code 2016, are amended by striking the paragraphs and inserting in lieu thereof the following:

e. "Higher education costs" means the same as "qualified higher education expenses" as defined in section 529(e)(3) of the Internal Revenue Code.

g. "Internal Revenue Code" means the same as defined in section 12I.1.

Sec. 2. Section 12D.1, subsection 2, paragraph i, Code 2016, is amended to read as follows:

i. "Participant" means an individual, individual's legal representative, trust, or estate, or an organization described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under section 501(a) of the Internal Revenue Code, that has entered into a participation agreement under this chapter for the advance payment of higher education costs on behalf of a beneficiary.

Sec. 3. Section 422.9, subsection 2, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. Subtract charitable contributions under section 170 of the Internal Revenue Code to the extent such contribution was made to an organization for the purpose of deposit in the Iowa education savings plan trust established in chapter 12D, and the taxpayer designated that any part of the contribution be used for the direct benefit of any dependent of the taxpayer or any other single beneficiary designated by the taxpayer.

Sec. 4. Section 422.35, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Add, to the extent it reduced federal taxable income, any amount contributed under section 170 of the Internal Revenue Code to the extent such contribution was made to an organization for the purpose of deposit in the Iowa education savings plan trust established in chapter 12D, and the taxpayer designated that any part of the contribution be used for the direct benefit of any dependent of a shareholder of the taxpayer or any other single beneficiary designated by the taxpayer.

Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 6. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to January 1, 2016, for tax years beginning on or after that date:

1. The section of this Act amending section 422.9.
2. The section of this Act amending section 422.35.

Approved May 25, 2016

## CHAPTER 1108

### EDUCATIONAL PROGRAMS AND STANDARDS — ACADEMIC AND CAREER GUIDANCE, CAREER AND TECHNICAL EDUCATION, AND WORK-BASED LEARNING

*H.F. 2392*

**AN ACT** providing for academic and career guidance and career and technical education programs and requirements and workplace learning programs, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I CAREER AND ACADEMIC PLANS

Section 1. Section 256.40, subsection 2, paragraph e, Code 2016, is amended to read as follows:

e. Integrate services provided through the program with other career exploration-related activities such as, which may include but are not limited to the student core curriculum plan career and academic plans and the career information and decision-making system

~~developed and administered under systems utilized in accordance with section 279.61, where appropriate.~~

Sec. 2. Section 261E.4, subsection 4, Code 2016, is amended to read as follows:

4. A school district shall establish prerequisite coursework for each advanced placement course offered and shall describe the prerequisites in the course registration handbook, which shall be provided to every ~~junior high school or middle school~~ eighth grade student prior to the development of a ~~core curriculum~~ the student's career and academic plan pursuant to section 279.61.

Sec. 3. Section 261E.6, subsection 2, Code 2016, is amended to read as follows:

2. *Notification.* The availability and requirements of this program shall be included in each school district's student registration handbook. Information about the program shall be provided to the student and the student's parent or guardian prior to the development of the student's ~~core curriculum~~ career and academic plan under section 279.61. The school district shall establish a process by which students may indicate interest in and apply for enrollment in the program.

Sec. 4. Section 261E.8, subsection 1, Code 2016, is amended to read as follows:

1. A district-to-community college sharing or concurrent enrollment program is established to be administered by the department to promote rigorous academic or career and technical pursuits and to provide a wider variety of options to high school students to enroll part-time in eligible nonsectarian courses at or through community colleges established under chapter 260C. The program shall be made available to all resident students in grades nine through twelve. Notice of the availability of the program shall be included in a school district's student registration handbook and the handbook shall identify which courses, if successfully completed, generate college credit under the program. A student and the student's parent or legal guardian shall also be made aware of this program as a part of the development of the student's ~~core curriculum~~ career and academic plan in accordance with section 279.61.

Sec. 5. Section 261E.9, subsection 4, Code 2016, is amended to read as follows:

4. Information regarding regional academies shall be provided to a student and the student's parent or guardian prior to the development of the student's ~~core curriculum~~ career and academic plan under section 279.61.

Sec. 6. Section 261E.10, subsection 4, Code 2016, is amended to read as follows:

4. Information regarding career academies shall be provided by the school district to a student and the student's parent or guardian prior to the development of the student's ~~core curriculum~~ career and academic plan under section 279.61.

Sec. 7. Section 279.61, Code 2016, is amended to read as follows:

**279.61 Student Individual career and academic plan for progress toward university admissions — report.**

1. For the school year beginning July 1, ~~2008~~ 2016, and each succeeding school year, the board of directors of each school district shall cooperate with each student enrolled in grade eight to develop ~~for the student a core curriculum plan~~ an individualized career and academic plan to guide the student ~~toward the goal of successfully completing~~.

a. The plan shall be developed to achieve, at a minimum, the following:

(1) Prepare the student for successful completion of the core curriculum developed by the state board of education pursuant to section 256.7, subsection 26, by the time the student graduates from high school. ~~The plan shall include career options and shall identify~~

(2) Identify the coursework needed in grades nine through twelve to support the student's postsecondary education and career options. ~~Additionally, the plan shall include a timeline for each~~

(3) Prepare the student to successfully complete, prior to graduation and following a timeline included in the plan, ~~all the essential~~ components of ~~the state-designated~~ a career information and decision-making system administered that meets standards adopted by

~~the department in accordance with section 118 of the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, Pub. L. No. 109-270 state board of education in accordance with subsection 4.~~

~~b. The student's parent or guardian shall sign the core curriculum student's career and academic plan, developed with the student and the signed plan shall be included in the student's cumulative records.~~

~~2. For the school year beginning July 1, 2008, and each succeeding school year, the~~ The board of directors of each school district shall report annually to each student enrolled in grades nine through twelve in the school district, and, if the student is under the age of eighteen, to each student's parent or guardian, the student's progress toward meeting the goal of successfully completing the core curriculum and high school graduation requirements adopted by the state board of education pursuant to section 256.7, subsection 26, and toward achieving the goals of the student's career and academic plan.

~~3. The superintendent of each school district shall designate a team of education practitioners to carry out the duties assigned to the school district under this section. The team shall include but not be limited to a school counselor; teachers, including career and technical education teachers; and an individual responsible for coordinating work-based learning activities. The team shall regularly consult with representatives of employers, state and local workforce systems and centers, higher education institutions, and postsecondary career training programs.~~

~~4. The state board of education shall adopt rules setting forth standards for career information and decision-making systems. The rules adopted under this section shall establish an approval process for the approval of a vendor-provided career information and decision-making system which school districts may use in compliance with this section.~~

~~5. For the school year beginning July 1, 2016, and each succeeding school year, the board of directors of each school district shall submit to the local community, and to the department as a component of the school district's comprehensive school improvement plan required by section 256.7, subsection 21, an annual report on student utilization of the district's career information and decision-making system.~~

~~6. The director of the department of education shall monitor school districts for compliance with this section through the accreditation process established for school districts under section 256.11. If the department of education finds that a school district is not in substantial compliance with this section, the school district shall submit to the department for approval an action plan which sets forth the steps to be taken to ensure substantial compliance with this section. The department of education shall include in its annual condition of education report a review of school district and student performance required under this section.~~

~~7. The state board of education shall adopt rules to administer this section.~~

Sec. 8. EMERGENCY RULES. The state board of education may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this division of this Act, and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

## DIVISION II

### CAREER AND TECHNICAL EDUCATION AND WORK-BASED LEARNING PROGRAMS

Sec. 10. Section 49.13, subsection 6, paragraph a, subparagraph (3), Code 2016, is amended to read as follows:

(3) Receive credit in at least four subjects, each of one period or hour, or the equivalent thereof, at all times. The eligible subjects are language arts, social studies, mathematics, science, health, physical education, fine arts, foreign language, and vocational career and technical education. Coursework taken as a postsecondary enrollment option for which a school district or accredited nonpublic school grants academic credit toward high school



graduation shall be used in determining eligibility. A student shall not be denied eligibility if the student's school program deviates from the traditional two-semester school year. Each student wishing to participate under this subsection shall be passing all coursework for which credit is given and shall be making adequate progress toward graduation requirements at the end of each grading period. At the end of a grading period that is the final grading period in a school year, a student who receives a failing grade in any course for which credit is awarded is ineligible to participate under this subsection. A student who is eligible at the close of a semester is academically eligible to participate under this subsection until the beginning of the subsequent semester. A student with a disability who has an individualized education program shall not be denied eligibility to participate under this subsection on the basis of scholarship if the student is making adequate progress, as determined by school officials, towards the goals and objectives of the student's individualized education program.

Sec. 11. Section 84B.1, subsection 3, Code 2016, is amended to read as follows:

3. *Training accounts.* Training accounts may be established for both basic skill development and ~~vocational or career~~ and technical training. There shall be no training assistance or limited training assistance in those training areas a center has determined are oversupplied or are for general life improvement.

Sec. 12. Section 85.20, unnumbered paragraph 1, Code 2016, is amended to read as follows:

The rights and remedies provided in this chapter, chapter 85A or chapter 85B for an employee, or a student participating in a ~~school-to-work program~~ work-based learning opportunity as provided in section 85.61, on account of injury, occupational disease or occupational hearing loss for which benefits under this chapter, chapter 85A or chapter 85B are recoverable, shall be the exclusive and only rights and remedies of the employee or student, the employee's or student's personal or legal representatives, dependents, or next of kin, at common law or otherwise, on account of such injury, occupational disease, or occupational hearing loss against any of the following:

Sec. 13. Section 85.20, subsection 3, Code 2016, is amended to read as follows:

3. For a student participating in a ~~school-to-work program~~ work-based learning opportunity as provided in section 85.61, against the student's school ~~district of residence,~~ receiving school district if the student is participating in open enrollment under section 282.18, accredited nonpublic school, community college, and directors, officers, authorities, and employees of the applicable school ~~corporation~~ district.

Sec. 14. Section 85.60, Code 2016, is amended to read as follows:

**85.60 Injuries while in employment training or evaluation.**

A person participating in a ~~school-to-work program~~ work-based learning opportunity referred to in section 85.61, or receiving earnings while engaged in employment training or while undergoing an employment evaluation under the direction of a rehabilitation facility approved for purchase-of-service contracts or for referrals by the department of human services or the department of education, who sustains an injury arising out of and in the course of the ~~school-to-work program~~ work-based learning opportunity participation, employment training, or employment evaluation is entitled to benefits as provided in this chapter, chapter 85A, chapter 85B, and chapter 86. Notwithstanding the minimum benefit provisions of this chapter, a person referred to in this section and entitled to benefits under this chapter is entitled to receive a minimum weekly benefit amount for a permanent partial disability under section 85.34, subsection 2, or for a permanent total disability under section 85.34, subsection 3, equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage computed pursuant to section 96.3 and in effect at the time of the injury.

Sec. 15. Section 85.61, subsection 2, paragraph c, Code 2016, is amended to read as follows:

c. An eligible postsecondary institution as defined in section 261E.2, a school ~~corporation~~ district, or an accredited nonpublic school if a student enrolled in the eligible postsecondary

institution, school corporation district, or accredited nonpublic school is providing unpaid services under a school-to-work program that includes but is not limited to the components provided for in section 258.10, subsection 2, paragraphs “a” through “f” work-based learning opportunity offered in accordance with section 256.40. However, if a the student participating in a school-to-work program work-based learning opportunity is participating in open enrollment under section 282.18, “employer” means the receiving district.

Sec. 16. Section 85.61, subsection 2, paragraph d, Code 2016, is amended by striking the paragraph.

Sec. 17. Section 85.61, subsection 11, paragraph a, subparagraphs (4) and (5), Code 2016, are amended to read as follows:

(4) A student enrolled in a public school corporation school district or accredited nonpublic school who is participating in a school-to-work program that includes but is not limited to the components provided for in section 258.10, subsection 2, paragraphs “a” through “f” work-based learning opportunity offered in accordance with section 256.40.

(5) A student enrolled in a community college as defined in section 260C.2, who is participating in a school-to-work program that includes but is not limited to the components provided for in section 258.10, subsection 2, paragraphs “a” through “f”, and work-based learning opportunity offered in accordance with section 256.40 that is offered by the community college pursuant to a contractual agreement with a school corporation or accredited nonpublic school to provide the program.

Sec. 18. Section 92.9, unnumbered paragraph 1, Code 2016, is amended to read as follows:

The provisions of sections 92.8 and 92.10 shall not apply to pupils working under an instructor in an industrial arts a career and technical education department in the public schools of the state a school district or under an instructor in a school shop career and technical education classroom or laboratory, or industrial plant, or in a course of vocational career and technical education approved by the board for vocational career and technical education, or to apprentices provided they are employed under all of the following conditions:

Sec. 19. Section 216.5, subsections 3 and 6, Code 2016, are amended to read as follows:

3. To investigate and study the existence, character, causes, and extent of discrimination in public accommodations, employment, apprenticeship programs, on-the-job training programs, vocational schools, career and technical education programs, credit practices, and housing in this state and to attempt the elimination of such discrimination by education and conciliation.

6. To issue such publications and reports of investigations and research as in the judgment of the commission shall tend to promote goodwill among the various racial, religious, and ethnic groups of the state and which shall tend to minimize or eliminate discrimination in public accommodations, employment, apprenticeship and on-the-job training programs, vocational schools, career and technical education programs, or housing because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, or disability.

Sec. 20. Section 217.9, subsection 1, Code 2016, is amended to read as follows:

1. Develop a program of basic education, recreation, vocational career and technical training and guidance for social adjustment.

Sec. 21. Section 233B.10, Code 2016, is amended to read as follows:

**233B.10 Placing child under contract.**

A child received in the home, unless adopted, may be placed by the department in foster care with any proper person or family. The foster care arrangement shall provide for the custody, care, education, maintenance, and earnings of the child for a fixed time which shall not extend beyond the age of majority, except that the time may extend beyond the child’s eighteenth birthday until the child is twenty-one years of age if the child is regularly attending an accredited school in pursuance of a course of study leading to a high school diploma or its

equivalent, or regularly attending a course of vocational career and technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs.

Sec. 22. Section 237A.13, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. The child's parent, guardian, or custodian is participating in approved academic or vocational or technical training.

Sec. 23. Section 239B.8, subsection 1, paragraph b, Code 2016, is amended to read as follows:

b. The individual is sixteen through eighteen years of age, is not a parent, and is attending elementary or secondary school, or the equivalent level of vocational or technical school education program, on a full-time basis. If an individual loses exempt status under this paragraph and the individual has signed a family investment agreement, the individual shall remain subject to the terms of the agreement until the terms are completed.

Sec. 24. Section 256.7, subsection 2, Code 2016, is amended to read as follows:

2. Constitute the state board for vocational career and technical education under chapter 258.

Sec. 25. Section 256.7, subsection 26, paragraph a, subparagraph (3), Code 2016, is amended to read as follows:

(3) The rules establishing a core curriculum shall address the core content standards in subsection 28 and the skills and knowledge students need to be successful in the twenty-first century. The core curriculum shall include social studies and twenty-first century learning skills which include but are not limited to civic literacy, health literacy, technology literacy, financial literacy, family life and consumer sciences, and employability skills; and shall address the curricular needs of students in kindergarten through grade twelve in those areas. The state board shall further define the twenty-first century learning skills components by rule.

Sec. 26. Section 256.11, subsection 4, Code 2016, is amended to read as follows:

4. The following shall be taught in grades seven and eight: English-language arts; social studies; mathematics; science; health; age-appropriate and research-based human growth and development; family, consumer, career, exploration and technology education development; physical education; music; and visual art. Career exploration and development shall be designed so that students are appropriately prepared to create an individual career and academic plan pursuant to section 279.61, incorporate foundational career and technical education concepts aligned with the six career and technical education service areas as defined in paragraph 5, subsection "h", and incorporate relevant twenty-first century skills. The health curriculum shall include age-appropriate and research-based information regarding the characteristics of sexually transmitted diseases, including HPV and the availability of a vaccine to prevent HPV, and acquired immune deficiency syndrome. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the program in grades seven and eight. However, this subsection shall not apply to the teaching of family, consumer, career, exploration and technology education development in nonpublic schools. For purposes of this section, "age-appropriate", "HPV", and "research-based" mean the same as defined in section 279.50.<sup>1</sup>

Sec. 27. Section 256.11, subsection 5, paragraph g, subparagraph (1), subparagraph division (a), Code 2016, is amended to read as follows:

(a) A ~~cooperative or work-study~~ work-based learning program or other educational program authorized by the school which requires the student to leave the school premises for specified periods of time during the school day.

<sup>1</sup> See chapter 1138, §24 herein

Sec. 28. Section 256.11, subsection 5, paragraph h, Code 2016, is amended to read as follows:

h. (1) A minimum of three sequential units in at least four of the following six vocational career and technical education service areas: agriculture, business or office occupations, health occupations, family and consumer sciences or home economics occupations, industrial technology or trade and industrial education, and marketing education

(a) Agriculture, food, and natural resources.

(b) Arts, communications, and information systems.

(c) Applied sciences, technology, engineering, and manufacturing, including transportation, distribution, logistics, architecture, and construction.

(d) Health sciences.

(e) Human services, including law, public safety, corrections, security, government, public administration, and education and training.

(f) Business, finance, marketing, and management.

(02) Instruction Instructional programs provided under subparagraph (1) shall comply with the provisions of chapter 258 relating to career and technical education, and shall be competency-based, articulated with postsecondary programs of study, and include field, laboratory, or on-the-job training. Each sequential unit shall include instruction in a minimum set of competencies established contain a portion of a career and technical education program approved by the department of education that relate to the following: Standards for instructional programs shall include but not be limited to new and emerging technologies; job-seeking, job-adaptability, and other employment, self-employment and entrepreneurial skills that reflect current industry standards and labor-market needs; and reinforcement of basic academic skills. The instructional programs shall also comply with the provisions of chapter 258 relating to vocational education. However, this paragraph does not apply to the teaching of vocational education in nonpublic schools.

(2) The department of education shall permit school districts, in meeting the requirements of this section, to use vocational career and technical core courses in more than one vocational career and technical service area and to use multi-occupational courses to complete a sequence in more than one vocational career and technical service area.

(3) This paragraph "h" does not apply to the teaching of career and technical education in nonpublic schools.

Sec. 29. Section 256.11B, Code 2016, is amended to read as follows:

**256.11B Vocational Career and technical education instruction — nonpublic schools.**

A nonpublic school which that provides an educational program that includes grades nine through twelve shall offer and teach five units of occupational career and technical education subjects, which may include, but are not limited to, programs, services, and activities which prepare students for employment in business or office occupations, trade and industrial occupations, consumer and family sciences or home economics occupations, agriculture occupations, marketing occupations, and health occupations relating to service areas specified in section 256.11, subsection 5, paragraph "h". By July 1, 1993, instruction Instruction shall be competency-based, articulated with postsecondary programs of study, and may include field, laboratory, or on-the-job training.

Sec. 30. Section 256.26, subsection 3, Code 2016, is amended to read as follows:

3. Activities supported by an applicant may include but are not limited to tutoring and supplementing instruction in basic skills, such as reading, math, and science; drug and violence prevention curricula and counseling; youth leadership activities; volunteer and service learning opportunities; career and vocational technical education awareness preparation; courses and enrichment in arts and culture; computer instruction; character development and civic participation; language instruction, including English as a second language; mentoring; positive interaction with law enforcement; supervised recreation programs; and health and nutrition programs.

Sec. 31. Section 256.32, subsection 1, paragraph b, Code 2016, is amended to read as follows:

b. The An individual representing agriculture on the state a council for vocational created to advise the state on career and technical education matters.

Sec. 32. Section 256.39, subsection 1, Code 2016, is amended to read as follows:

1. If the general assembly appropriates moneys for the establishment of a career pathways program, the department of education shall develop a career pathways grant program, criteria for the formation of ongoing career pathways consortia in each merged area, and guidelines and a process to be used in selecting career pathways consortium grant recipients, including a requirement that grant recipients shall provide matching funds or match grant funds with in-kind resources on a dollar-for-dollar basis. A portion of the moneys appropriated by the general assembly shall be made available to schools to pay for the issuance of employability skills assessments to public or nonpublic school students. An existing partnership or organization, including a regional school-to-work career and technical education planning partnership, that meets the established criteria, may be considered a consortium for grant application purposes. One or more school districts may be considered a consortium for grant application purposes, provided the district can demonstrate the manner in which a community college, area education agency, representatives from business and labor organizations, and others as determined within the region will be involved. Existing school-to-work regional career and technical education planning partnerships are encouraged to assist the local consortia in developing a plan and budget. The department shall provide assistance to consortia in planning and implementing career pathways program efforts.

Sec. 33. Section 256.40, subsection 2, paragraph d, Code 2016, is amended to read as follows:

d. Provide a one-stop contact point for information useful to both educators and employers, including information on internships, job shadowing experiences, apprenticeable occupations as defined in section 15B.2, and other workplace learning opportunities for students, particularly related to science, technology, engineering, or mathematics occupations, occupations related to critical infrastructure and commercial and residential construction, or targeted industries as defined in section 15.102.

Sec. 34. Section 256.40, subsection 3, Code 2016, is amended to read as follows:

3. The department shall establish and facilitate a steering committee comprised of representatives from the department of workforce development, the economic development authority, the community colleges, the institutions under the control of the state board of regents, accredited private institutions, area education agencies, school districts, ~~and the workplace learning connection, and an apprenticeship sponsor as defined in section 15B.2.~~ The steering committee shall be responsible for the development and implementation of the statewide work-based learning intermediary network.

Sec. 35. Section 256A.4, subsection 5, Code 2016, is amended to read as follows:

5. A district shall coordinate a family support program with district special education and vocational career and technical education programs and with any related services or programs provided by other state, federal, or private nonprofit agencies.

Sec. 36. Section 258.1, Code 2016, is amended to read as follows:

**258.1 Federal Act accepted.**

The provisions of the Act of Congress known as the Carl D. Perkins Vocational Career and Technical Education Improvement Act of 1998 2006, codified at 20 U.S.C. §2301 et seq., ~~originally known as the Vocational Education Act of 1963, and enacted December 18, 1963, as part A of Pub. L. No. 88-210, 77 Stat. 403, and all amendments thereto as amended,~~ and the benefit of all funds appropriated under said Act and all other Acts pertaining to vocational career and technical education, are accepted.

Sec. 37. Section 258.2, Code 2016, is amended to read as follows:

**258.2 State board for vocational career and technical education.**

The state board of education shall constitute the board for ~~vocational~~ career and technical education.

Sec. 38. Section 258.3A, Code 2016, is amended to read as follows:

**258.3A Duties of board.**

The board shall do all of the following:

1. ~~Cooperate with~~ Approve the multi-year state plan developed in accordance with applicable federal board for vocational laws and regulations governing career and technical education in the administration of the Act of Congress.

2. ~~Adopt rules prescribing standards for teachers of agricultural, industrial, and commercial subjects and home economics in the six career and technical education service areas specified in section 256.11, subsection 5, paragraph "h", in approved schools, departments, and classes~~ programs.

3. ~~Adopt rules prescribing standards for approval of schools, departments, and classes; area vocational-technical high schools~~ school district career and technical education programs; and community colleges with vocational career and technical education programs; and practitioner preparation schools, departments, and classes, applying for federal and state moneys under this chapter.

4. Adopt rules prescribing standards for the career and technical education service areas specified in section 256.11, subsection 5, paragraph "h".

5. Adopt rules prescribing standards for approval of career and technical education planning partnerships, collaborations, and regional centers in accordance with section 258.14. The rules shall establish a process for the establishment of no fewer than twelve and no greater than fifteen regions in which regional career and technical education planning partnerships may operate. The rules shall establish standards to ensure regional centers have appropriate educational programs, adequate participation, and are located within an appropriate distance of participating high schools and in a manner compatible with development of a statewide network of regional centers.

Sec. 39. Section 258.4, Code 2016, is amended to read as follows:

**258.4 Duties of director.**

The director of the department of education shall do all of the following:

1. ~~Cooperate with the federal board for vocational education in the administration of the Act of Congress~~ Develop and submit to the board for approval the multi-year state plan developed in accordance with federal laws and regulations governing career and technical education.

2. ~~Provide for making studies and investigations relating to prevocational career and vocational training in agricultural, industrial, and commercial subjects, and home economics~~ technical education.

3. ~~Promote and aid in the establishment of career and technical education programs in local communities and public schools of departments and classes giving instruction in subjects listed in subsection 2, school districts, and community colleges.~~

4. ~~Cooperate with local communities, school districts, and community colleges in the maintenance of schools, departments, and classes~~ career and technical education programs.

5. ~~Make recommendations to the board of educational examiners relating to the enforcement of rules prescribing standards for teachers of subjects listed in subsection 2 in accredited schools, departments, and classes~~ career and technical education service areas.

6. ~~Cooperate in the maintenance of practitioner preparation schools, departments, and classes, supported and controlled by the public, for the training of~~ career and technical education teachers and supervisors of subjects listed in subsection 2.

7. ~~Annually~~ Review and approve career and technical education programs to ensure that the programs meet standards adopted by the board for career and technical education. The director shall annually review at least twenty percent of the approved vocational career and technical programs as a basis for continuing approval to ensure that the programs meet board standards and are compatible with educational reform efforts, are capable

of responding to technological change and innovation, and meet the educational needs of students and the employment community. The review shall include an assessment of the extent to which the competencies in the program are being mastered by the students enrolled, the costs are proportionate to educational benefits received, the vocational career and technical education curriculum is articulated and integrated with other curricular offerings required of all students, the programs would permit students with vocational career and technical education backgrounds to pursue other educational interests in a postsecondary institutional setting, and the programs remove barriers for both traditional and nontraditional students to access educational and employment opportunities.

~~8. Establish a minimum set of competencies and core curriculum for approval of a vocational program sequence that addresses the following: new and emerging technologies; job-seeking, job-keeping, and other employment skills, including self-employment and entrepreneurial skills, that reflect current industry standards, leadership skills, entrepreneurial, and labor-market needs; and the strengthening of basic academic skills.~~

~~9. 8. Establish a regional planning Facilitate the process to be implemented by established by the board for the implementation of a statewide system of regional career and technical education planning boards, which utilizes partnerships that utilize the services of local school districts, community colleges, sector partnerships, and other resources to assist local school districts in meeting vocational career and technical education standards while avoiding unnecessary duplication of services. The director shall also review and approve regional planning partnerships and regional centers to ensure that the partnerships and centers meet the standards adopted by the board pursuant to section 258.3A, subsection 5.~~

~~10. 9. Enforce rules prescribing standards for approval of vocational education programs in schools, departments, and classes adopted by the board pursuant to section 258.3A.~~

~~11. 10. Notwithstanding the accreditation process contained in section 256.11, permit school districts, which that provide a program which does not meet the standards for accreditation for vocational career and technical education, to cooperate with the regional career and technical education planning boards partnership and contract for an approved program under this chapter without losing accreditation. A school district which that fails to cooperate with the regional career and technical education planning boards partnership and contract for an approved program shall, however, be subject to section 256.11.~~

~~12. Notwithstanding the accreditation standard and process contained in section 256.11 for vocational education for students in grades nine through twelve, provide a process that permits school districts to establish community-based workplace learning programs, called "workstart" programs, that provide students with competency-based learning experiences that reinforce basic academic skills and include, but are not limited to, new and emerging technologies; job-seeking, job-adaptability, and other employment; and self-employment and entrepreneurial skills that reflect current industry standards and labor-market needs. An approved workstart program may consist of two of the required sequential units in one of the six occupational service areas in grades nine through twelve, and shall be a priority for receipt of vocational education secondary funds.~~

~~11. Prescribe standards and procedures for the approval of career academies as defined in section 258.6.~~

Sec. 40. Section 258.5, Code 2016, is amended to read as follows:

**258.5 Reimbursement from federal and state moneys.**

~~1. If a school corporation maintains an approved vocational school, department, or classes in accordance with the rules adopted by the state board, and rules and standards adopted by the board of educational examiners, and the state plan for vocational education, adopted by the board for vocational education and approved by the United States department of education, the director of the department of education shall reimburse the school corporation at At the end of the fiscal year for its expenditures for salaries and authorized travel of vocational teachers, an approved regional career and technical education planning partnership is eligible to receive, from federal and state funds, reimbursement for expenditures made during the fiscal year for purposes allowed under section 258.14, subsection 6. However, a school corporation shall not receive from federal and state funds a larger amount than one-half the sum which has been expended by the school corporation~~

~~for that particular type of program.~~ If federal and state funds are not sufficient to make the reimbursement to the extent provided in this section, the director shall prorate the respective amounts available to the ~~corporations~~ regional career and technical education planning partnerships entitled to reimbursement.

2. The director may use federal funds to reimburse approved practitioner preparation schools, departments, or classes for the training of teachers of agriculture, ~~home economics, trades and industrial education, distributive education, and food,~~ and natural resources; arts, communications, and information systems; applied sciences, technology, engineering, and manufacturing; health sciences; human services; and business, finance, marketing, and management. The director may also use such funds to reimburse approved practitioner preparation schools, departments, or classes for the training of guidance counselors.

Sec. 41. Section 258.6, Code 2016, is amended to read as follows:

**258.6 Definitions.**

As used in this chapter:

1. "Approved practitioner preparation school, department, or class" means a school, department, or class approved by the board as entitled under this chapter to federal moneys for the training of teachers of ~~vocational~~ career and technical education subjects.

2. "Approved school, department, or class" career and technical education program" means a school, department, or class approved career and technical education program offered by a school district or community college and approved by the department which meets the standards for career and technical education programs adopted by the board as entitled under this chapter to federal and state moneys for the salaries and authorized travel of teachers of ~~vocational~~ subjects.

3. "Approved regional career and technical education planning partnership" means a regional entity that meets the standards for regional career and technical education planning partnerships adopted by the board pursuant to section 258.3A and section 258.14.

4. "Board" means the board for career and technical education as provided in section 258.2.

5. "Career academy" means a career academy established under section 258.15.

6. "Career and technical education service area" means any one of the service areas specified in section 256.11, subsection 5, paragraph "h".

7. "Department" means the department of education.

8. "Director" means the director of the department of education.

9. "Sector partnership" means a regional industry sector partnership established pursuant to section 260H.7B.

10. "Work-based learning" means opportunities and experiences that include but are not limited to tours, job shadowing, rotations, mentoring, entrepreneurship, service learning, internships, and apprenticeships.

11. "Work-based learning intermediary network" means the statewide work-based learning intermediary network established pursuant to section 256.40.

Sec. 42. Section 258.9, Code 2016, is amended to read as follows:

**258.9 Local advisory council.**

1. The board of directors of a school district or community college that maintains a ~~school, department, or class~~ career and technical education program receiving federal or state funds under this chapter shall, as a condition of approval by the state board, appoint a local advisory council for ~~vocational~~ each career and technical education composed program offered by the school district or community college. However, a school district and a community college that maintain a career and technical education program receiving federal or state funds may create a joint local advisory council. The membership of each local advisory council shall consist of public members with emphasis on persons representing business, agriculture, industry and labor expertise in the occupation or occupational field related to the career and technical education program. The local advisory council shall give advice and assistance to the board of directors, administrators, and instructors in the establishment and maintenance of schools, departments, and classes that receive federal or state funds under this chapter the career and technical education program. ~~Local advisory councils may be organized according to program area, school, community, or region.~~



2. Notwithstanding subsection 1, a regional advisory council established by a regional career and technical education planning partnership approved by the department pursuant to section 258.4 may serve in place of a local advisory council.

3. The state board shall adopt rules requiring that the memberships of local Local advisory councils fairly represent each sex and minorities residing in the school district are not subject to the requirements of section 69.16.

4. Members of an advisory council shall serve without compensation.

Sec. 43. Section 258.10, Code 2016, is amended to read as follows:

**258.10 Powers of district boards.**

1. The board of directors of a school district ~~may carry on prevocational and vocational shall offer career and technical instruction in subjects relating to agriculture, commerce, industry, and home economics service areas as provided in section 256.11, subsection 5, paragraph "h", and pay the expense of such instruction in the same way as the expenses for other subjects in the public schools school district are paid.~~

2. The board of directors of a school district may establish and maintain school-to-work work-based learning programs including alternative learning opportunities through which students may obtain skills or training outside the classroom in collaboration with a regional work-based learning intermediary network established pursuant to section 256.40. ~~School-to-work programs include, but are not limited to, the following:~~

a. ~~Short-term job shadowing opportunities for students to explore career interests by observing work at a workplace or to include a series of visits to various workplaces and time spent with individual workers to observe specific jobs.~~

b. ~~Structured work experiences integrating school and work-based experiences in an internship that may be an extension of a job shadowing experience.~~

c. ~~Mentoring experiences providing students with a formal relationship with a worksite role model who shares career insights and teaches students specific work-related skills.~~

d. ~~Career-oriented work experiences tied to school lessons through formal or informal training agreements, formal learning plans or mentoring, by workplace personnel who may be paid or unpaid, and which may earn students credit toward graduation.~~

e. ~~Structured on-the-job training or apprenticeships for students who are enrolled in a technical or professional program that leads to a high school diploma, advanced certificate of mastery, or associate degree.~~

f. ~~Work experiences available to students in school and community placements directly supervised by a school district or community college staff member.~~

3. The board of directors of a school district may provide workers' compensation coverage by insuring, or self-insuring as provided in section 87.4, students participating in unpaid school-to-work programs work-based learning opportunities offered in accordance with section 256.40. A school district's liability to students injured while participating in an unpaid school-to-work program work-based learning opportunity is as provided in section 85.20.

Sec. 44. Section 258.11, Code 2016, is amended to read as follows:

**258.11 Salary and expenses for administration.**

The director may make expenditures for salaries of assistants, actual expenses of the board and the director and the state council incurred in the discharge of their duties, and other expenses as necessary to the proper administration of this chapter.

Sec. 45. Section 258.12, Code 2016, is amended to read as follows:

**258.12 Custodian of funds.**

The treasurer of state shall be custodian of the funds paid to the state from the appropriations made under the federal Carl D. Perkins Vocational Career and Technical Education Improvement Act of 1998 2006, and shall disburse the same on vouchers audited as provided by law.

**Sec. 46. NEW SECTION. 258.14 Regional career and technical education planning partnerships.**

1. Regional career and technical education planning partnerships are established to assist school districts in providing an effective, efficient, and economical means of delivering

high-quality secondary career and technical education programs. Regional career and technical education planning partnerships shall do all of the following:

a. Provide for the active participation of local school districts and community colleges in the delivery of career and technical education in the region.

b. Provide for the participation of representatives of business and industry and representatives of sector partnerships and community stakeholders.

c. Promote career and college readiness through thoughtful career guidance and purposeful academic and technical planning practices.

d. Promote high-quality, integrated career and technical education programming, including career academies, comprised of secondary exploratory and transitory coursework to prepare students for higher-level, specialized academic and technical training aligned with labor market needs.

e. Afford students the opportunity to access a spectrum of high-quality work-based learning experiences through collaboration with a work-based learning intermediary network.

f. Provide for increased and equitable access to high-quality career and technical education programs through the planning and development of a system of regional centers.

2. Regional career and technical education planning partnerships shall be established in accordance with section 258.3A, subsection 5, to serve each community college and all of the school districts in the state no later than June 30, 2017.

3. A regional career and technical education planning partnership shall be responsible for the following activities:

a. Ensuring compliance with standards adopted by the board under section 258.3A, subsection 5, for regional career and technical education planning partnerships.

b. Developing a multi-year plan addressing the delivery of quality career and technical education programs by school districts in fulfillment of the requirements of section 256.11, subsection 4, and section 256.11, subsection 5, paragraph "h". The plan shall be updated annually.

c. Securing collaboration with secondary schools, postsecondary educational institutions, and employers to ensure the creation of high-quality career and technical education programming, including career academies, for students that aligns career guidance, twenty-first century career and technical education and academic curricula, and work-based learning opportunities that empower students to be successful learners and practitioners.

d. Reviewing career and technical education programs of school districts within the region based on standards adopted by the board, and recommending to the department career and technical education programs for approval.

e. Coordinating and facilitating local advisory councils for career and technical education programs. As necessary, establishing regional advisory councils to serve in the same capacity as local advisory councils.

f. Planning for regional centers with the purpose of achieving equitable access to high-quality career and technical education programming and concurrent enrollment opportunities for all students. As a condition for approval, a regional center shall comply with standards adopted by the board and shall consist of a minimum of four career academies. A regional center shall be compatible with development of a statewide system of regional centers serving all students. A regional center shall serve either of the following:

(1) A combined minimum of one hundred twenty students from no fewer than two school districts.

(2) A minimum of four school districts.

g. Meeting regularly.

4. The membership of each regional career and technical education planning partnership shall consist of stakeholders in a position to contribute to the development and successful implementation of high-quality career and technical education programs and shall include but not be limited to the following:

a. The superintendent of a school district within the regional planning partnership, or the superintendent's designee.

b. The president of a community college within the regional planning partnership, or the president's designee.

c. The chief administrator of an area education agency within the regional planning partnership, or the chief administrator's designee.

d. Representatives of a regional work-based learning intermediary network.

e. Representatives of regional economic and workforce entities including regional advisory boards established under section 84A.4.

f. Representatives of business and industry, including representatives of regional industry sector partnerships established pursuant to section 260H.7B.

g. Career and technical education teachers and faculty.

5. Convening the regional career and technical education planning partnership shall be the joint responsibility of the area education agency and community college located within the region. In convening the regional career and technical education planning partnership, the area education agency and the community college shall include stakeholders from each member district of the partnership.

6. A regional career and technical education partnership may use funds received from state and federal sources to convene, lead, and staff the regional career and technical education planning partnership, offer regional career and technical education professional development opportunities, coordinate and maintain a career guidance system pursuant to section 279.61, and purchase equipment on behalf of school districts and community colleges participating in the regional career and technical education planning partnership.

**Sec. 47. NEW SECTION. 258.15 Career academy.**

1. A career academy may be established under an agreement between a single school district and a community college, or by multiple school districts and a community college organized into a regional career and technical education planning partnership pursuant to section 258.14. A career academy established under this section shall be a career-oriented or occupation-oriented program of study that includes a minimum of two years of secondary education, which may fulfill the sequential unit requirement in one of the four service areas required under section 256.11, subsection 5, paragraph "h", is articulated with a postsecondary education program, and is approved by the director under section 258.4. A career academy shall do all of the following:

a. Utilize regional career and technical education planning partnerships outlined in section 258.14 in an advisory capacity to inform the selection and design of the career academy and establishment of industry standards.

b. Establish a program of study that meets all of the following criteria:

(1) Is designed to meet industry standards and prepare students for success in postsecondary education and the workforce.

(2) Integrates academic coursework, includes work-based learning, and utilizes the individual career and academic planning process established under section 279.61.

(3) Allows students enrolled in the academy an opportunity to continue onto an associate degree and, if applicable, a postsecondary baccalaureate degree program.

2. The board, in consultation with the division of community colleges of the department, shall adopt rules setting minimum standards for the development and implementation of career academies under this section and ensuring compliance with the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. §2301 et seq., as amended.

**Sec. 48.** Section 260C.1, subsections 2, 5, 9, and 11, Code 2016, are amended to read as follows:

2. ~~Vocational~~ Career and technical training.

5. Programs for all students of high school age who may best serve themselves by enrolling for ~~vocational~~ career and technical training while also enrolled in a local high school, public or private.

9. ~~Vocational~~ Career and technical education for persons who have academic, socioeconomic, or other disabilities which prevent succeeding in regular ~~vocational~~ career and technical education programs.

11. ~~Vocational~~ Career and technical training for persons who are not enrolled in a high school and who have not completed high school.

Sec. 49. Section 260C.2, subsection 1, Code 2016, is amended to read as follows:

1. "Community college" means a publicly supported school which may offer programs of adult and continuing education, lifelong learning, community education, and up to two years of liberal arts, preprofessional, or occupational instruction partially fulfilling the requirements for a baccalaureate degree but confers no more than an associate degree; or which offers as the whole or as part of the curriculum up to two years of vocational or career and technical education, training, or retraining to persons who are preparing to enter the labor market.

Sec. 50. Section 260C.2, subsection 4, paragraphs b and c, Code 2016, are amended to read as follows:

b. ~~Vocational technical~~ Career and technical education preparatory cost center.

c. ~~Vocational technical~~ Career and technical education supplementary cost center.

Sec. 51. Section 260C.5, subsections 1, 7, and 8, Code 2016, are amended to read as follows:

1. Designate a community college as an "area ~~vocational~~ career and technical education school" within the meaning of, and for the purpose of administering, ~~the Act of Congress designated the "Vocational federal "Career and Technical Education Improvement Act of 1963" 2006"~~. A community college shall not be so designated by the director of ~~the department of education~~ for the expenditure of funds under 20 U.S.C. §35e(a)(5) §2301 et seq., as amended, which has not been designated and classified as a community college by the state board.

7. Enter into contracts with local school boards within the area that have and maintain a career and technical or vocational high school education program and with private schools or colleges in the cooperative or merged areas to provide courses or programs of study in addition to or as a part of the curriculum made available in the community college.

8. Make arrangements with boards of merged areas and local school districts to permit students attending high school to participate in ~~vocational-technical~~ career and technical education programs and advanced college placement courses and obtain credit for such participation for application toward the completion of a high school diploma. The granting of credit is subject to the approval of the director of the department of education.

Sec. 52. Section 260C.14, subsections 1 and 6, Code 2016, are amended to read as follows:

1. Determine the curriculum to be offered in such school or college subject to approval of the director and ensure that all ~~vocational~~ career and technical education offerings are competency-based, provide any minimum competencies required by the department of education, comply with any applicable requirements in chapter 258, and are articulated with local school district ~~vocational~~ career and technical education programs. If an existing private educational institution or an existing vocational institution offering a career and technical education program within the merged area has facilities and curriculum of adequate size and quality which would duplicate the functions of the area school, the board of directors shall discuss with the institution the possibility of entering into contracts to have the existing institution offer facilities and curriculum to students of the merged area. The board of directors shall consider any proposals submitted by the private institution for providing such facilities and curriculum. The board of directors may enter into such contracts. In approving curriculum, the director shall ascertain that all courses and programs submitted for approval are needed and that the curriculum being offered by an area school does not duplicate programs provided by existing public or private facilities in the area. In determining whether duplication would actually exist, the director shall consider the needs of the area and consider whether the proposed programs are competitive as to size, quality, tuition, purposes, and area coverage with existing public and private educational or vocational institutions within the merged area. If the board of directors of the merged area chooses not to enter into contracts with private institutions under this subsection, the board shall submit a list of reasons why contracts to avoid duplication were not entered into and an economic impact statement relating to the board's decision.

6. Have authority to sell a student-constructed building and the property on which the student-constructed building is located or any article resulting from any vocational career and technical education program or course offered at a community college by any procedure which may be adopted by the board. Governmental agencies and governmental subdivisions of the state within the merged areas shall be given preference in the purchase of such articles. All revenue received from the sale of any article shall be credited to the funds of the board of the merged area.

Sec. 53. Section 260C.14, subsection 21, paragraph a, subparagraph (5), Code 2016, is amended to read as follows:

(5) Total credits earned by high school students enrolled in community college courses under the postsecondary enrollment options program, broken down by ~~vocational-technical~~ or career and technical education program and arts and sciences program.

Sec. 54. Section 260C.18A, subsection 2, paragraphs c and d, Code 2016, are amended to read as follows:

c. For the development and implementation of career academies designed to provide new career preparation opportunities for high school students that are formally linked with postsecondary career and technical education programs. For purposes of this section, “~~career academy~~” means ~~a program of study that combines a minimum of two years of secondary education with an associate degree, or the equivalent, career preparatory program in a nonduplicative, sequential course of study that is standards based, integrates academic and technical instruction, utilizes work-based and worksite learning where appropriate and available, utilizes an individual career planning process with parent involvement, and leads to an associate degree or postsecondary diploma or certificate in a career field that prepares an individual for entry and advancement in a high-skill and reward career field and further education the same as defined in section 258.6. The state board, in conjunction with the division of community colleges and workforce preparation of the department, shall adopt administrative rules for the development and implementation of such career academies pursuant to section 256.11, subsection 5, paragraph “h”, section 260C.1, and Tit. II of Pub. L. No. 105-332, Carl D. Perkins Vocational and Technical Education Act of 1998.~~

d. Programs and courses that provide vocational career and technical training, and programs for in-service training and retraining under section 260C.1, subsections 2 and 3.

Sec. 55. Section 260C.36, subsection 1, unnumbered paragraph 1, Code 2016, is amended to read as follows:

The community college administration shall establish a committee consisting of instructors and administrators, equally representative of the arts and sciences faculty and the ~~vocational-technical career and technical~~ faculty, which has no more than a simple majority of members of the same gender. The faculty members shall be appointed by the certified employee organization if one exists and if not, by the college administration. The administrators shall be appointed by the college administration. The committee shall develop and maintain a plan for hiring and developing quality faculty that includes all of the following:

Sec. 56. Section 260E.2, subsection 14, paragraph c, Code 2016, is amended to read as follows:

c. ~~Vocational Career~~ and technical skill-assessment services and testing.

Sec. 57. Section 260F.2, subsection 10, paragraph c, Code 2016, is amended to read as follows:

c. ~~Vocational Career~~ and technical skill-assessment services and testing.

Sec. 58. Section 260G.4, subsection 1, paragraphs a and b, Code 2016, are amended to read as follows:

a. A credit career, ~~vocational, or~~ and technical education program resulting in the conferring of a certificate, diploma, associate of science degree, or associate of applied science degree, which increases program capacity to enroll added participants.

b. A credit equivalent career, ~~vocational, or~~ and technical educational education program consisting of not less than five hundred forty contact hours of classroom and laboratory instruction and resulting in the conferring of a certificate or other recognized, competency-based credential, which increases program capacity to enroll added participants.

Sec. 59. Section 260I.8, Code 2016, is amended to read as follows:

**260I.8 Program interview.**

An applicant for tuition assistance under this chapter shall meet with a member of the staff for an eligible certificate program offered by the community college receiving the application. The staff member shall discuss the relevant industry, any applicable occupational research, and any applicable training relating to the eligible certificate program. The discussion shall include an evaluation of the applicant's capabilities, needs, family situation, work history, educational background, attitude and motivation, employment skills, vocational and technical potential, and employment barriers. The discussion shall also include potential start dates, support needs, and other requirements for an eligible certificate program.

Sec. 60. Section 261B.11, subsection 1, paragraph k, Code 2016, is amended to read as follows:

k. Postsecondary educational institutions offering programs limited to nondegree specialty ~~vocational career and technical~~ training programs.

Sec. 61. Section 261E.6, subsection 3, Code 2016, is amended to read as follows:

3. *Authorization.* To participate in this program, an eligible student shall make application to an eligible postsecondary institution to allow the eligible student to enroll for college credit in a nonsectarian course offered at the institution. A comparable course, as defined in rules adopted by the board of directors of the school district consistent with department administrative rule, must not be offered by the school district or accredited nonpublic school the student attends. However, a course is ineligible for purposes of this section if the school district has a contractual agreement with the eligible postsecondary institution under section 261E.8 that meets the requirements of section 257.11, subsection 3, and the course may be delivered through such an agreement in accordance with section 257.11, subsection 3. If the postsecondary institution accepts an eligible student for enrollment under this section, the institution shall send written notice to the student, the student's parent or legal guardian in the case of a minor child, and the student's school district or accredited nonpublic school and the school district in the case of a nonpublic school student, or the Iowa school for the deaf or the Iowa braille and sight saving school. The notice shall list the course, the clock hours the student will be attending the course, and the number of hours of college credit that the eligible student will receive from the eligible postsecondary institution upon successful completion of the course.

Sec. 62. Section 261E.10, subsection 1, Code 2016, is amended to read as follows:

1. As used in this section, "*career academy*" means the same as defined in section ~~260C.18A, subsection 2, paragraph "c"~~ 258.6.

Sec. 63. Section 280.9, subsection 1, Code 2016, is amended to read as follows:

1. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall incorporate into the educational program, in accordance with section 256.7, subsection 21, paragraph "a", the total concept of career education to enable students to become familiar with the values of a work-oriented society. Curricular and cocurricular teaching-learning experiences from the prekindergarten level through grade twelve shall be provided for all students currently enrolled in order to develop an understanding that employment may be meaningful and satisfying. However, career education does not mean a separate ~~vocational-technical career and technical education~~ program is required. A ~~vocational-technical career and technical education~~ program includes units or partial units in subjects which have as their purpose to equip students with marketable skills.

Sec. 64. Section 280.10, subsection 1, paragraph a, subparagraph (1), unnumbered paragraph 1, Code 2016, is amended to read as follows:

~~Vocational or industrial arts shops~~ Career and technical education programs or laboratories involving experience with any of the following:

Sec. 65. Section 280.11, subsection 1, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Every student and teacher in any public or nonpublic school shall wear industrial quality ear-protective devices while the student or teacher is participating in any phase or activity of a course which may subject the student or teacher to the risk or hazard of hearing loss from noise in processes or procedures used in ~~vocational or industrial arts shops~~ career and technical education programs or laboratories involving experiences with any of the following:

Sec. 66. Section 280.20, Code 2016, is amended to read as follows:

**280.20 Vocational Career and technical agriculture education.**

1. It is the intent of the general assembly to encourage the public secondary schools to develop comprehensive programs for ~~vocational~~ career and technical education in agriculture technology to meet the diverse needs of Iowa's students and to ensure an adequate supply of trained and skilled individuals in all phases of the agriculture industry. The board of directors of each public school district may develop, as part of the curriculum in grades nine through twelve, programs for ~~vocational~~ career and technical education in agriculture technology.

2. a. It is also the intent of the general assembly to encourage the development of programs for ~~vocational~~ career and technical education in agriculture technology which are structured on a twelve-month basis and which include the following:

(1) Provision for twelve-month extended contracts to permit entrepreneurial agricultural experience, summer program planning, and recordkeeping.

(2) Submission of an annual summer program by each ~~vocational~~ career and technical agriculture instructor employed on an extended contract basis.

(3) Provision for instructional supervision for agricultural occupational experience programs.

b. Supervision and accountability of ~~vocational~~ career and technical agriculture teachers employed for extended contracts are the responsibility of the local school board.

Sec. 67. Section 282.7, subsection 2, Code 2016, is amended to read as follows:

2. If the ~~vocational~~ career and technical education program offered by a school district does not meet the state board of ~~vocational~~ for career and technical education's standards for program approval, the district shall be granted one year to meet the standards for approval. If a district chooses to waive the one-year grace period, or the district fails to meet the approval standards after one year, the director of the board of ~~vocational~~ for career and technical education shall delegate the authority to the regional ~~planning board~~ career and technical education planning partnership established pursuant to section ~~258.16~~ 258.14 to direct the district to contract with another school district or a community college which has an approved program, for the provision of ~~vocational~~ career and technical education for students of the district. The district that has waived the one-year grace period or has failed to meet the approval standards shall pay to the district or community college that has an approved program an amount equal to the percent of the school day in which a pupil is receiving ~~vocational~~ career and technical education in the approved program times the district cost per pupil of the district of residence of the pupil. The regional ~~planning board~~ career and technical education planning partnership established pursuant to section ~~258.16~~ 258.14 shall contract with an approved program for delivery of ~~vocational~~ career and technical education in the district which has failed to meet the approval standards or has waived the one-year grace period. Transportation to and from the approved program shall be provided by the school district that has waived the one-year grace period or has failed to meet approval standards. Reasonable effort shall be made to conduct the approved program at an attendance center in the district that has failed to meet the approval standards or has waived the one-year grace period.

Sec. 68. Section 297.7, subsection 2, Code 2016, is amended to read as follows:

2. Any other law to the contrary notwithstanding, the board of directors of a school district may acquire by purchase, lease, or other arrangement real estate located within or adjoining the boundaries of a municipal airport, and may take title, leasehold, or other interest, subject to a right of purchase or repurchase by the city owning or controlling the municipal airport. The city may purchase, repurchase, or repossess such real estate and the improvements constructed on the real estate upon terms and conditions as agreed to by the board of directors and the city council. The board of directors of any such school district may construct a career and technical education school on the real estate to carry on ~~vocational~~ career and technical training or instruction in aviation mechanics and other aviation programs upon compliance with conditions and limitations otherwise provided by law.

Sec. 69. Section 598.1, subsection 8, Code 2016, is amended to read as follows:

8. “*Postsecondary education subsidy*” means an amount which either of the parties may be required to pay under a temporary order or final judgment or decree for educational expenses of a child who is between the ages of eighteen and twenty-two years if the child is regularly attending a course of ~~vocational-technical~~ career and technical training either as a part of a regular school program or under special arrangements adapted to the individual person’s needs; or is, in good faith, a full-time student in a college, university, or community college; or has been accepted for admission to a college, university, or community college and the next regular term has not yet begun.

Sec. 70. Section 598.21B, subsection 2, paragraph e, subparagraph (1), subparagraph division (c), Code 2016, is amended to read as follows:

(c) The parent is attending a ~~vocational~~ career and technical education program approved pursuant to chapter 258.

Sec. 71. Section 633.376, subsection 1, paragraph b, subparagraph (2), Code 2016, is amended to read as follows:

(2) Regularly attending a course of ~~vocational-technical~~ career and technical training either as a part of a regular school program or under special arrangements adapted to the individual person’s needs.

Sec. 72. Section 633.669, subsection 2, paragraph c, Code 2016, is amended to read as follows:

c. A summary of the medical, educational, vocational and technical, and other professional services provided for the ward.

Sec. 73. Section 633A.3115, subsection 2, paragraph b, subparagraph (2), Code 2016, is amended to read as follows:

(2) Regularly attending a course of ~~vocational-technical~~ career and technical training either as a part of a regular school program or under special arrangements adapted to the individual person’s needs.

Sec. 74. Section 633B.213, subsection 1, paragraph d, Code 2016, is amended to read as follows:

d. Provide funds for shelter, clothing, food, appropriate education, including postsecondary and ~~vocational~~ career and technical education, and other current living costs for the individuals described in paragraph “a” to enable those individuals to maintain their customary standard of living.

Sec. 75. REPEAL. Sections 258.16 and 258.17, Code 2016, are repealed.

Sec. 76. DEPARTMENT OF EDUCATION — CAREER AND TECHNICAL EDUCATION STATUS REPORT. The department of education shall submit a report to the general assembly by January 16, 2017, detailing the progress in implementing the provisions of this division of this Act. The report shall establish a timeline by which the provisions of this division of this Act shall be fully implemented, including but not limited to adoption of



rules by the state board of education. The report shall also identify the measures by which regional career and technical education planning partnerships will be evaluated, including the measures to be undertaken by the regional career and technical education planning partnerships to ensure that career and technical education teachers for grades seven through twelve receive high-quality professional development opportunities geared toward updating and enhancing their instructional and technical skills.

Sec. 77. CAREER AND TECHNICAL EDUCATION IMPLEMENTATION INTERIM STUDY COMMITTEE. The legislative council shall establish an interim study committee composed of members of the senate and the house of representatives to meet during the 2019 legislative interim. The committee, in consultation with former members of the secondary career and technical programming task force convened pursuant to 2013 Iowa Acts, chapter 141, section 52, shall study administrative rules implementing this division of this Act, including an assessment of the membership of the regional career and technical education planning partnerships to assure that all affected groups have substantial representation, and any other matters concerning implementation of this division of this Act. The committee shall submit its findings and recommendations to the general assembly for consideration during the 2020 legislative session.

Approved May 26, 2016

## CHAPTER 1109

### ECONOMIC DEVELOPMENT AUTHORITY PROGRAMS AND DUTIES

*H.F. 2443*

**AN ACT** relating to the programs and duties of the economic development authority by making changes relative to the use of life cycle cost analyses, by making technical changes related to the high quality jobs program, by making changes relative to authority assistance for certain federal small business programs, by allowing counties, cities, and the authority to amend certain economic development enterprise zones agreements, and by making changes to the historic preservation and cultural and entertainment district tax credit, including transferring administrative oversight of the tax credit from the department of cultural affairs to the economic development authority, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I LIFE CYCLE COST ANALYSES

Section 1. Section 470.1, Code 2016, is amended by adding the following new subsection: NEW SUBSECTION. 01. “*Addition*” means new construction equal to or greater than twenty thousand square feet of usable floor space that is heated or cooled by a mechanical or electrical system and is joined to an existing facility.

Sec. 2. Section 470.1, subsections 6, 7, and 10, Code 2016, are amended to read as follows:

6. “*Facility*” means a building having twenty thousand square feet or more of usable floor space that is heated or cooled by a mechanical or electrical system ~~or any building, system, or physical operation which consumes more than forty thousand British thermal units (BTUs) per square foot per year.~~

7. “*Initial cost*” means the moneys required for the capital construction or renovation of a facility or the construction of an addition.

10. "Renovation" means a project where ~~additions or alterations, that are not additions, to an existing facility~~ exceed fifty percent of the value of a facility and will affect an energy system.

Sec. 3. Section 470.2, Code 2016, is amended to read as follows:

**470.2 Policy — analysis required.**

The general assembly declares that energy management is of primary importance in the design of publicly owned facilities. ~~Commencing January 1, 1980~~ On or after the effective date of this division of this Act, a public agency responsible for the construction or renovation of a facility or the construction of an addition shall, in a design begun after that date, include as a design criterion the requirement that a life cycle cost analysis be conducted for the facility. The objectives of the life cycle cost analysis are to optimize energy efficiency at an acceptable life cycle cost. The life cycle cost analysis shall meet the requirements of section 470.3.

Sec. 4. Section 470.3, subsection 2, Code 2016, is amended to read as follows:

2. A public agency or a person preparing a life cycle cost analysis for a public agency shall ~~consider the methods and analytical models provided by the authority and available through the commissioner, which are suited to the purpose for which the project is intended. Within sixty days of final selection of a design architect or engineer, a public agency, which is also a state agency under section 7D.34, shall notify the commissioner and the authority of the methodology to be used to perform the life cycle cost analysis, on forms provided by the authority use the methodology set forth in the guidelines established, by rule, by the commissioner.~~

Sec. 5. Section 470.4, Code 2016, is amended to read as follows:

**470.4 Analysis approved.**

The life cycle cost analysis shall be approved by the public agency before contracts for the construction or renovation of a facility or the construction of an addition are let. A public agency may accept a facility design and shall meet the requirements of this chapter if the design meets the operational requirements of the agency and provides the optimum life cycle cost. The public agency shall retain a copy of the life cycle cost analysis and a statement justifying a design decision both of which shall be available for public inspection at reasonable hours.

Sec. 6. Section 470.6, Code 2016, is amended to read as follows:

**470.6 Restriction on use of public funds.**

Public funds shall not be used for the construction or renovation of a facility or the construction of an addition unless the design for the work is prepared in accordance with this chapter and the actual construction or renovation of the facility or the construction of the addition meets the requirements of the design.

Sec. 7. Section 470.7, Code 2016, is amended to read as follows:

**470.7 Life cycle cost analysis — approval.**

1. The public agency responsible for the new construction or renovation of a public facility or the construction of an addition to a public facility shall submit a copy of the life cycle cost analysis for review by the commissioner who shall consult with the authority. If the public agency is also a state agency under section 7D.34, comments by the authority or the commissioner, including any recommendation for changes in the analysis, shall, within thirty days of receipt of the analysis, be forwarded in writing to the public agency. If either the authority or the commissioner disagrees with any aspects of the life cycle cost analysis, the public agency affected shall timely respond in writing to the commissioner and the authority. The response shall indicate whether the agency intends to implement the recommendations and, if the agency does not intend to implement them, the public agency shall present its reasons. The reasons may include but are not limited to a description of the purpose of the facility or renovation, preservation of historical architectural features, architectural and site considerations, and health and safety concerns.

2. Within thirty days of receipt of the response of the public agency affected, the authority, the commissioner, or both, shall notify in writing the public agency affected of the authority's,

the commissioner's, or both's agreement or disagreement with the response. In the event of a disagreement, the authority, the commissioner, or both, shall at the same time transmit the notification of disagreement with response and related papers to the executive council for resolution pursuant to section 7D.34. The life cycle cost analysis process, including submittal and approval, and implementation exemption requests pursuant to section 470.8, shall be completed prior to the letting of contracts for the construction or renovation of a facility or the construction of an addition.

Sec. 8. Section 470.8, Code 2016, is amended to read as follows:

**470.8 Life cycle cost analysis — implementation and exemptions.**

1. The public agency responsible for the new construction or renovation of a public facility or the construction of an addition shall implement the recommendations of the life cycle cost analysis.

2. The commissioner shall adopt rules for the implementation and administration of the life cycle cost analysis. The commissioner, in consultation with the director, shall, by rule, develop criteria to exempt facilities from the implementation requirements of this section. Using the criteria, the commissioner, in cooperation with the director, shall exempt facilities on a ease-by-ease case-by-case basis. Factors to be considered when developing the exemption criteria shall include, but not be limited to, a description of the purpose of the facility or renovation, the preservation of historical architectural features, site considerations, and health and safety concerns. The commissioner and the director shall grant or deny a request for exemption from the requirements of this section within thirty days of receipt of the request.

Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II  
HIGH QUALITY JOBS PROGRAM — DEFINITION

Sec. 10. Section 15.333, subsection 2, unnumbered paragraph 1, Code 2016, is amended to read as follows:

For purposes of this section, "~~new investment directly related to new jobs created by the project~~ investment" means the cost of machinery and equipment, as defined in section 427A.1, subsection 1, paragraphs "e" and "j", purchased for use in the operation of the eligible business, the purchase price of which has been depreciated in accordance with generally accepted accounting principles, the purchase price of real property and any buildings and structures located on the real property, and the cost of improvements made to real property which is used in the operation of the eligible business. "~~New investment directly related to new jobs created by the project~~ investment" also means the annual base rent paid to a third-party developer by an eligible business for a period not to exceed ten years, provided the cumulative cost of the base rent payments for that period does not exceed the cost of the land and the third-party developer's costs to build or renovate the building for the eligible business. The eligible business shall enter into a lease agreement with the third-party developer for a minimum of five years. If, however, within five years of purchase, the eligible business sells, disposes of, razes, or otherwise renders unusable all or a part of the land, buildings, or other existing structures for which tax credit was claimed under this section, the tax liability of the eligible business for the year in which all or part of the property is sold, disposed of, razed, or otherwise rendered unusable shall be increased by one of the following amounts:

Sec. 11. Section 15.333A, subsection 2, unnumbered paragraph 1, Code 2016, is amended to read as follows:

For purposes of this section, "~~new investment directly related to new jobs created by the project~~ investment" means the cost of machinery and equipment, as defined in section 427A.1, subsection 1, paragraphs "e" and "j", purchased for use in the operation of the eligible business, the purchase price of which has been depreciated in accordance with generally accepted accounting principles, the purchase price of real property and any

buildings and structures located on the real property, and the cost of improvements made to real property which is used in the operation of the eligible business. “*New investment directly related to new jobs created by the project investment*” also means the annual base rent paid to a third-party developer by an eligible business for a period not to exceed ten years, provided the cumulative cost of the base rent payments for that period does not exceed the cost of the land and the third-party developer’s costs to build or renovate the building for the eligible business. The eligible business shall enter into a lease agreement with the third-party developer for a minimum of five years. If, however, within five years of purchase, the eligible business sells, disposes of, razes, or otherwise renders unusable all or a part of the land, buildings, or other existing structures for which tax credit was claimed under this section, the tax liability of the eligible business for the year in which all or part of the property is sold, disposed of, razed, or otherwise rendered unusable shall be increased by one of the following amounts:

### DIVISION III FEDERAL SMALL BUSINESS PROGRAMS — AUTHORITY ASSISTANCE

Sec. 12. Section 15.411, subsection 4, paragraphs a, b, and c, Code 2016, are amended to read as follows:

a. (1) The authority shall establish and administer an outreach program for purposes of assisting businesses with applications to the federal small business innovation research and small business technology transfer programs.

(2) The goals of this assistance are to increase the number of successful ~~phase II small business innovation research grant and contract~~ proposals in the state, increase the amount of such grant and contract funds awarded in the state, stimulate subsequent investment by industry, venture capital, and other sources, and encourage businesses to commercialize promising technologies.

b. (1) In administering the program, the authority may provide technical and financial assistance to businesses. Financial assistance provided pursuant to this subsection ~~shall~~ may be awarded to a business in an amount not to exceed twenty-five one hundred thousand dollars to for any single business individual federal award under this subsection.

(2) The authority may require successful applicants to repay the amount of financial assistance received, but shall not require unsuccessful applicants to repay such assistance. Any moneys repaid pursuant to this subsection may be used to provide financial assistance to other applicants.

c. The authority may also provide financial assistance for purposes of helping businesses meet the ~~matching funds~~ requirements of the federal small business innovation research and small business technology transfer programs.

### DIVISION IV ENTERPRISE ZONES

Sec. 13. 2014 Iowa Acts, chapter 1130, section 43, subsection 1, is amended to read as follows:

1. On or after the effective date of this division of this Act, a city or county shall not create an enterprise zone under chapter 15E, division XVIII, or enter into a new agreement ~~or amend an existing agreement~~ under chapter 15E, division XVIII. A city or county and the economic development authority, with the approval of the economic development authority board, may amend an agreement for compliance reasons if the amendment does not increase the amount of incentives awarded under the agreement.

### DIVISION V HISTORIC PRESERVATION AND CULTURAL AND ENTERTAINMENT DISTRICT TAX CREDIT

Sec. 14. Section 404A.1, Code 2016, is amended by adding the following new subsection: NEW SUBSECTION. 01. “*Authority*” means the economic development authority created in section 15.105.

Sec. 15. Section 404A.2, subsection 1, Code 2016, is amended to read as follows:

1. An eligible taxpayer who has entered into an agreement under section 404A.3, subsection 3, is eligible to receive a historic preservation and cultural and entertainment district tax credit in an amount equal to twenty-five percent of the qualified rehabilitation expenditures of a qualified rehabilitation project that are specified in the agreement. Notwithstanding any other provision of this chapter or any provision in the agreement to the contrary, the amount of the tax credits shall not exceed twenty-five percent of the final qualified rehabilitation expenditures verified by the department authority pursuant to section 404A.3, subsection 5, paragraph “c”.

Sec. 16. Section 404A.2, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. a. Tax credit certificates issued under section 404A.3 may be transferred to any person. Within ninety days of transfer, the transferee shall submit the transferred tax credit certificate to the department of revenue along with a statement containing the transferee’s name, tax identification number, address, the denomination that each replacement tax credit certificate is to carry, and any other information required by the department of revenue. However, tax credit certificate amounts of less than the minimum amount established by rule by the department of revenue shall not be transferable.

b. Within thirty days of receiving the transferred tax credit certificate and the transferee’s statement, the department of revenue shall issue one or more replacement tax credit certificates to the transferee. Each replacement tax credit certificate must contain the information required for the original tax credit certificate and must have the same expiration date that appeared on the transferred tax credit certificate.

c. A tax credit shall not be claimed by a transferee under this section until a replacement tax credit certificate identifying the transferee as the proper holder has been issued. The transferee may use the amount of the tax credit transferred against the taxes imposed in chapter 422, divisions II, III, and V, and in chapter 432, for any tax year the original transferor could have claimed the tax credit. Any consideration received for the transfer of the tax credit shall not be included as income under chapter 422, divisions II, III, and V. Any consideration paid for the transfer of the tax credit shall not be deducted from income under chapter 422, divisions II, III, and V.

Sec. 17. Section 404A.2, subsection 3, Code 2016, is amended to read as follows:

~~3. Any~~ For a tax credit claimed by an eligible taxpayer or a transferee for qualified rehabilitation projects with agreements entered into on or after July 1, 2014, ~~any credit in excess of the taxpayer’s tax liability for the tax year shall be refunded with interest computed under section 422.25. In lieu of claiming a refund, a taxpayer may elect to have the overpayment shown on the taxpayer’s final, completed return credited to the tax liability for the following year may be refunded or, at the taxpayer’s election, credited to the taxpayer’s tax liability for the following five years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer redeems the tax credit. As used in this subsection, “taxpayer” includes an eligible taxpayer or a person transferred a tax credit certificate pursuant to subsection 2A.~~

Sec. 18. Section 404A.2, subsection 4, paragraph c, Code 2016, is amended to read as follows:

c. The tax credit certificate, unless rescinded by the department authority, shall be accepted by the department of revenue as payment for taxes imposed in chapter 422, divisions II, III, and V, and in chapter 432, subject to any conditions or restrictions placed by the department authority or the department of revenue upon the face of the tax credit certificate and subject to the limitations of this program.

Sec. 19. Section 404A.2, subsection 5, Code 2016, is amended by striking the subsection.

Sec. 20. Section 404A.3, subsections 1 and 2, Code 2016, are amended to read as follows:

1. *Application and fees.*

a. An eligible taxpayer seeking historic preservation and cultural and entertainment district tax credits provided in section 404A.2 shall make application to the ~~department~~ authority in the manner prescribed by the ~~department~~ authority.

b. The ~~department~~ authority may accept applications on a continuous basis or may accept applications, or one or more components of an application, during one or more application periods.

c. The application shall include any information deemed necessary by the authority, in consultation with the department, to evaluate the eligibility under the program of the applicant and the rehabilitation project, the amount of projected qualified rehabilitation expenditures of a rehabilitation project, and the amount and source of all funding for a rehabilitation project. An applicant shall have the burden of proof to demonstrate to the ~~department~~ authority that the applicant is an eligible taxpayer and the project is a qualified rehabilitation project under the program.

d. The ~~department~~ authority may establish criteria for the use of electronic or other alternative filing or submission methods for any application, document, or payment requested or required under this program. Such criteria may provide for the acceptance of a signature in a form other than the handwriting of a person.

e. (1) The ~~department~~ authority may charge application and other fees to eligible taxpayers who apply to participate in the program. The amount of such fees shall be determined based on the costs of the authority and the department associated with administering the program.

(2) Fees collected by the ~~department~~ authority pursuant to this paragraph shall be deposited with the ~~department~~ authority notwithstanding section 303.9, subsection 1.

(3) A portion of the fees collected shall be directed by the authority to the department.

#### 2. *Registration.*

a. Upon review of the application by the authority, the ~~department~~ authority may register a qualified rehabilitation project under the program. If the ~~department~~ authority registers the project, the ~~department~~ authority shall make a preliminary determination as to the amount of tax credits for which the project qualifies.

b. After registering the qualified rehabilitation project, the ~~department~~ authority shall notify the eligible taxpayer of successful registration under the program within a period of time established by the authority by rule. The notification shall include the amount of tax credits under section 404A.2 for which the qualified rehabilitation project has received a tentative award and a statement that the amount is a preliminary determination only.

Sec. 21. Section 404A.3, subsection 3, paragraph a, Code 2016, is amended to read as follows:

a. Upon successful registration of a qualified rehabilitation project, the eligible taxpayer shall enter into an agreement with the ~~department~~ authority for the successful completion of all requirements of the program.

Sec. 22. Section 404A.3, subsection 3, paragraph b, subparagraphs (1) and (2), Code 2016, are amended to read as follows:

(1) The amount of the tax credit award. An eligible taxpayer has no right to receive a tax credit certificate or claim a tax credit until all requirements of the agreement and subsections 4 and 5 have been satisfied. The amount of tax credit included on a tax credit certificate issued under this section shall be contingent upon verification by the ~~department~~ authority of the amount of final qualified rehabilitation expenditures.

(2) The rehabilitation work to be performed. An eligible taxpayer shall perform the rehabilitation work consistent with the United States secretary of the interior's standards for rehabilitation, as determined by the department.

Sec. 23. Section 404A.3, subsection 4, paragraphs a and b, Code 2016, are amended to read as follows:

a. The eligible taxpayer shall, for the length of the agreement, annually certify to the department authority compliance with the requirements of the agreement. The certification shall be made at such time as the department authority shall determine in the agreement.

b. The eligible taxpayer shall have the burden of proof to demonstrate to the department authority that all requirements of the agreement are satisfied. The taxpayer shall notify the department authority in a timely manner of any changes in the qualification of the rehabilitation project or in the eligibility of the taxpayer to claim the tax credit provided under this chapter, or of any other change that may have a negative impact on the eligible taxpayer's ability to successfully complete any requirement under the agreement.

Sec. 24. Section 404A.3, subsection 4, paragraph c, subparagraphs (1) and (2), Code 2016, are amended to read as follows:

(1) If after entering into the agreement but before a tax credit certificate is issued, the eligible taxpayer or the qualified rehabilitation project no longer meets the requirements of the agreement, the department authority may find the taxpayer in default under the agreement and may revoke the tax credit award.

(2) If an eligible taxpayer obtains a tax credit certificate from the department authority by way of a prohibited activity, the eligible taxpayer and any transferee shall be jointly and severally liable to the state for the amount of the tax credits so issued, interest and penalties allowed under chapter 422, and reasonable attorney fees and litigation costs, except that the liability of the transferee shall not exceed an amount equal to the amount of the tax credits acquired by the transferee. The department of revenue, upon notification or discovery that a tax credit certificate was issued to an eligible taxpayer by way of a prohibited activity, shall revoke any outstanding tax credit and seek repayment of the value of any tax credit already claimed, and the failure to make such a repayment may be treated by the department of revenue in the same manner as a failure to pay the tax shown due or required to be shown due with the filing of a return or deposit form. A qualifying transferee is not subject to the liability, revocation, and repayment imposed under this subparagraph.

Sec. 25. Section 404A.3, subsection 4, paragraph c, subparagraph (3), Code 2016, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (0a) "Control" means when a person, directly or indirectly or acting through or together with one or more persons, satisfies any of the following:

(i) Owns, controls, or has the power to vote fifty percent or more of any class of voting securities or voting membership interests of another person.

(ii) Controls, in any manner, the election of a majority of the directors, managers, trustees, or other persons exercising similar functions of another person.

(iii) Has the power to exercise a controlling influence over the management or policies of another person.

Sec. 26. Section 404A.3, subsection 4, paragraph c, subparagraph (3), subparagraph division (b), unnumbered paragraph 1, Code 2016, is amended to read as follows:

"*Qualifying transferee*" means a transferee who acquires a tax credit certificate issued under this chapter for value, in good faith, without actual express or constructive implied notice of a prohibited activity of the eligible taxpayer who was originally issued the tax credit, and without actual express or constructive implied notice of any other claim to or defense against the tax credit, and which transferee is not associated with the eligible taxpayer by being one or more of the following:

Sec. 27. Section 404A.3, subsection 4, paragraph c, subparagraph (3), subparagraph division (b), subparagraph subdivision (i), Code 2016, is amended to read as follows:

(i) An owner, member, shareholder, or partner of the eligible taxpayer who directly or indirectly owns or and controls, in whole or in part, the eligible taxpayer.

Sec. 28. Section 404A.3, subsections 5, 6, and 7, Code 2016, are amended to read as follows:

5. *Examination and audit of project.*

a. An eligible taxpayer shall engage a certified public accountant authorized to practice in this state to conduct an examination of the project in accordance with the American institute of certified public accountants' statements on standards for attestation engagements. Upon completion of the qualified rehabilitation project, the eligible taxpayer shall submit the examination to the ~~department~~ authority, along with a statement of the amount of final qualified rehabilitation expenditures and any other information deemed necessary by the ~~department or the department of revenue~~ authority in order to verify that all requirements of the agreement, this chapter, and all rules adopted pursuant to this chapter have been satisfied. The authority shall adopt rules governing examinations required under this subsection.

b. Notwithstanding paragraph "a", the ~~department~~ authority may waive the examination requirement in this subsection if all the following requirements are satisfied:

(1) The final qualified rehabilitation expenditures of the qualified rehabilitation project, as verified by the ~~department~~ authority, do not exceed one hundred thousand dollars.

(2) The qualified rehabilitation project is funded exclusively by private funding sources.

c. Upon review of the examination, if applicable, the ~~department~~ authority shall verify that all requirements of the agreement, this chapter, and all rules adopted pursuant to this chapter have been satisfied and shall verify the amount of final qualified rehabilitation expenditures. ~~After consultation with the department of revenue, the department may issue a tax credit certificate to the eligible taxpayer stating the amount of tax credit under section 404A.2 the eligible taxpayer may claim. The department~~ If the authority determines that all requirements of the agreement, this chapter, and all rules adopted pursuant to this chapter have been satisfied and it has verified the amount of final qualified rehabilitation expenditures, the authority shall issue the a tax credit certificate not later than sixty days following the completion of the examination review, if applicable, and the verifications and consultation required under this paragraph to the eligible taxpayer stating the amount of the credit under section 404A.2 the eligible taxpayer may claim.

6. *Waivers.* Notwithstanding any other provision of this chapter to the contrary, the ~~department~~ authority may waive the requirements of subsections 1 through 4, except the requirements relating to allowable cost overruns in subsection 3, paragraph "b", subparagraph (3), and the requirements in subsection 4, paragraphs "b" and "c", for qualified rehabilitation projects with final qualified rehabilitation expenditures of seven hundred fifty thousand dollars or less and may establish by rule different application, registration, agreement, compliance, or other requirements relating to such projects.

7. *Amendments.* The ~~department~~ authority may for good cause amend an agreement.

Sec. 29. Section 404A.4, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. Except as provided in subsections 2 and 3, the ~~department~~ authority shall not award in any one fiscal year an amount of tax credits provided in section 404A.2 in excess of forty-five million dollars.

