

State of Iowa

2017

ACTS AND JOINT RESOLUTIONS
(Session Laws)

Enacted at the

2017 REGULAR SESSION

of the

Eighty-Seventh General Assembly

of the

State of Iowa

HELD AT DES MOINES, THE CAPITAL OF THE STATE
IN THE ONE HUNDRED SEVENTY-FIRST YEAR OF THE STATE

REGULAR SESSION CONVENED ON THE NINTH DAY OF JANUARY
AND ADJOURNED ON THE TWENTY-SECOND DAY OF APRIL, A.D. 2017



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 2017 Regular Session of the Eighty-seventh 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 2018 Iowa Code is published. Changes will be shown in the Tables of Disposition of Acts in the 2018 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 2017 Regular Session generally took effect on July 1, 2017, unless otherwise provided.

State mandates. Iowa Code sections 2B.10 and 25B.5 require that any updated, final estimate of additional local revenue expenditures required by a state mandate contained in an enacted bill or joint resolution and filed with the Secretary of State must be notated in the Iowa Acts. Such a notation is made by placing a dagger at the beginning of the title of the Act or Resolution indicating the inclusion of a footnote. No enrolled Acts required the filing or notation of such an estimate this year.

Resolutions. No joint resolutions were passed this regular session. 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

Printed with Bio-Renewable Materials

TABLE OF CONTENTS

Preface	iii
Certification	
Statutes as Evidence	
Explanatory Notes	
Elective Officers	vii
General Assembly	viii
Judicial Branch	xx
Congressional Delegation and District Offices	xxi
Condition of State Treasury	xxiv

REGULAR SESSION

Analysis by Chapters	xxv
General and Special Acts	1
Tables	685
Index	713

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 Secretary of State

AUDITOR OF STATE

MARY MOSIMAN, CPA Story
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
Nathan Blake, 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), 87(1st)
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), 87(1st)
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), 87(1st)
Bertrand, Rick Sioux City		7th— <i>Woodbury</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
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), 87(1st)
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), 87(1st)
Boulton, Nate Des Moines	Attorney/Part-Time College Professor	16th— <i>Polk</i>	87(1st)
Bowman, Tod R. Maquoketa	Educator	29th—Dubuque, <i>Jackson</i> , Jones	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Breitbach, Michael Strawberry Point	Business Owner	28th—Allamakee, <i>Clayton</i> , Fayette, Winneshiek	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Brown, Waylon St. Ansgar		26th—Cerro Gordo, Chickasaw, Floyd, Howard, <i>Mitchell</i> , Winneshiek, Worth	87(1st)
Chapman, Jake Adel	Businessman/EMT	10th—Adair, Cass, <i>Dallas</i> , Guthrie, Polk	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)

Name and Residence	Occupation	Senatorial District	Legislative Service
Chelgren, Mark Ottumwa	Entrepreneur	41st—Davis, Jefferson, Van Buren, <i>Wapello</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Costello, Mark Imogene	Farmer	12th—Fremont, <i>Mills</i> , Montgomery, Page, Ringgold, Taylor	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
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), 87(1st)
Dawson, Dan Council Bluffs	Peace Officer	8th— <i>Pottawattamie</i>	87(1st)
Dix, Bill Shell Rock	Majority 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), 87(1st)
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), 87(1st)
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), 87(1st)
Edler, Jeff State Center		36th—Black Hawk, <i>Marshall</i> , Tama	87(1st)
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), 87(1st)
Garrett, Julian B. Indianola		13th—Madison, <i>Warren</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Greene, Thomas A. Burlington		44th— <i>Des Moines</i> , Louisa, Muscatine	87(1st)
Guth, Dennis Klemme	Farmer	4th—Emmet, <i>Hancock</i> , Kossuth, Winnebago, Wright	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Hart, Rita Wheatland	Farmer	49th— <i>Clinton</i> , Scott	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)

Name and Residence	Occupation	Senatorial District	Legislative Service
Hogg, Robert Cedar Rapids	Minority Leader/ 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), 87(1st)
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), 87(1st)
Jochum, Pam Dubuque	Legislator	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), 87(1st)
Johnson, Craig Independence		32nd— <i>Black Hawk, Bremer, Buchanan, Fayette</i>	87(1st)
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), 87(1st)
Kapucian, Tim L. Keystone	Farmer	38th— <i>Benton, Iowa, Poweshiek</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Kinney, Kevin Oxford	Farmer/Retired Deputy Sheriff	39th— <i>Johnson, Keokuk, Washington</i>	86(1st), 86(2nd), 87(1st)
Kraayenbrink, Tim Fort Dodge	Investment Advisor	5th— <i>Calhoun, Humboldt, Pocahontas, Webster</i>	86(1st), 86(2nd), 87(1st)
Lofgren, Mark S. Muscatine	Real Estate Sales Associate	46th— <i>Muscatine, Scott</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 87(1st)

Name and Residence	Occupation	Senatorial District	Legislative Service
Lykam, Jim Davenport	Legislator	45th— <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), 87(1st)
Mathis, Liz Cedar Rapids	Nonprofit Executive	34th— <i>Linn</i>	84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
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), 87(1st)
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), 87(1st)
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), 87(1st)
Ragan, Amanda Mason City	Executive Director— Community Kitchen of Northern 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), 87(1st)
Rozenboom, Ken Oskaloosa	Farming/Ag Business	40th— <i>Appanoose</i> , <i>Mahaska</i> , Marion, Monroe, Wapello	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Schneider, Charles West Des Moines	Counsel—Principal Financial Group	22nd— <i>Dallas</i> , Polk	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
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), 87(1st)
Segebart, Mark Vail	Farmer	6th— <i>Audubon</i> , Buena Vista, Carroll, <i>Crawford</i> , Sac	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Shipley, Tom Nodaway	Farmer/Legislator	11th— <i>Adams</i> , Cass, Pottawattamie, Union	86(1st), 86(2nd), 87(1st)
Sinclair, Amy Allerton		14th— <i>Clarke</i> , Decatur, Jasper, Lucas, Marion, <i>Wayne</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)

Name and Residence	Occupation	Senatorial District	Legislative Service
Smith, Roby Davenport	Small Business Owner	47th— <i>Scott</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Taylor, Rich Mount Pleasant	Master HVACR Technician/Master Electrician	42nd— <i>Henry, Jefferson, Lee, Washington</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Whitver, Jack Ankeny	President of the Senate/Business Owner/Attorney	19th— <i>Polk</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
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), 87(1st)
Zumbach, Dan Ryan	Farmer	48th— <i>Buchanan, Delaware, Jones, Linn</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)

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), 87(1st)
Anderson, Marti Des Moines	Social Worker	36th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
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), 87(1st)
Baltimore, Chip Boone	Attorney/General Counsel	47th— <i>Boone, Greene</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
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), 87(1st)
Baxter, Terry C. Garner		8th— <i>Hancock, Kossuth, Wright</i>	86(1st), 86(2nd), 87(1st)
Bearinger, Bruce Oelwein		64th— <i>Buchanan, Fayette</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Bennett, Liz Cedar Rapids	Internet Sales/Support Consultant	65th— <i>Linn</i>	86(1st), 86(2nd), 87(1st)
Bergan, Michael R. Dorchester	Accountant	55th— <i>Clayton, Fayette, Winneshiek</i>	87(1st)
Best, Brian Glidden	Respiratory Therapist/ President of Bestmed Respiratory	12th— <i>Audubon, Carroll, Crawford</i>	86(1st), 86(2nd), 87(1st)
Bloomingtondale, Jane Northwood		51st— <i>Howard, Mitchell, Winneshiek, Worth</i>	87(1st)
Breckenridge, Wes Newton		29th— <i>Jasper</i>	87(1st)
Brown-Powers, Timi Waterloo	Med-Fit Facilitator for Persons with Physical and Mental Disabilities	61st— <i>Black Hawk</i>	86(1st), 86(2nd), 87(1st)
Carlin, Jim Sioux City	Attorney	6th— <i>Woodbury</i>	87(1st)
Carlson, Gary Muscatine	Vice President—HNI Corporation	91st— <i>Muscatine</i>	86(1st), 86(2nd), 87(1st)

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), 87(1st)
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), 87(1st)
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), 87(1st)
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), 87(1st)
Finkenauer, Abby Dubuque		99th— <i>Dubuque</i>	86(1st), 86(2nd), 87(1st)
Fisher, Dean Montour	Retired—Engineering/ Farming	72nd— <i>Black Hawk, Marshall, Tama</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Forbes, John Urbandale	Pharmacist	40th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
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), 87(1st)
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), 87(1st)
Gaines, Ruth Ann Des Moines	Teacher	32nd— <i>Polk</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
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), 87(1st)
Gassman, Tedd Scarville	Insurance Sales/Farmer	7th— <i>Emmet, Kossuth, Winnebago</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Grassley, Pat New Hartford	Farmer	50th— <i>Butler, Grundy, Hardin</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Gustafson, Stan Cumming	Retired Marine/Retired Attorney	25th— <i>Madison, Warren</i>	85(2nd), 86(1st), 86(2nd), 87(1st)

Name and Residence	Occupation	Representative District	Legislative Service
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), 87(1st)
Hager, Kristi Waukon	Nurse/Self-Employed Campground Owner	56th— <i>Allamakee</i> , Clayton	87(1st)
Hall, Chris Sioux City		13th— <i>Woodbury</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
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), 87(1st)
Hanusa, Mary Ann Council Bluffs		16th— <i>Pottawattamie</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Heartsill, Greg Melcher-Dallas	Fence Contractor	28th— <i>Jasper</i> , <i>Lucas</i> , <i>Marion</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Heaton, David E. Mount Pleasant	Retired Restaurateur	84th— <i>Henry</i> , <i>Jefferson</i> , <i>Lee</i> , <i>Washington</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), 87(1st)
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), 87(1st)
Hein, Lee Monticello	Business Owner	96th— <i>Delaware</i> , <i>Jones</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Highfill, Jake Johnston	Commercial Real Estate	39th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Hinson, Ashley Marion		67th— <i>Linn</i>	87(1st)
Holt, Steven Denison		18th— <i>Crawford</i> , <i>Harrison</i> , <i>Shelby</i>	86(1st), 86(2nd), 87(1st)
Holz, Chuck Le Mars	Veterinarian	5th— <i>Plymouth</i> , <i>Woodbury</i>	86(2nd), 87(1st)
Hunter, Bruce L. Des Moines		34th— <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), 87(1st)
Huseman, Daniel A. Aurelia	Farmer	3rd— <i>Cherokee</i> , <i>O'Brien</i> , <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), 87(1st)

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), 87(1st)
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), 87(1st)
Jones, Megan Sioux Rapids	Attorney	2nd— <i>Clay, Dickinson, Palo Alto</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Kacena, Timothy Sioux City		14th— <i>Woodbury</i>	87(1st)
Kaufmann, Bobby Wilton	Grain and Livestock Farmer/Small Business Owner	73rd— <i>Cedar, Johnson, Muscatine</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Kearns, Jerry A. Keokuk	Retired 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), 87(1st)
Kerr, David Morning Sun	Farming/Retired—Kinder Morgan, Inc.	88th— <i>Des Moines, Louisa, Muscatine</i>	87(1st)
Klein, Jarad J. Keota	Family Farmer	78th— <i>Keokuk, Washington</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Koester, Kevin Ankeny	Director—Ankeny Service Center at Neveln/Retired School Administrator	38th— <i>Polk</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
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), 87(1st)
Kurth, Monica Davenport		89th— <i>Scott</i>	87(1st)
Landon, John Ankeny	Retired—Ag Business	37th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
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), 87(1st)
Lundgren, Shannon Peosta	Restaurant Owner	57th— <i>Dubuque</i>	87(1st)
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), 87(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Maxwell, Dave Gibson	Drainage Contractor/Farmer	76th—Iowa, <i>Poweshiek</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
McConkey, Charlie Council Bluffs	Retired Steelworker	15th— <i>Pottawattamie</i>	86(1st), 86(2nd), 87(1st)
McKean, Andy Anamosa	Retired Attorney	58th—Dubuque, Jackson, <i>Jones</i>	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, 87(1st)
Meyer, Brian Des Moines	Attorney	33rd— <i>Polk</i>	85(2nd), 86(1st), 86(2nd), 87(1st)
Miller, Helen Fort Dodge	Attorney	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), 87(1st)
Mohr, Gary Bettendorf	Retired Higher Education Administrator	94th— <i>Scott</i>	87(1st)
Mommsen, Norlin DeWitt	Farmer	97th— <i>Clinton, Scott</i>	86(1st), 86(2nd), 87(1st)
Moore, Tom Griswold		21st—Adams, <i>Cass,</i> <i>Pottawattamie, Union</i>	86(2nd), 87(1st)
Nielsen, Amy North Liberty		77th— <i>Johnson</i>	87(1st)
Nunn, Zach Bondurant	Military Officer	30th— <i>Polk</i>	86(1st), 86(2nd), 87(1st)
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), 87(1st)
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), 87(1st)
Ourth, Scott Ackworth	Public Affairs Executive/Heavy Equipment Operator	26th— <i>Warren</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Paustian, Ross Walcott	Farmer	92nd— <i>Scott</i>	84(1st), 84(2nd), 86(1st), 86(2nd), 87(1st)
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), 87(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Prichard, Todd Charles City	Attorney	52nd—Cerro Gordo, Chickasaw, Floyd	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Rizer, Ken Marion		68th—Linn	86(1st), 86(2nd), 87(1st)
Rogers, Walt Cedar Falls		60th—Black Hawk	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Running-Marquardt, Kirsten Cedar Rapids		69th—Linn	83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Salmon, Sandy Janesville	Retired Home Educator	63rd—Black Hawk, Bremer	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Sexton, Mike Rockwell City	Environmental Consultant/Farmer/ Entrepreneur	10th—Calhoun, Humboldt, Pocahontas, Webster	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 86(1st), 86(2nd), 87(1st)
Sheets, Larry Moulton		80th—Appanoose, Mahaska, Monroe, Wapello	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Sieck, David Glenwood		23rd—Fremont, Mills, Montgomery	86(1st), 86(2nd), 87(1st)
Smith, Mark D. Marshalltown	Minority Leader/ Licensed Independent Social Worker	71st—Marshall	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), 87(1st)
Smith, Ras Waterloo		62nd—Black Hawk	87(1st)
Staed, Art Cedar Rapids		66th—Linn	82(1st), 82(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Steckman, Sharon S. Mason City	Retired Educator	53rd—Cerro Gordo	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Taylor, Rob West Des Moines	Small Business Owner/Consultant/ Educator	44th—Dallas	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Taylor, Todd E. Cedar Rapids	AFSCME Representative	70th—Linn	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), 87(1st)
Thede, Phyllis Bettendorf		93rd—Scott	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Upmeyer, Linda L. Clear Lake	Speaker of the House/Nurse Practitioner	54th—Butler, Cerro Gordo, Franklin	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), 87(1st)
Vander Linden, Guy Oskaloosa	Retired Marine	79th—Mahaska, Marion	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Watts, Ralph C. Adel	Retired Engineer	19th—Dallas, Polk	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), 87(1st)
Wessel-Kroeschell, Beth Ames	Legislator	45th—Story	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), 87(1st)
Wheeler, Skyler Orange City	Community Living Coach—Hope Haven	4th—Sioux	87(1st)
Wills, John H. Spirit Lake	Environmental Coordinator	1st—Dickinson, Lyon, Osceola	86(1st), 86(2nd), 87(1st)
Winckler, Cindy Davenport	Retired Educator	90th—Scott	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), 87(1st)
Windschitl, Matt W. Missouri Valley	Gunsmith/Conductor— Union Pacific Railroad	17th—Harrison, Ida, Monona, Woodbury	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Wolfe, Mary Lynn Clinton		98th—Clinton	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Worthan, Gary Storm Lake	Farmer	11th—Buena Vista, Sac	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st)
Zumbach, Louie Coggon		95th—Buchanan, Linn	87(1st)

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, 2024
David S. Wiggins	West Des Moines	December 31, 2020
Daryl L. Hecht	Sloan	December 31, 2024
Brent R. Appel	Ackworth	December 31, 2024
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, 2022
Anuradha Vaitheswaran	Des Moines	December 31, 2018
Amanda Potterfield	Cedar Rapids	December 31, 2022
Richard H. Doyle	Des Moines	December 31, 2022
David R. Danilson, C.J.	Pleasant Hill	December 31, 2022
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)

111 Russell Senate Office Building
Washington, D.C. 20510
(202) 224-3254

Website address:
www.ernst.senate.gov

E-mail address:
Electronic communications
can be made through website

111 Seventh Avenue SE
Suite 480
Cedar Rapids, Iowa 52401
(319) 365-4504

221 Federal Building
8 South Sixth Street
Council Bluffs, Iowa 51501
(712) 352-1167

201 West Second Street
Suite 806
Davenport, Iowa 52801
(563) 322-0677

733 Federal Building
210 Walnut Street
Des Moines, Iowa 50309
(515) 284-4574

194 Federal Building
320 Sixth Street
Sioux City, Iowa 51101
(712) 252-1550

Senator Chuck Grassley (R)

135 Hart Senate Office Building
Washington, D.C. 20510-1501
(202) 224-3744

Website address:
www.grassley.senate.gov

E-mail address:
Electronic communications
can be made through website

111 Seventh Avenue SE, Box 13
Suite 6800
Cedar Rapids, Iowa 52401
(319) 363-6832

307 Federal Building
8 South Sixth Street
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)**

1108 Longworth House Office Bldg.
Washington, D.C. 20515
(202) 225-2911

Website address:
www.blum.house.gov

E-mail address:
Electronic communications
can be made through website

515 Main Street
Suite D
Cedar Falls, Iowa 50613
(319) 266-6925

310 Third Street SE
Cedar Rapids, Iowa 52401
(319) 364-2288

1050 Main Street
Dubuque, Iowa 52001
(563) 557-7789

Second District: **Congressman Dave Loebsack (D)**

1527 Longworth House Office Bldg.
Washington, D.C. 20515
(202) 225-6576

Website address:
www.loeb sack.house.gov

E-mail address:
Electronic communications
can be made through website

209 West Fourth Street
Suite 104
Davenport, Iowa 52801
(563) 323-5988

125 South Dubuque Street
Iowa City, Iowa 52240
(319) 351-0789

Third District: **Congressman David Young (R)**

240 Cannon House Office Bldg.
Washington, D.C. 20515
(202) 225-5476

Website address:
www.davidyoung.house.gov

E-mail address:
Electronic communications
can be made through website –
Select Contact and then E-mail

501 Fifth Avenue
Council Bluffs, Iowa 51503
(712) 325-1404

208 West Taylor Street
Creston, Iowa 50801
(641) 782-2495

400 East Court Avenue
Suite 346
Des Moines, Iowa 50309
(515) 282-1909

Fourth District: **Congressman Steve King (R)**

2210 Rayburn House Office Bldg.
Washington, D.C. 20515
(202) 225-4426

Website address:
www.steveking.house.gov

E-mail address:
meetsteve@mail.house.gov

1421 South Bell Avenue
Suite 102
Ames, Iowa 50010
(515) 232-2885

723 Central Avenue
Fort Dodge, Iowa 50501
(515) 573-2738

202 First Street SE
Suite 126
Mason City, Iowa 50401
(641) 201-1624

526 Nebraska Street
Sioux City, Iowa 51101
(712) 224-4692

306 North Grand Avenue
P.O. Box 650
Spencer, Iowa 51301
(712) 580-7754

CONDITION OF STATE TREASURY

June 30, 2016

	Balance July 1, 2015	Total Receipts and Transfers	Total Available	Total Disbursements and Transfers	Balance June 30, 2016
General Fund	\$ 1,094,461,026	\$14,297,711,463	\$15,392,172,489	\$14,756,731,910	\$ 635,440,579
Special Revenue Fund	994,994,900	4,867,118,958	5,862,113,858	4,839,315,862	1,022,797,996
Capital Projects Fund	12,479,098	47,587,535	60,066,633	36,953,262	23,113,371
Debt Service Fund	0	1	1	0	1
Enterprise Fund	65,725,198	748,155,546	813,880,744	741,591,768	72,288,976
Internal Service Fund	126,525,209	693,514,029	820,039,238	663,853,774	156,185,464
Expendable Trust Fund	162,489,051	495,941,221	658,430,272	488,884,653	169,545,619
Nonexpendable Trust Fund	35,911,980	3,060,349	38,972,329	647,039	38,325,290
Pension Fund	23,505,077,375	2,632,616,306	26,137,693,681	2,000,060,145	24,137,633,536
Trust and Agency Fund	336,063,224	6,050,945,545	6,387,008,769	6,056,343,996	330,664,773
Totals	<u>\$26,333,727,061</u>	<u>\$29,836,650,953</u>	<u>\$56,170,378,014</u>	<u>\$29,584,382,409</u>	<u>\$26,585,995,605</u>

Balance July 1, 2015	\$26,333,727,061
Receipts and Transfers	29,836,650,953
Total Available	56,170,378,014
Disbursements and Transfers	29,584,382,409
Balance June 30, 2016	\$26,585,995,605

DEPARTMENT OF ADMINISTRATIVE SERVICES
STATE ACCOUNTING ENTERPRISE

May 24, 2017

ANALYSIS BY CHAPTERS

2017 REGULAR SESSION

For Conversion Tables of Senate and House Files to chapters of the 2017 Acts, Regular Session, see page 686

CH.	FILE	TITLE
1	SF 166	School finance — state percents of growth — property tax replacement payments
2	HF 291	Public employment
3	HF 231	Economic development — apprenticeship training program
4	HF 293	State agency purchasing of in-state manufactured products
5	HF 305	Dispensing of prescribed interchangeable biological products
6	HF 217	Reporting of licensed school employee disciplinary actions
7	HF 311	Insurance — life insurance company investments — credit for reinsurance
8	HF 312	Unattended motor vehicles
9	SF 331	Energy efficiency reporting by non-rate-regulated gas and electric utilities
10	SF 357	Regulation of electrical installations
11	SF 376	Asbestos or silica exposure — claims, actions, liability
12	SF 409	Regulation of credit unions — examinations and board meetings
13	HF 203	Funding for secondary road and municipal street systems
14	HF 303	Cemeteries and preneed sellers of cemetery merchandise, funeral merchandise, and funeral services — notice of potential receivership
15	HF 372	Vehicular traffic regulation — turns against red lights
16	HF 577	Medical treatment of Lyme or other tick-borne disease
17	SF 447	Nuisances — animal feeding operations
18	HF 215	Health insurance coverage — autism — applied behavior analysis
19	HF 289	County issuance of driver's licenses, nonoperator's identification cards, and persons with disabilities identification devices
20	HF 295	City and county regulatory authority — consumer merchandise — wage and employment terms and conditions
21	HF 445	Regulation of public utilities and confidentiality of cyber security and critical infrastructure information
22	HF 462	Confidentiality of gambling licensee records
23	HF 518	Workers' compensation
24	HF 531	Public assistance programs — oversight
25	HF 544	Dependent adult abuse — personal degradation
26	HF 548	Stroke care — reporting — quality improvement planning
27	SF 332	Controlled substances schedules
28	SF 351	Emergency and hazardous chemicals — regulation and planning
29	SF 405	Substantive Code corrections
30	SF 410	Declarations concerning disposition of human remains
31	SF 448	Salvage motor vehicles — insurers — certificate of title
32	HF 464	Highway crossings by all-terrain or off-road utility vehicles
33	HF 586	Iowa finance authority programs and obligations and mechanic's lien notices
34	HF 593	Mental health professionals — scope of practice
35	SF 230	Insurance premiums for general assembly members and full-time employees
36	SF 257	Bass fishing tournaments
37	SF 358	Electronic search warrant applications and issuance and seized property inventories
38	SF 439	Disposal or return of federal tax liens, certificates, or notices
39	SF 462	Drivers' operating records — certified abstract fees — transfer of moneys

CH.	FILE	TITLE
40	SF 472	Regulation of snowmobiles and snowmobile programs
41	SF 479	Educational services performed by licensed dental hygienists
42	HF 52	Interference with official acts — persons performing bailiff duties
43	HF 133	Child custody and visitation proceedings — appointment and duties of guardians ad litem, attorneys for minors, child custody investigators, and child and family reporters
44	HF 183	Service of petitions and orders for dependent adult protective services — persons entitled — priority
45	HF 202	Solid waste management and planning
46	HF 218	Maximum allowable length for single trucks
47	HF 241	County commissions of veteran affairs — administration of duties
48	HF 254	Tagging of deer carcasses — requirements
49	HF 306	Nurse aide training and testing programs
50	HF 307	City franchises — waterworks or sewer services
51	HF 309	Certificates of insurance
52	HF 467	Iowa communications network — law enforcement communications systems included
53	HF 469	Soil and water conservation district commissioners — eligibility — vacancies — election
54	HF 488	Nonsubstantive Code corrections
55	HF 511	State forest nurseries — oversight — ordering and sale of plant material
56	HF 529	Penalties for occupational safety and health law violations
57	HF 547	Background investigations of department of human services employment applicants, employees, contractors, and vendors
58	HF 576	Background investigations of temporary staff agency employees providing direct health care services
59	HF 584	Duties of department of veterans affairs — veterans exposed to Agent Orange
60	HF 591	Physician supervision of physician assistants
61	SF 250	Mammogram reports — content requirements
62	SF 355	Municipal utilities regulation
63	SF 373	Military code and military justice — applicability, jurisdiction, statute of limitations
64	SF 413	Improvements to real property — unsafe or defective conditions — limitations on actions
65	SF 438	Bids and contracts for public improvement projects
66	HF 441	Child labor — laundry occupations
67	HF 471	Election precinct boundaries and consolidations
68	HF 475	Deer hunting — use of rifles — straight wall cartridge rifles
69	HF 517	Regulation of weapons and ammunition and use of reasonable force
70	HF 533	Unemployment insurance benefits eligibility and disqualification
71	HF 541	Real estate licenses, licensees, and disclosure statements
72	HF 542	Unemployment insurance benefits eligibility — consecutive benefit years
73	HF 568	Regulation of pari-mutuel wagering — medication of horses and dogs — advance deposit wagering setoff procedures
74	HF 572	Workforce development board membership and duties and unemployment insurance system modernization
75	SF 234	Writing, sending, or viewing electronic messages while driving
76	SF 444	Vehicular homicide and use of electronic communication devices — statewide sobriety and drug monitoring program
77	SF 51	Cytomegalovirus public health initiative and newborn testing
78	SF 237	Practice of public accounting
79	SF 333	Digital assets and fiduciary access
80	SF 362	Liability of fairs for transmission of domesticated animal pathogens on fairgrounds
81	SF 406	Permit requirements for motor vehicles carrying implements of husbandry
82	SF 493	Bonding authority of combined benefited recreational lake and water quality districts

CH.	FILE	TITLE
83	HF 263	Domestic abuse assault, stalking, and unauthorized placement of global positioning devices
84	HF 314	Motor vehicle regulation — utility maintenance and solid waste or recycling collection service vehicles
85	HF 473	High school equivalency diplomas — application and competency requirements — assessments
86	HF 543	Children in need of assistance, child abuse, dangerous substances, and alcohol — definitions — reporting
87	SF 275	Termination of parental rights proceedings — venue — safety or security concerns
88	SF 374	Indigent defense
89	SF 403	Theft of equipment rental property
90	SF 411	Contractor registration and licensing — fee transfer — surety bonds
91	SF 419	Nurse licensure compact
92	SF 451	Electronic payments made to county treasurers
93	SF 484	Regulation of practice of pharmacy
94	HF 134	Regulation of residential rental property occupancy — authority of cities
95	HF 146	Forcible entry and detainer actions — notice and hearing procedure
96	HF 232	Pronouncements of death by nurses or physician assistants
97	HF 234	Mental health advocate reporting duties
98	HF 253	Paternity, support obligation, and custody or visitation proceedings
99	HF 308	Military personnel records — release — social security number redacted
100	HF 396	Child foster care — care by relative
101	HF 410	Noxious weeds and invasive plants — Palmer amaranth
102	HF 485	Volunteer fire department service — city council members
103	HF 534	Child care facility licensing — exempt programs
104	HF 545	Disclosure of founded child abuse information — fatalities or near fatalities
105	HF 626	Independent review of long-term care insurance benefit determinations — filing fee eliminated
106	SF 274	Computer science education
107	SF 465	Medical malpractice actions
108	SF 471	Abortion — prerequisites and limitations
109	SF 504	Mental health, disability, and substance abuse treatment, services, and funding
110	HF 516	Regulation of elections and voting
111	SF 32	Private sector employee drug testing
112	SF 431	Small wireless facility siting
113	SF 433	Termination of parental rights and adoption
114	SF 446	Civil asset forfeiture
115	SF 489	Possession, sale, transfer, purchase, and use of fireworks
116	SF 505	First-time homebuyer savings accounts
117	HF 526	Harassment — nonconsensual disclosure of information
118	HF 569	Tax-sheltered investment program — authorized investment vehicles
119	HF 607	Regulation of alcoholic beverages
120	SF 399	Elections — candidate withdrawal, voter registration, election officials, absentee voting, and school elections
121	SF 401	Domestic and sexual abuse — protective orders, proceedings, and services
122	SF 445	Confidentiality of law enforcement officer information, criminal sentencing, and massage therapy regulation
123	SF 467	Restrictions on receipt of bond or insurance death benefits by felons
124	HF 233	Use of step therapy protocols in prescription drug benefit decision making
125	HF 573	Powers of school district boards of directors
126	SF 1	Administrative rules — job impact statements
127	SF 238	Sexual exploitation by school employees
128	SF 240	Statewide student academic assessments
129	SF 260	Duty of care owed by possessors and occupants of land to trespassers
130	SF 404	Experimental treatments for terminally ill persons

CH.	FILE	TITLE
131	SF 408	Licensure of architects
132	SF 442	Voluntary exclusion from gambling facilities — process
133	SF 466	Judicial administration — juror identification and selection — shorthand reporters
134	SF 488	Workforce housing tax incentives program changes
135	SF 499	Use of monitoring devices by governmental entities within public facilities
136	SF 500	911 emergency communication systems
137	SF 501	Fees collected by county sheriffs
138	SF 502	Regulation of banking, credit unions, and consumer credit transactions
139	SF 503	Consumer credit transactions — unpaid installments — deferral agreements
140	HF 69	Criminal trespass
141	HF 89	School district employee retirement system mergers
142	HF 184	Petitions for administration of small estates
143	HF 195	Requests for notice of probate proceedings
144	HF 242	Iowa election campaign fund and checkoff
145	HF 296	Controlled and imitation controlled substances — miscellaneous changes
146	HF 313	Traffic accidents — removal of vehicles and remaining at scene
147	HF 371	Quiet title actions — quitclaim deed requests — fees and costs
148	HF 393	Public health — miscellaneous changes
149	HF 463	Motor vehicle regulation and enforcement
150	HF 472	College student aid — grant and loan forgiveness programs for teachers — eligibility
151	HF 478	Property tax assessment and assessors
152	HF 523	Drug prescribing and dispensing information program — medical examiner access to information
153	HF 564	School district funding and authorized expenditures and transfers
154	HF 565	Public school funding — transfer and expenditure of funds — flexibility accounts
155	HF 566	Political subdivision elections
156	HF 601	Confidentiality of critical and physical infrastructure and cyber security information
157	HF 608	Taxation and tax law administration — miscellaneous changes
158	HF 609	Local hotel and motel tax — imposition by land use districts
159	HF 617	Agriculture, land use, and activities regulated by the department of agriculture and land stewardship
160	HF 621	Economic development programs and projects
161	HF 625	Income tax return information — dependent child health care coverage
162	HF 524	Medical cannabidiol
163	SF 130	Appropriation reductions, transfers, and supplementals
164	SF 497	Appropriations — transportation
165	SF 498	Federal block grant appropriations and other federal funding
166	SF 508	Appropriations — judicial branch
167	SF 509	Appropriations — justice system
168	SF 510	Appropriations — agriculture and natural resources
169	SF 513	Appropriations — economic development
170	SF 516	State and local government financial and regulatory matters — appropriations and miscellaneous changes
171	HF 640	Appropriations — administration and regulation
172	HF 642	Appropriations — education
173	HF 643	Appropriations — infrastructure and capital projects
174	HF 653	Appropriations — health and human services

2017 Regular Session
of the
Eighty-Seventh General Assembly
of the
State of Iowa

CHAPTER 1

SCHOOL FINANCE — STATE PERCENTS OF GROWTH — PROPERTY TAX
REPLACEMENT PAYMENTS

S.F. 166

AN ACT relating to the state school foundation program, by modifying requirements for the enactment of the state percents of growth, establishing state percents of growth, modifying provisions relating to school district property tax replacement payments, and including effective date and applicability provisions.