Sec. 30. Section 404A.4, subsection 3, paragraph a, Code 2016, is amended to read as follows:

a. If during the fiscal year beginning July 1, 2016, or any fiscal year thereafter, the ~~department~~ authority awards an amount of tax credits that is less than the maximum aggregate tax credit award limit specified in subsection 1, the difference between the amount so awarded and the amount specified in subsection 1, not to exceed ten percent of the amount specified in subsection 1, may be carried forward to the succeeding fiscal year and awarded during that fiscal year.

Sec. 31. Section 404A.5, subsections 1 and 3, Code 2016, are amended to read as follows:

1. The ~~department~~ authority, in consultation with the department of revenue, shall be responsible for keeping the general assembly and the legislative services agency informed on the overall economic impact to the state of qualified rehabilitation projects.



3. The ~~department~~ authority, to the extent it is able, shall provide recommendations on whether the limit on tax credits should be changed, the need for a broader or more restrictive definition of qualified rehabilitation project, and other adjustments to the tax credits under this chapter.

Sec. 32. Section 404A.6, Code 2016, is amended to read as follows:

**404A.6 Rules.**

The ~~authority, department, and the department of revenue shall each adopt rules to jointly administer as necessary for the administration of this chapter.~~

Sec. 33. IMPLEMENTATION — COSTS. For the fiscal year beginning July 1, 2016, the department of revenue and the economic development authority shall agree on the total cost of implementing this division of this Act, and the economic development authority shall pay those costs from fees charged by and deposited with the authority pursuant to section 404A.3, subsection 1, paragraph “e”. If the department of revenue and the economic development authority fail to come to an agreement, the department of management shall determine the costs to be paid by the economic development authority under this subsection.

Sec. 34. TRANSITION PROVISIONS. The department of cultural affairs shall cooperate with the economic development authority to ensure the effective transition of powers, duties, and funds from the department to the authority in implementing this division of this Act.

Sec. 35. EFFECTIVE DATE. This division of this Act takes effect August 15, 2016.

Sec. 36. APPLICABILITY.

1. Except as provided in subsection 2, this division of this Act applies to qualified rehabilitation projects registered on or after August 15, 2016.

2. The section of this division of this Act amending section 404A.2, subsection 3, applies retroactively to agreements entered into by an eligible taxpayer on or after July 1, 2014.

Approved May 26, 2016

## CHAPTER 1110

### DISASTER CASE MANAGEMENT FUND AND GRANT PROGRAM

S.F. 492

**AN ACT** creating a disaster case management grant fund and program.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 29C.20B, Code 2016, is amended by striking the section and inserting in lieu thereof the following:

**29C.20B Disaster case management grant fund and program.**

1. *a.* A disaster case management grant fund is created in the state treasury for the use of the executive council. Moneys in the fund shall be expended if grants are awarded pursuant to section 29C.20A following the governor’s proclamation of a state of disaster emergency or the declaration of a major disaster by the president of the United States.

*b.* The executive council may make financial grants to meet disaster-related case management needs of disaster-affected individuals. The aggregate total of grants awarded shall not be more than one million dollars during a fiscal year. However, within the same fiscal year, additional funds may be specifically authorized by the executive council to meet additional needs. Upon request of the department of human services, the executive council

may make available up to one hundred thousand dollars, or so much as is necessary, for contract entity staff support and case management training.

c. The department of human services shall work with the department of homeland security and emergency management and, as selected by the department of human services, a representative of nonprofit, voluntary, and faith-based organizations active in disaster recovery and response to establish a statewide system of disaster case management to be activated following the governor's proclamation of a disaster emergency or the declaration of a major disaster by the president of the United States for individual assistance purposes.

2. The department of human services shall administer disaster case management grants. The department of human services, in conjunction with the department of homeland security and emergency management, shall establish a disaster case management program and adopt rules pursuant to chapter 17A necessary to administer the program. The executive council shall use grant moneys to reimburse the department of human services for actual expenses associated with the administration of the grants. Under the program, the department of human services shall coordinate case management services locally through one or more contracted entities. The department of human services shall implement an ongoing contract with a provider of a statewide program with local offices throughout the state to serve as the local administrative entity for the grant program to allow implementation of the program with minimal delay if grants are awarded pursuant to section 29C.20A following a governor's proclamation of a state of disaster emergency or a declaration of a major disaster by the president of the United States.

3. The department of human services, in conjunction with the department of homeland security and emergency management and a representative of the Iowa voluntary organizations active in disaster, shall adopt rules pursuant to chapter 17A to create coordination mechanisms and standards for the establishment and implementation of a statewide system of disaster case management. The rules adopted by the department of human services for the program shall include but are not limited to all of the following:

a. If a local administrative entity is under contract with the state to provide other services or is implementing a state or federal program and the contract contains a sufficient surety bond or other adequate financial responsibility provisions, the department shall accept the existing surety bond or financial responsibility provisions in lieu of applying a new or additional surety bond or financial responsibility requirement.

b. Authorization for the local administrative entity to draw down grant funding to pay valid claims on at least a weekly basis.

c. Disaster case management standards.

d. Disaster case management policies.

e. Reporting requirements.

f. Eligibility criteria.

g. Coordination mechanisms necessary to carry out the services provided.

h. Development of formal working relationships with agencies and creation of interagency agreements for those considered to provide disaster case management services.

i. Establishment of nonduplication of benefits policies and mechanisms for the exchange of information between agencies to ensure compliance with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936 (1996).

j. Referral to all known available services for individuals from multiple agencies in coordinated service locations.

4. By January 1 of each year, the department of human services shall submit an annual written report to the legislative fiscal committee and the general assembly's standing committees on government oversight concerning the activities of the grant program during the previous fiscal year.

**CHAPTER 1111****DRIVER'S LICENSES — VETERAN STATUS — DISABILITY CERTIFICATION***S.F. 2187*

**AN ACT** relating to the issuance of driver's licenses marked to reflect veteran status and providing for the acceptance of a disability certification from the United States department of veterans affairs for a persons with disabilities parking permit.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 321.189, subsection 8, Code 2016, is amended to read as follows:

8. *Veterans status.* A licensee who is an honorably discharged veteran of the armed forces of the United States may request that the license be marked to reflect the licensee's veteran status. Upon such a request, the word "VETERAN" shall be marked prominently on the face of the license. Such a license shall be issued ~~only~~ upon receipt of satisfactory proof of veteran status pursuant to procedures established by the department in consultation with the department of veterans affairs, or upon presentation of the licensee's certification of release or discharge from active duty, DD form 214, to the department at the time of the licensee's request, if the form indicates the licensee was honorably discharged. If the license is issued upon presentation of the licensee's certification of release or discharge from active duty, DD form 214, the department shall notify the commission of veteran affairs of the county of the licensee's residence that the licensee was issued a license marked to reflect the licensee's veteran status. After receiving notification from the department, the commission shall initiate contact with the licensee.

Sec. 2. Section 321L.2, subsection 1, unnumbered paragraph 1, Code 2016, is amended to read as follows:

A resident of the state with a disability desiring a persons with disabilities parking permit shall apply to the department upon an application form furnished by the department providing the applicant's full legal name, address, date of birth, and social security number or Iowa driver's license number or Iowa nonoperator's identification card number, and shall also provide a statement from a physician licensed under chapter 148 or 149, a physician assistant licensed under chapter 148C, an advanced registered nurse practitioner licensed under chapter 152, or a chiropractor licensed under chapter 151, or a physician, physician assistant, nurse practitioner, or chiropractor licensed to practice in a contiguous state, written on the physician's, physician assistant's, nurse practitioner's, or chiropractor's stationery, stating the nature of the applicant's disability and such additional information as required by rules adopted by the department under section 321L.8. If the person is applying for a temporary persons with disabilities parking permit, the physician's, physician assistant's, nurse practitioner's, or chiropractor's statement shall state the period of time during which the person is expected to be disabled and the period of time for which the permit should be issued, not to exceed six months. The department may waive the requirement that the applicant furnish the applicant's social security number, Iowa driver's license number, or nonoperator's identification card number when the application for a temporary persons with disabilities parking permit is made on behalf of a person who is less than one year old. The department may accept a certification of disability from the United States department of veterans affairs in lieu of a statement from a physician, physician assistant, advanced registered nurse practitioner, or chiropractor. The department may adopt rules pursuant to chapter 17A detailing the requirements for an acceptable certification of disability.

Approved May 27, 2016

**CHAPTER 1112****PRESCRIPTION AUTHORITY FOR PSYCHOLOGISTS***S.F. 2188*

**AN ACT** relating to prescription authority for certain psychologists and making penalties applicable.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 123.3, subsection 35, Code 2016, is amended to read as follows:

35. “Pharmacy” means a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists, prescribing psychologists, or veterinarians are compounded and sold by a registered pharmacist.

Sec. 2. Section 124.101, subsection 26, paragraph a, Code 2016, is amended to read as follows:

a. A physician, dentist, podiatric physician, prescribing psychologist, veterinarian, scientific investigator or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

Sec. 3. Section 147.107, subsections 1 and 2, Code 2016, are amended to read as follows:

1. A person, other than a pharmacist, physician, dentist, podiatric physician, prescribing psychologist, or veterinarian who dispenses as an incident to the practice of the practitioner’s profession, shall not dispense prescription drugs or controlled substances.

2. a. A pharmacist, physician, dentist, ~~or~~ podiatric physician, or prescribing psychologist who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions to staff assistants only when verification of the accuracy and completeness of the dispensing is determined by the pharmacist or practitioner in the pharmacist’s or practitioner’s physical presence. However, the physical presence requirement does not apply when a pharmacist or practitioner is utilizing an automated dispensing system or when a pharmacist is utilizing a tech-check-tech program, as defined in section 155A.3. When using an automated dispensing system the pharmacist or practitioner shall utilize an internal quality control assurance plan that ensures accuracy for dispensing. When using a tech-check-tech program the pharmacist shall utilize an internal quality control assurance plan, in accordance with rules adopted by the board of pharmacy, that ensures accuracy for dispensing. Verification of automated dispensing and tech-check-tech accuracy and completeness remains the responsibility of the pharmacist or practitioner and shall be determined in accordance with rules adopted by the board of pharmacy, the board of medicine, the dental board, ~~and~~ the board of podiatry, and the board of psychology for their respective licensees.

b. A dentist, physician, ~~or~~ podiatric physician, or prescribing psychologist who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall report the fact that they dispense prescription drugs with the practitioner’s respective board at least biennially.

c. A physician, dentist, ~~or~~ podiatric physician, or prescribing psychologist who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall offer to provide the patient with a written prescription that may be dispensed from a pharmacy of the patient’s choice or offer to transmit the prescription orally, electronically, or by facsimile in accordance with section 155A.27 to a pharmacy of the patient’s choice.

Sec. 4. NEW SECTION. 148.13A **Board authority over physicians supervising certain psychologists.**

The board of medicine shall, in consultation with the board of psychology, establish by rule all of the following:

1. Specific minimum standards for the appropriate supervision of a psychologist prescribing medication pursuant to a conditional prescription certificate under chapter 154B. Such standards shall include requiring a physician serving as a supervising licensed physician to notify the board of medicine of the identity of the psychologist the physician is supervising and any change in the status of the supervisory relationship.

2. The process for initiating and conducting disciplinary proceedings under chapter 17A if a licensed physician fails to adequately supervise a psychologist prescribing psychotropic medications pursuant to a prescription certificate under chapter 154B. The rule shall take into account the deliberations of the board in making such a determination.

Sec. 5. **NEW SECTION. 148.13B Requirements for prescription certificates for psychologists — joint rules.**

1. The board of medicine and the board of psychology shall adopt joint rules in regard to the following:

a. Education and training requirements for prescription certificates pursuant to sections 154B.10 and 154B.11.

b. Specific minimum standards for the terms, conditions, and framework governing the collaborative practice agreement and for governing the limitations on the prescriptions eligible to be prescribed and populations eligible to be prescribed to as specified in section 154B.1, subsection 2.

2. The board of medicine shall consult with the university of Iowa Carver college of medicine and clinical and counseling psychology doctoral programs at regents institutions in the development of the rules pertaining to education and training requirements in sections 154B.10 and 154B.11.

3. The joint rules, and any amendments thereto, adopted by the board of medicine and the board of psychology pursuant to this section and section 154B.14 shall only be adopted by agreement of both boards through a joint rule-making process.

Sec. 6. Section 154B.1, Code 2016, is amended to read as follows:

**154B.1 Definition Definitions.**

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

1. “Board” means the board of psychology created under chapter 147.

2. “Collaborative practice agreement” means a written agreement between a prescribing psychologist and a licensed physician that establishes clinical protocols, practice guidelines, and care plans relevant to the scope of the collaborative practice. The practice guidelines may include limitations on the prescribing of psychotropic medications by psychologists and protocols for prescribing to special populations including patients who are less than seventeen years of age or over sixty-five years of age, patients who are pregnant, and patients with serious medical conditions including but not limited to heart disease, cancer, stroke, seizures, and patients with developmental disabilities and intellectual disabilities.

3. “Collaborative relationship” means a cooperative working relationship between a prescribing psychologist or a psychologist with a conditional prescription certificate and a licensed physician in the provision of patient care, including diagnosis and cooperation in the management and delivery of physical and mental health care.

4. “Conditional prescription certificate” means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication under the supervision of a licensed physician pursuant to this chapter.

5. “Physician” means a person licensed to practice medicine and surgery or osteopathic medicine and surgery in this state who is board-certified in family medicine, internal medicine, pediatrics, psychiatry, or another specialty who prescribes medications for the treatment of a mental disorder to patients in the normal course of the person’s clinical medical practice pursuant to joint rules adopted by the board of psychology and the board of medicine.

6. “Practice of psychology” means the application of established principles of learning, motivation, perception, thinking, and emotional relations to problems of behavior adjustment, group relations, and behavior modification, by persons trained in psychology for compensation or other personal gain. The application of principles includes, but is

not limited to: Counseling and the use of psychological remedial measures with persons, in groups or individually, with adjustment or emotional problems in the areas of work, family, school, and personal relationships; measuring and testing personality, intelligence, aptitudes, public opinion, attitudes, and skills; and the teaching of such subject matter, and the conducting of research on the problems relating to human behavior.

7. “Prescribing psychologist” means a licensed psychologist who holds a valid prescription certificate.

8. “Prescription certificate” means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication pursuant to this chapter.

9. “Psychotropic medication” means a medicine that shall not be dispensed or administered without a prescription and that has been explicitly approved by the federal food and drug administration for the treatment of a mental disorder, as defined by the most recent version of the diagnostic and statistical manual of mental disorders published by the American psychiatric association or the most recent version of the international classification of diseases. “Psychotropic medication” does not include narcotics.

**Sec. 7. NEW SECTION. 154B.9 Drugs — medicine.**

1. Except as provided in subsections 2 and 3, a psychologist shall not administer or prescribe drugs or medicine.

2. A licensed psychologist holding a conditional prescription certificate may prescribe psychotropic medication under the supervision of a licensed physician pursuant to this chapter.

3. A prescribing psychologist may prescribe psychotropic medication pursuant to joint rules adopted by the board of psychology and the board of medicine and the provisions of this chapter.

**Sec. 8. NEW SECTION. 154B.10 Conditional prescription certificate.**

1. An applicant for a conditional prescription certificate shall be granted a certificate by the board if the applicant satisfies all of the following requirements:

a. Holds a current license to practice psychology in this state.

b. Completed pharmacological training from an institution approved by the board of psychology and the board of medicine or from a provider of continuing education approved by the board of psychology and the board of medicine pursuant to joint rules adopted by both boards.

c. Passed a national certification examination approved by the board of psychology and the board of medicine that tested the applicant’s knowledge of pharmacology in the diagnosis, care, and treatment of mental disorders.

d. Within five years immediately preceding the date of application, successfully completed a post-doctoral master of science degree in clinical psychopharmacology approved by the board of psychology and the board of medicine pursuant to joint rules adopted by both boards. The program shall at a minimum include coursework in neuroscience, pharmacology, psychopharmacology, physiology, and appropriate and relevant physical and laboratory assessments.

e. Within five years immediately preceding the date of application, has been certified by the applicant’s supervising physician as having successfully completed a supervised and relevant clinical experience in clinical assessment and pathophysiology and an additional supervised practicum treating patients with mental disorders. The practica shall have been supervised by a trained physician. The board of psychology and the board of medicine, pursuant to joint rules adopted by the boards, shall determine sufficient practica to competently train the applicant in the treatment of a diverse patient population.

f. Possesses malpractice insurance that will cover the applicant during the period the conditional prescription certificate is in effect.

g. Meets all other requirements, as determined by joint rules adopted by the board of psychology and the board of medicine, for obtaining a conditional prescription certificate.

2. A conditional prescription certificate is valid for four years, at the end of which the holder may apply again pursuant to the provisions of subsection 1.

3. A psychologist with a conditional prescription certificate may prescribe psychotropic medication under the supervision of a licensed physician subject to all of the following conditions:

a. The psychologist shall continue to hold a current license to practice psychology in this state and continue to maintain malpractice insurance.

b. The psychologist shall inform the board of the name of the physician under whose supervision the psychologist will prescribe psychotropic medication and promptly inform the board of any change of the supervising physician.

c. A physician supervising a psychologist prescribing psychotropic medication pursuant to a conditional prescription certificate shall be subject to disciplinary action pursuant to section 148.13A for the acts and omissions of the psychologist while under the physician's supervision. This provision does not relieve the psychologist from liability for the psychologist's acts and omissions.

d. Any other rules adopted jointly by the board of psychology and the board of medicine.

**Sec. 9. NEW SECTION. 154B.11 Prescription certificate.**

1. An applicant for a prescription certificate shall be granted a certificate by the board if the applicant satisfies all of the following requirements:

a. Possesses a conditional prescription certificate and has successfully completed two years of prescribing psychotropic medication as certified by the supervising licensed physician. An applicant for a prescription certificate who specializes in the psychological care of children, elderly persons, or persons with comorbid psychological conditions shall complete at least one year prescribing psychotropic medications to such populations as certified by the supervising licensed physician.

b. Holds a current license to practice psychology in this state.

c. Possesses malpractice insurance that will cover the applicant as a prescribing psychologist.

d. Meets all other requirements, as determined by rules adopted by the board, for obtaining a prescription certificate including joint rules adopted by the board of psychology and the board of medicine.

2. A psychologist with a prescription certificate may prescribe psychotropic medication pursuant to the provisions of this chapter subject to the following conditions:

a. The psychologist continues to hold a current license to practice psychology in this state and maintains malpractice insurance.

b. The psychologist annually satisfies the continuing education requirements for prescribing psychologists, as determined by the board, which shall be no fewer than twenty hours each year.

c. The psychologist has entered into a collaborative practice agreement with a licensed physician.

d. Any other rules adopted jointly by the board of psychology and the board of medicine.

**Sec. 10. NEW SECTION. 154B.12 Prescribing practices.**

1. A prescribing psychologist or a psychologist with a conditional prescription certificate may administer and prescribe psychotropic medication within the scope of the psychologist's profession, including the ordering and review of laboratory tests in conjunction with the prescription, for the treatment of mental disorders. Such prescribing practices shall be governed by joint rules adopted by the board of psychology and the board of medicine.

2. When prescribing psychotropic medication for a patient, the prescribing psychologist or the psychologist with a conditional prescription certificate shall maintain an ongoing collaborative relationship with the licensed physician who oversees the patient's general medical care to ensure that necessary medical examinations are conducted, the psychotropic medication is appropriate for the patient's medical condition, and significant changes in the patient's medical or psychological condition are discussed.

3. A prescription written by a prescribing psychologist or a psychologist with a conditional prescription certificate shall meet all of the following requirements:

a. Comply with applicable state and federal laws.

b. Be identified as issued by the psychologist as "psychologist certified to prescribe".

c. Include the psychologist's board-assigned identification number.

4. A prescribing psychologist or a psychologist with a conditional prescription certificate shall not delegate prescriptive authority to any other person. Records of all prescriptions shall be maintained in patient records.

5. When authorized to prescribe controlled substances, a prescribing psychologist or a psychologist with a conditional prescription certificate shall file with the board in a timely manner all individual federal drug enforcement agency registration and numbers. The board shall maintain current records on every psychologist, including federal registration and numbers.

**Sec. 11. NEW SECTION. 154B.13 Board duties regarding prescription certificates and conditional prescription certificates.**

1. The board shall, in consultation with the board of medicine, adopt rules to carry out the provisions of this chapter relating to prescribing psychologists. The rules shall include but not be limited to all of the following:

a. Procedures to obtain a conditional prescription certificate, a prescription certificate, and a renewal of a prescription certificate. The board may set reasonable application and renewal fees.

b. Grounds for the denial, suspension, or revocation of a conditional prescription certificate and a prescription certificate, including a provision for suspension or revocation of a license to practice psychology upon suspension of a conditional prescription certificate and a prescription certificate.

c. The provision of an annual list of psychologists with prescription certificates and psychologists with conditional prescription certificates that contains the information agreed to between the board and the board of medicine. The board shall promptly notify the board of medicine of psychologists who are added to or removed from the list.

d. Any other rules necessary for the administration of this chapter.

2. The board shall appoint a prescribing psychologist rules subcommittee comprised of a psychologist appointed by the board, a physician appointed by the board of medicine, and a member of the public appointed by the director of public health to develop rules for consideration by the board pursuant to this section.

**Sec. 12. NEW SECTION. 154B.14 Requirements for prescription certificates — joint rules.**

1. The board of psychology and the board of medicine shall adopt joint rules in regard to the following:

a. Education and training requirements pursuant to sections 154B.10 and 154B.11.

b. Specific minimum standards for the terms, conditions, and framework governing the collaborative practice agreement and for governing the limitations on the prescriptions eligible to be prescribed and populations eligible to be prescribed to as specified in section 154B.1, subsection 2.

2. The board of psychology shall consult with the university of Iowa Carver college of medicine and clinical and counseling psychology doctoral programs at regents institutions in the development of the rules pertaining to education and training requirements in sections 154B.10 and 154B.11.

3. The joint rules, and any amendments thereto, adopted by the board of psychology and the board of medicine pursuant to this section and section 148.13B shall only be adopted by agreement of both boards through a joint rule-making process.

**Sec. 13. Section 155A.3, subsection 35, Code 2016, is amended to read as follows:**

35. "*Practitioner*" means a physician, dentist, podiatric physician, prescribing psychologist, veterinarian, or other person licensed or registered to distribute or dispense a prescription drug or device in the course of professional practice in this state or a person licensed by another state in a health field in which, under Iowa law, licensees in this state may legally prescribe drugs.



Sec. 14. Section 155A.23, subsection 1, paragraph c, Code 2016, is amended to read as follows:

c. For the purpose of obtaining a prescription drug or device, falsely assuming the title of or claiming to be a manufacturer, wholesaler, pharmacist, pharmacy owner, physician, dentist, podiatric physician, prescribing psychologist, veterinarian, or other authorized person.

Sec. 15. Section 155A.24, subsection 14, Code 2016, is amended to read as follows:

14. This section does not prevent a licensed practitioner of medicine, dentistry, podiatry, nursing, psychology, veterinary medicine, optometry, or pharmacy from acts necessary in the ethical and legal performance of the practitioner's profession.

Approved May 27, 2016

## CHAPTER 1113

### FAMILY SUPPORT PROGRAMS AND SERVICES — EARLY CHILDHOOD INITIATIVE

S.F. 2299

**AN ACT** relating to the early childhood Iowa initiative.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 135.106, subsection 4, Code 2016, is amended to read as follows:

4. It is the intent of the general assembly that priority for ~~home visitation~~ family support funding be given to approaches using evidence-based or promising models for ~~home visitation~~ family support.

Sec. 2. Section 256I.4, subsection 7, paragraph a, Code 2016, is amended to read as follows:

a. Waiver of existing rules, federal regulation, or amendment of state law, or removal of other barriers. The state board shall consider a community's current coverage of family support programs and services when responding to an area board's request for a waiver from the requirement in section 256I.9, subsection 3, paragraph "b".

Sec. 3. Section 256I.4, subsection 8, Code 2016, is amended to read as follows:

8. Develop and implement a ~~levels of excellence rating system for use with the state board's designation process for area boards. Allow for flexibility and creativity of area boards in implementing area board responsibilities and provide authority for the area boards to support the communities in the areas served. The levels of excellence rating system shall utilize a tiered approach for recognizing the performance of an area board.~~ The system shall provide for action to address poor performing areas as well as higher performing areas. ~~Subject to the funding requirements and other requirements established in law, if an area board achieves the highest rating level, the state board may allow special flexibility provisions in regard to the funding appropriated or allocated for that area board.~~ The state board shall determine how often area boards are reviewed under the system.

Sec. 4. Section 256I.7, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. The early childhood Iowa functions for an area shall be performed under the authority of an early childhood Iowa area board. The members of an area board shall be elected officials or members of the public who are not employed by a provider of services to or for the area board. In addition, the membership of an area board shall include representation from early care, education, health, human services, business, and faith interests, and at least one parent,

grandparent, or guardian of a child from zero through age five. However, not more than one member shall represent the same entity or interest.

Sec. 5. Section 256I.8, subsection 1, paragraph c, Code 2016, is amended to read as follows:

c. Develop a comprehensive community plan for providing services for children from zero through age five. At a minimum, the plan shall do all of the following:

(1) Describe community and area needs for children from zero through age five as identified through ongoing assessments.

(2) Describe the current and desired levels of community and area coordination of services for children from zero through age five, including the involvement and specific responsibilities of all related organizations and entities relationships and services between community providers.

(3) Identify all federal, state, local, and private funding sources including funding estimates available in the early childhood Iowa area that will be used to provide services to children from zero through age five.

(4) Describe how funding sources will be used ~~collaboratively and the degree to which the sources can be combined to provide necessary services to~~ support young children and their families.

(5) Identify the desired results and the community-wide indicators the area board expects to address through implementation of the comprehensive community plan. ~~The plan shall identify community-specific, quantifiable performance measures to be reported in the area board's annual report and integration with the strategic plan adopted by the state board.~~

(6) ~~Describe the current status of support services to prevent the spread of infectious diseases, prevent child injuries, develop health emergency protocols, help with medication, and care for children with special health needs that are being provided to child care facilities registered or licensed under chapter 237A within the early childhood Iowa area.~~

Sec. 6. Section 256I.9, subsection 3, paragraphs b and d, Code 2016, are amended to read as follows:

b. (1) Family support services and parent education programs promoted to parents of children from zero through age five. Family support services shall include but are not limited to home visitation and parent education. Of the state funding that an area board designates for family support programs, at least sixty percent shall be committed to programs with a home visitation component.

(2) It is the intent of the general assembly that priority for ~~home visitation~~ family support program funding be given to programs using evidence-based or promising models for ~~home visitation~~ family support.

d. Services to improve the quality and availability of all types of child care. ~~The services may include but are not limited to making nurse consultants available to support quality improvement.~~

Sec. 7. Section 256I.9, subsection 4, paragraphs a, b, and c, Code 2016, are amended to read as follows:

a. A school ready children grant shall be awarded to an area board annually, as funding is available. Receipt of continued funding is subject to submission of the required annual report data and the state board's determination that the area board is measuring making progress, through the use of specific, quantifiable performance measures and locally identified community-wide indicators, ~~developed by the state board with input from area boards, progress toward and is achieving the desired results and other results identified in the community plan. Each area board shall participate in the levels of excellence rating system designation process~~ to measure the area's success. If the use of performance measures and community-wide indicators does not show that an area board has made progress toward achieving the results identified in the community plan, the state board shall require a plan of corrective action, provide technical assistance, withhold any increase in funding, or withdraw grant funding.

b. The state board shall distribute school ready children grant moneys to area boards with approved comprehensive community plans based upon a determination of an early childhood Iowa area's readiness to effectively utilize the grant moneys designation. The grant moneys shall be adjusted for other federal and state grant moneys to be received by the area for services to children from zero through age five.

c. An area board's readiness designation shall be determined by evidence of successful collaboration among public and private early care, education, health, and human services interests in the area or a documented program design that supports a strong likelihood of a successful collaboration between these interests. ~~Other criteria which may be used by the state board to determine readiness and funding amounts for an area include one or more of the following:~~

- ~~(1) The levels of excellence rating received by the area.~~
- ~~(2) Evidence of the area's capacity to successfully implement the services in the area's community plan.~~
- ~~(3) Local public and private funding and other resources committed to implementation of the community plan.~~
- ~~(4) The adequacy of plans for commitment of local funding and other resources for implementation of the community plan.~~

Sec. 8. Section 256I.10, subsection 3, Code 2016, is amended by striking the subsection.

Sec. 9. Section 256I.11, subsection 4, paragraph b, Code 2016, is amended by striking the paragraph.

Sec. 10. Section 256I.13, Code 2016, is amended to read as follows:

**256I.13 Home visitation family support program — funding intent.**

1. In order to implement the legislative intent stated in sections 135.106 and 256I.9, that priority for home visitation family support program funding be given to programs using evidence-based or promising models for home visitation family support, it is the intent of the general assembly to phase in the funding priority as follows:

- a. By July 1, 2013, twenty five percent of state funds expended for home visiting programs are for evidence-based or promising program models.
- b. By July 1, 2014, fifty percent of state funds expended for home visiting programs are for evidence-based or promising program models.
- c. By July 1, 2015, seventy-five percent of state funds expended for home visiting programs are for evidence-based or promising program models.
- d. By ~~that by~~ July 1, 2016, ninety percent of state funds expended for home visiting family support programs ~~are shall be used~~ for evidence-based or promising program models. The remaining ten percent of funds may be used for innovative program models that do not yet meet the definition of evidence-based or promising programs.

2. For the purposes of this section, unless the context otherwise requires or unless otherwise provided under federal law:

a. "Evidence-based program" means a program that is based on scientific evidence demonstrating that the program model is effective. An evidence-based program shall be reviewed on site and compared to program model standards by the model developer or the developer's designee at least every five years to ensure that the program continues to maintain fidelity with the program model. The program model shall have had demonstrated significant and sustained positive outcomes in an evaluation utilizing a well-designed and rigorous randomized controlled research design or a quasi-experimental research design, and the evaluation results shall have been published in a peer-reviewed journal.

b. "Family support programs" includes group-based parent education or home visiting programs that are designed to strengthen protective factors, including parenting skills, increasing parental knowledge of child development, and increasing family functioning and problem solving skills. A family support program may be used as an early intervention strategy to improve birth outcomes, parental knowledge, family economic success, the home learning environment, family and child involvement with others, and coordination with other

community resources. A family support program may have a specific focus on preventing child maltreatment or ensuring children are safe, healthy, and ready to succeed in school.

c. “*Promising program*” means a program that meets all of the following requirements:

(1) The program conforms to a clear, consistent family support model that has been in existence for at least three years.

(2) The program is grounded in relevant empirically based knowledge.

(3) The program is linked to program-determined outcomes.

(4) The program is associated with a national or state organization that either has comprehensive program standards that ensure high-quality service delivery and continuous program quality improvement or the program model has demonstrated through the program’s benchmark outcomes that the program has achieved significant positive outcomes equivalent to those achieved by program models with published significant and sustained results in a peer-reviewed journal.

(5) The program has been awarded the Iowa family support credential and has been reviewed on site at least every five years to ensure the program’s adherence to the Iowa family support standards approved by the state board or a comparable set of standards. The on-site review is completed by an independent review team that is not associated with the program or the organization administering the program.

3. a. The data reporting requirements adopted by the state board pursuant to section 256I.4 for the family support programs targeted to families expecting a child or with newborn and infant children through age five and funded through the state board shall require the programs to participate in a state-administered internet-based data collection system. ~~The data reporting requirements shall be developed in a manner to provide for compatibility with local data collection systems.~~ The state board’s annual report submitted each January to the governor and general assembly under section 256I.4 shall include family support program outcomes ~~beginning with the January 2015 report.~~

b. The data on families served that is collected by the family support programs funded through the early childhood Iowa initiative shall include but is not limited to basic demographic information, services received, funding utilized, and program outcomes for the children and families served. The state board shall adopt performance benchmarks for the family support programs and shall revise the Iowa family support credential to incorporate the performance benchmarks on or before January 1, 2014.

c. The state board shall identify minimum competency standards for the employees and supervisors of family support programs funded through the early childhood Iowa initiative. ~~The state board shall submit recommendations concerning the standards to the governor and general assembly on or before January 1, 2014.~~

d. The state board shall adopt criminal and child abuse record check requirements for the employees and supervisors of family support programs funded through the early childhood Iowa initiative.

e. The state board shall develop a plan to implement a coordinated intake and referral process for publicly funded family support programs in order to engage the families expecting a child or with newborn and infant children through age five in all communities in the state by July 1, 2015.

Approved May 27, 2016

**CHAPTER 1114****CERTIFICATION AND INSPECTION STANDARDS FOR CHILDREN'S RESIDENTIAL FACILITIES***S.F. 2304*

**AN ACT** relating to standards for and certification and inspection of children's residential facilities.

*Be It Enacted by the General Assembly of the State of Iowa:*

**Section 1. NEW SECTION. 237C.1 Definitions.**

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

1. "Administrator" means the administrator of that division of the department designated by the director of human services to administer this chapter or the administrator's designee.

2. "Child" or "children" means an individual or individuals under eighteen years of age.

3. "Children's residential facility" means a private facility designed to serve children who have been voluntarily placed for reasons other than an exclusively recreational activity outside of their home by a parent or legal guardian and who are not under the custody or authority of the department of human services, juvenile court, or another governmental agency, that provides twenty-four hour care, including food, lodging, supervision, education, or other care on a full-time basis by a person other than a relative or guardian of the child, but does not include an entity providing any of the following:

a. Care furnished by an individual who receives the child of a personal friend as an occasional and personal guest in the individual's home, free of charge and not as a business.

b. Care furnished by an individual with whom a child has been placed for lawful adoption, unless that adoption is not completed within two years after placement.

c. Child care furnished by a child care facility as defined in section 237A.1.

d. Care furnished in a hospital licensed under chapter 135B or care furnished in a health care facility as defined in section 135C.1.

e. Care furnished by a juvenile detention home or juvenile shelter care home approved under section 232.142.

f. Care furnished by a child foster care facility licensed under chapter 237.

g. Care furnished by an institution listed in section 218.1.

h. Care furnished by a facility licensed under chapter 125.

i. Care furnished by a psychiatric medical institution for children licensed under chapter 135H.

4. "Department" means the department of human services.

**Sec. 2. NEW SECTION. 237C.2 Purpose.**

It is the policy of this state to provide appropriate protection for children who are separated from the direct personal care of their parents, relatives, or guardians and, therefore, the purpose of this chapter is to provide for the development, establishment, and enforcement of standards relating to the certification of children's residential facilities.

**Sec. 3. NEW SECTION. 237C.3 Certification standards — consultation with other agencies.**

1. The department of human services shall consult with the department of education, the department of inspections and appeals, the department of public health, the state fire marshal, and other agencies as determined by the department of human services to establish certification standards for children's residential facilities in accordance with this chapter.

2. Standards established by the department under this chapter shall at a minimum address the basic health and educational needs of children; protection of children from mistreatment, abuse, and neglect; background and records checks of persons providing care to children in facilities certified under this chapter; the use of seclusion, restraint, or other restrictive interventions; health; safety; emergency; and the physical premises on which care is provided by a children's residential facility. The background check requirements shall be substantially equivalent to those applied under chapter 237 for a child foster care facility provider.

3. Standards established by the department under this chapter shall not regulate religious education curricula at children's residential facilities.

**Sec. 4. NEW SECTION. 237C.4 Rules and standards — requirements.**

1. Except as otherwise provided in this section, the department shall adopt rules pursuant to chapter 17A to administer this chapter.

2. Before the administrator issues or reissues a certificate of approval to a children's residential facility under section 237C.6, the facility shall comply with standards adopted by the state fire marshal under chapter 100.

3. Rules governing sanitation, water, and waste disposal standards for children's residential facilities shall be adopted by the department of human services in consultation with the director of public health.

4. Rules governing educational programs and education services provided by children's residential facilities shall be adopted by the state board of education pursuant to section 282.34.

5. In the case of a conflict between rules and standards adopted pursuant to subsections 2 and 3 and local rules and standards, the more stringent requirement applies.

6. Rules adopted under this section shall not regulate religious education curricula at children's residential facilities.

7. Prior to establishing, proposing, adopting, or modifying a standard or rule under section 237C.3, this section, or section 282.34, the department of human services or the department of education, as applicable, shall, at a minimum, do all of the following:

a. Publish the entire text of the proposed standard, rule, or modification on its internet site.

b. Make every reasonable effort to notify the children's residential facilities in this state of the proposed standard, rule, or modification.

c. Allow and invite any and all persons interested in the proposed standard, rule, or modification to submit written data, facts, opinions, comments, and arguments, which information shall be made publicly available and shall be filed with and maintained by the applicable department for at least five years from the date of submission to the applicable department.

**Sec. 5. NEW SECTION. 237C.5 Certificate of approval — certification required.**

A person shall not operate a children's residential facility without a certificate of approval to operate issued by the administrator under this chapter.

**Sec. 6. NEW SECTION. 237C.6 Certificate application and issuance — denial, suspension, or revocation.**

1. A person shall apply for a certificate to operate a children's residential facility by completing and submitting to the administrator an application in a form and format approved by the administrator. The administrator shall issue or reissue a certificate of approval if the administrator determines that the applicant is or upon commencing operation will provide children's residential facility services in compliance with this chapter. A certificate of approval is valid for up to one year from the date of issuance for the period determined by the administrator in accordance with administrative rules providing criteria for making the determination.

2. The certificate of approval shall state on its face the name of the holder of the certificate, the particular premises for which the certificate is issued, and the number of children who may be cared for by the children's residential facility on the premises at one time under the certificate of occupancy issued by the state fire marshal or the state fire marshal's designee. The certificate of approval shall be posted in a conspicuous place in the children's residential facility.

3. The administrator may deny an application for issuance or reissuance of a certificate of approval or suspend or revoke a certificate of approval if the applicant or certificate holder, as applicable, fails to comply with this chapter or the rules adopted pursuant to this chapter or knowingly makes a false statement concerning a material fact or conceals a material fact on the application for the issuance or reissuance of a certificate of approval or in a report regarding operation of the children's residential facility submitted to the administrator. All

operations of a children's residential facility shall cease during a period of suspension or revocation. The administrator shall suspend or revoke a certificate of approval of a children's residential facility that fails to comply with section 282.34.

Sec. 7. NEW SECTION. **237C.7 Restricted use of facility.**

A children's residential facility shall operate only in a building or on premises designated in the certificate of approval.

Sec. 8. NEW SECTION. **237C.8 Reports and inspections.**

The administrator may require submission of reports by a certificate of approval holder and shall cause at least one annual unannounced inspection of a children's residential facility to assess compliance with applicable requirements and standards. The inspections shall be conducted by the department of inspections and appeals in addition to initial, renewal, and other inspections that result from complaints or self-reported incidents. The department of inspections and appeals and the department of human services may examine records of a children's residential facility and may inquire into matters concerning the children's residential facility and its employees, volunteers, and subcontractors relating to requirements and standards for children's residential facilities under this chapter.

Sec. 9. NEW SECTION. **237C.9 Injunctive relief — civil action.**

1. A person who establishes, conducts, manages, or operates a children's residential facility without a certificate of approval required pursuant to this chapter, or a children's residential facility with a certificate of approval that is not operating in compliance with rules adopted pursuant to this chapter or section 282.34, may be restrained by temporary or permanent injunction from providing children's residential facility services or from other involvement with child care. The action may be instituted by the state or a county attorney.

2. The parent or legal guardian of a child who is placed in a children's residential facility, the state, the department of education, or the school district in which the children's residential facility is located, may bring a civil action seeking relief from conduct constituting a violation of this chapter or section 282.34 or to prevent, restrain, or remedy such violation. A civil action brought by the department of education under this subsection shall be limited to seeking relief from conduct constituting a violation of section 282.34. Multiple petitioners may join in a single action under this subsection.

3. If successful in obtaining injunctive relief under this section, the petitioner shall be awarded reasonable attorney fees and court costs.

Sec. 10. NEW SECTION. **237C.10 Notice and hearings — judicial review.**

The procedure governing notice and hearing to deny an application or suspend or revoke a certificate of approval shall be in accordance with rules adopted by the department.

Sec. 11. NEW SECTION. **282.34 Educational programs for children's residential facilities.**

1. A children's residential facility operating under a certificate of approval issued under chapter 237C shall do all of the following:

a. Provide an educational program and appropriate education services to children residing in the children's residential facility by contracting with the school district in which the children's residential facility is located, contracting with an accredited nonpublic school, or becoming accredited as a nonpublic school through the standards and accreditation process described in section 256.11 and adopted by rule by the state board of education.

b. Display prominently in all of its major publications and on its internet site a notice accurately describing the educational program and educational services provided by the children's residential facility.

c. Include in any promotional, advertising, or marketing materials regarding the children's residential facility available in print, broadcast, or via the internet or by any other means all fees charged by the children's residential facility for the services offered or provided by the children's residential facility and its refund policy for the return of refundable portions of any fees. This paragraph shall not apply to sponsorship by a children's residential facility of public radio or public television broadcasts.

2. The state board of education shall adopt by rule pursuant to chapter 17A standards for the following:

a. Educational programs and appropriate educational services provided under this section.  
b. Contracts between children's residential facilities and school districts or accredited nonpublic schools.

c. Notices displayed in accordance with subsection 1, paragraph "b".

3. The department of education shall comply with the requirements of section 237C.4, subsection 7, regarding standards, rules, and modifications, and the responsibilities set forth for publication, notification, and receipt and maintenance of information filed with the department.

4. A contract that fails to comply with any of the requirements of subsection 1, or with standards adopted by the state board of education under subsection 2, is void.

5. Rules adopted under this section shall not regulate religious education curricula at children's residential facilities.

Sec. 12. REPEAL. Chapter 237B, Code 2016, is repealed.

Sec. 13. REPORT REQUIREMENT. By January 1, 2017, the department of human services and the department of education shall each submit a report to the general assembly concerning their progress in adopting rules as appropriate under sections 237C.4 and 282.34, as enacted by this Act.

Approved May 27, 2016

## CHAPTER 1115

### ECONOMIC DEVELOPMENT — ENHANCE IOWA BOARD AND FUND — SPORTS TOURISM PROGRAM AND FUND

S.F. 2308

**AN ACT** relating to economic development by establishing an enhance Iowa board to assume the powers and duties of the vision Iowa board and additional powers and duties, establishing an enhance Iowa fund, establishing a sports tourism program and fund, and including transition provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I ENHANCE IOWA

Section 1. Section 12.71, Code 2016, is amended by adding the following new subsections:

NEW SUBSECTION. 11. The treasurer of state shall not issue bonds or refunding bonds under this section after June 30, 2016.

NEW SUBSECTION. 12. This section is repealed on the date that all bonds and refunding bonds issued pursuant to this section are redeemed in full. The treasurer of state shall notify the Iowa Code editor of this occurrence.

Sec. 2. Section 15F.101, subsection 2, Code 2016, is amended to read as follows:

2. "Board" means the ~~vision~~ enhance Iowa board as created in section 15F.102.

Sec. 3. Section 15F.102, Code 2016, is amended by striking the section and inserting in lieu thereof the following:

**15F.102 Enhance Iowa board.**



1. An enhance Iowa board is established consisting of the members described in subsection 2. The board is located within the authority for administrative purposes. The director of the authority shall provide office space, staff assistance, and necessary supplies and equipment for the board. The director shall budget moneys to cover the compensation and expenses of the board. In performing its functions, the board is performing a public function on behalf of the state and is a public instrumentality of the state.

2. The board shall consist of the following voting members appointed by the governor:

a. Two members from each United States congressional district in the state as established in section 40.1.

b. Three members from the state at large.

3. a. Of the voting members appointed pursuant to subsection 2, the governor shall appoint the following:

(1) One person selected by the board of the Iowa natural heritage foundation.

(2) One person with professional experience in finance or investment banking.

(3) One person with professional experience in the tourism industry.

(4) One person with professional experience in architecture, landscape architecture, or historic preservation.

(5) One person with professional experience in cultural attractions and programming.

(6) Six persons actively employed in the private, for-profit sector of the economy who have substantial expertise in economic development.

b. The governor shall appoint the voting members pursuant to subsection 2, subject to sections 69.16, 69.16A, and 69.16C, and subject to confirmation by the senate.

c. The members appointed pursuant to subsection 2 shall be appointed to two-year staggered terms and the terms shall commence and end as provided by section 69.19. If a vacancy occurs, a successor shall be appointed to serve the unexpired term. A successor shall be appointed in the same manner and subject to the same qualifications as the original appointment to serve the unexpired term.

4. In addition to the voting members, the membership of the board shall include four members of the general assembly with one member designated by each of the following: the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives. A legislative member serves for a term as provided in section 69.16B in an ex officio, nonvoting capacity.

5. The governor shall designate the chairperson and vice chairperson of the board from the members appointed pursuant to subsection 2. In the case of absence or disability of the chairperson and vice chairperson, the members of the board shall elect a temporary chairperson by a majority vote of those members who are present and voting.

6. Each voting member of the board shall serve on at least one of the three review committees referred to in sections 15F.203, 15F.304, and 15F.401A.

7. A majority of the total voting membership of the board constitutes a quorum.

Sec. 4. Section 15F.103, Code 2016, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. Oversee the administration by the authority of the sports tourism program pursuant to this chapter.

NEW SUBSECTION. 3B. Oversee the administration of the river enhancement community attraction and tourism program pursuant to this chapter.

Sec. 5. Section 15F.104, Code 2016, is amended to read as follows:

**15F.104 Authority duties.**

The authority, subject to approval by the board, shall adopt administrative rules pursuant to chapter 17A necessary to administer ~~the community attraction and tourism program and the vision Iowa program~~ the programs established pursuant to this chapter. The authority shall provide the board with assistance in implementing administrative functions, marketing the programs, providing technical assistance and application assistance to applicants under the programs, negotiating contracts, and providing project follow-up. The authority, ~~in cooperation with the treasurer of state,~~ may conduct negotiations on behalf of the board with applicants regarding terms and conditions applicable to awards under the programs.

Sec. 6. **NEW SECTION. 15F.107 Enhance Iowa fund.**

1. a. The authority shall establish a fund pursuant to section 15.106A, subsection 1, paragraph "o", for purposes of allocating moneys to programs specified in an appropriation made to the enhance Iowa fund. A fund established for purposes of this section may be administered as a revolving fund and may consist of any moneys appropriated by the general assembly for purposes of this section.

b. Notwithstanding section 8.33, at the end of each fiscal year moneys in a fund established for purposes of this section shall not revert to any other fund but shall remain in the fund for expenditure for subsequent fiscal years.

c. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund. Repayments and recaptures of program moneys shall be credited to the fund.

2. The authority shall submit a report to the general assembly and the governor's office each year that moneys are appropriated to the fund established in this section describing the use of moneys and the results achieved under each of the programs receiving fund moneys.

Sec. 7. Section 15F.203, subsections 1 and 2, Code 2016, are amended to read as follows:

1. Applications for assistance under the program shall be submitted to the authority. For those applications that meet the eligibility criteria, the authority shall forward the applications to the board and provide a staff review analysis and evaluation to the community attraction and tourism program review committee referred to in subsection 2 and to the board.

2. A review committee composed of five members of the board shall review community attraction and tourism program applications submitted forwarded to the board and make recommendations regarding the applications to the board. The review committee shall consist of members of the board listed in, with one member from each congressional district under section 15F.102, subsection 2, paragraphs paragraph "a" through "e", and one member from the state at large under section 15F.102, subsection 2, paragraph "b".

Sec. 8. Section 15F.204, subsection 8, Code 2016, is amended by striking the subsection.

Sec. 9. Section 15F.304, subsections 1 and 2, Code 2016, are amended to read as follows:

1. Applications for assistance under the program shall be submitted to the authority. For those applications that meet the eligibility criteria, the authority shall forward the applications to the board and provide a staff review and evaluation to the vision Iowa program review committee referred to in subsection 2 and to the board.

2. A review committee composed of ~~eight~~ six members of the board shall review vision Iowa program applications and river enhancement community attraction and tourism project applications submitted forwarded to the board and make recommendations regarding the applications to the board. The review committee shall consist of members of the board listed in, with one member from each congressional district under section 15F.102, subsection 2, paragraphs "d" through "h" paragraph "a", and two members from the state at large under section 15F.102, subsection 2, paragraph "b".

Sec. 10. **NEW SECTION. 15F.401 Sports tourism program.**

1. a. The authority shall establish, and, at the direction of the board, shall administer a sports tourism program to provide financial assistance for projects that promote sporting events for organizations of accredited colleges and universities and other sporting events in the state.

b. For purposes of this section:

(1) "District" means a regional sports authority district certified under section 15E.321.

(2) "Financial assistance" means assistance provided only from the funds available to the authority or the board and includes assistance in the form of grants, loans, and forgivable loans.

(3) "Organization" means a corporation, conference, association, or other organization which has as one of its primary purposes the sponsoring or administration of extracurricular intercollegiate athletic contests or competitions.

c. The authority, by rule, shall define "accredited colleges and universities", in consultation with the college student aid commission.

2. *a.* A city or county in the state or a public organization, including a convention and visitors bureau or a district, may apply to the authority for financial assistance for a project that actively and directly promotes sporting events for accredited colleges and universities and other sporting events in the area served by the city, county, or public organization.

*b.* A city, county, or public organization may apply for and receive financial assistance for more than one project.

*c.* A city, county, or public organization may apply for financial assistance for a project that spans multiple fiscal years or may apply for renewal of financial assistance awarded in a prior year if all applicable contractual requirements are met. The decision as to whether to renew an award shall be at the discretion of the board. The board may adopt by rule certain metrics and return on investment estimates for purposes of this paragraph. The authority may include such metrics and estimates in a program agreement executed pursuant to this section.

*d.* A convention and visitors bureau may apply to the authority for financial assistance pursuant to this section and a district may apply to the authority for district financial assistance, but a convention and visitors bureau shall not in the same year receive financial assistance under the program created in this section and financial assistance as part of a district.

3. The authority shall process applications under this section in accordance with this section and section 15F.401A.

4. An applicant shall demonstrate matching funds in order to receive financial assistance pursuant to this section. The amount of matching funds that may be required shall be at the board's discretion.

5. The board shall make final funding decisions on each application and may approve, deny, defer, or modify applications for financial assistance under the program, in its discretion, in order to fund as many projects with the moneys available as possible. The board and the authority may negotiate with applicants regarding the details of projects and the amount and terms of any award. In making final funding decisions pursuant to this subsection, the board and the authority are exempt from chapter 17A.

6. *a.* A city, county, or public organization may use financial assistance received under the program for marketing, promotions, and infrastructure. Whether an activity or individual cost item is directly related to the promotion of the sporting event shall be within the discretion of the authority.

*b.* All applications to the authority for financial assistance shall be made at least ninety days prior to an event's scheduled date. A city, county, or public organization shall not use financial assistance received under the program as reimbursement for completed projects.

7. An applicant receiving financial assistance shall provide an annual report to the authority for years in which it receives financial assistance under this section. The report shall include the information the authority deems relevant.

8. Each applicant receiving an award of financial assistance from the board shall enter into an agreement with the authority. The agreement shall contain such terms and conditions as the board may place on the award or the authority may deem necessary for the efficient administration of the program established in this subchapter.

9. The authority, with the approval of the board, shall adopt rules for the administration of this subchapter.

#### Sec. 11. **NEW SECTION. 15F.401A Sports tourism program application review.**

1. Applications for assistance under the sports tourism program shall be submitted to the authority. For those applications that meet the eligibility criteria, the authority shall forward the applications to the board and provide a staff review analysis and evaluation to the sports tourism program review committee referred to in subsection 2 and to the board.

2. A review committee composed of five members of the board shall review sports tourism program applications forwarded to the board and make recommendations regarding the applications to the authority. The review committee shall consist of members of the board, with one member from each congressional district under section 15F.102, subsection 2, paragraph "a", and one member from the state at large under section 15F.102, subsection 2, paragraph "b".

3. When reviewing the applications, the review committee and the authority shall consider, at a minimum, all of the following:

- a. Impact of the project on the local, regional, and state economies.
- b. Potential to attract Iowans and out-of-state visitors.
- c. Amount of positive advertising or media coverage the project generates.
- d. Quality, size, and scope of the project.
- e. Ratio of public-to-private investment.

4. Upon review of the recommendations of the review committee, the board shall approve, defer, or deny the applications in accordance with section 15F.401.

**Sec. 12. NEW SECTION. 15F.402 Sports tourism program fund.**

1. a. The authority shall establish a fund pursuant to section 15.106A, subsection 1, paragraph "o", for purposes of financing sports tourism projects as described in this subchapter. The fund established for purposes of this section may be administered as a revolving fund and may consist of any moneys appropriated by the general assembly for purposes of this section.

b. Notwithstanding section 8.33, moneys in a fund established for purposes of this section at the end of each fiscal year shall not revert to any other fund but shall remain in the fund for expenditure for subsequent fiscal years.

c. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

2. a. Moneys in the fund are appropriated to the authority for purposes of providing financial assistance to cities, counties, and public organizations under the sports tourism program established and administered pursuant to this subchapter.

b. The board in its discretion shall allocate the available moneys in the fund among the programs described in paragraph "a" in the amounts determined by the board.

DIVISION II  
CONFORMING PROVISIONS

Sec. 13. Section 12.72, subsection 1, Code 2016, is amended to read as follows:

1. A vision Iowa fund is created and established as a separate and distinct fund in the state treasury. The moneys in the fund are appropriated to the ~~vision enhance~~ Iowa board for purposes of the vision Iowa program established in section 15F.302. Moneys in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes of the vision Iowa fund. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund as directed by the ~~vision enhance~~ Iowa board, including automatic disbursements of funds received pursuant to the terms of bond indentures and documents and security provisions to trustees. The fund shall be administered by the ~~vision enhance~~ Iowa board which shall make expenditures from the fund consistent with the purposes of the vision Iowa program without further appropriation. An applicant under the vision Iowa program shall not receive more than seventy-five million dollars in financial assistance from the fund.

Sec. 14. Section 12.75, subsection 1, Code 2016, is amended to read as follows:

1. The ~~vision enhance~~ Iowa board may undertake a project for two or more applicants jointly or for any combination of applicants, and may combine for financing purposes, with the consent of all of the applicants which are involved, the project and some or all future projects of any applicant, and sections 12.71, 12.72, and 12.74, this section, and sections 12.76 and 12.77 apply to and for the benefit of the ~~vision enhance~~ Iowa board and the joint applicants. However, the money set aside in a fund or funds pledged for any series or issue of bonds or notes shall be held for the sole benefit of the series or issue separate and apart from money pledged for another series or issue of bonds or notes of the treasurer of state. To facilitate the combining of projects, bonds or notes may be issued in series under one or more resolutions or trust agreements and may be fully open-ended, thus providing for the unlimited issuance of additional series, or partially open-ended, limited as to additional series.

Sec. 15. Section 15.108, subsection 5, paragraph c, Code 2016, is amended to read as follows:

c. Coordinate and develop with the department of transportation, the department of natural resources, the department of cultural affairs, the ~~vision~~ enhance Iowa board, other state agencies, and local and regional entities public interpretation, marketing, and education programs that encourage Iowans and out-of-state visitors to participate in the recreational and leisure opportunities available in Iowa. The authority shall establish and administer a program that helps connect both Iowa residents and residents of other states to new and existing Iowa experiences as a means to enhance the economic, social, and cultural well-being of the state. The program shall include a broad range of new opportunities, both rural and urban, including main street destinations, green space initiatives, and artistic and cultural attractions.

Sec. 16. Section 15E.321, Code 2016, is amended by adding the following new subsection:  
**NEW SUBSECTION.** 3A. Each district may apply for and receive financial assistance under the sports tourism program established by the authority pursuant to section 15F.401.

### DIVISION III TRANSITION PROVISIONS

Sec. 17. **BOARD COOPERATION — TRANSITION PROVISIONS.** The economic development authority shall ensure the effective transition of powers and duties from the ~~vision~~ Iowa board to the enhance Iowa board in implementing this Act. In the interest of maintaining the institutional knowledge possessed by members of the ~~vision~~ Iowa board, it is the intent of the general assembly that the governor should appoint at least three but not more than seven members of the ~~vision~~ Iowa board in existence on June 30, 2016, to the enhance Iowa board. The initial members of the enhance Iowa board shall be appointed by November 1, 2016.

Approved May 27, 2016

## CHAPTER 1116

### IOWA GOLD STAR MILITARY MUSEUM

*S.F. 2311*

**AN ACT** relating to the department of public defense by providing for the gold star military museum.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 29.1, Code 2016, is amended to read as follows:

**29.1 Department of public defense.**

The department of public defense is composed of the office of the adjutant general ~~and~~, the military forces of the state of Iowa, ~~and the Iowa gold star military museum as established in section 29.4.~~ The adjutant general is the director of the department of public defense and shall perform all functions, responsibilities, powers, and duties concerning the military forces of the state of Iowa ~~and the Iowa gold star military museum~~ as provided in the laws of the state.

Sec. 2. **NEW SECTION. 29.4 Iowa gold star military museum.**

1. The department of public defense shall establish a military historical museum located at Camp Dodge which shall be known as the “Iowa gold star military museum”. The museum shall be administered by the adjutant general.

2. The adjutant general may appoint a museum director and such other personnel from the full-time equivalent positions authorized the department for the purposes of maintaining and operating the Iowa gold star military museum. The museum director shall have such responsibilities as may be assigned by the adjutant general.

Approved May 27, 2016

## CHAPTER 1117

### STATE SALES TAX — REBATE FOR BASEBALL AND SOFTBALL TOURNAMENT FACILITY

S.F. 2312

**AN ACT** modifying the state sales tax rebate to the owner or operator of a baseball and softball tournament facility and movie site.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. **15F.207 Baseball and softball complex sales tax rebate.**

1. *Definitions.* As used in this section, unless the context otherwise requires, “baseball and softball complex” and “owner or operator” mean the same as defined in section 423.4, subsection 10.

2. *Application.* An entity that has made or is making an application under section 15F.202, subsection 2, for financial assistance for a project may make an application for the sales tax rebate provided under section 423.4, subsection 10. The application shall be made in the same manner and form as provided in section 15F.202, subsection 2, and shall include but not be limited to the same information as required in section 15F.202, subsection 2.

3. *Eligibility.*

a. The project must satisfy all of the following criteria to be eligible for a sales tax rebate:

(1) The project upon completion will be a baseball and softball complex.

(2) The entity making the application is or will become the owner or operator of the baseball and softball complex.

b. A project shall not be required to be receiving an award of financial assistance under another part of the program in order to be awarded a sales tax rebate pursuant to this section.

4. *Application review and award.*

a. Applications for the sales tax rebate shall be submitted to the authority. For those applications that meet the eligibility criteria, the authority shall provide a staff review and evaluation, with recommendation, to the board.

b. When reviewing applications, the authority shall consider, at a minimum, the same factors provided in section 15F.203, subsection 3, excluding paragraph “f” of that subsection.

c. Upon review of the recommendation of the authority, the board shall approve, defer, or deny an application.

d. Upon approval of an application for a sales tax rebate, the board shall notify the department of revenue regarding the amount of the sales tax rebate award, a description of the project comprising the baseball and softball complex, and any other information reasonably requested by the department in order to administer the sales tax rebate.

5. *Maximum award amount.* The board shall not award more than two million five hundred thousand dollars in sales tax rebates for any one baseball and softball complex, and shall not award more than five million dollars in total sales tax rebates for all baseball and softball complexes.

6. *Future repeal.* This section is repealed thirty days following the date on which five million dollars in total rebates have been awarded. The board shall notify the Iowa Code editor upon occurrence of this condition.

Sec. 2. Section 423.2, subsection 11, paragraph a, subparagraph (2), Code 2016, is amended to read as follows:

(2) Subsequent to the deposit into the general fund of the state, the director shall credit an amount equal to the product of the sales tax rate imposed in this section times the sales price of the tangible personal property or services furnished to purchasers at a baseball and softball tournament facility and movie site meeting complex that has received an award under section 15F.207 and that meets the qualifications of section 423.4, subsection 10, into the baseball and softball tournament facility and movie site complex sales tax rebate fund created under section 423.4, subsection 10, paragraph "e". The director shall credit the moneys beginning the first day of the quarter following July 1, 2012 2016. This subparagraph is repealed June 30, 2024, or thirty days following the date on which sixteen million five hundred thousand five million dollars in total rebates have been provided under section 423.4, subsection 10, or thirty days following the date on which rebates cease as provided in section 423.4, subsection 10, paragraph "c", subparagraph (4), whichever is earliest.

Sec. 3. Section 423.2, subsection 11, paragraph b, subparagraph (4), Code 2016, is amended to read as follows:

(4) Transfer to the baseball and softball tournament facility and movie site complex sales tax rebate fund that portion of the sales tax receipts described in paragraph "a", subparagraph (2), remaining after the transfers required under subparagraphs (1), (2), and (3) of this paragraph "b". This subparagraph is repealed June 30, 2024, or thirty days following the date on which sixteen million five hundred thousand five million dollars in total rebates have been provided under section 423.4, subsection 10, or thirty days following the date on which rebates cease as provided in section 423.4, subsection 10, paragraph "c", subparagraph (4), whichever is earliest.

Sec. 4. Section 423.4, subsection 10, Code 2016, is amended to read as follows:

10. a. For purposes of this subsection:

(1) "~~Baseball and softball tournament facility and movie site~~" means a baseball and softball tournament complex and tourist destination, which facility is located on a maximum of two hundred seventy nine acres, located inside or within three miles of the city limits of a city with a population of at least four thousand but not more than five thousand five hundred residents, which city is located in a county with a population of at least ninety-three thousand but not more than one hundred thousand residents and where the construction on the baseball and softball tournament facility commenced not later than July 1, 2013, and the cost of the construction upon completion was at least thirty eight million dollars. "Baseball and softball complex" means a baseball and softball complex located in this state that has a project completion date that is after July 1, 2016, and that has a cost of construction upon completion that is at least ten million dollars.

(2) "Change of control" means any of the following:

(a) Any change in the ownership of the original or any subsequent legal entity that is the owner or operator of the baseball and softball tournament facility and movie site complex such that more than fifty-one percent of the equity interests or voting interest in the legal entity ceases to be owned by individuals who are residents of Iowa, an Iowa corporation, or combination of both.

(b) The original owners of the legal entity that is the owner or operator of the baseball and softball tournament facility and movie site complex shall collectively cease to own or control more than fifty percent of the voting equity interests or voting interest of such legal entity or shall otherwise cease to have effective control of such legal entity.

(3) "Iowa corporation" means a corporation incorporated under the laws of Iowa where more than fifty-one percent of the corporation's equity interests or voting interest are owned or controlled by individuals who are residents of Iowa.

(4) "Owner or operator" means a for-profit legal entity where more than fifty-one percent of its equity interests are or voting interest is owned or controlled by individuals who are residents of Iowa, an Iowa corporation, or combination of both and that is the owner or operator of a baseball and softball tournament facility and movie site complex and is primarily a promoter of baseball and or softball tournaments, or both.

(5) ~~“Population” means the population based upon the 2010 certified federal census. “Project completion date” means the date on which a baseball and softball complex is placed into service.~~

~~b. The owner or operator of a baseball and softball tournament facility and movie site may apply to the department for complex that has received an award under section 15F.207 shall be entitled to a rebate of sales tax imposed and collected by retailers upon sales of any goods, wares, merchandise, admission tickets, or services furnished to purchasers at the baseball and softball tournament facility and movie site complex.~~

~~c. The rebate may be obtained only in the following amounts and manner and only under the following conditions:~~

~~(1) On forms furnished by the department within the time period provided by the department by rule, which time period shall not be longer than quarterly.~~

~~(2) The owner or operator shall provide information as deemed necessary by the department.~~

~~(3) The transactions for which sales tax was collected and the rebate is sought occurred on or after January 1, 2014, but before January 1, 2024 the baseball and softball complex’s project completion date or the date on which the award under section 15F.207 was made, whichever is later, but before the date which is ten years after the project completion date. However, not more than sixteen million five hundred thousand the amount of rebates provided to a baseball and softball complex shall not exceed the amount of the award under section 15F.207, and not more than five million dollars in total rebates shall be provided pursuant to this subsection.~~

~~(4) Notwithstanding subparagraph (3), the rebate of sales tax to a baseball and softball complex shall cease for transactions occurring on or after the date of the change of control of the baseball and softball tournament facility and movie site complex.~~

~~d. To assist the department in determining the amount of the rebate, the owner or operator shall identify to the department retailers located at the baseball and softball tournament facility and movie site complex who will be collecting sales tax. The department shall verify such identity and ensure that all proper permits have been issued. For purposes of this subsection, advance ticket and admissions sales shall be considered occurring at the baseball and softball tournament facility and movie site complex regardless of where the transactions actually occur.~~

~~e. There is established within the state treasury under the control of the department a baseball and softball tournament facility and movie site complex sales tax rebate fund consisting of the amount of state sales tax revenues transferred pursuant to section 423.2, subsection 11, paragraph “b”, subparagraph (4). An account is created within the fund for each baseball and softball tournament facility and movie site complex receiving an award under section 15F.207 and meeting the qualifications of this subsection. Moneys in the fund shall only be used to provide rebates of state sales tax pursuant to this subsection, and only the state sales tax revenues in the baseball and softball tournament facility and movie site complex rebate fund are subject to rebate under this subsection. Not more than sixteen million five hundred thousand The amount of rebates paid from each baseball and softball complex’s account within the fund shall not exceed the amount of the award under section 15F.207, and not more than five million dollars in total rebates shall be paid from the fund. Any moneys in the fund which represent state sales tax revenue for which the time period in paragraph “c” for receiving a rebate has expired, or which otherwise represent state sales tax revenue that has become ineligible for rebate pursuant to this subsection, shall immediately revert to the general fund of this state.~~

~~f. Upon determining that the conditions and requirements of this subsection and the department are met, the department shall issue a warrant from the applicable account within the baseball and softball tournament facility and movie site complex rebate fund to the owner or operator in the amount equal to the amount claimed and verified by the department.~~

~~g. This subsection is repealed June 30, 2024, or thirty days following the date on which sixteen million five hundred thousand five million dollars in total rebates have been provided, or thirty days following the date on which rebates cease as provided in paragraph “c”,~~



~~subparagraph (4), whichever is the earliest.~~ The director of revenue shall notify the Iowa Code editor upon occurrence of this condition.

Approved May 27, 2016

## CHAPTER 1118

### WORKFORCE DEVELOPMENT PROGRAMS AND UNEMPLOYMENT INSURANCE

#### S.F. 2313

**AN ACT** relating to employment services programs administered by the department of workforce development by providing for conformity with federal law concerning the workforce development board, authorizing the department to carry out certain actions relating to the unemployment insurance program, making an appropriation, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I

#### CONFORMITY WITH FEDERAL WORKFORCE INNOVATION AND OPPORTUNITY ACT

Section 1. Section 84A.1A, subsection 1, unnumbered paragraph 1, Code 2016, is amended to read as follows:

An Iowa workforce development board is created, consisting of nine voting members appointed by the governor and ~~twelve~~ sixteen ex officio, nonvoting members.

Sec. 2. Section 84A.1A, subsection 1, paragraph b, Code 2016, is amended to read as follows:

b. The ex officio, nonvoting members are four legislative members; one president, or the president's designee, of the university of northern Iowa, the university of Iowa, or Iowa state university of science and technology, designated by the state board of regents on a rotating basis; one representative from the largest statewide public employees' organization representing state employees; one president, or the president's designee, of an independent Iowa college, appointed by the Iowa association of independent colleges and universities; one superintendent, or the superintendent's designee, of a community college, appointed by the Iowa association of community college presidents; one representative of the vocational rehabilitation community appointed by the state rehabilitation council in the division of Iowa vocational rehabilitation services; one representative of the department of education appointed by the state board of education; one representative of the economic development authority appointed by the director; one representative of the department for the blind appointed by the director; one representative of the department on aging appointed by the director; one representative of the department of corrections appointed by the director; one representative of the department of human services appointed by the director; and one representative of the United States department of labor, office of apprenticeship. The legislative members are two state senators, one appointed by the president of the senate after consultation with the majority leader of the senate, and one appointed by the minority leader of the senate from their respective parties; and two state representatives, one appointed by the speaker of the house of representatives after consultation with the majority leader of the house of representatives, and one appointed by the minority leader of the house of representatives from their respective parties. The legislative members shall serve for terms as provided in section 69.16B.

Sec. 3. Section 84A.1A, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 6. *a.* The workforce development board may designate and direct the activities of standing committees of the workforce development board to provide information and to assist the workforce development board in carrying out its duties. Such standing committees shall be chaired by a member of the workforce development board or a designee of the workforce development board, may include other members of the workforce development board, and shall include other individuals appointed by the workforce development board who are not members of the workforce development board and who the workforce development board determines have appropriate experience and expertise. At minimum, the workforce development board shall designate each of the following:

(1) A standing committee to provide information and assist with operational and other issues relating to the state workforce development system.

(2) A standing committee to provide recommendations regarding policies, procedures, and proven and promising practices regarding workforce development programs, services, and activities.

(3) A standing committee to provide information and to assist with issues relating to the provision of services to youth. The standing committee shall include community-based organizations with a demonstrated record of success in serving eligible youth.

(4) A standing committee to provide information and to assist with issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with applicable state and federal nondiscrimination laws regarding the provision of programmatic and physical access to the services, programs, and activities of the state workforce development system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.

*b.* The workforce development board may designate standing committees in addition to the standing committees specified in paragraph “*a*”.

Sec. 4. Section 84A.1B, subsections 1, 3, 7, and 8, Code 2016, are amended to read as follows:

1. Develop and coordinate the implementation of a ~~twenty-year~~ four-year comprehensive workforce development plan of specific needs, goals, objectives strategies, and policies for the state. This plan shall be updated ~~annually every two years~~ and revised as necessary. All other state agencies involved in workforce development activities and the ~~regional advisory local workforce development boards for workforce development~~ shall ~~annually~~ submit to the board for its review and potential inclusion in the plan their needs, goals, objectives strategies, and policies.

3. Develop a method of evaluation of the attainment of needs and goals and objectives from pursuing the strategies and policies of the ~~five-year and twenty-year plans~~ four-year plan.

7. Review grants or contracts awarded by the department of workforce development, with respect to the department’s adherence to the guidelines and procedures and the impact on the ~~five-year strategic four-year plan for workforce development~~.

8. Make recommendations concerning the use of federal funds received by the department of workforce development ~~with respect to the five-year and twenty-year workforce development plans~~.

Sec. 5. Section 84A.1B, subsection 2, Code 2016, is amended by striking the subsection and inserting in lieu thereof the following:

2. Develop and coordinate the implementation of statewide workforce development policies, procedures, and guidance to align the state’s workforce development programs and activities in an integrated and streamlined state workforce development system that is data driven and responsive to the needs of workers, job seekers, and employers.

Sec. 6. Section 84A.1B, Code 2016, is amended by adding the following new subsections:

NEW SUBSECTION. 10. Develop and coordinate strategies for technological improvements to facilitate access to, and improve the quality of, the state’s workforce development services, including all of the following:

- a. Enhance digital literacy skills as defined in 20 U.S.C. §9101.
- b. Accelerate the acquisition of skills and recognized postsecondary credentials by participants.
- c. Strengthen the professional development of providers and workforce professionals.
- d. Ensure such technology is accessible to individuals with disabilities and individuals residing in remote areas.

NEW SUBSECTION. 11. Develop and coordinate strategies for aligning technology and data systems across state agencies in order to improve the integration and coordination of the delivery of workforce development services.

NEW SUBSECTION. 12. Identify and disseminate information on proven and promising practices for meeting the needs of workers, job seekers, and employers, including but not limited to proven and promising practices for the effective operation of workforce centers and systems; the development of effective local workforce development boards; the development of effective training programs; effective engagement with stakeholders in the state's workforce development system; effective engagement with employers; and increasing access to workforce services for all Iowans, in particular for individuals with a barrier to employment as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, section 3(24).

NEW SUBSECTION. 13. Develop and coordinate the implementation of allocation formulas for the distribution of funds available for employment and training activities in local workforce development areas under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, sections 128(b)(3) and 133(b)(3).

NEW SUBSECTION. 14. Provide recommendations to the governor regarding the certification of local workforce development boards.

NEW SUBSECTION. 15. Develop and coordinate the analysis of labor market information in order to identify in-demand industries and occupations.

NEW SUBSECTION. 16. Make recommendations to the governor regarding the designation of local workforce development areas and regions in the state under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, section 106.

NEW SUBSECTION. 17. Make recommendations to the general assembly and governor regarding workforce development services, programs, and activities.

Sec. 7. Section 84A.4, subsections 1 and 3, Code 2016, are amended to read as follows:

1. A regional advisory local workforce development board shall be established in each service delivery area as defined in section 84B.2. The voting members of the each board shall be appointed by the governor, consistent with the requirements of federal law and in consultation with chief elected officials within the ~~region~~ local workforce development area. Chief elected officials responsible for recommendations for ~~board~~ board's voting membership shall include, but are not limited to, county elected officials, municipal elected officials, and community college directors. The voting membership of each board shall provide for equal representation of business and labor and shall include a county elected official, a city official, a representative of a school district, and a representative of a community college. A local workforce development board may appoint ex officio, nonvoting members.

3. Section 84A.1A, subsections 2, 3, and 5, apply to the members of a ~~regional advisory~~ local workforce development board except that the board shall meet if a majority of the members of the board file a written request with the chairperson for a meeting. Members of a ~~regional advisory~~ local workforce development board shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses shall be paid from appropriations for those purposes and the department of workforce development is subject to the budget requirements of chapter 8.

Sec. 8. Section 84A.4, subsection 2, Code 2016, is amended by striking the subsection and inserting in lieu thereof the following:

2. A local workforce development board shall do all of the following:

- a. Develop and coordinate the implementation of a four-year comprehensive local workforce development plan that identifies needs, goals, strategies, and policies for the local workforce development area. A local workforce development plan shall be updated

every two years and revised as necessary. A local workforce development board shall coordinate the convening of local workforce development system stakeholders to assist in the development of the local workforce development plan.

b. Develop and coordinate the alignment of the local area's workforce development programs, services, and activities in an integrated and streamlined workforce development system that is data driven and responsive to the needs of workers, job seekers, and employers.

c. Develop and coordinate policies that increase access to workforce services for all Iowans, in particular for individuals with a barrier to employment as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, section 3(24).

d. Develop and coordinate the creation of reports as required by section 84A.1B.

e. Develop a budget for the local workforce development board's activities in the local workforce development area, consistent with the four-year comprehensive local workforce development plan, any modifications to the local workforce development plan, and the local workforce development board's duties under this section.

f. Convene workforce development system stakeholders to identify expertise and resources to leverage support for workforce development programs, services, and activities in the local area.

g. Coordinate engagement among employers, employee organizations, and economic development entities in the local workforce development area. The local workforce development board shall lead efforts to promote engagement among a diverse range of employers and with other entities in the region to do all of the following:

(1) Promote business representation on the local workforce development board, particularly for representatives with optimal policymaking or hiring authority of employers whose employment opportunities reflect existing and emerging employment opportunities in the region.

(2) Develop effective linkages with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities.

(3) Ensure that workforce investment activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, employee organizations, economic development entities, and service providers.

(4) Develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers, such as participating in the establishment of industry and sector partnerships as described under section 260H.7B, subsection 2, that provide the skilled workforce needed by employers in the region and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.

h. Coordinate the performance of workforce research and regional labor market analysis.

i. Participate in the development of strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system.

j. Participate in the oversight of workforce development programs and activities in the local workforce development area.

k. Award grants or contracts as required by and consistent with applicable state and federal law. To the extent permitted by applicable state and federal law, the local workforce development board shall consider awarding grants or contracts to nonprofit organizations.

l. Designate a fiscal agent.

m. Participate in the development of performance accountability measures for the local workforce development area.

n. Participate in the identification and promotion of proven and promising practices for meeting the needs of workers, job seekers, and employers.

o. Coordinate activities with education and training providers in the local workforce development area.

p. Participate in the identification of eligible providers of training and career services within the local workforce development area.

q. Make recommendations to the state workforce development board regarding workforce development programs, services, and activities.

r. Participate in the implementation of state workforce development initiatives.

Sec. 9. Section 84A.4, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. A local workforce development board may do the following:

a. Designate and direct the activities of standing committees of the local workforce development board to provide information and to assist the local workforce development board in carrying out its duties. Such standing committees shall be chaired by a member of the local workforce development board, may include other members of the local workforce development board, and shall include other individuals appointed by the local workforce development board who are not members of the local workforce development board and who the local workforce development board determines have appropriate experience and expertise.

b. Engage in regional coordination with one or more other local workforce development areas under the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, section 106.

Sec. 10. Section 84A.5, unnumbered paragraph 1, Code 2016, is amended to read as follows:

The department of workforce development, in consultation with the workforce development board and the ~~regional advisory~~ local workforce development boards, has the primary responsibilities set out in this section.

Sec. 11. Section 84A.5, subsection 9, unnumbered paragraph 1, Code 2016, is amended to read as follows:

The department of workforce development, in consultation with the applicable ~~regional advisory~~ local workforce development board, shall select service providers, subject to approval by the workforce development board for each service delivery area. A service provider in each service delivery area shall be identified to coordinate the services throughout the service delivery area. The department of workforce development shall select service providers that, to the extent possible, meet or have the ability to meet the following criteria:

Sec. 12. Section 84A.6, subsection 1, Code 2016, is amended to read as follows:

1. The department of workforce development, in consultation with the workforce development board and the ~~regional advisory~~ local workforce development boards, the department of education, and the economic development authority shall work together to develop policies encouraging coordination between skill development, labor exchange, and economic development activities.

Sec. 13. NEW SECTION. 84B.01 Workforce development system.

The departments of workforce development, education, human services, and corrections, the economic development authority, department on aging, the division of Iowa vocational rehabilitation services of the department of education, and the department for the blind shall collaborate where possible under applicable state and federal law to align workforce development programs, services, and activities in an integrated workforce development system in the state and in each local workforce development area that is data driven and responsive to the needs of workers, job seekers, and employers. The departments, authority, and division shall also jointly establish an integrated management information system for linking workforce development programs within local workforce development systems and in the state.

Sec. 14. Section 84B.1, unnumbered paragraph 1, Code 2016, is amended to read as follows:

The department of workforce development, in consultation with the departments of education, human services, and ~~human rights~~ corrections, the economic development authority, the department on aging, the division of Iowa vocational rehabilitation services of the department of education, and the department for the blind, shall establish guidelines for collocating state and federal employment and training programs in centers providing services at the local level. The centers shall be known as workforce development centers.

~~The departments and the authority shall also jointly establish an integrated management information system for linking the programs within a local center to the same programs within other local centers and to the state. The guidelines shall provide for local design and operation within the guidelines. The core services available at a center shall include but are not limited to all of the following:~~

Sec. 15. Section 84B.2, Code 2016, is amended to read as follows:

**84B.2 Workforce development centers — location.**

A workforce development center, as provided in section 84B.1, shall be located in each service delivery area. Each workforce development center shall also maintain a presence, through satellite offices or electronic means, in each county located within that service delivery area. For purposes of this section, “*service delivery area*” means the area included within a merged area, as defined in section 260C.2, realigned to the closest county border as determined by the department of workforce development. However, if the state workforce development board determines that an area of the state would be adversely affected by the designation of the service delivery areas by the department, the department may, after consultation with the applicable ~~regional advisory~~ local workforce development boards and with the approval of the state workforce development board, make accommodations in determining the service delivery areas, including, but not limited to, the creation of a new service delivery area. In no event shall the department create more than sixteen service delivery areas.

Sec. 16. Section 260H.2, subsection 1, Code 2016, is amended to read as follows:

1. A pathways for academic career and employment program is established to provide funding to community colleges for the development of projects in coordination with the economic development authority, the department of education, the department of workforce development, ~~regional advisory~~ local workforce development boards established pursuant to section 84A.4, and community partners to implement a simplified, streamlined, and comprehensive process, along with customized support services, to enable eligible participants to acquire effective academic and employment training to secure gainful, quality, in-state employment.

Sec. 17. Section 260H.4, subsection 2, paragraph a, Code 2016, is amended to read as follows:

a. Economic and workforce development requirements in each region served by the community colleges as defined by ~~regional advisory~~ local workforce development boards established pursuant to section 84A.4.

Sec. 18. Section 260H.4, subsection 2, paragraph b, subparagraph (5), Code 2016, is amended to read as follows:

(5) Any other industry designated as in-demand by a ~~regional advisory~~ local workforce development board established pursuant to section 84A.4.

Sec. 19. Section 260H.8, Code 2016, is amended to read as follows:

**260H.8 Rules.**

The department of education, in consultation with the community colleges, the economic development authority, and the department of workforce development, shall adopt rules pursuant to chapter 17A and this chapter to implement the provisions of this chapter. ~~Regional advisory~~ Local workforce development boards established pursuant to section 84A.4 shall be consulted in the development and implementation of rules to be adopted pursuant to this chapter.

Sec. 20. Section 260I.6, subsection 2, paragraph e, Code 2016, is amended to read as follows:

e. Any other industry designated as in-demand by a ~~regional advisory~~ local workforce development board established pursuant to section 84A.4.

Sec. 21. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

#### DIVISION II

#### UNEMPLOYMENT INSURANCE BENEFITS — AUTHORIZATION TO JOIN CONSORTIUM AND USE CERTAIN FUNDS — APPROPRIATION

Sec. 22. AUTHORIZATION TO JOIN CONSORTIUM. The department of workforce development is hereby authorized to join a consortium with the states of Idaho and Vermont for the purpose of modifying the Idaho unemployment benefit payment software system so that it can be used to pay unemployment insurance benefits by the state of Iowa.

#### Sec. 23. APPROPRIATION — UNEMPLOYMENT INSURANCE BENEFIT PAYMENT SOFTWARE SYSTEM.

1. There is hereby appropriated out of funds made available to the state of Iowa under section 903 of the Social Security Act, as amended, the sum of one million seventy-six thousand dollars, or so much thereof as may be necessary, to be used under the direction of the department of workforce development, for the purpose of modifying the Idaho unemployment insurance benefit payment software system so that it can be used to pay unemployment insurance benefits by the state of Iowa and for the acquisition of programing, software, and equipment required to provide an administrative and payment system for the Iowa unemployment insurance program.

2. The funds hereby appropriated shall not be obligated after the expiration of the two-year period beginning on the date of the enactment of this section.

3. The amount obligated pursuant to this section shall not exceed at any time the amount by which the aggregate of the amounts transferred to the account of this state in the unemployment trust fund pursuant to section 903 of the Social Security Act, as amended, exceeds the aggregate of the amounts obligated for administration and paid out for unemployment insurance benefits and required by law to be charged against the amounts transferred to the account of this state in the unemployment trust fund.

#### Sec. 24. AUTHORIZATION OF USE OF FUNDS — UNEMPLOYMENT INSURANCE BENEFIT PAYMENT SOFTWARE SYSTEM.

1. Four million eight hundred twenty-five thousand dollars, or so much thereof as may be necessary, of incentive payment funds credited with respect to the Assistance for Unemployed Workers and Struggling Families Act, Pub. L. No. 111-5, Division B, Tit. II, §2003, as codified in 42 U.S.C. §1103, as a special transfer made under section 903(g) of the Social Security Act, may be used under the direction of the department of workforce development for the purpose of modifying the Idaho unemployment insurance benefit payment system so that it can be used to pay unemployment insurance benefits by the state of Iowa and for the acquisition of programing, software, and equipment required to provide an administrative and payment system for the Iowa unemployment insurance program.

2. The funds hereby authorized for use shall not be obligated after the expiration of the two-year period beginning on the date of the enactment of this section.

#### Sec. 25. AUTHORIZATION OF USE OF FUNDS — UNEMPLOYMENT INSURANCE BENEFIT OVERPAYMENTS.

1. Notwithstanding section 96.3, subsection 7, and section 96.3, subsection 10, paragraph “d”, the department of workforce development shall not pursue the recovery of any overpayments of unemployment insurance benefits made to individuals caused by a telephone system malfunction on March 8, 2014.

2. The department of workforce development is authorized to make a one-time transfer of five hundred twenty-eight thousand, three hundred seventy-nine dollars and sixty-eight cents, or so much thereof as may be necessary, from moneys transferred to the state on March 13, 2002, pursuant to section 903(d) of the Social Security Act, to be deposited in the unemployment compensation fund for the payment of unemployment insurance benefits.

3. The funds hereby authorized for use shall not be obligated after the expiration of the two-year period beginning on the date of the enactment of this section.

Sec. 26. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 27, 2016

## CHAPTER 1119

### DELINQUENT COURT DEBT COLLECTION

*S.F. 2316*

**AN ACT** relating to the collection of delinquent court debt and associated installment agreements.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 321.210B, subsection 1, Code 2016, is amended to read as follows:

1. a. If a person's fine, penalty, surcharge, or court cost is deemed delinquent as provided in section 602.8107, subsection 2, and the person's driver's license has been suspended pursuant to section 321.210A, or the clerk of the district court has reported the delinquency to the department as required by section 321.210A, the person may execute an installment agreement as defined in section 602.8107 with the county attorney, the county attorney's designee, or the private collection designee under contract with the judicial branch pursuant to section 602.8107, subsection 5, to pay the delinquent amount and the civil penalty assessed in subsection 7 in installments. Prior to execution of the installment agreement, the person shall provide the county attorney, the county attorney's designee, or the private collection designee with a financial statement in order for the parties to the agreement to determine the amount of the installment payments.

b. Cases involving court debt assigned to a county attorney, a county attorney's designee, or the private collection designee shall remain so assigned.

Sec. 2. Section 321.210B, subsection 5, Code 2016, is amended to read as follows:

5. Upon receipt of the report from the clerk of the district court and payment of the reinstatement fee as provided in section 321.191, the department shall terminate the suspension if the suspension has not yet become effective. If the suspension has become effective, the department shall immediately reinstate the driver's license of the person unless the driver's license of the person is otherwise suspended, revoked, denied, or barred under another provision of law.

Sec. 3. Section 321.210B, subsection 8, Code 2016, is amended to read as follows:

8. a. ~~Upon~~ Except as provided in paragraph "b", upon determination by the county attorney, the county attorney's designee, or the private collection designee that the person is in default, the county attorney, the county attorney's designee, or the private collection designee shall notify the clerk of the district court.

b. (1) If the person is in default and the person provides a new financial statement within fifteen days of the determination made pursuant to paragraph "a" indicating that the person's financial condition has changed to such an extent that lower installment payments would have been required prior to the execution of the initial installment agreement under subsection 1, the county attorney, the county attorney's designee, or the private collection designee shall not notify the clerk of the district court, and the person shall not be considered in default. The new installment payments shall be based upon the new financial statement filed in compliance with this subparagraph.

(2) A person making new installment payments after complying with the provisions of subparagraph (1) shall not be considered executing a new installment agreement for purposes



of calculating the number of installment agreements a person may execute in a person's lifetime under subsection 13.

Sec. 4. Section 321.210B, subsection 12, Code 2016, is amended by striking the subsection.

Sec. 5. Section 602.8107, subsection 3, paragraphs a and c, Code 2016, are amended to read as follows:

a. Thirty days after court debt has been assessed and full payment has not been received, or if an installment payment is not received within thirty days after the date it is due, the judicial branch shall assign a case to the private collection designee under contract with the judicial branch pursuant to subsection 5 to collect debts owed to the clerk of the district court, unless the case has been assigned to the county attorney under paragraph "c".

c. If Thirty days after court debt has been assessed and full payment has not been received, or if an installment payment is not received within thirty days after the date it is due, and if a county attorney has filed with the clerk of the district court a notice of full commitment to collect delinquent court debt pursuant to subsection 4, the court debt in a case shall be assigned after sixty days to the county attorney as provided in subsection 4, if the court debt in a case is not part of an installment agreement with the private collection designee under contract with the judicial branch pursuant to subsection 5. The judicial branch shall assign cases with delinquent court debt to a county attorney in the same format and with the same frequency as cases with delinquent court debt are assigned to the private collection designee under paragraph "a", and a county attorney shall not be required to file an individual notice of full commitment to collect delinquent court debt for each assigned case. If the county attorney or the county attorney's designee, while collecting delinquent court debt pursuant to subsection 4, determines that a person owes additional court debt for which a case has not been assigned by the judicial branch, the county attorney or the county attorney's designee shall notify the clerk of the district court of the appropriate case numbers and the judicial branch shall assign these cases to the county attorney for collection if the additional court debt is delinquent.

Sec. 6. Section 602.8107, subsection 4, Code 2016, is amended to read as follows:

4. County attorney collection. The county attorney or the county attorney's designee may collect court debt ~~sixty days~~ after the court debt is deemed delinquent pursuant to subsection 2. In order to receive a percentage of the amounts collected pursuant to this subsection, the county attorney must first file annually with the clerk of the district court on or before July 1 of the first year the county attorney collects court debt under this subsection, a notice of full commitment to collect delinquent court debt, and a memorandum of understanding with the state court administrator for all cases assigned to the county for collection by the court. The annual notice shall contain a list of procedures which will be initiated by the county attorney. For a county attorney filing a notice of full commitment for the first time, the cases involving delinquent court debt previously assigned to the private collection designee shall remain assigned to the private collection designee. Cases involving delinquent court debt assigned to the county attorney after the filing of a notice of full commitment by the county attorney shall remain assigned to the county attorney. A county attorney who chooses to discontinue collection of delinquent court debt shall file with the clerk of the district court on or before May 15 a notice of the intent to cease collection of delinquent court debt at the start of the next fiscal year. If a county attorney ceases collection efforts, or if the state court administrator deems that a county attorney collections program has become ineligible to collect as specified in paragraph "f", all cases involving delinquent court debt assigned to the county attorney shall be transferred on July 1 to the private collection designee for collection, except that debt associated with any existing installment agreement shall remain assigned to the county for collection unless an installment payment becomes delinquent, after which the delinquent debt associated with the installment agreement shall be transferred promptly to the private collection designee for collection.

a. This subsection does not apply to amounts collected for victim restitution, the victim compensation fund, the criminal penalty surcharge, sex offender civil penalty, drug

abuse resistance education surcharge, the law enforcement initiative surcharge, county enforcement surcharge, amounts collected as a result of procedures initiated under subsection 5 or under section 8A.504, or fees charged pursuant to section 356.7.

b. Amounts collected by the county attorney or the county attorney's designee shall be distributed in accordance with paragraphs "c" and "d".

c. (1) ~~Forty~~ Twenty-eight percent of the amounts collected by the county attorney or the person procured or designated by the county attorney shall be deposited in the general fund of the county if the county attorney has filed the notice required by this subsection, unless the county attorney has discontinued collection efforts on a particular delinquent amount.

(2) The remaining ~~sixty~~ seventy-two percent shall be paid to the clerk of the district court each fiscal year for distribution under section 602.8108. However, if such amount, when added to the amount deposited into the general fund of the county pursuant to subparagraph (1), exceeds the following applicable threshold amount, the excess shall be distributed as provided in paragraph "d":

(a) For a county with a population greater than one hundred fifty thousand, an amount up to ~~five hundred thousand~~ one million dollars.

(b) For a county with a population greater than one hundred thousand but not more than one hundred fifty thousand, an amount up to ~~four~~ six hundred thousand dollars.

(c) For a county with a population greater than fifty thousand but not more than one hundred thousand, an amount up to ~~two hundred fifty~~ three hundred thousand dollars.

(d) For a county with a population greater than ~~twenty-six~~ thousand but not more than fifty thousand, an amount up to one hundred thousand dollars.

(e) For a county with a population greater than fifteen thousand but not more than twenty-six thousand, an amount up to fifty thousand dollars.

(f) For a county with a population equal to or less than fifteen thousand, an amount up to twenty-five thousand dollars.

~~d. Any additional moneys collected by an individual county after the distributions in paragraph "c" shall be distributed by the state court administrator as follows: forty percent of any additional moneys collected by the county attorney or the person procured or designated by the county attorney shall be deposited in the general fund of the county where the moneys were collected; twenty percent of the remaining sixty percent collected by the county attorney or the person procured or designated by the county attorney. After the total collected by a county attorney exceeds the threshold amount set in paragraph "c", and for the remainder of the fiscal year, five percent of the additional moneys collected shall be deposited with the office of the county attorney that collected the moneys; twenty-eight percent of the additional moneys collected shall be deposited in the general fund of the county where the moneys were collected; and the remainder remaining sixty-seven percent of the additional moneys shall be paid to the clerk of the district court for distribution under section 602.8108 or the state court administrator may distribute the remainder under section 602.8108 if the additional moneys have already been received by the state court administrator.~~

e. (1) A county may enter into an agreement pursuant to chapter 28E with one or more other counties for the purpose of collecting delinquent court debt pursuant to this subsection.

(2) ~~Notwithstanding paragraph "c", if a county subject to the threshold amount in paragraph "c", subparagraph (2), subparagraph division (e) or (f) enters into such an agreement exclusively with a county or counties subject to the threshold amount in paragraph "c", subparagraph (2), subparagraph division (e) or (f), the threshold amount applicable to all of the counties combined shall be a single threshold amount, equal to the threshold amount attributable to the county with the largest population. When a county enters into a chapter 28E agreement with another county or counties to collect delinquent court debt, the county or the county debt collection designee must collect an amount of delinquent court debt that originated in the county and that is equal to the applicable threshold amount under paragraph "c" in order for the county to qualify for distribution of moneys collected by county attorneys under paragraph "d".~~

~~f. Beginning July 1, 2010~~ 2017, and every fiscal year thereafter, amounts collected and distributed pursuant to this subsection shall be equal to or greater than twenty-five thousand dollars for each county or twenty-five thousand dollars in the aggregate for counties that have entered into an agreement pursuant to chapter 28E. ~~If a county, or counties that have~~

~~entered into a chapter 28E agreement, fails to meet the minimum threshold established in this paragraph, the county, or counties under the chapter 28E agreement, shall be within two years of beginning to collect delinquent court debt, a county attorney shall be required to collect one hundred percent of the applicable threshold amount specified in paragraph "c". If a county attorney collects more than eighty percent but less than one hundred percent of the applicable threshold amount, the state court administrator shall provide notice to the county attorney specifying that in order to remain eligible to participate in the county attorney collection program, the county attorney must collect at least one hundred twenty-five percent of the applicable threshold amount by the end of the next fiscal year. If a county attorney who has been given such a notice fails to collect one hundred twenty-five percent of the applicable threshold amount, the state court administrator shall provide notice to the county attorney that the county is ineligible to participate in the county attorney collection program for the following next two fiscal year years and all existing and future court cases with delinquent court debt shall be assigned to the private collection designee. In the event a county is ineligible to collect under this program, the county may apply to the state debt coordinator established in section 421C.1 to reenter the program following the fiscal year of ineligibility. The provisions of this paragraph apply to all counties, including those counties where delinquent court debt is collected pursuant to a chapter 28E agreement with one or more counties.~~

Sec. 7. STATE AUDITOR — REPORT. The state auditor shall review the collection rate for each county that has filed a notice of full commitment to collect delinquent court debt, and file a report of the results of the review with the general assembly by January 1, 2018. Additionally, the state auditor shall distribute the report to the judicial branch and to each county attorney who has filed a notice of full commitment to collect delinquent court debt.

Sec. 8. TEMPORARY PROVISION FOR COUNTY COLLECTION PROGRAMS. Notwithstanding the amendment to section 602.8107, subsection 4, paragraph "f", in this Act, the provisions of section 602.8107, subsection 4, paragraph "f", Code 2016, apply to individual counties or counties entering into a chapter 28E agreement until June 30, 2017.

Approved May 27, 2016

## CHAPTER 1120

### SUMMONING EMERGENCY ASSISTANCE — RIGHTS OF RESIDENTS, OWNERS, TENANTS, AND LANDLORDS

*H.F. 493*

**AN ACT** relating to the right of residents, owners, tenants, and landlords to summon emergency assistance and preempting related local ordinances, rules, and regulations.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 331.304, Code 2016, is amended by adding the following new subsection:

**NEW SUBSECTION.** 11. A county shall not adopt or enforce any ordinance or regulation in violation of section 562A.27B or 562B.25B.

Sec. 2. Section 364.3, Code 2016, is amended by adding the following new subsection:

**NEW SUBSECTION.** 11. A city shall not adopt or enforce any ordinance or regulation in violation of section 562A.27B or 562B.25B.

Sec. 3. NEW SECTION. 562A.27B **Right to summon emergency assistance — waiver of rights.**

1. *a.* A landlord shall not prohibit or limit a resident's or tenant's rights to summon law enforcement assistance or other emergency assistance by or on behalf of a victim of abuse, a victim of a crime, or an individual in an emergency.

*b.* A landlord shall not impose monetary or other penalties on a resident or tenant who exercises the resident's or tenant's right to summon law enforcement assistance or other emergency assistance.

*c.* Penalties prohibited by this subsection include all of the following:

(1) The actual or threatened assessment of penalties, fines, or fees.

(2) The actual or threatened eviction, or causing the actual or threatened eviction, from the premises.

*d.* Any waiver of the provisions of this subsection is contrary to public policy and is void, unenforceable, and of no force or effect.

*e.* This subsection shall not be construed to prohibit a landlord from recovering from a resident or tenant an amount equal to the costs incurred to repair property damage if the damage is caused by law enforcement or other emergency personnel summoned by the resident or tenant.

*f.* This section does not prohibit a landlord from terminating, evicting, or refusing to renew a tenancy or rental agreement when such action is premised upon grounds other than the resident's or tenant's exercise of the right to summon law enforcement assistance or other emergency assistance by or on behalf of a victim of abuse, a victim of a crime, or an individual in an emergency.

2. *a.* An ordinance, rule, or regulation of a city, county, or other governmental entity shall not authorize imposition of a penalty against a resident, owner, tenant, or landlord because the resident, owner, tenant, or landlord was a victim of abuse or crime.

*b.* An ordinance, rule, or regulation of a city, county, or other governmental entity shall not authorize imposition of a penalty against a resident, owner, tenant, or landlord because the resident, owner, tenant, or landlord sought law enforcement assistance or other emergency assistance for a victim of abuse, a victim of a crime, or an individual in an emergency, if either of the following is established:

(1) The resident, owner, tenant, or landlord seeking assistance had a reasonable belief that the emergency assistance was necessary to prevent the perpetration or escalation of the abuse, crime, or emergency.

(2) In the event of abuse, crime, or other emergency, the emergency assistance was actually needed.

*c.* Penalties prohibited by this subsection include all of the following:

(1) The actual or threatened assessment of penalties, fines, or fees.

(2) The actual or threatened eviction, or causing the actual or threatened eviction, from the premises.

(3) The actual or threatened revocation, suspension, or nonrenewal of a rental certificate, license, or permit.

*d.* This subsection does not prohibit a city, county, or other governmental entity from enforcing any ordinance, rule, or regulation premised upon grounds other than a request for law enforcement assistance or other emergency assistance by a resident, owner, tenant, or landlord, or the fact that the resident, owner, tenant, or landlord was a victim of crime or abuse.

*e.* This subsection does not prohibit a city, county, or other governmental entity from collecting penalties, fines, or fees for services provided which are necessitated by the cleanup of hazardous materials, the cleanup of vandalism, or a response to a false alarm call, which are incurred by the provision of emergency medical services, or which reflect other costs incurred by the city, county, or other governmental entity unrelated to responding to a call for law enforcement assistance or other emergency assistance.

3. In addition to other remedies provided by law, if an owner or landlord violates the provisions of this section, a resident or tenant is entitled to recover from the owner or landlord any of the following:

*a.* A civil penalty in an amount equal to one month's rent.

- b. Actual damages.
  - c. Reasonable attorney fees the tenant or resident incurs in seeking enforcement of this section.
  - d. Court costs.
  - e. Injunctive relief.
4. In addition to other remedies provided by law, if a city, county, or other governmental entity violates the provisions of this section, a resident, owner, tenant, or landlord is entitled to recover from the city, county, or other governmental entity any of the following:
- a. An order requiring the city, county, or other governmental entity to cease and desist the unlawful practice.
  - b. Other equitable relief, including reinstatement of a rental certificate, license, or permit, as the court may deem appropriate.
  - c. Actual damages.
  - d. In a case brought by a resident or tenant, the reasonable attorney fees the resident or tenant incurs in seeking enforcement of this section.
  - e. Court costs.
5. For purposes of this section, “resident” means a member of a tenant’s family and any other person occupying the dwelling unit with the consent of the tenant.

**Sec. 4. NEW SECTION. 562B.25B Right to summon emergency assistance — waiver of rights.**

1. a. A landlord shall not prohibit or limit a resident’s or tenant’s rights to summon law enforcement assistance or other emergency assistance by or on behalf of a victim of abuse, a victim of a crime, or an individual in an emergency.
- b. A landlord shall not impose monetary or other penalties on a resident or tenant who exercises the resident’s or tenant’s right to summon law enforcement assistance or other emergency assistance.
- c. Penalties prohibited by this subsection include all of the following:
- (1) The actual or threatened assessment of penalties, fines, or fees.
  - (2) The actual or threatened eviction, or causing the actual or threatened eviction, from the premises.
- d. Any waiver of the provisions of this subsection contrary to public policy and is void, unenforceable, and of no force or effect.
- e. This subsection shall not be construed to prohibit a landlord from recovering from a resident or tenant an amount equal to the costs incurred to repair property damage if the damage is caused by law enforcement or other emergency personnel summoned by the resident or tenant.
- f. This section does not prohibit a landlord from terminating, evicting, or refusing to renew a tenancy or rental agreement when such action is premised upon grounds other than the resident’s or tenant’s exercise of the right to summon law enforcement assistance or other emergency assistance by or on behalf of a victim of abuse, a victim of a crime, or an individual in an emergency.
2. a. An ordinance, rule, or regulation of a city, county, or other governmental entity shall not authorize imposition of a penalty against a resident, owner, tenant, or landlord because the resident, owner, tenant, or landlord was a victim of abuse or crime.
- b. An ordinance, rule, or regulation of a city, county, or other governmental entity shall not authorize imposition of a penalty against a resident, owner, tenant, or landlord because the resident, owner, tenant, or landlord sought law enforcement assistance or other emergency assistance for a victim of abuse, a victim of a crime, or an individual in an emergency, if either of the following is established:
- (1) The resident, owner, tenant, or landlord seeking assistance had a reasonable belief that the emergency assistance was necessary to prevent the perpetration or escalation of the abuse, crime, or emergency.
  - (2) In the event of abuse, crime, or other emergency, the emergency assistance was actually needed.
- c. Penalties prohibited by this subsection include all of the following:
- (1) The actual or threatened assessment of penalties, fines, or fees.

(2) The actual or threatened eviction, or causing the actual or threatened eviction, from the premises.

(3) The actual or threatened revocation, suspension, or nonrenewal of a rental certificate, license, or permit.

d. This subsection does not prohibit a city, county, or other governmental entity from enforcing any ordinance, rule, or regulation premised upon grounds other than a request for law enforcement assistance or other emergency assistance by a resident, owner, tenant, or landlord, or the fact that the resident, owner, tenant, or landlord was a victim of crime or abuse.

e. This subsection does not prohibit a city, county, or other governmental entity from collecting penalties, fines, or fees for services provided which are necessitated by the cleanup of hazardous materials, the cleanup of vandalism, or a response to a false alarm call, which are incurred by the provision of emergency medical services, or which reflect other costs incurred by the city, county, or other governmental entity unrelated to responding to a call for law enforcement assistance or other emergency assistance.

3. In addition to other remedies provided by law, if an owner or landlord violates the provisions of this section, a resident or tenant is entitled to recover from the owner or landlord any of the following:

a. A civil penalty in an amount equal to one month's rent.

b. Actual damages.

c. Reasonable attorney fees the tenant or resident incurs in seeking enforcement of this section.

d. Court costs.

e. Injunctive relief.

4. In addition to other remedies provided by law, if a city, county, or other governmental entity violates the provisions of this section, a resident, owner, tenant, or landlord is entitled to recover from the city, county, or other governmental entity any of the following:

a. An order requiring the city, county, or other governmental entity to cease and desist the unlawful practice.

b. Other equitable relief, including reinstatement of a rental certificate, license, or permit, as the court may deem appropriate.

c. Actual damages.

d. In a case brought by a resident or tenant, the reasonable attorney fees the resident or tenant incurs in seeking enforcement of this section.

e. Court costs.

5. For purposes of this section, "*resident*" means a member of a tenant's family and any other person occupying the dwelling unit with the consent of the tenant.

Approved May 27, 2016

## CHAPTER 1121

### ADMINISTRATION OF ELECTIONS

#### H.F. 2273

**AN ACT** relating to elections administration with respect to the address confidentiality program, the printing of ballots, the counting of certain absentee ballots, satellite absentee voting, and the conduct of school district elections, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

DIVISION I  
GENERAL PROVISIONS

Section 1. Section 9E.6, subsection 1, Code 2016, is amended to read as follows:

1. a. A program participant who is an eligible elector may register to vote with the state commissioner of elections, pursuant to section 48A.8, subsection 1. The name, address, and telephone number of a program participant shall not be listed in the statewide voter registration system.

b. A program participant's voter registration shall not be open to challenge under section 48A.14 based on participation in the program and use of a designated address.

Sec. 2. Section 9E.6, Code 2016, is amended by adding the following new subsection:

**NEW SUBSECTION.** 3. a. An absentee ballot submitted by a program participant shall not be subject to a challenge under section 49.79 or 53.31 if the challenge is based on the voter's participation in the program and use of a designated address.

b. In an election contested pursuant to chapter 57:

(1) The state commissioner of elections shall, upon the written request of a party to the contest, certify the eligibility of a program participant to vote or the validity of a program participant's absentee ballot. A written request submitted under this paragraph "b" must contain the voter identification number affixed to the program participant's absentee ballot.

(2) A deposition shall serve as testimony for a program participant. A court or tribunal trying the contest shall coordinate with the secretary to obtain a deposition from a program participant.

Sec. 3. Section 43.27, Code 2016, is amended to read as follows:

**43.27 Printing of ballots.**

The ~~text printed on~~ ballots of each political party shall be ~~printed~~ in black ink, on separate sheets of paper, uniform in quality, texture, and size, with the name of the political party printed at the head of ~~said the~~ ballots, which ballots shall be prepared by the commissioner in the same manner as for the general election, except as in this chapter provided. The commissioner may print the ballots for each political party using a different color for each party. If colored paper is used, all of the ballots for each separate party shall be uniform in color.

Sec. 4. Section 52.28, Code 2016, is amended to read as follows:

**52.28 Optical scan voting system ballot forms.**

The commissioner of each county in which the use of an optical scan voting system in one or more precincts has been authorized shall ~~print~~ text on optical scan ballots using black ink on white paper and shall determine the arrangement of candidates' names and public questions upon the ballot or ballots used with the system. The ballot information shall be arranged as required by chapters 43 and 49, and by any relevant provisions of any statutes which specify the form of ballots for special elections, so far as possible within the constraints of the physical characteristics of the optical scan voting system in use in that county. The state commissioner may adopt rules requiring a reasonable degree of uniformity among counties in arrangement of optical scan voting system ballots.

Sec. 5. Section 53.10, subsection 3, Code 2016, is amended to read as follows:

3. During the hours when absentee ballots are available in the office of the commissioner, ~~electioneering shall not be allowed within the sight or hearing of voters at the absentee voting site is a polling place for purposes of section 39A.4, subsection 1, paragraph "a".~~

Sec. 6. Section 53.11, subsection 4, Code 2016, is amended to read as follows:

4. During the hours when absentee ballots are available at a satellite absentee voting station, ~~electioneering shall not be allowed within the sight or hearing of voters at the satellite absentee voting station is a polling place for purposes of section 39A.4, subsection 1, paragraph "a".~~

Sec. 7. Section 275.1, subsection 1, paragraphs b and f, Code 2016, are amended to read as follows:

b. “*Initial board*” means the board of a newly reorganized district that is selected pursuant to section 275.25 or 275.41 and functions until the organizational meeting following the third second regular school election held after the effective date of the reorganization.

f. “*Regular board*” means the board of a reorganized district that begins to function at the organizational meeting following the third second regular school election held after the effective date of the school reorganization, and is comprised of members who were elected to the current terms or were appointed to replace members who were elected.

Sec. 8. Section 275.41, subsection 3, Code 2016, is amended to read as follows:

3. Prior to the effective date of the reorganization, the initial board shall approve a plan that commences at the first regular school election held after the effective date of the merger and is completed at the third second regular school election held after the effective date of the merger, to replace the initial board with the regular board. If the petition specifies a number of directors on the regular board to be different from the number of directors on the initial board, the plan shall provide that the number specified in the petition for the regular board is in place by the time the regular board is formed. The plan shall provide that as nearly as possible one-half of the members of the board shall be elected biennially, and if a special election was held to elect a member to create an odd number of members on the board, the term of that member shall end at the organizational meeting following the third second regular school election held after the effective date.

Sec. 9. Section 279.6, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. Except as provided in paragraph “b” and subsection 2, vacancies occurring among the officers or members of a school board shall be filled by the board by appointment. A person so appointed to fill a vacancy in an elective office shall hold office until a successor is elected and qualified pursuant to at the next regular school election, unless there is an intervening special election for the school district, in which event a successor shall be elected at the intervening special election, in accordance with section 69.12. To fill a vacancy occurring among the members of a school board, the board shall publish notice in the manner prescribed by section 279.36, stating that the board intends to fill the vacancy by appointment but that the electors of the school district have the right to file a petition requiring that the vacancy be filled by a special election conducted pursuant to section 279.7. The board may publish notice in advance if a member of the board submits a resignation to take effect at a future date. The board may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later.

Sec. 10. Section 279.7, subsection 1, Code 2016, is amended to read as follows:

1. If a vacancy or vacancies occur among the elective officers or members of a school board and the remaining members of the board have not filled the vacancy within thirty days after the vacancy ~~becomes known by the secretary or the board occurs~~ or if a valid petition is submitted to the secretary of the board pursuant to section 279.6, subsection 1, or when the board is reduced below a quorum, the secretary of the board, or if there is no secretary, the area education agency administrator, shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill the vacancy or vacancies. The county commissioner of elections shall publish the notices required by law for special elections, and the election shall be held not sooner than thirty days nor later than forty days after the thirtieth day following the day the vacancy ~~becomes known by the secretary or the board occurs~~. If the secretary fails for more than three days to call an election, the administrator shall call it.



DIVISION II  
EMERGENCY PROVISIONS

Sec. 11. Section 53.17, subsection 1, paragraph b, Code 2016, is amended to read as follows:

b. The sealed return envelope may be mailed to the commissioner by the registered voter or by the voter's designee. If mailed by the voter's designee, the envelope must be mailed within seventy-two hours of retrieving it from the voter or within time to be postmarked or, if applicable, to have the intelligent mail barcode traced to a date of entry into the federal mail system not later than the day before the election, whichever is earlier.

Sec. 12. Section 53.17, subsection 2, Code 2016, is amended to read as follows:

2. In order for the ballot to be counted, the return envelope must be received in the commissioner's office before the polls close on election day or be clearly postmarked by an officially authorized postal service or bear an intelligent mail barcode traceable to a date of entry into the federal mail system not later than the day before the election and received by the commissioner not later than noon on the Monday following the election.

Sec. 13. Section 53.17, subsection 4, paragraph f, Code 2016, is amended to read as follows:

f. A statement that the completed absentee ballot will be delivered to the commissioner's office within seventy-two hours of retrieving it from the voter or before the closing of the polls on election day, whichever is earlier, or that the completed absentee ballot will be mailed to the commissioner within seventy-two hours of retrieving it from the voter or within time to be postmarked or, if applicable, to have the intelligent mail barcode traced to a date of entry into the federal mail system not later than the day before the election, whichever is earlier.

Sec. 14. Section 53.22, subsection 5, paragraph b, Code 2016, is amended to read as follows:

b. Absentee ballots voted under this subsection shall be delivered to the commissioner no later than the time the polls are closed on election day. If the ballot is returned by mail the return envelope must be received by the time the polls close, or be clearly postmarked by an officially authorized postal service or bear an intelligent mail barcode traceable to a date of entry into the federal mail system not later than the day before the election and received by the commissioner no later than the time established for the canvass by the board of supervisors for that election.

Sec. 15. REPORT. The state commissioner of elections shall prepare a report related to the use of intelligent mail barcodes by county commissioners of elections during the 2016 general election. The report shall include information on the number of county commissioners of elections utilizing intelligent mail barcodes on absentee ballot return envelopes and statistics from such county commissioners detailing the number of absentee ballots counted in such counties as a result of the use of intelligent mail barcodes, along with any additional information deemed appropriate by the state commissioner. The county commissioners shall provide the state commissioner with information and statistics requested by the state commissioner pursuant to this section. The state commissioner shall deliver the report to the chairpersons and ranking members of the general assembly's standing committees on state government and to the legislative services agency by January 17, 2017.

Sec. 16. EMERGENCY RULES. The state commissioner of elections may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this division of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 17. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 27, 2016

## CHAPTER 1122

### REGULATION OF INSURANCE, SECURITIES, INSURERS, AND CEMETERIES

H.F. 2394

**AN ACT** relating to various matters involving insurance and the insurance division of the department of commerce, and including penalties and applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 16.91, subsection 3, Code 2016, is amended to read as follows:

3. With the approval of the authority board the division and its board shall consult with the insurance division of the department of commerce in developing a guaranty contract acceptable to the secondary market and developing any other feature of the program with which the insurance division may have special expertise. ~~The insurance division shall establish the amount for a loss reserve fund.~~ Except as provided in this subsection, the Iowa title guaranty program is not subject to the jurisdiction of or regulation by the insurance division or the commissioner of insurance.

Sec. 2. Section 502.305, subsection 2, Code 2016, is amended to read as follows:

2. *Filing.* Except as provided in ~~subsection 10~~ section 502.302, subsection 3, and section 502.304A, subsection 3, paragraph “g”, a person who files a registration statement or a notice filing shall pay a filing fee of ~~one-tenth of one percent of the proposed aggregate sales price of the securities to be offered to persons in this state pursuant to the registration statement or notice filing.~~ However, except as provided in ~~subsection 10, section 502.302, subsection 1, paragraph “a”, and section 502.304A, subsection 3, paragraph “g”,~~ the annual filing fee shall ~~not be less than fifty dollars or more than one thousand dollars as prescribed by rules adopted pursuant to chapter 17A.~~ The administrator shall retain the filing fee even if the notice filing is withdrawn or the registration is withdrawn, denied, suspended, revoked, or abandoned. The fees collected under this subsection shall be deposited as provided in section 505.7. The administrator may adopt rules requiring a filing to be made electronically. The rules may provide for such electronic filing either directly with the administrator or with a designee of the administrator. The rules may require that the filer pay any reasonable costs charged by the designee of the administrator for processing the filings and that the filer submit any fees paid through the designee.

Sec. 3. Section 502.305, subsection 10, Code 2016, is amended by striking the subsection.

Sec. 4. Section 502.306, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. The registration statement as of its effective date or before the effective date in the case of an order denying effectiveness, ~~an amendment under section 502.305, subsection 10, as of its effective date,~~ or a report under section 502.305, subsection 9, is incomplete in a material respect or contains a statement that, in the light of the circumstances under which it was made, was false or misleading with respect to a material fact.

Sec. 5. NEW SECTION. 507E.3A **Fraudulent sales practices — penalty.**

1. A person commits a class “D” felony if the person, with the intent to defraud another person in connection with any sale, solicitation, or negotiation of insurance in this state, willfully does any of the following:

- a. Employs any deception, device, scheme, or artifice to defraud.
- b. Misrepresents, conceals, or suppresses any material fact.
- c. Engages in any act, practice, or course of business which operates as a fraud or deceit upon any person.

2. Notwithstanding subsection 1, a person commits a class “C” felony if the person violates subsection 1, and such violation results in a loss of more than ten thousand dollars.

**Sec. 6. NEW SECTION. 514K.2 Health carrier disclosures — public internet sites.**

1. A carrier that provides small group health coverage pursuant to chapter 513B or individual health coverage pursuant to chapter 513C and that offers for sale a policy, contract, or plan that covers the essential health benefits required pursuant to section 1302 of the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, and its implementing regulations, shall provide to each of its enrollees at the time of enrollment, and shall make available to prospective enrollees and enrollees, insurance producers licensed under chapter 522B, and the general public, on the carrier’s internet site, all of the following information in a clear and understandable form for use in comparing policies, contracts, and plans, and coverage and premiums:

a. Any items or services, including prescription drugs, that have a coinsurance requirement where the cost-sharing required depends on the cost of the item or service.

b. The specific prescription drugs available on the carrier’s formulary, the specific prescription drugs covered when furnished by a physician or clinic, and any clinical prerequisites or prior authorization requirements for coverage of the drugs.

c. How medications will specifically be included in or excluded from the deductible, including a description of all out-of-pocket costs that may not apply to the deductible for a prescription drug.

2. A carrier that provides a summary of benefits and coverage to its enrollees in accordance with 26 C.F.R. §54.9815-2715, 29 C.F.R. §2590.715-2715, and 45 C.F.R. §147.200 is deemed to be in compliance with this section unless the commissioner of insurance determines that these federal regulations, or the successors to any of these federal regulations, fail to require the information required pursuant to this section in a clear and understandable form.

**Sec. 7. Section 521A.1, Code 2016, is amended by adding the following new subsections:**  
**NEW SUBSECTION. 5A. “Group-wide supervisor”** means a regulatory official who is authorized, and who is determined or acknowledged by the commissioner pursuant to section 521A.6B to have sufficient significant contacts with an internationally active insurance group, to engage in conducting and coordinating group-wide supervision of the internationally active insurance group.

**NEW SUBSECTION. 7A. “Internationally active insurance group”** means an insurance holding company system that includes an insurer registered under section 521A.4 and that meets all of the following criteria:

a. The insurance holding company system has premiums written in at least three countries.

b. The percentage of gross premiums written outside the United States is at least ten percent of the insurance holding company system’s total gross written premiums.

c. Based on a three-year rolling average, the total assets of the insurance holding company system are at least fifty billion dollars or the total gross written premiums of the insurance holding company system are at least ten billion dollars.

**Sec. 8. Section 521A.6A, subsection 1, unnumbered paragraph 1, Code 2016, is amended to read as follows:**

With respect to any insurer registered under section 521A.4 and in accordance with ~~subsection 3~~ of this section, the commissioner shall have the power to participate in a supervisory college for any domestic insurer that is part of an insurance holding company system with international operations in order to determine compliance by the insurer with

this chapter. The powers of the commissioner with respect to supervisory colleges include but are not limited to the following:

Sec. 9. Section 521A.6A, subsections 2 and 3, Code 2016, are amended by striking the subsections.

Sec. 10. NEW SECTION. **521A.6B Group-wide supervision of internationally active insurance groups.**

1. *a.* The commissioner may act as the group-wide supervisor of an internationally active insurance group in accordance with the provisions of this section. However, the commissioner may authorize another regulatory official to act as the group-wide supervisor where the internationally active insurance group meets any of the following conditions:

(1) Does not have substantial insurance operations in the United States.

(2) Has substantial insurance operations in the United States, but not in Iowa.

(3) Has substantial insurance operations in the United States and in Iowa, but the commissioner has determined pursuant to the factors set forth in subsections 2 and 6 that another regulatory official is the appropriate group-wide supervisor.

*b.* In response to a request from an insurance holding company system that does not otherwise qualify as an internationally active insurance group, the commissioner may make a determination of or acknowledge a group-wide supervisor for such an insurance holding company system pursuant to this section.

2. *a.* In cooperation with other state, federal, and international regulatory agencies, the commissioner shall identify a single group-wide supervisor for an internationally active insurance group. The commissioner may determine that the commissioner is the appropriate group-wide supervisor for an internationally active insurance group that conducts substantial insurance operations concentrated in this state, or the commissioner may acknowledge that a regulatory official from another jurisdiction is the appropriate group-wide supervisor for the internationally active insurance group. In making a determination or acknowledgment under this paragraph “a”, the commissioner shall consider the following factors:

(1) The place of domicile of the insurers within the internationally active insurance group that hold the largest share of the group’s written premiums, assets, or liabilities.

(2) The place of domicile of the top-tiered insurers in the insurance holding company system of the internationally active insurance group.

(3) The location of the executive offices or largest operational offices of the internationally active insurance group.

(4) Whether another regulatory official is acting as or is seeking to act as the group-wide supervisor of the internationally active insurance group under a regulatory system that the commissioner determines to be either of the following:

(a) Substantially similar to the system of regulation provided under the laws of this state.

(b) Otherwise sufficient in terms of providing for group-wide supervision, enterprise risk analysis, and cooperation with other regulatory officials.

(5) Whether another regulatory official acting as or seeking to act as the group-wide supervisor for the internationally active insurance group provides the commissioner with reasonably reciprocal recognition and cooperation.

*b.* Notwithstanding paragraph “a”, even if the commissioner is identified pursuant to this subsection as the group-wide supervisor of an internationally active insurance group, the commissioner may determine that it is appropriate to acknowledge another regulatory official to serve as the group-wide supervisor of the internationally active insurance group.

*c.* The acknowledgment of a group-wide supervisor pursuant to this subsection shall be made after consideration of the factors listed in paragraph “a”, subparagraphs (1) through (5), and shall be made in cooperation with and subject to the acknowledgment of other regulatory officials involved with supervision of members of the internationally active insurance group, and in consultation with the internationally active insurance group.

3. Notwithstanding any other provision of law, when another regulatory official is acting as the group-wide supervisor of an internationally active insurance group, the commissioner shall acknowledge that regulatory official as the group-wide supervisor of the internationally active insurance group. However, the commissioner shall make a new determination or

acknowledgment as to the appropriate group-wide supervisor for the internationally active insurance group in the event that a material change in the internationally active insurance group results in either of the following:

a. The internationally active insurance group's insurers domiciled in Iowa holding the largest share of the group's premiums, assets, or liabilities.

b. Iowa being the place of domicile of the top-tiered insurers in the insurance holding company system of the internationally active insurance group.

4. Pursuant to section 521A.6, the commissioner is authorized to collect from any insurer registered pursuant to section 521A.4 all information necessary to determine whether it is appropriate for the commissioner to act as the group-wide supervisor of an internationally active insurance group or to acknowledge another regulatory official to act as the group-wide supervisor of the internationally active insurance group. Prior to issuing a determination or acknowledgment pursuant to this section, the commissioner shall notify the insurer registered pursuant to section 521A.4 and the ultimate controlling person within the internationally active insurance group of the pending determination or acknowledgment. The insurer and the internationally active insurance group shall have not less than thirty days to provide the commissioner with additional information pertinent to the commissioner's pending determination or acknowledgment. The commissioner shall publish the identity of the internationally active insurance groups that the commissioner has determined are subject to group-wide supervision by the commissioner.

5. If a determination is made that the commissioner is the appropriate group-wide supervisor for an internationally active insurance group, the commissioner is authorized to engage in any of the following group-wide supervision activities:

a. Assessing the enterprise risks within the internationally active insurance group to ensure all of the following:

(1) That the material financial condition and liquidity risks to members of the internationally active insurance group that are engaged in the business of insurance are identified by management.

(2) That reasonable and effective mitigation measures are in place.

b. Requesting, from any member of an internationally active insurance group subject to the commissioner's group-wide supervision, information necessary and appropriate to assess enterprise risk, including but not limited to information about the members of the internationally active insurance group regarding all of the following:

(1) Governance, risk assessment, and management.

(2) Capital adequacy.

(3) Material intercompany transactions.

c. Coordinating and, through the authority of the regulatory officials of the jurisdictions where members of the internationally active insurance group are domiciled, compelling the development and implementation of reasonable measures designed to ensure that the internationally active insurance group is able to timely recognize and mitigate enterprise risks to members of the internationally active insurance group that are engaged in the business of insurance.

d. Communicating with other state, federal, and international regulatory agencies for members within the internationally active insurance group and sharing relevant information, subject to the confidentiality provisions of section 521A.7, through supervisory colleges as set forth in section 521A.6A or otherwise.

e. Entering into agreements with or obtaining documentation from any insurer registered under section 521A.4, any member of an internationally active insurance group, and any other state, federal, or international regulatory agency for members of the internationally active insurance group, that provides the basis for or otherwise clarifies the commissioner's role as group-wide supervisor of an internationally active insurance group, including provisions for resolving disputes with other regulatory officials. Such agreements or documentation shall not serve as evidence in any proceeding that any insurer or person within an insurance company<sup>1</sup> holding company system not domiciled or incorporated in this state is doing business in this state or is otherwise subject to jurisdiction in this state.

<sup>1</sup> See chapter 1138, §26 herein

f. Other activities of group-wide supervision, consistent with the authority and purposes set forth in this section, as considered necessary by the commissioner.

6. If the commissioner acknowledges that another regulatory official from a jurisdiction that is not accredited by the national association of insurance commissioners is the group-wide supervisor of an internationally active insurance group, the commissioner may reasonably cooperate through a supervisory college or otherwise, with group-wide supervision undertaken by that regulatory official provided that all of the following occur:

a. The commissioner's cooperation is in compliance with the laws of this state.

b. The regulatory official acknowledged as the group-wide supervisor of the internationally active insurance group also recognizes and cooperates with the commissioner's activities as a group-wide supervisor for other internationally active insurance groups, where applicable. If such recognition and cooperation is not reasonably reciprocal, the commissioner may refuse recognition and cooperation to that regulatory official.

7. The commissioner is authorized to enter into agreements with or obtain documentation from any insurer registered under section 521A.4, any affiliate of the insurer, and any other state, federal, or international regulatory agency for members of the internationally active insurance group, that provides the basis for or otherwise clarifies another regulatory official's role as group-wide supervisor of an internationally active insurance group.

8. An insurer registered under section 521A.4 that is subject to this section shall be liable for and shall pay the reasonable expenses of the commissioner's participation in the administration of this section, including the engagement of attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff and all reasonable travel expenses. Any persons so retained shall be under the direction and control of the commissioner and shall act in a purely advisory capacity.

9. The commissioner shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 11. Section 521A.7, subsection 1, Code 2016, is amended to read as follows:

1. All information, documents, and copies thereof obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to section 521A.6 or 521A.6A, and all information reported or provided to the commissioner pursuant to sections 521A.4 and, 521A.5, 521A.6A, and 521A.6B, shall be given confidential treatment and, shall not be subject to subpoena, shall not be subject to discovery or admissible in evidence in a private civil action, and shall not be made public by the commissioner or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which it pertains unless the commissioner, after giving the insurer and its affiliates who would be affected thereby, notice and opportunity to be heard, determines that the interests of policyholders, shareholders, or the public will be served by the publication thereof, in which event the commissioner may publish all or any part thereof in such manner as the commissioner may deem appropriate. However, the commissioner is authorized to use the information, documents, or copies obtained by, disclosed to, or reported or provided to the commissioner as described in this subsection, in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties.

Sec. 12. Section 523I.808, Code 2016, is amended to read as follows:

**523I.808 Examination fee.**

An examination fee shall be submitted with the cemetery's annual report in an amount equal to five dollars for each certificate of interment rights issued during the fiscal year time period covered by the report. The cemetery may charge the examination fee directly to the purchaser of the interment rights.

Sec. 13. Section 523I.813, subsections 1 and 2, Code 2016, are amended to read as follows:

1. A perpetual care cemetery shall file an annual report at the end of each fiscal year reporting period of the cemetery.

2. The report shall be filed with the commissioner within four months following the end of the cemetery's fiscal year reporting period in the form required by the commissioner.

Sec. 14. APPLICABILITY. The following provision of this Act is applicable to health insurance policies, contracts, or plans that are delivered, issued for delivery, continued, or renewed on or after January 1, 2017:

1. The section of this Act enacting section 514K.2.

Approved May 27, 2016

## CHAPTER 1123

### READING PROFICIENCY ASSESSMENTS AND PROGRAMS

H.F. 2413

**AN ACT** relating to reading proficiency assessments and intensive summer reading programs administered and provided by school districts.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 256.7, subsection 31, paragraph a, Code 2016, is amended to read as follows:

a. ~~By July 1, 2013, adopt~~ Adopt by rule guidelines for school district implementation of section 279.68, including

but not limited to basic levels of reading proficiency on approved locally determined or statewide assessments and identification of tools that school districts may use in evaluating and reevaluating any student who may not be or who is determined not to be deficient reading proficiently and is persistently at risk in reading, including but not limited to initial assessments and subsequent assessments, alternative assessments, and portfolio reviews. The state board shall adopt standards that provide a reasonable expectation that a student's progress toward reading proficiency under section 279.68 is sufficient to master appropriate grade four level reading skills prior to the student's promotion to grade four.

Sec. 2. Section 279.68, Code 2016, is amended to read as follows:

**279.68 Student progression — ~~remedial intensive reading instruction~~ — reporting requirements — promotion.**

1. ~~Reading deficiency and proficiency, assessments, parental notification, and promotion.~~

a. A school district shall assess all students enrolled in kindergarten through grade three at the beginning of each school year for their level of reading or reading readiness on locally determined or statewide assessments, as provided in section 256.7, subsection 31. ~~A~~ If a student is not reading proficiently and is persistently at risk in reading, based upon the assessments administered in accordance with this paragraph, the school district shall provide intensive reading instruction to any the student who exhibits a substantial deficiency in reading, based upon the assessment or through teacher observations. The student's reading proficiency shall be periodically reassessed by locally determined or statewide assessments including periodic universal screening and annual standard-based assessments. The student shall continue to be provided with intensive reading instruction until the student is reading deficiency is remedied at grade level, as determined by the student's consistently proficient performance on valid and reliable measures of reading ability. For purposes of this section, "persistently at risk" means the student has not met the grade-level benchmark on two consecutive screening assessments administered under this paragraph.

b. The parent or guardian of any student in kindergarten through grade three who ~~exhibits a substantial deficiency in~~ is persistently at risk in reading, as described in paragraph "a", shall be notified at least annually in writing and shall be provided all of the following:

- ~~(1) That the child has been identified as having a substantial deficiency in reading.~~
- ~~(2)~~ (1) A description of the services currently provided to the child student.

~~(3)~~ (2) A description of the proposed supplemental instructional services and supports that the school district will provide to the ~~child~~ student that are designed to remediate the identified ~~area of areas in which the student is persistently at risk in reading deficiency.~~

(4) ~~(3)~~ Strategies for parents and guardians to use in helping the ~~child~~ succeed in reading proficiency student read proficiently, including but not limited to the promotion of parent-guided home reading.

(4) Regular updates regarding the student's progress toward reaching or exceeding the targeted level of reading proficiency.

c. Beginning May 1, 2017, unless the school district is granted a waiver pursuant to subsection 2, paragraph "e", if the ~~student's~~ student is persistently at risk in reading deficiency is not remedied by the end of grade three, as ~~demonstrated by scoring on a locally determined or statewide assessment as provided in section 256.7, subsection 31,~~ the school district shall notify the student's parent or guardian that the parent or guardian may enroll the student in an intensive summer reading program offered in accordance with subsection 2, paragraph "e". If the parent or guardian does not enroll the student in the intensive summer reading program and the student is ineligible for the good cause exemption under subsection 5, the student shall be retained in grade three pursuant to subsection 3. If the student is exempt from participating in an intensive summer reading program for good cause, pursuant to subsection 5, or completes the intensive summer reading program but is not reading ~~proficient~~ proficiently upon completion of the program, the student may be promoted to grade four, but the school district shall continue to provide the student with intensive reading instruction until the student is ~~proficient in reading~~ proficiently as demonstrated by scoring on locally determined or statewide assessments administered under paragraph "a".

2. *Successful progression for early readers.* If funds are appropriated by the general assembly for purposes of implementing this subsection, a school district shall do all of the following:

a. Provide students who are ~~identified as having a substantial deficiency persistently at risk in reading under subsection 1, paragraph "a",~~ with intensive instructional services and supports, free of charge, to remediate the identified ~~areas of reading deficiency in which students are not proficient in reading,~~ including a minimum of ninety minutes daily of scientific, research-based reading instruction and other strategies prescribed by the school district which may include but are not limited to the following:

- (1) Small group instruction.
- (2) Reduced teacher-student ratios.
- (3) More frequent progress monitoring.
- (4) Tutoring or mentoring.
- (5) Extended school day, week, or year.
- (6) Summer reading programs.

b. At regular intervals, apprise the parent or guardian of academic and other progress being made by the student and give the parent or guardian other useful information.

c. In addition to required reading enhancement and acceleration strategies, provide parents of students who are ~~identified as having a substantial deficiency persistently at risk in reading under subsection 1, paragraph "a",~~ with a plan outlined in a parental contract, including participation in regular parent-guided home reading.

d. Establish a reading enhancement and acceleration development initiative designed to offer intensive accelerated reading instruction to each kindergarten through grade three student who is ~~assessed as exhibiting a substantial deficiency persistently at risk in reading.~~ The initiative shall comply with all of the following criteria:

(1) Be provided to all kindergarten through grade three students who ~~exhibit a substantial deficiency in~~ are persistently at risk in reading under this section. The assessment initiative shall measure phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(2) Be provided during regular school hours in addition to the regular reading instruction.

(3) Provide a reading curriculum that meets guidelines adopted pursuant to section 256.7, subsection 31, and at a minimum has the following specifications:

(a) Assists students ~~assessed as exhibiting a substantial deficiency in~~ who are persistently at risk in reading to develop the skills to read at grade level. Assistance shall include but not be limited to strategies that formally address dyslexia, when appropriate. For purposes of



this subparagraph division (a), “*dyslexia*” means a specific and significant impairment in the development of reading, including but not limited to phonemic awareness, phonics, fluency, vocabulary, and comprehension, that is not solely accounted for by intellectual disability, sensory disability or impairment, or lack of appropriate instruction.

(b) Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(c) Includes a scientifically based and reliable assessment.

(d) Provides initial and ongoing analysis of each student’s reading progress.

(e) Is implemented during regular school hours.

(f) Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.

e. Offer each summer, beginning in the summer of 2017, unless the school district receives a waiver from this requirement from the department of education for the summer of 2017, an intensive summer literacy reading program for students ~~assessed as exhibiting a substantial deficiency in~~ who are persistently at risk in reading. The program shall meet the criteria and follow the guidelines established pursuant to section 256.9, subsection 53, paragraph “c”, subparagraph (1), subparagraph division (g).

f. Report to the department of education the specific intensive reading interventions and supports implemented by the school district pursuant to this section. The department shall annually prescribe the components of required or requested reports.

3. *Promotion to grade four*. In determining whether to promote a student in grade three to grade four, a school district shall place significant weight on any area in which the student is persistently at risk in reading ~~deficiency identified pursuant to subsection 1, paragraph “a”, that is not yet remediated~~. The school district shall also weigh the student’s progress in other subject areas, as well as the student’s overall intellectual, physical, emotional, and social development. A decision to retain a student in grade three shall be made only after direct personal consultation with the student’s parent or guardian and after the formulation of a specific plan of action to ~~remedy~~ increase the student’s reading deficiency skills until the student is reading at grade level.

4. *Ensuring continuous improvement in reading proficiency*.

a. To ensure all children are reading proficiently by the end of third grade, each school district shall address reading proficiency as part of its comprehensive school improvement plan, drawing upon information about ~~children~~ students from assessments and reassessments conducted pursuant to subsection 1 and the prevalence of ~~deficiencies~~ areas in which students are persistently at risk in reading identified by classroom, elementary school, and other student characteristics. As part of its comprehensive school improvement plan, each school district shall review chronic early elementary absenteeism for its impact on literacy development. If more than fifteen percent of an attendance center’s students are not ~~proficient in reading proficiently~~ and are persistently at risk in reading by the end of third grade, the comprehensive school improvement plan shall include strategies to reduce that percentage, including school and community strategies to raise the percentage of students who are ~~proficient in reading~~ at grade level.

b. Each school district, subject to an appropriation of funds by the general assembly, shall provide professional development services to enhance the skills of elementary teachers in responding to children’s unique reading issues and needs and to increase the use of evidence-based strategies.

5. *Good cause exemption*.

a. The school district shall exempt students from the retention and intensive summer reading program requirements of subsection 1, paragraph “c”, for good cause. Good cause exemptions shall be limited to the following:

(1) Limited English proficient students who have had less than two years of instruction in an English as a second language program.

(2) Students requiring special education whose individualized education program indicates that participation in a locally determined or statewide assessment as provided in section 256.7, subsection 31, is not appropriate, consistent with the requirements of rules adopted by the state board of education for the administration of chapter 256B.

(3) Students who demonstrate an acceptable level of performance on an alternative performance measure approved pursuant to section 256.7, subsection 31.

(4) Students who demonstrate mastery through a student portfolio under alternative performance measures approved pursuant to section 256.7, subsection 31.

(5) Students who have received intensive remediation in reading for two or more years but ~~who are still demonstrate a deficiency persistently at risk~~ in reading and who were previously retained in kindergarten, grade one, grade two, or grade three. Intensive reading instruction for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The school district shall assist attendance centers and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.

b. ~~Requests~~ For students described in paragraph "a", subparagraphs (3) and (4), a request for a good cause ~~exemptions~~ exemption from the retention requirement of subsection 1, paragraph "c", ~~for students described in paragraph "a", subparagraphs (3) and (4)~~, shall include documentation from the student's teacher to the school principal that indicates that the promotion of the student is appropriate and is based upon the student's academic record. Such documentation shall include but not be limited to the individualized education program, if applicable, report card, or student portfolio.

Approved May 27, 2016

## CHAPTER 1124

### REGULATION OF REAL ESTATE APPRAISAL

*H.F. 2436*

**AN ACT** relating to real estate appraisal, including by requiring the superintendent of banking to regulate appraisal management companies and supervise the Iowa real estate appraiser board, making penalties applicable, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I

#### APPRAISAL MANAGEMENT COMPANIES

Section 1. NEW SECTION. 543E.1 **Short title.**

This chapter shall be known and may be cited as the "Iowa Appraisal Management Company Registration and Supervision Act".

Sec. 2. NEW SECTION. 543E.2 **Purpose and scope.**

The purpose of this chapter is to protect the independence and integrity of the appraisal process when an appraisal is provided through an appraisal management company in connection with a consumer credit transaction secured by the principal dwelling of an Iowa consumer or securitization of such a transaction.

Sec. 3. NEW SECTION. 543E.3 **Definitions.**

Unless the context otherwise requires, the definitions contained in section 543D.2 shall apply to this chapter. In addition, the following definitions shall apply for purposes of this chapter:

1. "Administrator" means the superintendent of the division of banking of the department of commerce or the superintendent's designee.

2. "Appraisal management company" means a person that oversees an appraiser panel of more than fifteen certified appraisers in this state or twenty-five or more certified or licensed appraisers nationally within a year, and that directly or indirectly performs appraisal

management services for creditors or secondary mortgage market participants in connection with consumer credit transactions secured by the principal dwellings of Iowa consumers or securitizations of those transactions.

3. “*Appraisal management company national registry*” means the registry of state-registered appraisal management companies and federally regulated appraisal management companies maintained by the appraisal subcommittee.

4. “*Appraisal management services*” means any of the following:

a. Recruiting, selecting, and retaining appraisers.

b. Contracting with state certified or licensed appraisers to perform appraisal assignments.

c. Managing the process of having an appraisal performed, including providing administrative services such as receiving appraisal orders and appraisal reports, submitting completed appraisal reports to creditors and secondary mortgage market participants, collecting fees from creditors and secondary mortgage market participants for services provided, and paying appraisers for services performed.

d. Reviewing and verifying the work of appraisers.

5. “*Appraisal review*” means developing and communicating an opinion under the uniform standards of professional appraisal practice review standards regarding the quality of another appraiser’s work product prepared as part of an appraisal assignment. An “*appraisal review*” does not include quality control solely to assure an appraisal report is complete, or to correct grammatical, typographical, or other similar errors.

6. “*Appraisal subcommittee*” means the appraisal subcommittee of the federal financial institutions examination council.

7. “*Appraiser*” means a person who holds a certificate as a certified real estate appraiser issued under chapter 543D.

8. “*Appraiser panel*” means a network, list, or roster of certified appraisers who are independent contractors with an appraisal management company and who have been selected and approved by the appraisal management company to perform appraisals directly for the appraisal management company or for persons that have ordered appraisals through the appraisal management company. Appraisers on an appraisal management company’s appraiser panel may include both appraisers engaged to perform one or more appraisals for covered transactions or for secondary mortgage market participants in connection with covered transactions, and appraisers accepted by the appraisal management company for consideration for future appraisal assignments for such purposes, as the administrator may further provide by rule.

9. “*Associate real estate appraiser*” means a person who is registered with the Iowa real estate appraiser examining board under section 543D.20.

10. “*Consumer credit*” means credit offered or extended to a consumer primarily for personal, family, or household purposes.

11. “*Controlling person*” means any of the following:

a. An owner, officer, or director of an appraisal management company.

b. An individual employed, appointed, or authorized by an appraisal management company who has the authority to enter into a contractual relationship with other persons for the performance of appraisal management services and has the authority to enter into agreements with appraisers for the performance of appraisals.

c. An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company.

12. “*Covered transaction*” means any consumer credit transaction secured by the consumer’s principal dwelling.

13. “*Creditor*” means a person who regularly extends consumer credit that is subject to a finance charge or is payable by written agreement in more than four installments, not including a down payment, and to whom the obligation is initially payable, either on the face of the note or contract, or by agreement when there is no note or contract. For purposes of this subsection, a person “regularly extends consumer credit” if the person extended credit, other than credit subject to the requirements of 12 C.F.R. §1026.32, more than five times in the preceding calendar year for transactions secured by a dwelling. If a person did not meet those numerical standards in the preceding calendar year, the numerical standards shall be applied to the current calendar year. A person also “regularly extends consumer credit” if, in

any twelve-month period, the person originates more than one credit extension that is subject to the requirements of 12 C.F.R. §1026.32 or one or more such credit extensions through a mortgage broker.

14. “*Dwelling*” means a residential structure that contains one to four units, whether or not that structure is attached to real property. “*Dwelling*” includes an individual condominium unit, cooperative unit, mobile home, and trailer, if it is used as a residence.

15. “*Federally regulated appraisal management company*” means an appraisal management company that is owned and controlled by an insured depository institution, as defined in 12 U.S.C. §1813 and regulated by the office of the comptroller of the currency, the board of governors of the federal reserve system, or the federal deposit insurance corporation.

16. “*Federally related transaction regulations*” means regulations established by the comptroller of the currency, the board of governors of the federal reserve system, the federal deposit insurance corporation, or the national credit union administration pursuant to sections 1112, 1113, and 1114 of Tit. XI of the federal Financial Institutions Reform, Recovery, and Enforcement Act, 12 U.S.C. §§3341-3343.

17. “*Nonsubstantive reason*” means a reason for imposing discipline against a certified appraiser that is not described in section 543D.17 or a substantially similar provision in the jurisdiction that imposed the discipline, including but not limited to the failure to pay appropriate fees.

18. “*Person*” means as defined in section 4.1.

19. “*Principal dwelling*” means the primary residence of a consumer. For purposes of this chapter, a consumer may have only one “*principal dwelling*”. A vacation or other second home shall not be considered a “*principal dwelling*”. However, if a consumer buys or builds a new dwelling that will become the consumer’s primary residence within a year or upon completion of the construction, the new residence is considered the “*principal dwelling*” for purposes of this chapter.

20. “*Secondary mortgage market participant*” means a guarantor or insurer of mortgage-backed securities, or an underwriter or issuer of mortgage-backed securities. “*Secondary mortgage market participant*” only includes an individual investor in a mortgage-backed security if that investor also serves in the capacity of a guarantor, insurer, underwriter, or issuer for the mortgage-backed security.

21. “*States*” means the fifty states of the United States, the District of Columbia, and the territories of American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the United States Virgin Islands.

22. “*Substantive reason*” means a reason for imposing discipline against a certified appraiser that is described in section 543D.17 or a substantially similar provision in the jurisdiction that imposed the discipline.

23. “*Uniform standards of professional appraisal practice*” means the uniform standards promulgated by the appraisal standards board of the appraisal foundation.

**Sec. 4. NEW SECTION. 543E.4 Registration required.**

A person shall not directly or indirectly engage in or attempt to engage in business as an appraisal management company or advertise or hold itself out as engaging in or conducting business as an appraisal management company in this state without first registering with the administrator.

**Sec. 5. NEW SECTION. 543E.5 Exemptions.**

This chapter shall not apply to any of the following:

1. A person that exclusively employs appraisers on an employer and employee basis for the performance of appraisals.
2. A government body, as defined in section 22.1, subsection 1, that performs appraisals or retains appraisers on behalf of the government body.
3. A federally regulated appraisal management company.
4. A department or division of an entity that provides appraisal management services only to that entity.

Sec. 6. **NEW SECTION. 543E.6 Ownership — restrictions and requirements.**

1. An appraisal management company registered or applying for registration in this state shall not be directly or indirectly owned in whole or in part by a person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of revocation in any state for a substantive reason. An appraisal management company may be directly or indirectly owned in whole or in part by a person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of revocation in a state for a nonsubstantive reason if the license or certificate was subsequently granted or reinstated.

2. A person who directly or indirectly owns more than ten percent of an appraisal management company in this state shall be of good moral character, as prescribed by rules adopted by the administrator consistent with applicable federal law and regulations, and shall submit to a background investigation, as prescribed by rules adopted by the administrator consistent with applicable federal law and regulations.

Sec. 7. **NEW SECTION. 543E.7 Designation of controlling person.**

1. An appraisal management company registered or applying for registration in this state shall designate a controlling person who shall be the main contact for all communications between the administrator and the appraisal management company, and who shall be responsible for assuring the appraisal management company complies with the provisions of this chapter when performing appraisal management services in connection with real estate located in this state.

2. The designated controlling person shall not have had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of revocation in any state for a substantive reason. A designated controlling person may have had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of revocation in a state for a nonsubstantive reason if the license or certificate was subsequently granted or reinstated.

3. The designated controlling person shall be of good moral character, as prescribed by rules adopted by the administrator consistent with applicable federal law and regulations, and shall submit to a background investigation, as prescribed by rules adopted by the administrator consistent with applicable federal law and regulations.

Sec. 8. **NEW SECTION. 543E.8 Registration — application requirements.**

1. An application for registration as an appraisal management company shall be submitted on a form prescribed by the administrator.

2. An application shall at a minimum include the following:

a. The name, form of business entity, contact information, and official domicile of the applicant.

b. The names and contact information for all persons who directly or indirectly own more than ten percent of the applicant and for the controlling person designated pursuant to section 543E.7, and such additional information the administrator may need to enforce section 543E.6, subsection 1.

c. Information as reasonably necessary to establish the size of the applicant's nationwide and Iowa appraiser panels, in accordance with rules adopted by the administrator.

d. Certification that the applicant does all of the following:

(1) Verifies that appraisers who will perform appraisal assignments concerning real estate located in this state hold a valid, unexpired certificate in good standing as a real estate appraiser issued under chapter 543D.

(2) Requires that appraisals provided or coordinated by the applicant comply with the uniform standards of professional appraisal practice and has a system in place to monitor such compliance.

(3) Maintains a system to assure that appraisal management services are performed independently and free from inappropriate influence and coercion pursuant to the appraisal independence standards established under section 129E of the federal Truth in Lending Act, including the requirements for the payment of reasonable and customary fees, and pursuant to section 543D.18, subsections 1 and 2, and section 543D.18A.

(4) Maintains a system to retain detailed records of all appraisal management services to be performed in this state.

(5) Maintains a system to assure that the appraiser selected for an appraisal assignment is independent of the transaction and has the requisite education, expertise, and experience necessary to competently complete the appraisal assignment for the particular market and property type.

e. If the applicant is not domiciled in this state, the name and contact information for the applicant's agent for service of process in this state and consent to service of process upon the secretary of state in any action or proceeding against the applicant arising out of a transaction or operation connected with or incidental to services performed by the applicant as a registered appraisal management company in this state or involving real property located in this state.

f. Any additional information that is reasonably needed for the administrator to implement the provisions of this chapter and assure that the applicant is eligible for registration under this chapter.

**Sec. 9. NEW SECTION. 543E.9 Registration renewal and annual certification.**

1. A registration issued under this chapter shall be valid for one year as provided by rule.

2. An application to renew registration shall be submitted in the form and in the manner prescribed by the administrator. The administrator may further require periodic disclosures of changes impacting registration, such as a change in ownership or the designated controlling person.

3. An application to renew registration shall contain the information described in section 543E.8, subsection 2.

4. A registration issued under this chapter shall lapse if not timely renewed, in accordance with rules adopted by the administrator.

5. A person holding a lapsed registration shall not directly or indirectly engage in or attempt to engage in business as an appraisal management company or advertise or hold itself out as engaging in or conducting business as an appraisal management company in this state until the registration has been reinstated under the process prescribed by the administrator by rule.

**Sec. 10. NEW SECTION. 543E.10 Fees.**

1. The administrator shall by rule establish fees for registration, renewal, reinstatement, and such additional fees as are reasonably necessary for the administration of this chapter. The fees shall be established in consideration of the costs of administering this chapter and the actual cost of the specific service to be provided or performed. The administrator shall periodically review and adjust the schedule of fees as needed to cover projected expenses.

2. Except as provided in subsection 3, all fees collected under this chapter shall be deposited into the department of commerce revolving fund created in section 546.12 and are appropriated to the administrator to be used to administer this chapter including but not limited to purposes such as examinations, investigations, and administrative staffing. Notwithstanding section 8.33, moneys appropriated pursuant to this subsection are not subject to reversion to the general fund of the state.

3. The administrator shall also collect the appraisal management company national registry fee from each appraisal management company seeking to register in this state and from federally regulated appraisal management companies operating in this state. The administrator shall transfer all appraisal management company national registry fees collected by the administrator to the appraisal subcommittee.

**Sec. 11. NEW SECTION. 543E.11 Appraiser, appraisal review, and employee restrictions.**

1. The following individuals shall not have had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of revocation in any state for a substantive reason, but may have had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of revocation in a state for a nonsubstantive reason if the license or certificate was subsequently granted or reinstated:

a. An appraiser in an appraisal management company's appraiser panel who performs or may perform appraisals of real estate located in this state.

b. An employee, independent contractor, or other agent of an appraisal management company who performs an appraisal review of an appraisal of real estate located in this state.

c. An employee, independent contractor, or other agent of an appraisal management company who, with respect to real estate located in this state, has any responsibility for assigning appraisers to specific appraisal assignments, providing quality control for appraisal reports, or communicating with appraisers regarding potential appraisal report deficiencies.

2. An appraiser who on behalf of an appraisal management company performs an appraisal review of an appraisal of a dwelling located in this state shall comply with the review provisions of the uniform standards of professional appraisal practice, and shall be certified as an appraiser under the laws of any state, except that a review appraiser shall be certified under chapter 543D if such certification is required by any applicable state or federal law, rule, or regulation, or to the extent the review appraiser provides the review appraiser's own opinion of value, concurs with the original appraiser's opinion of value, or disagrees with the original appraiser's opinion of value.

3. An appraisal management company may rely on the national registry of appraisers of the appraisal subcommittee for purposes of verifying compliance with this section.

**Sec. 12. NEW SECTION. 543E.12 Adherence to standards — mandatory reporting.**

1. An appraisal management company shall direct all appraisers it requests to perform appraisal assignments involving real estate located in this state to comply with the uniform standards of professional appraisal practice, including the competency rule.

2. An appraisal management company shall have an appraisal review system in place to monitor compliance with subsection 1.

3. An appraisal management company that has a reasonable basis to believe an appraiser has materially failed to comply with the uniform standards of professional appraisal practice or has otherwise materially violated chapter 543D or this chapter shall refer the matter to the administrator in conformance with applicable federal law and regulations. An appraisal management company that has a reasonable basis to believe another appraisal management company is failing to comply with the provisions of this chapter shall refer the matter to the administrator in conformance with section 272C.9, subsection 2.

4. An appraiser who is employed by or is on the appraiser panel of an appraisal management company registered under this chapter who has a reasonable basis to believe the appraisal management company is in violation of this chapter shall refer the matter to the administrator.

**Sec. 13. NEW SECTION. 543E.13 Recordkeeping — payment.**

1. An appraisal management company shall maintain a detailed record of each service request the appraisal management company receives involving real estate located in this state and the identity of the appraiser who performs the appraisal assignment. All such records shall be maintained for at least five years after the request is sent by the appraisal management company to the appraiser or the completion of the appraisal report, whichever period expires later. An appraisal management company shall maintain such additional records regarding appraisal management services performed in this state as the administrator may specify by rule.

2. An appraisal management company shall, except in the case of breach of contract or substandard performance of an appraisal service, make payment to an appraiser for the completion of an appraisal service within forty-five days of the date on which the appraiser transmits or otherwise provides the results of the completed appraisal service to the appraisal management company. An appraisal management company shall maintain detailed records to verify that all payments to appraisers have been made in compliance with this section. All such records shall be maintained for at least five years after payment is made or the completion of the appraisal service, whichever is later.

**Sec. 14. NEW SECTION. 543E.14 Appraiser independence — compensation.**

1. An appraisal management company registered under this chapter shall take all reasonable steps to assure that appraisals are conducted independently and free from inappropriate influence or coercion pursuant to the appraisal independence standards established under section 129E of the federal Truth in Lending Act, including the requirements for the payment of reasonable and customary fees, and in compliance with the independence, objectivity, and impartiality provisions of section 543D.18, subsections 1 and 2, and section 543D.18A.

2. An appraisal management company shall compensate appraisers at a rate that is reasonable and customary for appraisal services being performed in the market area of the property being appraised in accordance with federal law.

**Sec. 15. NEW SECTION. 543E.15 Prohibited acts.**

An appraisal management company registered under this chapter, or an employee, owner, director, controlling person, or other agent of an appraisal management company, shall not do any of the following:

1. Require an appraiser to indemnify an appraisal management company or hold an appraisal management company harmless for any liability, damage, losses, or claims arising out of the services performed by the appraisal management company, and not the services performed by the appraiser.

2. Alter, modify, or otherwise change a completed appraisal report submitted by an appraiser without the appraiser's written consent.

3. Require that an appraiser provide the appraisal management company with the appraiser's digital or electronic signature, seal, or certification, or any password or other form of security intended to prevent persons other than the appraiser from affixing the appraiser's digital or electronic signature, seal, or certification on a completed appraisal report.

4. Remove an appraiser from an appraiser panel without prior written notice that identifies the basis for removal. Upon request or in conjunction with an examination, an appraisal management company shall forward to the administrator copies of such notices issued to an appraiser located or certified in Iowa.

5. Require an appraiser to modify any aspect of an appraisal report other than through a request permitted under section 543D.18A, subsection 4.