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

Section 1. Section 257.8, subsections 1 and 2, Code 2017, are amended to read as follows:

1. *State percent of growth.* ~~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 the budget year beginning July 1, 2017, is one and eleven 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 transmission of the governor's budget required by February 1 under section 8.21 during the regular legislative session beginning in the base year. 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.~~

2. *Categorical state percent of growth.* ~~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 the budget year beginning July 1, 2017, is one and eleven 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 transmission of the governor's budget required by February 1 under section 8.21 during the regular legislative session beginning in the base year. 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. Section 257.16B, subsection 2, paragraph d, unnumbered paragraph 1, Code 2017, is amended to read as follows:

For each ~~the~~ budget year beginning ~~on or after~~ July 1, 2016, the department of management shall calculate for each school district all of the following:

Sec. 3. Section 257.16B, subsection 2, paragraph d, subparagraph (3), Code 2017, is amended to read as follows:

(3) The amount of each school district's property tax replacement payment. Each school district's property tax replacement payment equals the school district's weighted enrollment for the budget year beginning July 1, 2016, multiplied by the remainder of the amount calculated for the school district under subparagraph (2) minus the amount calculated for the school district under subparagraph (1).

Sec. 4. Section 257.16B, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. For each budget year beginning on or after July 1, 2017, the department of management shall calculate for each school district all of the following:

(1) The regular program state cost per pupil for the budget year beginning July 1, 2012, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1.

(2) The regular program state cost per pupil for the budget year beginning July 1, 2017, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1.

(3) The amount of each school district's property tax replacement payment. Each school district's property tax replacement payment equals the school district's weighted enrollment for the budget year multiplied by the remainder of the amount calculated for the school district under subparagraph (2) minus the amount calculated for the school district under subparagraph (1).

Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 6. APPLICABILITY. This Act applies to school budget years beginning on or after July 1, 2017.

Approved February 8, 2017

CHAPTER 2

PUBLIC EMPLOYMENT

H.F. 291

AN ACT relating to employment matters involving public employees including collective bargaining, educator employment matters, personnel records and settlement agreements, city civil service requirements, and health insurance matters, making penalties applicable, and including effective date, applicability, and transition provisions.

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

DIVISION I
PUBLIC EMPLOYEE COLLECTIVE BARGAINING

Section 1. Section 20.3, Code 2017, is amended by adding the following new subsections:
NEW SUBSECTION. 10A. “*Public safety employee*” means a public employee who is employed as one of the following:

- a. A sheriff’s regular deputy.
- b. A marshal or police officer of a city, township, or special-purpose district or authority who is a member of a paid police department.
- c. A member, except a non-peace officer member, of the division of state patrol, narcotics enforcement, state fire marshal, or criminal investigation, including but not limited to a gaming enforcement officer, who has been duly appointed by the department of public safety in accordance with section 80.15.
- d. A conservation officer or park ranger as authorized by section 456A.13.
- e. A permanent or full-time fire fighter of a city, township, or special-purpose district or authority who is a member of a paid fire department.
- f. A peace officer designated by the department of transportation under section 321.477 who is subject to mandated law enforcement training.

NEW SUBSECTION. 12. “*Supplemental pay*” means a payment of moneys or other thing of value that is in addition to compensation received pursuant to any other permitted subject of negotiation specified in section 20.9 and is related to the employment relationship.

Sec. 2. Section 20.6, subsection 1, Code 2017, is amended to read as follows:

1. ~~Interpret, apply, and administer~~ Administer the provisions of this chapter.

Sec. 3. Section 20.6, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 6. Appoint a certified shorthand reporter to report state employee grievance and discipline resolution proceedings pursuant to section 8A.415 and fix a reasonable amount of compensation for such service and for any transcript requested by the board, which amounts shall be taxed as other costs.

NEW SUBSECTION. 7. Contract with a vendor as the board may deem necessary to conduct elections required by section 20.15 on behalf of the board. The board shall establish fees by rule pursuant to chapter 17A to cover the cost of elections required by section 20.15. Such fees shall be paid in advance of an election and shall be paid by each employee organization listed on the ballot.

Sec. 4. Section 20.7, subsection 2, Code 2017, is amended to read as follows:

2. Hire, ~~evaluate,~~ promote, demote, transfer, assign and retain public employees in positions within the public agency.

Sec. 5. Section 20.8, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Exercise any right or seek any remedy provided by law, including but not limited to those rights and remedies available under sections 70A.28 and 70A.29, chapter 8A, subchapter IV, and chapters 216 and 400.

Sec. 6. Section 20.9, Code 2017, is amended to read as follows:

20.9 Scope of negotiations.

1. ~~The For negotiations regarding a bargaining unit with at least thirty percent of members who are public safety employees, the public employer and the employee organization shall meet at reasonable times, including meetings reasonably in advance of the public employer’s budget-making process, to negotiate in good faith with respect to wages, hours, vacations, insurance, holidays, leaves of absence, shift differentials, overtime compensation, supplemental pay, seniority, transfer procedures, job classifications, health and safety matters, evaluation procedures, procedures for staff reduction, in-service training, grievance procedures for resolving any questions arising under the agreement, and other matters mutually agreed upon. Negotiations shall also include terms authorizing dues checkoff for members of the employee organization and grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and~~

signed by the parties. If an agreement provides for dues checkoff, a member's dues may be checked off only upon the member's written request and the member may terminate the dues checkoff at any time by giving thirty days' written notice. For negotiations regarding a bargaining unit that does not have at least thirty percent of members who are public safety employees, the public employer and the employee organization shall meet at reasonable times, including meetings reasonably in advance of the public employer's budget-making process, to negotiate in good faith with respect to base wages and other matters mutually agreed upon. Such obligation to negotiate in good faith does not compel either party to agree to a proposal or make a concession. Mandatory subjects of negotiation specified in this subsection shall be interpreted narrowly and restrictively.

2. Nothing in this section shall diminish the authority and power of the department of administrative services, board of regents' merit system, Iowa public broadcasting board's merit system, or any civil service commission established by constitutional provision, statute, charter, or special act to recruit employees, prepare, conduct, and grade examinations, rate candidates in order of their relative scores for certification for appointment or promotion or for other matters of classification, reclassification, or appeal rights in the classified service of the public employer served.

3. All retirement systems, dues checkoffs, and other payroll deductions for political action committees or other political contributions or political activities shall be excluded from the scope of negotiations. For negotiations regarding a bargaining unit that does not have at least thirty percent of members who are public safety employees, insurance, leaves of absence for political activities, supplemental pay, transfer procedures, evaluation procedures, procedures for staff reduction, and subcontracting public services shall also be excluded from the scope of negotiations.

4. The term of a contract entered into pursuant to this chapter shall not exceed five years.

Sec. 7. Section 20.10, subsection 3, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *j.* Negotiate or attempt to negotiate directly with a member of the governing board of a public employer if the public employer has appointed or authorized a bargaining representative for the purpose of bargaining with the public employees or their representative, unless the member of the governing board is the designated bargaining representative of the public employer.

Sec. 8. Section 20.12, subsection 5, Code 2017, is amended to read as follows:

5. If an employee organization or any of its officers is held to be in contempt of court for failure to comply with an injunction pursuant to this section, or is convicted of violating this section, the employee organization shall be immediately decertified, shall cease to represent the bargaining unit, ~~shall cease to receive any dues by checkoff,~~ and may again be certified only after ~~twelve~~ twenty-four months have elapsed from the effective date of decertification and only ~~after if~~ if a new compliance with petition for certification pursuant to section 20.14 is filed and a new certification election pursuant to section 20.15 is held. The penalties provided in this section may be suspended or modified by the court, but only upon request of the public employer and only if the court determines the suspension or modification is in the public interest.

Sec. 9. Section 20.15, Code 2017, is amended to read as follows:

20.15 Elections — agreements with the state.

1. Initial certification elections.

a. Upon the filing of a petition for certification of an employee organization, the board shall submit a question to the public employees at an election in the bargaining unit found appropriate by the board. The question on the ballot shall permit the public employees to vote for no bargaining representation or for any employee organization which has petitioned for certification or which has presented proof satisfactory to the board of support of ~~ten~~ thirty percent or more of the public employees in the appropriate unit.

2. b. (1) If a majority of the votes cast on the question is public employees in the bargaining unit vote for no bargaining representation, the public employees in the bargaining unit found appropriate by the board shall not be represented by an employee organization.

(2) If a majority of the votes cast on the question is public employees in the bargaining unit vote for a listed employee organization, then that employee organization shall represent the public employees in the bargaining unit found appropriate by the board.

3. (3) If none of the choices on the ballot receive the vote of a majority of the public employees voting in the bargaining unit, the board shall conduct a runoff election among the two choices receiving the greatest number of votes the public employees in the bargaining unit found appropriate by the board shall not be represented by an employee organization.

c. The board shall not consider a petition for certification of an employee organization as the exclusive representative of a bargaining unit unless a period of two years has elapsed from the date of the last certification election in which an employee organization was not certified as the exclusive representative of that bargaining unit, of the last retention and recertification election in which an employee organization was not retained and recertified as the exclusive representative of that bargaining unit, or of the last decertification election in which an employee organization was decertified as the exclusive representative of that bargaining unit. The board shall also not consider a petition for certification as the exclusive bargaining representative of a bargaining unit if the bargaining unit is at that time represented by a certified exclusive bargaining representative.

2. Retention and recertification elections.

a. The board shall conduct an election to retain and recertify the bargaining representative of a bargaining unit prior to the expiration of the bargaining unit's collective bargaining agreement. The question on the ballot shall be whether the bargaining representative of the public employees in the bargaining unit shall be retained and recertified as the bargaining representative of the public employees in the bargaining unit. For collective bargaining agreements with a June 30 expiration date, the election shall occur between June 1 and November 1, both dates included, in the year prior to that expiration date. For collective bargaining agreements with a different expiration date, the election shall occur between three hundred sixty-five and two hundred seventy days prior to the expiration date.

b. (1) If a majority of the public employees in the bargaining unit vote to retain and recertify the representative, the board shall retain and recertify the bargaining representative and the bargaining representative shall continue to represent the public employees in the bargaining unit.

(2) If a majority of the public employees in the bargaining unit do not vote to retain and recertify the representative, the board, after the period for filing written objections pursuant to subsection 4 has elapsed, shall immediately decertify the representative and the public employees shall not be represented by an employee organization except pursuant to the filing of a subsequent petition for certification of an employee organization as provided in section 20.14 and an election conducted pursuant to such petition. Such written objections and decertifications shall be subject to applicable administrative and judicial review.

3. Decertification elections.

a. Upon the filing of a petition for decertification of an employee organization, the board shall submit a question to the public employees at an election in the bargaining unit found appropriate by the board. The question on the ballot shall be whether the bargaining representative of the public employees in the bargaining unit shall be decertified as the bargaining representative of public employees in the bargaining unit.

b. (1) If a majority of the public employees in the bargaining unit vote to decertify the bargaining representative, the board, after the period for filing written objections pursuant to subsection 4 has elapsed, shall immediately decertify the representative and the public employees shall not be represented by an employee organization except pursuant to the filing of a subsequent petition for certification of an employee organization as provided in section 20.14 and an election conducted pursuant to such petition. Such written objections and decertifications shall be subject to applicable administrative and judicial review.

(2) If a majority of the public employees in the bargaining unit do not vote to decertify the bargaining representative, the bargaining representative shall continue to represent the public employees in the bargaining unit.

c. The board shall not consider a petition for decertification of an employee organization unless a bargaining unit's collective bargaining agreement exceeds two years in length. The board shall not schedule a decertification election for a bargaining unit within one year of a prior certification, retention and recertification, or decertification election involving the bargaining unit. Unless otherwise prohibited by this paragraph, the board shall schedule a decertification election not less than one hundred fifty days before the expiration date of the bargaining unit's collective bargaining agreement.

4. *Invalidation of elections.* Upon written objections filed by any party to public employee, public employer, or employee organization involved in the election within ten days after notice of the results of the election, if the board finds that misconduct or other circumstances prevented the public employees eligible to vote from freely expressing their preferences, the board may invalidate the election and hold a second election for the public employees.

5. *Results certified.* Upon completion of a valid election in which the majority choice of the public employees voting in the bargaining unit is determined, the board shall certify the results of the election and shall give reasonable notice of the order to all employee organizations listed on the ballot, the public employers, and the public employees in the appropriate bargaining unit.

6. *State agreements.* a. A petition for certification as exclusive bargaining representative of a bargaining unit shall not be considered by the board for a period of one year from the date of the noncertification of an employee organization as the exclusive bargaining representative of that bargaining unit following a certification election. A petition for certification as the exclusive bargaining representative of a bargaining unit shall also not be considered by the board if the bargaining unit is at that time represented by a certified exclusive bargaining representative.

b. A petition for the decertification of the exclusive bargaining representative of a bargaining unit shall not be considered by the board for a period of one year from the date of its certification, or within one year of its continued certification following a decertification election, or during the duration of a collective bargaining agreement which, for purposes of this section, shall be deemed not to exceed two years. However, if a petition for decertification is filed during the duration of a collective bargaining agreement, the board shall award an election under this section not more than one hundred eighty days and not less than one hundred fifty days prior to the expiration of the collective bargaining agreement. If an employee organization is decertified, the board may receive petitions under section 20.14, provided that no such petition and no election conducted pursuant to such petition within one year from decertification shall include as a party the decertified employee organization.

e. A collective bargaining agreement with the state, its boards, commissions, departments, and agencies shall be for two years. and the The provisions of a collective bargaining agreement or arbitrator's award affecting state employees shall not provide for renegotiations which would require the refinancing of salary and fringe benefits subjects within the scope of negotiations under section 20.9 for the second year of the term of the agreement, except as provided in section 20.17, subsection 6, and the. The effective date of any such agreement shall be July 1 of odd-numbered years, provided that if an exclusive bargaining representative is certified on a date which will prevent the negotiation of a collective bargaining agreement prior to July 1 of odd-numbered years for a period of two years, the certified collective bargaining representative may negotiate a one-year contract with the public employer which shall be effective from July 1 of the even-numbered year to July 1 of the succeeding odd-numbered year when new contracts agreements shall become effective.

Sec. 10. Section 20.17, subsection 8, Code 2017, is amended to read as follows:

8. a. The salaries of all public employees of the state under a merit system and all other fringe benefits which are granted to all subjects within the scope of negotiations pursuant to the provisions of section 20.9 regarding public employees of the state shall be negotiated with the governor or the governor's designee on a statewide basis, except those benefits which are not subject to subjects excluded from the scope of negotiations pursuant to the provisions of section 20.9, subsection 3.

b. For the negotiation of such a proposed, statewide collective bargaining agreement to become effective in the year following an election described in section 39.9, a ratification

election referred to in section 20.17, subsection 4, shall not be held, and the parties shall not request arbitration as provided in section 20.22, subsection 1, until at least two weeks after the date of the beginning of the term of office of the governor in that year as prescribed in the Constitution of the State of Iowa. On or after the beginning of the term of office of the governor in that year as prescribed in the Constitution of the State of Iowa, the governor shall have the authority to reject such a proposed statewide collective bargaining agreement. If the governor does so, the parties shall commence collective bargaining in accordance with section 20.17. Such negotiation shall be complete not later than March 15 of that year, unless the parties mutually agree to a different deadline. The board shall adopt rules pursuant to chapter 17A providing for alternative deadlines for the completion of the procedures provided in sections 20.17, 20.19, 20.20, and 20.22 for negotiation of such statewide collective bargaining agreements in such years, which deadlines may be waived by mutual agreement of the parties.

Sec. 11. Section 20.17, subsection 9, Code 2017, is amended by striking the subsection.

Sec. 12. Section 20.22, subsections 2, 3, 7, 8, and 9, Code 2017, are amended to read as follows:

2. Each party shall serve its final offer on each of the impasse items upon the other party within four days of the board's receipt of the request for arbitration, or by a deadline otherwise agreed upon by the parties. The parties may continue to negotiate all offers until an agreement is reached or an award is rendered by the arbitrator. The full costs of arbitration under this section shall be shared equally by the parties to the dispute.

3. The submission of the impasse items to the arbitrator shall be limited to those items upon which the parties have not reached agreement. With respect to each such item, the arbitrator's award shall be restricted to the final offers on each impasse item submitted by the parties to the arbitrator, except as provided in subsection 9, paragraph "b".

7. The For an arbitration involving a bargaining unit that has at least thirty percent of members who are public safety employees, the arbitrator shall consider and specifically address in the arbitrator's determination, in addition to any other relevant factors, the following factors:

a. Past collective bargaining contracts between the parties including the bargaining that led up to such contracts.

b. Comparison of wages, hours and conditions of employment of the involved public employees with those of other public employees doing comparable work, giving consideration to factors peculiar to the area and the classifications involved.

c. The interests and welfare of the public, the ability of the public employer to finance economic adjustments and the effect of such adjustments on the normal standard of services.

~~d. The power of the public employer to levy taxes and appropriate funds for the conduct of its operations.~~

8. a. The arbitrator may administer oaths, examine witnesses and documents, take testimony and receive evidence, and issue subpoenas to compel the attendance of witnesses and the production of records. The arbitrator may petition the district court at the seat of government or of the county in which the hearing is held to enforce the order of the arbitrator compelling the attendance of witnesses and the production of records.

b. Except as required for purposes of the consideration of the factors specified in subsection 7, paragraphs "a" through "c", and subsection 7A, paragraph "a", subparagraphs (1) through (3), the parties shall not introduce, and the arbitrator shall not accept or consider, any direct or indirect evidence regarding any subject excluded from negotiations pursuant to section 20.9.

9. a. The arbitrator shall select within fifteen days after the hearing the most reasonable offer, in the arbitrator's judgment, of the final offers on each impasse item submitted by the parties.

b. (1) However, for an arbitration involving a bargaining unit that does not have at least thirty percent of members who are public safety employees, with respect to any increase in base wages, the arbitrator's award shall not exceed the lesser of the following percentages in any one-year period in the duration of the bargaining agreement:

(a) Three percent.

(b) A percentage equal to the increase in the consumer price index for all urban consumers for the midwest region, if any, as determined by the United States department of labor, bureau of labor statistics, or a successor index. Such percentage shall be the change in the consumer price index for the twelve-month period beginning eighteen months prior to the month in which the impasse item regarding base wages was submitted to the arbitrator and ending six months prior to the month in which the impasse item regarding base wages was submitted to the arbitrator.

(2) To assist the parties in the preparation of their final offers on an impasse item regarding base wages, the board shall provide information to the parties regarding the change in the consumer price index for all urban consumers for the midwest region for any twelve-month period. The department of workforce development shall assist the board in preparing such information upon request.

Sec. 13. Section 20.22, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. For an arbitration involving a bargaining unit that does not have at least thirty percent of members who are public safety employees, the following shall apply:

a. The arbitrator shall consider and specifically address in the arbitrator's determination, in addition to any other relevant factors, the following factors:

(1) Comparison of base wages, hours, and conditions of employment of the involved public employees with those of other public employees doing comparable work, giving consideration to factors peculiar to the area and the classifications involved. To the extent adequate, applicable data is available, the arbitrator shall also compare base wages, hours, and conditions of employment of the involved public employees with those of private sector employees doing comparable work, giving consideration to factors peculiar to the area and the classifications involved.

(2) The interests and welfare of the public.

(3) The financial ability of the employer to meet the cost of an offer in light of the current economic conditions of the public employer. The arbitrator shall give substantial weight to evidence that the public employer's authority to utilize funds is restricted to special purposes or circumstances by state or federal law, rules, regulations, or grant requirements.

b. The arbitrator shall not consider the following factors:

(1) Past collective bargaining agreements between the parties or bargaining that led to such agreements.

(2) The public employer's ability to fund an award through the increase or imposition of new taxes, fees, or charges, or to develop other sources of revenues.

Sec. 14. Section 20.26, unnumbered paragraph 4, Code 2017, is amended to read as follows:

Nothing in this section shall be construed to prohibit voluntary contributions by individuals to political parties or candidates, provided that such contributions are not made through payroll deductions.

Sec. 15. Section 20.29, Code 2017, is amended to read as follows:

20.29 Filing agreement — public access — internet site.

1. Collective bargaining agreements shall be in writing and shall be signed by the parties.

2. A copy of a collective bargaining agreement entered into between a public employer and a certified employee organization and made final under this chapter shall be filed with the board by the public employer within ten days of the date on which the agreement is entered into.

3. Copies of collective bargaining agreements entered into between the state and the state employees' bargaining representatives and made final under this chapter shall be filed with the secretary of state and be made available to the public at cost.

4. The board shall maintain an internet site that allows searchable access to a database of collective bargaining agreements and other collective bargaining information.

Sec. 16. Section 20.30, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

20.30 Supervisory member — no reduction before retirement.

A supervisory member of any department or agency employed by the state of Iowa shall not be granted a voluntary reduction to a nonsupervisory rank or grade during the thirty-six months preceding retirement of the member. A member of any department or agency employed by the state of Iowa who retires in less than thirty-six months after voluntarily requesting and receiving a reduction in rank or grade from a supervisory to a nonsupervisory position shall be ineligible for a benefit to which the member is entitled as a nonsupervisory member but is not entitled as a supervisory member.

Sec. 17. Section 20.31, subsection 2, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A mediator shall not be required to testify in any judicial, administrative, arbitration, or grievance proceeding regarding any matters occurring in the course of a mediation, including any verbal or written communication or behavior, other than facts relating exclusively to the timing or scheduling of mediation. A mediator shall not be required to produce or disclose any documents, including notes, memoranda, or other work product, relating to mediation, other than documents relating exclusively to the timing or scheduling of mediation. This subsection shall not apply in any of the following circumstances:

Sec. 18. NEW SECTION. **20.32 Transit employees — applicability.**

All provisions of this chapter applicable to employees described in section 20.3, subsection 10A, shall be applicable on the same terms and to the same degree to any transit employee if it is determined by the director of the department of transportation, upon written confirmation from the United States department of labor, that a public employer would lose federal funding under 49 U.S.C. §5333(b) if the transit employee is not covered under certain collective bargaining rights.

Sec. 19. Section 22.7, subsection 69, Code 2017, is amended to read as follows:

69. The evidence of public employee support for the certification, retention and recertification, 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 section 20.14 and or 20.15.

Sec. 20. Section 22.7, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 70. Information indicating whether a public employee voted in a certification, retention and recertification, or decertification election held pursuant to section 20.15 or how the employee voted on any question on a ballot in such an election.

Sec. 21. Section 70A.17A, subsection 3, Code 2017, is amended by striking the subsection.

Sec. 22. Section 70A.19, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

70A.19 Payroll deduction for employee organization dues prohibited.

The state, a state agency, a regents institution, a board of directors of a school district, a community college, or an area education agency, a county board of supervisors, a governing body of a city, or any other public employer as defined in section 20.3 shall not authorize or administer a deduction from the salaries or wages of its employees for membership dues to an employee organization as defined in section 20.3.

Sec. 23. Section 412.2, subsection 1, Code 2017, is amended to read as follows:

1. From the proceeds of the assessments on the wages and salaries of employees, of any such waterworks system, or other municipally owned and operated public utility, eligible to receive the benefits thereof. ~~Notwithstanding any provisions of section 20.9 to the contrary, a council, board of waterworks, or other board or commission which establishes a pension and annuity retirement system pursuant to this chapter, shall negotiate in good faith with a certified employee organization as defined in section 20.3, which is the collective bargaining representative of the employees, with respect to the amount or rate of the assessment on the wages and salaries of employees and the method or methods for payment of the assessment by the employees.~~

Sec. 24. Section 602.1401, subsection 3, paragraph b, Code 2017, is amended to read as follows:

b. For purposes of chapter 20, the certified representative, which on July 1, 1983, represents employees who become judicial branch employees as a result of 1983 Iowa Acts, ch. 186, shall remain the certified representative when the employees become judicial branch employees and thereafter, unless the public employee organization is not retained and recertified or is decertified in an election held under section 20.15 or amended or absorbed into another certified organization pursuant to chapter 20. Collective bargaining negotiations shall be conducted on a statewide basis and the certified employee organizations which engage in bargaining shall negotiate on a statewide basis, although bargaining units shall be organized by judicial district. The public employment relations board shall adopt rules pursuant to chapter 17A to implement this subsection.

Sec. 25. TRANSITION PROCEDURES — EMERGENCY RULES.

1. As of the effective date of this division of this Act, parties, mediators, and arbitrators engaging in any collective bargaining procedures provided for in chapter 20, Code 2017, who have not, before the effective date of this division of this Act, completed such procedures, shall immediately terminate any such procedures in process. A collective bargaining agreement negotiated pursuant to such procedures in process shall not become effective. Parties, mediators, and arbitrators shall not engage in further collective bargaining procedures except as provided in this section. Such parties, on or after the effective date of this division of this Act, may commence collective bargaining in accordance with section 20.17, as amended in this division of this Act. If such parties include a state public employer and a state employee organization, negotiation of a proposed collective bargaining agreement to become effective during the remainder of calendar year 2017 shall be complete not later than March 15, 2017, unless the parties mutually agree to a different deadline. If such parties include public employees represented by a certified employee organization who are employed by a public employer which is a school district, area education agency, or community college, negotiation of a proposed collective bargaining agreement to become effective during the remainder of calendar year 2017 shall be complete not later than June 30, 2017, unless the parties mutually agree to a different deadline.

2. The public employment relations board shall adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to provide for procedures as deemed necessary to implement the provisions of this section and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Such rules shall include but are not limited to alternative deadlines for completion of the procedures provided in sections 20.17 and 20.22, as amended by this division of this Act, and sections 20.19 and 20.20, which deadlines may be waived by mutual agreement of the parties.

Sec. 26. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 27. APPLICABILITY.

1. With the exception of the section of this division of this Act amending section 20.6, subsection 1, this division of this Act does not apply to collective bargaining agreements which have been ratified in a ratification election referred to in section 20.17, subsection 4, for which an arbitrator has made a final determination as described in section 20.22, subsection 11, or which have become effective, where such events occurred before the effective date of this division of this Act. This division of this Act applies to all collective bargaining procedures provided for in chapter 20 occurring on and after the effective date of this division of this Act and collective bargaining agreements for which a ratification election referred to in section 20.17, subsection 4, is held, for which an arbitrator makes a final determination as described in section 20.22, subsection 11, or which, unless otherwise provided in this section, become effective on or after the effective date of this division of this Act.

2. The provision of this division of this Act amending section 70A.19 does not apply to dues deductions required by collective bargaining agreements which have been ratified in a ratification election referred to in section 20.17, subsection 4, for which an arbitrator

has made a final determination as described in section 20.22, subsection 11, or which have become effective, where such events occurred before the effective date of this division of this Act.

3. Section 20.15, subsection 2, as enacted by this division of this Act, does not apply to collective bargaining agreements with expiration dates occurring before April 1, 2018.

DIVISION II EDUCATOR EMPLOYMENT MATTERS

Sec. 28. Section 279.13, subsections 2 and 5, Code 2017, are amended to read as follows:

2. The contract shall remain in force and effect for the period stated in the contract and shall be automatically continued for equivalent periods except as modified or terminated by mutual agreement of the board of directors and the teacher or as modified or terminated in accordance with the provisions specified in this chapter. A contract shall not be offered by the employing board to a teacher under its jurisdiction prior to March 15 of any year. A teacher who has not accepted a contract for the ensuing school year tendered by the employing board may resign effective at the end of the current school year by filing a written resignation with the secretary of the board. The resignation must be filed not later than the last day of the current school year or the date specified by the employing board for return of the contract, whichever date occurs first. However, a teacher shall not be required to return a contract to the board or to resign less than twenty-one days after the contract has been offered.

5. Notwithstanding the other provisions of this section, a temporary contract may be issued to a teacher for a period of up to six months. Notwithstanding the other provisions of this section, a temporary contract may also be issued to a teacher to fill a vacancy created by a leave of absence in accordance with the provisions of section 29A.28, which contract shall automatically terminate upon return from military leave of the former incumbent of the teaching position and which contract. Temporary contracts shall not be subject to the provisions of sections 279.15 through 279.19, or section 279.27. A separate extracurricular contract issued pursuant to section 279.19A to a person issued a temporary contract under this section shall automatically terminate with the termination of the temporary contract as required under section 279.19A, subsection 8.

Sec. 29. Section 279.13, subsection 4, unnumbered paragraph 1, Code 2017, is amended to read as follows:

For purposes of this section, sections 279.14, 279.15 ~~through 279.17, 279.16, 279.19, and 279.27~~, unless the context otherwise requires, “teacher” includes the following individuals employed by a community college:

Sec. 30. Section 279.14, Code 2017, is amended to read as follows:

279.14 Evaluation criteria and procedures.

1. The board shall establish evaluation criteria and ~~shall implement~~ evaluation procedures. ~~If an exclusive bargaining representative has been certified, the board shall negotiate in good faith with respect to evaluation procedures pursuant to chapter 20.~~

2. The determination of standards of performance expected of school district personnel shall be reserved as an exclusive management right of the school board and shall not be subject to mandatory negotiations under chapter 20. ~~Notwithstanding chapter 20, objections~~ Objections to the procedures, use, or content of an evaluation in a teacher termination proceeding brought before the school board in a hearing held in accordance with section 279.16 or 279.27 shall not be subject to ~~the any~~ any grievance procedures negotiated in accordance with chapter 20. ~~A school district shall not be obligated to process any evaluation grievance after service of a notice and recommendation to terminate an individual's continuing teaching contract in accordance with this chapter.~~

Sec. 31. Section 279.15, subsection 2, paragraph c, Code 2017, is amended to read as follows:

c. Within five days of the receipt of the written notice that the superintendent is recommending termination of the contract, the teacher may request, in writing to the secretary of the board, a private hearing with the board. The private hearing shall not be

subject to chapter 21 and shall be held no sooner than ~~ten~~ twenty days and no later than ~~twenty~~ forty days following the receipt of the request unless the parties otherwise agree. The secretary of the board shall notify the teacher in writing of the date, time, and location of the private hearing, and at least ~~five~~ ten days before the hearing shall also furnish to the teacher any documentation which may be presented to the board at the private hearing and a list of persons who may address the board in support of the superintendent's recommendation at the private hearing. At least ~~three~~ seven days before the hearing, the teacher shall provide any documentation the teacher expects to present at the private hearing, along with the names of any persons who may address the board on behalf of the teacher. This exchange of information shall be at the time specified unless otherwise agreed.