6. Require an appraiser to perform an appraisal assignment if the appraiser has notified the appraisal management company that, in the appraiser's own professional judgment, any of the following apply:

a. The appraiser does not have the necessary competence or expertise for the specific geographic area or type of property to be appraised.

b. The timeframe under which the appraisal assignment is to be performed is insufficient for the appraiser to meet all relevant legal and professional obligations.

7. Require, either knowingly or through lack of reasonable diligence, an appraiser to take any action that would violate the uniform standards of professional appraisal practice, or any provision of chapter 543D or rule adopted pursuant thereto.

8. Prohibit an appraiser from disclosing the fee paid to the appraiser for appraisal services in the appraisal report.

9. Prohibit or inhibit lawful communications between the appraiser and the lender, a real estate salesperson or broker, or any other person from whom the appraiser, in the appraiser's own professional judgment, believes information obtained would be relevant to the appraisal assignment.

10. Condition payment of all or any part of an appraiser's fee or the appraisal management company's fee on a particular outcome, including but not limited to any of the following outcomes:

a. A loan closing.

b. A specific dollar amount in an appraisal report.

c. An outcome that would violate section 543D.18, subsection 2, or section 543D.18A, subsection 1.

11. Engage in any acts or practices that violate section 543E.14.

**Sec. 16. NEW SECTION. 543E.16 Display of registration number.**



An appraisal management company registered under this chapter shall be issued a unique registration number and shall include its registration number in any record, such as an engagement letter, order, or agreement, in which the appraisal management company contracts with an appraiser to perform an appraisal assignment involving real estate located in this state.

**Sec. 17. NEW SECTION. 543E.17 Grounds for disciplinary action.**

1. After notice and hearing, the administrator may revoke, suspend, or refuse to issue, renew, or reinstate a registration; reprimand, censure, or limit the scope of practice of any registrant; impose a civil penalty not to exceed ten thousand dollars per violation; require remedial action; or place any registrant on probation; all with or without terms, conditions, or in combinations of remedies, for any one or more of the following reasons:

a. Fraud or deceit in obtaining registration, which may also result in permanent revocation of the registration.

b. Dishonesty, fraud, or gross negligence in the provision of appraisal management services.

c. A violation of this chapter or implementing rules by the appraisal management company or by an employee, owner, director, controlling person, or other agent of the appraisal management company.

d. Conviction of a felony or other indictable offense, any element of which is dishonesty, deception, or fraud, or is otherwise related to the performance of appraisal management services, under the laws of any state or the United States.

e. Cancellation, revocation, suspension, or refusal to renew the authority to practice as an appraisal management company, or the acceptance of the voluntary surrender of a registration to practice as an appraisal management company to conclude a disciplinary investigation or action, by any other state, a federal agency, or foreign authority for any cause other than failure to pay appropriate fees in the other jurisdiction.

f. A violation of section 272C.10.

2. When determining whether to initiate a disciplinary proceeding against an appraisal management company based on actions or omissions by an employee, owner, director, controlling person, or other agent of the appraisal management company, the administrator shall take into consideration all of the following:

a. Whether the appraisal management company took reasonable steps to prevent the violation.

b. Whether the violation was or could have been discovered by the appraisal management company upon reasonable inquiry.

c. What steps the appraisal management company took upon discovering the violation.

d. Whether the violation could have been avoided had the appraisal management company established the systems or other procedures required under this chapter.

e. Whether the violation is an isolated matter or more systemic to the appraisal management company's performance.

**Sec. 18. NEW SECTION. 543E.18 Unlawful practice — complaints and investigations — remedies and penalties.**

1. If, as the result of a complaint or otherwise, the administrator believes that a person has engaged, or is about to engage, in an act or practice that constitutes or will constitute a violation of this chapter, the administrator may make application to the district court for an order enjoining such act or practice. Upon a showing by the administrator that such person has engaged, or is about to engage, in any such act or practice, an injunction, restraining order, or other order as may be appropriate shall be granted by the district court.

2. The administrator may investigate a complaint or initiate a complaint against a person who is not registered under this chapter to determine whether grounds exist to make application to the district court pursuant to subsection 1 or to issue an order pursuant to subsection 3, and in connection with such complaint or investigation may issue subpoenas to compel witnesses to testify or persons to produce evidence consistent with the provisions of section 272C.6, subsection 3, as needed to determine whether probable cause exists to

initiate a proceeding under this section or to make application to the district court for an order enjoining a violation of this chapter.

3. In addition to or as an alternative to making application to the district court for an injunction, the administrator may issue an order to a person who is not registered under this chapter to require compliance with this chapter and may impose a civil penalty against such person for any violation specified in subsection 4 in an amount up to ten thousand dollars for each violation. All civil penalties collected pursuant to this section shall be deposited in the housing trust fund created in section 16.181. An order issued pursuant to this section may prohibit a person from applying for registration under this chapter or certification or registration under chapter 543D.

4. The administrator may impose a civil penalty against a person who is not registered under this chapter for any of the following:

a. A violation of section 543E.4.

b. A violation of section 543D.18A, subsection 1.

c. Fraud, deceit, or deception, through act or omission, in connection with an application for registration under this chapter.

5. The administrator, before issuing an order under this section, shall provide the person written notice and the opportunity to request a hearing. The hearing must be requested within thirty days after receipt of the notice and shall be conducted in the same manner as provided for disciplinary proceedings involving a registrant under this chapter.

6. A person aggrieved by the imposition of a civil penalty under this section may seek judicial review pursuant to section 17A.19.

7. If a person fails to pay a civil penalty within thirty days after entry of an order imposing the civil penalty, or if the order is stayed pending an appeal, within ten days after the court enters a final judgment in favor of the administrator, the administrator shall notify the attorney general. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs.

8. An action to enforce an order under this section may be joined with an action for an injunction.

**Sec. 19. NEW SECTION. 543E.19 Surety bond.**

1. The administrator shall require that an appraisal management company be covered by a surety bond in the amount of twenty-five thousand dollars.

2. The surety bond shall be in a form as prescribed by the administrator. The administrator may, pursuant to rule, determine requirements for such surety bonds as are necessary to accomplish the purposes of this chapter. The requirements for a surety bond shall only relate to liabilities, damages, losses, or claims arising out of the appraisal management services performed by the appraisal management company involving real estate located in this state. The bond shall provide that a person having a claim against an appraisal management company may bring suit directly on the bond or the administrator may bring suit on behalf of such person.

**Sec. 20. NEW SECTION. 543E.20 Additional administrator authority.**

1. The administrator is vested with broad administrative authority to administer, interpret, and enforce this chapter and to promulgate rules implementing this chapter.

2. In addition to the duties and powers conferred upon the administrator in this chapter, the administrator shall have the authority to adopt such rules as are reasonably necessary to assure the administrator's registration and supervision of appraisal management companies comply with the minimum requirements of 12 U.S.C. §3352 and related federal laws and regulations, with respect to any of the following:

a. Reviewing and approving or denying an appraisal management company's application for initial or renewal registration.

b. Examining the books and records of an appraisal management company operating in the state and requiring the appraisal management company to submit reports, information, and documents.

c. Verifying that the appraisers on an appraisal management company's appraiser panel who perform appraisal assignments in this state hold valid certificates issued under chapter 543D.

d. Conducting investigations of appraisal management companies to assess potential violations of applicable appraisal-related laws, regulations, rules, or orders.

e. Disciplining, suspending, terminating, or denying renewal of the registration of an appraisal management company that violates applicable appraisal-related laws, regulations, rules, or orders.

f. Notwithstanding section 272C.6, subsection 4, reporting an appraisal management company's violation of applicable appraisal-related laws, regulations, rules, or orders, as well as disciplinary and enforcement investigations and actions and other relevant information about an appraisal management company's operations, to the appraisal subcommittee.

g. Imposing requirements on appraisal management companies that are mandated by federal law and regulations applicable to appraisal management companies that are not exempt under federal law, including any of the following:

(1) Registration and supervision requirements.

(2) Ownership limitations.

(3) Engaging only certified appraisers for federally related transactions in conformity with all applicable federally related transaction regulations.

(4) Establishing systems for engaging appraisers who are competent and independent, and who are suited for the appraisal assignments to which they are assigned based on education, expertise, and experience.

(5) Directing appraisers to perform appraisal assignments in accordance with the uniform standards of professional appraisal practice.

(6) Establishing and complying with processes and controls reasonably designed to ensure appraisal management companies conduct appraisal management services in accordance with the requirements of section 129E(a)-(i) of the federal Truth in Lending Act, 15 U.S.C. §1639e(1)-(i),<sup>1</sup> and regulations thereunder including but not limited to the requirement that appraisers who complete an appraisal in connection with a consumer credit transaction secured by the principal dwelling of the consumer be compensated with a customary and reasonable fee.

h. Assessing, collecting, and forwarding to the appraisal subcommittee appraisal management company national registry fees from appraisal management companies registered under this chapter and from federally regulated appraisal management companies.

3. The administrator may conduct periodic examinations of applicants or registrants under this chapter as reasonably necessary to assure compliance with all or specific provisions of this chapter. All papers, documents, examination reports, and other records relating to such examinations shall be confidential as provided in section 272C.6, subsection 4, except as provided in this section.

4. The administrator may adopt rules governing an appraiser's use of associate real estate appraisers while performing appraisal assignments subject to this chapter. Associate real estate appraisers may provide appraisal services under the supervision of a certified appraiser as provided in chapter 543D and associated rules, but shall not be on an appraiser panel of an appraisal management company.

5. The administrator may require a national criminal history check through the federal bureau of investigation or, if authorized by federal law or regulation, the nationwide mortgage licensing system and registry, as defined in section 535D.3, when conducting background investigations under this chapter. Except as inconsistent with the registry, the following shall apply:

a. The administrator may require owners and controlling persons who are subject to the background investigation provisions of sections 543E.6 and 543E.7 to provide a full set of fingerprints, in a form and manner prescribed by the administrator. Such fingerprints, if required, shall be submitted to the federal bureau of investigation through the state criminal history repository for purposes of the national criminal history check.

<sup>1</sup> According to Act, the phrase "§1639e(a) - (i)" probably intended

b. The administrator may also request and obtain, notwithstanding section 692.2, subsection 5, criminal history data for owners and controlling persons who are subject to the background investigation provisions of sections 543E.6 and 543E.7. A request for criminal history data shall be submitted to the department of public safety, division of criminal investigation, pursuant to section 692.2, subsection 1.

c. The administrator shall inform such owners and controlling persons of the requirement of a national criminal history check or request for criminal history data and obtain a signed waiver from the applicant, certificate holder, or registrant prior to requesting the check or data.

d. The administrator may, in addition to any other fees, charge and collect such amounts as may be incurred by the administrator, the department of public safety, or the federal bureau of investigation in obtaining criminal history information. Amounts collected shall be considered repayment receipts as defined in section 8.2.

e. Criminal history data and other criminal history information relating to affected owners or controlling persons, or their appraisal management companies obtained by the administrator pursuant to this section shall remain confidential. Such information may, however, be used by the administrator in a registration denial, enforcement, or disciplinary proceeding.

Sec. 21. Section 272C.1, subsection 6, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. *ag.* The superintendent of the division of banking of the department of commerce in registering and supervising appraisal management companies pursuant to chapter 543E.

## DIVISION II

### IOWA REAL ESTATE APPRAISER EXAMINING BOARD — SUPERVISION

Sec. 22. Section 543D.2, Code 2016, is amended by adding the following new subsection:  
NEW SUBSECTION. 11. “*Superintendent*” means the superintendent of the division of banking of the department of commerce or the superintendent’s designee.

Sec. 23. Section 543D.4, subsection 1, Code 2016, is amended to read as follows:

1. A real estate appraiser examining board is established within ~~the professional licensing and regulation bureau~~ of the banking division of the department of commerce. The board consists of seven members, two of whom shall be public members and five of whom shall be certified real estate appraisers.

Sec. 24. Section 543D.5, subsection 1, Code 2016, is amended to read as follows:

1. The board shall adopt rules establishing uniform appraisal standards and appraiser certification requirements and other rules necessary to administer and enforce this chapter and its responsibilities under chapter 272C, subject to the superintendent’s supervision and authority under section 543D.23. The board shall consider and may incorporate any standards required or recommended by the appraisal foundation or by a federal agency with regulatory authority over appraisal standards or the certification of appraisers for federally related transactions.

Sec. 25. Section 543D.5, Code 2016, is amended by adding the following new subsection:  
NEW SUBSECTION. 5. Notwithstanding any provision to the contrary, the provisions in section 546.10, subsections 6 through 12, shall apply to the board and to activities governed under this chapter.

Sec. 26. Section 543D.6, subsection 2, Code 2016, is amended to read as follows:

2. ~~Fees collected by the board shall be transmitted to the treasurer of state who shall deposit the fees in the general fund of the state.~~ All fees collected by the board shall be deposited into the department of commerce revolving fund created in section 546.12 and are appropriated to the superintendent on behalf of the board to be used to administer this chapter including but not limited to purposes such as examinations, investigations,

and administrative staffing. Notwithstanding section 8.33, moneys retained by the superintendent pursuant to this section are not subject to reversion to the general fund of the state. However, the appraisal management company national registry fees the board collects on behalf of the appraisal subcommittee as defined in section 543E.3 shall be transmitted to the appraisal subcommittee in accordance with federal laws and regulations.

Sec. 27. Section 543D.22, subsection 1, Code 2016, is amended to read as follows:

1. The board may require a national criminal history check through the federal bureau of investigation for applicants for certification or registration, or for persons certified or registered, under this chapter if needed for credibility, to comply with federal law or regulation, or the policies of the appraisal qualification board of the appraisal foundation. The board may alternatively require a national criminal history check through the nationwide mortgage licensing system and registry, as defined in section 535D.3, when conducting background investigations under this section, if authorized by applicable federal law or regulation.

Sec. 28. **NEW SECTION. 543D.23 Superintendent supervision and authority.**

1. The superintendent shall supervise the board and manage the board's budget and retained fees. The superintendent may exercise all authority conferred upon the board under this chapter and shall have access to all records and information to which the board has access. In supervising the board, the superintendent shall independently evaluate the substantive merits of actions recommended or proposed by the board which may be anticompetitive and shall have the authority to review, approve, modify, or reject all board actions including but not limited to those taken in connection with any of the following:

a. Initial or reciprocal certification of real estate appraisers, registration of associate real estate appraisers, and temporary practice permits.

b. Disciplinary investigations and proceedings.

c. Investigations and proceedings under section 543D.21.

d. Rulemaking, including orders on petitions for rulemaking.

e. Orders on petitions for declaratory orders or waivers or variances.

2. A person aggrieved by any final action of the board taken under this chapter shall not have exhausted administrative remedies until the person has appealed the action to the superintendent and the superintendent has issued a final decision or order.

3. The superintendent shall adopt rules to implement this section.

Sec. 29. Section 546.3, subsection 1, Code 2016, is amended to read as follows:

1. The banking division shall regulate and supervise banks under chapter 524, debt management licensees under chapter 533A, money services under chapter 533C, delayed deposit services under chapter 533D, mortgage bankers and brokers under chapter 535B, regulated loan companies under chapter 536, and industrial loan companies under chapter 536A, real estate appraisers under chapter 543D, and appraisal management companies under chapter 543E, and shall perform other duties assigned to the division by law. The division is headed by the superintendent of banking who is appointed pursuant to section 524.201. The state banking council shall render advice within the division when requested by the superintendent.

Sec. 30. Section 546.10, subsection 1, paragraph f, Code 2016, is amended by striking the paragraph.

Sec. 31. Section 546.10, subsection 5, Code 2016, is amended to read as follows:

5. Fees collected under chapters 542, 542B, 543B, ~~543D~~, 544A, 544B, and 544C shall be paid to the treasurer of state and credited to the general fund of the state. All expenses required in the discharge of the duties and responsibilities imposed upon the professional licensing and regulation bureau of the banking division of the department of commerce, the administrator, and the licensing boards by the laws of this state shall be paid from moneys appropriated by the general assembly for those purposes. All fees deposited into the general fund of the state, as provided in this subsection, shall be subject to the requirements of section 8.60.

Sec. 32. EFFECTIVE DATE. This Act takes effect on January 1, 2017.

Approved May 27, 2016

## CHAPTER 1125

### COUNTY MEDICAL EXAMINER FEES

*H.F. 2446*

**AN ACT** relating to county medical examiner fees.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 331.802, subsection 2, paragraph b, Code 2016, is amended to read as follows:

b. (1) Except as provided in section 218.64 or as otherwise provided by law, for each preliminary investigation and the preparation and submission of the required reports, the county medical examiner and medical examiner investigator shall receive from the county of appointment or the decedent's county of residence a fee determined by the board of the county of appointment plus the examiner's and investigator's actual expenses.

(2) The fee and expenses paid by shall be submitted by the county medical examiner and the medical examiner investigator as a joint invoice to the county of appointment shall be reimbursed to the county of appointment by the county of the person's residence which may immediately pay the invoice. If the county of appointment pays the invoice, the county of appointment shall seek reimbursement from the decedent's county of residence.

(3) If the county of appointment elects not to pay an invoice under subparagraph (2), the county shall forward the joint invoice to the decedent's county of residence for payment to the county medical examiner and the medical examiner investigator. If the county medical examiner and medical examiner investigator do not receive payment from the county of the decedent's residence within sixty days of receiving the joint invoice, the county of appointment shall pay the invoice.

(4) However, if the person's death is caused by a defendant for whom a judgment of conviction and sentence is rendered under section 707.2, 707.3, 707.4, 707.5, or 707.6A, the county of the person's residence or the county of appointment, as applicable, may recover from the defendant the fee and expenses.

Approved May 27, 2016

## CHAPTER 1126

### IMPLEMENTATION OF LEGISLATIVE ENACTMENTS — RULEMAKING

*H.F. 2449*

**AN ACT** concerning the implementation and administration of Acts of the general assembly through administrative rulemakings and including effective date and retroactive applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 17A.4, Code 2016, is amended by adding the following new subsection:  
**NEW SUBSECTION.** 10. *a.* If a provision of an Act of the general assembly expressly requires rulemaking by an agency, or if another statute that governs or is directly related to a provision of an Act of the general assembly expressly requires rulemaking by an agency, the agency shall make one of the following submissions regarding such rulemaking within one hundred eighty days of the date on which the provision becomes effective:

(1) Submit a notice of intended action to the administrative rules coordinator and the administrative code editor pursuant to subsection 1.

(2) Submit written notification to the administrative rules review committee that the agency has not submitted a notice of intended action to the administrative rules coordinator and the administrative code editor pursuant to subsection 1. The notification shall include the provision of the Act of the general assembly for which rulemaking is required, the subject matter of the provision, an explanation of the delay in the submission of a notice of intended action, and an estimated timeline for submission of a notice of intended action.

*b.* This subsection shall not be construed to prohibit an agency from conducting rulemaking relating to a provision of an Act of the general assembly for which a submission was not made pursuant to paragraph “a”. This subsection shall not be construed to prohibit an agency from conducting additional rulemaking subsequent to completion of any rulemaking for which a submission was made pursuant to paragraph “a”.

Sec. 2. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 3. **RETROACTIVE APPLICABILITY.** This Act applies retroactively to any provisions of Acts enacted on or after January 11, 2016.

Approved May 27, 2016

## CHAPTER 1127

### MENTAL HEALTH AND DISABILITY SERVICES FUNDING AUTHORIZATION

*H.F. 2456*

**AN ACT** relating to county levy authority for mental health and disability services funding.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 331.424A, subsection 8, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Notwithstanding subsection 6, for the fiscal years beginning July 1, 2013, July 1, 2014, July 1, 2015, ~~and July 1, 2016, and July 1, 2017~~, county revenues from taxes levied by the county and credited to the county services fund shall not exceed the lower of the following amounts:

Sec. 2. Section 426B.3, subsection 1, Code 2016, is amended to read as follows:

1. For the fiscal years beginning July 1, 2013, July 1, 2014, July 1, 2015, ~~and July 1, 2016, and July 1, 2017~~, the state and county funding for the mental health and disability services administered or paid for by counties shall be provided based on a statewide per capita expenditure target amount computed in accordance with this section and section 331.424A.

Approved May 27, 2016

**CHAPTER 1128****TAXATION AND TAX LAW ADMINISTRATION — MISCELLANEOUS CHANGES***H.F. 2468*

**AN ACT** relating to the administration of the tax and related laws by the department of revenue, including the renewable energy tax credit, the solar energy system tax credit, appeal procedures for certain centrally assessed property, an extension of the utility replacement tax task force, requiring background checks for job applicants and persons performing work for the department of revenue, a sales and use tax exemption for certain items used in performance of a construction contract with designated exempt entities, a geothermal tax credit, the adoption tax credit, and including effective date and retroactive and other applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

**Section 1. NEW SECTION. 421.48 Background checks.**

An applicant for employment with the department of revenue shall be subject to a national criminal history check through the federal bureau of investigation. A contractor, vendor, employee, or any other individual performing work for the department of revenue, shall be subject to a national criminal history check through the federal bureau of investigation at least once every ten years. The department of revenue shall request the national criminal history check and shall provide the individual's fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation. The individual shall authorize release of the results of the national criminal history check to the department of revenue. The department of revenue shall pay the actual cost of the fingerprinting and national criminal history check, if any. The results of a criminal history check conducted pursuant to this section shall not be considered a public record under chapter 22.

**Sec. 2. NEW SECTION. 422.10A Geothermal tax credit.**

1. For purposes of this section, unless the context otherwise requires:

a. "Qualified geothermal heat pump property" means any equipment that uses the ground or groundwater as a thermal energy source to heat the dwelling unit of the taxpayer or as a thermal energy sink to cool such dwelling unit, which equipment meets the requirements of the federal energy star program in effect at the time that the expenditure for such equipment is made.

b. "Qualified geothermal heat pump property expenditures" means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in Iowa and used as a residence by the taxpayer.

2. Except as provided in subsection 6, the taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a geothermal tax credit equal to ten percent of the qualified geothermal heat pump property expenditures made by the taxpayer during the tax year.

3. Qualified geothermal heat pump property expenditures shall be deemed to have been made on the date the installation is complete or, in the case of new construction or reconstruction, the date the original use of the structure by the taxpayer begins.

4. In the case of a taxpayer whose dwelling unit is part of a multiple housing cooperative organized under chapter 499A or a horizontal property regime under chapter 499B, the taxpayer shall be treated as having made the taxpayer's proportionate share of any qualified geothermal heat pump property expenditures made by the cooperative or the regime.

5. Any credit in excess of the tax liability is not refundable but the excess for the tax year may be credited to the tax liability for the following ten years or until depleted, whichever is earlier.

6. The credit provided in this section shall not be available during any tax year in which the federal residential energy efficient property tax credit for geothermal heat pumps provided in section 25D(a)(5) of the Internal Revenue Code is available. Any amount of expenditures used to calculate the credit provided in section 25D(a)(5) of the Internal Revenue Code shall



not be considered qualified geothermal heat pump property expenditures for purposes of this section.

Sec. 3. Section 422.11L, subsection 3, paragraph d, Code 2016, is amended to read as follows:

d. (1) A taxpayer must submit an application to the department for each separate and distinct solar installation. The application must be approved by the department in order to claim the tax credit. The application must be filed by May 1 following the year of the installation of the solar energy system.

(2) The department shall accept and approve applications on a first-come, first-served basis until the maximum amount of tax credits that may be claimed pursuant to subsection 4 is reached. If for a tax year the aggregate amount of tax credits applied for exceeds the amount specified in subsection 4, the department shall establish a wait list for tax credits. Valid applications filed by the taxpayer by May 1 following the year of the installation but not approved by the department shall be placed on a wait list in the order the applications were received and those applicants shall be given priority for having their applications approved in succeeding years. Placement on a wait list pursuant to this subparagraph shall not constitute a promise binding the state. The availability of a tax credit and approval of a tax credit application pursuant to this section in a future year is contingent upon the availability of tax credits in that particular year.

Sec. 4. Section 422.11L, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 6. For purposes of this section, “*Internal Revenue Code*” means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended to and including January 1, 2016.

Sec. 5. Section 422.12A, subsection 2, Code 2016, is amended to read as follows:

2. The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by an adoption tax credit equal to the amount of qualified adoption expenses paid or incurred by the taxpayer during the tax year in connection with the adoption of a child by the taxpayer, not to exceed ~~two thousand five hundred~~ five thousand dollars per adoption.

Sec. 6. Section 423.3, subsection 80, Code 2016, is amended to read as follows:

80. a. For purposes of this subsection, “*designated exempt entity*” means an any of the following:

(1) An entity which is designated in section 423.4, subsection 1 or 6.

(2) An entity which is an instrumentality of a county or municipal government, including an agent of such entity, if the entity was created for the purpose of owning, including pursuant to a lease-purchase agreement, real property located within a reinvestment district established under chapter 15J.

b. If Subject to the limitations in paragraph “c”, if a contractor, subcontractor, or builder is to use building materials, supplies, and equipment in the performance of a construction contract with a designated exempt entity, the person shall purchase such items of tangible personal property without liability for the tax if such property will be used in the performance of the construction contract and a purchasing agent authorization letter and an exemption certificate, issued by the designated exempt entity, are presented to the retailer.

c. (1) The With regard to a construction contract with a designated exempt entity described in paragraph “a”, subparagraph (1), the sales price of building materials, supplies, or equipment is exempt from tax by this subsection only to the extent the building materials, supplies, or equipment are completely consumed in the performance of the construction contract with the designated exempt entity.

(2) With regard to a construction contract with a designated exempt entity described in paragraph “a”, subparagraph (2), the sales price of building materials, supplies, or equipment is exempt from tax by this subsection only to the extent the building materials, supplies, or equipment are completely consumed in the performance of a construction contract to construct a project, as defined in section 15J.2, subsection 10, which project has been approved by the economic development authority board in accordance with chapter 15J.

~~e. d. Where~~ Subject to the limitations in paragraph “c”, where the owner, contractor, subcontractor, or builder is also a retailer holding a retail sales tax permit and transacting retail sales of building materials, supplies, and equipment, the tax shall not be due when materials are withdrawn from inventory for use in construction performed for a designated exempt entity if an exemption certificate is received from such entity.

~~d. e. Tax~~ Subject to the limitations in paragraph “c”, tax shall not apply to tangible personal property purchased and consumed by a manufacturer as building materials, supplies, or equipment in the performance of a construction contract for a designated exempt entity, if a purchasing agent authorization letter and an exemption certificate are received from such entity and presented to a retailer.

Sec. 7. Section 429.2, subsection 2, paragraph c, Code 2016, is amended to read as follows:

c. The director of revenue shall consider all evidence and witnesses offered by the taxpayer and the department, including but not limited to evidence relating to the proper valuation of the property involved.

Sec. 8. Section 437A.15, subsection 7, paragraph b, Code 2016, is amended to read as follows:

b. The task force shall study the effects of the replacement taxes under this chapter and chapter 437B on local taxing authorities, local taxing districts, consumers, and taxpayers through January 1, ~~2016~~ 2019. If the task force recommends modifications to the replacement tax that will further the purposes of tax neutrality for local taxing authorities, local taxing districts, taxpayers, and consumers, consistent with the stated purposes of this chapter, the department of management shall transmit those recommendations to the general assembly.

Sec. 9. Section 437B.11, subsection 7, Code 2016, is amended to read as follows:

7. The utility replacement tax task force created in section 437A.15 shall study the effects of the replacement tax on local taxing authorities, local taxing districts, consumers, and taxpayers through January 1, ~~2016~~ 2019. If the task force recommends modifications to the replacement tax that will further the purposes of tax neutrality for local taxing authorities, local taxing districts, taxpayers, and consumers, consistent with the stated purposes of this chapter, the department of management shall transmit those recommendations to the general assembly.

Sec. 10. Section 476C.1, subsection 6, paragraph d, Code 2016, is amended to read as follows:

d. Was initially placed into service on or after July 1, 2005, and before January 1, ~~2017~~ 2018.

Sec. 11. Section 476C.3, subsection 4, paragraph b, subparagraph (3), Code 2016, is amended to read as follows:

(3) (a) Of the maximum amount of energy production capacity equivalent of all other facilities found eligible under this chapter, ten megawatts of nameplate generating capacity or energy production equivalent shall be reserved for solar energy conversion facilities ~~with that meet all of the following requirements:~~

(i) The facility has a generating capacity of one and one-half megawatts or less.

(ii) The facility is owned, in whole or in part, directly or indirectly, or is contracted for, by utilities described in section 476C.1, subsection 6, paragraph “b”, subparagraphs (4) and (5).

(iii) The facility is located in this state.

(iv) The facility meets the requirements of section 476C.1, subsection 6, paragraphs “d” through “f”.

(b) A solar energy conversion facility that meets the requirements of and is found eligible under subparagraph division (a) shall be considered an “eligible renewable energy facility” for purposes of this chapter, notwithstanding any contrary provisions of section 476C.1, subsection 6.

Sec. 12. Section 476C.3, subsection 7, Code 2016, is amended to read as follows:

7. a. An owner meeting the requirements of section 476C.1, subsection 6, paragraph “b”, shall not be an owner of more than two eligible renewable energy facilities. A person that has an equity interest equal to or greater than fifty-one percent in an eligible renewable energy facility shall not have an equity interest greater than ten percent in any other eligible renewable energy facility. This paragraph “a” shall not apply to facilities described in section 476C.3, subsection 4, paragraph “b”, subparagraph (3).

b. An entity described in section 476C.1, subsection 6, paragraph “b”, subparagraphs (4) or (5), shall not have an ownership interest in more than four facilities described in section 476C.3, subsection 4, paragraph “b”, subparagraph (3).

Sec. 13. Section 476C.5, Code 2016, is amended to read as follows:

**476C.5 Certificate issuance period.**

A producer or purchaser of renewable energy shall receive renewable energy tax credit certificates for a ten-year period for each eligible renewable energy facility under this chapter. The ten-year period for issuance of the tax credit certificates begins with the date the purchaser of renewable energy first purchases electricity, hydrogen fuel, methane gas or other biogas used to generate electricity, or heat for commercial purposes from the eligible renewable energy facility for which a tax credit is issued under this chapter, or the date the producer of the renewable energy first uses the energy produced by the eligible renewable energy facility for on-site consumption. Renewable energy tax credit certificates shall not be issued for renewable energy purchased or produced for on-site consumption after December 31, ~~2026~~ 2027.

Sec. 14. SOLAR ENERGY SYSTEM TAX CREDIT APPLICATIONS. Notwithstanding the provision in section 422.11L, subsection 3, paragraph “d”, which requires applications for the solar energy system tax credit to be filed by May 1 following the year of the installation, all of the following shall apply:

1. Applications for the solar energy system tax credit filed after May 1, 2015, for solar energy systems installed during the 2014 calendar year, shall be eligible for approval under section 422.11L. Such applications shall be accepted and approved on a first-come, first-served basis and shall first be eligible for approval for the tax year during which the application is received, but not before the tax year beginning January 1, 2016.

2. Applications for the solar energy system tax credit filed after May 1, 2016, for solar energy systems installed during the 2015 calendar year, shall be eligible for approval under section 422.11L. Such applications shall be accepted and approved on a first-come, first-served basis and shall first be eligible for approval for the tax year during which the application is received, but not before the tax year beginning January 1, 2017.

Sec. 15. EFFECTIVE UPON ENACTMENT. The section of this Act providing for the approval of solar energy tax credit applications filed after May 1 following the year of the installation for solar energy systems installed during the 2014 and 2015 calendar years, being deemed of immediate importance, takes effect upon enactment.

Sec. 16. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act enacting section 421.48.
2. The section of this Act amending section 423.3, subsection 80.
3. The section of this Act amending section 429.2.
4. The section of this Act amending section 437A.15.
5. The section of this Act amending section 437B.11.
6. The section of this Act amending section 476C.1.
7. The sections of this Act amending section 476C.3.
8. The section of this Act amending section 476C.5.

Sec. 17. EFFECTIVE DATE. The following provision or provisions of this Act take effect January 1, 2017:

1. The section of this Act enacting section 422.10A.

2. The section of this Act amending section 422.12A.

Sec. 18. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to January 1, 2015, for construction contracts entered into on or after that date:

1. The section of this Act amending section 423.3, subsection 80.

Sec. 19. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to January 1, 2016:

1. The section of this Act amending section 437A.15.

2. The section of this Act amending section 437B.11.

Sec. 20. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to January 1, 2015, for tax years beginning on or after that date:

1. The section of this Act enacting section 422.11L, subsection 6.

Sec. 21. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to January 1, 2016, for tax years beginning on or after that date:

1. The section of this Act amending section 476C.1.

2. The section of this Act amending section 476C.5.

Sec. 22. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to January 1, 2015, for tax years beginning on or after that date:

1. The sections of this Act amending section 476C.3.

Sec. 23. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to applications for the renewable energy tax credit made on or after June 26, 2015:

1. The sections of this Act amending section 476C.3.

Sec. 24. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to May 22, 2015:

1. The section of this Act amending section 429.2.

Sec. 25. APPLICABILITY. The section of this Act enacting section 422.10A applies to qualified geothermal heat pump property expenditures incurred on or after January 1, 2017.

Sec. 26. APPLICABILITY. The following provision or provisions of this Act apply to tax years beginning on or after January 1, 2017:

1. The section of this Act amending section 422.12A.

Sec. 27. APPLICABILITY. The section of this Act amending section 423.3, subsection 80, applies to purchases made on or after the effective date of the section of this Act amending section 423.3, subsection 80.

Approved May 27, 2016

**CHAPTER 1129**

**MISCELLANEOUS SUPPLEMENTAL APPROPRIATIONS AND TRANSFERS**

*S.F. 2109*

**AN ACT** relating to financial and regulatory matters by supplementing appropriations for the fiscal year beginning July 1, 2015, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

**DIVISION I  
HEALTH AND HUMAN SERVICES**

Section 1. **MEDICAID.** There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To supplement the appropriation made for medical assistance program reimbursement and associated costs in 2015 Iowa Acts, chapter 137, section 12, unnumbered paragraph 2:  
..... \$ 67,000,000

Notwithstanding section 8.33, moneys appropriated in this division that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 2. **EFFECTIVE UPON ENACTMENT.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

**DIVISION II  
DEPARTMENT OF CORRECTIONS**

Sec. 3. **GENERAL ADMINISTRATION.** There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To supplement the appropriation made for general administration, including salaries, support, maintenance, employment of an education director to administer a centralized education program for the correctional system, and miscellaneous purposes in 2015 Iowa Acts, chapter 135, section 4, subsection 1, unnumbered paragraph 1:  
..... \$ 1,900,000

It is the intent of the general assembly that a priority in allocating the moneys appropriated in this section shall be to supplement the amounts otherwise appropriated in 2015 Iowa Acts, chapter 135, section 3, subsection 1, for the operation of the Mount Pleasant and Clarinda correctional facilities.

Notwithstanding section 8.33, moneys appropriated in this division that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 4. **EFFECTIVE UPON ENACTMENT.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

**DIVISION III  
DEPARTMENT OF INSPECTIONS AND APPEALS**

Sec. 5. **INDIGENT DEFENSE.** There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To supplement the appropriation made for payments on behalf of eligible adults and juveniles from the indigent defense fund, in accordance with section 815.11, in 2015 Iowa Acts, chapter 135, section 11, subsection 2:

..... \$ 3,000,000

Notwithstanding section 8.33, moneys appropriated in this division that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV  
DEPARTMENT OF ADMINISTRATIVE SERVICES

Sec. 7. UTILITY COSTS. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To supplement the appropriation for utility costs made in 2015 Iowa Acts, chapter 141, section 1, subsection 1, paragraph "b":

..... \$ 450,000

Notwithstanding section 8.33, moneys appropriated in this division that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 8. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION V  
ELECTRIC TRANSMISSION LINES

Sec. 9. Section 478.6A, subsection 2, paragraphs a and c, Code 2016, if enacted by 2016 Iowa Acts, House File 2459,<sup>1</sup> section 37, are amended by striking the paragraphs.

Approved May 27, 2016

**CHAPTER 1130**  
APPROPRIATIONS — ADMINISTRATION AND REGULATION  
*S.F. 2314*

**AN ACT** relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, and including effective date and retroactive applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

DIVISION I  
FY 2016-2017

Section 1. 2015 Iowa Acts, chapter 141, section 39, is amended to read as follows:  
SEC. 39. DEPARTMENT OF ADMINISTRATIVE SERVICES.

<sup>1</sup> Chapter 1138 herein

1. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	2,033,962
		<u>4,046,974</u>
.....	FTEs	56.56
		<u>51.78</u>

b. For the payment of utility costs, and for not more than the following full-time equivalent positions:

.....	\$	1,284,455
		<u>2,555,990</u>
.....	FTEs	1.00

Notwithstanding section 8.33, any excess moneys appropriated for utility costs in this lettered paragraph shall not revert to the general fund of the state at the end of the fiscal year but shall remain available for expenditure for the purposes of this lettered paragraph during the succeeding fiscal year.

c. For Terrace Hill operations, and for not more than the following full-time equivalent positions:

.....	\$	202,957
		<u>403,824</u>
.....	FTEs	5.00
		<u>5.07</u>

2. Any moneys and premiums collected by the department for workers' compensation shall be segregated into a separate workers' compensation fund in the state treasury to be used for payment of state employees' workers' compensation claims and administrative costs. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in this workers' compensation fund at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the fund for subsequent fiscal years.

Sec. 2. 2015 Iowa Acts, chapter 141, is amended by adding the following new sections:

NEW SECTION. SEC. 41A. DEPARTMENT OF ADMINISTRATIVE SERVICES — CITY OF DES MOINES FRANCHISE FEE REFUND — APPROPRIATION.

1. There is created a franchise fee refund fund in the state treasury under the control of the department of administrative services. A franchise fee that is refunded to the state by the city of Des Moines pursuant to a court order shall be deposited in the fund.

2. Moneys in the fund are appropriated to the department of administrative services for the fiscal year beginning July 1, 2015, and ending June 30, 2016, for purposes of reimbursing gas and electric utility costs. Notwithstanding section 8.33, any excess moneys appropriated for reimbursing gas and electric utility costs in this subsection shall not revert to the general fund of the state at the end of the fiscal year but shall remain available for expenditure for the purposes of this subsection during the succeeding fiscal year.

3. This section is repealed July 1, 2017.

NEW SECTION. SEC. 41B. DEPARTMENT OF ADMINISTRATIVE SERVICES — CONTRACT FOR FAMILY MEDICAL LEAVE ACT THIRD-PARTY ADMINISTRATION SERVICES — REPORT. Beginning on February 1, 2017, and annually on each February 1 during the term of the contract to provide third-party administration services of the federal Family and Medical Leave Act of 1993 for the department of administrative services, the department shall submit a report to the joint appropriations subcommittee on administration and regulation and the legislative services agency. The annual report shall include but is not limited to an analysis of cost savings to the state, if any, that have resulted from the use of such third-party administration services, a comparison of the use of and denial of leave requests prior to and during the contract period, and an analysis of appeals of denials of leave and the result of such appeals, prior to and during the contract period. Within sixty days of the conclusion of the contract, the department shall submit a final report to the

general assembly summarizing the content of the annual reports and including conclusions and recommendations concerning the use of such third-party administration services.

Sec. 3. 2015 Iowa Acts, chapter 141, section 42, is amended to read as follows:

SEC. 42. AUDITOR OF STATE.

1. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	472,253
		<u>939,642</u>
.....	FTEs	103.00

2. The auditor of state may retain additional full-time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursuant to section 11.20 or 11.21, to perform audits which are requested by and reimbursable from the federal government, and to perform work requested by and reimbursable from departments or agencies pursuant to section 11.5A or 11.5B. The auditor of state shall notify the department of management, the legislative fiscal committee, and the legislative services agency of the additional full-time equivalent positions retained.

3. The auditor of state shall allocate moneys from the appropriation in this section solely for audit work related to the comprehensive annual financial report, federally required audits, and investigations of embezzlement, theft, or other significant financial irregularities until the audit of the comprehensive annual financial report is complete.

Sec. 4. 2015 Iowa Acts, chapter 141, section 43, is amended to read as follows:

SEC. 43. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	275,168
		<u>547,501</u>
.....	FTEs	6.00

Sec. 5. 2015 Iowa Acts, chapter 141, section 44, is amended to read as follows:

SEC. 44. OFFICE OF THE CHIEF INFORMATION OFFICER — INTERNAL SERVICE FUNDS — IOWACCESS.

1. There is appropriated to the office of the chief information officer for the fiscal year beginning July 1, 2016, and ending June 30, 2017, from the revolving funds designated in chapter 8B and from internal service funds created by the office such amounts as the office deems necessary for the operation of the office consistent with the requirements of chapter 8B.

2. a. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the first ~~\$375,000~~ \$750,000 collected by the department of transportation and transferred to the treasurer of state with respect to the fees for transactions involving the furnishing of a certified abstract of a vehicle operating record under section 321A.3, subsection 1, shall be transferred to the lowAccess revolving fund created in section 8B.33 for the purposes of developing, implementing, maintaining, and expanding electronic access to government records as provided by law.

b. All fees collected with respect to transactions involving lowAccess shall be deposited in the lowAccess revolving fund and shall be used only for the support of lowAccess projects.

Sec. 6. 2015 Iowa Acts, chapter 141, section 45, is amended to read as follows:

SEC. 45. DEPARTMENT OF COMMERCE.



1. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. ALCOHOLIC BEVERAGES DIVISION

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

.....	\$	610,196
		<u>1,214,106</u>
.....	FTEs	17.90
		<u>15.56</u>

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

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

.....	\$	300,769
		<u>448,439</u>
.....	FTEs	12.51
		<u>12.50</u>

2. There is appropriated from the department of commerce revolving fund created in section 546.12 to the department of commerce for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. BANKING DIVISION

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

.....	\$	4,833,618
		<u>10,499,790</u>
.....	FTEs	93.23
		<u>75.00</u>

b. CREDIT UNION DIVISION

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

.....	\$	934,628
		<u>1,869,256</u>
.....	FTEs	16.00
		<u>14.00</u>

c. INSURANCE DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,662,945
		<u>5,485,889</u>
.....	FTEs	103.15
		<u>99.65</u>

(2) The insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements.

(3) The insurance division expenditures for examination purposes may exceed the projected receipts, refunds, and reimbursements, estimated pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if the expenditures are fully reimbursable and the division first does both of the following:

(a) Notifies the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) Files with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

d. UTILITIES DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,280,203
		<u>9,210,405</u>

..... FTEs	79.00
	<u>78.00</u>

(2) The utilities division may expend additional moneys, including moneys for additional personnel, if those additional expenditures are actual expenses which exceed the moneys budgeted for utility regulation and the expenditures are fully reimbursable. Before the division expends or encumbers an amount in excess of the moneys budgeted for regulation, the division shall first do both of the following:

(a) Notify the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) File with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

3. CHARGES. Each division and the office of consumer advocate shall include in its charges assessed or revenues generated an amount sufficient to cover the amount stated in its appropriation and any state-assessed indirect costs determined by the department of administrative services.

Sec. 7. 2015 Iowa Acts, chapter 141, section 46, is amended to read as follows:

SEC. 46. DEPARTMENT OF COMMERCE — PROFESSIONAL LICENSING AND REGULATION BUREAU. There is appropriated from the housing trust fund created pursuant to section 16.181, to the bureau of professional licensing and regulation of the banking division of the department of commerce for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... \$	31,159
	<u>62,317</u>

Sec. 8. 2015 Iowa Acts, chapter 141, section 47, is amended to read as follows:

SEC. 47. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

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

..... \$	1,098,228
	<u>2,185,143</u>
..... FTEs	23.00

2. TERRACE HILL QUARTERS

For the governor’s quarters at Terrace Hill, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$	46,556
	<u>92,631</u>
..... FTEs	1.93

Sec. 9. 2015 Iowa Acts, chapter 141, section 48, is amended to read as follows:

SEC. 48. GOVERNOR’S OFFICE OF DRUG CONTROL POLICY. There is appropriated from the general fund of the state to the governor’s office of drug control policy for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, including statewide coordination of the drug abuse resistance education (D.A.R.E.) programs or similar programs, and for not more than the following full-time equivalent positions:

..... \$	120,567
	<u>239,892</u>
..... FTEs	4.00

Sec. 10. 2015 Iowa Acts, chapter 141, section 49, is amended to read as follows:

SEC. 49. DEPARTMENT OF HUMAN RIGHTS. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

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

.....	\$	112,092
		<u>223,029</u>
.....	FTEs	5.65

2. COMMUNITY ADVOCACY AND SERVICES DIVISION

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

.....	\$	514,039
		<u>1,022,782</u>
.....	FTEs	9.15
		<u>7.90</u>

Sec. 11. 2015 Iowa Acts, chapter 141, section 50, is amended to read as follows:

SEC. 50. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION DIVISION

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

.....	\$	272,621
		<u>542,434</u>
.....	FTEs	13.65

2. ADMINISTRATIVE HEARINGS DIVISION

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

.....	\$	339,471
		<u>675,445</u>
.....	FTEs	23.00

3. INVESTIGATIONS DIVISION

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

.....	\$	1,286,545
		<u>2,559,838</u>
.....	FTEs	55.00

b. By December 1, 2016, the department, in coordination with the investigations division, shall submit a report to the general assembly concerning the division's activities relative to fraud in public assistance programs for the fiscal year beginning July 1, 2015, and ending June 30, 2016. The report shall include but is not limited to a summary of the number of cases investigated, case outcomes, overpayment dollars identified, amount of cost avoidance, and actual dollars recovered.

4. HEALTH FACILITIES DIVISION

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

.....	\$	2,546,017
		<u>5,065,809</u>
.....	FTEs	114.00
		<u>117.00</u>

b. The department shall, in coordination with the health facilities division, make the following information available to the public as part of the department’s development efforts to revise the department’s internet site:

(1) The number of inspections conducted by the division annually by type of service provider and type of inspection.

(2) The total annual operations budget for the division, including general fund appropriations and federal contract dollars received by type of service provider inspected.

(3) The total number of full-time equivalent positions in the division, to include the number of full-time equivalent positions serving in a supervisory capacity, and serving as surveyors, inspectors, or monitors in the field by type of service provider inspected.

(4) Identification of state and federal survey trends, cited regulations, the scope and severity of deficiencies identified, and federal and state fines assessed and collected concerning nursing and assisted living facilities and programs.

c. It is the intent of the general assembly that the department and division continuously solicit input from facilities regulated by the division to assess and improve the division’s level of collaboration and to identify new opportunities for cooperation.

5. EMPLOYMENT APPEAL BOARD

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

.....	\$	21,108
		<u>41,998</u>
.....	FTEs	11.00

b. The employment appeal board shall be reimbursed by the labor services division of the department of workforce development for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

6. CHILD ADVOCACY BOARD

a. For foster care review and the court-appointed special advocate program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,340,145
		<u>2,666,487</u>
.....	FTEs	<del>32.25</del> 32.26

b. The department of human services, in coordination with the child advocacy board and the department of inspections and appeals, shall submit an application for funding available pursuant to Tit. IV-E of the federal Social Security Act for claims for child advocacy board administrative review costs.

c. The court-appointed special advocate program shall investigate and develop opportunities for expanding fundraising for the program.

d. Administrative costs charged by the department of inspections and appeals for items funded under this subsection shall not exceed 4 percent of the amount appropriated in this subsection.

e. Notwithstanding section 8.39, the department of inspections and appeals may transfer any moneys appropriated in this section to the child advocacy board in an amount not to exceed \$100,000 for the fiscal year beginning July 1, 2016, and ending June 30, 2017, for the purpose of providing additional funding for the court-appointed special advocate program, including salaries, support, maintenance, and miscellaneous purposes. However, the department shall not transfer any moneys appropriated to the department in this section pursuant to this paragraph unless notice of the transfer is given to the legislative services agency and the department of management prior to the effective date of the reallocation. The notice shall include information regarding the rationale and specific purpose for which the transferred moneys will be used. The department shall not transfer any moneys appropriated in this section for the purposes of eliminating any program.

7. FOOD AND CONSUMER SAFETY

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

.....	\$	639,666
		<u>593,411</u>
.....	FTEs	<u>23.65</u>
		28.50

Sec. 12. 2015 Iowa Acts, chapter 141, section 51, is amended to read as follows:

SEC. 51. DEPARTMENT OF INSPECTIONS AND APPEALS — MUNICIPAL CORPORATION FOOD INSPECTIONS LICENSE OR REGISTRATION FEES. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, the department of inspections and appeals shall retain collect any license or registration fees or electronic transaction fees generated during the fiscal year as a result of actions licensing and registration activities under section 137F.3A occurring during the period beginning July 1, 2009, and ending June 30, 2017, for the purpose of enforcing the provisions of chapters 99B, 137C, 137D, and 137F.

1. From the fees collected by the department under this section on behalf of a municipal corporation with which the department has an agreement pursuant to section 137F.3, through a statewide electronic licensing system operated by the department, notwithstanding section 137F.6, subsection 3, the department shall remit the amount of those fees to the municipal corporation for whom the fees were collected less any electronic transaction fees collected by the department to enable electronic payment.

2. From the fees collected by the department under this section, other than those fees described in subsection 1, the department shall deposit the amount of \$800,000 into the general fund of the state prior to June 30, 2017.

3. From the fees collected by the department under this section, other than those fees described in subsections 1 and 2, the department shall retain the remainder of the fees for the purposes of enforcing the provisions of chapters 99B, 137C, 137D, and 137F. Notwithstanding section 8.33, moneys retained by the department pursuant to this subsection that remain unencumbered or unobligated at the end of the fiscal year shall not revert but shall remain available for expenditure for the purposes of enforcing the provisions of chapters 99B, 137C, 137D, and 137F during the succeeding fiscal year. The department shall provide an annual report to the department of management and the legislative services agency on fees billed and collected and expenditures from the moneys retained by the department in a format as determined by the department of management in consultation with the legislative services agency.

Sec. 13. 2015 Iowa Acts, chapter 141, section 52, is amended to read as follows:

SEC. 52. RACING AND GAMING COMMISSION — RACING AND GAMING REGULATION. There is appropriated from the gaming regulatory revolving fund established in section 99F.20 to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for regulation, administration, and enforcement of pari-mutuel racetracks, excursion boat gambling, and gambling structure laws and for not more than the following full-time equivalent positions:

.....	\$	3,097,250
		<u>6,194,499</u>
.....	FTEs	<u>73.75</u>
		67.90

Sec. 14. 2015 Iowa Acts, chapter 141, section 53, is amended to read as follows:

SEC. 53. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the road use tax fund created in section 312.1 to the administrative hearings division of the department of inspections and appeals for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	811,949
		<u>1,623,897</u>

Sec. 15. 2015 Iowa Acts, chapter 141, section 54, is amended to read as follows:

SEC. 54. DEPARTMENT OF MANAGEMENT. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For enterprise resource planning, providing for a salary model administrator, conducting performance audits, and the department’s LEAN process; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

.....	\$	1,275,110
		<u>2,537,086</u>
.....	FTEs	20.58
		<u>19.58</u>

Sec. 16. 2015 Iowa Acts, chapter 141, section 55, is amended to read as follows:

SEC. 55. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF MANAGEMENT. There is appropriated from the road use tax fund created in section 312.1 to the department of management for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	28,000
		<u>56,000</u>

\*Sec. 17. 2015 Iowa Acts, chapter 141, is amended by adding the following new section:

NEW SECTION. SEC. 55A. DEPARTMENT OF MANAGEMENT — CUSTOMER COUNCIL — RULES — INTERIM STUDY — REPORTS.

1. RULES. The department of management shall adopt rules providing that the customer council established pursuant to section 8.6 shall meet by August 30 of each year. The rules shall also require the department of management, in consultation with the department of administrative services, to submit a report to the joint appropriations subcommittee on administration and regulation and the legislative services agency by December 15, 2016, and each December 15 thereafter which includes but is not limited to the rate methodology and resulting rates for services that were approved by the customer council during the previous August customer council meeting. The report shall specify any rate increases or additional fees for services that were approved during the previous August customer council meeting along with the rate methodology and rationale for such rate increases or additional fees for services provided by the department of administrative services.

2. DEPARTMENT OF MANAGEMENT CUSTOMER COUNCIL AND MAINTENANCE OF CEREMONIAL SPACE INTERIM STUDY. The legislative council is requested to establish an interim study committee consisting of ten members representing both political parties and both houses of the general assembly. Five members shall be members of the senate, three of whom shall be appointed by the majority leader of the senate and two of whom shall be appointed by the minority leader of the senate. The other five members shall be members of the house of representatives, three of whom shall be appointed by the speaker of the house of representatives and two of whom shall be appointed by the minority leader of the house of representatives. The committee shall review and consider the rate methodologies that are reviewed and approved by the customer council created in the department of management pursuant to section 8.6, in setting rates for the services provided by the department of administrative services. The committee shall also review and consider the allocation of resources and moneys for maintenance of the areas designated as ceremonial space by the department of administrative services. For purposes of this review, “ceremonial space” means

\* Item veto; see message at end of the Act

the state capitol building and parking lots, Ola Babcock Miller building and parking lots, historical building and parking areas, parking facility located at Pennsylvania avenue and Des Moines street, West Capitol Terrace and Finkbine parking areas, monuments and adjacent land, capitol complex tunnels, and Iowa building (Mercy Capitol) and annex sites and parking lots. The committee shall submit its findings, together with any recommendations, in a report submitted to the general assembly and to the legislative services agency by January 17, 2017.

3. RATE INCREASES PROHIBITED. The customer council shall not approve an increase in rates for services provided by the department of administrative services or impose additional fees for services beyond those rates and fees that have already been approved by the customer council for the fiscal year beginning July 1, 2015, and ending June 30, 2016, and the fiscal year beginning July 1, 2016, and ending June 30, 2017, until after July 3, 2017, and following submission of the department of management report required in subsection 5.

4. ROUTINE MAINTENANCE. All moneys collected pursuant to increases in association rates and fees for the state capitol complex and the state laboratories facility in Ankeny for the fiscal year beginning July 1, 2015, and ending June 30, 2016, and the fiscal year beginning July 1, 2016, and ending June 30, 2017, shall be used solely and directly for routine maintenance of the state capitol complex and the state laboratories facility in Ankeny and shall not be reallocated for other purposes.

5. DEPARTMENT OF MANAGEMENT REPORT. In addition to the annual reports required pursuant to subsection 1, the department of management, in consultation with the department of administrative services, shall submit a report to the general assembly that explains the rate methodologies that are utilized by the department of administrative services and reviewed and approved by the customer council in approving rates set for the services provided by the department of administrative services. The report shall include a review of rates approved by the customer council for the fiscal year beginning July 1, 2015, and ending June 30, 2016, and the fiscal year beginning July 1, 2016, and ending June 30, 2017, including a review of the rate methodology used by the department of administrative services for setting those rates and the rationale for rate increases or additional fees for services that were approved. The report shall include a review of what services or projects are included in the services provided by the department of administrative services for which rates are set and fees imposed, specifically as they pertain to performance of routine maintenance. The report shall also include a review of specific routine maintenance that was performed by the department of administrative services during the fiscal year beginning July 1, 2015, and ending June 30, 2016, and the fiscal year beginning July 1, 2016, and ending June 30, 2017, for the state capitol complex and the state laboratories facility in Ankeny and an explanation on how priorities were set for performance of that routine maintenance. The report shall be submitted to the general assembly and to the legislative services agency on, but not before, July 3, 2017.\*

Sec. 18. 2015 Iowa Acts, chapter 141, section 56, is amended to read as follows:

SEC. 56. IOWA PUBLIC INFORMATION BOARD. There is appropriated from the general fund of the state to the Iowa public information board for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	175,000
.....		<u>348,198</u>
.....	FTEs	3.00

Sec. 19. 2015 Iowa Acts, chapter 141, section 57, is amended to read as follows:

SEC. 57. DEPARTMENT OF REVENUE.

1. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

\* Item veto; see message at end of the Act

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

.....	\$	8,940,420
		<u>17,788,753</u>
.....	FTEs	228.55
		<u>230.57</u>

2. From the moneys appropriated in this section, the department shall use \$200,000 \$400,000 to pay the direct costs of compliance related to the collection and distribution of local sales and services taxes imposed pursuant to chapters 423B and 423E.

3. The director of revenue shall prepare and issue a state appraisal manual and the revisions to the state appraisal manual as provided in section 421.17, subsection 17, without cost to a city or county.

Sec. 20. 2015 Iowa Acts, chapter 141, section 58, is amended to read as follows:

SEC. 58. MOTOR VEHICLE FUEL TAX FUND APPROPRIATION. There is appropriated from the motor vehicle fuel tax fund created pursuant to section 452A.77 to the department of revenue for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for administration and enforcement of the provisions of chapter 452A and the motor vehicle fuel tax program:

.....	\$	652,888
		<u>1,305,775</u>

Sec. 21. 2015 Iowa Acts, chapter 141, is amended by adding the following new section:

NEW SECTION. SEC. 58A. PROPERTY ASSESSMENT APPEAL BOARD.

Notwithstanding 2013 Iowa Acts, chapter 123, section 66, 2013 Iowa Acts amendments to section 421.1A, subsection 2, paragraph “b”, are applicable to appointments to the property assessment appeal board on or after July 1, 2017.

Sec. 22. 2015 Iowa Acts, chapter 141, section 59, is amended to read as follows:

SEC. 59. SECRETARY OF STATE. 1. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION AND ELECTIONS

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

.....	\$	1,448,350
		<u>1,440,890</u>
.....	FTEs	32.00
		<u>13.10</u>

2. The state department or state agency which provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

2. BUSINESS SERVICES

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

.....	\$	1,440,891
.....	FTEs	<u>13.10</u> <sup>1</sup>

Sec. 23. 2015 Iowa Acts, chapter 141, is amended by adding the following new section:

NEW SECTION. SEC. 59A. ADDRESS CONFIDENTIALITY PROGRAM REVOLVING FUND APPROPRIATION — SECRETARY OF STATE. There is appropriated from the address confidentiality program revolving fund created in section 9.8 to the office of the secretary of state for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

<sup>1</sup> See chapter 1138, §18 herein



For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 120,400

Sec. 24. 2015 Iowa Acts, chapter 141, section 61, is amended to read as follows:

SEC. 61. TREASURER OF STATE.

1. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 542,196

1,078,807

..... FTEs 28.80

29.00

2. The office of treasurer of state shall supply clerical and secretarial support for the executive council.

Sec. 25. 2015 Iowa Acts, chapter 141, section 62, is amended to read as follows:

SEC. 62. ROAD USE TAX FUND APPROPRIATION — OFFICE OF TREASURER OF STATE. There is appropriated from the road use tax fund created in section 312.1 to the office of treasurer of state for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enterprise resource management costs related to the distribution of road use tax funds:

..... \$ 46,574

93,148

Sec. 26. 2015 Iowa Acts, chapter 141, section 63, is amended to read as follows:

SEC. 63. IPERS — GENERAL OFFICE. There is appropriated from the Iowa public employees' retirement system fund created in section 97B.7 to the Iowa public employees' retirement system for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees' retirement system, and for not more than the following full-time equivalent positions:

..... \$ 8,843,484

17,686,968

..... FTEs 88.00

88.13

DIVISION II  
MISCELLANEOUS STATUTORY CHANGES

BANKING DIVISION FEES

Sec. 27. Section 524.207, Code 2016, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. All fees and assessments generated as the result of a federally chartered bank or savings and loan association converting to a state-chartered bank on or after December 31, 2015, and thereafter, are payable to the superintendent. The superintendent shall pay all the fees and assessments received by the superintendent pursuant to this subsection to the treasurer of state within the time required by section 12.10 and the fees and assessments shall be deposited into the department of commerce revolving fund created in section 546.12. An amount equal to such fees and assessments deposited into the department of commerce revolving fund is appropriated from the department of commerce revolving fund to the banking division of the department of commerce for the fiscal year in which a federally chartered bank or savings and loan association converted to a state-chartered bank and an amount equal to such annualized fees and assessments deposited into the department of commerce revolving fund in succeeding years

is appropriated from the department of commerce revolving fund to the banking division of the department of commerce for succeeding fiscal years for purposes related to the discharge of the duties and responsibilities imposed upon the banking division of the department of commerce, the superintendent, and the state banking council by the laws of this state. This appropriation shall be in addition to the appropriation of moneys otherwise described in this section. If a state-chartered bank converts to a federally chartered bank or savings and loan association, any appropriation made pursuant to this subsection for the following fiscal year shall be reduced by the amount of the assessment paid by the state-chartered bank during the fiscal year in which the state-chartered bank converted to a federally chartered bank or savings and loan association.

NEW SUBSECTION. 4A. All moneys received by the superintendent pursuant to a multi-state settlement with a provider of financial services such as a mortgage lender, a mortgage servicer, or any other person regulated by the banking division of the department of commerce shall be deposited into the department of commerce revolving fund created in section 546.12 and an amount equal to the amount deposited into the fund is appropriated to the banking division of the department of commerce for the fiscal year in which such moneys are received and in succeeding fiscal years for the purpose of supporting those duties of the banking division related to financial regulation that are limited to nonrecurring expenses such as equipment purchases, training, technology, and retirement payouts related to the oversight of mortgage lending, state-chartered banks, and other financial services regulated by the banking division. This appropriation shall be in addition to the appropriation of moneys otherwise described in this section. The superintendent shall submit a report to the department of management and to the legislative services agency detailing the expenditure of moneys appropriated to the banking division pursuant to this subsection during each fiscal year. The initial report shall be submitted on or before September 15, 2016, and each September 15 thereafter. Moneys appropriated pursuant to this subsection are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this subsection.

TOBACCO PRODUCT MANUFACTURERS — ENFORCEMENT

Sec. 28. 2015 Iowa Acts, chapter 138, section 3, subsection 3, is amended to read as follows:

3. For the enforcement of chapter 453D relating to tobacco product manufacturers under section 453D.8:

..... \$ 9,208  
18,416

DIVISION III  
EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS

Sec. 29. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

- 1. The section of this Act amending 2015 Iowa Acts, chapter 141, by adding new section 41A relating to an appropriation to the department of administrative services from franchise fees refunded to the state by the city of Des Moines.
- 2. The section of this Act amending Code section 524.207 by adding new subsections 1A and 4A.

Sec. 30. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to April 1, 2016:

- 1. The section of this Act amending 2015 Iowa Acts, chapter 141, by adding new section 41A relating to an appropriation to the department of administrative services from franchise fees refunded to the state by the city of Des Moines.

Sec. 31. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to December 31, 2015:

1. The section of this Act amending Code section 524.207 by adding new subsections 1A and 4A.

*Approved May 27, 2016, with exception noted.*

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 2314, an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, and including effective date and retroactive applicability provisions.

This legislation fails to appropriate sufficient funds for the State's utility bills. The failure to provide funds for utilities, a necessary expense for all state agencies, is bad budgeting and a practice that must be changed.

Senate File 2314 is approved on this date with the following exception, which I hereby disapprove.

I am unable to approve of the item designated as Section 17, in its entirety. This item is redundant and unnecessary because it creates new annual reports, establishes an interim study committee, and limits the use of certain fees collected by the Department of Administrative Services (DAS). Numerous reports are already produced and made available by DAS regarding the methodologies and the impact of established rates on state agencies. Iowa code and administrative rules establish the customer council and the process used for the development of rates charged for the internal services provided by the department. The customer council includes representatives from all three branches of government. This item also prohibits increases in rates for programs, including those administered by third party providers. DAS does not set the rates for programs administered by third party providers and DAS does not have an independent source of revenue to absorb any increase. DAS simply passes the costs through to state agencies based on the utilization of such services as: workers' compensation, unemployment compensation, Family Medical Leave Act, the health care and dependent care pre-tax programs, and other services critical to the day-to-day business of the State.

For the above reasons, I respectfully disapprove the designated item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2314 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD, *Governor*

**CHAPTER 1131**  
**APPROPRIATIONS — TRANSPORTATION**  
*S.F. 2320*

**AN ACT** relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund, the primary road fund, the state aviation fund, and the federal surface transportation block grant program.

*Be It Enacted by the General Assembly of the State of Iowa:*

DIVISION I  
 FY 2016-2017

Section 1. 2015 Iowa Acts, chapter 131, section 3, is amended to read as follows:

**SEC. 3. ROAD USE TAX FUND.** There is appropriated from the road use tax fund created in section 312.1 to the department of transportation for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the payment of costs associated with the production of driver’s licenses, as defined in section 321.1, subsection 20A:

	\$	1,938,000
		<u>3,876,000</u>

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes specified in this subsection until the close of the succeeding fiscal year.

2. For salaries, support, maintenance, and miscellaneous purposes:

a. Operations:

	\$	3,279,911
		<u>6,679,706</u>

b. Planning:

	\$	219,487
		<u>446,789</u>

c. Motor vehicles:

	\$	17,962,673
		<u>36,063,965</u>

d. Performance and technology:

	\$	254,520
		<u>513,720</u>

3. For payments to the department of administrative services for utility services:

	\$	129,776
		<u>259,560</u>

4. Unemployment compensation:

	\$	3,500
		<u>7,000</u>

5. For payments to the department of administrative services for paying workers’ compensation claims under chapter 85 on behalf of employees of the department of transportation:

	\$	71,734
		<u>157,938</u>

6. For payment to the general fund of the state for indirect cost recoveries:

	\$	39,000
		<u>90,000</u>

7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:

	\$	36,505
		<u>82,516</u>

8. For automation, telecommunications, and related costs associated with the county issuance of driver's licenses and vehicle registrations and titles:

.....	\$	703,000
		<u>1,406,000</u>

9. For costs associated with the participation in the Mississippi river parkway commission:

.....	\$	20,000
		<u>40,000</u>

10. For costs associated with the traffic and criminal software program and the mobile architecture and communications handling program:

.....	\$	150,000
		<u>300,000</u>

11. For motor vehicle division field facility maintenance projects at various locations:

.....	\$	150,000
		<u>300,000</u>

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsection 11 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the projects for which the appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 2. 2015 Iowa Acts, chapter 131, section 4, is amended to read as follows:

SEC. 4. PRIMARY ROAD FUND. There is appropriated from the primary road fund created in section 313.3 to the department of transportation for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

a. Operations:

.....	\$	20,148,023
		<u>41,032,482</u>
.....	FTEs	267.00
		<u>261.00</u>

b. Planning:

.....	\$	4,170,241
		<u>8,488,981</u>
.....	FTEs	102.00
		<u>98.00</u>

c. Highways:

.....	\$	119,414,428
		<u>244,749,911</u>
.....	FTEs	2,056.00
		<u>1,994.00</u>

d. Motor vehicles:

.....	\$	748,445
		<u>1,502,665</u>
.....	FTEs	412.00
		<u>402.00</u>

e. Performance and technology:

.....	\$	1,563,480
		<u>3,155,710</u>
.....	FTEs	35.00
		<u>34.00</u>

2. For payments to the department of administrative services for utility services:

.....	\$	797,193
		<u>1,594,440</u>

3. Unemployment compensation:	\$	69,000
		<u>138,000</u>
4. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of the employees of the department of transportation:	\$	1,721,611
		<u>3,790,504</u>
5. For disposal of hazardous wastes from field locations and the central complex:	\$	400,000
		<u>800,000</u>
6. For payment to the general fund of the state for indirect cost recoveries:	\$	286,000
		<u>660,000</u>
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:	\$	224,245
		<u>506,884</u>
8. For costs associated with producing transportation maps:	\$	121,000
		<u>242,000</u>
9. For inventory and equipment replacement:	\$	2,683,000
		<u>5,366,000</u>
10. For utility improvements at various locations:	\$	200,000
		<u>400,000</u>
11. For roofing projects at various locations:	\$	250,000
		<u>500,000</u>
12. For heating, cooling, and exhaust system improvements at various locations:	\$	350,000
		<u>700,000</u>
13. For deferred maintenance projects at field facilities throughout the state:	\$	850,000
		<u>1,700,000</u>
14. For maintenance projects at rest area facilities throughout the state:	\$	125,000
		<u>250,000</u>
15. For improvements related to compliance with the federal Americans with Disabilities Act to facilities throughout the state:	\$	75,000
		<u>150,000</u>
16. For the replacement of the Mount Pleasant/Fairfield combined facility:	\$	2,451,000
		<u>4,902,000</u>

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 10 through 16 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 3. STATE AVIATION FUND.

1. There is appropriated from the state aviation fund created in section 328.56 to the department of transportation for the fiscal year beginning July 1, 2016, and ending June 30,

2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

- a. For infrastructure improvements at commercial service airports within the state:  
..... \$ 60,000
- b. For infrastructure improvements at general aviation airports within the state:  
..... \$ 750,000

2. It is the intent of the general assembly that the state invest wisely in necessary infrastructure improvements in general aviation airports across the state and avoid costly future maintenance payments to airports with limited aviation activity.

3. The department of transportation shall adopt a process for a political subdivision of the state that has ceased operation of an airport to submit an application to the department to forgive any required repayment of financial assistance that may be owed to the state as a result of the closure of the airport. The application shall include a cost-benefit analysis performed by the applicable political subdivision and plans for the future use of the airport facility. The process adopted by the department shall provide that if the future use of the facility results in a project that creates jobs and expands the economy, the department shall forgive any required repayment of financial assistance that may be owed to the state as a result of the closure of the airport provided that the amount of private investment in the project for the future use of the facility is equal to at least two times the amount estimated to be repaid to the state.

DIVISION II  
FFY 2016-2017

Sec. 4. 2015 Iowa Acts, chapter 130, is amended by adding the following new section:  
NEW SECTION. SEC. 14A. SURFACE TRANSPORTATION BLOCK GRANT PROGRAM APPROPRIATION. There is appropriated from the fund created by section 8.41 to the department of transportation for the following federal fiscal year beginning October 1, and ending September 30, the following amount:

FFY 2016-2017 ..... \$ 149,300,000

The appropriation made in this section is in the amount anticipated to be received from the federal government for the designated federal fiscal year under 23 U.S.C. §133, which provides funding allocated by the state transportation commission for state and local transportation projects. The department shall expend the moneys appropriated in this section as provided in the federal law making the funds available and in conformance with chapter 17A.

Approved May 27, 2016

**CHAPTER 1132**  
APPROPRIATIONS — EDUCATION  
S.F. 2323

**AN ACT** relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and including effective and applicability date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

DIVISION I  
 FY 2016-2017 APPROPRIATIONS  
 DEPARTMENT FOR THE BLIND

Section 1. 2015 Iowa Acts, chapter 140, section 20, is amended to read as follows:

SEC. 20. ADMINISTRATION. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:	\$	1,149,179
		<u>2,298,358</u>
	FTEs	88.00
2. For costs associated with universal access to audio information for blind and print handicapped Iowans:	\$	26,000
		<u>52,000</u>

COLLEGE STUDENT AID COMMISSION

Sec. 2. 2015 Iowa Acts, chapter 140, section 21, is amended to read as follows:

SEC. 21. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

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

.....	\$	215,948
		<u>431,896</u>
	FTEs	3.95

2. HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

For the loan repayment program for health care professionals established pursuant to section 261.115:

.....	\$	200,487
		<u>400,973</u>

3. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

For purposes of providing national guard educational assistance under the program established in section 261.86:

.....	\$	2,550,117
		<u>2,100,000</u>

4. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM

For the teacher shortage loan forgiveness program established in section 261.112:

.....	\$	196,226
		<u>392,452</u>

5. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM

For purposes of the all Iowa opportunity foster care grant program established pursuant to section 261.6:

.....	\$	277,029
		<u>454,057</u>

6. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

a. For purposes of the all Iowa opportunity scholarship program established pursuant to section 261.87:

.....	\$	1,370,427
		<u>2,840,854</u>

b. For the fiscal year beginning July 1, 2016, if the moneys appropriated by the general assembly to the college student aid commission for purposes of the all Iowa opportunity



scholarship program exceed \$500,000, “eligible institution” as defined in section 261.87 shall, during the fiscal year beginning July 1, 2016, include accredited private institutions as defined in section 261.9.

7. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS PROGRAM

For purposes of the registered nurse and nurse educator loan forgiveness program established pursuant to section 261.116:

..... \$ 40,426  
80,852

8. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT PROGRAM

For purposes of the barber and cosmetology arts and sciences tuition grant program established pursuant to section 261.61:

..... \$ 18,469  
36,938

9. TEACH IOWA SCHOLAR PROGRAM

For purposes of the teach Iowa scholar program established pursuant to section 261.110:

..... \$ 200,000  
400,000

10. RURAL IOWA PRIMARY CARE LOAN REPAYMENT PROGRAM

For purposes of the rural Iowa primary care loan repayment program established pursuant to section 261.113:

..... \$ 800,000  
1,600,000

11. RURAL IOWA ADVANCED REGISTERED NURSE PRACTITIONER AND PHYSICIAN ASSISTANT LOAN REPAYMENT PROGRAM

For purposes of the rural Iowa advanced registered nurse practitioner and physician assistant loan repayment program established pursuant to section 261.114:

..... \$ 200,000

Sec. 3. 2015 Iowa Acts, chapter 140, section 22, is amended to read as follows:

SEC. 22. IOWA TUITION AND VOCATIONAL TECHNICAL GRANT APPROPRIATIONS FOR FY 2016-2017. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the amounts appropriated from the general fund of the state to the college student aid commission pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For Iowa tuition grants under section 261.25, subsection 1:

..... \$ 24,206,724  
48,939,681

2. For tuition grants for students attending for-profit accredited private institutions located in Iowa under section 261.25, subsection 2:

..... \$ 987,500  
1,975,000

~~3. For vocational technical tuition grants under section 261.25, subsection 3:~~

..... \$ ~~1,125,093~~

DEPARTMENT OF EDUCATION

Sec. 4. 2015 Iowa Acts, chapter 140, section 25, is amended to read as follows:

SEC. 25. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

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

..... \$ 3,152,024  
6,054,047

..... FTEs 81.67

By January 15, 2017, the department shall submit a written report to the general assembly detailing the department’s antibullying programming and current and projected expenditures for such programming for the fiscal year beginning July 1, 2016.

2. VOCATIONAL EDUCATION ADMINISTRATION

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

.....	\$	299,099
		<u>598,197</u>
.....	FTEs	11.50

3. VOCATIONAL REHABILITATION SERVICES DIVISION

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

.....	\$	2,955,600
		<u>5,911,200</u>
.....	FTEs	255.00

For purposes of optimizing the job placement of individuals with disabilities, the division shall make its best efforts to work with community rehabilitation program providers for job placement and retention services for individuals with significant disabilities and most significant disabilities. By January 15, ~~2016~~ 2017, the division shall submit a written report to the general assembly on the division’s outreach efforts with community rehabilitation program providers.

b. For matching moneys for programs to enable persons with severe physical or mental disabilities to function more independently, including salaries and support, and for not more than the following full-time equivalent position:

.....	\$	44,564
		<u>89,128</u>
.....	FTEs	1.00

c. For the entrepreneurs with disabilities program established pursuant to section 259.4, subsection 9:

.....	\$	72,768
		<u>145,535</u>

d. For costs associated with centers for independent living:

.....	\$	45,147
		<u>90,294</u>

4. STATE LIBRARY

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

.....	\$	1,357,532
		<u>2,715,063</u>
.....	FTEs	29.00

b. For the enrich Iowa program established under section 256.57:

.....	\$	1,287,114
		<u>2,574,228</u>

5. PUBLIC BROADCASTING DIVISION

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

.....	\$	4,036,923
		<u>8,073,846</u>
.....	FTEs	86.00

6. REGIONAL TELECOMMUNICATIONS COUNCILS

For state aid:

.....	\$	496,457
		<u>992,913</u>

a. The regional telecommunications councils established pursuant to section 8D.5, subsection 2, shall use the moneys appropriated in this subsection to provide technical assistance for network classrooms, planning and troubleshooting for local area networks, scheduling of video sites, and other related support activities.

b. Moneys appropriated in this subsection shall be distributed by the department to the regional telecommunications councils based upon usage by region.

7. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

For reimbursement for vocational education expenditures made by secondary schools:

.....	\$	1,315,067
		<u>2,630,134</u>

Moneys appropriated in this subsection shall be used to reimburse school districts for vocational education expenditures made by secondary schools to meet the standards set in sections 256.11, 258.4, and 260C.14.

8. SCHOOL FOOD SERVICE

For use as state matching moneys for federal programs that shall be disbursed according to federal regulations, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,088,399
		<u>2,176,797</u>
.....	FTEs	20.58

9. EARLY CHILDHOOD IOWA FUND — GENERAL AID

For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

.....	\$	2,693,057
		<u>5,386,113</u>

a. From the moneys deposited in the school ready children grants account for the fiscal year beginning July 1, 2016, and ending June 30, 2017, not more than ~~\$132,975~~ \$265,950 is allocated for the early childhood Iowa office and other technical assistance activities. Moneys allocated under this lettered paragraph may be used by the early childhood Iowa state board for the purpose of skills development and support for ongoing training of staff. However, except as otherwise provided in this subsection, moneys shall not be used for additional staff or for the reimbursement of staff.

b. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, ~~\$1,159,009~~ \$2,318,018 shall be used for efforts to improve the quality of early care, health, and education programs. Moneys allocated pursuant to this paragraph may be used for additional staff and for the reimbursement of staff. The early childhood Iowa state board may reserve a portion of the allocation, not to exceed ~~\$44,325~~ \$88,650, for the technical assistance expenses of the early childhood Iowa state office, including the reimbursement of staff, and shall distribute the remainder to early childhood Iowa areas for local quality improvement efforts through a methodology identified by the early childhood Iowa state board to make the most productive use of the funding, which may include use of the distribution formula, grants, or other means.

c. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa fund, ~~\$412,515~~ \$825,030 shall be used for support of professional development and training activities for persons working in early care, health, and education by the early childhood Iowa state board in collaboration with the professional development component groups maintained by the early childhood Iowa stakeholders alliance pursuant to section 256I.12, subsection 7, paragraph “b”, and the early childhood Iowa area boards. Expenditures shall be limited to professional development and training activities agreed upon by the parties participating in the collaboration.