Sec. 32. Section 279.16, subsections 1, 2, 6, 7, 8, 9, and 10, Code 2017, are amended to read as follows:

1. The participants at the private hearing shall be at least a majority of the members of the board, and their legal representatives, if any, ~~the and the witnesses for the parties.~~ The superintendent, the superintendent's designated representatives, if any, the teacher's immediate supervisor, the teacher, and the teacher's representatives, if any, and the witnesses for the parties may participate in the hearing as well. The evidence at the private hearing shall be limited to the specific reasons stated in the superintendent's notice of recommendation of termination. ~~No~~ A participant in the hearing shall ~~not~~ be liable for any damages to any person if any statement at the hearing is determined to be erroneous as long as the statement was made in good faith. The superintendent shall present evidence and argument on all issues involved and the teacher may cross-examine, respond, and present evidence and argument in the teacher's behalf relevant to all issues involved. Evidence may be by stipulation of the parties and informal settlement may be made by stipulation, consent, or default or by any other method agreed upon by the parties in writing. The board shall ~~employ a certified shorthand reporter to keep a record of the private hearing.~~ The proceedings or any part thereof shall be transcribed at the request of either party with the expense of transcription charged to the requesting party.

2. The presiding officer of the board may administer oaths in the same manner and with like effect and under the same penalties as in the case of magistrates exercising criminal or civil jurisdiction. ~~The board shall cause subpoenas to be issued for such witnesses and the production of such books and papers as either the board or the teacher may designate. The subpoenas shall be signed by the presiding officer of the board.~~

6. If the teacher fails to timely request a private hearing or does not appear at the private hearing, the board may proceed and make a determination upon the superintendent's recommendation. ~~If the teacher fails to timely file a request for a private hearing, the determination shall be not later than May 31. If the teacher fails to appear at the private hearing, the determination shall be not later than five days after the scheduled date for the private hearing.~~ The board shall convene in open session and by roll call vote determine the termination or continuance of the teacher's contract and, if the board votes to continue the teacher's contract, whether to suspend the teacher with or without pay for a period specified by the board or issue the teacher a ~~one-year, nonrenewable contract.~~

7. Within five days after the private hearing, the board shall, in executive session, meet to make a final decision upon the recommendation and the evidence as herein provided. ~~The board shall also consider any written brief and arguments submitted by the superintendent and the teacher.~~

8. a. The record for a private hearing shall include:

- ~~a.~~ (1) All pleadings, motions, and intermediate rulings.
- ~~b.~~ (2) All evidence received or considered and all other submissions.
- ~~c.~~ (3) A statement of all matters officially noticed.
- ~~d.~~ (4) All questions and offers of proof, objections, and rulings thereon.
- ~~e.~~ (5) All findings and exceptions.
- ~~f.~~ (6) Any decision, opinion, or conclusion by the board.
- ~~g.~~ Findings of fact

b. The decision of the board shall be based solely on the evidence in the record and on matters officially noticed in the record.

9. The decision of the board shall be in writing and shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts and supporting the findings. Each conclusion of law shall be supported by cited authority or by reasoned opinion.

10. When the board has reached a decision, opinion, or conclusion, it shall convene in open meeting and by roll call vote determine the continuance or discontinuance of the teacher's contract and, if the board votes to continue the teacher's contract, whether to suspend the teacher with or without pay for a period specified by the board or issue the teacher a one-year, nonrenewable contract. The record of the private conference hearing and findings of fact and exceptions written decision of the board shall be exempt from the provisions of chapter 22. The secretary of the board shall immediately mail notice of the board's action to the teacher.

Sec. 33. Section 279.16, subsections 3 and 5, Code 2017, are amended by striking the subsections.

Sec. 34. Section 279.18, Code 2017, is amended to read as follows:

279.18 Appeal by either party teacher to court.

1. If either party a teacher rejects the adjudicator's board's decision, the rejecting party teacher shall, within thirty days of the initial filing of such decision, appeal to the district court of the county in which the administrative office of the school district is located. The notice of appeal shall be immediately mailed by certified mail to the other party board. The adjudicator secretary of the board shall transmit to the reviewing court the original or a certified copy of the entire record which may be the subject of the petition. By stipulation of all parties to the review proceedings, the record of such a case may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional cost. The court may require or permit subsequent corrections or additions to the shortened record.

2. In proceedings for judicial review of the adjudicator's board's decision, the court shall not hear any further evidence but shall hear the case upon the certified record. In such judicial review, especially when considering the credibility of witnesses, the court shall give weight to the fact findings decision of the board, but shall not be bound by them it. The court may affirm the adjudicator's board's decision or remand to the adjudicator or the board for further proceedings upon conditions determined by the court. The court shall reverse, modify, or grant any other appropriate equitable or legal relief from the board decision, or the adjudicator's decision equitable or legal and including declaratory relief, if substantial rights of the petitioner have been prejudiced because the action is any of the following:

- a. In violation of constitutional or statutory provisions; or
- b. In excess of the statutory authority of the board or the adjudicator; or
- c. In violation of a board rule or policy or contract; or
- d. Made upon unlawful procedure; or
- e. Affected by other error of law; or
- f. Unsupported by a preponderance of the competent evidence in the record made before the board and the adjudicator when that record is viewed as a whole; or
- g. Unreasonable, arbitrary, or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

3. An aggrieved or adversely affected party to the judicial review proceeding may obtain a review of any final judgment of the district court by appeal to the supreme court. The appeal shall be taken as in other civil cases, although the appeal may be taken regardless of the amount involved.

4. For purposes of this section, unless the context otherwise requires, "rejecting party" "teacher" shall include, but not be limited to, an instructor employed by a community college.

Sec. 35. Section 279.19, Code 2017, is amended to read as follows:

279.19 Probationary period.

1. The first three consecutive years of employment of a teacher in the same school district are a probationary period. However, if the teacher has successfully completed a probationary period of employment for another school district located in Iowa, the probationary period in

the current district of employment shall not exceed ~~one year~~ two years. A board of directors may waive the probationary period for any teacher who previously has served a probationary period in another school district and the board may extend the probationary period for an additional year with the consent of the teacher.

2. In the case of the termination of a probationary teacher's contract, the contract may be terminated by the board of directors effective at the end of a school year without cause. The superintendent or the superintendent's designee shall notify the teacher not later than April 30 that the board has voted to terminate the contract effective at the end of the school year. The notice shall be in writing by letter, personally delivered, or mailed by certified mail. The notification shall be complete when received by the teacher. Within ten days after receiving the notice, the teacher may request a private conference with the school board to discuss the reasons for termination. The provisions of sections 279.15 and 279.16 shall not apply to such a termination. However, if the probationary teacher is a beginning teacher who fails to demonstrate competence in the Iowa teaching standards in accordance with chapter 284, the provisions of sections 279.17 and 279.18 shall also apply.

3. The board's decision shall be final and binding unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the teacher ~~or an alleged violation of public employee rights of the teacher under section 20.10.~~

Notwithstanding any provision to the contrary, the grievance procedures of section 20.18 relating to job performance or job retention shall not apply to a teacher during the first two years of the teacher's probationary period. ~~However, this paragraph shall not apply to a teacher who has successfully completed a probationary period in a school district in Iowa.~~

Sec. 36. Section 279.19A, subsections 1, 2, 7, and 8, Code 2017, are amended to read as follows:

1. School districts employing individuals to coach interscholastic athletic sports shall issue a separate extracurricular contract for each of these sports. An extracurricular contract offered under this section shall be separate from the contract issued under section 279.13. ~~Wages for employees who coach these sports shall be paid pursuant to established or negotiated supplemental pay schedules.~~ An extracurricular contract shall be in writing, and shall state the number of contract days for that sport, the annual compensation to be paid, and any other matters as may be mutually agreed upon. The contract shall be for a single school year.

2. a. ~~An extracurricular contract shall be continued automatically in force and effect for equivalent periods, except as modified or terminated by mutual agreement of the board of directors and the employee, or terminated in accordance with this section. An extracurricular contract shall initially be offered by the employing board to an individual on the same date that contracts are offered to teachers under section 279.13. An extracurricular contract may be terminated at the end of a school year pursuant to sections 279.15 through 279.19. If the school district offers an extracurricular contract for a sport for the subsequent school year to an employee who is currently performing under an extracurricular contract for that sport, and the employee does not wish to accept the extracurricular contract for the subsequent year, the employee may resign from the extracurricular contract within twenty-one days after it has been received.~~

b. ~~Section 279.13, subsection 3, applies to this section. If the provisions of an extracurricular contract executed under this section conflict with a collective bargaining agreement negotiated under chapter 20 and effective when the extracurricular contract is executed or renewed, the provisions of the collective bargaining agreement shall prevail.~~

7. An extracurricular contract may be terminated prior to the expiration of that contract ~~pursuant to section 279.27 for any lawful reason following an informal, private hearing before the board of directors. The decision of the board to terminate an extracurricular contract shall be final.~~

8. a. A termination proceeding of regarding an extracurricular contract either by the board pursuant to subsection 2 or pursuant to section 279.27 does shall not affect a contract issued pursuant to section 279.13.

b. A termination of a contract entered into pursuant to section 279.13, or a resignation from that contract by the teacher, constitutes an automatic termination or resignation of the extracurricular contract in effect between the same teacher and the employing school board.

Sec. 37. Section 279.23, subsection 1, paragraph c, Code 2017, is amended to read as follows:

c. ~~The rate of compensation per week of five consecutive days or month of four consecutive weeks.~~

Sec. 38. Section 279.23, subsection 5, Code 2017, is amended to read as follows:

5. Notwithstanding the other provisions of this section, a temporary contract may be issued to an administrator for up to nine months. ~~Notwithstanding the other provisions of this section, a temporary contract may also be issued to an administrator to fill a vacancy created by a leave of absence in accordance with the provisions of section 29A.28, which contract shall automatically terminate upon return from military leave of the former incumbent of the administrator position and which contract.~~ Temporary contracts shall not be subject to the provisions of sections 279.24 and 279.25.

Sec. 39. Section 279.24, subsections 2 and 4, Code 2017, are amended to read as follows:

2. If the board of directors is considering termination of an administrator's contract, prior to any formal action, the board may arrange to meet in closed session, in accordance with the provisions of section 21.5, with the administrator and the administrator's representative. The board shall review the administrator's evaluation, review the reasons for nonrenewal, and give the administrator an opportunity to respond. If, following the closed session, the board of directors and the administrator are unable to mutually agree to a modification or termination of the administrator's contract, ~~or the board of directors and the administrator are unable to mutually agree to enter into~~ may issue a one-year nonrenewable contract, ~~to the administrator. If the board of directors decides to terminate the administrator's contract, the board shall follow the procedures in this section.~~

4. Administrators employed in a school district for less than ~~two~~ three consecutive years are probationary administrators. However, a school board ~~may waive the probationary period for any administrator who has previously served a probationary period in another school district and the school board~~ may extend the probationary period for an additional year with the consent of the administrator. If a school board determines that it should terminate a probationary administrator's contract, the school board shall notify the administrator not later than May 15 that the contract will not be renewed beyond the current year. The notice shall be in writing by letter, personally delivered, or mailed by certified mail. The notification shall be complete when received by the administrator. Within ten days after receiving the notice, the administrator may request a private conference with the school board to discuss the reasons for termination. The school board's decision to terminate a probationary administrator's contract shall be final unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the administrator.

Sec. 40. Section 279.24, subsection 5, paragraphs c, d, e, f, g, and h, Code 2017, are amended to read as follows:

c. Within five days after receipt of the written notice that the school board has voted to consider termination of the contract, the administrator may request a private hearing in writing to the secretary of the school board ~~that~~. ~~The board shall then forward the notification be forwarded to the board of educational examiners along with a request that the board of educational examiners submit a list of five qualified administrative law judges to the parties. Within three days from receipt of the list the parties shall select an administrative law judge by alternately removing a name from the list until only one name remains. The person whose name remains shall be the administrative law judge. The parties shall determine by lot which party shall remove the first name from the list. The private hearing shall be held no sooner than ten twenty days and not later than thirty forty days following the administrator's request unless the parties otherwise agree. If the administrator does not request a private hearing, the school board, not later than May 31, may determine the continuance or discontinuance of the contract and, if the board determines to continue the administrator's contract, whether~~

to suspend the administrator with or without pay for a period specified by the board. School board action shall be by majority roll call vote entered on the minutes of the meeting. Notice of school board action shall be personally delivered or mailed to the administrator.

d. The administrative law judge selected shall notify the secretary of the school board and the administrator in writing concerning the date, time, and location of the private hearing. The school board may be represented by a legal representative, if any, and the administrator shall appear and may be represented by counsel or by representative, if any. Any witnesses for the parties at the private hearing shall be sequestered. A transcript or recording shall be made of the proceedings at the private hearing. A school board member or administrator is not liable for any damage to an administrator or school board member if a statement made at the private hearing is determined to be erroneous as long as the statement was made in good faith.

e. The administrative law judge shall, within ten days following the date of the private hearing, make a proposed decision as to whether or not the administrator should be dismissed, and shall give a copy of the proposed decision to the administrator and the school board. Findings of fact shall be prepared by the administrative law judge. The proposed decision of the administrative law judge shall become the final decision of the school board unless within ~~ten~~ thirty days after the filing of the decision the administrator files a written notice of appeal with the school board, or the school board on its own motion determines to review the decision.

f. If the administrator appeals to the school board, or if the school board determines on its own motion to review the proposed decision of the administrative law judge, a private hearing shall be held before the school board within ~~five~~ ten days after the petition for review, or motion for review, has been made or at such other time as the parties agree. The private hearing is not subject to chapter 21. The school board may hear the case de novo upon the record as submitted before the administrative law judge. In cases where there is an appeal from a proposed decision or where a proposed decision is reviewed on motion of the school board, an opportunity shall be afforded to each party to file exceptions, present briefs, and present oral arguments to the school board which is to render the final decision. The secretary of the school board shall give the administrator written notice of the time, place, and date of the private hearing. The school board shall meet within five days after the private hearing to determine the question of continuance or discontinuance of the contract and, if the board determines to continue the administrator's contract, whether to suspend the administrator with or without pay for a period specified by the board or issue the administrator a one-year, nonrenewable contract. The school board shall make findings of fact which shall be based solely on the evidence in the record and on matters officially noticed in the record.

g. The decision of the school board shall be in writing ~~and shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Each conclusion of law shall be supported by cited authority or by reasoned opinion.~~

h. When the school board has reached a decision, opinion, or conclusion, it shall convene in open meeting and by roll call vote determine the continuance or discontinuance of the administrator's contract and, if the board votes to continue the administrator's contract, whether to suspend the administrator with or without pay for a period specified by the board or issue the administrator a one-year, nonrenewable contract. The record of the private conference hearing and findings of fact and exceptions written decision of the board shall be exempt from the provisions of chapter 22. The secretary of the school board shall immediately personally deliver or mail notice of the school board's action to the administrator.

Sec. 41. Section 279.27, Code 2017, is amended to read as follows:

279.27 Discharge of teacher.

1. A teacher may be discharged at any time during the contract year for just cause. The superintendent or the superintendent's designee, shall notify the teacher immediately that the superintendent will recommend in writing to the board at a regular or special meeting of the board held not more than fifteen days after notification has been given to the teacher that the teacher's continuing contract be terminated effective immediately following a decision of the board. The procedure for dismissal shall be as provided in section 279.15, subsection

2, and sections 279.16 to through 279.19. The superintendent may suspend a teacher under this section pending hearing and determination by the board.

2. For purposes of this section, "*just cause*" includes but is not limited to a violation of the code of professional conduct and ethics of the board of educational examiners if the board has taken disciplinary action against a teacher, during the six months following issuance by the board of a final written decision and finding of fact after a disciplinary proceeding.

Sec. 42. Section 284.3, subsection 2, Code 2017, is amended to read as follows:

2. A school board shall provide for the following:

a. For purposes of comprehensive evaluations, standards and criteria which measure a beginning teacher's performance against the Iowa teaching standards specified in subsection 1, and the criteria for the Iowa teaching standards developed by the department in accordance with section 256.9, to determine whether the teacher's practice meets the requirements specified for a career teacher. These standards and criteria shall be set forth in an instrument provided by the department. The comprehensive evaluation and instrument are not subject to negotiations or grievance procedures pursuant to chapter 20 or determinations made by the board of directors under section 279.14. ~~A local school board and its certified bargaining representative may negotiate, pursuant to chapter 20, evaluation and grievance procedures for beginning teachers that are not in conflict with this chapter. If, in accordance with section 279.19, a beginning teacher appeals the determination of a school board to an adjudicator under section 279.17, the adjudicator selected shall have successfully completed training related to the Iowa teacher standards, the criteria adopted by the state board in accordance with subsection 3, and any additional training required under rules adopted by the public employment relations board in cooperation with the state board.~~

b. For purposes of performance reviews for teachers other than beginning teachers, evaluations that contain, at a minimum, the Iowa teaching standards specified in subsection 1, as well as the criteria for the Iowa teaching standards developed by the department in accordance with section 256.9, subsection 42. ~~A local school board and its certified bargaining representative may negotiate, pursuant to chapter 20, additional teaching standards and criteria. A local school board and its certified bargaining representative shall negotiate, pursuant to chapter 20, evaluation and grievance procedures for teachers other than beginning teachers that are not in conflict with this chapter.~~

Sec. 43. Section 284.4, subsection 1, paragraph c, subparagraphs (2) and (5), Code 2017, are amended to read as follows:

(2) Monitor the evaluation requirements of this chapter to ensure evaluations are conducted in a fair and consistent manner throughout the school district or agency. ~~In addition to any negotiated evaluation procedures, The committee shall~~ develop model evidence for the Iowa teaching standards and criteria. The model evidence will minimize paperwork and focus on teacher improvement. The model evidence will determine which standards and criteria can be met with observation and which evidence meets multiple standards and criteria.

(5) ~~Ensure the agreement negotiated pursuant to chapter 20 determines~~ Determine the compensation for teachers on the committee for work responsibilities required beyond the normal work day.

Sec. 44. Section 284.8, subsections 2 and 4, Code 2017, are amended to read as follows:

2. If a supervisor or an evaluator determines, at any time, as a result of a teacher's performance that the teacher is not meeting district expectations under the Iowa teaching standards specified in section 284.3, subsection 1, paragraphs "a" through "h", and the criteria for the Iowa teaching standards developed by the department in accordance with section 256.9, subsection 42, ~~and any other standards or criteria established in the collective bargaining agreement,~~ the evaluator shall, at the direction of the teacher's supervisor, recommend to the district that the teacher participate in an intensive assistance program. The intensive assistance program and its implementation are not subject to negotiation and grievance procedures established pursuant to chapter 20. All school districts shall be prepared to offer an intensive assistance program.

4. A teacher who is not meeting the applicable standards and criteria based on a determination made pursuant to subsection 2 shall participate in an intensive assistance program. However, a teacher who has previously participated in an intensive assistance program relating to particular Iowa teaching standards or criteria shall not be entitled to participate in another intensive assistance program relating to the same standards or criteria and shall be subject to the provisions of subsection 5.

Sec. 45. Section 284.8, subsection 3, Code 2017, is amended by striking the subsection.

Sec. 46. Section 284.8, Code 2017, is amended by adding the following new subsection:
NEW SUBSECTION. 5. Following a teacher's participation in an intensive assistance program, the teacher shall be reevaluated to determine whether the teacher successfully completed the intensive assistance program and is meeting district expectations under the applicable Iowa teaching standards or criteria. If the teacher did not successfully complete the intensive assistance program or continues not to meet the applicable Iowa teaching standards or criteria, the board may do any of the following:

- a. Terminate the teacher's contract immediately pursuant to section 279.27.
- b. Terminate the teacher's contract at the end of the school year pursuant to section 279.15.
- c. Continue the teacher's contract for a period not to exceed one year. However, the contract shall not be renewed and shall not be subject to section 279.15.

Sec. 47. REPEAL. Section 279.17, Code 2017, is repealed.

Sec. 48. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 49. APPLICABILITY. This division of this Act applies to employment contracts of school employees entered into pursuant to chapter 279 on and after the effective date of this division of this Act. This division of this Act does not apply to collective bargaining agreements pursuant to chapter 20 which have been ratified in a ratification election referred to in section 20.17, subsection 4, for which an arbitrator has made a final determination as described in section 20.22, subsection 11, or which have become effective, where such events occurred before the effective date of this division of this Act. This division of this Act applies to all collective bargaining procedures provided for in chapter 20 occurring on and after the effective date of this division of this Act and collective bargaining agreements pursuant to chapter 20 for which a ratification election referred to in section 20.17, subsection 4, is held, for which an arbitrator makes a final determination as described in section 20.22, subsection 11, or which, unless otherwise provided in this section, become effective on or after the effective date of this division of this Act.

DIVISION III PERSONNEL RECORDS AND SETTLEMENT AGREEMENTS

Sec. 50. Section 22.7, subsection 11, paragraph a, subparagraph (5), Code 2017, is amended to read as follows:

(5) The fact that the individual resigned in lieu of termination, was discharged, or was demoted as the result of a final disciplinary action upon the exhaustion of all applicable contractual, legal, and statutory remedies, and the documented reasons and rationale for the resignation in lieu of termination, the discharge, or the demotion. For purposes of this subparagraph, "demoted" and "demotion" mean a change of an employee from a position in a given classification to a position in a classification having a lower pay grade.

Sec. 51. **NEW SECTION. 22.13A Personnel settlement agreements — state employees — confidentiality — disclosure.**

1. For purposes of this section:

a. "*Personnel settlement agreement*" means a binding legal agreement between a state employee and the state employee's employer, subject to section 22.13, to resolve a personnel dispute including but not limited to a grievance. "*Personnel settlement agreement*" does not

include an initial decision by a state employee's employer concerning a personnel dispute or grievance.

b. "State employee" means an employee of the state who is an employee of the executive branch as described in sections 7E.2 and 7E.5.

2. Personnel settlement agreements shall not contain any confidentiality or nondisclosure provision that attempts to prevent the disclosure of the personnel settlement agreement. In addition, any confidentiality or nondisclosure provision in a personnel settlement agreement is void and unenforceable.

3. The requirements of this section shall not be superseded by any provision of a collective bargaining agreement.

4. All personnel settlement agreements shall be made easily accessible to the public on an internet site maintained as follows:

a. For personnel settlement agreements with an employee of the executive branch, excluding an employee of the state board of regents or institution under the control of the state board of regents, by the department of administrative services.

b. For personnel settlement agreements with an employee of the state board of regents or institution under the control of the state board of regents, by the state board of regents.

5. *a.* A state agency shall not enter into a personnel settlement agreement with a state employee on behalf of the state unless the personnel settlement agreement is first reviewed by the attorney general or the attorney general's designee. Additionally, a state agency shall not enter into a personnel settlement agreement with a state employee on behalf of the state unless the agreement has been approved in writing by the following individuals:

(1) For a state agency other than an institution governed by the board of regents, the director of the department of management, the director of the department of administrative services, and the head of the state agency.

(2) For an institution governed by the board of regents, the executive director of the board of regents and the head of the institution.

b. If ¹ subparagraph (1) or (2) is not consistent with the provision of a collective bargaining agreement, a state agency shall provide the individuals referenced in this subsection, as applicable, with regular reports regarding any personnel settlement agreements entered into with state employees by the state agency.

Sec. 52. NEW SECTION. 22.15 Personnel records — discipline — employee notification.

A government body that takes disciplinary action against an employee that may result in information described in section 22.7, subsection 11, paragraph "a", subparagraph (5), being placed in the employee's personnel record, prior to taking such disciplinary action, shall notify the employee in writing that the information placed in the employee's personnel file as a result of the disciplinary action may become a public record.

Sec. 53. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 54. APPLICABILITY. The section of this division of this Act amending section 22.7, subsection 11, applies to all information described in section 22.7, subsection 11, paragraph "a", subparagraph (5), as amended by this division of this Act, relating to information placed in an individual's personnel records on or after the effective date of this division of this Act.

DIVISION IV
CITY CIVIL SERVICE REQUIREMENTS

Sec. 55. Section 400.12, Code 2017, is amended to read as follows:

400.12 Seniority — extinguishment — reestablishment.

1. For the purpose of determining the seniority rights of civil service employees, seniority shall be computed, beginning with the date of appointment to or employment in any positions for which they were certified or otherwise qualified and established as provided in

¹ See chapter 170, §30 herein

this chapter, but shall not include any period of time exceeding sixty days in any one year during which they were absent from the service except for disability.

2. In the event that a civil service employee has more than one classification or grade, the length of the employee's seniority rights shall date in the respective classifications or grades from and after the time the employee was appointed to or began employment in each classification or grade. In the event that an employee has been promoted from one classification or grade to another, the employee's civil service seniority rights shall be continuous in any department grade or classification that the employee formerly held.

3. A list of all civil service employees shall be prepared and posted in the city hall by the civil service commission on or before July 1 of each year, indicating the civil service standing of each employee as to the employee's seniority.

4. Unless otherwise provided in a collective bargaining agreement, a city council may extinguish the seniority rights, including but not limited to seniority accrued, provided pursuant to this section to all civil service employees who are not employed or appointed as a fire fighter or police officer, fire chief or police chief, or assistant fire chief or assistant police chief. A city council may subsequently reestablish seniority rights extinguished pursuant to this section for all employees who are not employed or appointed as a fire fighter or police officer, fire chief or police chief, or assistant fire chief or assistant police chief. Seniority rights reestablished in this way may include, but are not required to include, accrual of seniority for employment prior to the reestablishment of such rights.

Sec. 56. Section 400.17, subsection 4, Code 2017, is amended to read as follows:

4. A person shall not be appointed, denied appointment, promoted, ~~removed~~, discharged, suspended, or demoted to or from a civil service position or in any other way favored or discriminated against in that position because of political or religious opinions or affiliations, race, national origin, sex, or age, or in retaliation for the exercise of any right enumerated in this chapter. However, the maximum age for a police officer or fire fighter covered by this chapter and employed for police duty or the duty of fighting fires is sixty-five years of age.

Sec. 57. Section 400.18, Code 2017, is amended to read as follows:

400.18 Removal, discharge, demotion, or suspension.

1. A person holding civil service rights as provided in this chapter shall not be removed, discharged, demoted, or suspended arbitrarily, ~~except as otherwise provided in this chapter,~~ but may be removed, discharged, demoted, or suspended ~~after a hearing by a majority vote of the civil service commission, for neglect of duty, disobedience, misconduct, or failure to properly perform the person's duties due to any act or failure to act by the employee that is in contravention of law, city policies, or standard operating procedures, or that in the judgment of the person having the appointing power as provided in this chapter, or the chief of police or chief of the fire department, is sufficient to show that the employee is unsuitable or unfit for employment.~~

2. An employee who is removed, discharged, demoted, or suspended may request a hearing before the civil service commission to review the appointing authority's, police chief's, or fire chief's decision to remove, discharge, demote, or suspend the employee.

~~2. 3. The party alleging neglect of duty, disobedience, misconduct, or failure to properly perform a duty city shall have the burden of proof to prove that the act or failure to act by the employee was in contravention of law, city policies, or standard operating procedures, or is sufficient to show that the employee is unsuitable or unfit for employment.~~

~~3. 4. A person subject to a hearing has the right to be represented by counsel at the person's expense or by the person's authorized collective bargaining representative.~~

5. A collective bargaining agreement to which a bargaining unit that has at least thirty percent of members who are public safety employees as defined in section 20.3 is a party shall provide additional procedures not inconsistent with this section for the implementation of this section.

Sec. 58. Section 400.19, Code 2017, is amended to read as follows:

400.19 Removal, ~~or~~ discharge, demotion, or suspension of subordinates.

The person having the appointing power as provided in this chapter, or the chief of police or chief of the fire department, may, upon presentation of grounds for such action to the subordinate in writing, peremptorily remove, discharge, demote, or suspend, demote, or discharge a subordinate then under the person's or chief's direction for neglect of duty, disobedience of orders, misconduct, or failure to properly perform the subordinate's duties due to any act or failure to act by the employee that is in contravention of law, city policies, or standard operating procedures, or that in the judgment of the person or chief is sufficient to show that the employee is unsuitable or unfit for employment.

Sec. 59. Section 400.20, Code 2017, is amended to read as follows:

400.20 Appeal.

The suspension removal, discharge, demotion, or discharge suspension of a person holding civil service rights may be appealed to the civil service commission within fourteen calendar days after the suspension removal, discharge, demotion, or discharge suspension.

Sec. 60. Section 400.21, Code 2017, is amended to read as follows:

400.21 Notice of appeal.

If the appeal be taken by the person suspended removed, discharged, demoted, or discharged suspended, notice thereof, signed by the appellant and specifying the ruling appealed from, shall be filed with the clerk of commission; if by the person making such suspension removal, discharge, demotion, or discharge suspension, such notice shall also be served upon the person suspended removed, discharged, demoted, or discharged suspended.

Sec. 61. Section 400.22, Code 2017, is amended to read as follows:

400.22 Charges.

Within fourteen calendar days from the service of the notice of appeal, the person or body making the ruling appealed from shall file with the body to which the appeal is taken a written specification of the charges and grounds upon which the ruling was based. If the charges are not filed, the person suspended or removed, discharged, demoted, or suspended may present the matter to the body to whom the appeal is to be taken by affidavit, setting forth the facts, and the body to whom the appeal is to be taken shall immediately enter an order reinstating the person suspended or removed, discharged, demoted, or suspended for want of prosecution.

Sec. 62. Section 400.27, unnumbered paragraph 3, Code 2017, is amended to read as follows:

The city or any civil service employee shall have a right to appeal to the district court from the final ruling or decision of the civil service commission. The appeal shall be taken within thirty days from the filing of the formal decision of the commission. The district court of the county in which the city is located shall have full jurisdiction of the appeal and the said appeal shall be a trial de novo as an equitable action in the district court. The scope of review for the appeal shall be limited to de novo appellate review without a trial or additional evidence.

Sec. 63. Section 400.28, Code 2017, is amended to read as follows:

400.28 Employees — number diminished.

1. ~~When the public interest requires~~ A city council may implement a diminution of employees in a classification or grade under civil service, the city council, acting in good faith, may do either of the following:

a. ~~Abolish the office and remove the employee from the employee's classification or grade thereunder.~~ Such a diminution shall be carried out in accordance with any procedures provided in a collective bargaining agreement to which a bargaining unit that has at least thirty percent of members who are public safety employees as defined in section 20.3 is a party, if applicable.

b. ~~Reduce the number of employees in any classification or grade by suspending the necessary number.~~

2. ~~In case it thus becomes necessary to so remove or suspend any such employees, the persons so removed or suspended shall be those having seniority of the shortest duration in the classifications or grades affected, and such seniority shall be computed as provided~~

~~in section 400.12 for all persons holding seniority in the classification or grade affected, regardless of their seniority in any other classification or grade, but any such employee so removed from any classification or grade shall revert to the employee's seniority in the next lower grade or classification; if such seniority is equal, then the one less efficient and competent as determined by the person or body having the appointing power shall be the one affected.~~

~~3. In case of removal or suspension, the civil service commission shall issue to each person affected one certificate showing the person's comparative seniority or length of service in each of the classifications or grades from which the person is so removed and the fact that the person has been honorably removed. The certificate shall also list each classification or grade in which the person was previously employed. The person's name shall be carried for a period of not less than three years after the suspension or removal on a preferred list and appointments or promotions made during that period to the person's former duties in the classification or grade shall be made in the order of greater seniority from the preferred lists.~~

Sec. 64. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION V HEALTH INSURANCE MATTERS

Sec. 65. **NEW SECTION. 70A.41 Public employee health insurance.**

A public employer shall offer health insurance to all permanent, full-time public employees employed by the public employer. A public employer may offer health insurance to any other public employees employed by the public employer. All costs of such health insurance shall be determined as otherwise provided by law. For purposes of this section, "public employer" and "public employee" mean the same as defined in section 20.3.

Sec. 66. STATE AND REGENTS EMPLOYEE HEALTH INSURANCE — OPEN ENROLLMENT PERIOD. A thirty-day enrollment and change period for health insurance coverage may be established and administered for any employees of the state of Iowa, the state board of regents, or an institution governed by the state board of regents eligible to participate in a health insurance plan offered by the state, state board, or institution pursuant to chapter 509A, if the affected employees are provided written notice of the period at least thirty days before the beginning of the period and if the first day of such a period occurs in calendar year 2017.

Sec. 67. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 17, 2017

CHAPTER 3

ECONOMIC DEVELOPMENT — APPRENTICESHIP TRAINING PROGRAM

H.F. 231

AN ACT relating to the powers and programs of the economic development authority, including apprentice eligibility under the apprenticeship training program, and including effective date and applicability provisions.

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

Section 1. Section 15.106A, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The general assembly finds and declares the following:

a. That through this section and section 15.106B, the authority has been granted broad general powers and specific program powers over all of the authority's statutory programs, including but not limited to the programs created pursuant to chapters 15, 15A, 15B, 15E, and 15J.

b. That the broad general powers and the specific program powers described in paragraph "a" of this subsection and subsection 1, paragraph "m", specifically include the power to interpret any rules adopted by the authority for the administration of the programs referenced in paragraph "a".

Sec. 2. Section 15B.2, subsection 1, Code 2017, is amended to read as follows:

1. "Apprentice" means a person who is at least sixteen years of age, except where a higher minimum age is required by law, who is employed in an apprenticeable occupation, who is a resident of the state of Iowa, and is registered in Iowa with the United States department of labor, office of apprenticeship.

Sec. 3. LEGISLATIVE FINDINGS AND PURPOSE.

1. The general assembly finds and declares the following:

a. That the state of Iowa faces a critical shortage of skilled workers.

b. That the apprenticeship training program established in chapter 15B is intended to improve the skills of Iowa's workforce and increase the amount of available Iowa workers for certain in-demand occupations.

c. That the amount of financial assistance available under the program should be calculated solely based on the number of apprentices who are Iowa residents because Iowa residency is an efficient method of defining the Iowa workforce.

d. That calculating financial assistance under the program solely based on Iowa residency in order to improve Iowa's workforce is a legitimate governmental purpose.

e. That the financial assistance available under the program is intended to be a statutory benefit and that the statute is not intended to bind the state either by creating a contractual right or a vested right.

2. The general assembly further declares that the purposes of this Act are to clarify the legislative intent in enacting chapters 15 and 15B and to cure any unforeseen defect or ambiguity in the administration of the authority's programs.

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

Sec. 5. RETROACTIVE APPLICABILITY.

1. The section of this Act amending section 15.106A applies retroactively to July 1, 2011.

2. The section of this Act amending section 15B.2 applies retroactively to July 1, 2015.

3. The section of this Act relating to legislative findings and purpose applies retroactively to July 1, 2015.

Approved March 1, 2017

CHAPTER 4

STATE AGENCY PURCHASING OF IN-STATE MANUFACTURED PRODUCTS

H.F. 293

AN ACT concerning state purchasing from prison industries for products manufactured in this state.

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

Section 1. Section 8A.311, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. The director shall adopt rules which provide that a department or agency is not required to comply with the requirements of section 904.808 for the purchase of a product if the department or agency can verify that the product is manufactured within the state. However, the rules shall provide that if a department or agency is not required to comply with the requirements of section 904.808, Iowa state industries, as defined in section 904.802, shall be allowed to submit a bid to provide the product to be purchased.

Approved March 10, 2017

CHAPTER 5

DISPENSING OF PRESCRIBED INTERCHANGEABLE BIOLOGICAL PRODUCTS

H.F. 305

AN ACT relating to the prescribing of biological products and making penalties applicable.

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

Section 1. Section 155A.3, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. “*Biological product*” means the same as defined in 42 U.S.C. §262.

NEW SUBSECTION. 19A. “*Interchangeable biological product*” means either of the following:

a. A biological product that the United States food and drug administration has licensed and has determined meets the standards for interchangeability pursuant to 42 U.S.C. §262(k)(4).

b. A biological product that the United States food and drug administration has determined to be therapeutically equivalent to another biological product as set forth in the latest edition or supplement of the United States food and drug administration approved drug products with therapeutic equivalence evaluations publication.

Sec. 2. Section 155A.28, Code 2017, is amended to read as follows:

155A.28 Label of prescription drugs — interchangeable biological product list.

1. The label of any drug, biological product, or device sold and dispensed on the prescription of a practitioner shall be in compliance with rules adopted by the board.

2. The board shall maintain a link on its internet site to the current list of all biological products that the United States food and drug administration has determined to be interchangeable biological products.

Sec. 3. Section 155A.32, Code 2017, is amended to read as follows:

155A.32 Drug product selection — restrictions.

1. a. If an authorized prescriber prescribes, in writing, electronically, by facsimile, or orally, a drug by its brand or trade name, the pharmacist may exercise professional judgment in the economic interest of the patient by selecting a drug product with the same generic name and demonstrated bioavailability as the one drug product prescribed for dispensing and sale to the patient. If the cost of the prescription or any part of it will be paid by expenditure of public funds authorized under chapter 249A, the pharmacist shall exercise professional judgment by selecting a drug product with the same generic name and demonstrated bioavailability as the one drug product prescribed for dispensing and sale. If the pharmacist exercises drug product selection, the pharmacist shall inform the patient of the savings which the patient will obtain as a result of the drug product selection and pass on to the patient no less than fifty percent of the difference in actual acquisition costs between the drug prescribed and the drug substituted.

b. If an authorized prescriber prescribes a biological product, the pharmacist may exercise professional judgment in the economic interest of the patient by selecting a biological product that is an interchangeable biological product for the biological product prescribed for dispensing and sale to the patient. If the cost of the prescription or any part of it will be paid by expenditure of public funds authorized under chapter 249A, the pharmacist shall exercise professional judgment by selecting a biological product that is an interchangeable biological product for the biological product prescribed for dispensing and sale.

2. The pharmacist shall not exercise the drug or biological product selection described in this section if either any of the following is true:

a. The prescriber specifically indicates that no drug or biological product selection shall be made.

b. The person presenting the prescription indicates that only the specific drug product prescribed should be dispensed. However, this paragraph does not apply if the cost of the prescription or any part of it will be paid by expenditure of public funds authorized under chapter 249A.

3. If selection of a generically equivalent drug product or an interchangeable biological product is made under this section, the pharmacist making the selection shall inform the patient and note that fact and the name of the manufacturer of the selected drug on the prescription presented by the patient or the patient's adult representative or transmitted by the prescriber or the prescriber's authorized agent.

4. a. Within five business days following the dispensing of a biological product, the dispensing pharmacist or the pharmacist's designee shall make an entry of the specific biological product provided to the patient, including the name of the biological product and the manufacturer. The entry shall be electronically accessible to the prescriber through one of the following means:

(1) An interoperable electronic medical records system.

(2) An electronic prescribing technology.

(3) A pharmacy benefit management system.

(4) A pharmacy record.

b. An entry into an electronic records system as described in this subsection is presumed to provide notice to the prescriber. If the entry is not made electronically, the pharmacist shall communicate the name and manufacturer of the biological product dispensed to the prescriber using facsimile, telephone, electronic transmission, or other prevailing means.

c. Communication under this subsection shall not be required in either of the following circumstances:

(1) There is no federal food and drug administration-approved interchangeable biological product for the product prescribed.

(2) A refill prescription is not changed from the product dispensed on the prior filling of the prescription.

CHAPTER 6

REPORTING OF LICENSED SCHOOL EMPLOYEE DISCIPLINARY ACTIONS

H.F. 217

AN ACT relating to disciplinary actions taken against a licensed school employee required to be reported to the board of educational examiners.

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

Section 1. Section 272.15, subsection 1, paragraph a, subparagraph (1), Code 2017, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (d) Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming illegal drugs, unauthorized drugs, or alcohol.

Approved March 16, 2017

CHAPTER 7

INSURANCE — LIFE INSURANCE COMPANY INVESTMENTS — CREDIT FOR REINSURANCE

H.F. 311

AN ACT relating to provisions applicable to life insurance companies and associations, and credit for reinsurance, and including retroactive applicability provisions.

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

Section 1. Section 511.8, subsection 22, paragraph b, subparagraph (2), subparagraph division (b), Code 2017, is amended to read as follows:

(b) Financial instruments used in hedging transactions between an insurer and a conduit which are collateralized by obligations eligible under subsection 5 or by cash equivalents eligible under subsection 24, other than a ~~class one~~ rule 2a-7 money market fund, are eligible only to the extent that such securities deposited as collateral are not in excess of ten percent of the legal reserve, less any obligations eligible under subsection 5 or cash equivalents eligible under subsection 24, other than a ~~class one~~ rule 2a-7 money market fund, owned by the insurer or which are the subject of hedging transactions by the insurer, that are included in the insurer's legal reserve.

Sec. 2. Section 511.8, subsection 23, paragraph c, Code 2017, is amended to read as follows:

c. If the loan is collateralized by cash or cash equivalents, the cash or cash equivalent collateral may be reinvested by the life insurance company or association in ~~class one~~ rule 2a-7 money market funds as defined in subsection 24, individual securities which are eligible for inclusion in the legal reserve of the life insurance company or association, or in repurchase agreements fully collateralized by such securities if the life insurance company or association takes delivery of the collateral either directly or through an authorized custodian or pooled fund comprised of individual securities which are eligible for inclusion in the legal reserve of the life insurance company or association. If such reinvestment is made in individual securities or in repurchase agreements, the individual securities or the securities which collateralize the repurchase agreements shall mature in less than two hundred seventy days. If such reinvestment is made in a pooled fund, the average maturity of the securities comprising such pooled fund must be one hundred eighty days or less and the individual maturities of the securities comprising such pooled fund must be three hundred

ninety-seven days or less. Individual securities and securities comprising the pooled fund shall be investment grade. As used in this paragraph, “maturity” means the earlier of the fixed date on which the holder of the security is unconditionally entitled to receive principal and interest in full or the date on which the holder of the security is unconditionally entitled upon demand to receive principal and interest in full.

Sec. 3. Section 511.8, subsection 24, paragraph a, subparagraph (2), Code 2017, is amended to read as follows:

(2) ~~“Class one “Rule 2a-7 money market fund” means investments in an open-end management investment company registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. §80a-1 et seq., and operated in accordance with 17 C.F.R. §270.2a-7, that qualifies for investment using the bond class one reserve factor under the purposes and procedures of the national association of insurance commissioners’ securities valuation office.~~

Sec. 4. Section 511.8, subsection 24, paragraphs b and c, Code 2017, are amended to read as follows:

b. Cash equivalents include a ~~class one rule 2a-7~~ money market fund.

c. Cash equivalents, other than a ~~class one rule 2a-7~~ money market fund, are not eligible in excess of two percent of the legal reserve in the obligations of any one corporation, and are not eligible in excess of ten percent of the legal reserve.

Sec. 5. Section 521B.102, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a reduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of subsection 1, 2, 3, 4, 5, or 6. The commissioner may adopt rules pursuant to section 521B.105 specifying additional requirements related to the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements described in section 521B.105, and the circumstances pursuant to which credit shall be reduced or eliminated. Credit shall be allowed under subsection 1, 2, or 3 only respecting cessions of those kinds or classes of business which the assuming insurer is licensed or otherwise permitted to write or assume in the insurer’s state of domicile or, in the case of a United States branch of an alien assuming insurer, in the state through which the insurer is entered and licensed to transact insurance or reinsurance. Credit shall be allowed under subsection 3 or 4 only if the applicable requirements of subsection 7 have been satisfied.

Sec. 6. Section 521B.103, subsection 1, Code 2017, is amended to read as follows:

1. An asset or a reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of section 521B.102, shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer. The commissioner may adopt rules pursuant to section 521B.105 specifying requirements related to the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements described in section 521B.105, and the circumstances pursuant to which credit shall be reduced or eliminated. The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations under the contract, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer, or in the case of a trust, held in a qualified United States financial institution as defined in section 521B.104, subsection 2.

Sec. 7. Section 521B.105, Code 2017, is amended to read as follows:

521B.105 Rules.

1. The commissioner may adopt rules, pursuant to chapter 17A, as necessary or convenient to administer this chapter.

2. The commissioner is further authorized to adopt rules pursuant to chapter 17A that are applicable to reinsurance arrangements as follows:

a. A rule adopted pursuant to this subsection is applicable only to reinsurance arrangements relating to the following:

(1) Life insurance policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits.

(2) Universal life insurance policies with provisions allowing a policyholder to keep a policy in force over a secondary guarantee period.

(3) Variable annuities with guaranteed death or living benefits.

(4) Long-term care insurance policies.

(5) Other life and health insurance and annuity products as to which the national association of insurance commissioners adopts model regulatory requirements with respect to credit for reinsurance.

b. A rule adopted pursuant to paragraph "a", and applicable to policies described in paragraph "a", subparagraph (1) or (2), is applicable to any reinsurance contract containing either of the following:

(1) Policies issued on or after January 1, 2015.

(2) Policies issued prior to January 1, 2015, if risk pertaining to such policies is ceded in connection with the reinsurance contract, in whole or in part, on or after January 1, 2015.

c. A rule adopted pursuant to this subsection may require the ceding insurer, in calculating the amounts or forms of security required to be held under rules adopted under this subsection, to use the valuation manual as defined in section 508.36, including all amendments adopted by the national association of insurance commissioners and in effect on the date as of which the calculation is made, to the extent applicable.

3. A rule adopted pursuant to this section is not applicable to cessions to an assuming insurer that meets either of the following requirements:

a. Is certified in Iowa.

b. Maintains at least two hundred fifty million dollars in capital and surplus when determined in accordance with the accounting practices and procedures manual of the national association of insurance commissioners, including all amendments adopted by the national association of insurance commissioners, but excluding the impact of any permitted or prescribed practices; and meets either of the following requirements:

(1) Is licensed in at least twenty-six states.

(2) Is licensed in at least ten states, and is licensed or accredited in a total of at least thirty-five states.

4. The commissioner's authority to adopt rules pursuant to subsection 2 does not limit the commissioner's general authority to adopt rules pursuant to subsection 1.

Sec. 8. RETROACTIVE APPLICABILITY. The following provision of this Act applies retroactively to January 1, 2015, as to specified reinsurance contracts described in section 521B.105, subsection 2, paragraph "b", as enacted in this Act:

1. The section of this Act amending section 521B.105.

Approved March 16, 2017

CHAPTER 8

UNATTENDED MOTOR VEHICLES

H.F. 312

AN ACT permitting motor vehicles to stand unattended without first stopping the engine.

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

Section 1. Section 321.362, Code 2017, is amended to read as follows:

321.362 Unattended motor vehicle.

~~No~~ A person driving or in charge of a motor vehicle shall ~~not permit it~~ the vehicle to stand unattended ~~without first stopping the engine, or when standing upon any perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.~~

Approved March 16, 2017

CHAPTER 9

ENERGY EFFICIENCY REPORTING BY NON-RATE-REGULATED GAS AND ELECTRIC UTILITIES

S.F. 331

AN ACT relating to energy efficiency reporting requirements applicable to certain gas and electric utilities.

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

Section 1. Section 476.6, subsection 15, paragraph c, subparagraph (4), Code 2017, is amended to read as follows:

(4) ~~On January 1 of each even-numbered or before December 31 of each odd-numbered year, commencing January 1, 2012~~ December 31, 2017, gas and electric utilities that are not required to be rate-regulated shall file a report with the board ~~identifying their progress in meeting the energy efficiency goal and any updates or amendments to their energy efficiency plans and goals containing the annual results of their energy efficiency programs from the previous two completed calendar years.~~ The report shall include information relating to their total energy savings measured in kilowatt-hours or therms and total peak demand savings measured in kilowatts or therms, for all applicable customer classes, including residential, commercial, and industrial customers. The report shall also include information relating to their total peak demand savings measured in kilowatts or therms for any demand response programs. Filings made pursuant to this paragraph “c” shall be deemed to meet the filing requirements of section 476.1A, subsection 1, paragraph “g”, and section 476.1B, subsection 1, paragraph “l”.

Sec. 2. Section 476.6, subsection 15, paragraph c, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) Gas and electric utilities that are not required to be rate-regulated under this chapter may submit to the board any forms or reports required by and prepared for a federal agency in lieu of the reports required under subparagraph (4) of this paragraph “c”, so long as the utility otherwise complies with the requirements of subparagraphs (1) through (3) of this paragraph “c” and such forms or reports include information relating to the utility’s energy efficiency. Filings made pursuant to this subparagraph (5) shall be deemed to meet the filing requirements of section 476.1A, subsection 1, paragraph “g”, and section 476.1B, subsection 1, paragraph “l”.

Approved March 22, 2017

CHAPTER 10

REGULATION OF ELECTRICAL INSTALLATIONS

S.F. 357

AN ACT modifying licensing provisions applicable to electricians and electrical contractors.

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

Section 1. NEW SECTION. **103.1A Term “commercial” applied.**

As used in this chapter:

1. “Commercial” refers to a use, installation, structure, or premises associated with a place of business where goods, wares, services, or merchandise is stored or offered for sale on a wholesale or retail basis.

2. “Commercial” refers to a residence only if the residence is regularly open to the public as a place of business as provided in subsection 1.

3. “Commercial” does not refer to a use, installation, structure, or premises associated with any of the following:

- a. A farm.
- b. An industrial installation.

Sec. 2. Section 103.22, subsection 7, Code 2017, is amended to read as follows:

7. Prohibit an owner of property from performing work on the owner’s principal residence, if such residence is an existing dwelling rather than new construction and is not an apartment that is attached to any other apartment or building, as those terms are defined in section 499B.2, and is not larger than a single-family dwelling, ~~or farm property, excluding commercial or industrial installations or installations in public use buildings or facilities,~~ or require such owner to be licensed under this chapter. In order to qualify for inapplicability pursuant to this subsection, a residence shall qualify for the homestead tax exemption.

Sec. 3. Section 103.22, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 15. Apply to a person performing any installation on a farm, if the person is associated with the farm as a holder of a legal or equitable interest, a relative or employee of the holder, or an operator or manager of the farm. The provisions of this chapter do not require such person to be licensed. In addition, a permit is not required for an installation on a farm, and an installation on a farm is not required to be inspected. In order for a farm building to qualify under this subsection, the farm building must not be regularly open to the public as a place of business for the retail sale of goods, wares, services, or merchandise.

Approved March 23, 2017

CHAPTER 11

ASBESTOS OR SILICA EXPOSURE — CLAIMS, ACTIONS, LIABILITY

S.F. 376

AN ACT relating to disclosure of asbestos bankruptcy trust claims in civil asbestos actions, asbestos and silica claims prioritization, and successor corporation asbestos-related liability, and including applicability provisions.

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

Section 1. NEW SECTION. **686A.1 Title.**

This chapter shall be known and may be cited as the “*Asbestos Bankruptcy Trust Claims Transparency Act*”.

Sec. 2. NEW SECTION. 686A.2 Definitions.

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

1. “*Asbestos*” means chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, asbestiform winchite, asbestiform richterite, asbestiform amphibole minerals, and any of these minerals that have been chemically treated or altered, including all minerals defined as asbestos in 29 C.F.R. pt. 1910, at the time the asbestos action is filed.

2. “*Asbestos action*” means a claim for damages or other civil or equitable relief presented in a civil action arising out of, based on, or related to the health effects of exposure to asbestos, including loss of consortium, wrongful death, mental or emotional injury, risk or fear of disease or other injury, costs of medical monitoring or surveillance, and any other derivative claim made by or on behalf of a person exposed to asbestos or a representative, spouse, parent, child, or other relative of that person.

3. “*Asbestos trust*” means a government-approved or court-approved trust, qualified settlement fund, compensation fund, or claims facility created as a result of an administrative or legal action, a court-approved bankruptcy, or pursuant to 11 U.S.C. §524(g) or 11 U.S.C. §1121(a) or other applicable provision of law, that is intended to provide compensation to claimants arising out of, based on, or related to the health effects of exposure to asbestos.

4. “*Plaintiff*” means the person bringing an asbestos action, including a personal representative if the asbestos action is brought by an estate, or a conservator or next friend if the asbestos action is brought on behalf of a minor or legally incapacitated individual.

5. “*Trust claims materials*” means a final executed proof of claim and all other documents and information related to a claim against an asbestos trust, including claims forms and supplementary materials, affidavits, depositions and trial testimony, work history, and medical and health records, documents reflecting the status of a claim against an asbestos trust, and if the trust claim has settled, all documents relating to the settlement of the trust claim.

6. “*Trust governance documents*” means all documents that relate to eligibility and payment levels, including claims payment matrices, trust distribution procedures, or plans for reorganization, for an asbestos trust.

Sec. 3. NEW SECTION. 686A.3 Required disclosures by plaintiff.

1. Within ninety days after an asbestos action is filed, or within ninety days after the effective date of this Act, whichever is later, the plaintiff shall do all of the following:

a. Provide the court and parties with a sworn statement signed by the plaintiff and the plaintiff’s counsel, under penalty of perjury, indicating that an investigation of all asbestos trust claims has been conducted and that all asbestos trust claims that may be made by the plaintiff or any person on the plaintiff’s behalf have been filed. The sworn statement must indicate whether there has been a request to defer, delay, suspend, or toll any asbestos trust claim, and provide the disposition of each asbestos trust claim.

b. Provide all parties with all trust claims materials, including trust claims materials that relate to conditions other than those that are the basis for the asbestos action and including all trust claims materials from all attorneys connected to the plaintiff in relation to exposure to asbestos, including any attorney involved in the asbestos action, any referring attorney, and any other attorney who has filed an asbestos trust claim for the plaintiff or on the plaintiff’s behalf.

c. If the plaintiff’s asbestos trust claim is based on exposure to asbestos through another individual, the plaintiff shall produce all trust claims materials submitted by the other individual to any asbestos trusts if the materials are available to the plaintiff or the plaintiff’s counsel.

2. The plaintiff shall supplement the information and materials required under subsection 1 within thirty days after the plaintiff or a person on the plaintiff’s behalf supplements an existing asbestos trust claim, receives additional information or materials related to an asbestos trust claim, or files an additional asbestos trust claim.

3. The court may dismiss the asbestos action if the plaintiff fails to comply with this section.
4. An asbestos action shall not be set for trial until at least one hundred eighty days after the requirements of subsection 1 are met.

Sec. 4. NEW SECTION. 686A.4 Identification of additional or alternative asbestos trusts by defendant.

1. A defendant may file a motion requesting a stay of the proceedings on or before the later of the sixtieth day before the date trial in the action is set to commence or the fifteenth day after the defendant first obtains information that could support additional trust claims by the plaintiff. The motion shall identify the asbestos trust claims the defendant believes the plaintiff can file and include information supporting the asbestos trust claims.

2. Within ten days of receiving the defendant's motion, the plaintiff shall do one of the following:

- a. File the asbestos trust claims.
- b. File a written response with the court stating the reason there is insufficient evidence for the plaintiff to file the asbestos trust claims.
- c. File a written response with the court requesting a determination that the cost to file the asbestos trust claims exceeds the plaintiff's reasonably anticipated recovery.

3. a. If the court determines that there is a sufficient basis for the plaintiff to file an asbestos trust claim identified in the motion to stay, the court shall stay the asbestos action until the plaintiff files the asbestos trust claim and produces all related trust claims materials.

b. If the court determines that the cost of submitting an asbestos trust claim exceeds the plaintiff's reasonably anticipated recovery, the court shall stay the asbestos action until the plaintiff files with the court and provides all parties with a verified statement of the plaintiff's history of exposure, usage, or other connection to asbestos covered by that asbestos trust.

4. An asbestos action shall not be set for trial until at least sixty days after the plaintiff provides the documentation required by this section.

Sec. 5. NEW SECTION. 686A.5 Discovery — use of materials.

1. Trust claims materials and trust governance documents are presumed to be relevant and authentic, and are admissible in evidence in an asbestos action. Notwithstanding any other provision of law to the contrary, a claim of privilege does not apply to any trust claims materials or trust governance documents.

2. A defendant in an asbestos action may seek discovery from an asbestos trust. Notwithstanding any other provision of law to the contrary, the plaintiff may not claim privilege or confidentiality to bar discovery and shall provide consent or other expression of permission that may be required by the asbestos trust to release information and materials sought by a defendant.

3. Trust claim materials that are sufficient to entitle a claim to consideration for payment under the applicable trust governance documents may be sufficient to support a jury finding that the plaintiff may have been exposed to products for which the trust was established to provide compensation and that, under applicable law, such exposure may be a substantial contributing factor in causing the plaintiff's injury that is at issue in the asbestos action.

Sec. 6. NEW SECTION. 686A.6 Trust record — valuation of asbestos trust claims — judicial notice.

1. Not less than thirty days before trial in an asbestos action, the court shall enter into the record a document that identifies every asbestos trust claim made by the plaintiff or on the plaintiff's behalf.

2. If a plaintiff proceeds to trial in an asbestos action before an asbestos trust claim is resolved, there is a rebuttable presumption that the plaintiff is entitled to, and will receive, the compensation specified in the trust governance document applicable to the plaintiff's claim at the time of trial. The court shall take judicial notice that the trust governance document specifies compensation amounts and payment percentages and shall establish an attributed value to the plaintiff's asbestos trust claims.

Sec. 7. NEW SECTION. 686A.7 Setoff — credit.

In any asbestos action in which damages are awarded and setoffs are permitted under applicable law, a defendant is entitled to a setoff or credit in the amount the plaintiff has been awarded from an asbestos trust identified in section 686A.6, subsection 1, and the amount of the valuation established under section 686A.6, subsection 2. If multiple defendants are found liable for damages, the court shall distribute the amount of setoff or credit proportionally between the defendants, according to the liability of each defendant.

Sec. 8. NEW SECTION. **686A.8 Failure to provide information — sanctions.**

1. On the motion of a defendant or judgment debtor seeking sanctions or other relief in an asbestos action, the court may impose any sanction provided by court rule or a law of this state, including but not limited to vacating a judgment rendered in the action, for a plaintiff's failure to comply with the disclosure requirements of this chapter.

2. If the plaintiff or a person on the plaintiff's behalf files an asbestos trust claim after the plaintiff obtains a judgment in an asbestos action, and that asbestos trust was in existence at the time the plaintiff obtained the judgment, the trial court, on motion by a defendant or judgment debtor seeking sanctions or other relief, has jurisdiction to reopen the judgment in the asbestos action and adjust the judgment by the amount of any subsequent asbestos trust payments obtained by the plaintiff and order any other relief to the parties that the court considers just and proper.

3. A defendant or judgment debtor shall file any motion under this section within a reasonable time and not more than one year after the judgment was entered.

Sec. 9. NEW SECTION. **686A.9 Application.**

1. This chapter applies to all asbestos actions filed on or after the effective date of this Act.

2. This chapter applies to all pending asbestos actions in which trial has not commenced as of the effective date of this Act unless the court finds that the application of a provision in this chapter would unconstitutionally affect a vested right. In that case, the provision does not apply and the court shall apply prior law.

Sec. 10. NEW SECTION. **686B.1 Title.**

This chapter shall be known and may be cited as the "Asbestos and Silica Claims Priorities Act".

Sec. 11. NEW SECTION. **686B.2 Definitions.**

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

1. "AMA guides" means the American medical association's guides to the evaluation of permanent impairment in effect at the time of the performance of any examination or test on the exposed person required under this chapter.

2. "Asbestos" means the same as defined in section 686A.2.

3. "Asbestos action" means the same as defined in section 686A.2.

4. "Asbestosis" means bilateral diffuse interstitial fibrosis of the lungs caused by inhalation of asbestos fibers.

5. "Board-certified in internal medicine" means certified by the American board of internal medicine or the American osteopathic board of internal medicine at the time of the performance of an examination and rendition of a report required by this chapter.

6. "Board-certified in occupational medicine" means certified in the specialty of occupational medicine by the American board of preventive medicine or the specialty of occupational/environmental medicine by the American osteopathic board of preventive medicine at the time of the performance of an examination and rendition of a report required by this chapter.

7. "Board-certified in pathology" means holding primary certification in anatomic pathology or clinical pathology from the American board of pathology or the American osteopathic board of pathology at the time of the performance of an examination and rendition of a report required by this chapter, and practicing principally in the field of pathology including regular evaluation of pathology materials obtained from surgical or postmortem specimens.

8. "Board-certified in pulmonary medicine" means certified in the specialty of pulmonary medicine by the American board of internal medicine or the American osteopathic board of

internal medicine at the time of the performance of an examination and rendition of a report required by this chapter.

9. “*Certified B-reader*” means an individual who has qualified as a national institute for occupational safety and health final or B-reader of X rays under 42 C.F.R. §37.51(b), whose certification was current at the time of any readings required under this chapter, and whose B-reads comply with the national institute for occupational safety and health B-reader’s code of ethics, issues in classification of chest radiographs, and classification of chest radiographs in contested proceedings.

10. “*Exposed person*” means a person whose exposure to asbestos or silica or to asbestos-containing products or silica-containing products is the basis for an asbestos action or silica action.

11. “*FEV1*” means forced expiratory volume in the first second, which is the maximal volume of air expelled in one second during the performance of simple spirometric tests.

12. “*FEV1/FVC*” means the ratio between the actual values for FEV1 over FVC.

13. “*FVC*” means forced vital capacity, which is the maximal volume of air expired with maximum effort from a position of full inspiration.

14. “*ILO system*” and “*ILO scale*” mean the radiological ratings and system for the classification of chest X rays of the international labour office provided in guidelines for the use of ILO international classification of radiographs of pneumoconioses in effect on the day any X rays of the exposed person were reviewed by a certified B-reader.

15. “*Nonmalignant condition*” means any condition that can be caused by asbestos or silica other than a diagnosed cancer.

16. “*Official statements of the American thoracic society*” means lung function testing standards set forth in statements from the American thoracic society, including standardizations of spirometry, standardizations of lung volume testing, standardizations of diffusion capacity testing or single-breath determination of carbon monoxide uptake in the lung, and interpretive strategies for lung function tests, which are in effect on the day of the pulmonary function testing of the exposed person.

17. “*Pathological evidence of asbestosis*” means a statement by a physician who is board-certified in pathology that more than one representative section of lung tissue uninvolved with any other disease process demonstrates a pattern of peribronchiolar or parenchymal scarring in the presence of characteristic asbestos bodies graded 1(B) or higher under the criteria published in asbestos-associated diseases, 106 *Archive of Pathology and Laboratory Medicine* 11, appendix 3 (October 8, 1982), or grade one or higher in pathology of asbestosis, 134 *Archive of Pathology and Laboratory Medicine* 462-80 (March 2010) (tables 2 and 3), as amended at the time of the exam, and there is no other more likely explanation for the presence of the fibrosis.