10. EARLY CHILDHOOD IOWA FUND — PRESCHOOL TUITION ASSISTANCE

For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

.....	\$	2,714,439
		<u>5,428,877</u>

11. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND PARENT EDUCATION

For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

.....	\$	6,182,217
		<u>12,364,434</u>

12. BIRTH TO AGE THREE SERVICES

a. For expansion of the federal Individuals with Disabilities Education Improvement Act of 2004, Pub. L. No. 108-446, as amended to January 1, 2016, birth through age three services due to increased numbers of children qualifying for those services:

..... \$ 860,700  
1,721,400

b. From the moneys appropriated in this subsection, ~~\$191,885~~ \$383,769 shall be allocated to the child health specialty clinics administered by the state university of Iowa in order to provide additional support for infants and toddlers who are born prematurely, drug-exposed, or medically fragile.

13. EARLY HEAD START PROJECTS

a. For early head start projects:

..... \$ 300,000  
600,000

b. The moneys appropriated in this subsection shall be used for implementation and expansion of early head start pilot projects addressing the comprehensive cognitive, social, emotional, and developmental needs of children from birth to age three, including prenatal support for qualified families. The projects shall promote healthy prenatal outcomes and healthy family functioning, and strengthen the development of infants and toddlers in low-income families. Priority shall be given to those organizations that have previously qualified for and received state funding to administer an early head start project.

14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

a. To provide moneys for costs of providing textbooks to each resident pupil who attends a nonpublic school as authorized by section 301.1:

..... \$ 325,107  
650,214

b. Funding under this subsection is limited to \$20 per pupil and shall not exceed the comparable services offered to resident public school pupils.

15. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

For purposes of the student achievement and teacher quality program established pursuant to chapter 284, and for not more than the following full-time equivalent positions:

..... \$ 28,695,676  
57,391,351  
..... FTEs 2.00

If moneys appropriated under this subsection and which are allocated to pay the full amount of teacher leadership supplemental aid payments to school districts for their initial year of funding under section 284.13, subsection 1, paragraph "e", for the fiscal year beginning July 1, 2016, and ending June 30, 2017, are insufficient for such purpose, the department shall prorate the amount of the teacher leadership supplemental aid payments calculated under section 284.13, subsection 1, paragraph "e", subparagraph (2), subparagraph division (a), and paid to school districts.

16. JOBS FOR AMERICA'S GRADUATES

For school districts to provide direct services to the most at-risk senior high school students enrolled in school districts through direct intervention by a jobs for America's graduates specialist:

..... \$ 350,000  
700,000

17. ATTENDANCE CENTER PERFORMANCE/GENERAL INTERNET SITE AND DATA SYSTEM SUPPORT

For development of criteria and administration of a process for school districts to establish specific performance goals and to evaluate the performance of each attendance center operated by the district in order to arrive at an overall school performance grade and report card for each attendance center, for internet site and data system support, and for not more than the following full-time equivalent positions:

..... \$ 125,000  
250,000  
..... FTEs 2.00

18. ADMINISTRATOR MENTORING/COACHING AND SUPPORT SYSTEM

For purposes of the beginning administrator mentoring and induction program created pursuant to section 284A.5 and for development and implementation of the coaching and support system to support administrators pursuant to section 256.9, subsection 63, paragraph "b":

..... \$ 500,000  
1,000,000

19. ENGLISH LANGUAGE LITERACY GRANT PROGRAM

For purposes of the English language literacy for all grant program established in accordance with section 256.9, subsection 65:

..... \$ 250,000  
500,000

By November 1, 2016, the 25 Iowa school districts with the largest number of students identified as limited English proficient and providing educational programming because of that identification shall submit a report to the department in a manner prescribed by the department that includes the following information:

a. A cost accounting of moneys expended on limited English proficiency programming by the school district.

b. An identification of all native languages represented by limited English proficient students who are served by the school district.

c. The average number of years spent in English language learner programming for limited English proficient students served by the school district.

d. The number of full-time equivalent employees directly serving limited English proficient students and the student-to-teacher ratios for such students.

e. A review of the number and the percentage of the total of limited English proficient students achieving English language proficiency over the previous five years.

f. A list of English language learner programs not developed by the district that are being utilized by the school district for limited English proficient students.

20. ONLINE STATE JOB POSTING SYSTEM

For purposes of administering the online state job posting system in accordance with section 256.27:

..... \$ 125,000  
250,000

~~21. COMMISSION AND COUNCIL SUPPORT~~

~~For the costs of providing department support to education commissions and councils established pursuant to 2013 Iowa Acts, chapter 121, including but not limited to the commission on educator leadership and compensation and the council on educator development:~~

~~..... \$ 12,500~~

22. AREA EDUCATION AGENCY SUPPORT SYSTEM

For administration of a system by which area education agencies shall support school districts implementing frameworks or comparable systems approved pursuant to section 284.15, subsection 6:

..... \$ 500,000  
1,000,000

23. SUCCESSFUL PROGRESSION FOR EARLY READERS

For distribution to school districts for implementation of section 279.68, subsection 2:

..... \$ 4,000,000  
8,000,000

24. EARLY WARNING SYSTEM FOR LITERACY

For purposes of purchasing a statewide license for an early warning assessment and administering the early warning system for literacy established in accordance with section 279.68 and rules adopted in accordance with section 256.7, subsection 31:

..... \$ 1,000,000  
2,000,000

The department shall administer and distribute to school districts and accredited nonpublic schools the early warning assessment system that allows teachers to screen and monitor student literacy skills from prekindergarten through grade six. The department may charge

school districts and accredited nonpublic schools a fee for the system not to exceed the actual costs to purchase a statewide license for the early warning assessment minus the moneys received by the department under this subsection. The fee shall be determined by dividing the actual remaining costs to purchase the statewide license for the school year by the number of pupils assessed under the system in the current fiscal year. School districts may use moneys received pursuant to section 257.10, subsection 11, and moneys received for purposes of implementing section 279.68, subsection 2, to pay the early warning assessment system fee.

25. IOWA READING RESEARCH CENTER

a. For purposes of the Iowa reading research center in order to implement, in collaboration with the area education agencies, the provisions of section 256.9, subsection 53, paragraph "c":

..... \$ 500,000  
1,000,000

b. Notwithstanding section 8.33, moneys received by the department pursuant to this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes specified in this subsection for the following fiscal year.

26. COMPETENCY-BASED EDUCATION

For implementation, in collaboration with the area education agencies, of certain recommendations of the competency-based instruction task force established pursuant to 2012 Iowa Acts, chapter 1119, section 2, and for not more than the following full-time equivalent position:

..... \$ 212,500  
425,000  
..... FTEs 1.00

The moneys appropriated in this subsection shall be used to provide grants under a competency-based instruction grant program, for writing model competencies, for plans and templates, to develop the assessment validation rubric and model assessments, and to design professional development in accordance with the recommendations of the task force.

Notwithstanding section 8.33, moneys received by the department pursuant to this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes specified in this subsection for the following fiscal year.

26A. FINE ARTS BEGINNING TEACHER MENTORING PROGRAM

For purposes implementing section 256.34, if enacted by this Act:

..... \$ 25,000

27. MIDWESTERN HIGHER EDUCATION COMPACT

a. For distribution to the midwestern higher education compact to pay Iowa's member state annual obligation:

..... \$ 50,000  
100,000

b. Notwithstanding section 8.33, moneys appropriated for distribution to the midwestern higher education compact pursuant to this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purpose designated until the close of the succeeding fiscal year.

28. AREA EDUCATION AGENCIES

For distribution to the area education agencies:

..... \$ 500,000  
1,000,000

29. COMMUNITY COLLEGES

a. For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C:

..... \$ 100,637,324  
204,290,605

~~The funds appropriated in this subsection shall be allocated pursuant to the formula established in section 260C.18C.~~

Notwithstanding the allocation formula in section 260C.18C, the moneys appropriated in this subsection shall be allocated as follows:

(1) Merged Area I	\$	10,079,001
(2) Merged Area II	\$	10,226,442
(3) Merged Area III	\$	9,465,211
(4) Merged Area IV	\$	4,656,003
(5) Merged Area V	\$	11,560,026
(6) Merged Area VI	\$	9,071,684
(7) Merged Area VII	\$	13,776,114
(8) Merged Area IX	\$	17,449,141
(9) Merged Area X	\$	31,941,989
(10) Merged Area XI	\$	34,184,671
(11) Merged Area XII	\$	11,331,388
(12) Merged Area XIII	\$	12,300,327
(13) Merged Area XIV	\$	4,746,073
(14) Merged Area XV	\$	14,892,948
(15) Merged Area XVI	\$	8,609,587
b. For distribution to community colleges to supplement faculty salaries:	\$	250,000
		500,000

#### STATE BOARD OF REGENTS

Sec. 5. 2015 Iowa Acts, chapter 140, section 26, is amended to read as follows:

SEC. 26. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. OFFICE OF STATE BOARD OF REGENTS

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

	\$	547,357
		794,714
	FTEs	15.00

The state board of regents shall submit a monthly financial report in a format agreed upon by the state board of regents office and the legislative services agency. The report submitted in December 2016 shall include the five-year graduation rates for the regents universities.

b. For moneys to be allocated to the southwest Iowa regents resource center in Council Bluffs:

	\$	91,367
		182,734

c. For moneys to be allocated to the northwest Iowa regents resource center in Sioux City under section 262.9, subsection 22:

.....	\$	48,057
		<u>96,114</u>
d. For moneys to be allocated to the quad-cities graduate studies center:		
.....	\$	2,500
		<u>5,000</u>
e. For moneys to be distributed to Iowa public radio for public radio operations:		
.....	\$	195,784
		<u>391,568</u>
2. STATE UNIVERSITY OF IOWA		
a. General university		
For salaries, support, maintenance, equipment, financial aid, and miscellaneous purposes, and for not more than the following full-time equivalent positions:		
.....	\$	115,461,503
		<u>232,223,005</u>
.....	FTEs	5,058.55
b. Oakdale campus		
For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:		
.....	\$	1,093,279
		<u>2,186,558</u>
.....	FTEs	38.25
c. State hygienic laboratory		
For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:		
.....	\$	2,201,308
		<u>4,402,615</u>
.....	FTEs	102.50
d. Family practice program		
For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants to carry out the provisions of chapter 148D for the family practice residency education program, including salaries and support, and for not more than the following full-time equivalent positions:		
.....	\$	894,133
		<u>1,788,265</u>
.....	FTEs	190.40
e. Child health care services		
For specialized child health care services, including childhood cancer diagnostic and treatment network programs, rural comprehensive care for hemophilia patients, and the Iowa high-risk infant follow-up program, including salaries and support, and for not more than the following full-time equivalent positions:		
.....	\$	329,728
		<u>659,456</u>
.....	FTEs	57.97
f. Statewide cancer registry		
For the statewide cancer registry, and for not more than the following full-time equivalent positions:		
.....	\$	74,526
		<u>149,051</u>
.....	FTEs	2.10
g. Substance abuse consortium		
For moneys to be allocated to the Iowa consortium for substance abuse research and evaluation, and for not more than the following full-time equivalent position:		
.....	\$	27,765
		<u>55,529</u>
.....	FTEs	1.00
h. Center for biocatalysis		



For the center for biocatalysis, and for not more than the following full-time equivalent positions:

.....	\$	361,864
		<u>723,727</u>
.....	FTEs	6.28

i. Primary health care initiative

For the primary health care initiative in the college of medicine, and for not more than the following full-time equivalent positions:

.....	\$	324,465
		<u>648,930</u>
.....	FTEs	5.89

From the moneys appropriated in this lettered paragraph, ~~\$127,445~~ \$254,889 shall be allocated to the department of family practice at the state university of Iowa college of medicine for family practice faculty and support staff.

j. Birth defects registry

For the birth defects registry, and for not more than the following full-time equivalent position:

.....	\$	19,144
		<u>38,288</u>
.....	FTEs	1.00

k. Larned A. Waterman Iowa nonprofit resource center

For the Larned A. Waterman Iowa nonprofit resource center, and for not more than the following full-time equivalent positions:

.....	\$	81,270
		<u>162,539</u>
.....	FTEs	2.75

l. Iowa online advanced placement academy science, technology, engineering, and mathematics initiative

For the establishment of the Iowa online advanced placement academy science, technology, engineering, and mathematics initiative established pursuant to section 263.8A:

.....	\$	240,925
		<u>481,849</u>

m. Iowa flood center

For the Iowa flood center for use by the university's college of engineering pursuant to section 466C.1:

.....	\$	750,000
		<u>1,500,000</u>

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

For salaries, support, maintenance, equipment, financial aid, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	91,090,926
		<u>184,399,852</u>
.....	FTEs	3,647.42

b. Agricultural experiment station

For the agricultural experiment station salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	14,943,439
		<u>29,886,877</u>
.....	FTEs	546.98

c. Cooperative extension service in agriculture and home economics

For the cooperative extension service in agriculture and home economics salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	9,133,361
		<u>18,266,722</u>
.....	FTEs	383.34

d. Leopold center

For agricultural research grants at Iowa state university of science and technology under section 266.39B, and for not more than the following full-time equivalent positions:

.....	\$	<u>198,709</u>
.....		<u>397,417</u>
.....	FTEs	11.25

e. Livestock disease research

For deposit in and the use of the livestock disease research fund under section 267.8:

.....	\$	<u>86,422</u>
.....		<u>172,844</u>

4. UNIVERSITY OF NORTHERN IOWA

a. General university

For salaries, support, maintenance, equipment, financial aid, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	<u>47,138,366</u>
.....		<u>97,057,732</u>
.....	FTEs	1,447.50

b. Recycling and reuse center

For purposes of the recycling and reuse center, and for not more than the following full-time equivalent positions:

.....	\$	<u>87,628</u>
.....		<u>175,256</u>
.....	FTEs	3.00

c. Science, technology, engineering, and mathematics (STEM) collaborative initiative

For purposes of the science, technology, engineering, and mathematics (STEM) collaborative initiative established pursuant to section 268.7, and for not more than the following full-time equivalent positions:

.....	\$	<u>2,600,000</u>
.....		<u>5,200,000</u>
.....	FTEs	6.20

(1) Except as otherwise provided in this lettered paragraph, the moneys appropriated in this lettered paragraph shall be expended for salaries, staffing, institutional support, activities directly related to recruitment of kindergarten through grade 12 mathematics and science teachers, and for ongoing mathematics and science programming for students enrolled in kindergarten through grade 12.

(2) The university of northern Iowa shall work with the community colleges to develop STEM professional development programs for community college instructors and STEM curriculum development.

(3) From the moneys appropriated in this lettered paragraph, not less than \$250,000 \$500,000 shall be used to provide technology education opportunities to high school, career academy, and community college students through a public-private partnership, as well as opportunities for students and faculties at these institutions to secure broad-based information technology certification. The partnership shall provide all of the following:

- (a) A research-based curriculum.
- (b) Online access to the curriculum.
- (c) Instructional software for classroom and student use.
- (d) Certification of skills and competencies in a broad base of information technology-related skill areas.
- (e) Professional development for teachers.
- (f) Deployment and program support, including but not limited to integration with current curriculum standards.

d. Real estate education program

For purposes of the real estate education program, and for not more than the following full-time equivalent position:

.....	\$	<u>62,651</u>
.....		<u>125,302</u>
.....	FTEs	1.00

5. STATE SCHOOL FOR THE DEAF

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

.....	\$	4,754,629
		<u>9,723,215</u>
.....	FTEs	126.60

6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

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

.....	\$	1,982,344
		<u>4,053,893</u>
.....	FTEs	62.87

7. TUITION AND TRANSPORTATION COSTS

For payment to local school boards for the tuition and transportation costs of students residing in the Iowa braille and sight saving school and the state school for the deaf pursuant to section 262.43 and for payment of certain clothing, prescription, and transportation costs for students at these schools pursuant to section 270.5:

.....	\$	5,882
		<u>11,763</u>

8. LICENSED CLASSROOM TEACHERS

For distribution at the Iowa braille and sight saving school and the Iowa school for the deaf based upon the average yearly enrollment at each school as determined by the state board of regents:

.....	\$	41,025
		<u>82,049</u>

Sec. 6. Section 256.7, subsection 21, paragraph b, subparagraph (2), Code 2016, is amended to read as follows:

(2) Notwithstanding subparagraph (1), for the school year beginning July 1, ~~2016~~ 2017, and each succeeding school year, the rules shall provide that all students enrolled in school districts in grades three through eleven shall be administered an assessment during the last quarter of the school year that at a minimum assesses the core academic indicators identified in this paragraph “b”; is aligned with the Iowa common core standards in both content and rigor; accurately describes student achievement and growth for purposes of the school, the school district, and state accountability systems; and provides valid, reliable, and fair measures of student progress toward college or career readiness.

Sec. 7. NEW SECTION. 256.34 Fine arts beginning teacher mentoring program.

1. The department shall establish a fine arts beginning teacher mentoring program under a contract with an Iowa-based nonprofit organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code; has membership from the six state fine arts organizations representing kindergarten through grade twelve general music, choral music, instrumental music, visual arts, and drama and theater arts educators; and has administered a federally funded statewide fine arts mentoring program since 2006.

2. Program criteria shall include a required match of one dollar provided by the organization contracting to deliver services under subsection 1 for each dollar provided to the organization by the department. Moneys in the fund established under subsection 6 shall not be disbursed until the department receives evidence that the organization meets or will meet the match requirement.

3. The program provided under contract by the nonprofit organization shall provide for all of the following:

a. Activities and consultation in support of beginning fine arts teachers employed in Iowa’s school districts, including but not limited to guidance in the classroom and at meetings, and resources of materials, time, and financial scholarship for state conferences that will support a beginning fine arts teacher’s effectiveness in the classroom.

b. Coordination of retired and currently employed experienced fine arts mentor educators with beginning fine arts educators.

c. Materials and advice specifically designed to prepare beginning fine arts teachers for success in the fine arts classroom and to prepare kindergarten through grade twelve students for school district fine arts performances and festivals.

4. The nonprofit organization under contract with the department under this section shall provide quarterly reports detailing the organization's compliance with the requirements of subsection 3 and the expenditures of moneys for purposes of the fine arts beginning teacher mentoring program.

5. The director of the department may for good cause suspend, revoke, or refuse to renew a contract entered into in accordance with the provisions of this section.

6. There is established in the state treasury a fine arts beginning teacher mentoring fund that is under the control of and administered by the department of education. The department may accept gifts, grants, bequests, and other private contributions, as well as state or federal funds, and shall deposit the moneys in the fund to be used for purposes of the fine arts beginning teacher mentoring program. Moneys in the fund are appropriated to the department and shall be used for the purposes of this section. Moneys in the fund may be used to reimburse mentors for business travel expenses incurred in the performance of a mentor's duties at a rate not to exceed the current rate of reimbursement allowed under the standard method for computation of business travel expenses pursuant to the Internal Revenue Code. The department shall not commingle federal, state, and private funds within the fund. Moneys appropriated for the program shall supplement, not supplant, moneys appropriated for purposes of the beginning teacher mentoring and induction program created under section 284.5. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. Notwithstanding section 12C.7, subsection 2, interest earned on moneys in the fine arts beginning teacher mentoring fund shall be credited to the fund.

Sec. 8. Section 256C.4, subsection 1, paragraph e, Code 2016, is amended to read as follows:

e. Preschool foundation aid funding shall not be used for the costs of constructing a facility in connection with an approved local program. Preschool foundation aid funding may be used by approved local programs and community providers for professional development for preschool teachers, for instructional equipment, for material and equipment designed to develop pupils' large and small motor skills, and for other direct costs. Preschool foundation aid funding may be used by approved local programs for the costs of transportation involving children participating in the preschool program. The costs of transporting other children associated with the preschool program or transported as provided in section 256C.3, subsection 3, paragraph "h", may be prorated by the school district. Preschool foundation aid funding received by an approved local program that remain unexpended or unobligated at the end of a fiscal year shall be used to build the approved local program's preschool program capacity in the next succeeding fiscal year.

Sec. 9. Section 261.6, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 4. An all Iowa opportunity foster care grant fund is created in the state treasury as a separate fund under the control of the commission. The fund shall consist of any moneys appropriated to the commission for purposes of the program and any other moneys available to and obtained or accepted by the commission for placement in the fund. All moneys in the fund are appropriated to the commission to be used for grants for students meeting the requirements of this section. Notwithstanding section 8.33, any balance in the fund on June 30 of each fiscal year shall not revert to the general fund of the state, but shall be transferred to the all Iowa opportunity scholarship fund established pursuant to section 261.87 to be used for purposes of the all Iowa opportunity scholarship program.

Sec. 10. Section 261.86, subsection 6, Code 2016, is amended to read as follows:

6. Notwithstanding section 8.33, ~~until one year after the date the president of the United States or the Congress of the United States declares a cessation of hostilities ending operation Iraqi freedom, operation new dawn, and operation enduring freedom,~~ funds appropriated

for purposes of this section which remain unencumbered or unobligated at the close of the fiscal year for which the funds were appropriated shall not revert but shall be available for expenditure for the following fiscal year for purposes of this section.

Sec. 11. Section 272.28, subsection 1, Code 2016, is amended to read as follows:

1. ~~Effective July 1, 2003, requirements~~ Requirements for teacher licensure beyond an initial license shall include successful completion of a beginning teacher mentoring and induction program approved by the state board of education or evidence of not less than three years of successful teaching experience at any of the following:

a. An accredited nonpublic school in this state.

b. A preschool program approved by the United States department of health and human services.

c. Preschool programs at school districts approved to participate in the preschool program under chapter 256C.

d. Shared visions programs receiving grants from the child development coordinating council under section 256A.3.

e. Preschool programs receiving moneys from the school ready children grants account of the early childhood Iowa fund created in section 256I.11.

Sec. 12. Section 279.68, subsection 1, paragraph c, Code 2016, is amended to read as follows:

c. Beginning May 1, ~~2017~~ 2018, unless the school district is granted a waiver pursuant to subsection 2, paragraph “e”, if the student’s reading deficiency is not remedied by the end of grade three, as demonstrated by scoring on a locally determined or statewide assessment as provided in section 256.7, subsection 31, the school district shall notify the student’s parent or guardian that the parent or guardian may enroll the student in an intensive summer reading program offered in accordance with subsection 2, paragraph “e”. If the parent or guardian does not enroll the student in the intensive summer reading program and the student is ineligible for the good cause exemption under subsection 5, the student shall be retained in grade three pursuant to subsection 3. If the student is exempt from participating in an intensive summer reading program for good cause, pursuant to subsection 5, or completes the intensive summer reading program but is not reading proficient upon completion of the program, the student may be promoted to grade four, but the school district shall continue to provide the student with intensive reading instruction until the student is proficient in reading as demonstrated by scoring on locally determined or statewide assessments.

Sec. 13. Section 279.68, subsection 2, paragraph e, Code 2016, is amended to read as follows:

e. Offer each summer, beginning in the summer of ~~2017~~ 2018, unless the school district receives a waiver from this requirement from the department of education for the summer of ~~2017~~ 2018, an intensive summer literacy program for students assessed as exhibiting a substantial deficiency in reading. The program shall meet the criteria and follow the guidelines established pursuant to section 256.9, subsection 53, paragraph “c”, subparagraph (1), subparagraph division (g).

Sec. 14. Section 284.13, subsection 1, paragraphs a, b, c, and d, Code 2016, are amended to read as follows:

a. For the fiscal year beginning July 1, ~~2015~~ 2016, and ending June 30, ~~2016~~ 2017, to the department of education, the amount of eight hundred forty-six thousand two hundred fifty dollars for the issuance of national board certification awards in accordance with section 256.44. Of the amount allocated under this paragraph, not less than eighty-five thousand dollars shall be used to administer the ambassador to education position in accordance with section 256.45.

b. For the fiscal year beginning July 1, ~~2015~~ 2016, and ending June 30, ~~2016~~ 2017, an amount up to four million twenty-one thousand eight hundred seventy-five dollars for first-year and second-year beginning teachers, to the department of education for distribution to school districts and area education agencies for purposes of the beginning teacher mentoring and induction programs. A school district or area education agency

shall receive one thousand three hundred dollars per beginning teacher participating in the program. If the funds appropriated for the program are insufficient to pay mentors, school districts, and area education agencies as provided in this paragraph, the department shall prorate the amount distributed to school districts and area education agencies based upon the amount appropriated. Moneys received by a school district or area education agency pursuant to this paragraph shall be expended to provide each mentor with an award of five hundred dollars per semester, at a minimum, for participation in the school district's or area education agency's beginning teacher mentoring and induction program; to implement the plan; and to pay any applicable costs of the employer's share of contributions to federal social security and the Iowa public employees' retirement system or a pension and annuity retirement system established under chapter 294, for such amounts paid by the district or area education agency.

c. For the fiscal year beginning July 1, ~~2015~~ 2016, and ending June 30, ~~2016~~ 2017, up to seven hundred eighty-six thousand eight hundred sixteen dollars to the department for purposes of implementing the professional development program requirements of section 284.6, assistance in developing model evidence for teacher quality committees established pursuant to section 284.4, subsection 1, paragraph "c", and the evaluator training program in section 284.10. A portion of the funds allocated to the department for purposes of this paragraph may be used by the department for administrative purposes and for not more than four full-time equivalent positions.

d. For the fiscal year beginning July 1, ~~2015~~ 2016, and ending June 30, ~~2016~~ 2017, an amount up to one million one hundred thirty-six thousand four hundred ten dollars to the department for the establishment of teacher development academies in accordance with section 284.6, subsection 10. A portion of the funds allocated to the department for purposes of this paragraph may be used for administrative purposes.

Sec. 15. Section 284.13, subsection 1, paragraph e, subparagraph (1), subparagraph division (b), Code 2016, is amended to read as follows:

(b) For the fiscal year beginning July 1, 2016, and ending June 30, 2017, fifty million six hundred thousand dollars.

Sec. 16. Section 284.13, subsection 1, paragraph f, Code 2016, is amended to read as follows:

f. For the fiscal year beginning July 1, ~~2016~~ 2017, and for each subsequent fiscal year, to the department of education, ten million dollars for purposes of implementing the supplemental assistance for high-need schools provisions of section 284.11. Annually, of the moneys allocated to the department for purposes of this paragraph, up to one hundred thousand dollars may be used by the department for administrative purposes and for not more than one full-time equivalent position.

Sec. 17. 2016 Iowa Acts, House File 2370,<sup>1</sup> is amended by adding the following new section:

NEW SECTION. SEC. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

*\*Sec. 18. STATE BOARD OF EDUCATION — SUSPENSION OF RULE APPLICABILITY — REVIEW BY ADMINISTRATIVE RULES REVIEW COMMITTEE. The applicability of 281 Iowa administrative code, rule 12.8, subrule 1, paragraph "h", is suspended until July 1, 2017. The administrative rules review committee shall review 281 Iowa administrative code, rule 12.8, subrule 1, paragraph "h", at its regular meeting in December 2016.\**

Sec. 19. EFFECTIVE UPON ENACTMENT. The following provision of this Act, being deemed of immediate importance, takes effect upon enactment:

1. The section of this Act enacting section 261.6, subsection 4.
2. The section of this Act amending section 261.86, subsection 6.

<sup>1</sup> Chapter 1075 herein

\* Item veto; see message at end of the Act

- 3. The section of this Act amending section 272.28.
- 4. The section of this Act amending 2016 Iowa Acts, House File 2370. <sup>2</sup>

\*5. *The section of this Act suspending the applicability of an administrative rule adopted by the state board of education and requiring review of such rule by the administrative rules review committee.\**

Sec. 20. RETROACTIVE APPLICABILITY. The following provision of this Act applies retroactively to June 30, 2015:

- 1. The section of this Act amending section 261.86, subsection 6.

Sec. 21. RETROACTIVE APPLICABILITY. The following provision of this Act applies retroactively to April 6, 2016:

- 1. The section of this Act amending 2016 Iowa Acts, House File 2370. <sup>3</sup>

DIVISION II  
WORKFORCE TRAINING PROGRAMS — APPROPRIATIONS FY 2016-2017

Sec. 22. 2015 Iowa Acts, chapter 140, section 29, is amended to read as follows:

SEC. 29. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the following departments, agencies, and institutions for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF EDUCATION

a. For deposit in the workforce training and economic development funds created pursuant to section 260C.18A:

	\$ 7,550,000
	<u>15,100,000</u>

From the moneys appropriated in this lettered paragraph “a”, not more than ~~\$50,000~~ \$100,000 shall be used by the department for administration of the workforce training and economic development funds created pursuant to section 260C.18A.

b. For distribution to community colleges for the purposes of implementing adult education and literacy programs pursuant to section 260C.50:

	\$ 2,750,000
	<u>5,500,000</u>

(1) From the moneys appropriated in this lettered paragraph “b”, ~~\$1,941,500~~ \$3,883,000 shall be allocated pursuant to the formula established in section 260C.18C.

(2) From the moneys appropriated in this lettered paragraph “b”, not more than ~~\$75,000~~ \$150,000 shall be used by the department for implementation of adult education and literacy programs pursuant to section 260C.50.

(3) From the moneys appropriated in this lettered paragraph “b”, not more than ~~\$733,500~~ \$1,467,000 shall be distributed as grants to community colleges for the purpose of adult basic education programs for students requiring instruction in English as a second language. The department shall establish an application process and criteria to award grants pursuant to this subparagraph to community colleges. The criteria shall be based on need for instruction in English as a second language in the region served by each community college as determined by factors including data from the latest federal decennial census and outreach efforts to determine regional needs.

(4) From the moneys appropriated in this lettered paragraph “b”, ~~\$105,000~~ \$210,000 shall be transferred to the department of human services for purposes of administering a pilot project to provide access to international resources to Iowans and new Iowans to provide economic and leadership development resulting in Iowa being a more inclusive and welcoming place to live, work, and raise a family. The pilot project shall provide supplemental support services for international refugees to improve learning, English literacy, life skills, cultural competencies, and integration in a county with a population over

<sup>2</sup> Chapter 1075 herein  
<sup>\*</sup> Item veto; see message at end of the Act  
<sup>3</sup> Chapter 1075 herein

350,000 as determined by the 2010 federal decennial census. The department of human services shall utilize a request for proposals process to identify the entity best qualified to implement the pilot project.

c. For accelerated career education program capital projects at community colleges that are authorized under chapter 260G and that meet the definition of the term “vertical infrastructure” in section 8.57, subsection 5, paragraph “c”:

..... \$ 3,000,000  
6,000,000

d. For deposit in the pathways for academic career and employment fund established pursuant to section 260H.2:

..... \$ 2,500,000  
5,000,000

From the moneys appropriated in this lettered paragraph “d”, not more than \$200,000 shall be allocated by the department for implementation of regional industry sector partnerships pursuant to section 260H.7B and for not more than one full-time equivalent position.

e. For deposit in the gap tuition assistance fund established pursuant to section 260I.2:

..... \$ 1,000,000  
2,000,000

f. For deposit in the statewide work-based learning intermediary network fund created pursuant to section 256.40:

..... \$ 750,000  
1,500,000

From the moneys appropriated in this lettered paragraph “f”, not more than \$25,000 shall be used by the department for expenses associated with the activities of the secondary career and technical programming task force convened pursuant to this Act to provide statewide support for work-based learning.

g. For support costs associated with administering a workforce preparation outcome reporting system for the purpose of collecting and reporting data relating to the educational and employment outcomes of workforce preparation programs receiving moneys pursuant to this subsection:

..... \$ 100,000  
200,000

2. COLLEGE STUDENT AID COMMISSION

For purposes of providing skilled workforce shortage tuition grants in accordance with section 261.130:

..... \$ 2,500,000  
5,000,000

3. Notwithstanding section 8.33, moneys appropriated in this section of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

*Approved May 27, 2016, with exceptions noted.*

TERRY E. BRANSTAD, Governor

Dear Mr. Secretary:

I hereby transmit Senate File 2323, an Act relating to the funding of, the operation of, and appropriation of moneys to the College Student Aid Commission, the Department for the Blind, the Department of Education, and the State Board of Regents, providing for related matters, and including effective and applicable date provisions.

Senate File 2323 is approved on this date with the following exceptions, of which I hereby disapprove.



I am unable to approve the items designated as Section 18, and Section 19, subsection 5, in their entirety. These items unduly delay Iowa’s transition to a new statewide academic assessment system. The Iowa Department of Education can best serve students by moving forward immediately to prepare for the implementation of the new assessment system on July 1, 2017. School administrators and teachers are eager for a new assessment system that is closely aligned with Iowa’s high state academic standards. By providing better information about students’ academic progress, the new assessment system will improve instruction. A well-aligned assessment is a key step toward providing a globally competitive education.

For the foregoing reasons, I respectfully disapprove the above-designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2323 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD, Governor

**CHAPTER 1133**

**APPROPRIATIONS — INFRASTRUCTURE AND CAPITAL PROJECTS**

*S.F. 2324*

**AN ACT** relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the state bond repayment fund, the technology reinvestment fund, and the prison bonding fund, providing for related matters, and including effective date and retroactive applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

**DIVISION I  
REBUILD IOWA INFRASTRUCTURE FUND**

Section 1. REBUILD IOWA INFRASTRUCTURE FUND — APPROPRIATIONS. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

**1. DEPARTMENT OF ADMINISTRATIVE SERVICES**

For major maintenance projects:

FY 2016-2017:

..... \$ 9,489,237

However, of the moneys appropriated in this subsection, \$100,000 is allocated for the costs of major maintenance of monuments without dedicated funds available for maintenance and restoration, subject to a requirement that moneys shall not be allocated unless a match of at least \$2 for each \$1 allocated is received from private sources.

In addition, of the moneys appropriated in this subsection, the department should give priority to projects that address health and safety issues of Iowa law enforcement academy facilities.

**2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP**

a. (1) For deposit in the water quality initiative fund created in section 466B.45 for purposes of supporting the water quality initiative administered by the soil conservation division as provided in section 466B.42, including salaries, support, maintenance, and miscellaneous purposes, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2016-2017:

..... \$ 5,200,000

(2) (a) The moneys appropriated in this lettered paragraph shall be used to support demonstration projects in subwatersheds as designated by the department that are part of high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

(b) The moneys appropriated in this lettered paragraph shall be used to support demonstration projects in watersheds generally, including regional watersheds, as designated by the division and high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

(c) Of the moneys appropriated in this lettered paragraph, \$225,000 is allocated to the Iowa nutrient research center at Iowa state university of science and technology for nutrient water monitoring network technology and equipment. Of the moneys allocated in this subparagraph division, not more than \$150,000 may be used for the operations and maintenance of the nutrient water monitoring network.

(3) In supporting projects in watersheds and subwatersheds as provided in subparagraph (2), subparagraph divisions (a) and (b), all of the following shall apply:

(a) The demonstration projects shall utilize water quality practices as described in the latest revision of the document entitled "Iowa Nutrient Reduction Strategy" initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology.

(b) The division shall implement demonstration projects as provided in subparagraph division (a) by providing for participation by persons who hold a legal interest in agricultural land used in farming. To every extent practical, the division shall provide for collaborative participation by such persons who hold a legal interest in agricultural land located within the same subwatershed.

(c) The division shall implement demonstration projects on a cost-share basis as determined by the division. However, the state's share of the amount shall not exceed 50 percent of the estimated cost of establishing the practice as determined by the division or 50 percent of the actual cost of establishing the practice, whichever is less.

(d) The demonstration projects shall be used to educate other persons about the feasibility and value of establishing similar water quality practices. The division shall promote field day events for purposes of allowing interested persons to establish water quality practices on their agricultural land.

(e) The division shall conduct water quality evaluations within supported subwatersheds. Within a reasonable period after accumulating information from such evaluations, the division shall create an aggregated database of water quality practices. Any information identifying a person holding a legal interest in agricultural land or specific agricultural land shall be a confidential record.

(4) The moneys appropriated in this lettered paragraph shall be used to support education and outreach in a manner that encourages persons who hold a legal interest in agricultural land used for farming to implement water quality practices, including the establishment of such practices in watersheds generally, and not limited to subwatersheds or high-priority watersheds.

(5) The moneys appropriated in this lettered paragraph may be used to contract with persons to coordinate the implementation of efforts provided in this paragraph.

(6) The moneys appropriated in this lettered paragraph may be used by the department to support urban soil and water conservation efforts, which may include but are not limited to management practices related to bioretention, landscaping, the use of permeable or pervious pavement, and soil quality restoration. The moneys shall be allocated on a cost-share basis as provided in chapter 161A.

(7) Notwithstanding any other provision of law to the contrary, the department may use moneys appropriated in this lettered paragraph to carry out the provisions of this paragraph on a cost-share basis in combination with other moneys available to the department from a state or federal source.

(8) Not more than 10 percent of the moneys appropriated in this lettered paragraph may be used for costs of administration and implementation of the water quality initiative administered by the soil conservation division.

b. For deposit in the agricultural drainage well water quality assistance fund created in section 460.303 for purposes of supporting the agricultural drainage well water quality assistance program as provided in section 460.304, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2016-2017:

..... \$ 1,920,000

Not more than 10 percent of the moneys appropriated in this lettered paragraph may be used for costs of administration and implementation of soil conservation practices.

### 3. DEPARTMENT OF CORRECTIONS

For infrastructure costs addressing life and safety needs at facilities owned or operated by the third judicial district department of correctional services:

FY 2016-2017:

..... \$ 150,000

### 4. DEPARTMENT OF CULTURAL AFFAIRS

a. For deposit in the Iowa great places program fund created in section 303.3D for Iowa great places program projects that meet the definition of “vertical infrastructure” in section 8.57, subsection 5, paragraph “c”:

FY 2016-2017:

..... \$ 1,000,000

b. For providing a grant to the entity in possession of the USS Iowa (BB-61) for purposes of repairing active corrosion issues along the waterline of the ship:

FY 2016-2017:

..... \$ 250,000

FY 2017-2018:

..... \$ 250,000

c. For grants to nonprofit organizations committed to strengthening communities through youth development, healthy living, and social responsibility for costs associated with the renovation and maintenance of facility infrastructure at facilities located in cities with a population of less than 28,000 as determined by the 2010 federal decennial census:

FY 2016-2017:

..... \$ 500,000

### 5. ECONOMIC DEVELOPMENT AUTHORITY

a. For deposit in the community attraction and tourism fund created in section 15F.204:

FY 2016-2017:

..... \$ 5,000,000

b. For equal distribution to regional sports authority districts certified by the department pursuant to section 15E.321, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2016-2017:

..... \$ 500,000

c. For administration and support of the world food prize including the Borlaug/Ruan scholar program, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2016-2017:

..... \$ 300,000

### 6. DEPARTMENT OF HUMAN SERVICES

a. For the renovation and construction of certain nursing facilities, consistent with the provisions of chapter 249K:

FY 2016-2017:

..... \$ 500,000

b. For a grant to a nonprofit agency that provides innovative solutions to children and adults with autism in a county with a population over 400,000 in the latest preceding certified federal census for costs associated with renovations and improvements to facilities:

FY 2016-2017:

..... \$ 485,000

### 7. DEPARTMENT OF NATURAL RESOURCES

a. For implementation of lake projects that have established watershed improvement initiatives and community support in accordance with the department’s annual lake restoration plan and report, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2016-2017:	\$	9,600,000
b. For the administration of a water trails and low head dam public hazard statewide plan, including salaries, support, maintenance, and miscellaneous purposes, notwithstanding section 8.57, subsection 5, paragraph “c”:		
FY 2016-2017:	\$	1,000,000
c. For state park infrastructure improvements:		
FY 2016-2017:	\$	3,000,000
<b>8. DEPARTMENT OF PUBLIC DEFENSE</b>		
a. For major maintenance projects at national guard armories and facilities:		
FY 2016-2017:	\$	2,000,000
b. For improvement projects for Iowa national guard installations and readiness centers to support operations and training requirements:		
FY 2016-2017:	\$	1,500,000
c. For construction improvement projects at the Camp Dodge facility:		
FY 2016-2017:	\$	300,000
<b>9. BOARD OF REGENTS</b>		
For allocation by the state board of regents to the state university of Iowa, Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in the operating funds resulting from the pledging of tuition, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions:		
FY 2016-2017:	\$	32,447,187
<b>10. STATE FAIR AUTHORITY</b>		
For infrastructure costs associated with the remodeling of the northwest portion of the fairgrounds, including but not limited to a new events area and updates to the grandstand, stage, and midway:		
FY 2016-2017:	\$	500,000
FY 2017-2018:	\$	500,000 <sup>1</sup>
<b>11. DEPARTMENT OF TRANSPORTATION</b>		
a. For acquiring, constructing, and improving recreational trails within the state:		
FY 2016-2017:	\$	2,500,000
b. For deposit in the public transit infrastructure grant fund created in section 324A.6A, for projects that meet the definition of vertical infrastructure in section 8.57, subsection 5, paragraph “c”:		
FY 2016-2017:	\$	1,500,000
c. For deposit in the railroad revolving loan and grant fund created in section 327H.20A, notwithstanding section 8.57, subsection 5, paragraph “c”:		
FY 2016-2017:	\$	1,500,000
d. For infrastructure improvements at the commercial service airports within the state:		
FY 2016-2017:	\$	1,440,000
<b>12. TREASURER OF STATE</b>		

<sup>1</sup> See chapter 1138, §19 herein

For distribution in accordance with chapter 174 to qualified fairs which belong to the association of Iowa fairs for county fair infrastructure improvements:

FY 2016-2017:

..... \$ 1,060,000

Sec. 2. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

## DIVISION II

### REBUILD IOWA INFRASTRUCTURE FUND — TECHNOLOGY APPROPRIATIONS

Sec. 3. REBUILD IOWA INFRASTRUCTURE FUND — TECHNOLOGY APPROPRIATIONS. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, notwithstanding section 8.57, subsection 5, paragraph “c”:

#### 1. DEPARTMENT OF CULTURAL AFFAIRS

For providing a grant to the Grout museum district at the Sullivan brothers veterans museum for costs associated with the Korean war history project including but not limited to exhibit information technology, computer connectivity, and interactive display technologies:

FY 2016-2017:

..... \$ 250,000

FY 2017-2018:

..... \$ 250,000

#### 2. DEPARTMENT OF EDUCATION

a. For the continued development and implementation of an educational data warehouse that will be utilized by teachers, parents, school district administrators, area education agency staff, department of education staff, and policymakers:

FY 2016-2017:

..... \$ 363,839

The department may use a portion of the moneys appropriated in this lettered paragraph for an e-transcript data system capable of tracking students throughout their education via interconnectivity with multiple schools.

b. For maintenance and lease costs associated with connections for part III of the Iowa communications network:

FY 2016-2017:

..... \$ 2,727,000

c. To the public broadcasting division for the replacement of equipment and for tower and facility maintenance:

FY 2016-2017:

..... \$ 1,017,000

#### 3. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

For replacement of equipment for the Iowa communications network:

FY 2016-2017:

..... \$ 1,150,000

The commission may continue to enter into contracts pursuant to section 8D.13 for the replacement of equipment and for operations and maintenance costs of the network.

In addition to moneys appropriated in this subsection, the commission may use a financing agreement entered into by the treasurer of state in accordance with section 12.28 for the replacement of equipment for the network. For purposes of this subsection, the treasurer of state is not subject to the maximum principal limitation contained in section 12.28, subsection

6. Repayment of any amounts financed shall be made from receipts associated with fees charged for use of the network.

4. DEPARTMENT OF HUMAN RIGHTS

a. For the cost of equipment and computer software for the continued development and implementation of Iowa’s criminal justice information system:

FY 2016-2017:  
 ..... \$ 1,345,000

b. For the costs associated with the justice enterprise data warehouse:

FY 2016-2017:  
 ..... \$ 117,980

5. DEPARTMENT OF MANAGEMENT

a. For the continued development and implementation of a searchable database that can be placed on the internet for budget and financial information:

FY 2016-2017:  
 ..... \$ 45,000

b. For completion of the comprehensive electronic grant management system:

FY 2016-2017:  
 ..... \$ 50,000

6. DEPARTMENT OF PUBLIC HEALTH

a. For the development of an integrated data system for maternal health, child health, oral health, family planning, the maternal, infant, and early childhood home visiting program, the healthy opportunities for parents to experience success program, the school-based dental sealant program, and the 1st five program within the department:

FY 2016-2017:  
 ..... \$ 500,000

b. For a grant to a nonprofit corporation for capital investment and technology infrastructure costs associated with establishing a statewide safety net pharmacy to serve the medication needs of uninsured or underinsured Iowans:

FY 2016-2017:  
 ..... \$ 75,000

7. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

For the implementation of a statewide mass notification and emergency messaging system:

FY 2016-2017:  
 ..... \$ 400,000

8. DEPARTMENT OF PUBLIC DEFENSE

For exhibit improvements at the gold star museum at Camp Dodge:

FY 2016-2017:  
 ..... \$ 250,000

9. DEPARTMENT OF PUBLIC SAFETY

For DNA marker software at the division of criminal investigation criminalistics laboratory in Ankeny:

FY 2016-2017:  
 ..... \$ 150,000

10. SECRETARY OF STATE

For the updating and upgrading capabilities of aging voter registration systems and business services data systems to meet current and future expectations of open and transparent elections:

FY 2016-2017:  
 ..... \$ 300,000

Moneys appropriated in this subsection shall be expended by the secretary of state in consultation with the office of the chief information officer.

Sec. 4. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for

which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION III  
MISCELLANEOUS APPROPRIATIONS

Sec. 5. TECHNOLOGY REINVESTMENT FUND. There is appropriated from the technology reinvestment fund created in section 8.57C to the department of education for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the continued development and implementation of an educational data warehouse that will be utilized by teachers, parents, school district administrators, area education agency staff, department of education staff, and policymakers:

..... \$ 236,161

The department may use a portion of the moneys appropriated in this section for an e-transcript data system capable of tracking students throughout their education via interconnectivity with multiple schools.

Sec. 6. STATE BOND REPAYMENT FUND. There is appropriated from the state bond repayment fund created in section 8.57F to the following departments and agencies for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, notwithstanding section 8.57F, subsection 1, paragraph “b”:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

For costs associated with the repair and renovation of the dome of the Iowa state capitol:

..... \$ 9,990,900

As a condition of receiving the appropriation provided in this subsection, the department shall not expend any moneys to pay an owners’ representative fee related to the repair and renovation of the dome of the Iowa state capitol.

Of the moneys appropriated in this subsection, the department shall be authorized to expend such amount as is necessary for the costs of installing outdoor lighting at the Iowa state capitol.

2. JUDICIAL BRANCH

For furniture and equipment for the Polk county justice center:

..... \$ 6,718,443

Sec. 7. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION IV  
CHANGES TO PRIOR APPROPRIATIONS

Sec. 8. 2011 Iowa Acts, chapter 133, section 4, as amended by 2015 Iowa Acts, chapter 139, section 8, is amended to read as follows:

SEC. 4. REVERSION.

1. Except as provided in ~~subsection~~ subsections 2 and 3, for purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

2. For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in section 3, subsection 8, paragraph “b”, of this division of this Act as amended by 2012 Iowa Acts, chapter 1140, section 18, that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2014, shall not revert but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2016, or until the project for which the appropriation was made is completed, whichever is earlier.

3. Of the moneys appropriated in section 3, subsection 5, paragraph “a”, of this division of this 2011 Act as amended by 2012 Iowa Acts, chapter 1140, section 17, and 2013 Iowa Acts, chapter 142, section 47, on June 30, 2016, an amount equal to \$2,992,416 shall be transferred to the rebuild Iowa infrastructure fund created in section 8.57.

Sec. 9. 2012 Iowa Acts, chapter 1140, section 4, is amended to read as follows:

SEC. 4. REVERSION.

1. ~~For~~ Except as provided in subsection 2, for purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

2. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys appropriated in section 3, subsection 3, paragraph “b”, of this division of this Act, shall not revert but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2017, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 10. 2014 Iowa Acts, chapter 1136, section 1, subsection 7, paragraph b, is amended to read as follows:

b. For costs associated with the renovation, modernization, and construction of a new addition at the pharmacy building at the state university of Iowa:

FY 2015-2016:	\$	13,000,000
.....		
FY 2016-2017:		
.....	\$	29,000,000
		<u>23,000,000</u>
FY 2017-2018:		
.....	\$	22,300,000
		<u>28,300,000</u>

Sec. 11. 2014 Iowa Acts, chapter 1136, section 1, subsection 7, paragraph c, is amended to read as follows:

c. For the construction of a new facility and an addition, renovation, and modernization of current facilities and related improvements for biosciences at Iowa state university of science and technology:

FY 2015-2016:	\$	11,000,000
.....		
FY 2016-2017:		
.....	\$	19,500,000
		<u>15,500,000</u>
FY 2017-2018:		
.....	\$	19,500,000
		<u>23,500,000</u>

Sec. 12. 2015 Iowa Acts, chapter 139, section 1, subsection 6, paragraph d, is amended to read as follows:

d. For a grant to a nonprofit organization that provides youth emergency and shelter services for children and their families located in a county with a population of more than 400,000 as determined by the 2010 federal decennial census, for infrastructure costs for



expansion of an emergency youth shelter facility, to include reimbursement of infrastructure costs incurred by the grant recipient for the expansion of the facility in the prior fiscal year: FY 2015-2016:

..... \$ 500,000

The grant recipient that receives funding pursuant to this lettered paragraph shall provide at least a dollar-for-dollar match of moneys received from both private and public sources excluding funding from the state. The grant recipient can meet the match requirement in this lettered paragraph through expenditures and in-kind contributions made in any fiscal year, and moneys received in any fiscal year, relating to the expansion of the emergency youth shelter facility.

Sec. 13. RETROACTIVE APPLICABILITY. The following provision of this division of this Act applies retroactively to July 1, 2015:

1. The section of this division of this Act amending 2015 Iowa Acts, chapter 139, section 1, subsection 6, paragraph d.

Sec. 14. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION V  
SHALLOW LAKES

Sec. 15. Section 456A.33B, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 01. For purposes of this section, unless the context otherwise requires:

a. "Lake" includes a significant public lake and a public shallow lake or wetland.

b. "Public shallow lake or wetland" means a water body that meets the following criteria:

(1) Is owned by the federal government, the state of Iowa, a county, or a municipal government, and is maintained principally for public use.

(2) Is a multi-use system capable of supporting diverse wildlife, fish, or recreational opportunities.

(3) Has a surface water area of at least ten acres.

(4) Does not have a watershed-to-lake surface area ratio of greater than two hundred to one.

(5) Is an open freshwater system where maximum depth is typically less than six to eight feet at its deepest spot and is under four and one-half feet mean depth.

(6) Is typically fringed by a border of emergent vegetation in water depth less than six feet and when clear is dominated by both emergent and submergent vegetation and provides important wildlife and fish habitat.

c. "Significant public lake" means a lake that meets all of the following criteria:

(1) Is owned by the federal government, the state of Iowa, a county, or a municipal government, and is maintained principally for public use.

(2) Is a multi-use system capable of supporting diverse wildlife, fish, or recreational opportunities.

(3) Has a surface water area of at least ten acres.

(4) Does not have a watershed-to-lake surface area ratio of greater than two hundred to one.

(5) Is not an on-stream impoundment that emulates riverine habitat rather than a lake environment.

(6) Is not used solely as a water supply reservoir.

Sec. 16. Section 456A.33B, subsection 1, paragraph b, Code 2016, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (6) When restored, will contribute to the department's fish and wildlife conservation plans.

Sec. 17. Section 456A.33B, subsection 2, paragraphs a and b, Code 2016, are amended to read as follows:

a. The department, with input from stakeholders, shall develop maintain an initial annual list of not more than thirty-five significant public lakes and not more than five public shallow lakes or wetlands to be considered for funding based on the feasibility of restoring each lake and the use or potential use of the lake, if restored. The list shall include lake projects under active development that the department shall recommend be given priority for funding so long as progress toward completion of the projects remains consistent with the goals of this section.

b. The department shall meet with stakeholders and representatives of communities where lakes on the initial annual list are located to provide an initial annual lake restoration assessment and to explain the process and criteria for receiving lake restoration funding. Communities with lakes not included on the initial annual list may petition the director of the department for a preliminary lake restoration assessment and explanation of the funding process and criteria. The department shall work with stakeholders and representatives of each community to develop a joint lake restoration action plan. At a minimum, each joint action plan shall document the causes, sources, and magnitude of lake impairment, evaluate the feasibility of the lake and watershed restoration options, establish water quality and fishery and wildlife goals and a schedule for attainment, describe long-term management actions, assess the economic benefits of the project, identify the sources and amounts of any leveraged funds, and describe the community's commitment to the project, including local funding. The stakeholders' and community's commitment to the project may include moneys to fund a lake diagnostic study and watershed assessment, including development of a TMDL (total maximum daily load).

Sec. 18. Section 456A.33B, subsection 2, paragraph c, subparagraph (2), Code 2016, is amended to read as follows:

(2) If proposed, dredging of the lake will be conducted to a mean depth of at least ~~ten~~ eight feet to gain water quality benefits unless a combination of biologic and structural controls is sufficient to assure water quality targets will be achieved at a shallower average water depth.

Sec. 19. Section 456A.33B, subsection 2, paragraph d, Code 2016, is amended to read as follows:

d. The department shall evaluate the joint action plans and prioritize the plans based on the criteria required in this section. The department's annual lake restoration plan and report shall include the prioritized list and the amounts of state and other funding the department recommends for each lake restoration project. The department ~~may~~ shall seek public comment on its recommendations prior to submitting the plan and report to the general assembly.

#### DIVISION VI MISCELLANEOUS PROVISIONS

Sec. 20. Section 8.57C, subsection 3, paragraph a, subparagraph (2), Code 2016, is amended to read as follows:

(2) The fiscal year beginning July 1, ~~2016~~ 2017, and for each subsequent fiscal year thereafter.

Sec. 21. Section 12.79, subsection 3, Code 2016, is amended to read as follows:

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for prison improvement and prison construction projects. However, for the fiscal year beginning July 1, 2016, any unobligated and unencumbered moneys in the fund from the previous fiscal year are appropriated to the department of corrections for major maintenance projects.

Sec. 22. IOWA COMMUNICATIONS NETWORK — AUTHORIZATION FOR CONTRACTS. Pursuant to section 8D.11, subsection 1, paragraph “a”, the general assembly authorizes the Iowa telecommunications and technology commission to enter into a

contract or contracts in excess of the contract limitation amount established in section 8D.11, subsection 1, paragraph “c”, for purposes of the commission’s network core upgrade project. This authorization applies for the duration of the commission’s project and to all existing or future contracts associated with the project, whether or not the award is made to a single vendor or multiple vendors.

Sec. 23. REBUILD IOWA INFRASTRUCTURE FUND — FY 2017-2018 BUDGET REQUEST INFORMATION. Finalized agency budget requests submitted to the governor for the fiscal year beginning July 1, 2017, that include a request for an appropriation from the rebuild Iowa infrastructure fund to be used for a public vertical infrastructure project as defined in section 8.57, subsection 5, paragraph “c”, shall include salary cost information as required by this section. The salary cost information shall include the number of full-time equivalent positions to be utilized for the requested project and that portion, in dollars, of salaries and any compensation costs attributable to these full-time equivalent positions that will be paid from the requested appropriation from the rebuild Iowa infrastructure fund.

Sec. 24. REBUILD IOWA INFRASTRUCTURE FUND — FUTURE APPROPRIATIONS. It is the intent of the general assembly that future appropriations from the rebuild Iowa infrastructure fund should be used, to the greatest extent possible, for public vertical infrastructure projects that involve major maintenance of state government facilities necessary for the proper functioning of state government.

Sec. 25. EFFECTIVE UPON ENACTMENT. The following provision of this division of this Act, being deemed of immediate importance, takes effect upon enactment:

1. The section of this division of this Act authorizing the Iowa telecommunications and technology commission to enter into a contract or contracts.

Approved May 27, 2016

**CHAPTER 1134**

**APPROPRIATIONS — AGRICULTURE AND NATURAL RESOURCES**

*H.F. 2454*

**AN ACT** relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

DIVISION I

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
GENERAL APPROPRIATIONS FOR FY 2016-2017

Section 1. 2015 Iowa Acts, chapter 132, section 24, is amended to read as follows:

SEC. 24. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

..... \$ 8,827,746  
..... 17,655,492

..... FTEs 372.00  
 2. Of the amount appropriated in subsection 1, the following amount is transferred to Iowa state university of science and technology, to be used for the university’s midwest grape and wine industry institute:  
 .....

..... \$ 144,000  
 288,000

3. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated in this section to support the department’s administration, regulation, and programs.

DESIGNATED APPROPRIATIONS  
 MISCELLANEOUS FUNDS

Sec. 2. 2015 Iowa Acts, chapter 132, section 25, is amended to read as follows:

SEC. 25. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS — HORSE AND DOG RACING. There is appropriated from the moneys available under section 99D.13 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For purposes of supporting the department’s administration and enforcement of horse and dog racing law pursuant to section 99D.22, including for salaries, support, maintenance, and miscellaneous purposes:  
 .....

..... \$ 152,758  
 295,516

2. For allocation to the Iowa junior angus association in connection with the 2016 national junior angus show:

..... \$ 10,000

Sec. 3. 2015 Iowa Acts, chapter 132, section 26, is amended to read as follows:

SEC. 26. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR FUEL INSPECTION.

1. There is appropriated from the renewable fuel infrastructure fund created in section 159A.16 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of the inspection of motor fuel, including salaries, support, maintenance, and miscellaneous purposes:  
 .....

..... \$ 250,000  
 500,000

2. The department shall establish and administer programs for the auditing of motor fuel including biofuel processing and production plants, for screening and testing motor fuel, including renewable fuel, and for the inspection of motor fuel sold by dealers including retail dealers who sell and dispense motor fuel from motor fuel pumps.

SPECIAL APPROPRIATIONS  
 GENERAL FUND

Sec. 4. 2015 Iowa Acts, chapter 132, section 27, is amended to read as follows:

SEC. 27. DAIRY REGULATION.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of performing functions pursuant to section 192.109, including conducting a survey of grade “A” milk and certifying the results to the secretary of agriculture:  
 .....

..... \$ 94,598  
 189,196

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 5. 2015 Iowa Acts, chapter 132, section 28, is amended to read as follows:

SEC. 28. LOCAL FOOD AND FARM PROGRAM.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the local food and farm program pursuant to chapter 267A:

..... \$ 37,500  
75,000

2. The department shall enter into a cost-sharing agreement with Iowa state university of science and technology to support the local food and farm program coordinator position as part of the university’s cooperative extension service in agriculture and home economics pursuant to chapter 267A.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 6. 2015 Iowa Acts, chapter 132, section 29, is amended to read as follows:

SEC. 29. AGRICULTURAL EDUCATION.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of allocating moneys to an Iowa association affiliated with a national organization which promotes agricultural education providing for future farmers:

..... \$ 12,500  
25,000

2. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2016, in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 7. 2015 Iowa Acts, chapter 132, section 30, is amended to read as follows:

SEC. 30. FARMERS WITH DISABILITIES PROGRAM.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting a program for farmers with disabilities:

..... \$ 65,000  
130,000

2. The moneys appropriated in subsection 1 shall be used for the public purpose of providing a grant to a national nonprofit organization with over 80 years of experience in assisting children and adults with disabilities and special needs. The moneys shall be used to support a nationally recognized program that began in 1986 and has been replicated in at least 30 other states, but which is not available through any other entity in this state, and that provides assistance to farmers with disabilities in all 99 counties to allow the farmers to remain in their own homes and be gainfully engaged in farming through provision of agricultural worksite and home modification consultations, peer support services, services to families, information and referral, and equipment loan services.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

DIVISION II  
 GENERAL FUND  
 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
 WATER QUALITY INITIATIVE  
 APPROPRIATIONS FOR FY 2016-2017

Sec. 8. 2015 Iowa Acts, chapter 132, section 31, is amended to read as follows:

SEC. 31. WATER QUALITY INITIATIVE — GENERAL.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the water quality initiative fund created in section 466B.45, for purposes of supporting the water quality initiative administered by the division of soil conservation and water quality as provided in section 466B.42, including salaries, support, maintenance, and miscellaneous purposes:

	\$	2,200,000
		4,400,000

2. a. The moneys appropriated in subsection 1 shall be used to support projects in subwatersheds as designated by the division that are part of high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

b. The moneys appropriated in subsection 1 shall be used to support projects in watersheds generally, including regional watersheds, as designated by the division and high-priority watersheds identified by the water resources coordinating council established pursuant to section 466B.3.

3. In supporting projects in subwatersheds and watersheds as provided in subsection 2, all of the following shall apply:

a. The demonstration projects shall utilize water quality practices as described in the latest revision of the document entitled “Iowa Nutrient Reduction Strategy” initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology.

b. The division shall implement demonstration projects as provided in paragraph “a” by providing for participation by persons who hold a legal interest in agricultural land used in farming. To every extent practical, the division shall provide for collaborative participation by such persons who hold a legal interest in agricultural land located within the same subwatershed.

c. The division shall implement a demonstration project on a cost-share basis as determined by the division. However, the state’s share of the amount shall not exceed 50 percent of the estimated cost of establishing the practice as determined by the division or 50 percent of the actual cost of establishing the practice, whichever is less.

d. The demonstration projects shall be used to educate other persons about the feasibility and value of establishing similar water quality practices. The division shall promote field day events for purposes of allowing interested persons to establish water quality practices on their agricultural land.

e. The division shall conduct water quality evaluations within supported subwatersheds. Within a reasonable period after accumulating information from such evaluations, the division shall create an aggregated database of water quality practices. Any information identifying a person holding a legal interest in agricultural land or specific agricultural land shall be a confidential record under section 22.7.

4. The moneys appropriated in subsection 1 shall be used to support education and outreach in a manner that encourages persons who hold a legal interest in agricultural land used for farming to implement water quality practices, including the establishment of such practices in watersheds generally, and not limited to subwatersheds or high-priority watersheds.

5. The moneys appropriated in subsection 1 may be used to contract with persons to coordinate the implementation of efforts provided in this section.

6. The moneys appropriated in subsection 1 may be used by the department to support urban soil and water conservation efforts, which may include but are not limited to

management practices related to bioretention, landscaping, the use of permeable or pervious pavement, and soil quality restoration. The moneys shall be allocated on a cost-share basis as provided in chapter 161A.

7. Notwithstanding any other provision of law to the contrary, the department may use moneys appropriated in subsection 1 to carry out the provisions of this section on a cost-share basis in combination with other moneys available to the department from a state or federal source.

8. Not more than 10 percent of the moneys appropriated in this section may be used to pay for the costs of administering and implementing the water quality initiative by the department’s division of soil conservation and water quality as provided in section 466B.42 and this section.

DIVISION III  
DEPARTMENT OF NATURAL RESOURCES  
GENERAL APPROPRIATIONS FOR FY 2016-2017

Sec. 9. 2015 Iowa Acts, chapter 132, section 32, is amended to read as follows:

SEC. 32. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

.....	\$	6,431,154
		<u>12,862,307</u>
.....	FTEs	1,145.95

2. Of the number of full-time equivalent positions authorized to the department pursuant to subsection 1, 50.00 full-time equivalent positions shall be allocated by the department for seasonal employees for purposes of providing maintenance, upkeep, and sanitary services at state parks. This subsection shall not impact park ranger or park manager positions within the department.

3. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated under this section to support the department’s administration, regulation, and programs.

Sec. 10. 2015 Iowa Acts, chapter 132, section 33, is amended to read as follows:

SEC. 33. STATE FISH AND GAME PROTECTION FUND — REGULATION AND ADVANCEMENT OF OUTDOOR ACTIVITIES.

1. There is appropriated from the state fish and game protection fund to the department of natural resources for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the regulation or advancement of hunting, fishing, or trapping, or the protection, propagation, restoration, management, or harvest of fish or wildlife, including for administration, regulation, law enforcement, and programs; and for salaries, support, maintenance, equipment, and miscellaneous purposes:

.....	\$	20,611,613
		<u>42,044,573</u>

2. Notwithstanding section 455A.10, the department may use the unappropriated balance remaining in the state fish and game protection fund to provide for the funding of health and life insurance premium payments from unused sick leave balances of conservation peace officers employed in a protection occupation who retire, pursuant to section 97B.49B.

3. Notwithstanding section 455A.10, the department of natural resources may use the unappropriated balance remaining in the state fish and game protection fund for the fiscal

year beginning July 1, 2016, and ending June 30, 2017, as is necessary to fund salary adjustments for departmental employees for which the general assembly has made an operating budget appropriation in subsection 1.

Sec. 11. 2015 Iowa Acts, chapter 132, section 34, is amended to read as follows:

SEC. 34. GROUNDWATER PROTECTION FUND — WATER QUALITY.

There is appropriated from the groundwater protection fund created in section 455E.11 to the department of natural resources for the fiscal year beginning July 1, 2016, and ending June 30, 2017, from those moneys which are not allocated pursuant to that section, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department’s protection of the state’s groundwater, including for administration, regulation, and programs, and for salaries, support, maintenance, equipment, and miscellaneous purposes:

.....	\$	1,727,916
		3,455,832

DESIGNATED APPROPRIATIONS  
MISCELLANEOUS FUNDS

Sec. 12. 2015 Iowa Acts, chapter 132, section 35, is amended to read as follows:

SEC. 35. SPECIAL SNOWMOBILE FUND — SNOWMOBILE PROGRAM.

There is appropriated from the special snowmobile fund created under section 321G.7 to the department of natural resources for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of administering and enforcing the state snowmobile programs:

.....	\$	50,000
		100,000

Sec. 13. 2015 Iowa Acts, chapter 132, section 36, is amended to read as follows:

SEC. 36. UNASSIGNED REVENUE FUND — UNDERGROUND STORAGE TANKS SECTION EXPENSES. There is appropriated from the unassigned revenue fund administered by the Iowa comprehensive petroleum underground storage tank fund board established pursuant to section 455G.4 to the department of natural resources for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of paying for administration expenses of the department’s underground storage tanks section:

.....	\$	100,000
		200,000

SPECIAL APPROPRIATIONS  
GENERAL FUND

Sec. 14. 2015 Iowa Acts, chapter 132, section 37, is amended to read as follows:

SEC. 37. FLOODPLAIN MANAGEMENT AND DAM SAFETY.

1. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of supporting floodplain management and dam safety:

.....	\$	975,000
		1,950,000

2. Of the amount appropriated in subsection 1, up to ~~\$200,000~~ \$400,000 may be used by the department to acquire or install stream gages for purposes of tracking and predicting flood events and for compiling necessary data to improve flood frequency analysis.

3. Notwithstanding section 8.33, moneys appropriated in subsection 1 that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain



available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 15. 2015 Iowa Acts, chapter 132, section 38, is amended to read as follows:

SEC. 38. FORESTRY HEALTH MANAGEMENT.

1. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of providing for forestry health management programs:

.....	\$	250,000
		<u>500,000</u>

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

DIVISION IV  
IOWA STATE UNIVERSITY  
SPECIAL GENERAL FUND APPROPRIATIONS FOR FY 2016-2017  
VETERINARY DIAGNOSTIC LABORATORY

Sec. 16. 2015 Iowa Acts, chapter 132, section 39, is amended to read as follows:

SEC. 39. VETERINARY DIAGNOSTIC LABORATORY.

1. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the college of veterinary medicine for the operation of the veterinary diagnostic laboratory and for not more than the following full-time equivalent positions:

.....	\$	2,000,000
		<u>4,000,000</u>
.....	FTEs	51.00

2. a. Iowa state university of science and technology shall not reduce the amount that it allocates to support the college of veterinary medicine from any other source due to the appropriation made in this section.

b. Paragraph "a" does not apply to a reduction made to support the college of veterinary medicine, if the same percentage of reduction imposed on the college of veterinary medicine is also imposed on all of Iowa state university of science and technology's budget units.

3. If by June 30, 2017, Iowa state university of science and technology fails to allocate the moneys appropriated in this section to the college of veterinary medicine in accordance with this section, the moneys appropriated in this section for that fiscal year shall revert to the general fund of the state.

WATER QUALITY INITIATIVE

Sec. 17. 2015 Iowa Acts, chapter 132, section 40, is amended to read as follows:

SEC. 40. IOWA NUTRIENT RESEARCH CENTER.

1. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting an Iowa nutrient research center as established in section 466B.47:

.....	\$	662,500
		<u>1,325,000</u>

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain

available for expenditure for the purposes designated until the close of the succeeding fiscal year.

DIVISION V  
ENVIRONMENT FIRST FUND  
GENERAL APPROPRIATIONS FOR FY 2016-2017

Sec. 18. 2015 Iowa Acts, chapter 132, section 41, is amended to read as follows:

SEC. 41. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.

There is appropriated from the environment first fund created in section 8.57A to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

a. For the conservation reserve enhancement program to restore and construct wetlands for the purposes of intercepting tile line runoff, reducing nutrient loss, improving water quality, and enhancing agricultural production practices:

..... \$ 500,000  
1,000,000

b. Not more than 10 percent of the moneys appropriated in paragraph “a” may be used for costs of administration and implementation of soil and water conservation practices.

c. Notwithstanding any other provision in law, the department may use moneys appropriated in this subsection, in combination with other appropriate environment first fund appropriations, for cost sharing to match United States department of agriculture, natural resources conservation service, wetlands reserve enhancement program (WREP) funding available to Iowa.

2. WATERSHED PROTECTION

a. For continuation of a program that provides multiobjective resource protections for flood control, water quality, erosion control, and natural resource conservation:

..... \$ 450,000  
900,000

b. Not more than 10 percent of the moneys appropriated in paragraph “a” may be used for costs of administration and implementation of soil and water conservation practices.

3. FARM MANAGEMENT DEMONSTRATION PROGRAM

a. For continuation of a statewide voluntary farm management demonstration program to demonstrate the effectiveness and adaptability of emerging practices in agronomy that protect water resources and provide other environmental benefits:

..... \$ 312,500  
625,000

b. Not more than 10 percent of the moneys appropriated in paragraph “a” may be used for costs of administration and implementation of soil and water conservation practices.

c. Of the amount appropriated in paragraph “a”, ~~\$200,000~~ \$400,000 shall be allocated to an organization representing soybean growers to provide for an agriculture and environment performance program in order to carry out the purposes of this subsection as specified in paragraph “a”.

4. SOIL AND WATER CONSERVATION — ADMINISTRATION

a. For use by the department for costs of administration and implementation of soil and water conservation practices:

..... \$ 1,350,000  
2,800,000

b. Of the moneys appropriated in paragraph “a”, the department shall support field staff providing technical assistance by allocating fifty percent of the amount that the department allocated to support field staff under section 19, subsection 4, of this Act. In addition, of the moneys appropriated in paragraph “a”, the department shall allocate an additional \$75,000 ~~\$150,000~~ to support such field staff.

5. CONSERVATION RESERVE PROGRAM (CRP)

a. To encourage and assist farmers in enrolling in and the implementation of the federal conservation reserve program and to work with them to enhance their revegetation efforts to improve water quality and habitat:

..... \$ 500,000  
1,000,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

6. SOIL AND WATER CONSERVATION

a. For use by the department in providing for soil and water conservation administration, the conservation of soil and water resources, or the support of soil and water conservation districts:

..... \$ 3,375,000  
6,750,000

b. Of the amount appropriated in paragraph "a" that the department allocates to a soil and water conservation district, the first ~~\$7,500~~ \$15,000 may be expended by the district for the purpose of providing financial incentives under section 161A.73 to establish management practices for the control of soil erosion on land that is row-cropped, including but not limited to nontill planting, ridge-till planting, and contouring strip-cropping. Of any remaining amount of that appropriation allocated by the department to a district, 30 percent may be expended by the district for that same purpose.

c. Not more than 5 percent of the moneys appropriated in paragraph "a" may be allocated for cost sharing to address complaints filed under section 161A.47.

d. Of the moneys appropriated in paragraph "a", 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

e. The state soil conservation committee established by section 161A.4 may allocate moneys appropriated in paragraph "a" to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

f. The allocation of moneys as financial incentives as provided in section 161A.73 may be used in combination with moneys allocated by the department of natural resources.

g. Not more than 15 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

h. In lieu of moneys appropriated in section 466A.5, not more than ~~\$25,000~~ \$50,000 of the moneys appropriated in paragraph "a" shall be used by the division of soil conservation and water quality of the department of agriculture and land stewardship to provide administrative support to the watershed improvement review board established in section 466A.3.

7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... \$ 300,000  
600,000

b. (1) Of the amount appropriated in paragraph "a", ~~\$225,000~~ \$450,000 shall be allocated to the fund's hungry canyons account.

(2) Not more than 10 percent of the moneys allocated to the hungry canyons account as provided in subparagraph (1) may be used for administrative costs.

c. (1) Of the amount appropriated in paragraph "a", ~~\$75,000~~ \$150,000 shall be allocated to the fund's loess hills alliance account.

(2) Not more than 10 percent of the moneys allocated to the loess hills alliance account as provided in subparagraph (1) may be used for administrative costs.

Sec. 19. 2015 Iowa Acts, chapter 132, section 42, is amended to read as follows:

SEC. 42. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from the environment first fund created in section 8.57A to the department of natural resources for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. STATE PARKS MAINTENANCE AND OPERATIONS

a. For regular maintenance and operations of state parks and staff time associated with these activities:

..... \$ 3,057,500  
 ..... 6,235,000

b. Of the amount appropriated in paragraph “a”, up to \$100,000 shall be allocated for statewide coordination of volunteer efforts under the water quality and keepers of the land programs.

2. GEOGRAPHIC INFORMATION SYSTEM (GIS)

To provide local watershed managers with geographic information system data for their use in developing, monitoring, and displaying results of their watershed work:

..... \$ 97,500  
 ..... 195,000

3. WATER QUALITY MONITORING

For continuing the establishment and operation of water quality monitoring stations:

..... \$ 1,477,500  
 ..... 2,955,000

4. PUBLIC WATER SUPPLY SYSTEM ACCOUNT

For deposit in the public water supply system account of the water quality protection fund created in section 455B.183A:

..... \$ 250,000  
 ..... 500,000

5. REGULATION OF ANIMAL FEEDING OPERATIONS

For the regulation of animal feeding operations, including as provided for in chapters 459 through 459B:

..... \$ 660,000  
 ..... 1,320,000

6. AMBIENT AIR QUALITY

For the abatement, control, and prevention of ambient air pollution in this state, including measures as necessary to assure attainment and maintenance of ambient air quality standards from particulate matter:

..... \$ 212,500  
 ..... 425,000

7. WATER QUANTITY REGULATION

For regulating water quantity from surface and subsurface sources by providing for the allocation and use of water resources, the protection and management of water resources, and the preclusion of conflicts among users of water resources, including as provided in chapter 455B, division III, part 4:

..... \$ 247,500  
 ..... 495,000

8. GEOLOGICAL AND WATER SURVEY

For continuing the operations of the department’s geological and water survey including but not limited to providing analysis, data collection, investigative programs, and information for water supply development and protection:

..... \$ 100,000  
 ..... 200,000

9. KEEP IOWA BEAUTIFUL INITIATIVE

For purposes of supporting a keep Iowa beautiful initiative in order to assist communities in developing and implementing beautification and community development plans:

..... \$ 100,000

Sec. 20. 2015 Iowa Acts, chapter 132, section 43, is amended to read as follows:

SEC. 43. REVERSION.

1. Except as provided in subsection 2, and notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2016, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but instead shall remain available to be used for the purposes designated until the close of the succeeding

fiscal year, or until the project for which the appropriation was made is completed, whichever is earlier.

2. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2016, in this division of this Act to the department of agriculture and land stewardship to provide financial assistance for the establishment of permanent soil and water conservation practices that remain unencumbered or unobligated at the close of the fiscal year shall not revert but instead shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2019.

DIVISION VI  
ENVIRONMENT FIRST FUND  
SPECIAL APPROPRIATION FOR FY 2016-2017

Sec. 21. REAP — IN LIEU OF GENERAL FUND APPROPRIATION. Notwithstanding the standing appropriation in section 455A.18, there is appropriated from the environment first fund created in section 8.57A to the Iowa resources enhancement and protection fund, in lieu of the appropriation made in section 455A.18, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, to be allocated as provided in section 455A.19:  
..... \$ 16,000,000

DIVISION VII  
FUNDS UNDER THE CONTROL OF THE ECONOMIC DEVELOPMENT AUTHORITY  
SPECIAL AUTHORITY GRANTED TO THE DIRECTOR TO ALLOCATE MONEYS FOR  
FY 2016-2017

Sec. 22. KEEP IOWA BEAUTIFUL INITIATIVE. The director of the economic development authority created in section 15.105 may allocate moneys in one or more funds established in section 15.106A, subsection 1, paragraph “o”, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, for the purpose of supporting a keep Iowa beautiful initiative in order to assist communities in developing and implementing beautification and community development plans.