18. “*Pathological evidence of silicosis*” means a statement by a physician who is board-certified in pathology that more than one representative section of lung tissue uninvolved with any other disease process demonstrates complicated silicosis with characteristic confluent silicotic nodules or lesions equal to or greater than one centimeter and birefringent crystals or other demonstration of crystal structures consistent with silica, well-organized concentric whorls of collagen surrounded by inflammatory cells, in the lung parenchyma and no other more likely explanation for the presence of the fibrosis exists, or acute silicosis with characteristic pulmonary edema, interstitial inflammation, and the accumulation within the alveoli of proteinaceous fluid rich in surfactant.

19. “*Plaintiff*” means the person bringing an asbestos action or silica action, including a personal representative if the asbestos action or silica action is brought by an estate, or a conservator or next friend if the asbestos action or silica action is brought on behalf of a minor or legally incapacitated individual.

20. “*Predicted lower limit of normal*” means the test value that is the calculated standard convention lying at the fifth percentile, below the upper ninety-five percent of the reference population, based on age, height, and gender, according to the recommendations by the American thoracic society and as referenced in the applicable AMA guides, primarily national health and nutrition examination survey predicted values, or as amended.

21. “*Pulmonary function test*” means spirometry, lung volume testing, and diffusion capacity testing, including appropriate measurements, quality control data, and graphs,

performed in accordance with the methods of calibration and techniques provided in the applicable AMA guides and all standards provided in the official statements of the American thoracic society in effect on the day pulmonary function testing of the exposed person was conducted.

22. “*Qualified physician*” means a physician who is board-certified in internal medicine, board-certified in pathology, board-certified in pulmonary medicine, or board-certified in occupational medicine, as may be appropriate to the actual diagnostic specialty in question, and for whom all of the following are true:

a. The physician conducted a physical examination of the exposed person and has taken a detailed occupational, exposure, medical, smoking, and social history from the exposed person, or if the exposed person is deceased, has reviewed the pathology material and has taken a detailed history from the person most knowledgeable about the information forming the basis of the asbestos action or silica action.

b. The physician treated or is treating the exposed person, and has or had a doctor-patient relationship with the exposed person at the time of the physical examination, or in the case of a physician who is board-certified in pathology, examined tissue samples or pathological slides of the exposed person at the request of the treating physician.

c. The physician spends no more than twenty-five percent of the physician’s professional practice time providing consulting or expert services in actual or potential civil actions, and whose medical group, professional corporation, clinic, or other affiliated group earns not more than twenty-five percent of its revenue providing such services.

d. The physician was licensed to practice on the date any examination or pulmonary function testing was conducted, and actively practices or practiced in the state where the exposed person resides or resided at the time of the examination or pulmonary function testing, or the state where the asbestos action or silica action was filed.

e. The physician received or is receiving payment for the treatment of the exposed person from the exposed person, a member of the exposed person’s family, or the exposed person’s health care plan and not from the exposed person’s attorney.

f. The physician prepared or directly supervised the preparation and final review of any medical report under this chapter.

g. The physician has not relied on any examinations, tests, radiographs, reports, or opinions of any physician, clinic, laboratory, or testing company that performed an examination, test, radiograph, or screening of the exposed person in violation of any law, regulation, licensing requirement, or medical code of practice of the state in which the examination, test, or screening was conducted, or that was conducted without establishing a physician-patient relationship with the exposed person or medical personnel involved in the examination, test, or screening process, or that required the exposed person to agree to retain the service of an attorney.

23. “*Radiological evidence of asbestosis*” means a quality 1 chest X ray under the ILO system, or a quality 2 chest X ray in a death case when no pathology or quality 1 chest X ray is available, showing bilateral small, irregular opacities (s, t, or u) occurring primarily in the lower lung zones graded by a certified B-reader as at least 1/1 on the ILO scale.

24. “*Radiological evidence of diffuse bilateral pleural thickening*” means a quality 1 chest X ray under the ILO system, or a quality 2 chest X ray in a death case when no pathology or quality 1 chest X ray is available, showing diffuse bilateral pleural thickening of at least b2 on the ILO scale and blunting of at least one costophrenic angle as classified by a certified B-reader.

25. “*Radiological evidence of silicosis*” means a quality 1 chest X ray under the ILO system, or a quality 2 chest X ray in a death case when no pathology or quality 1 chest X ray is available, showing bilateral predominantly nodular or rounded opacities (p, q, or r) occurring primarily in the upper lung fields graded by a certified B-reader as at least 1/1 on the ILO scale or A, B, or C sized opacities representing complicated silicosis or acute silicosis with characteristic pulmonary edema, interstitial inflammation, and the accumulation within the alveoli of proteinaceous fluid rich in surfactant.

26. “*Silica*” means a respirable crystalline form of silicon dioxide, including quartz, cristobalite, and tridymite.

27. “*Silica action*” means a claim for damages or other civil or equitable relief presented in a civil action arising out of, based on, or related to the health effects of exposure to silica, including loss of consortium, wrongful death, mental or emotional injury, risk or fear of disease or other injury, costs of medical monitoring or surveillance, and any other derivative claim made by or on behalf of a person exposed to silica or a representative, spouse, parent, child, or other relative of that person.

28. “*Silicosis*” means simple silicosis, acute silicosis, accelerated silicosis, or chronic silicosis caused by the inhalation of respirable silica.

29. “*Supporting test results*” means copies of the B-reading; pulmonary function tests, including printouts of the flow volume loops, volume time curves, diffusing capacity of the lung for carbon monoxide graphs, lung volume tests and graphs, quality control data and other pertinent data for all trials and all other elements required to demonstrate compliance with the equipment, quality, interpretation, and reporting standards set forth in this chapter; B-reader reports; reports of X ray examinations; diagnostic imaging of the chest; pathology reports; and all other tests reviewed by the diagnosing physician or a qualified physician in reaching the physician’s conclusions.

Sec. 12. NEW SECTION. 686B.3 Filing claims — establishment of prima facie case — individual actions to be filed.

1. A plaintiff in an asbestos action involving a nonmalignant condition or a silica action involving silicosis shall file with the complaint or other initial pleading a detailed narrative medical report and diagnosis, signed under oath by a qualified physician and accompanied by supporting test results, which constitute prima facie evidence that the exposed person meets the requirements of this chapter. The report shall not be prepared by an attorney or person working for or on behalf of an attorney.

2. A plaintiff shall include with the detailed narrative medical report a sworn information form containing all of the following:

a. The name, address, date of birth, social security number, marital status, occupation, and employer of the exposed person, and any person through whom the exposed person alleges exposure.

b. The plaintiff’s relationship to the exposed person or person through whom the exposure is alleged.

c. The specific location and manner of each alleged exposure, including the specific location and manner of exposure for any person through whom the exposed person alleges exposure.

d. The beginning and ending dates of each alleged exposure.

e. The identity of the manufacturer of the specific asbestos or silica product for each exposure.

f. The identity of the defendant or defendants against whom the plaintiff asserts a claim.

g. The specific asbestos-related or silica-related disease claimed to exist.

h. Any supporting documentation relating to the information required under this subsection.

3. For an asbestos action or silica action pending as of the effective date of this Act, the detailed narrative medical report and supporting test results and sworn information form described in subsections 1 and 2 shall be provided to all parties not later than ninety days after the effective date of this Act or not later than ninety days before trial, whichever is earlier.

4. A defendant shall be afforded a reasonable opportunity to challenge the adequacy of the prima facie evidence before trial.

5. The court shall dismiss the asbestos action or silica action without prejudice on finding that the plaintiff has failed to make the prima facie showing required by this chapter or failed to comply with the requirements of this section.

6. An asbestos action or silica action must be individually filed and shall not be filed on behalf of a group or class of plaintiffs.

Sec. 13. NEW SECTION. 686B.4 Asbestos claims involving nonmalignant conditions — elements of proof.

An asbestos action involving a nonmalignant condition shall not be brought or maintained in the absence of prima facie evidence that the exposed person has a physical impairment for which asbestos exposure was a substantial contributing factor. The prima facie showing shall be made as to each defendant and include a detailed narrative medical report and diagnosis signed under oath by a qualified physician that includes all of the following:

1. Radiological or pathological evidence of asbestosis or radiological evidence of diffuse bilateral pleural thickening or a high-resolution computed tomography scan showing evidence of asbestosis or diffuse bilateral pleural thickening.

2. A detailed occupational and exposure history from the exposed person or, if that person is deceased, from the person most knowledgeable about the exposures that form the basis of the action, including identification of all of the exposed person's principal places of employment and exposures to airborne contaminants and whether each place of employment involved exposures to airborne contaminants, including asbestos fibers or other disease-causing dusts or fumes, that may cause pulmonary impairment and the nature, duration, and level of any exposure.

3. A detailed medical, social, and smoking history from the exposed person or, if that person is deceased, from the person most knowledgeable, including a thorough review of the past and present medical problems of the exposed person and the most probable cause of such medical problems.

4. Evidence verifying that at least fifteen years have elapsed between the exposed person's date of first exposure to asbestos and the date of diagnosis.

5. Evidence based upon a personal medical examination and pulmonary function testing of the exposed person or, if the exposed person is deceased, based upon the person's medical records, that the exposed person has or the deceased person had a permanent respiratory impairment rating of at least class 2 as defined by and evaluated pursuant to the AMA guides or reported significant changes year to year in lung function for FVC, FEV1, or diffusing capacity of the lung for carbon monoxide as defined by the American thoracic society's interpretative strategies for lung function tests, 26 European Respiratory Journal 948-68, 961-62, table 12 (2005), as updated.

6. Evidence that asbestosis or diffuse bilateral pleural thickening, rather than chronic obstructive pulmonary disease, is a substantial contributing factor to the exposed person's physical impairment, based on a determination that the exposed person has any of the following:

a. FVC below the predicted lower limit of normal and FEV1/FVC ratio, using actual values, at or above the predicted lower limit of normal.

b. Total lung capacity, by plethysmography or timed gas dilution, below the predicted lower limit of normal.

c. A chest X ray showing bilateral small, irregular opacities (s, t, or u) graded by a certified B-reader as at least 2/1 on the ILO scale.

7. The qualified physician signing the detailed narrative medical report has concluded that exposure to asbestos was a substantial contributing factor to the exposed person's physical impairment and not more probably the result of other causes. An opinion that the medical findings and impairment are consistent with or compatible with exposure to asbestos, or similar opinion, does not satisfy the requirements of this subsection.

Sec. 14. NEW SECTION. 686B.5 Silica claims involving silicosis — elements of proof.

A silica action involving silicosis shall not be brought or maintained in the absence of prima facie evidence that the exposed person has a physical impairment for which exposure to silica was a substantial contributing factor. The prima facie showing shall be made as to each defendant and include a detailed narrative medical report and diagnosis signed under oath by a qualified physician that includes all of the following:

1. Radiological or pathological evidence of silicosis or a high-resolution computed tomography scan showing evidence of silicosis.

2. A detailed occupational and exposure history from the exposed person or, if that person is deceased, from the person most knowledgeable about the exposures that form the basis of the action, including identification of all principal places of employment and exposures to airborne contaminants and whether each place of employment involved exposures to

airborne contaminants, including silica or other disease-causing dusts or fumes, that may cause pulmonary impairment and the nature, duration, and level of any exposure.

3. A detailed medical, social, and smoking history from the exposed person or, if that person is deceased, from the person most knowledgeable, including a thorough review of the past and present medical problems of the exposed person and the most probable cause of such medical problems.

4. Evidence that a sufficient latency period has elapsed between the exposed person's date of first exposure to silica and the day of diagnosis.

5. Evidence based upon a personal medical examination and pulmonary function testing of the exposed person or, if the exposed person is deceased, based upon the person's medical records, that the exposed person has or the deceased person had a permanent respiratory impairment rating of at least class 2 as defined by and evaluated pursuant to the AMA guides or reported significant changes year to year in lung function for FVC, FEV1, or diffusing capacity of the lung for carbon monoxide as defined by the American thoracic society's interpretative strategies for lung function tests, 26 European Respiratory Journal 948-68, 961-62, table 12 (2005), as updated.

6. The qualified physician signing the detailed narrative medical report has concluded that exposure to silica was a substantial contributing factor to the exposed person's physical impairment and not more probably the result of other causes. An opinion stating that the medical findings and impairment are consistent with or compatible with exposure to silica, or similar opinion, does not satisfy the requirements of this subsection.

Sec. 15. NEW SECTION. 686B.6 Evidence of physical impairment.

Evidence relating to physical impairment, including pulmonary function testing and diffusing studies, offered in an action governed by this chapter, must satisfy all of the following requirements:

1. The evidence must comply with the quality controls, equipment requirements, methods of calibration, and techniques set forth in the AMA guides and all standards set forth in the official statements of the American thoracic society which are in effect on the date of any examination or pulmonary function testing of the exposed person required by this chapter.

2. The evidence must not be obtained by or based on testing or examinations that violate any law, regulation, licensing requirement, or medical code of practice of the state in which the examination, test, or screening was conducted, or of this state.

3. The evidence must not be obtained under the condition that the plaintiff or exposed person retains the legal services of the attorney sponsoring the examination, test, or screening.

Sec. 16. NEW SECTION. 686B.7 Procedures — limitation.

1. Evidence relating to the prima facie showings required under this chapter shall not create any presumption that the exposed person has an asbestos-related or silica-related injury or impairment, and shall not be conclusive as to the liability of any defendant.

2. No evidence shall be offered at trial, and the jury shall not be informed, of any of the following:

a. The grant or denial of a motion to dismiss an asbestos action or silica action under the provisions of this chapter.

b. The provisions of this chapter with respect to what constitutes a prima facie showing of asbestos-related impairment or silica-related impairment.

3. Until a court enters an order determining that the exposed person has established prima facie evidence of impairment, an asbestos action or silica action shall not be subject to discovery, except discovery related to establishing or challenging the prima facie evidence or by order of the trial court upon motion of one of the parties and for good cause shown.

4. a. A court may consolidate for trial any number and type of asbestos actions or silica actions with the consent of all the parties. In the absence of such consent, the court may consolidate for trial only asbestos actions or silica actions relating to the exposed person and members of that person's household.

b. This subsection does not preclude the consolidation of cases by court order for pretrial or discovery purposes.

5. A defendant in an asbestos action or silica action shall not be liable for exposures from a product or component part made or sold by a third party.

Sec. 17. NEW SECTION. 686B.8 Statute of limitations — two-disease rule.

1. With respect to an asbestos action or silica action not barred by limitations as of the effective date of this Act, an exposed person's cause of action shall not accrue, nor shall the running of limitations commence, prior to the earliest of the following:

a. The exposed person received a medical diagnosis of an asbestos-related impairment or silica-related impairment.

b. The exposed person discovered facts that would have led a reasonable person to obtain a medical diagnosis with respect to the existence of an asbestos-related impairment or silica-related impairment.

c. The date of death of the exposed person having an asbestos-related impairment or silica-related impairment.

2. This section shall not be construed to revive or extend limitations with respect to any claim for asbestos-related impairment or silica-related impairment that was otherwise time-barred as of the effective date of this Act.

3. An asbestos action or silica action arising out of a nonmalignant condition shall be a distinct cause of action from an action for an asbestos-related cancer or silica-related cancer. Where otherwise permitted under state law, no damages shall be awarded for fear or increased risk of future disease in an asbestos action or silica action.

Sec. 18. NEW SECTION. 686B.9 Application.

1. This chapter applies to all asbestos actions and silica actions filed on or after the effective date of this Act.

2. This chapter applies to all pending asbestos actions and silica actions in which trial has not commenced as of the effective date of this Act unless the court finds that the application of a provision in this chapter would unconstitutionally affect a vested right. In that case, the provision does not apply and the court shall apply prior law.

Sec. 19. NEW SECTION. 686C.1 Title.

This chapter shall be known and may be cited as the "Successor Corporation Asbestos-Related Liability Fairness Act".

Sec. 20. NEW SECTION. 686C.2 Definitions.

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

1. "Asbestos action" means the same as defined in section 686A.2, but also includes any claim for damage or loss caused by the installation, presence, or removal of asbestos.

2. "Corporation" means any corporation established under either domestic or foreign charter and includes a corporate subsidiary and any business entity in which a corporation participates or is a stockholder, a partner, or a joint venture.

3. "Successor" means a corporation that assumes or incurs or has assumed or incurred successor asbestos-related liabilities through operation of law, including but not limited to a merger or consolidation or plan of merger or consolidation related to such consolidation or merger or by appointment as an administrator or as a trustee in bankruptcy, debtor in possession, liquidation, or receivership and that became a successor before January 1, 1972. "Successor" includes any of that successor corporation's successors.

4. "Successor asbestos-related liability" means any liabilities, whether known or unknown, asserted or unasserted, absolute or contingent, accrued or unaccrued, liquidated or unliquidated, or due or to become due, which are related in any way to an asbestos action and were assumed or incurred by a corporation as a result of or in connection with a merger or consolidation, or the plan of merger or consolidation related to the merger or consolidation with or into another corporation, or that are related in any way to an asbestos action based on the exercise of control or the ownership of stock of the corporation before the merger or consolidation. "Successor asbestos-related liability" includes liabilities that, after the time of the merger or consolidation for which the fair market value of total gross assets is determined under section 686C.4, were or are paid or otherwise discharged, or committed to be paid or otherwise discharged, by or on behalf of the corporation, or by a successor of the

corporation, or by or on behalf of a transferor, in connection with settlements, judgments, or other discharges in this state or another jurisdiction.

5. “*Transferor*” means a corporation from which successor asbestos-related liabilities are or were assumed or incurred.

Sec. 21. NEW SECTION. 686C.3 Limitations on successor asbestos-related liabilities.

1. Except as provided in subsection 2, the cumulative successor asbestos-related liabilities of a successor are limited to the fair market value of the total gross assets of the transferor determined as of the time of the merger or consolidation. A successor shall not have responsibility for successor asbestos-related liabilities in excess of this limitation.

2. If the transferor had assumed or incurred successor asbestos-related liabilities in connection with a prior merger or consolidation with a prior transferor, then the fair market value of the total gross assets of the prior transferor determined as of the time of the earlier merger or consolidation shall be substituted for the limitation set forth in subsection 1 for purposes of determining the limitation of liability of a successor.

3. The limitations in this section shall apply to any successor but shall not apply to any of the following:

a. Workers’ compensation benefits paid by or on behalf of an employer to an employee under the provisions of chapter 85 or 85A, or a comparable workers’ compensation law of another jurisdiction.

b. Any claim against a corporation that does not constitute a successor asbestos-related liability.

c. Any obligation under the federal National Labor Relations Act, 29 U.S.C. §151 et seq., as amended, or under any collective bargaining agreement.

d. A successor that, after a merger or consolidation, continued in the business of mining asbestos or in the business of selling or distributing asbestos fibers or in the business of manufacturing, distributing, removing, or installing asbestos-containing products which were the same or substantially the same as those products previously manufactured, distributed, removed, or installed by the transferor.

Sec. 22. NEW SECTION. 686C.4 Establishing fair market value of total gross assets.

1. A successor may establish the fair market value of total gross assets, which include intangible assets, for the purpose of the limitations under section 686C.3, through any method reasonable under the circumstances, including any of the following:

a. By reference to the going concern value of the assets or to the purchase price attributable to or paid for the assets in an arms-length transaction.

b. In the absence of other readily available information from which the fair market value can be determined, by reference to the value of the assets recorded on a balance sheet.

2. To the extent total gross assets include any liability insurance that was issued to the transferor whose assets are being valued for purposes of this section, the applicability, terms, conditions, and limits of such insurance shall not be affected by this chapter, nor shall this chapter otherwise affect the rights and obligations of an insurer, transferor, or successor under any insurance contract or any related agreement, including, without limitation, preenactment settlements resolving coverage-related disputes, and the rights of an insurer to seek payment for applicable deductibles, retrospective premiums, or self-insured retentions or to seek contribution from a successor for uninsured or self-insured periods or periods where insurance is uncollectible or otherwise unavailable. Without limiting the foregoing, to the extent total gross assets include any such liability insurance, a settlement of a dispute concerning any such liability insurance coverage entered into by a transferor or successor with the insurers of the transferor before the effective date of this Act shall be determinative of the total coverage of such liability insurance to be included in the calculation of the transferor’s total gross assets.

Sec. 23. NEW SECTION. 686C.5 Adjustment.

1. Except as provided in subsections 2, 3, and 4, the fair market value of total gross assets at the time of a merger or consolidation shall increase annually at a rate equal to the sum of the prime rate as listed in the first edition of the Wall street journal published for each calendar

year since the merger or consolidation, unless the prime rate is not published in that edition of the Wall street journal, in which case any reasonable determination of the prime rate on the first day of the year may be used, plus one percent.

2. The rate determined under subsection 1 shall not be compounded.

3. The adjustment of the fair market value of total gross assets shall continue as provided in subsection 1 until the date the adjusted value is first exceeded by the cumulative amounts of successor asbestos-related liabilities paid or committed to be paid by or on behalf of the successor corporation or a predecessor or by or on behalf of a transferor after the time of the merger or consolidation for which the fair market value of total gross assets is determined.

4. No adjustment of the fair market value of total gross assets shall be applied to any liability insurance that may be included in the total gross assets pursuant to section 686C.4, subsection 2.

Sec. 24. NEW SECTION. 686C.6 Scope of chapter — application.

1. This chapter shall be liberally construed with regard to successors.

2. This chapter applies to all asbestos claims filed against a successor on or after the effective date of this Act.

3. This chapter applies to all pending asbestos actions in which trial has not commenced as of the effective date of this Act unless the court finds that the application of a provision in this chapter would unconstitutionally affect a vested right. In that case, the provision does not apply and the court shall apply prior law.

Approved March 23, 2017

CHAPTER 12

REGULATION OF CREDIT UNIONS — EXAMINATIONS AND BOARD MEETINGS

S.F. 409

AN ACT relating to state credit union examinations and board meetings called by the superintendent of credit unions, and providing penalties.

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

Section 1. Section 533.113, Code 2017, is amended to read as follows:

533.113 Examinations.

1. The superintendent may do any or all of the following:

a. Make or cause to be made an examination of a credit union whenever the superintendent believes such examination is necessary or advisable, but in no event less frequently than once during each twenty-four-month period.

b. Make or cause to be made such limited examinations at such times and with such frequency as the superintendent deems necessary and advisable to determine the condition of any state credit union and whether any person has violated the provisions of this chapter.

c. Make or cause to be made an examination of any corporation or credit union service organization in which a state credit union owns shares or has made an investment.

d. Make or cause to be made an examination of any person having business transactions or a relationship with any state credit union 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.

e. Accept, in lieu of the examination of a state credit union, or any corporation or credit union service organization in which a state credit union owns shares or has made an investment, or of any person having business transactions or a relationship with any state credit union, an examination report prepared by a federal regulatory authority.

f. Accept, in lieu of the examination of a state credit union, an audit report conducted by a certified public accounting firm selected from a list of firms previously approved by the superintendent. The cost of the audit shall be paid by the state credit union.

g. Accept, in lieu of the examination of an out-of-state credit union which also conducts business in this state, an examination report prepared by a state or federal regulatory authority.

h. Retain, at the examinee's expense, accountants, investigators, and other experts as reasonably necessary to assist in the conduct of the examination. Any person so retained shall serve in a purely advisory capacity at the direction of the superintendent.

2. A state credit union and all of its officers and agents shall give to the representatives of the superintendent free and unimpeded access to all books, papers, securities, records, and other sources of information under their control.

3. a. A report of examination shall be forwarded to the chairperson of a state credit union within thirty days after the completion of the examination. Within thirty days of the receipt of this report, a meeting of the directors shall be called by the state credit union to consider matters contained in the report and the action taken shall be set forth in the minutes of the board.

b. The report of examination of any affiliate or of any person examined as provided in this subsection shall not be transmitted by the superintendent to any such affiliate or person or to the board of directors of any state credit union unless authorized or requested by such affiliate or person.

c. All reports of examinations, including any copies of such reports in the possession of any person other than the superintendent or employee of the credit union division, including any state credit union, agency, or institution to which any report of such examination may be furnished under this section, or section 533.108 or 533.325, shall be confidential communications, shall not be subject to subpoena from any person except as provided in section 533.108, subsection 2, paragraph "b", and shall not be published, shared, or made public in any way by any person without the written authorization of the credit union division and the execution of a confidentiality agreement between all of the parties pursuant to section 533.108, subsection 1, paragraph "d".

d. All reports of examinations, including any copies of such reports in the possession of any person other than the superintendent or employee of the credit union division, shall remain the exclusive property of the credit union division.

~~4. a. Whenever the superintendent deems it necessary and advisable, the superintendent may notify the board of directors of a state credit union that a meeting will be held at a place and time and manner as the superintendent directs. The superintendent's notice may disclose the purpose of the meeting.~~

~~b. The superintendent may present to the board at the meeting any item the superintendent desires to bring to the attention of the board, including but not limited to any report of an examination required or allowed by this chapter, any conclusions or projections drawn by the superintendent, any recommendations made relative to a report of an examination, and any other matters concerning the operation and condition of the state credit union.~~

~~c. The state credit union shall cause the matters presented at the meeting to be recorded in the minutes of the meeting.~~

~~d. Each member of the board of directors shall furnish the superintendent a statement on forms supplied by the superintendent that the member is familiar with the matters presented by the superintendent.~~

5. 4. The superintendent may require any of the following state credit unions to submit to an additional examination or to an independent audit performed by a certified public accounting firm as provided in subsection 1, paragraph "f", at the expense of the state credit union:

a. A state credit union where the records are inadequate.

b. A state credit union in which the books have not been balanced as of the end of the month not less than thirty days previously.

c. A state credit union whose affairs are in an unfavorable condition.

6. 5. The superintendent may furnish a copy of the examination report and materials relating to any or all examinations made of any state credit union and any affiliate of a state

credit union to any or all of the following, including any official or supervising examiner of any office or regulatory authority:

- a. The national credit union administration.
- b. The federal deposit insurance corporation.
- c. The federal reserve system.
- d. The office of the comptroller of the currency.
- e. The federal home loan bank.
- f. Financial institution regulatory authorities of other states.
- g. The financial crimes enforcement network of the United States department of the treasury.

~~7. If the superintendent concludes that a state credit union's affairs are in an unfavorable condition, the superintendent may direct the state credit union to consider consolidation, dissolution, or any other form of reorganization.~~

6. 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. 2. NEW SECTION. 533.113A Meetings of the board called by superintendent.

1. Whenever the superintendent deems it necessary and advisable, the superintendent may notify the board of directors of a state credit union that a meeting will be held at a place and time and manner as the superintendent directs. The superintendent's notice may disclose the purpose of the meeting.

2. The superintendent may present to the board at the meeting any item the superintendent desires to bring to the attention of the board, including but not limited to any report of an examination required or allowed by this chapter, any conclusions or projections drawn by the superintendent, any recommendations made relative to a report of an examination, and any other matters concerning the operation and condition of the state credit union.

3. Each member of a board of directors required to hold a meeting with the superintendent pursuant to this section shall furnish a statement to the superintendent, on forms supplied by the superintendent, that the member acknowledges the matters presented by the superintendent.

4. A state credit union required to hold a meeting with the superintendent pursuant to this section shall cause the matters presented at such meeting to be recorded in the minutes of the meeting.

5. If the superintendent concludes that a state credit union's affairs are in an unfavorable condition, the superintendent may direct the state credit union to consider consolidation, dissolution, or any other form of reorganization.

Approved March 23, 2017

CHAPTER 13

FUNDING FOR SECONDARY ROAD AND MUNICIPAL STREET SYSTEMS

H.F. 203

AN ACT authorizing the use of primary road fund moneys for the secondary road and municipal street systems.

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

Section 1. Section 313.4, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The commission may, after consultation with stakeholders including regional planning affiliations, metropolitan planning organizations, the Iowa state association of counties, and the Iowa league of cities, periodically allocate moneys from the fund for the establishment, construction, and maintenance of the secondary road system and the municipal street system in exchange for retaining all or a portion of federal aid road funds that would otherwise be allocated to counties and cities.

Approved March 23, 2017

CHAPTER 14

CEMETERIES AND PRENEED SELLERS OF CEMETERY MERCHANDISE, FUNERAL MERCHANDISE, AND FUNERAL SERVICES — NOTICE OF POTENTIAL RECEIVERSHIP H.F. 303

AN ACT relating to notifications made by the commissioner of insurance of the potential need for a receivership for certain preneed sellers and cemeteries.

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

Section 1. Section 523A.811, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 01. The commissioner may notify the attorney general of the potential need for establishment of a receivership if a receivership is requested or consented to by a seller subject to this chapter.

Sec. 2. Section 523I.212, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 01. The commissioner may notify the attorney general of the potential need for establishment of a receivership if a receivership is requested or consented to by a cemetery subject to this chapter.

Approved March 23, 2017

CHAPTER 15

VEHICULAR TRAFFIC REGULATION — TURNS AGAINST RED LIGHTS H.F. 372

AN ACT relating to turns against red lights made by vehicular traffic.

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

Section 1. Section 321.257, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. A “steady circular red” light means vehicular traffic shall stop. Vehicular traffic shall remain standing until a signal to proceed is shown or vehicular traffic, unless prohibited by a sign, may cautiously enter the intersection to make a right turn from the right lane of traffic or another lane designated for right turns, or a left turn from a one-way street to a one-way

street from the left lane of traffic ~~on a one-way street onto the leftmost lane of traffic on a one-way street~~ or another lane designated for left turns. Turns made under this paragraph shall be made in a manner that does not interfere with other vehicular or pedestrian traffic lawfully using the intersection. Pedestrian traffic facing a steady circular red light shall not enter the roadway unless the pedestrian can safely cross the roadway without interfering with any vehicular traffic.

Approved March 23, 2017

CHAPTER 16

MEDICAL TREATMENT OF LYME OR OTHER TICK-BORNE DISEASE

H.F. 577

AN ACT relating to exemptions from disciplinary action for persons licensed to practice health-related professions based on their treatment of Lyme disease or other tick-borne diseases, and including effective date provisions.

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

Section 1. NEW SECTION. **147.56 Lyme disease treatment — exemption from discipline.**

A person licensed by a board under this subtitle shall not be subject to discipline under this chapter or the board's enabling statute based solely on the licensee's recommendation or provision of a treatment method for Lyme disease or other tick-borne disease if the recommendation or provision of such treatment meets all the following criteria:

1. The treatment is provided after an examination is performed and informed consent is received from the patient.
2. The licensee identifies a medical reason for recommending or providing the treatment.
3. The treatment is provided after the licensee informs the patient about other recognized treatment options and describes to the patient the licensee's education, experience, and credentials regarding the treatment of Lyme disease or other tick-borne disease.
4. The licensee uses the licensee's own medical judgment based on a thorough review of all available clinical information and Lyme disease or other tick-borne disease literature to determine the best course of treatment for the individual patient.
5. The treatment will not, in the opinion of the licensee, result in the direct and proximate death of or serious bodily injury to the patient.

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

Approved March 23, 2017

CHAPTER 17**NUISANCES — ANIMAL FEEDING OPERATIONS**

S.F. 447

AN ACT providing for certain court actions involving an allegation of a public or private nuisance or the interference with a person's comfortable use and enjoyment of life or property caused by an animal feeding operation, providing for the award of damages, costs, and expenses, and including effective date provisions.

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

Section 1. NEW SECTION. **657.11A Animal agriculture — promotion of responsible animal feeding operations.**

1. *a. Findings.* The general assembly finds that important public interests are advanced by preserving and encouraging the expansion of responsible animal agricultural production in this state which provides employment opportunities in and economic growth for rural Iowa, contributes tax revenues to the state and to local communities, and protects our valuable natural resources.

b. Purpose. The purpose of this section is to encourage persons involved in animal agriculture to adopt existing prudent and generally utilized management practices for their animal feeding operations, thereby enhancing the fundamental role of animal agriculture in this state by providing a reasonable level of protection to persons engaged in animal agricultural production from certain types of nuisance actions.

c. Declaration. The general assembly has balanced all competing interests and declares its intent to preserve and enhance responsible animal agricultural production, specifically animal agricultural producers in this state who use existing prudent and generally utilized management practices reasonable for their animal feeding operations.

2. Except as otherwise provided by this section, an animal feeding operation, as defined in section 459.102, found to be a public or private nuisance under this chapter or under principles of common law, or found to interfere with another person's comfortable use and enjoyment of the person's life or property under any other cause of action, shall be conclusively presumed to be a permanent nuisance and not a temporary or continuing nuisance under principles of common law, and shall be subject to compensatory damages only as provided in subsection 3.

3. Compensatory damages awarded to a person bringing an action alleging that an animal feeding operation is a public or private nuisance, or an interference with the person's comfortable use and enjoyment of the person's life or property under any other cause of action, shall not exceed the following:

a. The person's share of compensatory property damages due to any diminution in the fair market value of the person's real property proximately caused by the animal feeding operation. The fair market value of the real property is deemed to equal the price that a buyer who is willing but not compelled to buy and a seller who is willing but not compelled to sell would accept for the real property. The person's share of any compensatory property damages must be based on the person's share of the ownership interest in the real property. For purposes of this section, ownership interest means holding legal or equitable title to real property in fee simple, as a life estate, or as a leasehold interest.

b. The person's compensatory damages due to the person's past, present, and future adverse health condition. This determination shall be made utilizing only objective and documented medical evidence that the nuisance or interference with the comfortable use and enjoyment of the person's life or property was the proximate cause of the person's adverse health condition.

c. The person's compensatory special damages proximately caused by the animal feeding operation, including without limitation, annoyance and the loss of comfortable use and enjoyment of real property. However, the total damages awarded to a person under this paragraph "c" shall not exceed one and one-half times the sum of any damages awarded to the person for the person's share of the total compensatory property damages awarded under paragraph "a" plus any compensatory damages awarded to the person under paragraph "b".

4. This section shall apply to an animal feeding operation in the same manner as section 657.11, subsections 4 and 5.

5. This section shall not apply if the person bringing the action proves that the public or private nuisance or interference with another person's comfortable use and enjoyment of the person's life or property under any other cause of action is proximately caused by any of the following:

a. The failure to comply with a federal statute or regulation or a state statute or rule which applies to the animal feeding operation.

b. The failure to use existing prudent generally utilized management practices reasonable for the animal feeding operation.

6. This section does not apply to a person during the time in which the person is classified as a habitual violator pursuant to section 459.604.

7. This section does not apply to a cause of action that accrued prior to the effective date of this Act.

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

Approved March 29, 2017

CHAPTER 18

HEALTH INSURANCE COVERAGE — AUTISM — APPLIED BEHAVIOR ANALYSIS

H.F. 215

AN ACT requiring certain health insurance policies, contracts, or plans to provide coverage of applied behavior analysis for treatment of autism spectrum disorder for certain individuals, and including applicability and effective date provisions.

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

Section 1. Section 225D.1, subsection 8, Code 2017, is amended to read as follows:

8. "*Eligible individual*" means a child less than 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 or applied behavior analysis treatment under the medical assistance program, section 514C.28, 514C.31, or¹ private insurance coverage, and whose household income does not exceed five hundred percent of the federal poverty level.

Sec. 2. Section 225D.2, subsection 2, paragraph 1, Code 2017, is amended to read as follows:

l. Proof of eligibility for the autism support program that includes a written denial for coverage or a benefits summary indicating that applied behavioral analysis treatment or applied behavior analysis treatment is not a covered benefit for which the applicant is eligible, under the Medicaid program, section 514C.28, 514C.31, or other private insurance coverage.

Sec. 3. Section 225D.2, subsection 3, Code 2017, is amended to read as follows:

3. Moneys in the autism support fund created under subsection 5 shall be expended only for eligible individuals who are not eligible for coverage for applied behavioral analysis treatment or applied behavior analysis treatment under the medical assistance program, section 514C.28, 514C.31, or other private insurance. Payment for applied behavioral analysis treatment through the fund shall be limited to only applied behavioral analysis

¹ See chapter 170, §35 herein

treatment that is clinically relevant and only to the extent approved under the guidelines established by rule of the department.

Sec. 4. NEW SECTION. 514C.31 Applied behavior analysis for treatment of autism spectrum disorder — coverage.

1. Notwithstanding the uniformity of treatment requirements of section 514C.6, a group policy, contract, or plan providing for third-party payment or prepayment of health, medical, and surgical coverage benefits shall provide coverage benefits for applied behavior analysis provided by a practitioner to covered individuals under nineteen years of age for the treatment of autism spectrum disorder pursuant to a treatment plan if the policy, contract, or plan is either of the following:

a. A policy, contract, or plan issued by a carrier, as defined in section 513B.2, or an organized delivery system authorized under 1993 Iowa Acts, chapter 158, to an employer who on at least fifty percent of the employer's working days during the preceding calendar year employed more than fifty full-time equivalent employees. In determining the number of full-time equivalent employees of an employer, employers who are affiliated or who are able to file a consolidated tax return for purposes of state taxation shall be considered one employer.

b. A plan established pursuant to chapter 509A for public employees other than employees of the state.

2. As used in this section, unless the context otherwise requires:

a. "*Applied behavior analysis*" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

b. "*Autism spectrum disorder*" means a complex neurodevelopmental medical disorder characterized by social impairment, communication difficulties, and restricted, repetitive, and stereotyped patterns of behavior.

c. "*Practitioner*" means any of the following:

(1) A physician licensed pursuant to chapter 148.

(2) A psychologist licensed pursuant to chapter 154B.

(3) A person who holds a master's degree or a doctoral degree and is certified by a national behavior analyst certification board as a behavior analyst.

d. "*Treatment plan*" means a plan for the treatment of an autism spectrum disorder developed by a licensed physician or licensed psychologist after a comprehensive evaluation or reevaluation performed in a manner consistent with the most recent clinical report or recommendations of the American academy of pediatrics. "*Treatment plan*" includes supervisory services, subject to the provisions of subsection 5.

3. a. The coverage for applied behavior analysis required pursuant to this section shall provide an annual maximum benefit of not less than the following:

(1) For an individual through age six, thirty-six thousand dollars per year.

(2) For an individual age seven through age thirteen, twenty-five thousand dollars per year.

(3) For an individual age fourteen through age eighteen, twelve thousand five hundred dollars per year.

b. Payments made under a group policy, contract, or plan subject to this section on behalf of a covered individual for any treatment other than applied behavior analysis shall not be applied toward the maximum benefit established under this subsection.

4. Coverage required pursuant to this section may be subject to dollar limits, deductibles, copayments, or coinsurance provisions that apply to other medical and surgical services under the policy, contract, or plan, subject to the requirements of subsection 3.

5. Coverage required pursuant to this section may be subject to care management provisions of the applicable policy, contract, or plan, including prior authorization, prior approval, and limits on the number of visits a covered individual may make for applied behavior analysis.

6. A carrier, organized delivery system, or plan may request a review of a treatment plan for a covered individual not more than once every three months during the first year of the treatment plan and not more than once every six months during every year thereafter, unless

the carrier, organized delivery system, or plan and the covered individual's treating physician or psychologist execute an agreement that a more frequent review is necessary. An agreement giving a carrier, organized delivery system, or plan the right to review the treatment plan of a covered individual more frequently applies only to a particular covered individual receiving applied behavior analysis and does not apply to other individuals receiving applied behavior analysis from a practitioner. The cost of conducting a review under this section shall be paid by the carrier, organized delivery system, or plan. A carrier, organized delivery system, or plan shall not change the provisions of a treatment plan until the completion of a review of the treatment plan.

7. This section shall not be construed to limit benefits which are otherwise available to an individual under a group policy, contract, or plan.

8. This section shall not be construed as affecting any obligation to provide services to an individual under an individualized family service plan, an individualized education program, or an individualized service plan.

9. This section shall not apply to 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.

10. This section applies to third-party provider payment contracts, policies, or plans specified in subsection 1, paragraph "a" or to plans established pursuant to chapter 509A for public employees other than employees of the state, that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2018.

Sec. 5. EFFECTIVE DATE. The following provisions of this Act take effect January 1, 2018:

1. The sections of this Act amending sections 225D.1 and 225D.2.

Approved March 30, 2017

CHAPTER 19

COUNTY ISSUANCE OF DRIVER'S LICENSES, NONOPERATOR'S IDENTIFICATION CARDS, AND PERSONS WITH DISABILITIES IDENTIFICATION DEVICES

H.F. 289

AN ACT relating to the issuance of driver's licenses, nonoperator's identification cards, and persons with disabilities identification devices by certain counties, and including effective date provisions.

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

Section 1. Section 321M.3, Code 2017, 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, Carroll, Cass, Cedar, Cherokee, Chickasaw, Clarke, Clay, 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'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. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 30, 2017

CHAPTER 20

CITY AND COUNTY REGULATORY AUTHORITY — CONSUMER MERCHANDISE — WAGE AND EMPLOYMENT TERMS AND CONDITIONS

H.F. 295

AN ACT prohibiting counties and cities from establishing certain regulations relating to employment matters and the sale or marketing of consumer merchandise, providing for properly related matters, and including effective date provisions.

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

Section 1. Section 331.301, subsection 6, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. (1) A county shall not adopt an ordinance, motion, resolution, or amendment that sets standards or requirements regarding the sale or marketing of consumer merchandise that are different from, or in addition to, any requirement established by state law. For purposes of this paragraph:

(a) "*Consumer merchandise*" means merchandise offered for sale or lease, or provided with a sale or lease, primarily but not exclusively for personal, family, or household purposes, and includes any container used for consuming, carrying, or transporting such merchandise.

(b) "*Container*" means a bag, cup, package, container, bottle, or other packaging that is all of the following:

(i) Designed to be either reusable or single-use.

(ii) Made of cloth, paper, plastic, including foamed or expanded plastic, cardboard, corrugated material, aluminum, glass, or postconsumer recycled or similar material or substrates, including coated, laminated, or multilayer substrates.

(iii) Designed for consuming, transporting, or protecting merchandise, food, or beverages from or at a food service or retail facility.

(2) An ordinance, motion, resolution, or amendment adopted prior to the effective date of this Act that violates this paragraph is void and unenforceable on and after the effective date of this Act.

(3) This paragraph "c" shall not apply to county solid waste or recycling collection or county solid waste or recycling programs.

Sec. 2. Section 331.304, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 12. a. A county shall not adopt, enforce, or otherwise administer an ordinance, motion, resolution, or amendment providing for any terms or conditions of employment that exceed or conflict with the requirements of federal or state law relating to a minimum or living wage rate, any form of employment leave, hiring practices, employment benefits, scheduling practices, or other terms or conditions of employment.

b. An ordinance, motion, resolution, or amendment adopted prior to the effective date of this Act that violates this subsection is void and unenforceable on and after the effective date of this Act.

Sec. 3. Section 364.3, subsection 3, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. (1) A city shall not adopt an ordinance, motion, resolution, or amendment that sets standards or requirements regarding the sale or marketing of consumer merchandise that are different from, or in addition to, any requirement established by state law. For purposes of this paragraph:

(a) “*Consumer merchandise*” means merchandise offered for sale or lease, or provided with a sale or lease, primarily but not exclusively for personal, family, or household purposes, and includes any container used for consuming, carrying, or transporting such merchandise.

(b) “*Container*” means a bag, cup, package, container, bottle, or other packaging that is all of the following:

(i) Designed to be either reusable or single-use.

(ii) Made of cloth, paper, plastic, including foamed or expanded plastic, cardboard, corrugated material, aluminum, glass, or postconsumer recycled or similar material or substrates, including coated, laminated, or multilayer substrates.

(iii) Designed for consuming, transporting, or protecting merchandise, food, or beverages from or at a food service or retail facility.

(2) An ordinance, motion, resolution, or amendment adopted prior to the effective date of this Act that violates this paragraph is void and unenforceable on and after the effective date of this Act.

(3) This paragraph “c” shall not apply to city solid waste or recycling collection or city solid waste or recycling programs.

Sec. 4. Section 364.3, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 12. a. A city shall not adopt, enforce, or otherwise administer an ordinance, motion, resolution, or amendment providing for any terms or conditions of employment that exceed or conflict with the requirements of federal or state law relating to a minimum or living wage rate, any form of employment leave, hiring practices, employment benefits, scheduling practices, or other terms or conditions of employment.

b. An ordinance, motion, resolution, or amendment adopted prior to the effective date of this Act that violates this subsection is void and unenforceable on and after the effective date of this Act.

Sec. 5. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 30, 2017

CHAPTER 21

REGULATION OF PUBLIC UTILITIES AND CONFIDENTIALITY OF CYBER SECURITY AND CRITICAL INFRASTRUCTURE INFORMATION

H.F. 445

AN ACT relating to public utilities and other infrastructure, including the confidentiality of certain information relating to cyber security or critical infrastructure, the authority of utilities to make temporary rate changes, and presiding officers at public information meetings held for electric transmission line franchise petitions.

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

Section 1. Section 22.7, subsection 45, Code 2017, is amended to read as follows:

45. The critical asset protection plan or any part of the plan prepared pursuant to section 29C.8 and any information held by the department of homeland security and

emergency management that was supplied to the department by a public or private agency or organization and used in the development of the critical asset protection plan to include, but not be limited to, surveys, lists, maps, or photographs. ~~However, the director shall make the list of assets available for examination by any person. A person wishing to examine the list of assets shall make a written request to the director on a form approved by the director. The list of assets may be viewed at the department's offices during normal working hours. The list of assets shall not be copied in any manner.~~ Communications and asset information not required by law, rule, or procedure that are provided to the director by persons outside of government and for which the director has signed a nondisclosure agreement are exempt from public disclosures. The department of homeland security and emergency management may provide all or part of the critical asset plan to federal, state, or local governmental agencies which have emergency planning or response functions if the director is satisfied that the need to know and intended use are reasonable. An agency receiving critical asset protection plan information from the department shall not disseminate the information without prior approval of the director.

Sec. 2. Section 22.7, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 70. Information and records related to cyber security information or critical infrastructure, the disclosure of which may expose or create vulnerability to critical infrastructure systems, held by the utilities board of the department of commerce or the department of homeland security and emergency management for purposes relating to the safeguarding of telecommunications, electric, water, sanitary sewage, storm water drainage, energy, hazardous liquid, natural gas, or other critical infrastructure systems. For purposes of this subsection, "cyber security information" includes but is not limited to information relating to cyber security defenses, threats, attacks, or general attempts to attack cyber system operations.

Sec. 3. Section 476.6, subsection 9, paragraph a, Code 2017, is amended by striking the paragraph.

Sec. 4. Section 476.6, subsection 9, paragraph b, Code 2017, is amended to read as follows:

b. A public utility may choose to place in effect temporary rates, charges, schedules, or regulations without board review on or after ten days after following the filing date under this section. If the utility chooses to place such rates, charges, schedules, or regulations in effect ~~without board review~~, the utility shall file with the board a bond or other corporate undertaking approved by the board conditioned upon the refund in a manner prescribed by the board of amounts collected in excess of the amounts which would have been collected under rates, charges, schedules, or regulations finally approved by the board. At the conclusion of the proceeding if the board determines that the temporary rates, charges, schedules, or regulations placed in effect under this paragraph were not based on previously established regulatory principles, the board shall consider ordering refunds based upon the overpayments made by each individual customer class, rate zone, or customer group. If the board has not rendered a final decision with respect to suspended rates, charges, schedules, or regulations upon the expiration of ten months after the filing date, plus the length of any delay that necessarily results either from the failure of the public utility to exercise due diligence in connection with the proceedings or from intervening judicial proceedings, plus the length of any extension permitted by section 476.33, subsection 3, then such temporary rates, charges, schedules, or regulations placed into effect on a temporary basis shall be deemed finally approved by the board and the utility may place them into effect on a permanent basis.

Sec. 5. Section 478.2, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. A member of the board, the counsel of the board, or a ~~hearing examiner~~ presiding officer designated by the board shall serve as the presiding officer at each meeting, shall present an agenda for such meeting which shall include a summary of the legal rights of the affected

landowners, and shall distribute and review the statement of individual rights required under section 6B.2A, subsection 1. A formal record of the meeting shall not be required.

Approved March 30, 2017

CHAPTER 22

CONFIDENTIALITY OF GAMBLING LICENSEE RECORDS

H.F. 462

AN ACT providing for the confidentiality of certain records provided by gambling licensees to the racing and gaming commission.

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

Section 1. Section 99D.19, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The records of the commission shall be governed by the provisions of chapter 22, provided that, in addition to records that may be kept confidential pursuant to section 22.7, the following records provided by a licensee to the commission shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:

- a. Promotional play receipts records.
- b. Patron and customer records.
- c. Surveillance records.
- d. Security reports and network audits.
- e. Internal control and compliance records.
- f. Employee records.
- g. Marketing expenses.

h. Supplemental schedules to the certified audit, except for those books and records as described in subsection 1 of this section, that are obtained by the commission in connection with the annual audit under section 99D.20.

i. Any information specifically requested for inspection by the commission or a representative of the commission.

Sec. 2. Section 99F.12, subsection 3, Code 2017, is amended to read as follows:

3. ~~The Except as provided in subsection 4, the books and records kept by a licensee as provided by this section are public records and the examination, publication, and dissemination of the books and records are governed by the provisions of chapter 22.~~

Sec. 3. Section 99F.12, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The records of the commission shall be governed by the provisions of chapter 22, provided that, in addition to records that may be kept confidential pursuant to section 22.7, the following records provided by a licensee to the commission shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:

- a. Promotional play receipts records.
- b. Patron and customer records.
- c. Surveillance records.
- d. Security reports and network audits.
- e. Internal control and compliance records.
- f. Employee records.
- g. Marketing expenses.

h. Supplemental schedules to the certified audit, except for those books and records as described in subsection 1 of this section, that are obtained by the commission in connection with the annual audit under section 99F.13.

i. Any information specifically requested for inspection by the commission or a representative of the commission.

Approved March 30, 2017

CHAPTER 23

WORKERS' COMPENSATION

H.F. 518

AN ACT relating to workers' compensation and including applicability provisions.

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

Section 1. Section 85.16, subsection 2, Code 2017, is amended to read as follows:

2. a. By the employee's intoxication, which did not arise out of and in the course of employment but which was due to the effects of alcohol or another narcotic, depressant, stimulant, hallucinogenic, or hypnotic drug not prescribed by an authorized medical practitioner, if the intoxication was a substantial factor in causing the injury.

b. For the purpose of disallowing compensation under this subsection, both of the following apply:

(1) If the employer shows that, at the time of the injury or immediately following the injury, the employee had positive test results reflecting the presence of alcohol, or another narcotic, depressant, stimulant, hallucinogenic, or hypnotic drug which drug either was not prescribed by an authorized medical practitioner or was not used in accordance with the prescribed use of the drug, it shall be presumed that the employee was intoxicated at the time of the injury and that intoxication was a substantial factor in causing the injury.

(2) Once the employer has made a showing as provided in subparagraph (1), the burden of proof shall be on the employee to overcome the presumption by establishing that the employee was not intoxicated at the time of the injury, or that intoxication was not a substantial factor in causing the injury.

Sec. 2. Section 85.18, Code 2017, is amended to read as follows:

85.18 Contract to relieve not operative.

No contract, rule, or device whatsoever shall operate to relieve the employer, in whole or in part, from any liability created by this chapter except as herein provided. This section does not create a private cause of action.

Sec. 3. Section 85.23, Code 2017, is amended to read as follows:

85.23 Notice of injury — failure to give.

Unless the employer or the employer's representative shall have actual knowledge of the occurrence of an injury received within ninety days from the date of the occurrence of the injury, or unless the employee or someone on the employee's behalf or a dependent or someone on the dependent's behalf shall give notice thereof to the employer within ninety days from the date of the occurrence of the injury, no compensation shall be allowed. For the purposes of this section, "date of the occurrence of the injury" means the date that the employee knew or should have known that the injury was work-related.

Sec. 4. Section 85.26, subsection 1, Code 2017, is amended to read as follows:

1. An original proceeding for benefits under this chapter or chapter 85A, 85B, or 86, shall not be maintained in any contested case unless the proceeding is commenced within two

years from the date of the occurrence of the injury for which benefits are claimed or, if weekly compensation benefits are paid under section 86.13, within three years from the date of the last payment of weekly compensation benefits. For the purposes of this section, "date of the occurrence of the injury" means the date that the employee knew or should have known that the injury was work-related.

Sec. 5. Section 85.33, subsection 3, Code 2017, is amended to read as follows:

3. a. If an employee is temporarily, partially disabled and the employer for whom the employee was working at the time of injury offers to the employee suitable work consistent with the employee's disability the employee shall accept the suitable work, and be compensated with temporary partial benefits. If the employer offers the employee suitable work and the employee refuses to accept the suitable work with the same offered by the employer, the employee shall not be compensated with temporary partial, temporary total, or healing period benefits during the period of the refusal. Work offered at the employer's principal place of business or established place of operation where the employee has previously worked is presumed to be geographically suitable for an employee whose duties involve travel away from the employer's principal place of business or established place of operation more than fifty percent of the time. If suitable work is not offered by the employer for whom the employee was working at the time of the injury and the employee who is temporarily partially disabled elects to perform work with a different employer, the employee shall be compensated with temporary partial benefits.

b. The employer shall communicate an offer of temporary work to the employee in writing, including details of lodging, meals, and transportation, and shall communicate to the employee that if the employee refuses the offer of temporary work, the employee shall communicate the refusal and the reason for the refusal to the employer in writing and that during the period of the refusal the employee will not be compensated with temporary partial, temporary total, or healing period benefits, unless the work refused is not suitable. If the employee refuses the offer of temporary work on the grounds that the work is not suitable, the employee shall communicate the refusal, along with the reason for the refusal, to the employer in writing at the time the offer of work is refused. Failure to communicate the reason for the refusal in this manner precludes the employee from raising suitability of the work as the reason for the refusal until such time as the reason for the refusal is communicated in writing to the employer.

Sec. 6. Section 85.34, subsection 2, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Compensation for permanent partial disability shall begin at the termination of the healing period provided in subsection 1 when it is medically indicated that maximum medical improvement from the injury has been reached and that the extent of loss or percentage of permanent impairment can be determined by use of the guides to the evaluation of permanent impairment, published by the American medical association, as adopted by the workers' compensation commissioner by rule pursuant to chapter 17A. The compensation shall be in addition to the benefits provided by sections 85.27 and 85.28. The compensation shall be based upon the extent of the disability and upon the basis of eighty percent per week of the employee's average spendable weekly earnings, but not more than a weekly benefit amount, rounded to the nearest dollar, equal to one hundred eighty-four percent of the statewide average weekly wage paid employees as determined by the department of workforce development under section 96.19, subsection 36, and in effect at the time of the injury. The minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage. For all cases of permanent partial disability compensation shall be paid as follows:

Sec. 7. Section 85.34, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0n. For the loss of a shoulder, weekly compensation during four hundred weeks.

Sec. 8. Section 85.34, subsection 2, paragraph u, Code 2017, is amended to read as follows:

u. In all cases of permanent partial disability other than those hereinabove described or referred to in paragraphs “a” through “t” hereof, the compensation shall be paid during the number of weeks in relation to five hundred weeks as the reduction in the employee’s earning capacity caused by the disability bears in relation to the earning capacity that the employee possessed when the injury occurred. A determination of the reduction in the employee’s earning capacity caused by the disability shall take into account the permanent partial disability of the employee and the number of years in the future it was reasonably anticipated that the employee would work at the time of the injury. If an employee who is eligible for compensation under this paragraph returns to work or is offered work for which the employee receives or would receive the same or greater salary, wages, or earnings than the employee received at the time of the injury, the employee shall be compensated based only upon the employee’s functional impairment resulting from the injury, and not in relation to the employee’s earning capacity. Notwithstanding section 85.26, subsection 2, if an employee who is eligible for compensation under this paragraph returns to work with the same employer and is compensated based only upon the employee’s functional impairment resulting from the injury as provided in this paragraph and is terminated from employment by that employer, the award or agreement for settlement for benefits under this chapter shall be reviewed upon commencement of reopening proceedings by the employee for a determination of any reduction in the employee’s earning capacity caused by the employee’s permanent partial disability.

Sec. 9. Section 85.34, subsection 2, Code 2017, is amended by adding the following new paragraphs:

NEW PARAGRAPH. w. In all cases of permanent partial disability described in paragraphs “a” through “t”, or paragraph “u” when determining functional disability and not loss of earning capacity, the extent of loss or percentage of permanent impairment shall be determined solely by utilizing the guides to the evaluation of permanent impairment, published by the American medical association, as adopted by the workers’ compensation commissioner by rule pursuant to chapter 17A. Lay testimony or agency expertise shall not be utilized in determining loss or percentage of permanent impairment pursuant to paragraphs “a” through “t”, or paragraph “u” when determining functional disability and not loss of earning capacity.

NEW PARAGRAPH. x. Compensation for permanent partial disability for an injury shall terminate on the date when compensation for permanent total disability for any injury begins. An employee shall not receive compensation for permanent partial disability if the employee is receiving compensation for permanent total disability.

Sec. 10. Section 85.34, subsection 3, Code 2017, is amended to read as follows:

3. *Permanent total disability.*

a. Compensation for an injury causing permanent total disability shall be upon the basis of eighty percent per week of the employee’s average spendable weekly earnings, but not more than a weekly benefit amount, rounded to the nearest dollar, equal to two hundred percent of the statewide average weekly wage paid employees as determined by the department of workforce development under section 96.19, subsection 36, and in effect at the time of the injury. The minimum weekly benefit amount is equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage. The weekly compensation is payable during the period of the employee’s disability until the employee is no longer permanently and totally disabled.

b. Such compensation shall be in addition to the benefits provided in sections 85.27 and 85.28. No compensation shall be payable under this subsection for any injury for which compensation is payable under subsection 2 of this section. In the event compensation has been paid to any person under any provision of this chapter, chapter 85A or chapter 85B for the same an injury producing a total permanent disability, any such amounts so paid shall be deducted from the total amount of compensation payable for such permanent total

disability. An employee shall not receive compensation for permanent partial disability if the employee is receiving compensation for permanent total disability.

Sec. 11. Section 85.34, subsection 3, Code 2017, is amended by adding the following new paragraphs:

NEW PARAGRAPH. c. An employee forfeits the employee's weekly compensation for a permanent total disability under this subsection for a week in which the employee is receiving a payment equal to or greater than fifty percent of the statewide average weekly wage from any of the following sources:

- (1) Gross earnings from any employer.
- (2) Payment for current services from any source.

NEW PARAGRAPH. d. An employee is not entitled to compensation for a permanent total disability under this subsection while the employee is receiving unemployment compensation under chapter 96.

Sec. 12. Section 85.34, subsections 4 and 5, Code 2017, are amended to read as follows:

4. *Credits for excess payments.* If an employee is paid weekly compensation benefits for temporary total disability under section 85.33, subsection 1, for a healing period under section 85.34, subsection 1, or for temporary partial disability under section 85.33, subsection 2, in excess of that required by this chapter and chapters 85A, 85B, and 86, the excess paid by the employer shall be credited against the liability of the employer for permanent partial disability under section 85.34, subsection 2 any future weekly benefits due for an injury to that employee, provided that the employer or the employer's representative has acted in good faith in determining and notifying an employee when the temporary total disability, healing period, or temporary partial disability benefits are terminated.

5. *Recovery of employee overpayment.* If an employee is paid any weekly benefits in excess of that required by this chapter and chapters 85A, 85B, and 86, the excess paid by the employer shall be credited against the liability of the employer for any future weekly benefits due pursuant to subsection 2, for a any current or subsequent injury to the same employee. ~~An overpayment can be established only when the overpayment is recognized in a settlement agreement approved under section 86.13, pursuant to final agency action in a contested case which was commenced within three years from the date that weekly benefits were last paid for the claim for which the benefits were overpaid, or pursuant to final agency action in a contested case for a prior injury to the same employee. The credit shall remain available for eight years after the date the overpayment was established. If an overpayment is established pursuant to this subsection, the employee and employer may enter into a written settlement agreement providing for the repayment by the employee of the overpayment. The agreement is subject to the approval of the workers' compensation commissioner. The employer shall not take any adverse action against the employee for failing to agree to such a written settlement agreement.~~

Sec. 13. Section 85.34, subsection 7, paragraph a, Code 2017, is amended to read as follows:

α. An employer is fully liable for compensating all only that portion of an employee's disability that arises out of and in the course of the employee's employment with the employer and that relates to the injury that serves as the basis for the employee's claim for compensation under this chapter, or chapter 85A, 85B, or 86. An employer is not liable for compensating an employee's preexisting disability that arose out of and in the course of employment from a prior injury with the employer, to the extent that the employee's preexisting disability has already been compensated under this chapter, or chapter 85A, 85B, or 86. An employer is not liable for compensating an employee's preexisting disability that arose out of and in the course of employment with a different employer or from causes unrelated to employment.

Sec. 14. Section 85.34, subsection 7, paragraphs b and c, Code 2017, are amended by striking the paragraphs.

Sec. 15. Section 85.39, Code 2017, is amended to read as follows:

85.39 Examination of injured employees.

1. After an injury, the employee, if requested by the employer, shall submit for examination at some reasonable time and place and as often as reasonably requested, to a physician or physicians authorized to practice under the laws of this state or another state, without cost to the employee; but if the employee requests, the employee, at the employee's own cost, is entitled to have a physician or physicians of the employee's own selection present to participate in the examination. If an employee is required to leave work for which the employee is being paid wages to attend the requested examination, the employee shall be compensated at the employee's regular rate for the time the employee is required to leave work, and the employee shall be furnished transportation to and from the place of examination, or the employer may elect to pay the employee the reasonable cost of the transportation. The refusal of the employee to submit to the examination shall ~~suspend~~ forfeit the employee's right to any compensation for the period of the refusal. Compensation shall not be payable for the period of ~~suspension~~ refusal.

2. If an evaluation of permanent disability has been made by a physician retained by the employer and the employee believes this evaluation to be too low, the employee shall, upon application to the commissioner and upon delivery of a copy of the application to the employer and its insurance carrier, be reimbursed by the employer the reasonable fee for a subsequent examination by a physician of the employee's own choice, and reasonably necessary transportation expenses incurred for the examination. The physician chosen by the employee has the right to confer with and obtain from the employer-retained physician sufficient history of the injury to make a proper examination. An employer is only liable to reimburse an employee for the cost of an examination conducted pursuant to this subsection if the injury for which the employee is being examined is determined to be compensable under this chapter or chapter 85A or 85B. An employer is not liable for the cost of such an examination if the injury for which the employee is being examined is determined not to be a compensable injury. A determination of the reasonableness of a fee for an examination made pursuant to this subsection, shall be based on the typical fee charged by a medical provider to perform an impairment rating in the local area where the examination is conducted.