DIVISION VIII  
STATUTORY CHANGES — STUDIES — DEPARTMENT OF NATURAL RESOURCES

Sec. 23. STATE FORESTRY NURSERIES. The department of natural resources shall conduct a study of the long-term viability of maintaining the state forest nurseries. Pursuant to section 455A.13, the nurseries must establish by rule sale prices offered for plants that cover all expenses related to the growing of the plants. The department shall submit a report, including findings, recommendations, and any proposed legislation, to the governor and the joint appropriations subcommittee on agriculture and natural resources not later than December 1, 2016.

\*Sec. 24. FEASIBILITY OF ELECTRONIC SYSTEMS AT STATE PARKS.

1. The department of natural resources shall conduct a study of the feasibility of installing electronic systems at the entrances of areas located within the department’s jurisdiction for the exclusive purpose of allowing the department to more efficiently collect user fees from individuals who enter those areas by motor vehicle. The department shall consider different types of electronic systems that are practical to install and provide a cost-savings to the state during the lifespan of the electronic system.

2. As part of the study, the department shall also solicit input from state park users and state park supporter groups regarding their willingness to pay additional fees to provide funding for the maintenance and operations of state parks.

3. The department shall submit a report regarding the study, including findings, recommendations, and any proposed legislation, to the governor and the joint appropriations subcommittee on agriculture and natural resources not later than January 15, 2017.\*

\* Item veto; see message at end of the Act

Sec. 25. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IX  
STATUTORY CHANGES — ANIMAL AGRICULTURE — CIVIL PENALTIES

Sec. 26. Section 455B.109, subsection 5, paragraph b, Code 2016, is amended to read as follows:

b. Civil penalties assessed and collected by or on behalf of the department and interest on the civil penalties as provided in sections 459.602, 459.603, 459.604, 459A.502, and 459B.402 shall be ~~deposited into~~ credited to the ~~watershed improvement~~ Iowa nutrient research fund created in section ~~466A.2~~ 466B.46.

Sec. 27. Section 459.602, Code 2016, is amended to read as follows:

**459.602 Air quality violations — civil penalty.**

A person who violates subchapter II shall be subject to a civil penalty which shall be established, assessed, and collected in the same manner as provided in section 455B.109. Any ~~collected~~ civil penalty ~~collected and interest on a civil penalty~~ shall be ~~deposited into~~ credited to the ~~watershed improvement~~ Iowa nutrient research fund created in section ~~466A.2~~ 466B.46.

Sec. 28. Section 459.603, Code 2016, is amended to read as follows:

**459.603 Water quality violations — civil penalty.**

A person who violates subchapter III shall be subject to a civil penalty which shall be established, assessed, and collected in the same manner as provided in section 455B.109 or 455B.191. Any ~~collected~~ civil penalty ~~collected and interest on a civil penalty~~ shall be ~~deposited into~~ credited to the ~~watershed improvement~~ Iowa nutrient research fund created in section ~~466A.2~~ 466B.46.

Sec. 29. Section 459.604, subsection 2, Code 2016, is amended to read as follows:

2. Moneys assessed and collected in civil penalties and interest earned on civil penalties, arising out of a violation involving an animal feeding operation, shall be ~~deposited into~~ credited to the ~~watershed improvement~~ Iowa nutrient research fund created in section ~~466A.2~~ 466B.46.

Sec. 30. Section 459A.502, Code 2016, is amended to read as follows:

**459A.502 Violations — civil penalty.**

A person who violates this chapter shall be subject to a civil penalty which shall be established, assessed, and collected in the same manner as provided in section 455B.191. Any ~~collected~~ civil penalty ~~collected and interest on a civil penalty~~ shall be ~~deposited into~~ credited to the ~~watershed improvement~~ Iowa nutrient research fund created in section ~~466A.2~~ 466B.46. A person shall not be subject to a penalty under this section and a penalty under section 459.603 for the same violation.

Sec. 31. Section 459B.402, Code 2016, is amended to read as follows:

**459B.402 Violations — civil penalty.**

A person who violates section 459B.301 shall be subject to the same penalty as provided in section 459.602, and a person who violates any other provision of this chapter shall be subject to the same penalty as provided in section 459.603. Any ~~collected~~ civil penalty ~~collected and interest on a civil penalty~~ shall be ~~deposited into~~ credited to the ~~watershed improvement~~ Iowa nutrient research fund created in section ~~466A.2~~ 466B.46.

Sec. 32. Section 466A.2, subsection 1, paragraph b, subparagraph (2), Code 2016, is amended to read as follows:

(2) The special account shall exclusively include moneys that prior to the effective date of this division of this Act were assessed and collected by or on behalf of the department of natural resources as provided in sections 455B.109, 459.602, 459.603, 459.604, 459A.502, and

459B.402. Additionally, payments of interest, recaptures of awards, and other repayments to the account shall be deposited in the account.

**Sec. 33. NEW SECTION. 466B.46 Iowa nutrient research fund — creation and purpose.**

1. An Iowa nutrient research fund is created in the state treasury under the management and control of the center.

2. The fund shall include all of the following:

a. Moneys appropriated by the general assembly.

b. Moneys assessed and collected by or on behalf of the department of natural resources to be credited to the fund as provided in sections 455B.109, 459.602, 459.603, 459.604, 459A.502, and 459B.402.

c. Moneys accepted by the center from public or private sources.

3. Moneys in the fund are appropriated to the center and shall be used exclusively by the center to carry out its purpose as described in section 466B.47.

4. a. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

b. The moneys credited to the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section.

Sec. 34. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION X  
STATUTORY CHANGES — WATERSHED IMPROVEMENT REVIEW BOARD  
SUSPENSION OF NEW ACTIVITIES

**Sec. 35. WATERSHED IMPROVEMENT REVIEW BOARD.**

1. The watershed improvement review board as established in section 466A.3 and the division of soil conservation and water quality of the department of agriculture and land stewardship shall not establish any new activity, including a project, on or after the effective date of this division of this Act, that otherwise could be conducted under chapter 466A. The board and the division shall administer ongoing activities, including projects, established prior to the effective date of this division of this Act until the activities are concluded by their own terms.

2. Any unobligated and unexpended moneys in the watershed improvement fund created in section 466A.2 shall not be expended for any purpose, except as necessary to administer ongoing activities, including projects, conducted under chapter 466A, by the board and the division as described in subsection 1. The board may expend moneys in the fund as necessary to pay for any reasonable overrun associated with an activity, including a project, established prior to the effective date of this division of this Act.

Sec. 36. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XI  
STATUTORY CHANGES — DEPARTMENT OF AGRICULTURE AND LAND  
STEWARDSHIP — NUTRIENT REDUCTION PILOT PROJECT

Sec. 37. REVERSE AUCTION. The department of agriculture and land stewardship shall establish a pilot project to determine the feasibility and cost-effectiveness of conducting reverse auctions when allocating financial assistance to persons seeking to establish practices that reduce the transport of nutrients to surface water from nonpoint sources within watersheds. The department shall advertise for bids, analyze accepted bids, and award cost-share moneys to one or more successful bidders based on a ranking that computes the greatest benefit-to-cost ratio for all accepted bids. The department shall prepare and submit

a report regarding its findings and recommendations to the governor and general assembly not later than January 13, 2017.

*Approved May 27, 2016, with exception noted.*

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 2454, an Act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

House File 2454 is approved on this date with the following exception, of which I hereby disapprove. I am unable to approve of the item designated as Section 24 of this Act in its entirety. This item requires the Iowa Department of Natural Resources (DNR) to conduct a study on the feasibility of installing electronic card reader systems and imposing user fees at state parks. This section is unnecessary because there is nothing that currently prevents the DNR from studying the feasibility of using electronic card reader systems at state parks. However, I do not support charging Iowans a user fee to enjoy our state parks. In the 1980s, the State of Iowa charged state park user fees and found that Iowans greatly disliked them. We should not be conducting studies on state park user fees when history already tells us that such fees would be unpopular with, and rejected by, the people of this State.

For the above reasons, I respectfully disapprove the above-designated item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2454 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD, *Governor*

## CHAPTER 1135

### APPROPRIATIONS — ECONOMIC DEVELOPMENT

#### *H.F. 2455*

**AN ACT** making appropriations to the department of cultural affairs, the economic development authority, the Iowa finance authority, the public employment relations board, the department of workforce development, and the state board of regents and certain regents institutions, and properly related matters.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I FY 2016-2017 APPROPRIATIONS

Section 1. 2015 Iowa Acts, chapter 136, section 17, is amended to read as follows:

SEC. 17. DEPARTMENT OF CULTURAL AFFAIRS.

1. There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. ADMINISTRATION



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

.....	\$	88,441
.....		<u>176,882</u>
.....	FTEs	74.50

The department of cultural affairs shall coordinate activities with the tourism office of the economic development authority to promote attendance at the state historical building and at this state’s historic sites.

Full-time equivalent positions authorized under this paragraph are funded, in full or in part, using moneys appropriated under this paragraph, paragraphs “c” through “g”, and paragraph “i”.

b. COMMUNITY CULTURAL GRANTS

For planning and programming for the community cultural grants program established under section 303.3:

.....	\$	86,045
.....		<u>172,090</u>

c. HISTORICAL DIVISION

For the support of the historical division:

.....	\$	1,583,851
.....		<u>3,167,701</u>

As a condition of receiving the appropriation provided in this lettered paragraph “c”, and from such moneys the historical division shall allocate \$90,000 for purposes of stabilizing and preserving the state battle flag collection described in section 303.2, subsection 2, paragraph “k”.

d. HISTORIC SITES

For the administration and support of historic sites:

.....	\$	213,199
.....		<u>426,398</u>

e. ARTS DIVISION

For the support of the arts division:

.....	\$	616,882
.....		<u>1,233,764</u>

Of the moneys appropriated in this paragraph, the department shall allocate \$300,000 for purposes of the film office.

f. IOWA GREAT PLACES

For the Iowa great places program established under section 303.3C:

.....	\$	75,000
.....		<u>150,000</u>

g. ARCHIVE IOWA GOVERNORS’ RECORDS

For archiving the records of Iowa governors:

.....	\$	32,967
.....		<u>65,933</u>

h. RECORDS CENTER RENT

For payment of rent for the state records center:

.....	\$	113,622
.....		<u>227,243</u>

i. BATTLE FLAGS

For continuation of the project recommended by the Iowa battle flag advisory committee to stabilize the condition of the battle flag collection:

.....	\$	47,000
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2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 2. 2015 Iowa Acts, chapter 136, section 19, is amended to read as follows:  
 SEC. 19. ECONOMIC DEVELOPMENT AUTHORITY.

1. APPROPRIATION

a. There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated in this subsection, and for not more than the following full-time equivalent positions:

.....	\$	7,758,186
		<u>15,116,372</u>
.....	FTEs	149.00

b. (1) For salaries, support, miscellaneous purposes, programs, marketing, and the maintenance of an administration division, a business development division, a community development division, a small business development division, and other divisions the authority may organize.

(2) The full-time equivalent positions authorized under this section are funded, in whole or in part, by the moneys appropriated under this subsection or by other moneys received by the authority, including certain federal moneys.

(3) For business development operations and programs, international trade, export assistance, workforce recruitment, and the partner state program.

(4) For transfer to a fund created pursuant to section 15.313 for purposes of financing strategic infrastructure projects.

(5) For community economic development programs, tourism operations, community assistance, plans for Iowa green corps and summer youth programs, the mainstreet and rural mainstreet programs, the school-to-career program, the community development block grant, and housing and shelter-related programs.

(6) For achieving the goals and accountability, and fulfilling the requirements and duties required under this Act.

c. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in this subsection until the close of the succeeding fiscal year.

2. FINANCIAL ASSISTANCE RESTRICTIONS

a. A business creating jobs through moneys appropriated in subsection 1 shall be subject to contract provisions requiring new and retained jobs to be filled by individuals who are citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States.

b. Any vendor who receives moneys appropriated in subsection 1 shall adhere to such contract provisions and provide periodic assurances as the state shall require that the jobs are filled solely by citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States.

c. A business that receives financial assistance from the authority from moneys appropriated in subsection 1 shall only employ individuals legally authorized to work in this state. In addition to all other applicable penalties provided by current law, all or a portion of the assistance received by a business which is found to knowingly employ individuals not legally authorized to work in this state is subject to recapture by the authority.

3. USES OF APPROPRIATIONS

a. From the moneys appropriated in subsection 1, the authority may provide financial assistance in the form of a grant to a community economic development entity for conducting a local workforce recruitment effort designed to recruit former citizens of the state and former students at colleges and universities in the state to meet the needs of local employers.

b. From the moneys appropriated in subsection 1, the authority may provide financial assistance to early stage industry companies being established by women entrepreneurs.

c. From the moneys appropriated in subsection 1, the authority may provide financial assistance in the form of grants, loans, or forgivable loans for advanced research and commercialization projects involving value-added agriculture, advanced technology, or biotechnology.

d. The authority shall not use any moneys appropriated in subsection 1 for purposes of providing financial assistance for the Iowa green streets pilot project or for any other program

or project that involves the installation of geothermal systems for melting snow and ice from streets or sidewalks.

4. WORLD FOOD PRIZE

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount for the world food prize and in lieu of the standing appropriation in section 15.368, subsection 1:

..... \$ 356,250
712,500

5. IOWA COMMISSION ON VOLUNTEER SERVICE

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount for allocation to the Iowa commission on volunteer service for purposes of the Iowa state commission grant program, the Iowa's promise and Iowa mentoring partnership programs, and for not more than the following full-time equivalent positions:

..... \$ 89,067
178,133
..... FTEs 7.00

Of the moneys appropriated in this subsection, the authority shall allocate \$37,500 \$75,000 for purposes of the Iowa state commission grant program and \$51,567 \$103,133 for purposes of the Iowa's promise and Iowa mentoring partnership programs.

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

6. COUNCILS OF GOVERNMENTS — ASSISTANCE

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount to be used for the purposes of providing financial assistance to Iowa's councils of governments:

..... \$ 100,000
200,000

7. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INTERNSHIPS

a. There is appropriated from the general fund of the state Iowa skilled worker and job creation fund created in section 8.75 to the Iowa economic development authority for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, for the purposes designated:

For the funding of internships for students studying in the fields of science, technology, engineering, and mathematics with eligible Iowa employers as provided in section 15.411, subsection 3, paragraph "c":

..... \$ 500,000
1,000,000

b. No more than 3 percent of the moneys appropriated in this subsection may be used by the authority for costs associated with administration of the internship program.

c. Notwithstanding section 8.33, moneys appropriated in this subsection which remain unencumbered or unobligated at the end of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in subsequent fiscal years.

Sec. 3. 2015 Iowa Acts, chapter 136, section 22, is amended to read as follows:

SEC. 22. IOWA FINANCE AUTHORITY.

1. There is appropriated from the general fund of the state to the Iowa finance authority for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used to provide reimbursement for rent expenses to eligible persons under the rent subsidy program:

..... \$ 329,000
658,000

2. Participation in the rent subsidy program shall be limited to only those persons who meet the requirements for the nursing facility level of care for home and community-based services waiver services as in effect on July 1, 2016, and to those individuals who are eligible for the federal money follows the person grant program under the medical assistance program. If the Iowa finance authority utilizes a waiting list, the authority shall give priority to a person participating in the state’s money follows the person partnership for community integration project who has been assigned to work with a transition specialist. Of the moneys appropriated in this section, not more than \$35,000 may be used for administrative costs.

Sec. 4. 2015 Iowa Acts, chapter 136, section 24, is amended to read as follows:

SEC. 24. PUBLIC EMPLOYMENT RELATIONS BOARD.

1. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, for the purposes designated:

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

.....	\$	671,226
		<u>1,342,452</u>
.....	FTEs	10.00

2. Of the moneys appropriated in this section, the board shall allocate \$15,000 for maintaining an internet site that allows searchable access to a database of collective bargaining information.

Sec. 5. 2015 Iowa Acts, chapter 136, section 25, is amended to read as follows:

SEC. 25. DEPARTMENT OF WORKFORCE DEVELOPMENT. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

a. For the division of labor services, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,289,958
		<u>4,305,097</u>
.....	FTEs	67.00

b. From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

2. DIVISION OF WORKERS’ COMPENSATION

a. For the division of workers’ compensation, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,629,522
		<u>3,259,044</u>
.....	FTEs	30.00

b. The division of workers’ compensation shall charge a \$100 filing fee for workers’ compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances. The moneys generated by the filing fee allowed under this subsection are appropriated to the department of workforce development to be used for purposes of administering the division of workers’ compensation.

3. WORKFORCE DEVELOPMENT OPERATIONS

a. For the operation of field offices, the workforce development board, and for not more than the following full-time equivalent positions:

.....	\$	4,589,707
		<u>8,976,650</u>
.....	FTEs	130.00

b. Of the moneys appropriated in paragraph “a” of this subsection, the department shall allocate \$150,000 to the state library for the purpose of licensing an online resource which

prepares persons to succeed in the workplace through programs which improve job skills and vocational test-taking abilities.

c. Of the moneys appropriated in paragraph "a" of this subsection, the department shall allocate at least ~~\$1,130,602~~ \$580,783 for the operation of the three satellite field offices projected by the department to serve the most people from the offices located in Decorah, Fort Madison, Iowa City, or Webster City.

4. OFFENDER REENTRY PROGRAM

a. For the development and administration of an offender reentry program to provide offenders with employment skills, and for not more than the following full-time equivalent positions:

.....	\$	<u>179,232</u>
.....		<u>358,464</u>
.....	FTEs	4.00

b. The department of workforce development shall partner with the department of corrections to provide staff within the correctional facilities to improve offenders' abilities to find and retain productive employment.

4A. INTEGRATED INFORMATION FOR IOWA SYSTEM

For the payment of services provided by the department of administrative services related to the integrated information for Iowa system:

.....	\$	<u>274,819</u>
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5. NONREVERSION

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 6. 2015 Iowa Acts, chapter 136, section 26, is amended to read as follows:

SEC. 26. GENERAL FUND — EMPLOYEE MISCLASSIFICATION PROGRAM. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enhancing efforts to investigate employers that misclassify workers and for not more than the following full-time equivalent positions:

.....	\$	<u>225,729</u>
.....		<u>451,458</u>
.....	FTEs	8.10

Sec. 7. 2015 Iowa Acts, chapter 136, section 27, is amended to read as follows:

SEC. 27. SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND.

1. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for field offices:

.....	\$	<u>883,042</u>
.....		<u>1,766,084</u>

2. Any remaining additional penalty and interest revenue collected by the department of workforce development is appropriated to the department for the fiscal year beginning July 1, 2016, and ending June 30, 2017, to accomplish the mission of the department.

Sec. 8. 2015 Iowa Acts, chapter 136, section 28, is amended to read as follows:

SEC. 28. UNEMPLOYMENT COMPENSATION RESERVE FUND — FIELD OFFICES. Notwithstanding section 96.9, subsection 8, paragraph "e", there is appropriated from interest earned on the unemployment compensation reserve fund to the department of workforce development for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, for the purposes designated:

For the operation of satellite field offices:

.....	\$	<u>200,000</u>
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557,000

Sec. 9. 2015 Iowa Acts, chapter 136, section 31, is amended to read as follows:

SEC. 31. SMALL BUSINESS DEVELOPMENT CENTERS. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes of funding small business development centers:

..... \$ 50,500  
101,000

Sec. 10. 2015 Iowa Acts, chapter 136, section 32, is amended to read as follows:

SEC. 32. IOWA SKILLED WORKER AND JOB CREATION FUND.

1. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the following departments, agencies, and institutions for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. ECONOMIC DEVELOPMENT AUTHORITY

(1) For the purposes of providing assistance under the high quality jobs program as described in section 15.335B:

..... \$ 8,450,000  
15,900,000

(2) From the moneys appropriated in this lettered paragraph "a", the economic development authority may use not more than \$1,000,000 for purposes of providing infrastructure grants to mainstreet communities under the main street Iowa program.

(3) As a condition of receiving moneys appropriated in this lettered paragraph "a", an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

b. STATE BOARD OF REGENTS AND REGENTS INSTITUTIONS

(1) STATE BOARD OF REGENTS. For capacity building infrastructure in areas related to technology commercialization, marketing and business development efforts in areas related to technology commercialization, entrepreneurship, and business growth, and infrastructure projects and programs needed to assist in implementation of activities under chapter 262B:

..... \$ 1,500,000  
3,000,000

Of the moneys appropriated pursuant to this subparagraph (1), 35 percent shall be allocated for Iowa state university of science and technology, 35 percent shall be allocated for the university of Iowa, and 30 percent shall be allocated for the university of northern Iowa.

(a) The institutions shall provide a one-to-one match of additional moneys for the activities funded with moneys appropriated under this subparagraph (1).

(b) The state board of regents shall annually submit a report by January 15 to the governor, the general assembly, and the legislative services agency regarding the activities, projects, and programs funded with moneys appropriated under this subparagraph (1). The report shall be provided in an electronic format and shall include a list of metrics and criteria mutually agreed to in advance by the board of regents and the economic development authority. The metrics and criteria shall allow the governor's office and the general assembly to quantify and evaluate the progress of the board of regents institutions with regard to their activities, projects, and programs in the areas of technology commercialization, entrepreneurship, regional development, and market research.

(2) IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY. For small business development centers, the science and technology research park, and the center for industrial research and service, and for not more than the following full-time equivalent positions:

..... \$ 1,212,151  
2,424,302  
..... FTEs 56.63

(a) Of the moneys appropriated in this subparagraph (2), Iowa state university of science and technology shall allocate at least \$735,728 for purposes of funding small business development centers. Iowa state university of science and technology may allocate the

appropriated moneys to the various small business development centers in any manner necessary to achieve the purposes of this subparagraph.

(b) Iowa state university of science and technology shall do all of the following:

(i) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(ii) Provide emphasis to providing services to Iowa-based companies.

(c) It is the intent of the general assembly that the industrial incentive program focus on Iowa industrial sectors and seek contributions and in-kind donations from businesses, industrial foundations, and trade associations, and that moneys for the center for industrial research and service industrial incentive program shall be allocated only for projects which are matched by private sector moneys for directed contract research or for nondirected research. The match required of small businesses as defined in section 15.102, subsection 8, for directed contract research or for nondirected research shall be \$1 for each \$3 of state funds. The match required for other businesses for directed contract research or for nondirected research shall be \$1 for each \$1 of state funds. The match required of industrial foundations or trade associations shall be \$1 for each \$1 of state funds.

Iowa state university of science and technology shall report annually to the joint appropriations subcommittee on economic development and the legislative services agency the total amount of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

(3) STATE UNIVERSITY OF IOWA. For the state university of Iowa research park and for the advanced drug development program at the Oakdale research park, including salaries, support, maintenance, equipment, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	104,640
		<u>209,279</u>
.....	FTEs	6.00

The state university of Iowa shall do all of the following:

(a) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(b) Provide emphasis to providing services to Iowa-based companies.

(4) STATE UNIVERSITY OF IOWA. For the purpose of implementing the entrepreneurship and economic growth initiative, and for not more than the following full-time equivalent positions:

.....	\$	1,000,000
		<u>2,000,000</u>
.....	FTEs	8.00

(5) UNIVERSITY OF NORTHERN IOWA. For the metal casting institute, the MyEntreNet internet application, and the institute of decision making, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	533,210
		<u>1,066,419</u>
.....	FTEs	9.75

(a) Of the moneys appropriated pursuant to this subparagraph (5), the university of northern Iowa shall allocate at least ~~\$533,210~~ \$617,639 for purposes of support of entrepreneurs through the university's ~~regional business center~~ for business growth and innovation and economic gardening ~~advance Iowa~~ program.

(b) The university of northern Iowa shall do all of the following:

(i) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(ii) Provide emphasis to providing services to Iowa-based companies.

(6) As a condition of receiving moneys appropriated in this lettered paragraph "b", an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

c. DEPARTMENT OF WORKFORCE DEVELOPMENT

To develop a long-term sustained program to train unemployed and underemployed central Iowans with skills necessary to advance to higher-paying jobs with full benefits:

.....	\$	50,000
		<u>100,000</u>

(1) The department of workforce development shall begin a request for proposals process, issued for purposes of this lettered paragraph “c”, no later than September 1, 2016.

(2) As a condition of receiving moneys appropriated under this lettered paragraph “c”, an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

2. Notwithstanding section 8.33, moneys appropriated in this section of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

DIVISION II  
LIMITATIONS OF STANDING APPROPRIATIONS — FY 2016-2017

Sec. 11. 2015 Iowa Acts, chapter 138, section 3, subsection 1, is amended to read as follows:

1. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph “d”, subparagraph (1):

.....	\$	208,351
		<u>416,702</u>

DIVISION III  
MISCELLANEOUS PROVISIONS — STATE HISTORICAL SOCIETY BOARD

Sec. 12. Section 303.4, subsection 1, paragraph c, Code 2016, is amended to read as follows:

c. The governor shall appoint ~~four~~ five members from the state at large, at least ~~one~~ two of whom shall be on the faculty of a college or university in the state engaged in a discipline related to the activities of the historical society.

DIVISION IV  
MISCELLANEOUS PROVISIONS — WORLD FOOD PRIZE INTERIM STUDY COMMITTEE

Sec. 13. WORLD FOOD PRIZE — STUDY REQUEST. The legislative council is requested to establish an interim study committee for purposes of studying the appropriation of moneys to the economic development authority for the support of the world food prize award and, if appropriate, making recommendations to the general assembly.

DIVISION V  
MISCELLANEOUS PROVISIONS — BUILDING REMEDIATION PROGRAM AND FUND

Sec. 14. NEW SECTION. **15.231 Community catalyst building remediation program — fund.**

1. a. The economic development authority shall, pursuant to section 15.106A, subsection 1, paragraph “o”, establish a community catalyst building remediation fund for the purpose of providing grants to cities for the remediation of underutilized buildings. The authority shall administer the fund in a manner to make grant moneys annually available to cities for the purposes of this section.

b. The fund may consist of any moneys appropriated by the general assembly for purposes of this section and any other moneys that are lawfully available to the authority, including moneys transferred or deposited from other funds created pursuant to section 15.106A, subsection 1, paragraph “o”.

c. The authority shall use any moneys specifically appropriated for purposes of this section only for the purposes of this section. The authority may use all other moneys in the fund, including interest, earnings, and recaptures for purposes of this section, or the authority may



transfer the other moneys to other funds created pursuant to section 15.106A, subsection 1, paragraph “o”.

d. Notwithstanding section 8.33, moneys in the community catalyst building remediation fund at the end of each fiscal year shall not revert to any other fund but shall remain in the fund for expenditure for subsequent fiscal years.

e. The authority may use not more than five percent of the moneys in the fund at the beginning of the fiscal year for purposes of administrative costs, marketing, and technical assistance and other program support.

2. The authority shall use moneys in the fund to provide grants to cities for the remediation of underutilized buildings. The authority may provide grants under this section using a competitive scoring process.

3. In providing grants under this section, the authority shall dedicate forty percent of the moneys available at the beginning of each fiscal year to cities with populations of less than one thousand five hundred as shown by the most recent federal decennial census. If at the end of each application period the amount of grants awarded to cities with a population of less than one thousand five hundred is less than the amount to be dedicated to such cities under this subsection, the balance may be awarded to any approved applicant city regardless of city population.

4. The authority shall enter into an agreement with each city for the receipt of grants under this section. For a city to receive grant moneys under this section, the agreement must require the city to provide resources, including financial or in-kind resources, to the remediation project. The authority may negotiate the terms of the agreement.

5. In providing grants under this section, the authority shall coordinate with a city to develop a plan for the use of grant moneys that is consistent with the community development, housing, and economic development goals of the city. The terms of the agreement entered into pursuant to subsection 4 and the use of grants provided under this section shall reflect the plan developed.

6. If a city receives a grant under this section, the amount of any lien created for costs related to the remediation of the building shall not include any moneys that the city received pursuant to this section.

7. The authority shall submit a report to the general assembly and the governor’s office on or before January 31, 2020, describing the results of the program implemented pursuant to this section and making recommendations for program changes.

Sec. 15. Section 15.335B, subsection 2, paragraph a, Code 2016, is amended by adding the following new subparagraph:

**NEW SUBPARAGRAPH.** (9) For deposit in the community catalyst building remediation fund established pursuant to section 15.231.

DIVISION VI  
MISCELLANEOUS PROVISIONS — RENEWABLE CHEMICAL PRODUCTION TAX  
CREDIT PROGRAM

Sec. 16. Section 15.316, subsection 3, as enacted by 2016 Iowa Acts, Senate File 2300,<sup>1</sup> section 5, is amended to read as follows:

3. “*Building block chemical*” means a molecule converted from biomass feedstock as a first product or a secondarily derived product that can be further refined into a higher-value chemical, material, or consumer product. “*Building block chemical*” includes but is not limited to high-purity glycerol, oleic acid, lauric acid, methanoic or formic acid, arabonic acid, erythronic acid, glyceric acid, glycolic acid, lactic acid, 3-hydroxypropionate, propionic acid, malonic acid, serine, succinic acid, fumaric acid, malic acid, aspartic acid, 3-hydroxybutyrolactone, acetoin, threonine, itaconic acid, furfural, levulinic acid, glutamic acid, xylonic acid, xylaric acid, xylitol, arabitol, citric acid, aconitic acid, 5-hydroxymethylfurfural, lysine, gluconic acid, glucaric acid, sorbitol, gallic acid, ferulic acid, butyric acid, nonfuel butanol, nonfuel ethanol, or such additional molecules as may be

<sup>1</sup> Chapter 1065 herein

included by the authority by rule after consultation with appropriate experts from Iowa state university, including but not limited to the Iowa state university center for biorenewable chemicals.

Approved May 27, 2016

**CHAPTER 1136**

**APPROPRIATIONS — JUDICIAL BRANCH**

*H.F. 2457*

**AN ACT** relating to appropriations to the judicial branch.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. 2015 Iowa Acts, chapter 134, section 6, is amended to read as follows:

**SEC. 6. JUDICIAL BRANCH.**

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, associate juvenile judges, associate probate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission; receipt and disbursement of child support payments; reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2016; and maintenance, equipment, and miscellaneous purposes:

..... \$ 85,743,306  
178,686,612

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

..... \$ 1,550,000  
3,100,000

2. The judicial branch, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

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

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

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

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

7. The judicial branch shall submit a semiannual update to the legislative services agency specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system since the last report. The judicial branch shall continue to facilitate the sharing of vital sentencing and other information with other state departments and governmental agencies involved in the criminal justice system through the Iowa court information system.

8. The judicial branch shall provide a report to the general assembly by January 1, 2017, concerning the amounts received and expended from the enhanced court collections fund created in section 602.1304 and the court technology and modernization fund created in section 602.8108, subsection 7, during the fiscal year beginning July 1, 2015, and ending June 30, 2016, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2016, and ending June 30, 2017. A copy of the report shall be provided to the legislative services agency.

9. The judicial branch shall emphasize the expansion of family treatment courts on a statewide basis.

Sec. 2. ENHANCED COURT COLLECTIONS FUND AND COURT TECHNOLOGY AND MODERNIZATION FUND. Notwithstanding section 602.1304, subsection 2, paragraph “c”, and section 602.8108, subsection 9, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, in addition to the purposes specified in section 602.1304, subsection 2, paragraph “c”, and in section 602.8108, subsection 9, the moneys in the funds may be used by the judicial branch for operational costs and other miscellaneous purposes and duties.

Approved May 27, 2016

**CHAPTER 1137**

**APPROPRIATIONS — JUSTICE SYSTEM**

*H.F. 2458*

**AN ACT** relating to appropriations to the justice system, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. 2015 Iowa Acts, chapter 135, section 23, is amended to read as follows:

**SEC. 23. DEPARTMENT OF JUSTICE.**

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	3,994,953
.....		7,989,905
.....	FTEs	214.00

215.00

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

b. For victim assistance grants:

.....	\$	3,367,200
		<u>6,734,400</u>

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

The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 24 29.00 FTEs and to provide maintenance for the victim compensation functions of the department of justice. Of the FTEs authorized pursuant to this paragraph, 5.00 FTEs shall be used by the department of justice to employ one accountant and four program planners. The department of justice may employ the additional five FTEs authorized pursuant to this lettered paragraph that are in excess of the number of FTEs authorized for the previous fiscal year only if the department of justice receives sufficient federal moneys to maintain employment for the additional FTEs during the current fiscal year. The department of justice shall only employ the additional five FTEs in succeeding fiscal years if sufficient federal moneys are received during each of those succeeding fiscal years.

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

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

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

.....	\$	1,200,000
		<u>2,400,000</u>

2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2017, pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include but are not limited to reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall also report actual reimbursements for the fiscal year commencing July 1, 2015, and actual and expected reimbursements for the fiscal year commencing July 1, 2016.

b. The department of justice shall include the report required under paragraph “a”, as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency. The department of justice shall submit the report on or before January 15, 2017.

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

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

Sec. 2. CONSUMER EDUCATION AND LITIGATION — FARM MEDIATION. Notwithstanding section 714.16C, there is appropriated from the consumer education and litigation fund to the department of justice for the fiscal year beginning July

1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

Sec. 3. 2015 Iowa Acts, chapter 135, section 24, is amended to read as follows:

SEC. 24. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the department of commerce revolving fund created in section 546.12 to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:  
..... \$ 1,568,794  
3,137,588  
..... FTEs 22.00

Sec. 4. 2015 Iowa Acts, chapter 135, section 25, is amended to read as follows:

SEC. 25. DEPARTMENT OF CORRECTIONS — FACILITIES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, and miscellaneous purposes:  
..... \$ 21,885,801  
43,771,602

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:  
..... \$ 16,834,127  
33,668,253

It is the intent of the general assembly that the department of corrections maintain and operate the Luster Heights prison camp.

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:  
..... \$ 30,079,046  
60,158,092

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:  
..... \$ 13,786,054  
27,974,048

e. For the operation of the Mount Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:  
..... \$ 12,680,067  
24,958,195

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:  
..... \$ 4,918,177  
9,836,353

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:  
..... \$ 12,966,715  
25,933,430

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

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 11,322,985  
22,645,970

i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 15,048,824  
30,097,648

j. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17, and for offenders confined pursuant to section 904.513:

..... \$ 537,546  
1,075,092

k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

..... \$ 242,205  
484,411

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

Sec. 5. 2015 Iowa Acts, chapter 135, section 26, is amended to read as follows:

SEC. 26. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For general administration, including salaries, support, maintenance, employment of an education director to administer a centralized education program for the correctional system, and miscellaneous purposes:

..... \$ 2,635,005  
5,270,010

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

b. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection the department of corrections shall not enter into a lease or contractual agreement pursuant to section 904.809 with a private corporation for the use of building space for the purpose of providing inmate employment without providing that the terms of the lease or contract establish safeguards to restrict, to the greatest extent feasible, access by inmates working for the private corporation to personal identifying information of citizens.

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

..... \$ 1,304,055  
2,608,109

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

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

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

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

..... \$ 1,000,000

2,000,000

4. For offender mental health and substance abuse treatment:

..... \$ 11,159  
22,319

4A. For department-wide duties, including operations, costs, and miscellaneous purposes:

..... \$ 3,407,808

5. It is the intent of the general assembly that for the fiscal year addressed by this section the department of corrections shall continue to operate the correctional farms under the control of the department at the same or greater level of participation and involvement as existed as of January 1, 2011; shall not enter into any rental agreement or contract concerning any farmland under the control of the department that is not subject to a rental agreement or contract as of January 1, 2011, without prior legislative approval; and shall further attempt to provide job opportunities at the farms for inmates. The department shall attempt to provide job opportunities at the farms for inmates by encouraging labor-intensive farming or gardening where appropriate; using inmates to grow produce and meat for institutional consumption; researching the possibility of instituting food canning and cook-and-chill operations; and exploring opportunities for organic farming and gardening, livestock ventures, horticulture, and specialized crops.

Sec. 6. 2015 Iowa Acts, chapter 135, section 27, is amended to read as follows:

SEC. 27. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2016, and ending June 30, 2017, for salaries, support, maintenance, and miscellaneous purposes, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 7,393,988  
14,787,977

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

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

..... \$ 5,750,331  
11,500,661

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

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

..... \$ 3,620,628  
7,241,257

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

..... \$ 2,819,003  
5,638,005

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:

..... \$ 10,539,196  
21,078,393

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

f. For the sixth judicial district department of correctional services:

..... \$ 7,431,812  
14,863,623

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

g. For the seventh judicial district department of correctional services:

..... \$ 3,928,436  
7,856,873

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

h. For the eighth judicial district department of correctional services:

.....	\$	4,083,597
		<u>8,167,194</u>

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

3. Each judicial district department of correctional services shall provide alternatives to prison consistent with chapter 901B. The alternatives to prison shall ensure public safety while providing maximum rehabilitation to the offender. A judicial district department of correctional services may also establish a day program.

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

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

Sec. 7. 2015 Iowa Acts, chapter 135, section 32, is amended to read as follows:

SEC. 32. IOWA LAW ENFORCEMENT ACADEMY.

1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	501,607
		<u>1,003,214</u>
.....	FTEs	24.00
		<u>25.00</u>

It is the intent of the general assembly that the Iowa law enforcement academy may provide training of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer’s disease.

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

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

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

Sec. 8. 2015 Iowa Acts, chapter 135, section 33, is amended to read as follows:

SEC. 33. STATE PUBLIC DEFENDER. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:



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

.....	\$	13,016,121
		<u>26,182,243</u>
.....	FTEs	223.00

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

.....	\$	14,875,965
		<u>29,601,929</u>

Sec. 9. 2015 Iowa Acts, chapter 135, section 34, is amended to read as follows:

SEC. 34. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	602,291
		<u>1,204,583</u>
.....	FTEs	10.75

Sec. 10. 2015 Iowa Acts, chapter 135, section 35, is amended to read as follows:

SEC. 35. DEPARTMENT OF PUBLIC DEFENSE.

1. There is appropriated from the general fund of the state to the department of public defense, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	3,277,239
		<u>6,554,478</u>
.....	FTEs	277.50

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

Sec. 11. 2015 Iowa Acts, chapter 135, section 36, is amended to read as follows:

SEC. 36. THE DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

1. There is appropriated from the general fund of the state to the department of homeland security and emergency management for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	1,114,812
		<u>2,229,623</u>
.....	FTEs	35.95

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

3. It is the intent of the general assembly that the department of homeland security and emergency management work in conjunction with the department of public safety, to the extent possible, when gathering and analyzing information related to potential domestic or foreign security threats, and when monitoring such threats.

Sec. 12. 2015 Iowa Acts, chapter 135, section 37, is amended to read as follows:

SEC. 37. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department’s administrative functions, including the criminal justice information system, and for not more than the following full-time equivalent positions:

	\$	2,113,065
		4,226,131
	FTEs	38.00

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

	\$	6,898,272
		13,796,544
	FTEs	159.00
		162.00

The division of criminal investigation may employ two of the three additional FTEs authorized pursuant to this subsection that are in excess of the number of FTEs authorized for the previous fiscal year only if the division of criminal investigation receives sufficient federal moneys to maintain employment for the additional two FTEs during the current fiscal year. The division of criminal investigation shall only employ the additional two FTEs in succeeding fiscal years if sufficient federal moneys are received during each of those succeeding fiscal years.

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

	\$	151,173
		302,345

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

	\$	3,695,519
		7,391,039
	FTEs	65.50
		66.50

The division of narcotics enforcement may employ the additional one FTE authorized pursuant to this lettered paragraph that is in excess of the number of FTEs authorized for the previous fiscal year only if the division of narcotics enforcement receives sufficient federal moneys to maintain employment for the additional FTE during the current fiscal year. The division of narcotics enforcement shall only employ the additional one FTE in succeeding fiscal years if sufficient federal moneys are received during each of those succeeding fiscal years.

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

	\$	54,521
		109,042

5. For the division of state fire marshal, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the amount of the state’s normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, and for not more than the following full-time equivalent positions:

	\$	2,325,595
		4,651,010
	FTEs	53.00

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

.....	\$	30,750,788
		<u>61,501,575</u>
.....	FTEs	512.00

It is the intent of the general assembly that the division of state patrol implement the endangered persons advisory alert system.

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

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

.....	\$	139,759
		<u>279,517</u>

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

.....	\$	412,760
		<u>825,520</u>

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

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

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

.....	\$	77,330
		<u>154,661</u>

10. For department-wide duties, including operations, costs, and miscellaneous purposes:

.....	\$	<u>1,834,973</u>
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Sec. 13. 2015 Iowa Acts, chapter 135, section 38, is amended to read as follows:

SEC. 38. GAMING ENFORCEMENT.

1. There is appropriated from the gaming enforcement revolving fund created in section 80.43 to the department of public safety for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For any direct support costs for agents and officers of the division of criminal investigation's excursion gambling boat, gambling structure, and racetrack enclosure enforcement activities, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,449,004
		<u>9,745,272</u>
.....	FTEs	<u>102.00</u>
		73.00

2. For each additional license to conduct gambling games on an excursion gambling boat, gambling structure, or racetrack enclosure issued during the fiscal year beginning July 1,

2016, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2016, and ending June 30, 2017, an additional amount of not more than \$300,000 to be used for not more than 3 additional full-time equivalent positions.

3. The department of public safety, with the approval of the department of management, may employ no more than three special agents for each additional riverboat or gambling structure regulated after July 1, 2016, and three special agents for each racing facility which becomes operational during the fiscal year which begins July 1, 2016. Positions authorized in this subsection are in addition to the full-time equivalent positions otherwise authorized in this section.

Sec. 14. 2015 Iowa Acts, chapter 135, section 39, is amended to read as follows:

SEC. 39. CIVIL RIGHTS COMMISSION.

1. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	584,770
		<u>1,169,540</u>
.....	FTEs	28.00

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

Sec. 15. 2015 Iowa Acts, chapter 135, section 40, is amended to read as follows:

SEC. 40. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION.

1. There is appropriated from the general fund of the state to the criminal and juvenile justice planning division of the department of human rights for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	630,053
		<u>1,260,105</u>
.....	FTEs	12.15

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

Sec. 16. Section 915.94, Code 2016, is amended to read as follows:

**915.94 Victim compensation fund.**

A victim compensation fund is established as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for the purposes of section 915.41 and this subchapter. In addition, the department may use moneys from the fund for the purpose of the department’s prosecutor-based victim service coordination, including the duties defined in sections 910.3 and 910.6 and this chapter, and for the award of funds to programs that provide services and support to victims of domestic abuse or sexual assault as provided in chapter 236, to victims under section 710A.2, for reimbursement to the Iowa law enforcement academy for domestic abuse and human trafficking training, and for the support of an automated victim notification system established in section 915.10A. For each fiscal year, the department may also use up to three hundred thousand dollars from the fund to provide training for victim service providers, to provide training for related professionals concerning victim service programming, and to provide training concerning homicide, domestic assault, sexual assault, stalking, harassment, and human trafficking as required by section 710A.6. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

Sec. 17. Section 915.95, Code 2016, is amended to read as follows:

**915.95 Human trafficking victim fund.**

A fund is created as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for awarding moneys to programs that provide services and support to victims of human trafficking under section 710A.2, including public outreach and awareness programs and service provider training programs, and for reimbursing the Iowa law enforcement academy for domestic abuse and human trafficking training. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

Sec. 18. 2014 Iowa Acts, chapter 1138, section 21, is amended to read as follows:

SEC. 21. CONSUMER EDUCATION AND LITIGATION FUND. Notwithstanding section 714.16C, for each fiscal year of the period beginning July 1, 2014, and ending June 30, ~~2016~~ 2018, the annual appropriations in section 714.16C, are increased from \$1,125,000 to \$1,875,000, and \$75,000 to \$125,000 respectively.

Sec. 19. 2015 Iowa Acts, chapter 135, section 41, is amended to read as follows:

SEC. 41. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT. There is appropriated from the E911 emergency communications fund created in section 34A.7A to the department of homeland security and emergency management for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For implementation, support, and maintenance of the functions of the administrator and program manager under chapter 34A and to employ the auditor of the state to perform an annual audit of the E911 emergency communications fund:

.....	\$	125,000
		<u>250,000</u>

Sec. 20. 2015 Iowa Acts, chapter 138, section 141, is amended to read as follows:

SEC. 141. HUMAN TRAFFICKING ENFORCEMENT FUND. A human trafficking enforcement fund is established, separate and apart from all other public moneys or funds of the state, under the control of the department of justice. The department of justice shall deposit unencumbered or unobligated moneys transferred from the mortgage servicing settlement fund into the fund. Moneys in the fund are appropriated to the department of justice, and after consultation with the commissioner of public safety and the director of the Iowa law enforcement academy the moneys shall be used for purposes of training local law enforcement, members of the state patrol, county attorneys, judicial officers, juvenile court officers, and public safety answering point personnel about recognizing and reporting incidents of human trafficking, and for reimbursing the Iowa law enforcement academy for domestic abuse and human trafficking training. Any moneys remaining in the fund on June 30, 2020, shall be transferred to the general fund of the state.

Sec. 21. STATE PUBLIC DEFENDER PILOT PROJECT — ATTORNEY CHOICE — EMERGENCY RULES.

1. Notwithstanding any other provision of the law to the contrary, for each fiscal year for the period beginning July 1, 2016, and ending June 30, 2019, the state public defender may establish a pilot project allowing an indigent person to choose an eligible attorney to represent the person in the person’s case that requires such representation. The state public defender shall have sole discretion to establish the pilot project in no more than four counties throughout the state. The state public defender may coordinate with other agencies and organizations in order to seek grant funding and to measure the results of the pilot project.

2. The state public defender may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to implement the provisions of this section of this Act. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 22. SPECIAL AGENTS.

1. Notwithstanding section 99F.10, subsection 4, and any other law to the contrary, two special agents, previously designated gaming enforcement officers, shall remain employed as special agents on or after July 1, 2016, at a facility licensed under chapter 99F. After a special agent retires or otherwise leaves a special agent position specified in this subsection, the special agent full-time equivalent position specified in this subsection shall be eliminated and shall not be filled.

2. Notwithstanding section 99F.10, subsection 4, and for purposes of determining the amount of license fees and regulatory fees charged pursuant to section 99F.10, subsection 4, the state racing and gaming commission shall include the cost of the salary of the special agents specified under subsection 1 plus any direct and indirect support costs of such agents.

Sec. 23. OTHER ACT EFFECTIVE UPON ENACTMENT OF THIS ACT. 2016 Iowa Acts, Senate File 2326,<sup>1</sup> section 1, if enacted, being deemed of immediate importance, takes effect upon enactment of this Act.

Sec. 24. EFFECTIVE UPON ENACTMENT. The section of this Act, which makes 2016 Iowa Acts, Senate File 2326,<sup>2</sup> section 1, effective upon enactment of this Act, takes effect upon enactment.

Approved May 27, 2016

**CHAPTER 1138**

**STATE AND LOCAL GOVERNMENT FINANCIAL AND REGULATORY MATTERS —  
APPROPRIATIONS AND MISCELLANEOUS CHANGES**

*H.F. 2459*

**AN ACT** relating to state and local finances by making appropriations, providing for legal and regulatory responsibilities, concerning taxation, providing penalties, providing for other properly related matters, and including effective date and retroactive and other applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

**DIVISION I  
STANDING APPROPRIATIONS AND RELATED MATTERS**

Section 1. 2015 Iowa Acts, chapter 138, section 3, is amended by adding the following new subsection:

NEW SUBSECTION. 4. For the peace officers' retirement, accident, and disability system retirement fund under section 97A.11A:  
..... \$ 2,500,000

Sec. 2. 2015 Iowa Acts, chapter 138, is amended by adding the following new section:

NEW SECTION. SEC. 5A. GENERAL ASSEMBLY.

1. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2016, and ending June 30, 2017, are reduced by the following amount:

..... \$ 5,400,000

2. The budgeted amounts for the general assembly and legislative agencies for the fiscal year beginning July 1, 2016, may be adjusted to reflect the unexpended budgeted amounts from the previous fiscal year.

<sup>1</sup> Chapter 1103 herein

<sup>2</sup> Chapter 1103 herein

Sec. 3. 2015 Iowa Acts, chapter 138, is amended by adding the following new section:  
NEW SECTION. SEC. 7A. Section 257.35, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 10A. Notwithstanding subsection 1, and in addition to the reduction applicable pursuant to subsection 2, the state aid for area education agencies and the portion of the combined district cost calculated for these agencies for the fiscal year beginning July 1, 2016, and ending June 30, 2017, shall be reduced by the department of management by eighteen million seven hundred fifty thousand dollars. The reduction for each area education agency shall be prorated based on the reduction that the agency received in the fiscal year beginning July 1, 2003.

Sec. 4. Section 2.48, subsection 3, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Of.* In 2016:

- (1) The homestead tax credit under chapter 425.
- (2) The elderly and disabled property tax credit under chapter 425.
- (3) The agricultural land tax credit under chapter 426.
- (4) The military service tax credit under chapter 426A.
- (5) The business property tax credit under chapter 426C.
- (6) The commercial and industrial property tax replacement claims under section 441.21A.

Sec. 5. Section 230.8, Code 2016, is amended to read as follows:

**230.8 Transfers of persons with mental illness — expenses.**

The transfer to any state hospitals or to the places of their residence of persons with mental illness who have no residence in this state or whose residence is unknown and deemed to be a state case, shall be made according to the directions of the administrator, and when practicable by employees of the state hospitals. The actual and necessary expenses of such transfers shall be paid by the department on itemized vouchers sworn to by the claimants and approved by the administrator, ~~and the amount of the expenses is appropriated to the department from any funds in the state treasury not otherwise appropriated.~~

Sec. 6. Section 820.24, Code 2016, is amended to read as follows:

**820.24 Expenses — how paid.**

When the punishment of the crime shall be the confinement of the criminal in the penitentiary, the expenses shall be paid ~~out of the state treasury, on the certificate of the governor and warrant of the director of the department of administrative services~~ by the department of corrections; and in all other cases they shall be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses shall be the fees paid to the officers of the state on whose governor the requisition is made, and all necessary and actual traveling expenses incurred in returning the prisoner.

DIVISION II  
MISCELLANEOUS PROVISIONS

Sec. 7. HUMAN TRAFFICKING. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the office to combat human trafficking established pursuant to section 80.45 as enacted by 2016 Iowa Acts, Senate File 2191,<sup>1</sup> including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

	\$	200,000
	FTEs	2.00

Sec. 8. BUDGET PROCESS FOR FISCAL YEAR 2017-2018.

<sup>1</sup> Chapter 1077 herein

1. For the budget process applicable to the fiscal year beginning July 1, 2017, on or before October 1, 2016, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph “a”, all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

*\*Sec. 9. TIME AND ATTENDANCE SOLUTION — EXECUTIVE BRANCH. It is the intent of the general assembly that executive branch agencies make use of an existing master agreement entered into by the department of administrative services on November 17, 2015, to develop a statewide time and attendance solution. The statewide time and attendance solution will have the ability to generate savings within state government, minimize compliance risk, and improve workforce productivity with a vendor who specializes in measuring metrics to monitor performance and measures financial and operational activities by incorporating modeling and data analytics, baseline numbers, and any additional pertinent information.\**

Sec. 10. SALARY MODEL ADMINISTRATOR. The salary model administrator shall work in conjunction with the legislative services agency to maintain the state’s salary model used for analyzing, comparing, and projecting state employee salary and benefit information, including information relating to employees of the state board of regents. The department of revenue, the department of administrative services, the five institutions under the jurisdiction of the state board of regents, the judicial district departments of correctional services, and the state department of transportation shall provide salary data to the department of management and the legislative services agency to operate the state’s salary model. The format and frequency of provision of the salary data shall be determined by the department of management and the legislative services agency. The information shall be used in collective bargaining processes under chapter 20 and in calculating the funding needs contained within the annual salary adjustment legislation. A state employee organization as defined in section 20.3, subsection 4, may request information produced by the model, but the information provided shall not contain information attributable to individual employees.

Sec. 11. Section 24.32, Code 2016, is amended to read as follows:

**24.32 Decision certified.**

After a hearing upon the appeal, the state board shall certify its decision to the county auditor and to the parties to the appeal as provided by rule, and the decision shall be final. The county auditor shall make up the records in accordance with the decision and the levying board shall make its levy in accordance with the decision. Upon receipt of the decision, the certifying board shall correct its records accordingly, if necessary. Final disposition of all appeals shall be made by the state board ~~on or before April 30 of each year~~ within forty-five days after the date of the appeal hearing.

Sec. 12. NEW SECTION. 135.37A Natural hair braiding.

1. A person shall register with the department in order to perform a commercial service involving natural hair braiding. For purposes of this section, “natural hair braiding” means a method of natural hair care consisting of braiding, locking, twisting, weaving, cornrowing, or otherwise physically manipulating hair without the use of chemicals to alter the hair’s physical characteristics that incorporates both traditional and modern styling techniques.

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\* Item veto; see message at end of the Act



\*2. The department shall adopt rules pursuant to chapter 17A to administer this section. Such rules shall include but not be limited to all of the following:

a. Establishing minimum safety and sanitation criteria for the provision of natural hair braiding.

b. Requiring a person performing natural hair braiding to complete one hour per calendar year of continuing education regarding minimum safety and sanitation criteria for the provision of natural hair braiding.

c. Authorizing the department to inspect a location where a person performs natural hair braiding upon receipt of a complaint to the department about that person or location.

3. If the department determines that a person is in violation of a requirement under this section, the department may order the person to cease performing natural hair braiding until the necessary corrective action has been taken.\*

Sec. 13. Section 256.7, subsection 32, paragraph c, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Adopt rules that limit the statewide enrollment of pupils in educational instruction and course content that are delivered primarily over the internet to not more than eighteen one-hundredths of one percent of the statewide enrollment of all pupils, and that limit the number of pupils participating in open enrollment for purposes of receiving educational instruction and course content that are delivered primarily over the internet to no more than one percent of a sending district's enrollment. ~~Until June 30, 2018, such~~ Such limitations shall not apply if the limitations would prevent siblings from enrolling in the same school district or if a sending district determines that the educational needs of a physically or emotionally fragile student would be best served by educational instruction and course content that are delivered primarily over the internet. Students who meet the requirements of section 282.18 may participate in open enrollment under this paragraph "c" for purposes of enrolling only in the CAM community school district or the Clayton Ridge community school district.

\*Sec. 14. Section 256.7, subsection 32, paragraph c, Code 2016, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (6) This paragraph "c" is repealed July 1, 2018.\*

Sec. 15. Section 256.11, subsection 16, paragraph d, Code 2016, is amended by striking the paragraph.

Sec. 16. Section 418.12, subsection 5, Code 2016, is amended to read as follows:

5. If the department of revenue determines that the revenue accruing to the fund or accounts within the fund exceeds thirty million dollars for a fiscal year or exceeds the amount necessary for the purposes of this chapter if the amount necessary is less than thirty million dollars for a fiscal year, then those excess moneys shall be credited by the department of revenue for deposit in the general fund of the state.

Sec. 17. Section 915.25, subsection 3, as enacted by 2016 Iowa Acts, Senate File 2288,<sup>2</sup> section 16, is amended to read as follows:

3. Notwithstanding the provisions of sections 232.147, 232.149, and 232.149A, an intake or juvenile court officer shall disclose to the alleged victim of a delinquent act, upon the request of the victim, the complaint, the name and address of the child who allegedly committed the delinquent act, and the disposition of the complaint. If the alleged delinquent act would be a ~~forcible felony~~ serious misdemeanor, aggravated misdemeanor, or felony offense if committed by an adult, the intake or juvenile court officer shall provide notification to the victim of the delinquent act as required by section 915.24.

\* Item veto; see message at end of the Act

<sup>2</sup> Chapter 1002 herein

Sec. 18. 2015 Iowa Acts, chapter 141, section 59, as amended by 2016 Iowa Acts, Senate File 2314,<sup>3</sup> section 22, if enacted, is amended to read as follows:

SEC. 59. SECRETARY OF STATE. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION AND ELECTIONS

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

.....	\$	1,440,890
.....	FTEs	<u>13.10</u>
		<u>15.60</u>

The state department or state agency which provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

2. BUSINESS SERVICES

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

.....	\$	1,440,891
.....	FTEs	<u>13.10</u>
		<u>15.60</u>

Sec. 19. 2016 Iowa Acts, Senate File 2324,<sup>4</sup> section 1, subsection 12,<sup>5</sup> if enacted, is amended to read as follows:

12. STATE FAIR AUTHORITY

For infrastructure costs associated with the remodeling of the northwest portion of the fairgrounds, including but not limited to a new events area and updates to the grandstand, stage, and midway:

FY 2016-2017:

.....	\$	500,000
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FY 2017-2018:

.....	\$	500,000
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FY 2018-2019:

.....	\$	<u>4,500,000</u>
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DIVISION III  
CORRECTIVE PROVISIONS

Sec. 20. Section 29C.24, subsection 3, paragraph a, subparagraphs (3) and (6), as enacted by 2016 Iowa Acts, Senate File 2306,<sup>6</sup> section 2, are amended to read as follows:

(3) The imposition of income taxes under chapter 422, divisions II and III, including the requirement to file tax returns under sections 422.13 through 422.15 or section 422.36, as applicable, and including the requirement to withhold and remit income tax from out-of-state employees under section 422.16. In addition, the performance of disaster or emergency-related work during a disaster response period by an out-of-state business or out-of-state employee shall not require an out-of-state business to be included in a consolidated return under section 422.37, and shall not increase the amount of net income of the out-of-state business allocated and apportioned to the state under sections section 422.8 or 422.33, as applicable.

(6) The assessment of property taxes by the department of revenue under sections 428.24 through 428.26, 428.28, and 428.29, or chapters 433, 434, 435, and 437 through 438, or by a local assessor under another provision of law, on property brought into the state to aid in the performance of disaster or emergency-related work during a disaster response period if such property does not remain in the state after the conclusion of the disaster response period.

<sup>3</sup> Chapter 1130 herein

<sup>4</sup> Chapter 1133 herein

<sup>5</sup> According to Act; a reference to "subsection 10" probably intended

<sup>6</sup> Chapter 1095 herein

Sec. 21. Section 29C.24, subsection 4, as enacted by 2016 Iowa Acts, Senate File 2306,<sup>7</sup> section 2, is amended to read as follows:

4. *Business and employee status after a disaster response period.* An out-of-state business or out-of-state employee that remains in the state after the conclusion of the disaster response period ~~for~~ during which the disaster or emergency-related work was performed shall be fully subject to the state's standards for establishing presence, residency, or doing business as otherwise provided by law, and shall be responsible for any resulting taxes, fees, licensing, registration, filing, or other requirements.

Sec. 22. Section 155A.13, subsection 3, paragraph d, as enacted by 2016 Iowa Acts, Senate File 453,<sup>8</sup> section 3, is amended to read as follows:

d. An applicant seeking a special or limited-use pharmacy ~~licensed~~ license for a proposed telepharmacy site that does not meet the mileage requirement established in paragraph "c" and is not statutorily exempt from the mileage requirement may apply to the board for a waiver of the mileage requirement. A waiver request shall only be granted if the applicant can demonstrate to the board that the proposed telepharmacy site is located in an area where there is limited access to pharmacy services and can establish the existence of compelling circumstances that justify waiving the mileage requirement. The board's decision to grant or deny a waiver request shall be a proposed decision subject to mandatory review by the director of ~~the department~~ of public health. The director shall review a proposed decision and shall have the power to approve, modify, or veto a proposed decision. The director's decision on a waiver request shall be considered final agency action subject to judicial review under chapter 17A.

Sec. 23. Section 229.13, subsection 7, paragraph a, subparagraph (1), as enacted by 2016 Iowa Acts, Senate File 2259,<sup>9</sup> section 1, is amended to read as follows:

(1) The respondent's mental health professional acting within the scope of the mental health professional's practice shall notify the committing court, with preference given to the committing judge, if available, in the appropriate county ~~who~~ and the court shall enter a written order directing that the respondent be taken into immediate custody by the appropriate sheriff or sheriff's deputy. The appropriate sheriff or sheriff's deputy shall exercise all due diligence in taking the respondent into protective custody to a hospital or other suitable facility.

Sec. 24. Section 256.11, subsection 4, Code 2016, as amended by 2016 Iowa Acts, House File 2392,<sup>10</sup> section 26, if enacted, is amended to read as follows:

4. The following shall be taught in grades seven and eight: English-language arts; social studies; mathematics; science; health; age-appropriate and research-based human growth and development; career exploration and development; physical education; music; and visual art. Career exploration and development shall be designed so that students are appropriately prepared to create an individual career and academic plan pursuant to section 279.61, incorporate foundational career and technical education concepts aligned with the six career and technical education service areas as defined in ~~paragraph~~ subsection 5, ~~subsection paragraph~~ paragraph "h", and incorporate relevant twenty-first century skills. The health curriculum shall include age-appropriate and research-based information regarding the characteristics of sexually transmitted diseases, including HPV and the availability of a vaccine to prevent HPV, and acquired immune deficiency syndrome. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the program in grades seven and eight. However, this subsection shall not apply to the teaching of career exploration and development in nonpublic schools. For purposes of this section, "*age-appropriate*", "*HPV*", and "*research-based*" mean the same as defined in section 279.50.

<sup>7</sup> Chapter 1095 herein

<sup>8</sup> Chapter 1093 herein

<sup>9</sup> Chapter 1094 herein

<sup>10</sup> Chapter 1108 herein

Sec. 25. Section 272.25, subsection 3, Code 2016, as amended by 2016 Iowa Acts, Senate File 2196,<sup>11</sup> section 3, is amended to read as follows:

3. A requirement that the program include instruction in skills and strategies to be used in classroom management of individuals, and of small and large groups, under varying conditions; skills for communicating and working constructively with pupils, teachers, administrators, and parents; preparation in reading theory, knowledge, strategies, and approaches, and for integrating literacy instruction ~~in~~ into content areas in accordance with section 256.16; and skills for understanding the role of the board of education and the functions of other education agencies in the state. The requirement shall be based upon recommendations of the department of education after consultation with teacher education faculty members in colleges and universities.

Sec. 26. Section 521A.6B, subsection 5, paragraph e, if enacted by 2016 Iowa Acts, House File 2394,<sup>12</sup> section 10, is amended to read as follows:

e. Entering into agreements with or obtaining documentation from any insurer registered under section 521A.4, any member of an internationally active insurance group, and any other state, federal, or international regulatory agency for members of the internationally active insurance group, that provides the basis for or otherwise clarifies the commissioner's role as group-wide supervisor of an internationally active insurance group, including provisions for resolving disputes with other regulatory officials. Such agreements or documentation shall not serve as evidence in any proceeding that any insurer or person within an insurance ~~company~~ holding company system not domiciled or incorporated in this state is doing business in this state or is otherwise subject to jurisdiction in this state.

Sec. 27. Section 598C.102, subsection 8, paragraph b, as enacted by 2016 Iowa Acts, Senate File 2233,<sup>13</sup> section 2, is amended to read as follows:

b. An individual who has custodial responsibility for a child under a law of this state other than this chapter.

Sec. 28. 2016 Iowa Acts, House File 2269,<sup>14</sup> section 20, subsection 1, is amended to read as follows:

1. It is amended, rescinded, or supplemented by the affirmative action of the executive ~~council~~ committee of the Iowa beef cattle producers association created in section 181.3, as amended in this Act.

Sec. 29. 2016 Iowa Acts, Senate File 378,<sup>15</sup> section 2, is amended to read as follows:

SEC. 2. REPEAL. Section 80.37, Code ~~2015~~ 2016, is repealed.

Sec. 30. 2016 Iowa Acts, Senate File 2185,<sup>16</sup> section 2, is amended by striking the section and inserting in lieu thereof the following:

SEC. 2. Section 709.21, subsection 3, Code 2016, is amended to read as follows:

3. A person who violates this section commits ~~a serious~~ an aggravated misdemeanor.

#### DIVISION IV CITY UTILITY BILLINGS AND COLLECTIONS — LIENS

Sec. 31. Section 384.84, subsection 4, paragraph a, Code 2016, is amended by adding the following new subparagraph:

**NEW SUBPARAGRAPH.** (4) A lien under subparagraph (1) shall not be placed upon a premises that is a mobile home, modular home, or manufactured home served by any of the services under that subparagraph if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home park or manufactured home community owner or manager

<sup>11</sup> Chapter 1078 herein

<sup>12</sup> Chapter 1122 herein

<sup>13</sup> Chapter 1084 herein

<sup>14</sup> Chapter 1043 herein

<sup>15</sup> Chapter 1049 herein

<sup>16</sup> Chapter 1082 herein

is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

Sec. 32. Section 384.84, subsections 10 and 11, Code 2016, are amended to read as follows:

10. For the purposes of this section, “premises” includes a mobile home, modular home, or manufactured home as defined in section 435.1, ~~when the mobile home, modular home, or manufactured home is taxed as real estate.~~

11. Notwithstanding subsection 4, ~~except for mobile home parks or manufactured home communities where the mobile home park or manufactured home community owner or manager is responsible for paying the rates or charges for services,~~ a lien shall not be filed against the land if the premises are located on leased land. If the premises are located on leased land, a lien may be filed against the premises only.

#### DIVISION V INCOME TAX CHECKOFFS

Sec. 33. INCOME TAX CHECKOFFS. Notwithstanding Code section 422.12E which provides for the repeal of certain income tax return checkoffs when the same four checkoffs have been provided on the income tax return for two consecutive years, the four income tax return checkoffs provided in sections 422.12D, 422.12H, 422.12K, and 422.12L, Code 2016, as appearing on the 2015 individual income tax return, shall be allowed for the tax years beginning January 1, 2016, January 1, 2017, and January 1, 2018, and shall be provided on the 2016, 2017, and 2018 individual income tax returns.

Sec. 34. Section 422.12E, subsection 1, Code 2016, is amended to read as follows:

1. For tax years beginning on or after January 1, ~~2004~~ 2019, there shall be allowed no more than four income tax return checkoffs on each income tax return. ~~When~~ For tax years beginning on or after January 1, 2017, when the same four income tax return checkoffs have been provided on the income tax return for two consecutive years, the two checkoffs for which the least amount has been contributed, in the aggregate for the first tax year and through March 15 of the second tax year, are repealed. This section does not apply to the income tax return checkoff provided in section 68A.601.

Sec. 35. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2016.

#### DIVISION VI FLOOD MITIGATION PROGRAM

Sec. 36. Section 418.15, subsection 1, Code 2016, is amended to read as follows:

1. a. A governmental entity shall not receive remittances of sales tax revenue under this chapter after twenty years from the date the governmental entity’s project was approved by the board or after expiration of the additional period of years if approved under paragraph “b” unless the remittance amount is calculated under section 418.11 based on sales subject to the tax under section 432.2 occurring before the expiration of the twenty-year period or expiration of the additional period of years if approved under paragraph “b”.

b. The twenty-year period for receiving remittances of sales tax revenue under this chapter may be extended upon application by the governmental entity and approval by the board. An application for an extension of the twenty-year period must be filed by the governmental entity with the board prior to expiration of the twenty-year period. The board may approve the governmental entity to receive remittances of sales tax revenue under this chapter for an additional period of consecutive years beyond the twenty-year period if all of the following are satisfied:

(1) The total amount of remittances actually received by the governmental entity during the twenty-year period are less than the total amount of remittances for which the governmental entity was approved to receive by the board at the time of the project’s

approval under section 418.9, subsection 4, and reduced under section 418.9, subsection 8, or section 418.12, subsection 6, paragraph “b”, if applicable.

(2) The amount of the remittances approved in each additional year does not exceed fifteen million dollars or seventy percent of the total yearly amount of increased sales tax increment revenue in the governmental entity’s applicable area and deposited in the governmental entity’s account, whichever is less.

(3) The total amount of remittances in any such additional fiscal year for all governmental entities approved to use sales tax revenues under this chapter does not exceed, in the aggregate, thirty million dollars.

(4) The total amount of remittances to the governmental entity approved by the board for all additional years does not exceed the difference between the total amount of remittances actually received by the governmental entity during the twenty-year period and the total amount of remittances for which the governmental entity was approved to receive by the board at the time of the project’s approval under section 418.9, subsection 4, and reduced under section 418.9, subsection 8, or section 418.12, subsection 6, paragraph “b”, if applicable.

## DIVISION VII ELECTRIC TRANSMISSION LINES

### Sec. 37. NEW SECTION. 478.6A Merchant line franchises — requirements — limitations.

1. For purposes of this section, “*merchant line*” means a high-voltage direct current electric transmission line which does not provide for the erection of electric substations at intervals of less than fifty miles, which substations are necessary to accommodate both the purchase and sale to persons located in this state of electricity generated or transmitted by the franchisee.

2. A petition for a franchise to construct a merchant line, in addition to any other applicable requirements pursuant to this chapter, shall be subject to all of the following:

a. Notwithstanding section 478.10, the sale and transfer of a merchant line, by voluntary or judicial sale or otherwise, shall not carry with it the transfer of the franchise.

b. Notwithstanding section 478.21, if a petition that involves the taking of property under eminent domain is not approved by the board and a franchise granted within three years following the date the petition is filed with the board pursuant to section 478.3, the board shall reject the petition and make a record of the rejection. If the hearing on the petition conducted pursuant to section 478.4 has been held within the three-year period following the date the petition is filed, but the board has not completed its deliberations within that three-year period, the three-year period may be extended by the board to allow completion of deliberations. A petitioner shall not file a petition for the same or a similar project that has been rejected within sixty months following the date of rejection if the rejection was for failure to be approved within three years following the date the petition was filed as provided in this subsection.

c. In considering whether to grant a petition that involves the taking of property under eminent domain, section 478.3, subsection 3, is not applicable, and the term “*public*” shall be interpreted to be limited to consumers located in this state.<sup>17</sup>

Sec. 38. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

### Sec. 39. APPLICABILITY.

1. This division of this Act is applicable to petitions for franchise filed on or after November 1, 2014, that have not been approved by the utilities board on or after the effective date of this division of this Act, and to petitions for franchise filed on or after the effective date of this division of this Act.

2. For petitions for franchise filed with the board prior to the effective date of this division of this Act, the three-year approval period specified in section 478.6A, subsection 2, paragraph “b”, shall not be applicable, and such petitions for franchise shall be considered rejected by

<sup>17</sup> See chapter 1129, §9 herein

the board subject to the terms and provisions of section 478.6A, subsection 2, paragraph “b”, if not approved by the board within two years following the effective date of this division of this Act.

DIVISION VIII  
SOLAR TAX CREDIT

Sec. 40. Section 422.11L, Code 2016, is amended by adding the following new subsection: NEW SUBSECTION. 6. For purposes of this section, “*Internal Revenue Code*” means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended to and including January 1, 2016.

Sec. 41. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to January 1, 2015, for tax years beginning on or after that date:

1. The section of this division of this Act enacting section 422.11L, subsection 6.

*Approved May 27, 2016, with exceptions noted.*

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 2459, an Act relating to state and local finances by making appropriations, providing for legal and regulatory responsibilities, concerning taxation, providing penalties, providing for other properly related matters, and including effective date and retroactive and other applicability provisions.

House File 2459 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 9, in its entirety. This item states that it is legislative intent that executive branch agencies make use of an existing master contract to develop a statewide time and attendance system with the idea that it would generate savings. While I always encourage state agencies to look for ways to save money, unfortunately going about it this way is not appropriate. State agencies were not appropriated additional funds for this system, it would require the state to add to the already multiple systems for payroll, and the master contract does not have the full range of functionality provided by the current systems. Also, for transparency, if the State would choose to take such a system statewide, the contract would have to rebid to cover the increased scope of the system.

I am unable to approve the item designated as Section 12, subsections 2 and 3, in its entirety. This item requires Iowans who perform natural hair braiding to take an annual course and be subject to discipline and inspection by the Department of Public Health; these requirements are unnecessary. Licensing and regulations should only be mandated when necessary to serve public health or safety. Natural hair braiding does not require government mandates, regulations, or licensing. Subsection 1 of Section 12 exempts the profession of natural hair braiding from the 2,100 hours of training needed under current Iowa law for a cosmetology license and effectively ends licensing for natural hair braiding.

Since taking office in 2011, my administration has been committed to job creation and increasing family incomes. An occupational license is governmental permission to work in a particular field. According to License to Work, a study by the Institute for Justice, in the 1950s only one in twenty individuals needed the government’s permission to pursue their chosen profession. However today, the number is almost one in three. Occupational licenses decrease incomes for working Iowans and increase costs for consumers. I have

vetoed legislation mandating licensing for four new professions, signed Executive Order 71 requiring State agencies to issue a Job Impact Statement to minimize the negative impact rules and regulations have on jobs, and signed Executive Order 80 allowing for stakeholder input and involvement prior to the development and formulation of rules and regulations. While this legislation now ends licensing requirements for natural hair braiding, I look forward to continuing to work with the legislature to find other common sense solutions in reducing unnecessary regulatory burdens and licensing fees on hardworking Iowans.

I am unable to approve the item designated as Section 14, in its entirety. This item sunsets Iowa’s online learning program on July 1, 2018. Students enrolled in the online learning program may be targets of bullying, medically fragile, or individuals who struggle in the traditional classroom setting. I have met with students enrolled in online learning programs and their parents and they informed me that these online learning programs are very helpful and it would create significant fear and anxiety if the online learning program was to end. There should be a variety of options available to students, including online learning, in order to ensure their academic success.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2459 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD, Governor

**CHAPTER 1139**  
APPROPRIATIONS — HEALTH AND HUMAN SERVICES  
*H.F. 2460*

**AN ACT** relating to appropriations for health and human services and veterans and including other related provisions and appropriations, and including effective date and retroactive and other applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

DIVISION I  
DEPARTMENT ON AGING — FY 2016-2017

Section 1. 2015 Iowa Acts, chapter 137, section 121, is amended to read as follows:

SEC. 121. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for frail elders, Iowa’s aging and disabilities resource center, and other services which may include but are not limited to adult day services, respite care, chore services, information and assistance, and material aid, for information and options counseling for persons with disabilities who are 18 years of age or older, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,699,866
.....		<u>12,548,603</u>
.....	FTEs	31.00



1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. Of the funds appropriated in this section, ~~\$139,973~~ \$279,946 is transferred to the economic development authority for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

3. a. The department on aging shall establish and enforce procedures relating to expenditure of state and federal funds by area agencies on aging that require compliance with both state and federal laws, rules, and regulations, including but not limited to all of the following:

(1) Requiring that expenditures are incurred only for goods or services received or performed prior to the end of the fiscal period designated for use of the funds.

(2) Prohibiting prepayment for goods or services not received or performed prior to the end of the fiscal period designated for use of the funds.

(3) Prohibiting the prepayment for goods or services not defined specifically by good or service, time period, or recipient.

(4) Prohibiting the establishment of accounts from which future goods or services which are not defined specifically by good or service, time period, or recipient, may be purchased.

b. The procedures shall provide that if any funds are expended in a manner that is not in compliance with the procedures and applicable federal and state laws, rules, and regulations, and are subsequently subject to repayment, the area agency on aging expending such funds in contravention of such procedures, laws, rules and regulations, not the state, shall be liable for such repayment.

4. Of the funds appropriated in this section, at least ~~\$125,000~~ \$250,000 shall be used to fund the unmet needs identified through Iowa’s aging and disability resource center network.

5. Of the funds appropriated in this section, at least ~~\$300,000~~ \$600,000 shall be used to fund home and community-based services through the area agencies on aging that enable older individuals to avoid more costly utilization of residential or institutional services and remain in their own homes.

6. Of the funds appropriated in this section, ~~\$406,833~~ \$962,537 shall be used for the purposes of chapter 231E and section 231.56A, of which ~~\$144,333~~ \$350,000 shall be used for the office of substitute decision maker pursuant to chapter 231E, and the remainder shall be distributed equally to the area agencies on aging to administer the prevention of elder abuse, neglect, and exploitation program pursuant to section 231.56A, in accordance with the requirements of the federal Older Americans Act of 1965, 42 U.S.C. §3001 et seq., as amended.

7. Of the funds appropriated in this section, \$1,000,000 shall be used to fund continuation of the aging and disability resource center lifelong links to provide individuals and caregivers with information and services to plan for and maintain independence.

DIVISION II  
OFFICE OF LONG-TERM CARE OMBUDSMAN — FY 2016-2017

Sec. 2. 2015 Iowa Acts, chapter 137, section 122, is amended to read as follows:

SEC. 122. OFFICE OF LONG-TERM CARE OMBUDSMAN.

1. There is appropriated from the general fund of the state to the office of long-term care ombudsman for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	638,391
		<u>1,376,783</u>
.....	FTEs	17.00
		<u>18.00</u>

2. Of the funds appropriated in this section, ~~\$110,000~~ \$220,000 shall be used to continue to provide for additional local long-term care ombudsmen.

3. Of the funds appropriated in this section, \$100,000 shall be used to provide an additional long-term care ombudsman to provide assistance and advocacy related to long-term care services and supports under the Medicaid program pursuant to section 231.44.

DIVISION III  
DEPARTMENT OF PUBLIC HEALTH — FY 2016-2017

Sec. 3. 2015 Iowa Acts, chapter 137, section 123, is amended to read as follows:

SEC. 123. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADDICTIVE DISORDERS

For reducing the prevalence of the use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling, and for not more than the following full-time equivalent positions:

.....	\$	13,631,845
		<u>26,988,690</u>
.....	FTEs	10.00

a. (1) Of the funds appropriated in this subsection, ~~\$2,624,180~~ \$5,248,361 shall be used for the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A. The commission on tobacco use prevention and control established pursuant to section 142A.3 shall advise the director of public health in prioritizing funding needs and the allocation of moneys appropriated for the programs and initiatives. Activities of the programs and initiatives shall be in alignment with the United States centers for disease control and prevention best practices for comprehensive tobacco control programs that include the goals of preventing youth initiation of tobacco usage, reducing exposure to secondhand smoke, and promotion of tobacco cessation. To maximize resources, the department shall determine if third-party sources are available to instead provide nicotine replacement products to an applicant prior to provision of such products to an applicant under the initiative. The department shall track and report to the individuals specified in this Act, any reduction in the provision of nicotine replacement products realized by the initiative through implementation of the prerequisite screening.

(2) (a) ~~Of the funds allocated in this paragraph "a", \$226,533 is transferred to the~~ The department shall collaborate with the alcoholic beverages division of the department of commerce for enforcement of tobacco laws, regulations, and ordinances and to engage in tobacco control activities approved by the division of tobacco use prevention and control of the department of public health as specified in the memorandum of understanding entered into between the divisions.

(b) For the fiscal year beginning July 1, 2016, and ending June 30, 2017, the terms of the memorandum of understanding, entered into between the division of tobacco use prevention and control of the department of public health and the alcoholic beverages division of the department of commerce, governing compliance checks conducted to ensure licensed retail tobacco outlet conformity with tobacco laws, regulations, and ordinances relating to persons under ~~eighteen~~ 18 years of age, shall continue to restrict the number of such checks to one check per retail outlet, and one additional check for any retail outlet found to be in violation during the first check.

b. Of the funds appropriated in this subsection, ~~\$11,007,664~~ \$21,740,329 shall be used for problem gambling and substance-related disorder prevention, treatment, and recovery services, including a 24-hour helpline, public information resources, professional training, youth prevention, and program evaluation.

~~(1) Of the funds allocated in this paragraph "b", \$9,451,857 shall be used for substance-related disorder prevention and treatment.~~

~~(a) Of the funds allocated in this subparagraph (1), \$449,650 shall be used for the public purpose of a grant program to provide substance-related disorder prevention programming for children.~~

~~(i) Of the funds allocated in this subparagraph division (a), \$213,769 shall be used for grant funding for organizations that provide programming for children by utilizing mentors. Programs approved for such grants shall be certified or must be certified within six months of receiving the grant award by the Iowa commission on volunteer services as utilizing the standards for effective practice for mentoring programs.~~

~~(ii) Of the funds allocated in this subparagraph division (a), \$213,419 shall be used for grant funding for organizations providing programming that includes youth development and leadership services. The programs shall also be recognized as being programs that are scientifically based with evidence of their effectiveness in reducing substance-related disorders in children.~~

~~(iii) The department of public health shall utilize a request for proposals process to implement the grant program.~~

~~(iv) All grant recipients shall participate in a program evaluation as a requirement for receiving grant funds.~~

~~(v) Of the funds allocated in this subparagraph division (a), up to \$22,461 may be used to administer substance-related disorder prevention grants and for program evaluations.~~

~~(b) Of the funds allocated in this subparagraph (1), \$136,301 shall be used for culturally competent substance-related disorder treatment pilot projects.~~

~~(i) The department shall utilize the amount allocated in this subparagraph division (b) for at least three pilot projects to provide culturally competent substance-related disorder treatment in various areas of the state. Each pilot project shall target a particular ethnic minority population. The populations targeted shall include but are not limited to African American, Asian, and Latino.~~

~~(ii) The pilot project requirements shall provide for documentation or other means to ensure access to the cultural competence approach used by a pilot project so that such approach can be replicated and improved upon in successor programs.~~

~~(2) Of the funds allocated in this paragraph "b", up to \$1,555,807 may be used for problem gambling prevention, treatment, and recovery services.~~

~~(a) Of the funds allocated in this subparagraph (2), \$1,286,881 shall be used for problem gambling prevention and treatment.~~

~~(b) Of the funds allocated in this subparagraph (2), up to \$218,926 may be used for a 24-hour helpline, public information resources, professional training, and program evaluation.~~

~~(c) Of the funds allocated in this subparagraph (2), up to \$50,000 may be used for the licensing of problem gambling treatment programs.~~

~~(3) It is the intent of the general assembly that from the moneys allocated in this paragraph "b", persons with a dual diagnosis of substance-related disorder and gambling addiction shall be given priority in treatment services.~~

~~e. Notwithstanding any provision of law to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of problem gambling and substance-related disorder treatment services statewide, the department shall continue implementation of a process to create a system for delivery of treatment services in accordance with the requirements specified in 2008 Iowa Acts, chapter 1187, section 3, subsection 4. To ensure the system provides a continuum of treatment services that best meets the needs of Iowans, the problem gambling and substance-related disorder treatment services in any area may be provided either by a single agency or by separate agencies submitting a joint proposal.~~

~~(1) The system for delivery of substance-related disorder and problem gambling treatment shall include problem gambling prevention.~~

~~(2) The system for delivery of substance-related disorder and problem gambling treatment shall include substance-related disorder prevention by July 1, 2017.~~

~~(3) Of the funds allocated in paragraph "b", the department may use up to \$50,000 for administrative costs to continue developing and implementing the process in accordance with this paragraph "e".~~

d. The requirement of section ~~123.53~~ 123.17, subsection 5, is met by the appropriations and allocations made in this division of this Act for purposes of substance-related disorder treatment and addictive disorders for the fiscal year beginning July 1, 2016.

~~e. The department of public health shall work with all other departments that fund substance-related disorder prevention and treatment services and all such departments shall, to the extent necessary, collectively meet the state maintenance of effort requirements for expenditures for substance-related disorder services as required under the federal substance-related disorder prevention and treatment block grant.~~

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children, adolescents from birth through 21 years of age, and families, and for not more than the following full-time equivalent positions:

.....	\$	<u>2,308,771</u>
.....		<u>5,693,774</u>
.....	FTEs	12.00

a. Of the funds appropriated in this subsection, not more than ~~\$367,420~~ \$734,841 shall be used for the healthy opportunities for parents to experience success (HOPES)-healthy families Iowa (HFI) program established pursuant to section 135.106. The funding shall be distributed to renew the grants that were provided to the grantees that operated the program during the fiscal year ending June 30, 2016.

b. In order to implement the legislative intent stated in sections 135.106 and 256I.9, that priority for home visitation program funding be given to programs using evidence-based or promising models for home visitation, it is the intent of the general assembly to phase in the funding priority in accordance with 2012 Iowa Acts, chapter 1133, section 2, subsection 2, paragraph "0b".

c. Of the funds appropriated in this subsection, ~~\$1,099,414~~ \$3,275,059 shall be used for continuation of the department's initiative to provide for adequate developmental surveillance and screening during a child's first five years. The funds shall be used first to fully fund the current sites to ensure that the sites are fully operational, with the remaining funds to be used for expansion to additional sites. The full implementation and expansion shall include enhancing the scope of the program through collaboration with the child health specialty clinics to promote healthy child development through early identification and response to both biomedical and social determinants of healthy development; by monitoring child health metrics to inform practice, document long-term health impacts and savings, and provide for continuous improvement through training, education, and evaluation; and by providing for practitioner consultation particularly for children with behavioral conditions and needs. The department of public health shall also collaborate with the Iowa Medicaid enterprise and the child health specialty clinics to integrate the activities of the first five initiative into the establishment of patient-centered medical homes, community utilities, accountable care organizations, and other integrated care models developed to improve health quality and population health while reducing health care costs. To the maximum extent possible, funding allocated in this paragraph shall be utilized as matching funds for medical assistance program reimbursement.

d. Of the funds appropriated in this subsection, ~~\$37,320~~ \$74,640 shall be distributed to a statewide dental carrier to provide funds to continue the donated dental services program patterned after the projects developed by the lifeline network to provide dental services to indigent individuals who are elderly or with disabilities.

e. Of the funds appropriated in this subsection, ~~\$55,997~~ \$111,995 shall be used for childhood obesity prevention.

f. Of the funds appropriated in this subsection, ~~\$81,384~~ \$162,768 shall be used to provide audiological services and hearing aids for children. The department may enter into a contract to administer this paragraph.

g. Of the funds appropriated in this subsection, ~~\$12,500~~ \$25,000 is transferred to the university of Iowa college of dentistry for provision of primary dental services to children. State funds shall be matched on a dollar-for-dollar basis. The university of Iowa college of dentistry shall coordinate efforts with the department of public health, bureau of oral and health delivery systems, to provide dental care to underserved populations throughout the state.

h. Of the funds appropriated in this subsection, ~~\$25,000~~ \$50,000 shall be used to address youth suicide prevention.

i. Of the funds appropriated in this subsection, ~~\$25,000~~ \$50,000 shall be used to support the Iowa effort to address the survey of children who experience adverse childhood experiences known as ACEs.

j. The department of public health shall continue to administer the program to assist parents in this state with costs resulting from the death of a child in accordance with the provisions of 2014 Iowa Acts, chapter 1140, section 22, subsection 12.

3. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs, and for not more than the following full-time equivalent positions:

.....	\$	2,477,846
		<u>5,080,692</u>
.....	FTEs	5.00

a. Of the funds appropriated in this subsection, ~~\$79,966~~ \$159,932 shall be used for grants to individual patients who have an inherited metabolic disorder to assist with the costs of medically necessary foods and formula.

b. Of the funds appropriated in this subsection, ~~\$445,822~~ \$1,041,644 shall be used for the brain injury services program pursuant to section 135.22B, including for continuation of the contracts for resource facilitator services in accordance with section 135.22B, subsection 9, and to enhance brain injury training and recruitment of service providers on a statewide basis. Of the amount allocated in this paragraph, ~~\$47,500~~ \$95,000 shall be used to fund one full-time equivalent position to serve as the state brain injury services program manager.

c. Of the funds appropriated in this subsection, ~~\$273,991~~ \$547,982 shall be used as additional funding to leverage federal funding through the federal Ryan White Care Act, Tit. II, AIDS drug assistance program supplemental drug treatment grants.

d. Of the funds appropriated in this subsection, ~~\$74,911~~ \$149,823 shall be used for the public purpose of continuing to contract with an existing national-affiliated organization to provide education, client-centered programs, and client and family support for people living with epilepsy and their families. The amount allocated in this paragraph in excess of ~~\$50,000~~ \$100,000 shall be matched dollar-for-dollar by the organization specified.

e. Of the funds appropriated in this subsection, ~~\$392,557~~ \$785,114 shall be used for child health specialty clinics.

f. Of the funds appropriated in this subsection, ~~\$200,000~~ \$400,000 shall be used by the regional autism assistance program established pursuant to section 256.35, and administered by the child health specialty clinic located at the university of Iowa hospitals and clinics. The funds shall be used to enhance interagency collaboration and coordination of educational, medical, and other human services for persons with autism, their families, and providers of services, including delivering regionalized services of care coordination, family navigation, and integration of services through the statewide system of regional child health specialty clinics and fulfilling other requirements as specified in chapter 225D. The university of Iowa shall not receive funds allocated under this paragraph for indirect costs associated with the regional autism assistance program.

g. Of the funds appropriated in this subsection, ~~\$285,496~~ \$594,543 shall be used for the comprehensive cancer control program to reduce the burden of cancer in Iowa through prevention, early detection, effective treatment, and ensuring quality of life. Of the funds allocated in this paragraph "g", ~~\$75,000~~ \$150,000 shall be used to support a melanoma research symposium, a melanoma biorepository and registry, basic and translational melanoma research, and clinical trials.

h. Of the funds appropriated in this subsection, ~~\$63,225~~ \$101,450 shall be used for cervical and colon cancer screening, and ~~\$150,000~~ \$300,000 shall be used to enhance the capacity of the cervical cancer screening program to include provision of recommended prevention and early detection measures to a broader range of low-income women.

i. Of the funds appropriated in this subsection, ~~\$263,347~~ \$526,695 shall be used for the center for congenital and inherited disorders.

j. Of the funds appropriated in this subsection, ~~\$64,705~~ \$129,411 shall be used for the prescription drug donation repository program created in chapter 135M.

k. Of the funds appropriated in this subsection, ~~\$107,631~~ \$215,263 shall be used by the department of public health for reform-related activities, including but not limited to facilitation of communication to stakeholders at the state and local level, administering the patient-centered health advisory council pursuant to section 135.159, and involvement in health care system innovation activities occurring across the state.

l. Of the funds appropriated in this subsection, ~~\$12,500~~ \$25,000 shall be used for administration of chapter 124D, the medical cannabidiol Act.

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level, and for not more than the following full-time equivalent positions:

.....	\$	4,410,667
		<u>7,339,136</u>
.....	FTEs	11.00
		<u>13.00</u>

a. Of the funds appropriated in this subsection, ~~\$49,707~~ \$99,414 is allocated for continuation of the child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with early childhood Iowa areas. The program shall submit a report to the individuals identified in this Act for submission of reports regarding the use of funds allocated under this paragraph "a". The report shall include the objectives and results for the program year including the target population and how the funds allocated assisted the program in meeting the objectives; the number, age, and location within the state of individuals served; the type of services provided to the individuals served; the distribution of funds based on service provided; and the continuing needs of the program.

b. Of the funds appropriated in this subsection, ~~\$55,328~~ \$110,656 is allocated for continuation of an initiative implemented at the university of Iowa and ~~\$49,952~~ \$99,904 is allocated for continuation of an initiative at the state mental health institute at Cherokee to expand and improve the workforce engaged in mental health treatment and services. The initiatives shall receive input from the university of Iowa, the department of human services, the department of public health, and the mental health and disability services commission to address the focus of the initiatives.

c. Of the funds appropriated in this subsection, ~~\$582,314~~ \$1,164,628 shall be used for essential public health services that promote healthy aging throughout one's lifespan, contracted through a formula for local boards of health, to enhance health promotion and disease prevention services.

d. Of the funds appropriated in this ~~section~~ subsection, ~~\$49,643~~ \$99,286 shall be deposited in the governmental public health system fund created in section 135A.8 to be used for the purposes of the fund.

~~e. Of the funds appropriated in this subsection, \$52,724 shall be used to continue to address the shortage of mental health professionals in the state.~~

f. Of the funds appropriated in this subsection, ~~\$25,000~~ \$50,000 shall be used for a grant to a statewide association of psychologists that is affiliated with the American psychological association to be used for continuation of a program to rotate intern psychologists in placements in urban and rural mental health professional shortage areas, as defined in section 135.180.

g. (1) Of the funds appropriated in this subsection, ~~\$1,441,484~~ \$1,210,770 shall be allocated as a grant to the Iowa primary care association to be used pursuant to section 135.153 for the statewide coordination of the Iowa collaborative safety net provider network. Coordination of the network shall focus on increasing access by underserved populations to health care services, increasing integration of the health system and collaboration across the continuum of care with a focus on safety net services, and enhancing the Iowa collaborative safety net provider network's communication and education efforts. The amount allocated as a grant under this subparagraph (1) shall be used as follows to support the Iowa collaborative safety net provider network goals of increased access, health system integration, and engagement:

(a) For distribution to safety net partners in the state that work to increase access of the underserved population to health services:

.....	\$	512,742
		<u>1,025,485</u>

(i) Of the amount allocated in this subparagraph division (a), ~~up to \$206,707~~ not less than \$413,415 shall be distributed to the Iowa prescription drug corporation for continuation of the pharmaceutical infrastructure for safety net providers as described in 2007 Iowa Acts, chapter 218, section 108.

(ii) Of the amount allocated in this subparagraph division (a), ~~up to \$174,161~~ not less than \$348,322 shall be distributed to free clinics and free clinics of Iowa for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in securing a medical home inclusive of oral health care.

(iii) Of the amount allocated in this subparagraph division (a), ~~up to \$25,000~~ not less than \$50,000 shall be distributed to the Iowa coalition against sexual assault to continue a training program for sexual assault response team (SART) members, including representatives of law enforcement, victim advocates, prosecutors, and certified medical personnel.

(iv) Of the amount allocated in this subparagraph division (a), ~~up to \$106,874~~ not less than \$213,748 shall be distributed to the Polk county medical society for continuation of the safety net provider patient access to a specialty health care initiative as described in 2007 Iowa Acts, chapter 218, section 109.

(c) For distribution to safety net partners in the state that work to serve as a resource for credible, accurate information on health care-related needs and services for vulnerable populations in the state including the Iowa association of rural health clinics for necessary infrastructure and service delivery transformation and the Iowa primary care association to support partner engagement, program management, and statewide coordination of the network:

..... \$ 92,642  
185,285

(2) The amount allocated under this paragraph “g” shall not be reduced for administrative or other costs prior to distribution. The Iowa collaborative safety net provider network may continue to distribute funds allocated pursuant to this paragraph “g” through existing contracts or renewal of existing contracts.

(3) For each goal of the Iowa collaborative safety net provider network, the Iowa primary care association shall submit a progress report to the individuals designated in this Act for submission of reports by December 15, 2016, including progress in developing and implementing the network, how the funds were distributed and used in developing and implementing the network, and the remaining needs identified to fully develop and implement the network.

h. Of the funds appropriated in this subsection, ~~\$106,700~~ \$213,400 shall be used for continuation of the work of the direct care worker advisory council established pursuant to 2008 Iowa Acts, chapter 1188, section 69, in implementing the recommendations in the final report submitted by the advisory council to the governor and the general assembly in March 2012, including by continuing to develop, promote, and make available on a statewide basis the prepare-to-care core curriculum and its associated modules and specialties through various formats including online access, community colleges, and other venues; exploring new and maintaining existing specialties including but not limited to oral health and dementia care; supporting instructor training; and assessing and making recommendations concerning the Iowa care book and information technology systems and infrastructure uses and needs.

i. (1) Of the funds appropriated in this subsection, ~~\$108,187~~ \$216,375 shall be ~~used for allocation to~~ allocated for continuation of the contract with an independent statewide direct care worker organization previously selected through a request for proposals process. The contract shall continue to include performance and outcomes measures, and shall continue to allow the contractor to use a portion of the funds received under the contract to collect data to determine results based on the performance and outcomes measures.

(2) Of the funds appropriated in this subsection, ~~\$37,500~~ \$75,000 shall be used to provide scholarships or other forms of subsidization for direct care worker educational conferences, training, or outreach activities.

j. Of the funds appropriated in this subsection, the department may use up to ~~\$29,087~~ \$58,175 for up to one full-time equivalent position to administer the volunteer health care provider program pursuant to section 135.24.

k. Of the funds appropriated in this subsection, ~~\$50,000~~ \$100,000 shall be used for a matching dental education loan repayment program to be allocated to a dental nonprofit health service corporation to continue to develop the criteria and implement the loan repayment program.

l. Of the funds appropriated in this subsection, ~~\$52,911~~ \$105,823 is transferred to the college student aid commission for deposit in the rural Iowa primary care trust fund created in section 261.113 to be used for the purposes of the fund.

m. Of the funds appropriated in this subsection, ~~\$125,000~~ \$250,000 shall be used for the purposes of the Iowa donor registry as specified in section 142C.18.

n. Of the funds appropriated in this subsection, ~~\$50,000~~ \$100,000 shall be used for continuation of a grant to a nationally affiliated volunteer eye organization that has an established program for children and adults and that is solely dedicated to preserving sight and preventing blindness through education, nationally certified vision screening and training, and community and patient service programs. The organization shall submit a report to the individuals identified in this Act for submission of reports regarding the use of funds allocated under this paragraph "n". The report shall include the objectives and results for the program year including the target population and how the funds allocated assisted the program in meeting the objectives; the number, age, and location within the state of individuals served; the type of services provided to the individuals served; the distribution of funds based on services provided; and the continuing needs of the program.

o. Of the funds appropriated in this subsection, ~~\$1,000,000~~ \$2,000,000 shall be deposited in the medical residency training account created in section 135.175, subsection 5, paragraph "a", and is appropriated from the account to the department of public health to be used for the purposes of the medical residency training state matching grants program as specified in section 135.176. However, notwithstanding any provision to the contrary in section 135.176, priority in the awarding of grants for the fiscal year beginning July 1, 2016, shall be given to sponsors approved but not funded in the prior fiscal year competitive procurement process that proposed preference in the use of the grant funds for internal medicine positions, and priority in the awarding of the remaining moneys shall be given to sponsors that propose preference in the use of the grant funds for psychiatric residency positions and family practice residency positions.

p. Of the funds appropriated in this subsection, ~~\$78,309~~ \$156,619 is allocated to the university of Iowa hospitals and clinics to continue a systematic and evidence-based practice collaborative care model to improve outcomes of mental health treatment in primary care settings in the state. Funds shall be used to establish the collaborative care model in several primary care practices in rural and urban areas throughout the state, to provide staffing to administer the model, and to provide staff training and database management to track and manage patient outcomes.

q. Of the funds appropriated in this subsection, \$100,000 shall be used by the department of public health to develop recommendations to be submitted in a report by December 15, 2016, as otherwise described in this division of this Act, including those for a broader, more systematic and strategic workforce initiative, which may include a comprehensive study of workforce program needs and the establishment of an advisory workgroup.

5. HEALTHY AGING

To provide public health services that reduce risks and invest in promoting and protecting good health over the course of a lifetime with a priority given to older Iowans and vulnerable populations:

.....	\$	3,648,571
		<u>7,297,142</u>

6. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

.....	\$	667,577
		<u>1,335,155</u>
.....	FTEs	4.00

7. PUBLIC PROTECTION



For protecting the health and safety of the public through establishing standards and enforcing regulations, and for not more than the following full-time equivalent positions:

.....	\$	2,169,595
		<u>4,399,191</u>
.....	FTEs	136.00
		<u>137.00</u>

a. Of the funds appropriated in this subsection, not more than ~~\$227,350~~ \$454,700 shall be credited to the emergency medical services fund created in section 135.25. Moneys in the emergency medical services fund are appropriated to the department to be used for the purposes of the fund.

b. Of the funds appropriated in this subsection, ~~\$101,516~~ \$203,032 shall be used for sexual violence prevention programming through a statewide organization representing programs serving victims of sexual violence through the department’s sexual violence prevention program. The amount allocated in this paragraph “b” shall not be used to supplant funding administered for other sexual violence prevention or victims assistance programs.

c. Of the funds appropriated in this subsection, ~~\$299,375~~ \$598,751 shall be used for the state poison control center. Pursuant to the directive under 2014 Iowa Acts, chapter 1140, section 102, the federal matching funds available to the state poison control center from the department of human services under the federal Children’s Health Insurance Program Reauthorization Act allotment shall be subject to the federal administrative cap rule of 10 percent applicable to funding provided under Tit. XXI of the federal Social Security Act and included within the department’s calculations of the cap.

d. Of the funds appropriated in this subsection, ~~\$268,875~~ \$537,750 shall be used for childhood lead poisoning provisions.

8. RESOURCE MANAGEMENT

For establishing and sustaining the overall ability of the department to deliver services to the public, and for not more than the following full-time equivalent positions:

.....	\$	427,536
		<u>1,005,072</u>
.....	FTEs	4.00

9. MISCELLANEOUS PROVISIONS

a. The university of Iowa hospitals and clinics under the control of the state board of regents shall not receive indirect costs from the funds appropriated in this section. The university of Iowa hospitals and clinics billings to the department shall be on at least a quarterly basis.

b. The department of public health shall conduct a sampling of the entities to which appropriated funds are allocated, granted, or otherwise distributed under this section and shall require such entities to submit a progress report to the department by September 1, 2016, which includes the objectives and results of the program since the initial receipt of state funding and how the funds are assisting the program in meeting the objectives, specifying the target population served and the type of services provided, and identifying the continuing needs of the recipient entity and the service population. The department shall review the information reported and shall make recommendations to the governor and the general assembly by December 15, 2016, to realign, bundle, or otherwise redistribute funding to meet the needs identified and improve services during the subsequent fiscal year.

c. The department of public health shall submit a report to the individuals identified in this Act for submission of reports by December 15, 2016, regarding a proposal for realigning, bundling, redistributing, or otherwise adjusting the department’s funding streams to reflect the department’s priorities and goals and to provide increased flexibility in the distribution of funding to meet these priorities and goals. The proposal shall specifically include recommendations for a broader, more systematic and strategic workforce initiative which may include a comprehensive study of workforce program needs and the establishment of an advisory workgroup. The proposal shall also specifically include strategies, developed in collaboration with the department of education, to encourage elementary and secondary education students to pursue careers in the fields of health and health care.

DIVISION IV  
DEPARTMENT OF VETERANS AFFAIRS — FY 2016-2017

Sec. 4. 2015 Iowa Acts, chapter 137, section 124, is amended to read as follows:

SEC. 124. DEPARTMENT OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the department of veterans affairs for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

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

.....	\$	600,273
		<u>1,200,546</u>
.....	FTEs	15.00

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	3,797,498
		<u>7,594,996</u>

a. The Iowa veterans home billings involving the department of human services shall be submitted to the department on at least a monthly basis.

c. Within available resources and in conformance with associated state and federal program eligibility requirements, the Iowa veterans home may implement measures to provide financial assistance to or on behalf of veterans or their spouses who are participating in the community reentry program.

e. The Iowa veterans home shall expand the annual discharge report to also include applicant information and to provide for the collection of demographic information including but not limited to the number of individuals applying for admission and admitted or denied admittance and the basis for the admission or denial; the age, gender, and race of such individuals; and the level of care for which such individuals applied for admission including residential or nursing level of care.

3. HOME OWNERSHIP ASSISTANCE PROGRAM

For transfer to the Iowa finance authority for the continuation of the home ownership assistance program for persons who are or were eligible members of the armed forces of the United States, pursuant to section 16.54:

.....	\$	1,250,000
		<u>2,500,000</u>

Sec. 5. 2015 Iowa Acts, chapter 137, section 125, is amended to read as follows:

SEC. 125. LIMITATION OF COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the standing appropriation in section 35A.16 for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the amount appropriated from the general fund of the state pursuant to that section for the following designated purposes shall not exceed the following amount:

For the county commissions of veteran affairs fund under section 35A.16:

.....	\$	495,000
		<u>990,000</u>

DIVISION V  
DEPARTMENT OF HUMAN SERVICES — FY 2016-2017

Sec. 6. 2015 Iowa Acts, chapter 137, section 126, is amended to read as follows:

SEC. 126. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

..... \$ 2,568,497  
5,112,462

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program and implementing family investment agreements in accordance with chapter 239B:

..... \$ 5,069,089  
5,575,693

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 1,449,490  
2,898,980

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, ~~2016~~ 2017, the moneys shall revert.

4. For field operations:

..... \$ 15,648,116  
35,774,331

5. For general administration:

..... \$ 1,872,000  
3,744,000

6. For state child care assistance:

..... \$ 17,523,555  
46,866,826

a. Of the funds appropriated in this subsection, ~~\$13,164,048~~ \$26,328,097 is transferred to the child care and development block grant appropriation made by the Eighty-sixth General Assembly, 2016 Session, for the federal fiscal year beginning October 1, 2016, and ending September 30, 2017. Of this amount, ~~\$100,000~~ \$200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

b. Any funds appropriated in this subsection remaining unallocated shall be used for state child care assistance payments for families who are employed including but not limited to individuals enrolled in the family investment program.

~~7. For distribution to counties and regions through the property tax relief fund for mental health and disability services as provided in an appropriation made for this purpose:~~

..... \$ 2,447,026

8. For child and family services:

..... \$ 16,042,215  
37,256,580

9. For child abuse prevention grants:

..... \$ 62,500  
125,000

10. For pregnancy prevention grants on the condition that family planning services are funded:

..... \$ 965,033  
1,930,067

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2016, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2016, if the programs are based on existing models that have demonstrated positive outcomes. Grants shall comply

with the requirements provided in 1997 Iowa Acts, chapter 208, section 14, subsections 1 and 2, including the requirement that grant programs must emphasize sexual abstinence. Priority in the awarding of grants shall be given to programs that serve areas of the state which demonstrate the highest percentage of unplanned pregnancies of females of childbearing age within the geographic area to be served by the grant.

11. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements:

..... \$ 518,593  
1,037,186

12. For the family investment program share of the costs to continue to develop and maintain a new, integrated eligibility determination system:

..... \$ 3,327,440  
5,654,880

13. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2015 or 2016 Iowa Acts regarding the receipt and appropriation of federal block grants, federal funds from the temporary assistance for needy families block grant received by the state and not otherwise appropriated in this section and remaining available for the fiscal year beginning July 1, 2016, are appropriated to the department of human services to the extent as may be necessary to be used in the following priority order: the family investment program, for state child care assistance program payments for families who are employed, and for the family investment program share of costs to develop and maintain a new, integrated eligibility determination system. The federal funds appropriated in this paragraph "a" shall be expended only after all other funds appropriated in subsection 1 for the assistance under the family investment program, in subsection 6 for child care assistance, or in subsection 12 for the family investment program share of the costs to continue to develop and maintain a new, integrated eligibility determination system, as applicable, have been expended. For the purposes of this subsection, the funds appropriated in subsection 6, paragraph "a", for transfer to the child care and development block grant appropriation are considered fully expended when the full amount has been transferred.

b. The department shall, on a quarterly basis, advise the legislative services agency and department of management of the amount of funds appropriated in this subsection that was expended in the prior quarter.

14. Of the amounts appropriated in this section, ~~\$6,481,004~~ \$12,962,008 for the fiscal year beginning July 1, 2016, is transferred to the appropriation of the federal social services block grant made to the department of human services for that fiscal year.

15. For continuation of the program providing categorical eligibility for the food assistance program as specified for the program in the section of this division of this 2016 Act relating to the family investment program account:

..... \$ 12,500  
25,000

16. The department may transfer funds allocated in this section to the appropriations made in this division of this Act for the same fiscal year for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the same fiscal year for the family investment program from the general fund of the state.

Sec. 7. 2015 Iowa Acts, chapter 137, section 127, is amended to read as follows:

SEC. 127. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2016, and ending June 30, 2017, shall be used to provide assistance in accordance with chapter 239B.

2. The department may use a portion of the moneys credited to the FIP account under this section as necessary for salaries, support, maintenance, and miscellaneous purposes.

3. The department may transfer funds allocated in subsection 4 to the appropriations made in this division of this Act for the same fiscal year for general administration and field operations for resources necessary to implement and operate the family investment

program services referred to in this section and those funded in the appropriation made in this division of this Act for the same fiscal year for the family investment program from the general fund of the state.

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2016, and ending June 30, 2017, are allocated as follows:

a. To be retained by the department of human services to be used for coordinating with the department of human rights to more effectively serve participants in FIP and other shared clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:

..... \$ 10,000  
20,000

b. To the department of human rights for staffing, administration, and implementation of the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 3,096,417  
6,192,834

(1) Of the funds allocated for the family development and self-sufficiency grant program in this paragraph "b", not more than 5 percent of the funds shall be used for the administration of the grant program.

(2) The department of human rights may continue to implement the family development and self-sufficiency grant program statewide during fiscal year 2016-2017.

(3) The department of human rights may engage in activities to strengthen and improve family outcomes measures and data collection systems under the family development and self-sufficiency grant program.

c. For the diversion subaccount of the FIP account:

..... \$ 407,500  
815,000

A portion of the moneys allocated for the subaccount may be used for field operations, salaries, data management system development, and implementation costs and support deemed necessary by the director of human services in order to administer the FIP diversion program. To the extent moneys allocated in this paragraph "c" are not deemed by the department to be necessary to support diversion activities, such moneys may be used for other efforts intended to increase engagement by family investment program participants in work, education, or training activities.

d. For the food assistance employment and training program:

..... \$ 33,294  
66,588

(1) The department shall apply the federal supplemental nutrition assistance program (SNAP) employment and training state plan in order to maximize to the fullest extent permitted by federal law the use of the 50 percent federal reimbursement provisions for the claiming of allowable federal reimbursement funds from the United States department of agriculture pursuant to the federal SNAP employment and training program for providing education, employment, and training services for eligible food assistance program participants, including but not limited to related dependent care and transportation expenses.

(2) The department shall continue the categorical federal food assistance program eligibility at 160 percent of the federal poverty level and continue to eliminate the asset test from eligibility requirements, consistent with federal food assistance program requirements. The department shall include as many food assistance households as is allowed by federal law. The eligibility provisions shall conform to all federal requirements including requirements addressing individuals who are incarcerated or otherwise ineligible.

e. For the JOBS program:

..... \$ 8,770,199  
16,129,101

5. Of the child support collections assigned under FIP, an amount equal to the federal share of support collections shall be credited to the child support recovery appropriation made in this division of this Act. Of the remainder of the assigned child support collections received by the child support recovery unit, a portion shall be credited to the FIP account, a portion

may be used to increase recoveries, and a portion may be used to sustain cash flow in the child support payments account. If as a consequence of the appropriations and allocations made in this section the resulting amounts are insufficient to sustain cash assistance payments and meet federal maintenance of effort requirements, the department shall seek supplemental funding. If child support collections assigned under FIP are greater than estimated or are otherwise determined not to be required for maintenance of effort, the state share of either amount may be transferred to or retained in the child support payments account.

6. The department may adopt emergency rules for the family investment, JOBS, food assistance, and medical assistance programs if necessary to comply with federal requirements.

Sec. 8. 2015 Iowa Acts, chapter 137, section 128, is amended to read as follows:

SEC. 128. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B:

..... \$ 24,336,937  
48,673,875

1. Of the funds appropriated in this section, ~~\$3,701,110~~ \$10,553,408 is allocated for the JOBS program.

2. Of the funds appropriated in this section, ~~\$1,656,927~~ \$3,313,854 is allocated for the family development and self-sufficiency grant program.

3. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2016, if necessary to meet federal maintenance of effort requirements; or to transfer federal temporary assistance for needy families block grant funding to be used for purposes of the federal social services block grant; or to meet cash flow needs resulting from delays in receiving federal funding; or to implement, in accordance with this division of this Act, activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys; to comply with federal requirements; or to maximize the use of federal funds, the department of human services may transfer funds within or between any of the appropriations made in this division of this Act and appropriations in law for the federal social services block grant to the department for the following purposes, provided that the combined amount of state and federal temporary assistance for needy families block grant funding for each appropriation remains the same before and after the transfer:

- a. For the family investment program.
- b. For child care assistance.
- c. For child and family services.
- d. For field operations.
- e. For general administration.
- ~~f. For distribution to counties or regions through the property tax relief fund for mental health and disability services as provided in an appropriation for this purpose.~~

This subsection shall not be construed to prohibit the use of existing state transfer authority for other purposes. The department shall report any transfers made pursuant to this subsection to the legislative services agency.

4. Of the funds appropriated in this section, ~~\$97,839~~ \$195,678 shall be used for continuation of a grant to an Iowa-based nonprofit organization with a history of providing tax preparation assistance to low-income Iowans in order to expand the usage of the earned income tax credit. The purpose of the grant is to supply this assistance to underserved areas of the state.

5. Of the funds appropriated in this section, ~~\$30,000~~ \$60,000 shall be used for the continuation of an unfunded pilot project, as defined in 441 IAC 100.1, relating to parental obligations, in which the child support recovery unit participates, to support the efforts of a nonprofit organization committed to strengthening the community through youth development, healthy living, and social responsibility headquartered in a county with a population over 350,000. The funds allocated in this subsection shall be used by the recipient organization to develop a larger community effort, through public and private partnerships,

to support a broad-based multi-county fatherhood initiative that promotes payment of child support obligations, improved family relationships, and full-time employment.

6. The department may transfer funds appropriated in this section to the appropriations made in this division of this Act for general administration and field operations as necessary to administer this section and the overall family investment program.

Sec. 9. 2015 Iowa Acts, chapter 137, section 129, is amended to read as follows:

SEC. 129. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For child support recovery, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	7,331,686
.....		<u>14,663,373</u>
.....	FTEs	464.00

1. The department shall expend up to ~~\$12,164~~ \$24,329, including federal financial participation, for the fiscal year beginning July 1, 2016, for a child support public awareness campaign. The department and the office of the attorney general shall cooperate in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

2. Federal access and visitation grant moneys shall be issued directly to private not-for-profit agencies that provide services designed to increase compliance with the child access provisions of court orders, including but not limited to neutral visitation sites and mediation services.

3. The appropriation made to the department for child support recovery may be used throughout the fiscal year in the manner necessary for purposes of cash flow management, and for cash flow management purposes the department may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year.

4. With the exception of the funding amount specified, the requirements established under 2001 Iowa Acts, chapter 191, section 3, subsection 5, paragraph "c", subparagraph (3), shall be applicable to parental obligation pilot projects for the fiscal year beginning July 1, 2016, and ending June 30, 2017. Notwithstanding 441 IAC 100.8, providing for termination of rules relating to the pilot projects, the rules shall remain in effect until June 30, 2017.

Sec. 10. 2015 Iowa Acts, chapter 137, section 132, is amended to read as follows:

SEC. 132. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance program reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2016, except as otherwise expressly authorized by law, consistent with options under federal law and regulations, and contingent upon receipt of approval from the office of the governor of reimbursement for each abortion performed under the program:

.....	\$	651,595,782
.....		<u>1,318,246,446</u>

1. Iowans support reducing the number of abortions performed in our state. Funds appropriated under this section shall not be used for abortions, unless otherwise authorized under this section.

2. The provisions of this section relating to abortions shall also apply to the Iowa health and wellness plan created pursuant to chapter 249N.

3. The department shall utilize not more than ~~\$30,000~~ \$60,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program as established in 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 409,

subsection 6. Of the funds allocated in this subsection, not more than ~~\$2,500~~ \$5,000 may be expended for administrative purposes.

4. Of the funds appropriated in this Act to the department of public health for addictive disorders, ~~\$475,000~~ \$950,000 for the fiscal year beginning July 1, 2016, is transferred to the department of human services for an integrated substance-related disorder managed care system. The department shall not assume management of the substance-related disorder system in place of the managed care contractor unless such a change in approach is specifically authorized in law. The departments of human services and public health shall work together to maintain the level of mental health and substance-related disorder treatment services provided by the managed care contractor ~~through the Iowa plan for behavioral health contractors~~. Each department shall take the steps necessary to continue the federal waivers as necessary to maintain the level of services.

5. a. The department shall aggressively pursue options for providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnostic, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to policy provisions.

b. Of the funds appropriated in this section, ~~\$50,000~~ \$100,000 shall be used for participation in one or more pilot projects operated by a private provider to allow the individual or individuals to receive service in the community in accordance with principles established in *Olmstead v. L.C.*, 527 U.S. 581 (1999), for the purpose of providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnostic, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to the policy provisions.

6. Of the funds appropriated in this section, up to ~~\$1,525,041~~ \$3,050,082 may be transferred to the field operations or general administration appropriations in this division of this Act for operational costs associated with Part D of the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, Pub. L. No. 108-173.

7. Of the funds appropriated in this section, up to ~~\$221,050~~ \$442,100 may be transferred to the appropriation in this division of this Act for medical contracts to be used for clinical assessment services and prior authorization of services.

8. A portion of the funds appropriated in this section may be transferred to the appropriations in this division of this Act for general administration, medical contracts, the children's health insurance program, or field operations to be used for the state match cost to comply with the payment error rate measurement (PERM) program for both the medical assistance and children's health insurance programs as developed by the centers for Medicare and Medicaid services of the United States department of health and human services to comply with the federal Improper Payments Information Act of 2002, Pub. L. No. 107-300.

9. The department shall continue to implement the recommendations of the assuring better child health and development initiative II (ABCDII) clinical panel to the Iowa early and periodic screening, diagnostic, and treatment services healthy mental development collaborative board regarding changes to billing procedures, codes, and eligible service providers.

10. Of the funds appropriated in this section, a sufficient amount is allocated to supplement the incomes of residents of nursing facilities, intermediate care facilities for persons with mental illness, and intermediate care facilities for persons with an intellectual disability, with incomes of less than \$50 in the amount necessary for the residents to receive a personal needs allowance of \$50 per month pursuant to section 249A.30A.

11. Of the funds appropriated in this section, the following amounts are transferred to the appropriations made in this division of this Act for the state mental health institutes:

a. Cherokee mental health institute ..... \$ 4,549,212



~~b. Independence mental health institute~~ ..... \$ ~~4,522,947~~

12. a. Of the funds appropriated in this section, ~~\$2,041,939~~ \$3,000,000 is allocated for the state match for a disproportionate share hospital payment of ~~\$4,544,712~~ \$6,861,848 to hospitals that meet both of the conditions specified in subparagraphs (1) and (2). In addition, the hospitals that meet the conditions specified shall either certify public expenditures or transfer to the medical assistance program an amount equal to provide the nonfederal share for a disproportionate share hospital payment of ~~\$8,772,003~~ \$19,771,582. The hospitals that meet the conditions specified shall receive and retain 100 percent of the total disproportionate share hospital payment of ~~\$13,316,715~~ \$26,633,430.

(1) The hospital qualifies for disproportionate share and graduate medical education payments.

(2) The hospital is an Iowa state-owned hospital with more than 500 beds and eight or more distinct residency specialty or subspecialty programs recognized by the American college of graduate medical education.

b. Distribution of the disproportionate share payments shall be made on a monthly basis. The total amount of disproportionate share payments including graduate medical education, enhanced disproportionate share, and Iowa state-owned teaching hospital payments shall not exceed the amount of the state's allotment under Pub. L. No. 102-234. In addition, the total amount of all disproportionate share payments shall not exceed the hospital-specific disproportionate share limits under Pub. L. No. 103-66.

c. The university of Iowa hospitals and clinics shall either certify public expenditures or transfer to the appropriations made in this division of this Act for medical assistance an amount equal to provide the nonfederal share for increased medical assistance payments for inpatient and outpatient hospital services of ~~\$4,950,000~~ \$9,900,000. The university of Iowa hospitals and clinics shall receive and retain 100 percent of the total increase in medical assistance payments.

d. Payment methodologies utilized for disproportionate share hospitals and graduate medical education, and other supplemental payments under the Medicaid program may be adjusted or converted to other methodologies or payment types to provide these payments through Medicaid managed care after April 1, 2016. The department of human services shall obtain approval from the centers for Medicare and Medicaid services of the United States department of health and human services prior to implementation of any such adjusted or converted methodologies or payment types.

13. One hundred percent of the nonfederal share of payments to area education agencies that are medical assistance providers for medical assistance-covered services provided to medical assistance-covered children, shall be made from the appropriation made in this section.

~~14. Any new or renewed contract entered into by the department with a third party to administer services under the medical assistance program shall provide that any interest earned on payments from the state during the state fiscal year shall be remitted to the department and treated as recoveries to offset the costs of the medical assistance program.~~

15. A portion of the funds appropriated in this section may be transferred to the appropriation in this division of this Act for medical contracts to be used for administrative activities associated with the money follows the person demonstration project.

16. Of the funds appropriated in this section, ~~\$174,505~~ \$349,011 shall be used for the administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes.

17. a. The department may increase the amounts allocated for salaries, support, maintenance, and miscellaneous purposes associated with the medical assistance program, as necessary, to implement cost containment strategies. The department shall report any such increase to the legislative services agency and the department of management.

b. If the savings to the medical assistance program from cost containment efforts exceed the cost for the fiscal year beginning July 1, 2016, the department may transfer any savings generated for the fiscal year due to medical assistance program cost containment efforts to the appropriation made in this division of this Act for medical contracts or general administration to defray the increased contract costs associated with implementing such efforts.

18. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, the replacement generation tax revenues required to be deposited in the property tax relief fund pursuant to section 437A.8, subsection 4, paragraph “d”, and section 437A.15, subsection 3, paragraph “f”, shall instead be credited to and supplement the appropriation made in this section and used for the allocations made in this section.

~~19. The department shall continue to administer the state balancing incentive payments program as specified in 2012 Iowa Acts, chapter 1133, section 14.~~

20. a. Of the funds appropriated in this section, up to ~~\$25,000~~ \$50,000 may be transferred by the department to the appropriation made in this division of this Act to the department for the same fiscal year for general administration to be used for associated administrative expenses and for not more than one full-time equivalent position, in addition to those authorized for the same fiscal year, to be assigned to implementing the children’s mental health home project.

b. Of the funds appropriated in this section, up to ~~\$200,000~~ \$400,000 may be transferred by the department to the appropriation made to the department in this division of this Act for the same fiscal year for Medicaid program-related general administration planning and implementation activities. The funds may be used for contracts or for personnel in addition to the amounts appropriated for and the positions authorized for general administration for the fiscal year.

c. Of the funds appropriated in this section, up to ~~\$1,500,000~~ \$3,000,000 may be transferred by the department to the appropriations made in this division of this Act for the same fiscal year for general administration or medical contracts to be used to support the development and implementation of standardized assessment tools for persons with mental illness, an intellectual disability, a developmental disability, or a brain injury.

21. Of the funds appropriated in this section, ~~\$125,000~~ \$250,000 shall be used for lodging expenses associated with care provided at the university of Iowa hospitals and clinics for patients with cancer whose travel distance is 30 miles or more and whose income is at or below 200 percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. The department of human services shall establish the maximum number of overnight stays and the maximum rate reimbursed for overnight lodging, which may be based on the state employee rate established by the department of administrative services. The funds allocated in this subsection shall not be used as nonfederal share matching funds.

*\*23. The department of human services shall not implement the following cost containment strategies as recommended by the governor for the fiscal year beginning July 1, 2016:*

*a. A policy to ensure that reimbursement for Medicare Part A and Medicare Part B crossover claims is limited to the Medicaid reimbursement rate.*

*b. An adjustment to the reimbursement policy in order to end the primary care physician rate increase originally authorized by the federal Health Care and Education Reconciliation Act of 2010, section 1202, Pub. L. No. 111-152, 42 U.S.C. §1396a(a)(13)(C) that allows qualified primary care physicians to receive the greater of the Medicare rate or Medicaid rate for a specified set of codes.\**

*\*24. The department shall report the implementation of any cost containment strategies to the individuals specified in this division of this Act for submission of reports upon implementation.\**

*25. The department shall report the implementation of any improved processing changes and any related cost reductions to the individuals specified in this division of this Act for submission of reports upon implementation.*

*26. Of the funds appropriated in this section, \$2,000,000 shall be used to implement reductions in the waiting lists of all medical assistance home and community-based services waivers.*

*27. The department shall submit a report to the individuals identified in this Act for submission of reports, regarding the impact of changes in home and community-based services waiver supported employment and prevocational services by December 15, 2016.*

\* Item veto; see message at end of the Act

28. Any dental benefit manager contracting with the department of human services for the dental wellness plan on or after July 1, 2016, shall meet the same contract requirements. Readiness review of such a dental benefit manager shall be based on the criteria applicable to the dental wellness plan when implemented on May 1, 2014, including but not limited to network adequacy, access to services, performance measures, benefit design, and other requirements as determined by the department for the dental wellness program. Any dental benefit manager that has been approved by a readiness review prior to July 1, 2016, shall not be required to repeat such review for the department.

29. The department of human services shall review the fiscal impact and potential benefit to Medicaid recipients of including single-tablet regimens or long-acting alternatives for the treatment of HIV or acquired immune deficiency syndrome on the preferred drug list, as an alternative to multi-tablet regimens. The department shall identify opportunities to align the cost of single-tablet regimens for the treatment of HIV or acquired immune deficiency syndrome with the corresponding multi-tablet regimens, and shall pursue manufacturer supplemental rebate offers through the sovereign states drug consortium supplemental rebate negotiation process to determine if any supplemental rebate opportunities are available for calendar year 2018. If such opportunities are available, the department shall implement any such supplemental rebate offer opportunities beginning in calendar year 2018.

Sec. 11. 2015 Iowa Acts, chapter 137, section 133, is amended to read as follows:

SEC. 133. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

..... \$ 9,806,982  
 17,045,964

1. The department of inspections and appeals shall provide all state matching funds for survey and certification activities performed by the department of inspections and appeals. The department of human services is solely responsible for distributing the federal matching funds for such activities.

2. Of the funds appropriated in this section, ~~\$25,000~~ \$50,000 shall be used for continuation of home and community-based services waiver quality assurance programs, including the review and streamlining of processes and policies related to oversight and quality management to meet state and federal requirements.

3. Of the amount appropriated in this section, up to ~~\$100,000~~ \$200,000 may be transferred to the appropriation for general administration in this division of this Act to be used for additional full-time equivalent positions in the development of key health initiatives such as cost containment, development and oversight of managed care programs, and development of health strategies targeted toward improved quality and reduced costs in the Medicaid program.

4. Of the funds appropriated in this section, ~~\$500,000~~ \$1,000,000 shall be used for planning and development, in cooperation with the department of public health, of a phased-in program to provide a dental home for children.

5. Of the funds appropriated in this section, ~~\$1,000,000~~ \$2,000,000 shall be credited to the autism support program fund created in section 225D.2 to be used for the autism support program created in chapter 225D, with the exception of the following amounts of this allocation which shall be used as follows:

a. Of the funds allocated in this subsection, ~~\$125,000~~ \$250,000 shall be deposited in the board-certified behavior analyst and board-certified assistant behavior analyst grants program fund created in section 135.181, ~~as enacted in this Act~~, to be used for the purposes of the fund.

b. Of the funds allocated in this subsection, ~~\$12,500~~ \$25,000 shall be used for the public purpose of continuation of a grant to a child welfare services provider headquartered in a county with a population between 205,000 and 215,000 in the latest certified federal census that provides multiple services including but not limited to a psychiatric medical institution for

children, shelter, residential treatment, after school programs, school-based programming, and an Asperger’s syndrome program, to be used for support services for children with autism spectrum disorder and their families.

c. Of the funds allocated in this subsection, ~~\$12,500~~ \$25,000 shall be used for the public purpose of continuing a grant to a hospital-based provider headquartered in a county with a population between 90,000 and 95,000 in the latest certified federal census that provides multiple services including but not limited to diagnostic, therapeutic, and behavioral services to individuals with autism spectrum disorder across one’s lifespan. The grant recipient shall utilize the funds to continue the pilot project to determine the necessary support services for children with autism spectrum disorder and their families to be included in the children’s disabilities services system. The grant recipient shall submit findings and recommendations based upon the results of the pilot project to the individuals specified in this division of this Act for submission of reports by December 31, ~~2015~~ 2016.

Sec. 12. 2015 Iowa Acts, chapter 137, section 134, is amended to read as follows:

SEC. 134. STATE SUPPLEMENTARY ASSISTANCE.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

..... \$ 6,498,593  
11,611,442

2. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement this subsection.

3. If during the fiscal year beginning July 1, 2016, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-through requirement specified in Tit. XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. §1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates prescribed in this division of this Act to ensure that federal requirements are met. In addition, the department may make other programmatic and rate adjustments necessary to remain within the amount appropriated in this section while ensuring compliance with federal requirements. The department may adopt emergency rules to implement the provisions of this subsection.

Sec. 13. 2015 Iowa Acts, chapter 137, section 135, is amended to read as follows:

SEC. 135. CHILDREN’S HEALTH INSURANCE PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For maintenance of the healthy and well kids in Iowa (hawk-i) program pursuant to chapter 514I, including supplemental dental services, for receipt of federal financial participation under Tit. XXI of the federal Social Security Act, which creates the children’s health insurance program:

..... \$ 10,206,922  
9,176,652

2. Of the funds appropriated in this section, ~~\$21,400~~ \$42,800 is allocated for continuation of the contract for outreach with the department of public health.

Sec. 14. 2015 Iowa Acts, chapter 137, section 136, is amended to read as follows:

SEC. 136. CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

.....	\$	25,704,334
		<u>36,389,561</u>

1. Of the funds appropriated in this section, ~~\$21,844,620~~ \$30,039,561 shall be used for state child care assistance in accordance with section 237A.13.

2. Nothing in this section shall be construed or is intended as or shall imply a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the waiting list requirements of section 237A.13. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

3. ~~Of the funds appropriated in this section, \$216,226 is allocated for the statewide grant program for child care resource and referral services under section 237A.26.~~ A list of the registered and licensed child care facilities operating in the area served by a child care resource and referral service shall be made available to the families receiving state child care assistance in that area.

4. ~~Of the funds appropriated in this section, \$468,487 is allocated for child care quality improvement initiatives including but not limited to the voluntary quality rating system in accordance with section 237A.30.~~

5. Of the funds appropriated in this section, ~~\$3,175,000~~ \$6,350,000 shall be credited to the early childhood programs grants account in the early childhood Iowa fund created in section 256I.11. The moneys shall be distributed for funding of community-based early childhood programs targeted to children from birth through five years of age developed by early childhood Iowa areas in accordance with approved community plans as provided in section 256I.8.

6. The department may use any of the funds appropriated in this section as a match to obtain federal funds for use in expanding child care assistance and related programs. For the purpose of expenditures of state and federal child care funding, funds shall be considered obligated at the time expenditures are projected or are allocated to the department's service areas. Projections shall be based on current and projected caseload growth, current and projected provider rates, staffing requirements for eligibility determination and management of program requirements including data systems management, staffing requirements for administration of the program, contractual and grant obligations and any transfers to other state agencies, and obligations for decategorization or innovation projects.

7. A portion of the state match for the federal child care and development block grant shall be provided as necessary to meet federal matching funds requirements through the state general fund appropriation made for child development grants and other programs for at-risk children in section 279.51.

8. If a uniform reduction ordered by the governor under section 8.31 or other operation of law, transfer, or federal funding reduction reduces the appropriation made in this section for the fiscal year, the percentage reduction in the amount paid out to or on behalf of the families participating in the state child care assistance program shall be equal to or less than the percentage reduction made for any other purpose payable from the appropriation made in this section and the federal funding relating to it. The percentage reduction to the other allocations made in this section shall be the same as the uniform reduction ordered by the governor or the percentage change of the federal funding reduction, as applicable. If there is an unanticipated increase in federal funding provided for state child care assistance, the entire amount of the increase shall be used for state child care assistance payments. If the appropriations made for purposes of the state child care assistance program for the fiscal year are determined to be insufficient, it is the intent of the general assembly to appropriate sufficient funding for the fiscal year in order to avoid establishment of waiting list requirements.

9. Notwithstanding section 8.33, moneys advanced for purposes of the programs developed by early childhood Iowa areas, advanced for purposes of wraparound child care, or received from the federal appropriations made for the purposes of this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 15. 2015 Iowa Acts, chapter 137, section 137, is amended to read as follows:

SEC. 137. JUVENILE INSTITUTION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For operation of the state training school at Eldora and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,116,710
		<u>12,233,420</u>
.....	FTEs	169.30
		<u>188.30</u>

Of the funds appropriated in this subsection, ~~\$45,575~~ \$91,150 shall be used for distribution to licensed classroom teachers at this and other institutions under the control of the department of human services based upon the average student yearly enrollment at each institution as determined by the department.

2. A portion of the moneys appropriated in this section shall be used by the state training school at Eldora for grants for adolescent pregnancy prevention activities at the institution in the fiscal year beginning July 1, 2016.

Sec. 16. 2015 Iowa Acts, chapter 137, section 138, is amended to read as follows:

SEC. 138. CHILD AND FAMILY SERVICES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

.....	\$	42,670,969
		<u>84,482,419</u>

~~2. Up to \$2,600,000 of the amount of federal temporary assistance for needy families block grant funding appropriated in this division of this Act for child and family services shall be made available for purposes of juvenile delinquent graduated sanction services.~~

3. The department may transfer funds appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under the medical assistance program, state child care assistance program, or the family investment program which are provided to children who would otherwise receive services paid under the appropriation in this section. The department may transfer funds appropriated in this section to the appropriations made in this division of this Act for general administration and for field operations for resources necessary to implement and operate the services funded in this section.

4. a. Of the funds appropriated in this section, up to ~~\$17,910,893~~ \$35,736,649 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services. If the department projects that such expenditures for the fiscal year will be less than the target amount allocated in this paragraph "a", the department may reallocate the excess to provide additional funding for shelter care or the child welfare emergency services addressed with the allocation for shelter care.

b. If at any time after September 30, 2016, annualization of a service area's current expenditures indicates a service area is at risk of exceeding its group foster care expenditure target under section 232.143 by more than 5 percent, the department and juvenile court services shall examine all group foster care placements in that service area in order to identify those which might be appropriate for termination. In addition, any aftercare services believed to be needed for the children whose placements may be terminated shall be identified. The department and juvenile court services shall initiate action to set dispositional review hearings for the placements identified. In such a dispositional review hearing, the juvenile court shall determine whether needed aftercare services are available and whether termination of the placement is in the best interest of the child and the community.

5. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative during fiscal year 2016-2017. Of the funds appropriated in this section, ~~\$858,876~~ \$1,717,753 is allocated specifically for expenditure for

fiscal year 2016-2017 through the decategorization services funding pools and governance boards established pursuant to section 232.188.

6. A portion of the funds appropriated in this section may be used for emergency family assistance to provide other resources required for a family participating in a family preservation or reunification project or successor project to stay together or to be reunified.

7. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care shall be limited to ~~\$4,034,237~~ \$8,096,158.

8. Federal funds received by the state during the fiscal year beginning July 1, 2016, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for services and purposes provided for under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for the purposes designated until the close of the succeeding fiscal year.

9. a. Of the funds appropriated in this section, up to ~~\$1,645,000~~ \$3,290,000 is allocated for the payment of the expenses of court-ordered services provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4. Of the amount allocated in this paragraph "a", up to ~~\$778,143~~ \$1,556,287 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than ~~\$7,500~~ \$15,000 may be used for the purpose of training. A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

b. Of the funds appropriated in this section, up to ~~\$374,492~~ \$748,985 is allocated for the payment of the expenses of court-ordered services provided to children who are under the supervision of the department, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

c. Notwithstanding section 232.141 or any other provision of law to the contrary, the amounts allocated in this subsection shall be distributed to the judicial districts as determined by the state court administrator and to the department's service areas as determined by the administrator of the department of human services' division of child and family services. The state court administrator and the division administrator shall make the determination of the distribution amounts on or before June 15, 2016.

d. Notwithstanding chapter 232 or any other provision of law to the contrary, a district or juvenile court shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district court or departmental service area distribution amounts to pay for the service. The chief juvenile court officer and the departmental service area manager shall encourage use of the funds allocated in this subsection such that there are sufficient funds to pay for all court-related services during the entire year. The chief juvenile court officers and departmental service area managers shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall cooperatively request the state court administrator or division administrator to transfer funds between the judicial districts' or departmental service areas' distribution amounts as prudent.

e. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

f. Of the funds allocated in this subsection, not more than ~~\$41,500~~ \$83,000 may be used by the judicial branch for administration of the requirements under this subsection.

g. Of the funds allocated in this subsection, ~~\$8,500~~ \$17,000 shall be used by the department of human services to support the interstate commission for juveniles in accordance with the interstate compact for juveniles as provided in section 232.173.

10. Of the funds appropriated in this section, ~~\$4,026,613~~ \$13,253,227 is allocated for juvenile delinquent graduated sanctions services. Any state funds saved as a result of efforts by juvenile court services to earn a federal Tit. IV-E match for juvenile court services administration may be used for the juvenile delinquent graduated sanctions services.

11. Of the funds appropriated in this section, ~~\$804,142~~ \$1,658,285 is transferred to the department of public health to be used for the child protection center grant program for child protection centers located in Iowa in accordance with section 135.118. The grant amounts under the program shall be equalized so that each center receives a uniform base amount of ~~\$122,500~~ \$245,000, so that \$50,000 is awarded to establish a satellite child protection center in a city in north central Iowa that is the county seat of a county with a population between 44,000 and 45,000 according to the 2010 federal decennial census, and so that the remaining funds shall be are awarded through a funding formula based upon the volume of children served.

12. If the department receives federal approval to implement a waiver under Tit. IV-E of the federal Social Security Act to enable providers to serve children who remain in the children's families and communities, for purposes of eligibility under the medical assistance program through 25 years of age, children who participate in the waiver shall be considered to be placed in foster care.

13. Of the funds appropriated in this section, ~~\$2,012,583~~ \$4,025,167 is allocated for the preparation for adult living program pursuant to section 234.46.

14. Of the funds appropriated in this section, ~~\$113,668~~ \$227,337 shall be used for the public purpose of continuing a grant to a nonprofit human services organization providing services to individuals and families in multiple locations in southwest Iowa and Nebraska for support of a project providing immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and their nonoffending family members.

15. Of the funds appropriated in this section, ~~\$150,310~~ \$300,620 is allocated for the foster care youth council approach of providing a support network to children placed in foster care.

16. Of the funds appropriated in this section, ~~\$101,000~~ \$202,000 is allocated for use pursuant to section 235A.1 for continuation of the initiative to address child sexual abuse implemented pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection 21.

17. Of the funds appropriated in this section, ~~\$315,120~~ \$630,240 is allocated for the community partnership for child protection sites.

18. Of the funds appropriated in this section, ~~\$185,625~~ \$371,250 is allocated for the department's minority youth and family projects under the redesign of the child welfare system.

19. Of the funds appropriated in this section, ~~\$593,297~~ \$1,186,595 is allocated for funding of the community circle of care collaboration for children and youth in northeast Iowa.

20. Of the funds appropriated in this section, at least ~~\$73,579~~ \$147,158 shall be used for the continuation of the child welfare provider training academy, a collaboration between the coalition for family and children's services in Iowa and the department.

21. Of the funds appropriated in this section, ~~\$105,936~~ \$211,872 shall be used for continuation of the central Iowa system of care program grant through June 30, 2017.

22. Of the funds appropriated in this section, ~~\$117,500~~ \$235,000 shall be used for the public purpose of the continuation and expansion of a system of care program grant implemented in Cerro Gordo and Linn counties to utilize a comprehensive and long-term approach for helping children and families by addressing the key areas in a child's life of childhood basic needs, education and work, family, and community.

23. Of the funds appropriated in this section, at least ~~\$12,500~~ \$25,000 shall be used to continue and to expand the foster care respite pilot program in which postsecondary students in social work and other human services-related programs receive experience by assisting family foster care providers with respite and other support.

24. Of the funds appropriated in this section, ~~\$55,000~~ \$110,000 shall be used for the public purpose of funding community-based services and other supports with a system of care approach for children with a serious emotional disturbance and their families through a nonprofit provider of child welfare services that has been in existence for more than 115 years, is located in a county with a population of more than 200,000 but less than 220,000 according to the latest census information issued by the United States census bureau, is licensed as a psychiatric medical institution for children, and was a system of care grantee prior to July 1, 2016.



Sec. 17. 2015 Iowa Acts, chapter 137, section 139, is amended to read as follows:  
SEC. 139. ADOPTION SUBSIDY.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

a. For adoption subsidy payments and services:

..... \$ 21,499,143  
43,046,664

b. (1) The funds appropriated in this section shall be used as authorized or allowed by federal law or regulation for any of the following purposes:

(a) For adoption subsidy payments and related costs.

(b) For post-adoption services and for other purposes under Tit. IV-B or Tit. IV-E of the federal Social Security Act.

(2) The department of human services may transfer funds appropriated in this subsection to the appropriation for child and family services in this Act for the purposes of post-adoption services as specified in this paragraph "b".

2. The department may transfer funds appropriated in this section to the appropriation made in this division of this Act for general administration for costs paid from the appropriation relating to adoption subsidy.

3. Federal funds received by the state during the fiscal year beginning July 1, 2016, as the result of the expenditure of state funds during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for the services and activities funded under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 18. 2015 Iowa Acts, chapter 137, section 141, is amended to read as follows:  
SEC. 141. FAMILY SUPPORT SUBSIDY PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program subject to the enrollment restrictions in section 225C.37, subsection 3:

..... \$ 536,966  
1,069,282

2. ~~The department shall use at least \$320,750~~ \$727,500 of the moneys appropriated in this section ~~is transferred to the department of public health for the family support center component of the comprehensive family support program under section 225C.47 chapter 225C, subchapter V. Not more than \$12,500 of the amount allocated in this subsection shall be used for administrative costs.~~ The department of human services shall submit a report to the individuals identified in this Act for submission of reports by December 15, 2016, regarding the outcomes of the program and recommendations for future program improvement.

3. If at any time during the fiscal year, the amount of funding available for the family support subsidy program is reduced from the amount initially used to establish the figure for the number of family members for whom a subsidy is to be provided at any one time during the fiscal year, notwithstanding section 225C.38, subsection 2, the department shall revise the figure as necessary to conform to the amount of funding available.

Sec. 19. 2015 Iowa Acts, chapter 137, section 142, is amended to read as follows:

SEC. 142. CONNER DECREE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For building community capacity through the coordination and provision of training opportunities in accordance with the consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):

.....	\$	16,816
		<u>33,632</u>

Sec. 20. 2015 Iowa Acts, chapter 137, section 143, is amended to read as follows:

SEC. 143. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated ~~which amounts shall not be transferred or expended for any purpose other than the purposes designated, notwithstanding section 218.6 to the contrary:~~

1. For operation of the state mental health institute at Cherokee as required by chapters 218 and 226 for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,772,808
		<u>14,644,041</u>
.....	FTEs	169.20

2. For operation of the state mental health institute at Independence as required by chapters 218 and 226 for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,162,104
		<u>18,552,103</u>
.....	FTEs	233.00

Sec. 21. 2015 Iowa Acts, chapter 137, section 144, is amended to read as follows:

SEC. 144. STATE RESOURCE CENTERS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:

.....	\$	10,762,241
		<u>20,719,486</u>

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

.....	\$	7,291,903
		<u>14,053,011</u>

2. The department may continue to bill for state resource center services utilizing a scope of services approach used for private providers of intermediate care facilities for persons with an intellectual disability services, in a manner which does not shift costs between the medical assistance program, counties, or other sources of funding for the state resource centers.

3. The state resource centers may expand the time-limited assessment and respite services during the fiscal year.

4. If the department’s administration and the department of management concur with a finding by a state resource center’s superintendent that projected revenues can reasonably be expected to pay the salary and support costs for a new employee position, or that such costs for adding a particular number of new positions for the fiscal year would be less than the overtime costs if new positions would not be added, the superintendent may add the new position or positions. If the vacant positions available to a resource center do not include the position classification desired to be filled, the state resource center’s superintendent may reclassify any vacant position as necessary to fill the desired position. The superintendents of the state resource centers may, by mutual agreement, pool vacant positions and position classifications during the course of the fiscal year in order to assist one another in filling necessary positions.

5. If existing capacity limitations are reached in operating units, a waiting list is in effect for a service or a special need for which a payment source or other funding is available

for the service or to address the special need, and facilities for the service or to address the special need can be provided within the available payment source or other funding, the superintendent of a state resource center may authorize opening not more than two units or other facilities and begin implementing the service or addressing the special need during fiscal year 2016-2017.

Sec. 22. 2015 Iowa Acts, chapter 137, section 145, is amended to read as follows:

SEC. 145. SEXUALLY VIOLENT PREDATORS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee, including costs of legal services and other associated costs, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:	\$	4,946,539
		<u>10,193,079</u>
	FTEs	132.50

2. Unless specifically prohibited by law, if the amount charged provides for recoupment of at least the entire amount of direct and indirect costs, the department of human services may contract with other states to provide care and treatment of persons placed by the other states at the unit for sexually violent predators at Cherokee. The moneys received under such a contract shall be considered to be repayment receipts and used for the purposes of the appropriation made in this section.

Sec. 23. 2015 Iowa Acts, chapter 137, section 146, is amended to read as follows:

SEC. 146. FIELD OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For field operations, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:	\$	29,460,488
		<u>54,442,877</u>
	FTEs	1,837.00

2. Priority in filling full-time equivalent positions shall be given to those positions related to child protection services and eligibility determination for low-income families.

Sec. 24. 2015 Iowa Acts, chapter 137, section 147, is amended to read as follows:

SEC. 147. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:	\$	7,449,099
		<u>15,673,198</u>
	FTEs	309.00

2. Of the funds appropriated in this section, ~~\$75,000~~ \$150,000 shall be used to continue the contract for the provision of a program to provide technical assistance, support, and consultation to providers of habilitation services and home and community-based services waiver services for adults with disabilities under the medical assistance program.

3. Of the funds appropriated in this section, ~~\$25,000~~ \$50,000 is transferred to the Iowa finance authority to be used for administrative support of the council on homelessness established in section 16.2D and for the council to fulfill its duties in addressing and reducing homelessness in the state.

4. Of the funds appropriated in this section, ~~\$125,000~~ \$250,000 shall be transferred to and deposited in the administrative fund of the Iowa ABLE savings plan trust created in section 12I.4, ~~if enacted in this or any other Act~~, to be used for implementation and administration activities of the Iowa ABLE savings plan trust.

5. Of the funds appropriated in this section, \$300,000 shall be used to contract for planning grants for the development and implementation of children’s mental health crisis services as provided in this Act.

6. Of the funds appropriated in this section, \$200,000 shall be used to continue to expand the provision of nationally accredited and recognized internet-based training to include mental health and disability services providers.

7. Of the funds appropriated in this section, \$300,000 is transferred to the economic development authority for the Iowa commission on volunteer services to be used for RefugeeRISE AmeriCorps program member recruitment and training to improve the economic well-being and health of economically disadvantaged refugees in local communities across Iowa. Funds transferred may be used to supplement federal funds under federal regulations.

Sec. 25. 2015 Iowa Acts, chapter 137, is amended by adding the following new section:

NEW SECTION. SEC. 147A. DEPARTMENT-WIDE DUTIES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes at facilities under the purview of the department of human services:  
..... \$ 2,879,274

Sec. 26. 2015 Iowa Acts, chapter 137, section 148, is amended to read as follows:

SEC. 148. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:  
..... \$ 42,343  
84,686

Sec. 27. 2015 Iowa Acts, chapter 137, section 149, is amended to read as follows:

SEC. 149. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. ~~(1) For the fiscal year beginning July 1, 2016, the total state funding amount for the nursing facility budget shall not exceed \$151,421,458.~~

~~(2) The department, in cooperation with nursing facility representatives, shall review projections for state funding expenditures for reimbursement of nursing facilities on a quarterly basis and the department shall determine if an adjustment to the medical assistance reimbursement rate is necessary in order to provide reimbursement within the state funding amount for the fiscal year. Notwithstanding 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph “c”, and subsection 3, paragraph “a”, subparagraph (2), if the state funding expenditures for the nursing facility budget for the fiscal year are projected to exceed the amount specified in subparagraph (1), the department shall adjust the reimbursement for nursing facilities reimbursed under the case-mix reimbursement system to maintain expenditures of the nursing facility budget within the specified amount for the fiscal year.~~

~~(3) (a) For the fiscal year beginning July 1, 2016, case-mix, non-case mix, and special population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30, 2016.~~

~~(b) For managed care claims, the department of human services shall adjust the payment rate floor for nursing facilities, annually, to maintain a rate floor that is no lower than the Medicaid fee-for-service case-mix adjusted rate calculated in accordance with 441 IAC 81.6.~~

The department shall then calculate adjusted reimbursement rates, including but not limited to add-on-payments, annually, and shall notify Medicaid managed care organizations of the adjusted reimbursement rates within 30 days of determining the adjusted reimbursement rates. Any adjustment of reimbursement rates under this subparagraph division shall be budget neutral to the state budget.

(4) For any open or unsettled nursing facility cost report for a fiscal year prior to and including the fiscal year beginning July 1, 2015, including any cost report remanded on judicial review for inclusion of prescription drug, laboratory, or x-ray costs, the department shall offset all reported prescription drug, laboratory, and x-ray costs with any revenue received from Medicare or other revenue source for any purpose. For purposes of this subparagraph, a nursing facility cost report is not considered open or unsettled if the facility did not initiate an administrative appeal under chapter 17A or if any appeal rights initiated have been exhausted.

b. (1) For the fiscal year beginning July 1, 2016, the department shall establish the pharmacy dispensing fee reimbursement at \$11.73 per prescription, until a cost of dispensing survey is completed. The actual dispensing fee shall be determined by a cost of dispensing survey performed by the department and required to be completed by all medical assistance program participating pharmacies every two years, adjusted as necessary to maintain expenditures within the amount appropriated to the department for this purpose for the fiscal year.

(2) The department shall utilize an average acquisition cost reimbursement methodology for all drugs covered under the medical assistance program in accordance with 2012 Iowa Acts, chapter 1133, section 33.

(3) Notwithstanding subparagraph (2), if the centers for Medicare and Medicaid services of the United States department of health and human services (CMS) requires, as a condition of federal Medicaid funding, that the department implement an aggregate federal upper limit (FUL) for drug reimbursement based on the average manufacturer's price (AMP), the department may utilize a reimbursement methodology for all drugs covered under the Medicaid program based on the national average drug acquisition cost (NADAC) methodology published by CMS, in order to assure compliance with the aggregate FUL, minimize outcomes of drug reimbursements below pharmacy acquisition costs, limit administrative costs, and minimize any change in the aggregate reimbursement for drugs. The department may adopt emergency rules to implement this subparagraph.

c. (1) For the fiscal year beginning July 1, 2016, reimbursement rates for outpatient hospital services shall remain at the rates in effect on June 30, 2016, subject to Medicaid program upper payment limit rules, and adjusted as necessary to maintain expenditures within the amount appropriated to the department for this purpose for the fiscal year.

(2) For the fiscal year beginning July 1, 2016, reimbursement rates for inpatient hospital services shall remain at the rates in effect on June 30, 2016, subject to Medicaid program upper payment limit rules, and adjusted as necessary to maintain expenditures within the amount appropriated to the department for this purpose for the fiscal year.

(3) For the fiscal year beginning July 1, 2016, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2016, except that the portion of the fund attributable to graduate medical education shall be reduced in an amount that reflects the elimination of graduate medical education payments made to out-of-state hospitals.

(4) In order to ensure the efficient use of limited state funds in procuring health care services for low-income Iowans, funds appropriated in this Act for hospital services shall not be used for activities which would be excluded from a determination of reasonable costs under the federal Medicare program pursuant to 42 U.S.C. §1395x(v)(1)(N).

d. For the fiscal year beginning July 1, 2016, reimbursement rates for ~~rural health clinics~~, hospices, and acute mental hospitals shall be increased in accordance with increases under the federal Medicare program or as supported by their Medicare audited costs.

e. For the fiscal year beginning July 1, 2016, independent laboratories and rehabilitation agencies shall be reimbursed using the same methodology in effect on June 30, 2016.

f. (1) For the fiscal year beginning July 1, 2016, reimbursement rates for home health agencies shall continue to be based on the Medicare low utilization payment adjustment

(LUPA) methodology with state geographic wage adjustments, and ~~updated to reflect the most recent Medicare LUPA rates shall be adjusted to increase the rates to the extent possible within the \$1,000,000 of state funding appropriated for this purpose. The department shall continue to update the rates every two years to reflect the most recent Medicare LUPA rates.~~

(2) For the fiscal year beginning July 1, 2016, rates for private duty nursing and personal care services under the early and periodic screening, diagnostic, and treatment program benefit shall be calculated based on the methodology in effect on June 30, 2016.

g. For the fiscal year beginning July 1, 2016, federally qualified health centers and rural health clinics shall receive cost-based reimbursement for 100 percent of the reasonable costs for the provision of services to recipients of medical assistance.

h. For the fiscal year beginning July 1, 2016, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2016.

i. (1) For the fiscal year beginning July 1, 2016, state-owned psychiatric medical institutions for children shall receive cost-based reimbursement for 100 percent of the actual and allowable costs for the provision of services to recipients of medical assistance.

(2) For the nonstate-owned psychiatric medical institutions for children, reimbursement rates shall be based on the reimbursement methodology ~~developed by the Medicaid managed care contractor for behavioral health services as required for federal compliance~~ in effect on June 30, 2016.

(3) As a condition of participation in the medical assistance program, enrolled providers shall accept the medical assistance reimbursement rate for any covered goods or services provided to recipients of medical assistance who are children under the custody of a psychiatric medical institution for children.

j. For the fiscal year beginning July 1, 2016, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2016, except for area education agencies, local education agencies, infant and toddler services providers, home and community-based services providers including consumer-directed attendant care providers under a section 1915(c) or 1915(i) waiver, targeted case management providers, and those providers whose rates are required to be determined pursuant to section 249A.20.

k. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2016, the reimbursement rate for anesthesiologists shall remain at the rate in effect on June 30, 2016.

l. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2016, the average reimbursement rate for health care providers eligible for use of the federal Medicare resource-based relative value scale reimbursement methodology under section 249A.20 shall remain at the rate in effect on June 30, 2016; however, this rate shall not exceed the maximum level authorized by the federal government.

m. For the fiscal year beginning July 1, 2016, the reimbursement rate for residential care facilities shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement. The flat reimbursement rate for facilities electing not to file annual cost reports shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

n. For the fiscal year beginning July 1, 2016, the reimbursement rates for inpatient mental health services provided at hospitals shall remain at the rates in effect on June 30, 2016, subject to Medicaid program upper payment limit rules; and psychiatrists shall be reimbursed at the medical assistance program fee-for-service rate in effect on June 30, 2016.

o. For the fiscal year beginning July 1, 2016, community mental health centers may choose to be reimbursed for the services provided to recipients of medical assistance through either of the following options:

(1) For 100 percent of the reasonable costs of the services.

(2) In accordance with the alternative reimbursement rate methodology ~~established by the medical assistance program's managed care contractor for mental health services and approved by the department of human services~~ in effect on June 30, 2016.

p. For the fiscal year beginning July 1, 2016, the reimbursement rate for providers of family planning services that are eligible to receive a 90 percent federal match shall remain at the rates in effect on June 30, 2016.

q. For the fiscal year beginning July 1, 2016, the upper limits ~~on~~ and reimbursement rates for providers of home and community-based services waiver services ~~shall remain at the limits in effect on June 30, 2016 for which the rate floor is based on the average aggregate reimbursement rate for the fiscal year beginning July 1, 2014, shall be determined as follows:~~

(1) For fee-for-service claims, the reimbursement rate shall be increased by 1 percent over the rates in effect on June 30, 2016.