Sec. 16. Section 85.45, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Future payments of compensation may be commuted to a present worth lump sum payment only upon application of a party to the commissioner and upon written consent of all parties to the proposed commutation or partial commutation, and on the following conditions:

Sec. 17. Section 85.45, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The parties to any commutation or partial commutation of future payments agreed to and ordered pursuant to this section may agree that the employee has the right to benefits pursuant to section 85.27 under such terms and conditions as agreed to by the parties, for a specified period of time after the commutation or partial commutation agreement has been ordered by the workers' compensation commissioner. During that specified period of time, the commissioner shall have jurisdiction of the commutation or partial commutation agreement for the purpose of adjudicating the employee's entitlement to benefits provided for in section 85.27 as provided in the agreement.

Sec. 18. Section 85.70, Code 2017, is amended to read as follows:

85.70 Additional payment for attendance — rehabilitation and training — new career vocational training and education program.

1. An employee who has sustained an injury resulting in permanent partial or permanent total disability, for which compensation is payable under this chapter other than an injury to the shoulder compensable pursuant to section 85.34, subsection 2, paragraph "On", and who cannot return to gainful employment because of such disability, shall upon application to and approval by the workers' compensation commissioner be entitled to a one hundred dollar weekly payment from the employer in addition to any other benefit payments, during each full week in which the employee is actively participating in a vocational rehabilitation

program recognized by the vocational rehabilitation services division of the department of education. The workers' compensation commissioner's approval of such application for payment may be given only after a careful evaluation of available facts, and after consultation with the employer or the employer's representative. Judicial review of the decision of the workers' compensation commissioner may be obtained in accordance with the terms of the Iowa administrative procedure Act, chapter 17A, and in section 86.26. Such additional benefit payment shall be paid for a period not to exceed thirteen consecutive weeks except that the workers' compensation commissioner may extend the period of payment not to exceed an additional thirteen weeks if the circumstances indicate that a continuation of training will in fact accomplish rehabilitation.

2. a. An employee who has sustained an injury to the shoulder resulting in permanent partial disability for which compensation is payable under section 85.34, subsection 2, paragraph "On", and who cannot return to gainful employment because of such disability, shall be evaluated by the department of workforce development regarding career opportunities in specific fields aligning with postsecondary career and technical education programs that provide instruction in the areas of agriculture, family and consumer sciences, health occupations, business, industrial technology, and marketing, that allow for accommodation of the employee's disability and to determine if the employee would benefit from participation in the new career vocational training and education program offered through an area community college, that will allow the employee to return to the workforce.

b. Upon completion of the evaluation and a determination by the department that the employee is a candidate for the new career vocational training and education program, the employee shall be referred by the department to the community college that is in the closest proximity to the employee's residence, or upon agreement of the department and the employee, to the community college that offers a vocational training and education program that best meets the employee's needs, for enrollment in the new career vocational training and education program at the community college for the purpose of providing the employee with occupational training that will result in, at a minimum, the awarding of an associate degree or completion of a certificate program and will enable the employee to return to the workforce. If an employee does not enroll in the new career vocational training and education program at the community college to which the employee has been referred by the department within six months after the referral, the employee is no longer eligible to participate in the program.

c. The employee shall be entitled to financial support from the employer or the employer's insurer for participation in the new career vocational and education training program in a total amount not to exceed fifteen thousand dollars to be used for the payment of tuition and fees and the purchase of required supplies. The community college in which an employee is enrolled pursuant to the program shall bill the employer or the employer's insurer for the employee's tuition and fees each semester, or the equivalent, that the employee is enrolled in the program. The employer or the employer's insurer shall also pay for the purchase of supplies required by the employee to participate in the program, upon receipt of documentation from the employee detailing the cost of the supplies and the necessity for purchasing the supplies. Such documentation may include written course requirements or other documentation from the community college or the course instructor regarding the necessity for the purchase of certain supplies.

d. The employer or the employer's insurer may request a periodic status report each semester from the community college documenting the employee's attendance and participation in and completion of the education and training program. If an employee does not meet the attendance requirements of the community college at which the employee is enrolled or does not maintain a passing grade in each course in which the employee is enrolled each semester, or the equivalent, the employee's eligibility for continued participation in the program is terminated.

e. The community college shall also provide the employer or the employer's insurer with documentation detailing that the receipt of funds by the community college pursuant to this subsection is for the payment of tuition and fees and the purchase of required supplies.

f. Beginning on or before December 1, 2018, the department of workforce development, in cooperation with the department of education, the insurance division of the department of

commerce, and all community colleges that are participating in the new career and vocational training and education program, shall prepare an annual report for submission to the general assembly that provides information about the status of the program including but not limited to the utilization of and participants in the program, program completion rates, employment rates after completion of the program and the types of employment obtained by the program participants, and the effects of the program on workers' compensation premium rates.

Sec. 19. Section 85.71, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. The employer has a place of business in this state and the employee regularly works at or from that place of business,~~or the employer has a place of business in this state and the employee is domiciled in this state.~~

Sec. 20. Section 86.26, Code 2017, is amended to read as follows:

86.26 Judicial review.

1. Judicial review of decisions or orders of the workers' compensation commissioner may be sought in accordance with chapter 17A. Notwithstanding chapter 17A, the Iowa administrative procedure Act, petitions for judicial review may be filed in the district court of the county in which the hearing under section 86.17 was held, the workers' compensation commissioner shall transmit to the reviewing court the original or a certified copy of the entire record of the contested case which is the subject of the petition within thirty days after receiving written notice from the party filing the petition that a petition for judicial review has been filed, and an application for stay of agency action during the pendency of judicial review shall not be filed in the division of workers' compensation of the department of workforce development but shall be filed with the district court. Such a review proceeding shall be accorded priority over other matters pending before the district court.

2. Notwithstanding section 17A.19, subsection 5, a timely petition for judicial review filed pursuant to this section shall stay execution or enforcement of a decision or order of the workers' compensation commissioner if the party seeking judicial review posts a bond securing any compensation awarded pursuant to the decision or order with the district court within thirty days of filing the petition, in a reasonable amount as fixed and approved by the court. Unless either the party posting the bond files an objection with the court, within twenty days from the date that the bond is fixed and approved by the court, that the amount of the bond is not reasonable, or the party whose interests are protected by the bond files an objection with the court, within twenty days from the date that the amount of the bond is fixed and approved by the court, that the amount of the bond is not reasonable or adequate, the amount of the bond shall be deemed reasonable and adequate. If, upon objection, the district court orders the amount of the bond posted to be modified, the party seeking judicial review shall repost the bond in the amount ordered, within twenty days of the date of the order modifying the bond, in order to continue the stay of execution or enforcement of the decision or order of the workers' compensation commissioner.

Sec. 21. Section 86.39, Code 2017, is amended to read as follows:

86.39 Fees — approval.

1. All fees or claims for legal, medical, hospital, and burial services rendered under this chapter and chapters 85, 85A, 85B, and 87 are subject to the approval of the workers' compensation commissioner. For services rendered in the district court and appellate courts, the attorney fee is subject to the approval of a judge of the district court.

2. An attorney shall not recover fees for legal services based on the amount of compensation voluntarily paid or agreed to be paid to an employee for temporary or permanent disability under this chapter, or chapter 85, 85A, 85B, or 87. An attorney shall only recover a fee based on the amount of compensation that the attorney demonstrates would not have been paid to the employee but for the efforts of the attorney. Any disputes over the recovery of attorney fees under this subsection shall be resolved by the workers' compensation commissioner.

Sec. 22. Section 86.42, Code 2017, is amended to read as follows:

86.42 Judgment by district court on award.

Any party in interest may present a file-stamped copy of an order or decision of the commissioner, from which a timely petition for judicial review has not been filed or if judicial review has been filed, which has not had execution or enforcement stayed as provided in section 17A.19, subsection 5, or section 86.26, subsection 2, or an order or decision of a deputy commissioner from which a timely appeal has not been taken within the agency and which has become final by the passage of time as provided by rule and section 17A.15, or an agreement for settlement approved by the commissioner, and all papers in connection therewith, to the district court where judicial review of the agency action may be commenced. The court shall render a decree or judgment and cause the clerk to notify the parties. The decree or judgment, in the absence of a petition for judicial review or if judicial review has been commenced, in the absence of a stay of execution or enforcement of the decision or order of the workers' compensation commissioner as provided in section 17A.19, subsection 5, or section 86.26, subsection 2, or in the absence of an act of any party which prevents a decision of a deputy workers' compensation commissioner from becoming final, has the same effect and in all proceedings in relation thereto is the same as though rendered in a suit duly heard and determined by the court.

Sec. 23. Section 535.3, subsection 1, Code 2017, is amended to read as follows:

1. a. Interest shall be allowed on all money due on judgments and decrees of courts at a rate calculated according to section 668.13, ~~except for interest due pursuant to section 85.30 for which the rate shall be ten percent per year.~~

b. Notwithstanding paragraph "a", interest due pursuant to section 85.30 shall accrue from the date each compensation payment is due at an annual rate equal to the one-year treasury constant maturity published by the federal reserve in the most recent H15 report settled as of the date of injury, plus two percent.

Sec. 24. APPLICABILITY.

1. The sections of this Act amending sections 85.16, 85.18, 85.23, 85.26, 85.33, 85.34, 85.39, 85.71, 86.26, 86.39, and 86.42 apply to injuries occurring on or after the effective date of this Act.

2. The sections of this Act amending section 85.45 apply to commutations for which applications are filed on or after the effective date of this Act.

Approved March 30, 2017

CHAPTER 24

PUBLIC ASSISTANCE PROGRAMS — OVERSIGHT

H.F. 531

AN ACT relating to oversight of public assistance programs, and including effective date provisions.

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

Section 1. **MEDICAID PROGRAM — ASSET, INCOME, AND IDENTITY VERIFICATION.** By December 15, 2017, the department of human services shall report to the governor and the general assembly regarding progress on contracting with a third-party vendor to establish an electronic asset, income, and identity eligibility verification system for the purposes of determining or redetermining the eligibility of an individual who is an applicant for or recipient of medical assistance under the Medicaid state plan on the basis of being aged, blind, or disabled in accordance with 42 U.S.C. §1396w.

Sec. 2. PUBLIC ASSISTANCE PROGRAMS — OVERSIGHT — DIRECTIVES TO DEPARTMENT OF HUMAN SERVICES.

1. The department of human services shall review state efforts, including pilot programs related to data sharing between states and technology-based solutions designed to curb interstate dual participation, to address program integrity for public assistance programs including Medicaid, the family investment program (FIP), the supplemental nutrition assistance program (SNAP), and the child care assistance program. As part of the review, the department shall explore opportunities to join existing pilot efforts in collaboration with other states¹ or to develop a separate pilot effort in Iowa.

2. By December 15, 2017, the department shall report to the governor and the general assembly the process used in reviewing state efforts including pilot programs, the findings from the review including the effectiveness and return on investment of pilot programs and other efforts reviewed, and recommendations for potential opportunities to improve program integrity in Iowa.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 30, 2017

CHAPTER 25

DEPENDENT ADULT ABUSE — PERSONAL DEGRADATION

H.F. 544

AN ACT including personal degradation as a form of dependent adult abuse by caretakers in facilities and programs regulated by the department of inspections and appeals, and including effective date provisions.

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

Section 1. Section 235E.1, subsection 5, paragraph a, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) Personal degradation of a dependent adult. “*Personal degradation*” means a willful act or statement by a caretaker intended to shame, degrade, humiliate, or otherwise harm the personal dignity of a dependent adult, or where the caretaker knew or reasonably should have known the act or statement would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person. “*Personal degradation*” includes the taking, transmission, or display of an electronic image of a dependent adult by a caretaker, where the caretaker’s actions constitute a willful act or statement intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the dependent adult, or where the caretaker knew or reasonably should have known the act would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person. “*Personal degradation*” does not include the taking, transmission, or display of an electronic image of a dependent adult for the purpose of reporting dependent adult abuse to law enforcement, the department, or other regulatory agency that oversees caretakers or enforces abuse or neglect provisions, or for the purpose of treatment or diagnosis or as part of an ongoing investigation. “*Personal degradation*” also does not include the taking, transmission, or display of an electronic image by a caretaker in accordance with the facility’s or program’s confidentiality policy and release of information or consent policies.

¹ See chapter 174, §83 herein

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

Approved March 30, 2017

CHAPTER 26

STROKE CARE — REPORTING — QUALITY IMPROVEMENT PLANNING

H.F. 548

AN ACT relating to continuous quality improvement for the care of individuals with stroke, and providing for contingent implementation.

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

Section 1. **NEW SECTION. 135.191 Stroke care — continuous quality improvement.**

1. A nationally certified comprehensive stroke center or a nationally certified primary stroke center operating in the state shall report to the statewide stroke database data consistent with nationally recognized guidelines on the treatment of individuals with confirmed cases of stroke within the state. If a nationally certified comprehensive stroke center or nationally certified primary stroke center does not comply with this subsection by reporting data consistent with nationally recognized guidelines, the department may request a review of the certification of the comprehensive stroke center or the primary stroke center by the certifying entity.

2. The department, in partnership with the university of Iowa college of public health, department of epidemiology, shall do all of the following:

a. Maintain or utilize a statewide stroke database that compiles information and statistics on stroke care which aligns with nationally recognized stroke consensus metrics.

b. Utilize the get with the guidelines-stroke data set platform or a data tool with equivalent data measures and with confidentiality standards consistent with federal and state law and other health information and data collection, storage, and sharing requirements of the department.

c. Partner with national voluntary health organizations and stroke advocacy organizations that plan for achieving stroke care quality improvement to avoid duplication and redundancy.

d. Encourage nationally certified acute stroke-ready hospitals and emergency medical services agencies to report data consistent with nationally recognized guidelines on the treatment of individuals with confirmed cases of stroke within the state.

Sec. 2. **CONTINGENT IMPLEMENTATION — UTILIZATION OF EXISTING RESOURCES.** Implementation of this Act shall not require the appropriation of additional funding to the department of public health, but is contingent upon the utilization of existing resources by the department.

Approved March 30, 2017

CHAPTER 27

CONTROLLED SUBSTANCES SCHEDULES

S.F. 332

AN ACT making changes to the controlled substance schedules, and providing penalties, and including effective date provisions.

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

DIVISION I
CONTROLLED SUBSTANCES

Section 1. Section 124.204, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *bd.* AH-7921 (3,4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl]benzamide.

Sec. 2. Section 124.204, subsection 9, Code 2017, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *p.* N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other names: Furanyl fentanyl.

NEW PARAGRAPH. *q.* N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other names: Butyryl fentanyl.

NEW PARAGRAPH. *r.* N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other names: beta-hydroxythiofentanyl.

NEW PARAGRAPH. *s.* 3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other names: U-47700.

Sec. 3. Section 124.206, subsection 2, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmeferne, naloxegol, naloxone, and naltrexone, and their respective salts, but including the following:

Sec. 4. Section 124.206, subsection 2, paragraph d, Code 2017, is amended to read as follows:

~~d. Coca leaves and any salt, compound, derivative, or preparation of coca leaves. Decocainized coca leaves or extractions of coca leaves, which extractions do not contain cocaine or ecgonine, are excluded from this paragraph. The following substances and their salts, optical and geometric isomers, derivatives, and salts of derivatives and optical and geometric isomers including cocaine and ecgonine and their salts, isomers, derivatives and salts of isomers and derivatives, and any salt, compound, derivative, or preparation thereof that is chemically equivalent or identical to any of such substances, are included in this paragraph except that the substances shall not include:~~

~~(1) Cocaine~~ Decocainized coca leaves or extractions of coca leaves, which extractions do not contain cocaine or ecgonine.

~~(2) Ecgonine~~ [123I]ioflupane.

Sec. 5. Section 124.206, subsection 3, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *ac.* Thiafentanil.

Sec. 6. Section 124.208, subsection 5, paragraph a, subparagraphs (3) and (4), Code 2017, are amended by striking the subparagraphs.

Sec. 7. Section 124.210, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol).

Sec. 8. Section 124.210, subsection 3, Code 2017, is amended by adding the following new paragraphs:

NEW PARAGRAPH. bb. Alfaxalone.

NEW PARAGRAPH. bc. Suvorexant.

Sec. 9. Section 124.210, subsection 7, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl]][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl)-2-methoxybenzoic acid) (including its optical isomers) and its salts, isomers, and salts of isomers.

Sec. 10. Section 124.212, subsection 5, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide), including its salts. Other names: BRV, UCB-34714, Briviact.

DIVISION II EFFECTIVE DATE

Sec. 11. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 7, 2017

CHAPTER 28

EMERGENCY AND HAZARDOUS CHEMICALS — REGULATION AND PLANNING

S.F. 351

AN ACT providing for the elimination of the Iowa emergency response commission.

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

Section 1. Section 29C.5, Code 2017, is amended to read as follows:

29C.5 Department of homeland security and emergency management.

The department of homeland security and emergency management is created. The department of homeland security and emergency management shall be responsible for the administration of emergency planning matters, including emergency resource planning in this state, cooperation with, support of, funding for, and tasking of the civil air patrol for missions not qualifying for federal mission status as described in section 29A.3A in accordance with operational and funding criteria developed with the adjutant general and coordinated with the civil air patrol, homeland security activities, and coordination of available services and resources in the event of a disaster to include those services and

resources of the federal government and private entities. ~~The Iowa emergency response commission established by section 30.2 is attached to the department of homeland security and emergency management for organizational purposes.~~

Sec. 2. Section 30.1, subsection 1, Code 2017, is amended by striking the subsection.

Sec. 3. Section 30.1, subsection 2, Code 2017, is amended to read as follows:

2. “Committee” means a local emergency planning committee appointed by the ~~commission~~ department.

Sec. 4. Section 30.1, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. “Department” means the department of homeland security and emergency management.

Sec. 5. Section 30.5, Code 2017, is amended to read as follows:

30.5 Commission Department powers and duties.

1. ~~The commission department~~ has the powers necessary to carry out the functions and duties specified in state law and the Emergency Planning and Community Right-to-know Act, including the powers to solicit and accept gifts and grants, and to adopt rules pursuant to chapter 17A. All federal funds, grants, and gifts shall be deposited with the treasurer of state and used only for the purposes agreed upon as conditions for receipt of the funds, grants, or gifts.

2. ~~The commission department~~ may enter into agreements pursuant to chapter 28E to accomplish any duty imposed upon the ~~commission department~~ by the Emergency Planning and Community Right-to-know Act, but the ~~commission department~~ shall not compensate any governmental unit for the performance of duties pursuant to such an agreement. Funding for administering the duties of the ~~commission department~~ under sections 30.7, ~~and 30.8, and 30.9~~ shall be included in the budgets of the department of natural resources and the department of homeland security and emergency management.

3. ~~The commission department~~ may request from any state agency or official the information and assistance necessary to perform the duties of the ~~commission department~~. All state departments, divisions, agencies, and offices shall make available upon request information which is requested and which is not by law confidential.

4. The department shall designate local emergency planning districts and appoint persons to serve on local emergency planning committees. The department may, upon request, revise its designations of districts and appointments of committee members.

5. The department shall supervise and coordinate the activities of the committees.

6. Upon request by a state or local official or any person, the department shall obtain from a facility owner or operator the emergency and hazardous chemical inventory information which the owner or operator is required to prepare and submit pursuant to section 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022, and provide the information to the requesting party.

7. The department shall make available to the public upon request during normal working hours material safety data sheets, lists of hazardous chemicals, inventory forms, toxic chemical release forms, and follow-up emergency notices in its possession pursuant to section 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11044.

8. The department shall perform all other functions and duties as specified in the Emergency Planning and Community Right-to-know Act.

9. Comprehensive emergency response plans required to be developed under section 303 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11003, shall be submitted to the department. After initial submission, a plan need not be resubmitted unless revisions are requested by the department. The department shall review the plan and shall incorporate the provisions of the plan into its responsibilities under chapter 29C.

10. The department shall make available to the public upon request during normal working hours the information in its possession pursuant to section 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11044.

Sec. 6. Section 30.7, Code 2017, is amended to read as follows:

30.7 Duties to be allocated to department of natural resources — emergency and hazardous chemicals.

Agreements negotiated by the ~~commission~~ department and the department of natural resources shall provide for the allocation of duties to the department of natural resources as follows:

1. Material safety data sheets or a list ~~for~~ of chemicals required to be submitted to the ~~commission~~ department under section 311 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11021, shall be submitted to the department of natural resources. Submission to that department constitutes compliance with the requirement for notification to the ~~commission~~ department.

2. Emergency and hazardous chemical inventory forms required to be submitted to the ~~commission~~ department under section 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022, shall be submitted to the department of natural resources. Submission to that department constitutes compliance with the requirement for notification to the ~~commission~~ department.

3. The department of natural resources shall advise the ~~commission~~ department of the failure of any facility owner or operator to submit information as required under sections 311 and 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11021 and 11022.

4. The department of natural resources shall make available to the public upon request during normal working hours the information forms in its possession pursuant to sections 312 and 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022 and 11044.

5. The department of natural resources shall compile data or information from the emergency and hazardous chemical inventory forms required to be submitted to the ~~commission~~ department under section 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022.

Sec. 7. Section 30.8, Code 2017, is amended to read as follows:

30.8 Duties to be allocated to department of natural resources.

Agreements negotiated by the ~~commission~~ department and the department of natural resources shall provide for the allocation of duties to the department of natural resources as follows:

1. Emergency notifications of releases required to be submitted to the ~~commission~~ department under section 304 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11004, shall be submitted to the department of natural resources. Submission to that department constitutes compliance with the requirement for notification to the ~~commission~~ department.

2. The department of natural resources shall advise the ~~commission~~ department of the failure of any facility owner or operator to submit a notification as required under section 304 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11004.

3. The department of natural resources shall make available to the public upon request during normal working hours the information in its possession pursuant to section 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11044.

4. The department of natural resources shall compile the data collected pursuant to section 313 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11023, and shall make the compiled data available to the public upon request.

Sec. 8. Section 30.10, Code 2017, is amended to read as follows:

30.10 Powers of local emergency planning committees.

The local emergency planning committee appointed by the ~~commission~~ department for each local emergency planning district has the powers necessary to carry out the functions and duties specified in state law and the Emergency Planning and Community Right-to-know Act.

Sec. 9. Section 30.12, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The ~~commission~~ department may commence a civil action against an owner or operator of a facility who has violated federal requirements to do any of the following:

Sec. 10. REPEAL. Sections 30.2, 30.3, 30.4, 30.6, and 30.9, Code 2017, are repealed.

Sec. 11. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

- a. Section 30.5 to section 30.2.
- b. Section 30.7 to section 30.3.
- c. Section 30.8 to section 30.4.
- d. Section 30.10 to section 30.5.
- e. Section 30.11 to section 30.6.
- f. Section 30.12 to section 30.7.

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.

Approved April 7, 2017

CHAPTER 29

SUBSTANTIVE CODE CORRECTIONS

S.F. 405

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 2.48, subsection 3, paragraph d, subparagraph (2), Code 2017, is amended to read as follows:

(2) Historic preservation ~~and cultural and entertainment district~~ tax credits under chapter 404A.

Sec. 2. Section 2.48, subsection 3, paragraph h, Code 2017, is amended by striking the paragraph.

Sec. 3. Section 7A.1, Code 2017, is amended to read as follows:

7A.1 Official reports — preparation.

1. State officials, boards, commissions, and heads of departments shall prepare and file written official reports, in simple language and in the most concise form consistent with clearness and comprehensiveness of matter, required by law or by the governor.

2. Before filing any report its, the author shall carefully edit ~~the same and the report~~. The author shall strike therefrom from the report all minutes of proceedings, and all correspondence, petitions, orders, and other matter which can be briefly stated, or which is not important information concerning public affairs, and consolidate so far as practicable all statistical tables.

3. Any report failing to comply substantially with this section shall be returned to its author for correction, and until made so to comply shall not be printed.

4. This section shall not be construed as depriving the director of the department of administrative services of the right to edit and revise ~~said~~ the report.

Sec. 4. Section 7E.3, subsection 5, Code 2017, is amended to read as follows:

5. ~~Adults~~ Persons not lawfully present. Unless expressly authorized by federal or state law, ensure that the public benefits administered by the department or independent agency are not provided to persons who are not lawfully present in the United States.

Sec. 5. Section 9C.1, Code 2017, is amended to read as follows:

9C.1 Definitions — presumption — applicability.

1. ~~The~~ As used in this chapter, the term “*transient merchant*” ~~as used herein~~ shall mean and include every merchant, whether an individual person, a firm, corporation, partnership or association, and whether owner, agent, bailee, consignee or employee, who shall bring or cause to be brought within the state of Iowa any goods, wares or merchandise of any kind, nature or description, with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares or merchandise within the state of Iowa. The term “*transient merchant*” shall also mean and include every merchant, whether an individual person, a firm, corporation, partnership or an association, who shall by itself, or by agent, consignee or employee temporarily or intermittently engage in or conduct at one or more locations a business within the state of Iowa for the sale at retail of any goods, wares or merchandise of any nature or description.

2. A merchant engaging in business shall be presumed to be temporarily or intermittently in business unless it is the intention of such merchant to remain continuously in business at each location where the merchant is engaged in business within the state of Iowa as a merchant for a period of more than sixty days.

3. The provisions of this chapter shall not be construed to apply to persons selling at wholesale to merchants, nor to transient vendors of drugs, nor to persons running a huckster wagon, or selling or distributing livestock feeds, fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or employees.

Sec. 6. Section 9C.2, Code 2017, is amended to read as follows:

9C.2 License required.

It shall be unlawful for any transient merchant ~~as herein defined~~, to sell, dispose of, or offer for sale any goods, wares or merchandise of any kind, nature or description, at any time or place within the state of Iowa, outside the limits of any city in the state of Iowa, or within the limits of any city in the state of Iowa that has not by ordinance provided for the licensing of transient merchants, unless such transient merchant, ~~as herein defined~~, ~~shall have~~ has a valid license ~~as herein provided in this chapter~~ and ~~shall have~~ has complied with the regulations ~~herein~~ set forth in this chapter.

Sec. 7. Section 9C.3, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Any transient merchant ~~as defined herein~~, desiring a transient merchant’s license shall at least ten days prior to the first day any sale is made, file with the secretary of state of the state of Iowa an application in writing duly verified by the person, firm, corporation, partnership or association proposing to sell or offer to sell at retail any goods, wares or merchandise, or to engage in or conduct a temporary or intermittent business for the sale at retail of any goods, wares or merchandise, ~~which~~. The application shall state the following facts:

Sec. 8. Section 9C.4, Code 2017, is amended to read as follows:

9C.4 Bond required — applicability — forfeiture.

1. At the time ~~and as part of filing said the application and as a part thereof~~, the applicant shall file with the secretary of state a bond, with sureties to be approved by the secretary of state, in a penal sum two times the value of the goods, wares or merchandise to be sold or offered for sale or the average inventory to be carried by such transient merchant engaged in or conducting an intermittent or temporary business as the case may be as shown by the application, running to the state of Iowa, for the use and benefit of any purchaser of any

merchandise from such transient merchant who might have a cause of action of any nature arising from or out of such sale against the applicant or the owner of such merchandise if other than the applicant; ~~the~~. ~~The bond to shall be further~~ conditioned on the payment by the applicant of all taxes that may be payable by, or due from, the applicant to the state of Iowa or any subdivision thereof, ~~the bond to and shall be further conditioned for the payment of any fines that may be assessed by any court against the applicant for violation of the provision of this chapter, and further conditioned as well as~~ for the payment and satisfaction of any and all causes of action against the applicant commenced within one year from the date of sale thereof, and arising from such sale, ~~provided, however, that~~. However, the aggregate liability of the surety for all such taxes, fines, and causes of action shall in no event exceed the principal sum of such bond.

2. In such bond the applicant and surety shall appoint the secretary of state, the agent of the applicant and surety for the service of process. In the event of such service, the agent upon whom such service is made shall within five days after the date of service, mail by ordinary mail a true copy of the process served upon the agent to each party for whom the agent is served, addressed to the last known address of such party. Failure to ~~so~~ mail ~~said~~ the copy shall not, however, affect the jurisdiction of the court.

3. Such bond shall contain the consent of the applicant and surety that the district court of the county in which the plaintiff may reside or Polk county, Iowa, shall have jurisdiction of all actions against the applicant or surety, or both, arising out of the sale. The state of Iowa, or any subdivision thereof, or any person having a cause of action against the applicant or surety arising out of said sale may join the applicant and surety on such bond in the same action, or may in such action sue either the applicant or the surety alone.

4. The requirements of this section also apply to transient merchants who are licensed in accordance with an ordinance of a city in the state of Iowa.

5. Notwithstanding ~~the above provisions~~ subsections 1 through 4, the bond provided for in this section shall be forfeited to the state of Iowa upon the applicant's failure to pay the total of all taxes payable by or due from the applicant to the state which taxes are administered by the department of revenue. The department shall adopt administrative rules for the collection of the forfeiture. Notice shall be provided to the surety and to the applicant. Notice to the applicant shall be mailed to the applicant's last known address. The applicant or the surety shall have the opportunity to apply to the director of revenue for a hearing within thirty days after the giving of such notice. Upon the failure to timely request a hearing, the bond shall be forfeited. If, after the hearing upon timely request, the director finds that the applicant has failed to pay the total of all taxes payable and the bond is forfeited, the director shall order the bond forfeited. The amount of the forfeiture shall be the amount of taxes payable or the amount of the bond. The surety shall not have standing to contest the amount of any taxes payable. For purposes of this section, "taxes payable" means all tax, penalties, interest, and fees that the department has previously determined to be due by assessment or in an appeal of an assessment.

Sec. 9. Section 9E.3, subsection 1, paragraph b, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A statement by the applicant that the applicant has good reason to believe ~~any~~ of the following:

Sec. 10. Section 9E.3, subsection 3, Code 2017, is amended to read as follows:

3. *Certification*. Upon the filing of a complete application, the secretary shall certify the eligible person as a program participant. A program participant shall be certified for four years following the date the application is certified by the secretary unless the certification is canceled, withdrawn, or invalidated. The secretary shall establish by rule a renewal procedure for recertification.

Sec. 11. Section 12.8, subsection 1, Code 2017, is amended to read as follows:

1. The treasurer of state shall invest or deposit, subject to chapters 12F, ~~and~~ 12H, ~~and~~ 12J and as provided by law, any of the public funds not currently needed for operating expenses and shall do so upon receipt of monthly notice from the director of the department

of administrative services of the amount not so needed. In the event of loss on redemption or sale of securities invested as prescribed by law, and if the transaction is reported to the executive council, neither the treasurer nor director of the department of administrative services is personally liable but the loss shall be charged against the funds which would have received the profits or interest of the investment and there is appropriated from the funds the amount so required.

Sec. 12. Section 12.71, subsection 1, Code 2017, is amended to read as follows:

1. The treasurer of state may issue bonds upon the request of the vision Iowa board created in section 15F.102, Code 2016, and do all things necessary with respect to the purposes of the vision Iowa fund. The treasurer of state shall have all of the powers which are necessary to issue and secure bonds and carry out the purposes of the fund. The treasurer of state may issue bonds in principal amounts which, in the opinion of the board, are necessary to provide sufficient funds for the vision Iowa fund created in section 12.72, the payment of interest on the bonds, the establishment of reserves to secure the bonds, the costs of issuance of the bonds, other expenditures of the treasurer of state incident to and necessary or convenient to carry out the bond issue for the fund, and all other expenditures of the board necessary or convenient to administer the fund; provided, however, excluding the issuance of refunding bonds, bonds issued pursuant to this section shall not be issued in an aggregate principal amount which exceeds three hundred million dollars. The bonds are investment securities and negotiable instruments within the meaning of and for purposes of the uniform commercial code, chapter 554.