(2) For managed care claims, the reimbursement rate floor shall be increased by 1 percent over the rate floor in effect on April 1, 2016.

r. For the fiscal year beginning July 1, 2016, the reimbursement rates for emergency medical service providers shall remain at the rates in effect on June 30, 2016.

2. For the fiscal year beginning July 1, 2016, the reimbursement rate for providers reimbursed under the in-home-related care program shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

3. Unless otherwise directed in this section, when the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 2002.

4. ~~For~~ Notwithstanding section 234.38, for the fiscal year beginning July 1, 2016, the foster family basic daily maintenance rate and the maximum adoption subsidy rate for children ages 0 through 5 years shall be \$16.78, the rate for children ages 6 through 11 years shall be \$17.45, the rate for children ages 12 through 15 years shall be \$19.10, and the rate for children and young adults ages 16 and older shall be \$19.35. For youth ages 18 to 21 who have exited foster care, the preparation for adult living program maintenance rate shall be \$602.70 per month. The maximum payment for adoption subsidy nonrecurring expenses shall be limited to \$500 and the disallowance of additional amounts for court costs and other related legal expenses implemented pursuant to 2010 Iowa Acts, chapter 1031, section 408, shall be continued.

5. For the fiscal year beginning July 1, 2016, the maximum reimbursement rates for social services providers under contract shall remain at the rates in effect on June 30, 2016, or the provider's actual and allowable cost plus inflation for each service, whichever is less. However, if a new service or service provider is added after June 30, 2016, the initial reimbursement rate for the service or provider shall be based upon a weighted average of provider rates for similar services.

6. For the fiscal year beginning July 1, 2016, the reimbursement rates for resource family recruitment and retention contractors, child welfare emergency services contractors, and supervised apartment living foster care providers shall remain at the rates in effect on June 30, 2016.

7. a. For the purposes of this subsection, "combined reimbursement rate" means the combined service and maintenance reimbursement rate for a service level under the department's reimbursement methodology. Effective July 1, 2016, the combined reimbursement rate for a group foster care service level shall be the amount designated in this subsection. However, if a group foster care provider's reimbursement rate for a service level as of June 30, 2016, is more than the rate designated in this subsection, the provider's reimbursement shall remain at the higher rate.

b. Unless a group foster care provider is subject to the exception provided in paragraph "a", effective July 1, 2016, the combined reimbursement rates for the service levels under the department's reimbursement methodology shall be as follows:

(1) For service level, community - D1, the daily rate shall be at least \$84.17.

(2) For service level, comprehensive - D2, the daily rate shall be at least \$119.09.

(3) For service level, enhanced - D3, the daily rate shall be at least \$131.09.

8. The group foster care reimbursement rates paid for placement of children out of state shall be calculated according to the same rate-setting principles as those used for in-state providers, unless the director of human services or the director's designee determines that

appropriate care cannot be provided within the state. The payment of the daily rate shall be based on the number of days in the calendar month in which service is provided.

9. a. For the fiscal year beginning July 1, 2016, the reimbursement rate paid for shelter care and the child welfare emergency services implemented to provide or prevent the need for shelter care shall be established by contract.

b. For the fiscal year beginning July 1, 2016, the combined service and maintenance components of the reimbursement rate paid for shelter care services shall be based on the financial and statistical report submitted to the department. The maximum reimbursement rate shall be \$101.83 per day. The department shall reimburse a shelter care provider at the provider's actual and allowable unit cost, plus inflation, not to exceed the maximum reimbursement rate.

c. Notwithstanding section 232.141, subsection 8, for the fiscal year beginning July 1, 2016, the amount of the statewide average of the actual and allowable rates for reimbursement of juvenile shelter care homes that is utilized for the limitation on recovery of unpaid costs shall remain at the amount in effect for this purpose in the fiscal year beginning July 1, 2015.

10. For the fiscal year beginning July 1, 2016, the department shall calculate reimbursement rates for intermediate care facilities for persons with an intellectual disability at the 80th percentile. Beginning July 1, 2016, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2016.

11. For the fiscal year beginning July 1, 2016, for child care providers reimbursed under the state child care assistance program, the department shall set provider reimbursement rates based on the rate reimbursement survey completed in December 2004. Effective July 1, 2016, the child care provider reimbursement rates shall remain at the rates in effect on June 30, 2016. The department shall set rates in a manner so as to provide incentives for a nonregistered provider to become registered by applying the increase only to registered and licensed providers.

11A. For the fiscal year beginning July 1, 2016, notwithstanding any provision to the contrary under this section, affected providers or services shall be reimbursed as follows:

a. For fee-for-service claims, reimbursement shall be calculated based on the methodology otherwise specified in this section for the fiscal year beginning July 1, 2016, for the respective provider or service.

\*b. For claims subject to a managed care contract:

(1) With the exception of any provider or service to which a reimbursement increase is applicable for the fiscal year under this section, reimbursement shall be based on the methodology established by the managed care contract. However, any reimbursement established under such contract shall not be lower than the rate floor established by the department of human services as the managed care organization provider or service reimbursement rate floor for the respective provider or service in effect on April 1, 2016.

(2) For any provider or service to which a reimbursement increase is applicable for the fiscal year under this section, upon the effective date of the reimbursement increase, the department of human services shall modify the rate floor in effect on April 1, 2016, to reflect the increase specified under this section. Any reimbursement established under the managed care contract shall not be lower than the rate floor as modified by the department of human services to reflect the provider rate increase specified under this section.\*

13. The department may adopt emergency rules to implement this section.

Sec. 28. 2015 Iowa Acts, chapter 137, is amended by adding the following new section:

**NEW SECTION. SEC. 151A. TRANSFER OF MEDICAID MODERNIZATION SAVINGS BETWEEN APPROPRIATIONS FY 2016-2017.** Notwithstanding section 8.39, subsection 1, for the fiscal year beginning July 1, 2016, if savings resulting from the governor's Medicaid modernization initiative accrue to the medical contracts or children's health insurance program appropriation from the general fund of the state and not to the medical assistance appropriation from the general fund of the state under this division of this Act, such savings may be transferred to such medical assistance appropriation for the same fiscal year without prior written consent and approval of the governor and the director of the department of

\* Item veto; see message at end of the Act



management. The department of human services shall report any transfers made pursuant to this section to the legislative services agency.

DIVISION VI  
HEALTH CARE ACCOUNTS AND FUNDS — FY 2016-2017

Sec. 29. 2015 Iowa Acts, chapter 137, section 152, is amended to read as follows:

SEC. 152. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Notwithstanding any provision of law to the contrary, to supplement the appropriations made in this Act for medical contracts under the medical assistance program for the fiscal year beginning July 1, 2016, and ending June 30, 2017:

..... \$ 1,001,088  
1,300,000

Sec. 30. 2015 Iowa Acts, chapter 137, section 153, is amended to read as follows:

SEC. 153. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the quality assurance trust fund created in section 249L.4 to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance for the same fiscal year:

..... \$ 18,602,604  
36,705,208

Sec. 31. 2015 Iowa Acts, chapter 137, section 154, is amended to read as follows:

SEC. 154. HOSPITAL HEALTH CARE ACCESS TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the hospital health care access trust fund created in section 249M.4 to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts, or so much thereof as is necessary, for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance for the same fiscal year:

..... \$ 17,350,000  
34,700,000

DIVISION VII  
PROPERTY TAX RELIEF FUND BLOCK GRANT MONEY — FY 2016-2017

Sec. 32. 2015 Iowa Acts, chapter 137, section 157, is amended to read as follows:

SEC. 157. PROPERTY TAX RELIEF FUND BLOCK GRANT MONEYS. The moneys transferred to the property tax relief fund for the fiscal year beginning July 1, 2015 2016, from the federal social services block grant pursuant to 2015 Iowa Acts, House File 630, and from the federal temporary assistance for needy families block grant, totaling at least \$11,774,275 \$7,456,296, are appropriated to the department of human services for the fiscal year beginning July 1, 2015 2016, and ending June 30, 2016 2017, to be used for the purposes designated, notwithstanding any provision of law to the contrary:

1. For distribution to any mental health and disability services region where 25 percent of the region's projected expenditures exceeds the region's projected fund balance:

..... \$ 480,000

a. For purposes of this subsection:

(1) ~~“Available funds” means a county mental health and services fund balance on June 30, 2015, plus the maximum amount a county was allowed to levy for the fiscal year beginning July 1, 2015.~~

(2) ~~“Projected expenditures” means the actual expenditures of a mental health and disability services region as of June 30, 2015, multiplied by an annual inflation rate of 2 percent plus the projected costs for new core services administered by the region as provided in a region’s regional service system management plan approved pursuant to section 331.393 for the fiscal year beginning July 1, 2015.~~

(3) ~~“Projected fund balance” means the difference between a mental health and disability services region’s available funds and projected expenditures.~~

~~b. If sufficient funds are not available to implement this subsection, the department of human services shall distribute funds to a region in proportion to the availability of funds.~~

2. To be transferred to the appropriation in this Act for child and family services for the fiscal year beginning July 1, 2016, to be used for the purpose of that appropriation:

.....	\$	5,407,137
		<u>6,880,223</u>

DIVISION VIII  
 PRIOR YEAR APPROPRIATIONS AND OTHER PROVISIONS  
 FAMILY INVESTMENT PROGRAM ACCOUNT FY 2015-2016

Sec. 33. 2015 Iowa Acts, chapter 137, section 7, subsection 4, paragraph e, is amended to read as follows:

e. For the JOBS program:

.....	\$	17,540,398
		<u>17,140,398</u>

FAMILY INVESTMENT PROGRAM GENERAL FUND FY 2015-2016

Sec. 34. 2015 Iowa Acts, chapter 137, section 8, unnumbered paragraph 2, is amended to read as follows:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B:

.....	\$	48,673,875
		<u>44,773,875</u>

Sec. 35. 2015 Iowa Acts, chapter 137, section 8, subsection 1, is amended to read as follows:

1. Of the funds appropriated in this section, ~~\$7,402,220~~ \$7,002,220 is allocated for the JOBS program.

MEDICAL ASSISTANCE APPROPRIATION — FY 2015-2016

Sec. 36. 2015 Iowa Acts, chapter 137, section 12, unnumbered paragraph 2, is amended to read as follows:

For medical assistance program reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2015, except as otherwise expressly authorized by law, consistent with options under federal law and regulations, and contingent upon receipt of approval from the office of the governor of reimbursement for each abortion performed under the program:

.....	\$	1,303,191,564
		<u>1,318,191,564</u>

MODERNIZATION EMERGENCY RULES FY 2015-2016

Sec. 37. 2015 Iowa Acts, chapter 137, section 12, subsection 24, is amended to read as follows:

~~24. The department of human services may adopt emergency rules as necessary to implement the governor's Medicaid modernization initiative beginning January 1, 2016.~~

AUTISM SUPPORT PROGRAM FUND FY 2015-2016

Sec. 38. 2015 Iowa Acts, chapter 137, section 13, subsection 5, unnumbered paragraph 1, is amended to read as follows:

Of the funds appropriated in this section, \$2,000,000 shall be credited to the autism support program fund created in section 225D.2 to be used for the autism support program created in chapter 225D, with the exception of the following amounts of this allocation which shall be used as follows:

STATE SUPPLEMENTARY ASSISTANCE FY 2015-2016

Sec. 39. 2015 Iowa Acts, chapter 137, section 14, unnumbered paragraph 2, is amended to read as follows:

For the state supplementary assistance program:

.....	\$	<u>12,997,187</u>
		<u>11,897,187</u>

CHILD CARE ASSISTANCE FY 2015-2016

Sec. 40. 2015 Iowa Acts, chapter 137, section 16, unnumbered paragraph 2, is amended to read as follows:

For child care programs:

.....	\$	<u>51,408,668</u>
		<u>41,408,668</u>

Sec. 41. 2015 Iowa Acts, chapter 137, section 16, subsection 1, is amended to read as follows:

1. Of the funds appropriated in this section, ~~\$43,689,241~~ \$33,689,241 shall be used for state child care assistance in accordance with section 237A.13.

Sec. 42. 2015 Iowa Acts, chapter 137, section 16, subsection 9, is amended to read as follows:

9. Notwithstanding section 8.33, moneys ~~advanced for purposes of the programs developed by early childhood Iowa areas, advanced for purposes of wraparound child care, appropriated in this section~~ or received from the federal appropriations made for the purposes of this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

NURSING FACILITY BUDGET FY 2015-2016

Sec. 43. 2015 Iowa Acts, chapter 137, section 29, subsection 1, paragraph a, subparagraph (1), is amended to read as follows:

(1) For the fiscal year beginning July 1, 2015, the total state funding amount for the nursing facility budget shall not exceed ~~\$151,421,158~~ \$227,131,737.

Sec. 44. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 45. RETROACTIVE APPLICABILITY. This division of this Act is retroactively applicable to July 1, 2015.

DIVISION IX  
DECATEGORIZATION

Sec. 46. DECATEGORIZATION CARRYOVER FUNDING — TRANSFER TO MEDICAID PROGRAM. Notwithstanding section 232.188, subsection 5, paragraph “b”, any state appropriated moneys in the funding pool that remained unencumbered or unobligated at the close of the fiscal year beginning July 1, 2013, and were deemed carryover funding to remain available for the two succeeding fiscal years that still remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2015, shall not revert but shall be transferred to the medical assistance program for the fiscal year beginning July 1, 2015.

Sec. 47. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 48. RETROACTIVE APPLICABILITY. This division of this Act is retroactively applicable to July 1, 2015.

DIVISION X  
CODE CHANGES

LOCAL OFFICES OF SUBSTITUTE DECISION MAKER

Sec. 49. Section 231E.4, subsection 3, paragraph a, Code 2016, is amended to read as follows:

a. Select persons through a request for proposals process to establish local offices of substitute decision maker in each of the planning and service areas. Local offices shall be established statewide on or before July 1, ~~2017~~ 2018.

INSTITUTIONS FOR PERSONS WITH AN INTELLECTUAL DISABILITY — ASSESSMENT

Sec. 50. Section 222.60A, Code 2016, is amended to read as follows:

**222.60A Cost of assessment.**

Notwithstanding any provision of this chapter to the contrary, any amount attributable to any ~~fee assessed~~ assessment pursuant to section 249A.21 that would otherwise be the liability of any county shall be paid by the state. The department may transfer funds from the appropriation for medical assistance to pay any amount attributable to any ~~fee assessed~~ assessment pursuant to section 249A.21 that is a liability of the state.

Sec. 51. Section 249A.12, subsection 3, paragraph c, Code 2016, is amended to read as follows:

c. ~~Effective February 1, 2002, the~~ The state shall be responsible for all of the nonfederal share of the costs of intermediate care facility for persons with an intellectual disability services provided under medical assistance attributable to the assessment ~~fee~~ for intermediate care facilities for individuals with an intellectual disability imposed pursuant to section 249A.21. ~~Effective February 1, 2003, a~~ A county is not required to reimburse the department and shall not be billed for the nonfederal share of the costs of such services attributable to the assessment ~~fee~~.

Sec. 52. Section 249A.21, Code 2016, is amended to read as follows:

**249A.21 Intermediate care facilities for persons with an intellectual disability — assessment.**

1. ~~The department may assess~~ An intermediate care facilities facility for persons with an intellectual disability, as defined in section 135C.1, ~~a fee in shall be assessed an amount for the preceding calendar quarter, not to exceed six percent of the total annual revenue of the facility for the preceding fiscal year~~ actual paid claims for the previous quarter.

2. ~~The assessment shall be paid by each intermediate care facility for persons with an intellectual disability to the department in equal monthly amounts on or before the fifteenth day of each month on a quarterly basis. The department may deduct the monthly amount from medical assistance payments to a facility described in subsection 1. The~~

~~amount deducted from payments shall not exceed the total amount of the assessments due~~  
An intermediate care facility for persons with an intellectual disability shall submit the assessment amount no later than thirty days following the end of each calendar quarter.

~~3. Revenue from the assessments shall be credited~~ The department shall collect the assessment imposed and shall credit all revenues collected to the state medical assistance appropriation. This revenue may be used only for services for which federal financial participation under the medical assistance program is available to match state funds.

~~4. If the department determines that an intermediate care facility for persons with an intellectual disability has underpaid or overpaid the assessment, the department shall notify the intermediate care facility for persons with an intellectual disability of the amount of the unpaid assessment or refund due. Such payment or refund shall be due or refunded within thirty days of the issuance of the notice.~~

~~5. An intermediate care facility for persons with an intellectual disability that fails to pay the assessment within the time frame specified in this section shall pay, in addition to the outstanding assessment, a penalty in the amount of one and five-tenths percent of the assessment amount owed for each month or portion of each month the payment is overdue. However, if the department determines that good cause is shown for failure to comply with payment of the assessment, the department shall waive the penalty or a portion of the penalty.~~

~~6. If an assessment has not been received by the department by the last day of the third month after the payment is due, the department shall suspend payment due the intermediate care facility for persons with an intellectual disability under the medical assistance program including payments made on behalf of the medical assistance program by a Medicaid managed care contractor.~~

~~7. The assessment imposed under this section constitutes a debt due and owing the state and may be collected by civil action, including but not limited to the filing of tax liens, and any other method provided for by law.~~

~~8. If federal financial participation to match the assessments made under subsection 1 becomes unavailable under federal law, the department shall terminate the imposing of the assessments beginning on the date that the federal statutory, regulatory, or interpretive change takes effect.~~

~~5. 9.~~ The department of human services may procure a sole source contract to implement the provisions of this section.

~~6. 10.~~ The department may adopt administrative rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement this section, and any fee assessed pursuant to this section against an intermediate care facility for persons with an intellectual disability that is operated by the state may be made retroactive to October 1, 2003.

#### DIVISION XI HOSPITAL HEALTH CARE ACCESS ASSESSMENT

Sec. 53. Section 249M.5, Code 2016, is amended to read as follows:

**249M.5 Future repeal.**

This chapter is repealed ~~June 30, 2016~~ July 1, 2017.

*\*Sec. 54. REVIEW OF ALTERNATIVE ASSESSMENT METHODOLOGY. The department of human services shall explore alternative hospital health care access assessment methodologies and shall make recommendations to the governor and the general assembly by December 15, 2016, regarding continuation of the hospital health care access assessment program beyond July 1, 2017, and an alternative assessment methodology. Any continuation of the program and assessment methodology shall meet all of the following guidelines:*

*1. All funds generated by the assessment shall be returned to participating hospitals in the form of higher Medicaid payments, with the exception of \$3,800,000 which shall be used to supplement the medical assistance appropriation.*

*2. Continuation of the program and any new assessment methodology shall be subject to any required federal approval.*

\* Item veto; see message at end of the Act

3. Any new assessment methodology shall minimize the negative financial impact on participating hospitals to the greatest extent possible.

4. Any new assessment methodology shall result in at least the same if not a greater aggregate financial benefit to participating hospitals compared with the benefit existing under the program prior to July 1, 2016.

5. Only participating hospitals subject to imposition of the assessment shall receive a financial return from the program.

6. Any continuation of the program shall include a means of tracking the financial return to individual participating hospitals.

7. Any quality metrics utilized by the program, if continued, shall align with similar metrics being used under Medicare and the state innovation model initiative process.

8. Any new assessment methodology shall incorporate a recognition of the increased costs attributable to care and services such as inpatient psychiatric care, rehabilitation services, and neonatal intensive care units.

9. Any continuation of the program shall include oversight and review by the hospital health care access trust fund board created in section 249M.4.\*

Sec. 55. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 56. RETROACTIVE APPLICABILITY. The section of this division of this Act amending section 249M.5, Code 2016, is retroactively applicable to June 30, 2016.

## DIVISION XII AUTISM SUPPORT PROGRAM

Sec. 57. Section 135.181, subsections 1 and 2, Code 2016, are amended to read as follows:

1. The department shall establish a board-certified behavior analyst and board-certified assistant behavior analyst grants program to provide grants to Iowa resident and nonresident applicants who have been accepted for admission or are attending a ~~board of regents~~ university, community college, or an accredited private institution, within or outside the state of Iowa, are enrolled in a program that is accredited and meets coursework requirements to prepare the applicant to be eligible for board certification as a behavior analyst or assistant behavior analyst, and demonstrate financial need. ~~Priority in the awarding of a grant shall be given to applicants who are residents of Iowa.~~

2. The department, in cooperation with the department of education, shall adopt rules pursuant to chapter 17A to establish minimum standards for applicants to be eligible for a grant that address all of the following:

a. Eligibility requirements for and qualifications of an applicant to receive a grant. The applicant shall agree to practice in the state of Iowa for a period of time, not to exceed four years, as specified in the contract entered into between the applicant and the department at the time the grant is awarded. In addition, the applicant shall agree, as specified in the contract, that during the contract period, the applicant will assist in supervising an individual working toward board certification as a behavior analyst or assistant behavior analyst or to consult with schools and service providers that provide services and supports to individuals with autism.

b. The application process for the grant.

c. Criteria for preference in awarding of the grants. Priority in the awarding of a grant shall be given to applicants who are residents of Iowa.

d. Determination of the amount of a grant. The amount of funding awarded to each applicant shall be based on the applicant's enrollment status, the number of applicants, and the total amount of available funds. The total amount of funds awarded to an individual applicant shall not exceed fifty percent of the total costs attributable to program tuition and fees, annually.

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\* Item veto; see message at end of the Act

e. Use of the funds awarded. Funds awarded may be used to offset the costs attributable to tuition and fees for the accredited behavior analyst or assistant behavior analyst program.

Sec. 58. Section 135.181, Code 2016, is amended by adding the following new subsection: NEW SUBSECTION. 4. The department shall submit a report to the governor and the general assembly no later than January 1, annually, that includes but is not limited to all of the following:

- a. The number of applications received for the immediately preceding fiscal year.
- b. The number of applications approved and the total amount of funding awarded in grants in the immediately preceding fiscal year.
- c. The cost of administering the program in the immediately preceding fiscal year.
- d. Recommendations for any changes to the program.

Sec. 59. Section 225D.1, subsection 8, Code 2016, is amended to read as follows:

8. "Eligible individual" means a child less than ~~nine~~ fourteen years of age who has been diagnosed with autism based on a diagnostic assessment of autism, is not otherwise eligible for coverage for applied behavioral analysis treatment under the medical assistance program, section 514C.28, or private insurance coverage, and whose household income does not exceed ~~four~~ five hundred percent of the federal poverty level.

Sec. 60. Section 225D.2, subsection 2, paragraphs c and d, Code 2016, are amended to read as follows:

c. Notwithstanding the age limitation for an eligible individual, a provision that if an eligible individual reaches ~~nine~~ fourteen years of age prior to completion of the maximum applied behavioral analysis treatment period specified in paragraph "b", the individual may complete such treatment in accordance with the individual's treatment plan, not to exceed the maximum treatment period.

d. A graduated schedule for cost-sharing by an eligible individual based on a percentage of the total benefit amount expended for the eligible individual, annually. Cost-sharing shall be applicable to eligible individuals with household incomes at or above two hundred percent of the federal poverty level in incrementally increased amounts up to a maximum of ~~ten~~ fifteen percent. The rules shall provide a financial hardship exemption from payment of the cost-sharing based on criteria established by rule of the department.

Sec. 61. AUTISM SUPPORT FUND — TRANSFER.

Notwithstanding section 225D.2, moneys credited to the autism support fund that remain unexpended or unobligated at the close of the fiscal year beginning July 1, 2015, shall be transferred to the appropriation in this Act for medical contracts to be used for the purpose of that appropriation for the succeeding fiscal year.

Sec. 62. EFFECTIVE DATE. The section of this division of this Act providing for transfer of moneys in the autism support fund that remain unexpended or unobligated at the close of the fiscal year beginning July 1, 2015, being deemed of immediate importance, takes effect upon enactment.

Sec. 63. RETROACTIVE APPLICABILITY. The section of this division of this Act providing for transfer of moneys in the autism support fund that remain unexpended or unobligated at the close of the fiscal year beginning July 1, 2015, is retroactively applicable to July 1, 2015.

### DIVISION XIII CHILDREN'S MENTAL HEALTH AND WELL-BEING

Sec. 64. CHILDREN'S MENTAL HEALTH CRISIS SERVICES — PLANNING GRANTS.

1. The department of human services shall establish a request for proposals process, in cooperation with the departments of public health and education and the judicial branch, which shall be based upon recommendations for children's mental health crisis services

described in the children's mental health and well-being workgroup final report submitted to the department on December 15, 2015.

2. Planning grants shall be awarded to two lead entities. Each lead entity should be a member of a specifically designated coalition of three to four other entities that propose to serve different geographically defined areas of the state, but a lead entity shall not be a mental health and disability services region.

3. The request for proposals shall require each grantee to develop a plan for children's mental health crisis services for the grantee's defined geographic area that includes all of the following:

a. Identification of the existing children's mental health crisis services in the defined area.  
b. Identification of gaps in children's mental health crisis services in the defined area.  
c. A plan for collection of data that demonstrates the effects of children's mental health crisis services through the collection of outcome data and surveys of the children affected and their families.

d. A method for using federal, state, and other funding including funding currently available, to implement and support children's mental health crisis services.

e. Utilization of collaborative processes developed from the recommendations from the children's mental health and well-being workgroup final report submitted to the department on December 15, 2015.

f. A recommendation for any additional state funding needed to establish a children's mental health crisis service system in the defined area.

g. A recommendation for statewide standard requirements for children's mental health crisis services, as defined in the children's mental health and well-being workgroup final report submitted to the department of human services on December 15, 2015, including but not limited to all of the following:

(1) Standardized primary care practitioner screenings.  
(2) Standardized mental health crisis screenings.  
(3) Standardized mental health and substance use disorder assessments.  
(4) Requirements for certain inpatient psychiatric hospitals and psychiatric medical institutions for children to accept and treat all children regardless of the acuity of their condition.

4. Each grantee shall submit a report to the department by December 15, 2016. The department shall combine the essentials of each report and shall submit a report to the general assembly by January 15, 2017, regarding the department's conclusions and recommendations.

Sec. 65. CHILDREN'S WELL-BEING LEARNING LABS. The department of human services, utilizing existing departmental resources and with the continued assistance of a private child welfare foundation focused on improving child well-being, shall study and collect data on emerging, collaborative efforts in existing programs engaged in addressing well-being for children with complex needs and their families in communities across the state. The department shall establish guidelines based upon recommendations in the children's mental health and well-being workgroup final report submitted to the department on December 15, 2015, to select three to five such programs to be designated learning labs to enable the department to engage in a multi-site learning process during the 2016 calendar year with a goal of creating an expansive structured learning network. The department shall submit a report with recommendations including lessons learned, suggested program design refinements, and implications for funding, policy changes, and best practices to the general assembly by January 15, 2017.

Sec. 66. DEPARTMENT OF HUMAN SERVICES — ADDITIONAL STUDY REPORTS. The department of human services shall, in consultation with the department of public health, the mental health and disability services commission, and the mental health planning council, submit a report with recommendations to the general assembly by December 15, 2016, regarding all of the following:

1. The creation and implementation of a statewide children's mental health crisis service system to include but not be limited to an inventory of all current children's mental health



crisis service systems in the state including children's mental health crisis service system telephone lines. The report shall include recommendations regarding proposed changes to improve the effectiveness of and access to children's mental health crisis services.

2. The development and implementation of a children's mental health public education and awareness campaign that targets the reduction of stigma for children with mental illness and that supports children with mental illness and their families in seeking effective treatment. The plan shall include potential methods for funding such a campaign.

Sec. 67. CHILDREN'S MENTAL HEALTH AND WELL-BEING ADVISORY COMMITTEE. The department of human services shall create and provide support to a children's mental health and well-being advisory committee to continue the coordinated efforts of the children's mental health subcommittee and the children's well-being subcommittee of the children's mental health and well-being workgroup. Consideration shall be given to continued service by members of the children's mental health and well-being workgroup created pursuant to 2015 Iowa Acts, ch. 137, and representatives from the departments of human services, public health, and education; the judicial branch; and other appropriate stakeholders designated by the director. The advisory committee shall do all of the following:

1. Provide guidance regarding implementation of the recommendations in the children's mental health and well-being workgroup final report submitted to the department on December 15, 2015, and subsequent reports required by this Act.

2. Select and study additional children's well-being learning labs to assure a continued commitment to joint learning and comparison for all learning lab sites.

#### DIVISION XIV OPIOID ANTAGONIST REVISION

Sec. 68. Section 135.190, subsection 1, as enacted by 2016 Iowa Acts, Senate File 2218,<sup>1</sup> section 1, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0a. "Licensed health care professional" means the same as defined in section 280.16.

Sec. 69. Section 135.190, as enacted by 2016 Iowa Acts, Senate File 2218,<sup>2</sup> section 1, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. a. Notwithstanding any other provision of law to the contrary, a licensed health care professional may prescribe an opioid antagonist to a person in a position to assist.

b. (1) Notwithstanding any other provision of law to the contrary, a pharmacist licensed under chapter 155A may, by standing order or through collaborative agreement, dispense, furnish, or otherwise provide an opioid antagonist to a person in a position to assist.

(2) A pharmacist who dispenses, furnishes, or otherwise provides an opioid antagonist pursuant to a valid prescription, standing order, or collaborative agreement shall provide instruction to the recipient in accordance with any protocols and instructions developed by the department under this section.

NEW SUBSECTION. 4. The department may adopt rules pursuant to chapter 17A to implement and administer this section.

Sec. 70. Section 135.190, subsection 3, as enacted by 2016 Iowa Acts, Senate File 2218,<sup>3</sup> section 1, is amended to read as follows:

3. A person in a position to assist or a prescriber of an opioid antagonist who has acted reasonably and in good faith shall not be liable for any injury arising from the provision, administration, or assistance in the administration of an opioid antagonist as provided in this section.

<sup>1</sup> Chapter 1061 herein

<sup>2</sup> Chapter 1061 herein

<sup>3</sup> Chapter 1061 herein

Sec. 71. Section 147A.18, subsections 1 and 5, as enacted by 2016 Iowa Acts, Senate File 2218,<sup>4</sup> section 3, are amended to read as follows:

1. a. Notwithstanding any other provision of law to the contrary, a licensed health care professional may prescribe an opioid antagonist in the name of a service program, law enforcement agency, or fire department to be maintained for use as provided in this section.

b. (1) Notwithstanding any other provision of law to the contrary, a pharmacist licensed under chapter 155A may, by standing order or through collaborative agreement, dispense, furnish, or otherwise provide an opioid antagonist in the name of a service program, law enforcement agency, or fire department to be maintained for use as provided in this section.

(2) A pharmacist who dispenses, furnishes, or otherwise provides an opioid antagonist pursuant to a valid prescription, standing order, or collaborative agreement shall provide instruction to the recipient in accordance with the protocols and instructions developed by the department under this section.

~~5. The department shall may adopt rules pursuant to chapter 17A to implement and administer this section, including but not limited to standards and procedures for the prescription, distribution, storage, replacement, and administration of opioid antagonists, and for the training and authorization to be required for first responders to administer an opioid antagonist.~~

Sec. 72. OPIOID ANTAGONIST IMPLEMENTATION CONTINGENCY. 2016 Iowa Acts, Senate File 2218,<sup>5</sup> section 4, is repealed.

Sec. 73. 2016 Iowa Acts, Senate File 2218,<sup>6</sup> as enacted, is amended by adding the following new section:

NEW SECTION. SEC. \_\_\_\_. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 74. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 75. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to April 6, 2016.

#### DIVISION XV NURSING GRANT PROGRAMS

Sec. 76. Section 135.178, Code 2016, is amended to read as follows:

**135.178 Nurse residency state matching grants program — repeal.**

~~1.~~ The department shall establish a nurse residency state matching grants program to provide matching state funding to sponsors of nurse residency programs in this state to establish, expand, or support nurse residency programs that meet standards adopted by rule of the department. Funding for the program may be provided through the health care workforce shortage fund or the nurse residency state matching grants program account created in section 135.175. The department, in cooperation with the Iowa board of nursing, the department of education, Iowa institutions of higher education with board of nursing-approved programs to educate nurses, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A to establish minimum standards for nurse residency programs to be eligible for a matching grant that address all of the following:

~~a.~~ 1. Eligibility requirements for and qualifications of a sponsor of a nurse residency program to receive a grant, including that the program includes both rural and urban components.

~~b.~~ 2. The application process for the grant.

~~c.~~ 3. Criteria for preference in awarding of the grants.

~~d.~~ 4. Determination of the amount of a grant.

<sup>4</sup> Chapter 1061 herein

<sup>5</sup> Chapter 1061 herein

<sup>6</sup> Chapter 1061 herein

e. 5. Use of the funds awarded. Funds may be used to pay the costs of establishing, expanding, or supporting a nurse residency program as specified in this section, including but not limited to the costs associated with residency stipends and nursing faculty stipends.

~~2. This section is repealed June 30, 2016.~~

Sec. 77. Section 261.129, Code 2016, is amended to read as follows:

**261.129 Iowa needs nurses now initiative —repeal.**

1. *Nurse educator incentive payment program.*

a. The commission shall establish a nurse educator incentive payment program. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and Iowa needs nurses now initiative account created in section 135.175. For the purposes of this subsection, “*nurse educator*” means a registered nurse who holds a master’s degree or doctorate degree and is employed as a faculty member who teaches nursing in a nursing education program as provided in 655 IAC 2.6 at a community college, an accredited private institution, or an institution of higher education governed by the state board of regents.

b. The program shall consist of incentive payments to recruit and retain nurse educators. The program shall provide for incentive payments of up to twenty thousand dollars for a nurse educator who remains teaching in a qualifying teaching position for a period of not less than four consecutive academic years.

c. The nurse educator and the commission shall enter into an agreement specifying the obligations of the nurse educator and the commission. If the nurse educator leaves the qualifying teaching position prior to teaching for four consecutive academic years, the nurse educator shall be liable to repay the incentive payment amount to the state, plus interest as specified by rule. However, if the nurse educator leaves the qualifying teaching position involuntarily, the nurse educator shall be liable to repay only a pro rata amount of the incentive payment based on incompleting years of service.

d. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A relating to the establishment and administration of the nurse educator incentive payment program. The rules shall include provisions specifying what constitutes a qualifying teaching position.

2. *Nursing faculty fellowship program.*

a. The commission shall establish a nursing faculty fellowship program to provide funds to nursing schools in the state, including but not limited to nursing schools located at community colleges, for fellowships for individuals employed in qualifying positions on the nursing faculty. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and the Iowa needs nurses now initiative account created in section 135.175. The program shall be designed to assist nursing schools in filling vacancies in qualifying positions throughout the state.

b. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, and in cooperation with nursing schools throughout the state, shall develop a distribution formula which shall provide that no more than thirty percent of the available moneys are awarded to a single nursing school. Additionally, the program shall limit funding for a qualifying position in a nursing school to no more than ten thousand dollars per year for up to three years.

c. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A to administer the program. The rules shall include provisions specifying what constitutes a qualifying position at a nursing school.

d. In determining eligibility for a fellowship, the commission shall consider all of the following:

- (1) The length of time a qualifying position has gone unfilled at a nursing school.
- (2) Documented recruiting efforts by a nursing school.
- (3) The geographic location of a nursing school.

(4) The type of nursing program offered at the nursing school, including associate, bachelor's, master's, or doctoral degrees in nursing, and the need for the specific nursing program in the state.

3. *Nurse educator scholarship program.*

a. The commission shall establish a nurse educator scholarship program. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and the Iowa needs nurses now initiative account created in section 135.175. The goal of the nurse educator scholarship program is to address the waiting list of qualified applicants to Iowa's nursing schools by providing incentives for the training of additional nursing educators. For the purposes of this subsection, "nurse educator" means a registered nurse who holds a master's degree or doctorate degree and is employed as a faculty member who teaches nursing in a nursing education program as provided in 655 IAC 2.6 at a community college, an accredited private institution, or an institution of higher education governed by the state board of regents.

b. The program shall consist of scholarships to further advance the education of nurses to become nurse educators. The program shall provide for scholarship payments in an amount established by rule for students who are preparing to teach in qualifying teaching positions.

c. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A relating to the establishment and administration of the nurse educator scholarship program. The rules shall include provisions specifying what constitutes a qualifying teaching position and the amount of any scholarship.

4. *Nurse educator scholarship-in-exchange-for-service program.*

a. The commission shall establish a nurse educator scholarship-in-exchange-for-service program. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and Iowa needs nurses now initiative account created in section 135.175. The goal of the nurse educator scholarship-in-exchange-for-service program is to address the waiting list of qualified applicants to Iowa's nursing schools by providing incentives for the education of additional nursing educators. For the purposes of this subsection, "nurse educator" means a registered nurse who holds a master's degree or doctorate degree and is employed as a faculty member who teaches nursing in a nursing education program as provided in 655 IAC 2.6 at a community college, an accredited private institution, or an institution of higher education governed by the state board of regents.

b. The program shall consist of scholarships to further advance the education of nurses to become nurse educators. The program shall provide for scholarship-in-exchange-for-service payments in an amount established by rule for students who are preparing to teach in qualifying teaching positions for a period of not less than four consecutive academic years.

c. The scholarship-in-exchange-for-service recipient and the commission shall enter into an agreement specifying the obligations of the applicant and the commission. If the nurse educator leaves the qualifying teaching position prior to teaching for four consecutive academic years, the nurse educator shall be liable to repay the scholarship-in-exchange-for-service amount to the state plus interest as specified by rule. However, if the nurse educator leaves the qualified teaching position involuntarily, the nurse educator shall be liable to repay only a pro rata amount of the scholarship based on incomplete years of service.

d. The receipt of a nurse educator scholarship-in-exchange-for-service shall not impact eligibility of an individual for other financial incentives including but not limited to loan forgiveness programs.

e. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A relating to the establishment and administration of the nurse educator scholarship-in-exchange-for-service program. The rules shall include the provisions specifying what constitutes a qualifying teaching position and the amount of any scholarship-in-exchange-for-service.

5. *Repeal.* This section is repealed June 30, 2016.

Sec. 78. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 79. RETROACTIVE APPLICABILITY. This division of this Act is retroactively applicable to June 30, 2016.

#### DIVISION XVI

#### NON-STATE GOVERNMENT-OWNED NURSING FACILITY UPPER PAYMENT LIMIT SUPPLEMENTAL PAYMENT PROGRAM

Sec. 80. Section 249L.2, Code 2016, is amended by adding the following new subsections:  
NEW SUBSECTION. 5A. “Non-state governmental entity” means a hospital authority, hospital district, health care district, city, or county.

NEW SUBSECTION. 5B. “Non-state government-owned nursing facility” means a nursing facility owned or operated by a non-state governmental entity for which a non-state governmental entity holds the nursing facility’s license and is party to the nursing facility’s Medicaid contract.

Sec. 81. Section 249L.2, subsection 6, Code 2016, is amended to read as follows:

6. “Nursing facility” means a licensed nursing facility as defined in section 135C.1 that is a freestanding facility or a nursing facility operated by a hospital licensed pursuant to chapter 135B, but does not include a distinct-part skilled nursing unit or a swing-bed unit operated by a hospital, or a nursing facility owned by the state or federal government ~~or other governmental unit~~. “Nursing facility” includes a non-state government-owned nursing facility if the nursing facility participates in the non-state government-owned nursing facility upper payment limit supplemental payment program.

Sec. 82. NON-STATE GOVERNMENT-OWNED NURSING FACILITY UPPER PAYMENT LIMIT SUPPLEMENTAL PAYMENT PROGRAM.

1. The department of human services shall submit, to the centers for Medicare and Medicaid services (CMS) of the United States department of health and human services, a Medicaid state plan amendment to allow qualifying non-state government-owned nursing facilities to receive a supplemental payment in accordance with the upper payment limit requirements pursuant to 42 C.F.R. §447.272. The supplemental payment shall be in addition to the greater of the Medicaid fee-for-service per diem reimbursement rate or the per diem payment established for the nursing facility under a Medicaid managed care contract.

2. At a minimum, the Medicaid state plan amendment shall provide for all of the following:  
a. A non-state governmental entity shall provide the state share of the expected supplemental payment in the form of an intergovernmental transfer to the state.

b. The state shall claim federal matching funds and shall make supplemental payments to eligible non-state governmental entities based on the supplemental amount as calculated by the state for each nursing facility for which a non-state governmental entity owns the nursing facility’s license. A managed care contractor shall not retain any portion of the supplemental payment, but shall treat the supplemental payment as a pass through payment to the eligible non-state governmental entity.

c. The supplemental payment program shall be budget neutral to the state. No general fund revenue shall be expended under the program including for costs of administration. If payments under the program result in overpayment to a nursing facility, or if CMS disallows federal participation related to a nursing facility’s receipt or use of supplemental payments authorized under the program, the state may recoup an amount equivalent to the amount of supplemental payments overpaid or disallowed. Supplemental payments shall be subject to any adjustment for payments made in error, including but not limited to adjustments made by state or federal law, and the state may recoup an amount equivalent to any such adjustment.

d. A nursing facility participating in the program shall notify the state of any changes in ownership that may affect the nursing facility’s continued eligibility for the program within thirty days of any such change.

e. No portion of the supplemental payment paid to a participating nursing facility may be used for contingent fees. Expenditures for development fees, legal fees, or consulting fees

shall not exceed five percent of the supplemental funds received, annually, and any such expenditures shall be reported to the department of human services, and included in the department's annual report pursuant to subsection 3.

f. The supplemental payment paid to a participating nursing facility shall only be used as specified in state and federal law. Supplemental payments paid to a participating nursing facility shall only be used as follows:

(1) A portion of the amount received may be used for nursing facility quality improvement initiatives including but not limited to educational scholarships and nonmandatory training. Priority in the awarding of contracts for such training shall be for Iowa-based organizations.

(2) A portion of the amount received may be used for nursing facility remodeling or renovation. Priority in the awarding of contracts for such remodeling or renovations shall be for Iowa-based organizations and skilled laborers.

(3) A portion of the amount received may be used for health information technology infrastructure and software. Priority in the awarding of contracts for such health information technology infrastructure and software shall be for Iowa-based organizations.

(4) A portion of the amount received may be used for endowments to offset costs associated with maintenance of hospitals licensed under chapter 135B and nursing facilities licensed under chapter 135C.

g. A non-state governmental entity shall only be eligible for supplemental payments attributable to up to 10 percent of the potential non-state government-owned nursing facilities licensed in the state.

3. Following receipt of approval and implementation of the program, the department shall submit a report to the governor and the general assembly, annually, on or before December 15, regarding the program. The report shall include, at a minimum, the name and location of participating non-state governmental entities and the non-state government-owned nursing facilities with which the non-state governmental entities have partnered to participate in the program; the amount of the matching funds provided by each non-state governmental entity; the net supplemental payment amount received by each participating non-governmental entity and non-state government-owned nursing facility; and the amount expended for each of the specified categories of approved expenditure.

4. The department of human services shall work collaboratively with representatives of nursing facilities, hospitals, and other affected stakeholders in adopting administrative rules, and in implementing and administering this program.

5. As used in this section:

a. "Non-state governmental entity" means a hospital authority, hospital district, health care district, city, or county.

b. "Non-state government-owned nursing facility" means a nursing facility owned or operated by a non-state governmental entity for which a non-state governmental entity holds the nursing facility's license and is party to the nursing facility's Medicaid contract.

Sec. 83. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 84. IMPLEMENTATION PROVISIONS.

1. The section of this division of this Act directing the department of human services to submit a Medicaid state plan amendment to CMS shall be implemented as soon as possible following enactment, consistent with all applicable federal requirements.

2. The sections of this division of this Act amending section 249L.2, shall only be implemented upon receipt by the department of human services of approval of the Medicaid state plan amendment by the centers for Medicare and Medicaid services of the United States department of health and human services, and if such approval is received, are applicable no earlier than the first day of the calendar quarter following the date of receipt of such approval.

\*DIVISION XVII  
TRAUMA CARE SYSTEM

Sec. 85. Section 147A.23, subsection 2, paragraph c, Code 2016, is amended to read as follows:

c. (1) Upon verification and the issuance of a certificate of verification, a hospital or emergency care facility agrees to maintain a level of commitment and resources sufficient to meet responsibilities and standards as required by the trauma care criteria established by rule under this subchapter. Verifications are valid for a period of three years or as determined by the department and are renewable. As part of the verification and renewal process, the department may conduct periodic on-site reviews of the services and facilities of the hospital or emergency care facility.

(2) Notwithstanding subparagraph (1), the department shall not decrease a level II certificate of verification issued to a trauma care facility by the department on or before July 1, 2015, unless the facility subsequently fails to comply with the trauma care criteria established in administrative rules in effect on July 1, 2015.

Sec. 86. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 87. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to June 30, 2015.\*

DIVISION XVIII  
MENTAL HEALTH AND DISABILITY SERVICES REGIONS — FUNDING

Sec. 88. MENTAL HEALTH AND DISABILITY SERVICES REGIONS — FUNDING.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For a grant to a five-county mental health and disability services region with a population of between 290,000 to 300,000 as determined by the latest federal decennial census, for the provision of mental health and disability services within the region:

..... \$ 500,000

The moneys appropriated in this subsection are contingent upon the continuation of sustainable service funding relationships between all counties in the region for the fiscal year beginning July 1, 2016, and ending June 30, 2017. The department and the region shall enter into a memorandum of understanding regarding the use of the moneys by the region prior to the region's receipt of moneys under this subsection.

2. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For a grant to a single-county mental health and disability services region with a population of over 350,000 as determined by the latest federal decennial census, for the provision of mental health and disability services within the region:

..... \$ 2,500,000

The department shall work with the region awarded moneys pursuant to this subsection to a complete <sup>7</sup> a three-year sustainable cash flow funding plan for the delivery of mental health and disability services in the region to be submitted to the department by November 15, 2016. The department and the region shall enter into a memorandum of understanding regarding the use of the moneys and detailing the provisions of the plan prior to the region's receipt of moneys under this subsection.

3. The department shall distribute moneys appropriated in this section within 60 days of the date of signing of the memorandum of understanding between the department and each region.

\* Item veto; see message at end of the Act  
<sup>7</sup> According to Act; the phrase "to complete" probably intended

4. Moneys awarded under this section shall be used by the regions consistent with each region's service system management plan as approved by the department.

DIVISION XIX  
MENTAL HEALTH AND DISABILITY SERVICES REDESIGN PROGRESS REPORT

Sec. 89. MENTAL HEALTH AND DISABILITY SERVICES REDESIGN PROGRESS REPORT. The department of human services shall review and report progress on the implementation of the adult mental health and disability services redesign and shall identify any challenges faced in achieving the goals of the redesign. The progress report shall include but not be limited to information regarding the mental health and disability services regional service system including governance, management, and administration; the implementation of best practices including evidence-based best practices; the availability of, access to, and provision of initial core services and additional core services to and for required core service populations and additional core service populations; and the financial stability and fiscal viability of the redesign. The department shall submit its report with findings to the governor and the general assembly no later than November 15, 2016.

DIVISION XX  
REFUGEE RISE AMERICORPS PROGRAM

Sec. 90. Section 15H.5, subsection 5, paragraph a, Code 2016, is amended to read as follows:

a. Funding for the Iowa summer youth corps program, the Iowa green corps program established pursuant to section 15H.6, and the Iowa reading corps program established pursuant to section 15H.7, and the RefugeeRISE AmeriCorps program established pursuant to section 15H.8, shall be obtained from private sector, and local, state, and federal government sources, or from other available funds credited to the community programs account, which shall be created within the economic development authority under the authority of the commission. Moneys available in the account for a fiscal year are appropriated to the commission to be used for the programs. The commission may establish an escrow account within the authority and obligate moneys within that escrow account for tuition or program payments to be made beyond the term of any fiscal year. Notwithstanding section 12C.7, subsection 2, interest earned on moneys in the community programs account shall be credited to the account. Notwithstanding section 8.33, moneys in the community programs account or escrow account shall not revert to the general fund but shall remain available for expenditure in future fiscal years.

Sec. 91. NEW SECTION. 15H.8 RefugeeRISE AmeriCorps program.

1. a. The Iowa commission on volunteer service, in collaboration with the department of human services, shall establish a Refugee Rebuild, Integrate, Serve, Empower (RefugeeRISE) AmeriCorps program to increase community integration and engagement for diverse refugee communities in rural and urban areas across the state.

b. The commission, in collaboration with the department of human services, may adopt rules pursuant to chapter 17A to implement and administer this section.

2. The commission may use moneys in and lawfully available to the community programs account created in section 15H.5 to fund the program.

3. The commission shall submit an annual report to the general assembly and the department of human services relating to the efficacy of the program.

DIVISION XXI  
MENINGOCOCCAL IMMUNIZATION

Sec. 92. Section 139A.8, subsection 2, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. A person shall not be enrolled in school in the seventh grade or twelfth grade in Iowa without evidence of adequate immunization against meningococcal disease in accordance with standards approved by the United States public health service of



the United States department of health and human services for such biological products and is in accordance with immunization practices recommended by the advisory committee on immunization practices of the centers for disease control and prevention.

DIVISION XXII  
MEDICAID MANAGED CARE OVERSIGHT

REPORTING AND PUBLIC POSTING OF REPORTS — CONSUMER PROTECTION,  
OUTCOME ACHIEVEMENT, AND PROGRAM INTEGRITY INFORMATION

Sec. 93. DEPARTMENT OF HUMAN SERVICES — REPORTS. The department of human services shall submit to the chairpersons and ranking members of the human resources committees of the senate and the house of representatives and to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, quarterly reports, and an annual report beginning December 15, 2016, and annually by December 15, thereafter, regarding Medicaid program consumer protections, outcome achievement, and program integrity as specified in this division. The reports shall be based on and updated to include the most recent information available. The reports shall include an executive summary of the information and data compiled, an analysis of the information and data, and any trends or issues identified through such analysis, to the extent such information is not otherwise considered confidential or protected information pursuant to federal or state law. The joint appropriations subcommittee on health and human services shall dedicate a meeting of the subcommittee during the subsequent session of the general assembly to review the annual report.

1. CONSUMER PROTECTION.

The general assembly recognizes the need for ongoing review of Medicaid member engagement with and feedback regarding Medicaid managed care. The Iowa high quality health care initiative shall ensure access to medically necessary services and shall ensure that Medicaid members are fully engaged in their own health care in order to achieve overall positive health outcomes. The consumer protection component of the reports submitted as required under this section shall be based on all of the following reports relating to member and provider services:

- a. Member enrollment and disenrollment.
- b. Member grievances and appeals including all of the following:
  - (1) The percentage of grievances and appeals resolved timely.
  - (2) The number of grievances and appeals received.
- c. Member call center performance including the service level for members, providers, and pharmacy.
- d. Prior authorization denials and modifications including all of the following:
  - (1) The percentage of prior authorizations approved, denied, and modified.
  - (2) The percentage of prior authorizations processed within required timeframes.
- e. Provider network access including key gaps in provider coverage based on contract time, distance standards, and market share.
- f. Care coordination and case management, including the ratio of members to care coordinators or case managers, and the average number of contacts made with members per reporting period.
- g. Level of care and functional assessments, including the percentage of level of care assessments completed timely.
- h. Population-specific reporting including all of the following:
  - (1) General population, including adults and children.
  - (2) Special needs, including adults and children.
  - (3) Behavioral health, including adults and children.
  - (4) Elderly.
- i. Number of individuals served on the home and community-based services (HCBS) waivers by waiver type, and HCBS waiver waiting list reductions or increases.

2. OUTCOME ACHIEVEMENT.

The primary focus of the general assembly in moving to Medicaid managed care is to improve the quality of care and outcomes for Medicaid members. The state has demonstrated how preventive services and the coordination of care for all of a Medicaid member's treatment significantly improve the health and well-being of the state's most vulnerable citizens. In order to ensure continued improvement, ongoing review of member outcomes as well as of the process that supports a strong provider network is necessary. The outcome achievement component of the reports submitted as required under this section shall be based on all of the following reports:

- a. Contract management including all of the following:
    - (1) Claims processing including all of the following:
      - (a) The percentage of claims paid, denied, and disputed, and the ten most common reasons for claims denials.
      - (b) The percentage of claims adjudicated timely.
    - (2) Encounter data including all of the following:
      - (a) Timeliness.
      - (b) Completeness.
      - (c) Accuracy.
    - (3) Value-based purchasing (VBP) enrollment including the percentage of members covered by a VBP arrangement.
    - (4) Financial information including all of the following:
      - (a) Managed care organization capitation payments.
      - (b) The medical loss ratio, administrative loss ratio, and underwriting ratio.
      - (c) Program cost savings.
    - (5) Utilization of health care services by diagnostic related group and ambulatory payment classification as well as total claims volume.
    - (6) Utilization of value-added services.
    - (7) Payment of claims by department-identified provider type.
  - b. Member health outcomes including all of the following:
    - (1) Annual health care effectiveness and information set (HEDIS) performance.
    - (2) Other quality measures including all of the following:
      - (a) Behavioral health.
      - (b) Children's health outcomes.
      - (c) Prenatal and birth outcomes.
      - (d) Chronic condition management.
      - (e) Adult preventative care.
    - (3) Value index score (VIS) performance.
    - (4) Annual consumer assessment of health care providers and systems (CAHPS) performance.
    - (5) Utilization information including all of the following:
      - (a) Inpatient hospital admissions and potential preventative admissions.
      - (b) Readmissions.
      - (c) Outpatient visits.
      - (d) Emergency department visits and potentially preventable emergency department visits.
  - c. Consumer satisfaction survey.
3. PROGRAM INTEGRITY.
- a. The Medicaid program has traditionally included comprehensive oversight and program integrity controls. Under Medicaid managed care, federal, state, and contractual safeguards will continue to be incorporated to prevent, detect, and eliminate provider fraud, waste, and abuse to maintain a sustainable Medicaid program. The program integrity component of the reports submitted as required under this section shall be based on all of the following reports relating to program integrity:
    - (1) The level of fraud, waste, and abuse identified by the managed care organizations.
    - (2) Managed care organization adherence to the program integrity plan, including identification of program overpayments.
    - (3) Notification of the state by the managed care organizations regarding fraud, waste, and abuse.
    - (4) The impact of program activities on capitation payments.

(5) Enrollment and payment information including all of the following:

(a) Eligibility.

(b) Third-party liability.

(6) Managed care organization reserves compared to minimum reserves required by the insurance division of the department of commerce.

(7) A summary report by the insurance division of the department of commerce including information relating to health maintenance organization licensure, the annual independent audit, insurance division reporting, and reinsurance.

b. The results of any external quality review organization review shall be submitted directly to the governor, the general assembly, and the health policy oversight committee created in section 2.45.

c. The department of human services shall require each Medicaid managed care organization to authorize the national committee for quality assurance (NCQA) to submit directly to the governor, the general assembly, and the health policy oversight committee created in section 2.45, the evaluation report upon which the Medicaid managed care organization's NCQA accreditation was granted, and any subsequent evaluations of the Medicaid managed care organization.

#### 4. INCLUSION OF INFORMATION FROM OTHER OVERSIGHT ENTITIES.

The council on human services, the medical assistance advisory council, the hawk-i board, the mental health and disability services commission, and the office of long-term care ombudsman shall regularly review Medicaid managed care as it relates to the entity's respective statutory duties. These entities shall submit executive summaries of pertinent information regarding their deliberations during the prior year relating to Medicaid managed care to the department of human services no later than November 15, annually, for inclusion in the annual report submitted as required under this section.

#### 5. PUBLIC POSTING OF INFORMATION REPORTED.

The department of human services shall post all of the reports specified under this section, as the information becomes available and to the extent such information is not otherwise considered confidential or protected information pursuant to federal or state law, on the Iowa health link internet site.

### Sec. 94. ADDITIONAL OVERSIGHT.

1. The council on human services, the medical assistance advisory council, and the hawk-i board shall submit to the chairpersons and ranking members of the human resources committees of the senate and the house of representatives and to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, on a quarterly basis, minutes of their respective meetings during which the council or board addressed Medicaid managed care.

2. The director of human services shall submit the compilation of the input and recommendations from stakeholders and Medicaid members attending the public meetings convened pursuant to 2015 Iowa Acts, chapter 137, section 63, to the chairpersons and ranking members of the human resources committees of the senate and the house of representatives and to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, on a quarterly basis.

Sec. 95. PROGRAM POLICY IMPROVEMENT. The department of human services shall ensure that Medicaid managed care organizations comply with all of the following:

1. In accordance with 42 C.F.R. §438.420, a Medicaid managed care organization, upon a recipient's request, shall continue a recipient's benefits during an appeal process. If, as allowed when final resolution of an appeal is adverse to the Medicaid recipient, the Medicaid managed care organization chooses to recover the costs of the services furnished to the recipient while an appeal is pending, the Medicaid managed care organization shall provide adequate prior notice of potential recovery of costs to the recipient at the time the appeal is filed.

2. A Medicaid managed care organization shall allow providers to appeal on a recipient's behalf if the recipient designates the provider as the recipient's representative.

3. a. A Medicaid managed care organization may include as a primary care provider any provider designated by the state as a primary care provider, subject to a provider's respective state certification standards, including but not limited to all of the following:

(1) A physician who is a family or general practitioner, a pediatrician, an internist, an obstetrician, or a gynecologist.

(2) An advanced registered nurse practitioner.

(3) A physician assistant.

(4) A chiropractor licensed pursuant to chapter 151.

b. A Medicaid managed care organization shall not impose more restrictive, scope of practice requirements or standards of practice on a primary care provider than those prescribed by state law as a prerequisite for participation in the managed care organization's provider network.

Sec. 96. SINGLE-CASE AGREEMENT. A Medicaid managed care organization shall, at the request of a Medicaid recipient, attempt to negotiate in good faith a single-case agreement with a recipient's out-of-network provider, including a provider outside of the state, to provide for continuity of care when the recipient has an existing relationship with such provider. If a provider of a medically necessary service is not available within the managed care organization's network, the managed care organization shall, at the request of a Medicaid recipient, attempt to negotiate in good faith a single-case agreement with an out-of-network provider, regardless of the existence of an established relationship between the recipient and the provider.

#### HEALTH POLICY OVERSIGHT COMMITTEE

Sec. 97. Section 2.45, subsection 6, Code 2016, is amended to read as follows:

6. The legislative health policy oversight committee, which shall be composed of ten members of the general assembly, consisting of five members from each house, to be appointed by the legislative council. The legislative health policy oversight committee shall receive updates and review data, public input and concerns, and make recommendations for improvements to and changes in law or rule regarding meet at least two times, annually, during the legislative interim to provide continuing oversight for Medicaid managed care, and to ensure effective and efficient administration of the program, address stakeholder concerns, monitor program costs and expenditures, and make recommendations.

#### MANAGED CARE OMBUDSMAN

Sec. 98. Section 231.44, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. The office of long-term care ombudsman and representatives of the office, when providing assistance and advocacy services under this section, shall be considered a health oversight agency as defined in 45 C.F.R. §164.501 for the purposes of health oversight activities as described in 45 C.F.R. §164.512(d). Recipient information available to the office of long-term care ombudsman and representatives of the office under this subsection shall be limited to the recipient's protected health information as defined in 45 C.F.R. §160.103 for the purpose of recipient case resolution. When providing assistance and advocacy services under this section, the office of long-term care ombudsman shall act as an independent agency, and the office of long-term care ombudsman and representatives of the office shall be free of any undue influence that restrains the ability of the office or the office's representatives from providing such services and assistance. The office of long-term care ombudsman shall adopt rules applicable to long-term care ombudsmen providing assistance and advocacy services under this section to authorize such ombudsmen to function in a manner consistent with long-term care ombudsmen under the federal Act.

#### MEDICAL ASSISTANCE ADVISORY COUNCIL

Sec. 99. Section 249A.4B, Code 2016, is amended to read as follows:

**249A.4B Medical assistance advisory council.**

1. A medical assistance advisory council is created to comply with 42 C.F.R. §431.12 based on section 1902(a)(4) of the federal Social Security Act and to advise the director about health and medical care services under the medical assistance program. The council shall meet no more than quarterly. The director of public health and a public member of the council selected by the public members of the council specified in subsection 2, paragraph "b", shall serve as ~~chairperson~~ co-chairpersons of the council.

2. The council shall include all of the following voting members:

a. The president, or the president's representative, of each of the following professional or business entities, or a member of each of the following professional or business entities, selected by the entity:

- (1) The Iowa medical society.
- (2) The Iowa osteopathic medical association.
- (3) The Iowa academy of family physicians.
- (4) The Iowa chapter of the American academy of pediatrics.
- (5) The Iowa physical therapy association.
- (6) The Iowa dental association.
- (7) The Iowa nurses association.
- (8) The Iowa pharmacy association.
- (9) The Iowa podiatric medical society.
- (10) The Iowa optometric association.
- (11) The Iowa association of community providers.
- (12) The Iowa psychological association.
- (13) The Iowa psychiatric society.
- (14) The Iowa chapter of the national association of social workers.
- (15) The coalition for family and children's services in Iowa.
- (16) The Iowa hospital association.
- (17) The Iowa association of rural health clinics.
- (18) The Iowa primary care association.
- (19) Free clinics of Iowa.
- (20) The opticians' association of Iowa, inc.
- (21) The Iowa association of hearing health professionals.
- (22) The Iowa speech and hearing association.
- (23) The Iowa health care association.
- (24) The Iowa association of area agencies on aging.
- (25) AARP.
- (26) The Iowa caregivers association.
- (27) The Iowa coalition of home and community-based services for seniors.
- (28) The Iowa adult day services association.
- (29) Leading age Iowa.
- (30) The Iowa association for home care.
- (31) The Iowa council of health care centers.
- (32) The Iowa physician assistant society.
- (33) The Iowa association of nurse practitioners.
- (34) The Iowa nurse practitioner society.
- (35) The Iowa occupational therapy association.
- (36) The ARC of Iowa, formerly known as the association for retarded citizens of Iowa.
- (37) The national alliance for the mentally ill of Iowa on mental illness.
- (38) The Iowa state association of counties.
- (39) The Iowa developmental disabilities council.
- (40) The Iowa chiropractic society.
- (41) The Iowa academy of nutrition and dietetics.
- (42) The Iowa behavioral health association.
- (43) The midwest association for medical equipment services or an affiliated Iowa organization.

b. Public Ten public representatives which may include members of consumer groups, including recipients of medical assistance or their families, consumer organizations, and others, ~~equal in number to the number of representatives of the professional and business~~

~~entities specifically represented under paragraph “a”, appointed by the governor for staggered terms of two years each, none of whom shall be members of, or practitioners of, or have a pecuniary interest in any of the professional or business entities specifically represented under paragraph “a”, and a majority of whom shall be current or former recipients of medical assistance or members of the families of current or former recipients.~~

c. A member of the hawk-i board created in section 514I.5, selected by the members of the hawk-i board.

3. The council shall include all of the following nonvoting members:

~~e. a.~~ The director of public health, or the director’s designee.

~~d. b.~~ The director of the department on aging, or the director’s designee.

~~c.~~ The long-term care ombudsman, or the long-term care ombudsman’s designee.

~~e. d.~~ The dean of Des Moines university — osteopathic medical center, or the dean’s designee.

~~f. e.~~ The dean of the university of Iowa college of medicine, or the dean’s designee.

~~g. f.~~ The following members of the general assembly, each for a term of two years as provided in section 69.16B:

(1) Two members of the house of representatives, one appointed by the speaker of the house of representatives and one appointed by the minority leader of the house of representatives from their respective parties.

(2) Two members of the senate, one appointed by the president of the senate after consultation with the majority leader of the senate and one appointed by the minority leader of the senate.

~~3. 4. a.~~ An executive committee of the council is created and shall consist of the following members of the council:

(1) Five of the professional or business entity members designated pursuant to subsection 2, paragraph “a”, and selected by the members specified under that paragraph, as voting members.

(2) Five of the public members appointed pursuant to subsection 2, paragraph “b”, and selected by the members specified under that paragraph, as voting members. Of the five public members, at least one member shall be a recipient of medical assistance.

(3) The director of public health, or the director’s designee, as a nonvoting member.

b. The executive committee shall meet on a monthly basis. The director of public health and the public member serving as co-chairperson of the council shall serve as chairperson co-chairpersons of the executive committee.

c. Based upon the deliberations of the council and the executive committee, the executive committee shall make recommendations to the director regarding the budget, policy, and administration of the medical assistance program.

4. 5. For each council meeting, other than those held during the time the general assembly is in session, each legislative member of the council shall be reimbursed for actual travel and other necessary expenses and shall receive a per diem as specified in section 7E.6 for each day in attendance, as shall the members of the council or the executive committee who are recipients or the family members of recipients of medical assistance, regardless of whether the general assembly is in session.

5. 6. The department shall provide staff support and independent technical assistance to the council and the executive committee.

6. 7. The director shall consider the recommendations offered by the council and the executive committee in the director’s preparation of medical assistance budget recommendations to the council on human services pursuant to section 217.3 and in implementation of medical assistance program policies.

Sec. 100. APPOINTMENT OF PUBLIC REPRESENTATIVES TO MEDICAL ASSISTANCE ADVISORY COUNCIL — 2016. The director of human services shall make recommendations to the governor for appointment of public representatives to the medical assistance advisory council pursuant to section 249A.4B, subsection 1, paragraph “b”, in order to fill all public representative positions on the council no later than June 30, 2016.

Sec. 101. EFFECTIVE UPON ENACTMENT. The following provision of this division of this Act, being deemed of immediate importance, takes effect upon enactment:

1. The section of this division of this Act directing the appointment of public representatives to the medical assistance advisory council no later than June 30, 2016.

CONTINUATION OF STATEWIDE PUBLIC MEETINGS

Sec. 102. 2015 Iowa Acts, chapter 137, section 63, is amended to read as follows:

SEC. 63. HEALTH POLICY OVERSIGHT — MEDICAID MANAGED CARE.

1. The department of human services shall partner with appropriate stakeholders to convene monthly statewide public meetings beginning in March 2016, and bi-monthly statewide public meetings beginning March 2017 and continuing through December 31, 2017, to receive input and recommendations from stakeholders and members of the public regarding Medicaid managed care, beginning in March 2016. The meetings shall be held in both rural and urban areas, in small communities and large population centers, and in a manner that is geographically balanced. The department shall encourage representatives of Medicaid managed care organizations to attend the public meetings. The input and recommendations of the public meetings shall be compiled by the department of human services and submitted to the executive committee of the medical assistance advisory council created in section 249A.4B.

2. a. The executive committee of the medical assistance advisory council shall review the compilation of the input and recommendations of the public meetings convened pursuant to subsection 1, and shall submit recommendations based upon the compilation to the director of human services on a quarterly basis through December 31, 2017.

b. The director of human services shall submit the compilation and the recommendations made under paragraph “a” to the legislative health policy oversight committee created in section 2.45 through December 31, 2017.

Sec. 103. EFFECTIVE UPON ENACTMENT. The sections of this division of this Act amending 2015 Iowa Acts, chapter 137, section 63, being deemed of immediate importance, takes effect upon enactment.

HAWK-I PROGRAM

Sec. 104. Section 514I.5, subsection 8, paragraph d, Code 2016, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (17) Occupational therapy.

Sec. 105. Section 514I.5, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 10. The hawk-i board shall monitor the capacity of Medicaid managed care organizations to specifically and appropriately address the unique needs of children and children’s health delivery.

DIVISION XXIII  
FOOD PROGRAM

Sec. 106. IOWA EMERGENCY FOOD PURCHASE PROGRAM. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

1. For purposes of supporting an Iowa emergency food purchase program:  
..... \$ 100,000

2. The purpose of the Iowa emergency food purchase program is to relieve situations of emergency experienced by families or individuals who reside in this state, including low-income families and individuals and unemployed families and individuals, by distributing food to those persons.

3. The Iowa emergency food purchase program shall be managed by an Iowa food bank association selected by the department. The department may enter into a contract with the

Iowa food bank association. The Iowa food bank association managing the program shall distribute food under the program to emergency feeding organizations in this state. The Iowa food bank association shall report to the department as required by the department.

4. The moneys appropriated in this section shall be allocated to support the Iowa emergency food purchase program only to the extent that the allocated moneys are matched on a dollar-for-dollar basis.

5. “Iowa food bank association” means a private nonprofit entity that meets all of the following requirements:

a. The association is organized under chapter 504.

b. The association qualifies under section 501(c)(3) of the Internal Revenue Code as an organization exempt from federal income tax under section 501(a) of the Internal Revenue Code.

c. The association’s members include food banks, or affiliations of food banks, that together serve all counties in this state.

d. The association’s principal office is located in this state.

*Approved May 27, 2016, with exceptions noted.*

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 2460, an Act relating to appropriations for health and human services and veterans and including other related provisions and appropriations, and including effective date and retroactive and other applicability provisions.

House File 2460 passed both the Senate and House. It is concerning to me that more than \$15 million of one-time revenue is being used to fund the Department of Human Services. The budget I proposed in January 2016 funded ongoing expenses with ongoing revenue. It is my hope to work with the legislature next year to provide much needed budget predictability and stability for Iowa taxpayers who make these programs possible.

This legislation requires an individual enrolling in school in 7th or 12th grade in Iowa to be immunized against meningococcal disease. I have met with families who lost loved ones and medical experts and I am convinced this will save lives in Iowa. This immunization is covered by insurance. Also, there is an exception for individuals to opt out of the immunization for medical reasons or religious beliefs.

I am committed to making Iowa the healthiest state in the nation. This year, Iowa transitioned to a modernized Medicaid program that will improve patient health outcomes and fit individual needs. Last year in Senate File 505, I signed every Medicaid Modernization oversight item into law. I was proud to do so because our Medicaid patients deserve an outcome-focused, accountable Medicaid program. We now have nearly 1,000 measurable results tracking the health outcomes of Medicaid patients. Something our old Medicaid program never did. Today, I am proud to sign every additional Medicaid Modernization oversight item contained in House File 2460. I appreciate that the legislature agreed in a bipartisan manner that we need a modernized Medicaid program focused on health outcomes to improve the lives of our most vulnerable Iowans. By signing into law every Medicaid Modernization oversight item, Iowa’s Medicaid program will be one of the most transparent, outcome-focused, and accountable programs in the country.

House File 2460 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of the item designated as Section 10, amending 2015 Iowa Acts, chapter 137, section 132, by inserting subsection 23. This item restricts the



Department of Human Services from implementing certain cost containment strategies. The Department must have the tools and flexibility to effectively manage a program so critically important to so many vulnerable Iowans. Such a restriction on the management and oversight authority of the Department of Human Services is inappropriate.

I am unable to approve the designated portion of the item designated as Section 10, amending 2015 Iowa Acts, chapter 137, section 132, by inserting subsection 24. This item requires the Department of Human Services to report on cost containment strategies. The Department of Human Services, Department of Management and the Legislative Services Agency meet on a monthly basis to determine projections for the Medical Assistance appropriation. Information relating to cost containment strategies is shared during these meetings. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the item designated portion of the item designated as Section 27, amending the 2015 Iowa Acts, chapter 137, section 149, by inserting subsection 11A, subparagraph b. Iowa has modernized its administration of Medicaid by partnering with specialized, patient-centered health care plans. This bipartisan initiative was implemented on April 1, 2016. The provider reimbursement rate floors issued by the Department of Human Services already include protections for providers and their reimbursement. Therefore, restrictions in this item are redundant and unnecessary.

I am unable to approve the item designated as Section 54, in its entirety. This item limits the Department of Human Services review of all alternative assessment methodologies for the hospital health care access assessment.

I am unable to approve the item designated as Division XVII, in its entirety. This item prevents the Iowa Department of Public Health and the Trauma Systems Advisory Council to be able to effectively carry out its regulatory obligation to the patients of Iowa's trauma system.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2460 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD, *Governor*

## CHAPTER 1140

### NULLIFICATION OF ADMINISTRATIVE RULE — SPECIAL EDUCATION ENDORSEMENT AND SPECIALIZATIONS

*S.J.R. 2006*

**A JOINT RESOLUTION** nullifying an administrative rule by the board of educational examiners establishing a special education endorsement and specializations and including effective date provisions.

*Be It Resolved by the General Assembly of the State of Iowa:*

Section 1. 282 Iowa administrative code, rule 14.2, subrules 10 and 11, are nullified.

Sec. 2. EFFECTIVE DATE. This joint resolution, being deemed of immediate importance, takes effect upon enactment.

Effective March 28, 2016

## CHAPTER 1141

### NULLIFICATION OF ADMINISTRATIVE RULE — BOARD OF EDUCATIONAL EXAMINERS FEE INCREASE

*S.J.R. 2007*

**A JOINT RESOLUTION** nullifying administrative rules increasing fees assessed by the board of educational examiners and including effective date provisions.

*Be It Resolved by the General Assembly of the State of Iowa:*

Section 1. The amendments to 282 Iowa administrative code, chapter 12, as appearing in ARC 2229C, as published in the Iowa administrative bulletin, volume XXXVIII, number 10, dated November 11, 2015, pp. 804-805, are nullified.

Sec. 2. EFFECTIVE DATE. This joint resolution, being deemed of immediate importance, takes effect upon enactment.

Effective March 29, 2016

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**ANALYSIS OF TABLES**

Conversion Tables of Senate and House Files and Joint Resolutions to Chapters of the Acts of the General Assembly

2016 Code Chapters and Sections Amended or Repealed and New Code Sections Assigned, 2016 Regular Session

Session Laws Amended, Repealed, or Referred to in Acts of the Eighty-sixth General Assembly, 2016 Regular Session

Iowa Codes Referred to in Acts of the Eighty-sixth General Assembly, 2016 Regular Session

Iowa Administrative Code Referred to in Acts of the Eighty-sixth General Assembly, 2016 Regular Session

Acts of Congress, United States Code, and Code of Federal Regulations Referred To

Iowa Court Rule Referred To

Item Vetoes

**CONVERSION TABLES OF SENATE AND HOUSE FILES  
AND JOINT RESOLUTIONS TO  
CHAPTERS OF THE ACTS OF THE GENERAL ASSEMBLY**

**2016 REGULAR SESSION**

**SENATE FILES**

File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
174	1047	2181	1010	2273	1086
175	1048	2185	1082	2276	1064
378	1049	2187	1111	2279	1030
453	1093	2188	1112	2288	1002
492	1110	2189	1011	2299	1113
503	1080	2191	1077	2300	1065
2022	1050	2194	1059	2301	1107
2035	1001	2196	1078	2304	1114
2059	1051	2200	1012	2306	1095
2102	1052	2214	1060	2308	1115
2109	1129	2218	1061	2309	1106
2110	1053	2219	1092	2311	1116
2111	1054	2221	1013	2312	1117
2115	1027	2228	1083	2313	1118
2116	1081	2231	1028	2314	1130
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2151	1008	2242	1062	2323	1132
2159	1026	2257	1014	2324	1133
2162	1057	2258	1063	2326	1103
2164	1058	2259	1094		
2170	1009	2260	1085		

**SENATE JOINT RESOLUTIONS**

File No.	Acts Chapter
2006	1140
2007	1141

## HOUSE FILES

File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
228	1066	2283	1070	2394	1122
493	1120	2325	1019	2400	1040
588	1067	2331	1102	2401	1041
617	1068	2335	1088	2413	1123
2064	1104	2336	1036	2414	1101
2118	1004	2339	1020	2415	1090
2146	1031	2341	1071	2420	1042
2147	1003	2342	1037	2429	1091
2180	1015	2343	1021	2433	1007
2261	1032	2344	1089	2436	1124
2264	1079	2345	1072	2437	1098
2265	1016	2353	1045	2439	1100
2266	1033	2354	1022	2443	1109
2267	1017	2356	1023	2445	1099
2268	1018	2357	1024	2446	1125
2269	1043	2359	1073	2449	1126
2270	1087	2363	1074	2454	1134
2271	1005	2364	1025	2455	1135
2273	1121	2370	1075	2456	1127
2274	1096	2373	1097	2457	1136
2275	1034	2377	1038	2458	1137
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**2016 CODE CHAPTERS AND SECTIONS AMENDED OR REPEALED  
AND NEW CODE SECTIONS ASSIGNED,  
2016 REGULAR SESSION**

Boldface type represents new Code section numbers that are subject to change when codified.

Code section subunits are referenced by their designated number or letter in parentheses, with unnumbered paragraphs referenced by a “u” and a number. For example, section 35D.15, subsection 2, paragraph a, subparagraph (1), subparagraph division (a), subparagraph subdivision (ii), subparagraph part (B) is “35D.15(2)(a)(1)(a)(ii)(B)”; and section 2.2, unnumbered paragraph 1 is “2.2(u1)”.

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Acts section subunits are referenced by their designated number or letter in parentheses, with unnumbered paragraphs referenced by a “u” and a number. For example, section 142, subsection 11, paragraph a, unnumbered paragraph 1 is “§142(11)(a)(u1)”.

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ch 1118, §1 – 6, 21; ch 1135, §5

**WORKFORCE DEVELOPMENT DEPARTMENT**

ch 1090; ch 1118; ch 1135, §5 – 8, 10

**WORKFORCE TRAINING**

*See* JOB TRAINING; WORKFORCE DEVELOPMENT

**WORKSTART PROGRAM**

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**WORLD FOOD PRIZE**

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**WRITING**

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