Sec. 13. Section 12B.10, subsection 5, paragraph a, subparagraph (7), subparagraph division (a), unnumbered paragraph 1, Code 2017, is amended to read as follows:

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 be one of the following:

Sec. 14. Section 12B.12, Code 2017, is amended to read as follows:

12B.12 Duty of examining officer.

It shall be the duty of the officer or officers making ~~such a~~ a settlement described under section 12B.11 to see that the amount of securities and money produced and counted, together with the amounts so certified by the legally designated depositories, agrees with the balance with which such treasurer should be charged, and the officer shall make a report in writing of any such settlement or examination, and attach thereto the certified statement of all such depositories.

Sec. 15. Section 12B.13, Code 2017, is amended to read as follows:

12B.13 Report of settlement filed.

The report of any ~~such~~ settlement under section 12B.11 with the treasurer of state shall be filed in the office of the director of the department of management, ~~and the~~. The report of a settlement under section 12B.11 with a county treasurer shall be filed with the auditor of the county.

Sec. 16. Section 15F.103, subsection 6, Code 2017, is amended by striking the subsection.

Sec. 17. Section 16.28, subsection 2, paragraph b, Code 2017, is amended to read as follows:

b. The bondholders or noteholders, to the extent provided in the resolution by which the bonds or notes were issued or in their agreement with the authority, may enforce any of the remedies in paragraph "a", subparagraphs (1) ~~to~~ through (5) or the remedies provided in those agreements for and on their own behalf.

Sec. 18. Section 16.50, subsection 3, paragraph b, subparagraph (1), Code 2017, is amended to read as follows:

(1) Projects that are eligible for historic preservation ~~and cultural and entertainment district tax credits under chapter 404A.~~

Sec. 19. Section 17A.6A, subsection 2, paragraph c, Code 2017, is amended to read as follows:

c. Process forms and instructions for filing a petition for rulemaking pursuant to section 17A.7, a petition for a declaratory order pursuant to section 17A.9, or a request petition for a waiver or variance of an administrative rule pursuant to section 17A.9A.

Sec. 20. Section 22.1, Code 2017, is amended to read as follows:

22.1 Definitions.

As used in this chapter:

1. ~~The term “government body”~~ “Government body” means this state, or any county, city, township, school corporation, political subdivision, tax-supported district, nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D; the governing body of a drainage or levee district as provided in chapter 468, including a board as defined in section 468.3, regardless of how the district is organized; or other entity of this state, or any branch, department, board, bureau, commission, council, committee, official, or officer of any of the foregoing or any employee delegated the responsibility for implementing the requirements of this chapter.

2. ~~The term “lawful custodian”~~ “Lawful custodian” means the government body currently in physical possession of the public record. The custodian of a public record in the physical possession of persons outside a government body is the government body owning that record. The records relating to the investment of public funds are the property of the public body responsible for the public funds. Each government body shall delegate to particular officials or employees of that government body the responsibility for implementing the requirements of this chapter and shall publicly announce the particular officials or employees to whom responsibility for implementing the requirements of this chapter has been delegated. “Lawful custodian” does not mean an automated data processing unit of a public body if the data processing unit holds the records solely as the agent of another public body, nor does it mean a unit which holds the records of other public bodies solely for storage.

3. ~~a. As used in this chapter, “public records”~~ “Public records” includes all records, documents, tape, or other information, stored or preserved in any medium, of or belonging to this state or any county, city, township, school corporation, political subdivision, nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D, or tax-supported district in this state, or any branch, department, board, bureau, commission, council, or committee of any of the foregoing.

b. “Public records” also includes all records relating to the investment of public funds including but not limited to investment policies, instructions, trading orders, or contracts, whether in the custody of the public body responsible for the public funds or a fiduciary or other third party.

Sec. 21. Section 28F.5, Code 2017, is amended to read as follows:

28F.5 Source of payment — rates and charges, pledge of revenues.

1. ~~Such an~~ An entity shall have the power to pledge all or part of the net revenues of a project or projects to the payment of the principal of and interest on the bonds issued pursuant to this chapter and shall provide by resolution authorizing the issuance of said bonds that such net revenues of the project or projects shall be set apart in a sinking fund for that purpose and kept separate and distinct from all other revenues of the entity. The principal of and interest on the bonds so issued shall be secured by a pledge of such net revenues of the project or

projects in the manner and to the extent provided in the resolution authorizing the issuance of said bonds.

2. ~~Such an~~ An entity shall have the power to fix, establish and maintain such rates, tolls, fees, rentals or other charges and collect the same from the public agencies participating in the agreement or from private agencies or persons for the payment of the services and facilities provided by said project or projects. Such rates, tolls, fees, rentals or other charges shall be so fixed, established and maintained and revised from time to time whenever necessary as will always provide revenues sufficient to pay the cost of maintaining, repairing and operating the project or projects, to pay the principal of and interest on the bonds then outstanding which are payable therefrom as the same become due and payable, to provide adequate and sufficient reserves therefor, to provide for replacements, depreciations and necessary extensions and enlargements and to provide a margin of safety for the making of such payments and providing such reserves. Notwithstanding the foregoing such an entity shall have the further right to pledge to the payment of the bonds issued pursuant to this chapter, in addition to the net revenues of the project or projects pledged therefor, such other moneys that it may have and which are lawfully available therefor.

3. In order to pay the rates, tolls, fees, rentals or other charges levied against a public agency by an entity for the payment of the services and facilities provided by a project or projects authorized by this chapter, public agencies participating in such an agreement shall have the power by ordinance to fix, establish and maintain, rates or other charges for the use of and the services and facilities rendered by said project or projects. Such rates or charges may be so fixed, established and maintained and revised from time to time whenever necessary as will always provide such public agencies with sufficient revenue to pay the rates, tolls, fees, rentals or other charges levied against it by the entity for the payments of the services and facilities provided by said project or projects. All such rates or charges to be paid by the owners of real property, if not paid as by the ordinance provided, when due, shall constitute a lien upon such real property served by such project or projects, and shall be collected in the same manner as general taxes.

Sec. 22. Section 28F.10, Code 2017, 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 premium, if any, of bonds issued by ~~said the~~ the 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.~~ 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~~ 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 the~~ the refunding bonds to be used for the payment of the principal of, interest on and redemption premiums, if any, on ~~said the~~ the 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 the~~ the refunding bonds. Refunding bonds shall be issued in the same manner and detail as revenue bonds herein authorized.

Sec. 23. Section 29C.24, subsection 2, paragraph e, subparagraph (1), subparagraph divisions (b) and (c), Code 2017, are amended to read as follows:

(b) Except for disaster ~~and~~ or emergency-related work, the business entity has no presence in the state and conducts no business in the state.

(c) Except for disaster ~~and~~ or 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.

Sec. 24. Section 29C.24, subsection 5, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

An out-of-state business that enters the state to perform disaster ~~and~~ or 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:

Sec. 25. Section 29C.24, subsection 5, paragraphs b and c, Code 2017, are amended to read as follows:

b. For an out-of-state business that enters this state to perform disaster ~~and~~ or 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~~ or 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.

Sec. 26. Section 35C.2, Code 2017, is amended to read as follows:

35C.2 Physical disability.

The persons thus preferred shall not be disqualified from holding any position ~~hereinbefore~~ mentioned in section 35C.1 on account of age or by reason of any physical disability, provided such age or disability does not render such person incompetent to perform properly the duties of the position applied for.

Sec. 27. Section 35C.6, Code 2017, is amended to read as follows:

35C.6 Removal — certiorari — judicial review.

No person holding a public position by appointment or employment, and belonging to any of the classes of persons to whom a preference is ~~herein~~ granted under this chapter, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, and with the right of such employee or appointee to a review by a writ of certiorari or at such person’s election, to judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A, if that is otherwise applicable to their case.

Sec. 28. Section 43.2, Code 2017, is amended to read as follows:

43.2 Definitions.

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

1. “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. a. The term “political party” “Political party” shall mean a party which, at the last preceding general election, cast for its candidate for president of the United States or for governor, as the case may be, at least two percent of the total vote cast for all candidates for that office at that election. It shall be the responsibility of the state commissioner to determine whether any organization claiming to be a political party qualifies as such under the foregoing definition.

b. A political organization which is not a “political party” within the meaning of this section subsection may nominate candidates and have the names of such candidates placed upon the official ballot by proceeding under chapters 44 and 45.

As used in this chapter, unless the context otherwise requires, “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.

Sec. 29. Section 48A.7A, subsection 1, paragraph b, subparagraph (1), unnumbered paragraph 1, Code 2017, is amended to read as follows:

For purposes of this section, a person may establish identity and residence by presenting to the appropriate precinct election official a current and valid Iowa driver’s license or Iowa

nonoperator's identification card or by presenting any of the following current and valid forms of identification if such identification contains the person's photograph and a validity valid expiration date:

Sec. 30. Section 80.45, subsection 3, paragraph a, Code 2017, is amended to read as follows:

a. Serve as a point of contact for ~~anti-human~~ activities to combat human trafficking activity in this state.

Sec. 31. Section 92.3, Code 2017, is amended to read as follows:

92.3 Under fourteen — permitted occupations.

No person under fourteen years of age shall be employed or permitted to work with or without compensation in any occupation, except in the street ~~trade~~ occupations or migratory labor occupations specified in section 92.1. Any migratory laborer twelve to fourteen years of age may not work prior to or during the regular school hours of any day of any private or public school which teaches general education subjects and which is available to such child.

Sec. 32. Section 92.9, unnumbered paragraph 1, Code 2017, 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 a career and technical education department in a school district or under an instructor in a career and technical education classroom or laboratory, or industrial plant, or in a course of career and technical education approved by the state board for career and technical education, or to apprentices provided they are employed under all of the following conditions:

Sec. 33. Section 92.23, Code 2017, is amended to read as follows:

92.23 Group insurance.

Anyone under the age of eighteen and subject to this chapter employed in the street ~~trades~~ occupations who sells or delivers the product or service of another and who is designated in such capacity as an independent contractor shall be provided participation, if the person under the age of eighteen desires it at group rate cost, in group insurance for medical, hospital, nursing, and doctor expenses incurred as a result of injuries sustained arising out of and in the course of selling or delivering such product or service by the person, firm, or corporation whose product or service is so delivered.

Sec. 34. Section 96.29, subsection 2, paragraph c, Code 2017, is amended to read as follows:

c. This subsection shall not apply to claims for extended benefits ~~for weeks of~~ unemployment beginning March 6, 1993, and ending before January 1, 1995, or if otherwise prohibited by federal law.

Sec. 35. Section 97A.7, subsection 1, Code 2017, is amended to read as follows:

1. The board of trustees shall be the trustees of the retirement fund created by this chapter as provided in section 97A.8 and shall have full power to invest and reinvest funds subject to the terms, conditions, limitations, and restrictions imposed by subsection 2 ~~of this section~~ and chapters 12F, and 12H, and 12J and subject to like terms, conditions, limitations, and restrictions said trustees shall have full power to hold, purchase, sell, assign, transfer, or dispose of any of the securities and investments of the retirement fund which have been invested, as well as of the proceeds of said investments and any moneys belonging to the retirement fund. The board of trustees may authorize the treasurer of state to exercise any of the duties of this section. When so authorized the treasurer of state shall report any transactions to the board of trustees at its next monthly meeting.

Sec. 36. Section 97B.4, subsection 5, Code 2017, is amended to read as follows:

5. *Investments.* The system, through the chief investment officer, shall invest, subject to chapters 12F, and 12H, and 12J and in accordance with the investment policy and goal statement established by the board, the portion of the retirement fund which, in the

judgment of the system, is not needed for current payment of benefits under this chapter subject to the requirements of section 97B.7A.

Sec. 37. Section 101.26, subsection 1, Code 2017, is amended to read as follows:

1. A person who violates this subchapter or a rule adopted or order adoption issued pursuant to this subchapter is subject to a civil penalty not to exceed one hundred dollars for each day during which the violation continues, up to a maximum of one thousand dollars; however, if the tank is registered within thirty days after the state fire marshal issues a cease and desist order pursuant to section 101.25, subsection 1, the civil penalty under this section shall not accrue. The civil penalty is an alternative to a criminal penalty provided under this subchapter.

Sec. 38. Section 123.30, subsection 3, paragraph c, subparagraph (2), Code 2017, is amended to read as follows:

(2) A special class “C” liquor control license may be issued and shall authorize the holder to purchase wine from class “A” wine permittees or class “B” wine permittees who also hold class “E” liquor control licenses only, and to sell wine and beer to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises. The license issued to holders of a special class “C” liquor control license shall clearly state on its face that the license is limited.

Sec. 39. Section 123.30, subsection 3, paragraph e, subparagraph (2), Code 2017, is amended to read as follows:

(2) The division may issue a class “E” liquor control license for premises covered by a liquor control license or wine or beer permit for on-premises consumption, if the premises are in a county having a population under nine thousand five hundred in which no other class “E” liquor control license has been issued by the division, and no other application for a class “E” liquor control license has been made within the previous twelve consecutive months.

Sec. 40. Section 123.141, Code 2017, 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, keep a pharmacy~~ from having alcohol in stock for medicinal and compounding purposes.

Sec. 41. Section 139A.8, subsection 2, paragraph e, Code 2017, is amended to read as follows:

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.

Sec. 42. Section 144.18, Code 2017, is amended to read as follows:

144.18 Court hearing.

1. The court shall fix a time and place for hearing the petition and shall give the registration official who refused to register the petitioner’s delayed certificate of birth at least ten days’ notice of such hearing. If both persons to be named as parents are not a party to the petition, such person or persons, if living, shall also be given at least ten days’ notice of the hearing. The court shall prescribe the manner of such notice. Such official, or the official’s authorized representative, may appear and testify in the proceeding.

2. If the court from the evidence presented finds that the person for whom a delayed certificate of birth is sought was born in this state, it shall make findings as the case may require and shall issue an order on a form prescribed and furnished by the state registrar to establish a record of birth. The order shall include the birth data to be registered, a description of the evidence presented, and the date of the court's action.

3. The clerks of the district court shall forward each order to the state registrar not later than the tenth day of the calendar month following the month in which it was entered. The order shall be registered by the state registrar and shall constitute the record of birth, from which copies may be issued in accordance with sections 144.42 to through 144.46, ~~inclusive~~.

Sec. 43. Section 153.33, subsection 3, paragraph g, Code 2017, is amended to read as follows:

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 if~~ 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.

Sec. 44. Section 154B.1, subsections 2 and 6, Code 2017, are amended to read as follows:

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.

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~~ 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.

Sec. 45. Section 155A.6A, subsection 3, Code 2017, is amended by striking the subsection.

Sec. 46. Section 161A.20, subsections 1, 3, and 4, Code 2017, are amended to read as follows:

1. After obtaining agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than fifty percent of the lands situated in the subdistrict, a subdistrict shall have the authority to impose a special annual tax, the proceeds of which shall be used for the repayment of actual and necessary expenses incurred to organize the subdistrict; to acquire land or rights or interests therein by purchase or condemnation; and to repair, ~~alteration~~ alter, ~~maintenance~~ maintain, and ~~operation~~ operate the present and future works of improvement within its boundaries.

3. If portions of the subdistrict are in more than one county, then the governing body, as ~~hereinbefore~~ designated in section 161A.19 in such event, after arriving at the estimate in dollars deemed necessary for the entire subdistrict shall ratably apportion such amount between the counties and transmit and certify the prorated portion to the respective boards of supervisors of each of the counties.

4. The board or boards of supervisors shall upon receipt of certification from the governing body of the ~~district~~ subdistrict make the necessary levy on the assessed valuation of all real estate within the boundaries of the subdistrict lying within their respective county to raise

said amounts, but in no event to exceed one dollar and eight cents per thousand dollars of assessed value.

Sec. 47. Section 168.8, Code 2017, is amended to read as follows:

168.8 Penalty.

Any person, ~~partnership, corporation, company, firm, society, or association~~ who violates any provision of this chapter shall be guilty of a simple misdemeanor.

Sec. 48. Section 177A.12, subsection 2, Code 2017, is amended to read as follows:

2. The state entomologist, the entomologist's inspectors or duly authorized agents are authorized to seize, destroy, or return to the point of origin any material received in this state in violation of any state quarantine established under the authority of subsection 1, or in violation of any federal quarantine established under the authority of the ~~Act of August 20, 1912, 37 Stat. ch. 308~~ federal Plant Protection Act, 7 U.S.C. §7701 et seq., or any amendment to that Act.

Sec. 49. Section 179.13, Code 2017, is amended to read as follows:

179.13 Referendum.

1. At a time designated by the commission within eighteen months after termination of the national promotional order made pursuant to the Dairy ~~Product~~ Production Stabilization Act of 1983, 7 U.S.C. §4501 et seq., the commission shall conduct a referendum under administrative procedures prescribed by the department.

2. Upon signing a statement certifying to the department that the person is a bona fide producer as defined in this chapter, each producer is entitled to one vote in each referendum. When the secretary is required to determine the approval or disapproval of producers under this section, the secretary shall consider the approval or disapproval of a cooperative association of producers, engaged in a bona fide manner in marketing milk, as the approval or disapproval of the producers who are members of or contract with the cooperative association of producers. If a cooperative association elects to vote on behalf of its members, the cooperative association shall provide each producer on whose behalf the cooperative association is expressing approval or disapproval with a description of the question presented in the referendum together with a statement of the manner in which the cooperative association intends to cast its vote on behalf of the membership. The information shall inform the producer of procedures to follow to cast an individual ballot if the producer chooses to do so within the period of time established by the secretary for casting ballots. The notification shall be made at least thirty days prior to the referendum and shall include an official ballot. The ballots shall be tabulated by the secretary and the vote of the cooperative association shall be adjusted to reflect the individual votes.

3. The department shall count and tabulate the ballots filed during the referendum within thirty days of the close of the referendum. If from the tabulation the department determines that a majority of the total number of producers voting in the referendum favors the proposal, the excise tax provided for in this chapter shall be continued. The ballots cast pursuant to this section constitute complete and conclusive evidence for use in determinations made by the department under this chapter.

4. The secretary may conduct a referendum at any time after the Iowa dairy industry commission is reactivated, and shall hold a referendum on request of a representative group comprising ten percent or more of the number of producers eligible to vote, to determine whether the producers favor the termination or suspension of the excise tax. The secretary shall suspend or terminate collection of the excise tax within six months after the secretary determines that suspension or termination of the excise tax is favored by a majority of the producers voting in the referendum, and shall terminate the excise tax in an orderly manner as soon as practicable after the determination.

Sec. 50. Section 181.3, subsection 4, paragraph b, Code 2017, is amended to read as follows:

b. Except for an ex officio member, a vacancy in the executive committee resulting from death, inability or refusal to serve, or failure to meet the qualifications of this chapter shall be filled by the executive committee. If the executive committee fails to fill a vacancy, the

secretary shall appoint a person to fill it the vacancy. A vacancy appointment shall be filled only for the remainder of the unexpired term.

Sec. 51. Section 198.7, subsection 1, paragraphs b, c, d, e, and f, Code 2017, are amended to read as follows:

b. If it bears or contains any added poisonous, added deleterious, or added nonnutritive substance which is unsafe within the meaning of section 406 of the ~~federal~~ Federal Food, Drug, and Cosmetic Act, codified at 21 U.S.C. §346, other than one which is a pesticide chemical in or on a raw agricultural commodity or a food additive.

c. If it is, or it bears or contains any food additive which is unsafe within the meaning of section 409 of the ~~federal~~ Federal Food, Drug, and Cosmetic Act, codified at 21 U.S.C. §348.

d. If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of section 408, subparagraph “a” of the ~~federal~~ Federal Food, Drug, and Cosmetic Act, codified at 21 U.S.C. §346a, provided, that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under section 408 of the ~~federal~~ Federal Food, Drug, and Cosmetic Act, codified at 21 U.S.C. §346a, and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating or milling, the residue of such pesticide chemical remaining in or on such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agriculture commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of section 408, subparagraph “a” of the ~~federal~~ Federal Food, Drug, and Cosmetic Act, codified at 21 U.S.C. §346a.

e. If it is, or it bears or contains any color additive which is unsafe within the meaning of section 706 of the ~~federal~~ Federal Food, Drug, and Cosmetic Act, codified at 21 U.S.C. §379e.

f. If it is, or it bears or contains a new animal drug which is unsafe within the meaning of the ~~federal~~ Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §360b ~~et seq.~~

Sec. 52. Section 218.48, Code 2017, is amended to read as follows:

218.48 Annual reports.

The superintendent or business manager of each institution shall make an annual report to the administrator in control of the particular institution and include in the report a detailed and accurate inventory of the stock and supplies on hand, and their amount and value, under the following headings: ~~livestock, farm~~

1. Livestock.

2. Farm produce on hand, ~~vehicles, agricultural.~~

3. Vehicles.

4. Agricultural implements, ~~machinery, mechanical.~~

5. Machinery.

6. Mechanical fixtures, ~~real.~~

7. Real estate, ~~furniture, and bedding.~~

8. Furniture.

9. Bedding in residents’ department, ~~state.~~

10. State property in superintendent’s department, ~~clothing, dry.~~

11. Clothing.

12. Dry goods, ~~provisions.~~

13. Provisions and groceries, ~~drugs.~~

14. Drugs and medicine, ~~fuel, library, and all.~~

15. Fuel.

16. Library.

17. All other state property under appropriate headings to be determined by the particular administrator involved.

Sec. 53. Section 232.114, subsection 4, Code 2017, is amended to read as follows:

4. The county attorney and attorney general shall comply with the requirements of chapter 232B and the federal Indian Child Welfare Act, Pub. L. No. 95-608, when either chapter 232B or the federal Indian Child Welfare Act is determined to be applicable in any proceeding under this division.

Sec. 54. Section 232.188, subsection 5, paragraph e, Code 2017, is amended to read as follows:

e. The annual child welfare and juvenile justice decategorization services plan developed for use of the funding pool by a decategorization governance board shall be submitted to the department administrator of child welfare services and the early childhood Iowa empowerment state board. In addition, the decategorization governance board shall submit an annual progress report to the department administrator and the early childhood Iowa empowerment state board which summarizes the progress made toward attaining the objectives contained in the plan. The progress report shall serve as an opportunity for information sharing and feedback.

Sec. 55. Section 234.6, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

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, shall formulate and adopt rules as may be necessary; and 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:

Sec. 56. Section 234.6, subsection 1, paragraph f, Code 2017, is amended to read as follows:

f. Administer the food programs authorized by federal law, and recommend rules necessary in the administration of those programs to the director for ~~promulgation~~ adoption pursuant to chapter 17A.

Sec. 57. Section 237A.25, subsection 1, Code 2017, is amended to read as follows:

1. The department shall develop consumer information material to assist parents in selecting a child care provider. In developing the material, the department shall consult with department of human services staff, department of education staff, the state child care advisory committee, the early childhood Iowa empowerment state board, and child care resource and referral services. In addition, the department may consult with other entities at the local, state, and national level.

Sec. 58. Section 256.11, subsection 5, paragraph h, subparagraph (3), Code 2017, is amended to read as follows:

(3) The department of education shall permit school districts, in meeting the requirements of this section, to use career and technical education core courses in more than one career and technical education service area and to use multi-occupational courses to complete a sequence in more than one career and technical education service area.

Sec. 59. Section 256.39, subsection 6, Code 2017, is amended to read as follows:

6. The department of education shall direct and monitor the progress of each career pathways consortium in developing career pathways programs. ~~By January 15, 1998, the~~

~~department shall submit to the general assembly any findings and recommendations of the career pathways consortia, along with the department's recommendations for specific career pathways program efforts and for appropriate funding levels to implement and sustain the recommended programs.~~

Sec. 60. Section 256.42, subsection 7, Code 2017, 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 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.

a. The specified subject shall be provided by the initiative.

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

~~a.~~ (1) The course content is provided through an online learning platform by an Iowa licensed teacher with online learning experience.

~~b.~~ (2) The course content provided is aligned with school district or school standards and satisfies the requirements of subsection 6.

~~c.~~ (3) 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.~~ (4) The course is the sole course per semester that the school district or school is providing instead of the initiative pursuant to this subsection.

Sec. 61. Section 256H.1, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. ~~§1209~~ ch. 1209 and 1211.

Sec. 62. Section 256H.1, subsection 3, paragraph a, subparagraph (1), Code 2017, is amended to read as follows:

(1) Active duty members of the uniformed services as defined in this compact, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. ~~§1209~~ ch. 1209 and 1211.

Sec. 63. Section 256I.4, subsection 8, Code 2017, is amended to read as follows:

8. Develop and implement a 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 ~~system process~~ shall provide for action to address poor performing areas as well as higher performing areas. The state board shall determine how often area boards are reviewed under the ~~system process~~.

Sec. 64. Section 256I.9, subsection 3, paragraph b, subparagraph (1), Code 2017, is amended to read as follows:

(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.

Sec. 65. Section 258.2, Code 2017, is amended to read as follows:

258.2 State board for career and technical education.

The state board of education shall constitute the state board for career and technical education.

Sec. 66. Section 258.3A, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The state board shall do all of the following:

Sec. 67. Section 258.4, subsections 1, 7, 8, and 9, Code 2017, are amended to read as follows:

1. Develop and submit to the state board for approval the multi-year state plan developed in accordance with federal laws and regulations governing career and technical education.

7. Review and approve career and technical education programs to ensure that the programs meet standards adopted by the state board ~~for career and technical education pursuant to section 258.3A~~. The director shall annually review at least twenty percent of the approved 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 career and technical education curriculum is articulated and integrated with other curricular offerings required of all students, the programs would permit students with 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. Facilitate the process established by the state board for the implementation of a statewide system of regional career and technical education planning partnerships that utilize the services of local school districts, community colleges, sector partnerships, and other resources to assist local school districts in meeting 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 state board pursuant to section 258.3A, subsection 5.

9. Enforce rules adopted by the state board pursuant to section 258.3A.

Sec. 68. Section 258.6, subsections 1, 2, and 3, Code 2017, are amended to read as follows:

1. “*Approved career and technical education program*” means a 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 state board under this chapter.

2. “*Approved practitioner preparation school, department, or class*” means a school, department, or class approved by the state board as entitled under this chapter to federal moneys for the training of teachers of career and technical education 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 state board pursuant to section 258.3A and section 258.14.

Sec. 69. Section 258.6, subsection 4, Code 2017, is amended by striking the subsection.

Sec. 70. Section 258.6, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. “*State board*” means the state board for career and technical education as provided in section 258.2.

Sec. 71. Section 258.9, subsection 1, Code 2017, is amended to read as follows:

1. The board of directors of a school district or community college that maintains a 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 each career and technical education 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 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 the career and technical education program.

Sec. 72. Section 258.12, Code 2017, 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 Career and Technical Education Improvement Act of 2006, 20 U.S.C §2301 et seq., as amended, and shall disburse the same on vouchers audited as provided by law.

Sec. 73. Section 258.14, subsection 3, paragraphs a and d, Code 2017, are amended to read as follows:

a. Ensuring compliance with standards adopted by the state board under section 258.3A, subsection 5, for regional career and technical education planning partnerships.

d. Reviewing career and technical education programs of school districts within the region based on standards adopted by the state board, and recommending to the department career and technical education programs for approval.

Sec. 74. Section 258.14, subsection 3, paragraph f, unnumbered paragraph 1, Code 2017, is amended to read as follows:

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 state 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:

Sec. 75. Section 258.14, subsection 4, paragraph e, Code 2017, is amended to read as follows:

e. Representatives of regional economic and workforce entities including ~~regional advisory~~ local workforce development boards established under section 84A.4.

Sec. 76. Section 258.15, subsection 2, Code 2017, is amended to read as follows:

2. The state 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. 77. Section 260C.5, subsection 1, Code 2017, is amended to read as follows:

1. Designate a community college as an “area career and technical education school” within the meaning of, and for the purpose of administering, the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006. A community college shall not be so designated by the director for the expenditure of funds under 20 U.S.C. §2301 et seq., as amended, which has not been designated and classified as a community college by the state board.

Sec. 78. Section 260C.47, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The state board of education shall establish an accreditation process for community college programs. The process shall be jointly developed and agreed upon by the department of education and the community colleges. The state accreditation process shall be integrated with the accreditation process of the higher learning commission, including the evaluation cycle, the self-study process, and the criteria for evaluation, which shall incorporate the standards for community colleges developed under section 260C.48; and shall identify and make provision for the needs of the state that are not met by the ~~association's~~ commission's

accreditation process. The department of education shall use a two-component process for the continued accreditation of community college programs.

Sec. 79. Section 260C.47, subsection 1, paragraph c, Code 2017, is amended to read as follows:

c. Rules adopted by the state board shall include provisions for coordination of the accreditation process under this section with activities of accreditation ~~associations~~ agencies, which are designed to avoid duplication in the accreditation process.

Sec. 80. Section 261E.6, subsection 3, Code 2017, 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 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. 81. Section 262.14, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The board may invest funds belonging to the institutions, subject to chapters 12F, ~~and~~ 12H, and 12J and the following regulations:

Sec. 82. Section 279.19B, subsection 2, Code 2017, is amended to read as follows:

2. For the first two weeks of employment in which a qualified individual who possesses a transitional coaching authorization is employed 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. 83. Section 282.7, subsection 2, Code 2017, is amended to read as follows:

2. If the career and technical education program offered by a school district does not meet ~~the board for career and technical education's~~ standards for program approval ~~adopted by the state board for career and technical education~~, 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 for career and technical~~ department of education shall delegate the authority to the regional career and technical education planning partnership established pursuant to section 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 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 career and technical education in the approved program times the district cost per pupil of the district

of residence of the pupil. The regional career and technical education planning partnership established pursuant to section 258.14 shall contract with an approved program for delivery of 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. 84. Section 294.14, Code 2017, is amended to read as follows:

294.14 Estimate of funds needed — levy.

The board of directors of said district shall annually, for a period of five years after the effective date of the termination of its pension system, at the meeting at which it estimates the amount required for the general fund, in accordance with the provisions of section 298.1, estimate the additional amount if any necessary to pay to participants in the pension system who are not entitled to receive benefits under such system at the date of termination thereof, one-fifth of the amount paid into said pension fund by such participants therein, without interest, which amount shall be levied by the board of supervisors, in accordance with provisions of section 298.8 and, in addition thereto, the board of directors of said district shall each year at the meeting at which it estimates the amount required for the general fund, in accordance with the provisions of section 298.1, estimate the additional amount, if any, necessary to provide the required annual payments to surviving beneficiaries of said pension system, as ~~defined~~ provided in section 294.12, which amount shall be levied by the board of supervisors, in accordance with the provisions of section 298.8. Upon the death of the last beneficiary, ~~as defined in section 294.12~~, to survive, any balance remaining in said fund, including any undisposed of accumulations, shall be transferred to the general fund of said school district.

Sec. 85. Section 303.66, subsection 2, Code 2017, is amended to read as follows:

2. Taxes levied by the board shall be certified on or before the first day of March to the county auditor of each county where any of the property included within the territorial limits of the land use district is located, and shall be placed upon the tax list for the current year, ~~and the~~. The county treasurer shall collect the taxes in the same manner as other taxes, and when. When delinquent they, the taxes shall draw the same interest and penalties as other taxes. All taxes so levied and collected shall be paid over to the treasurer of the district.

Sec. 86. Section 313.2, subsection 2, paragraph b, Code 2017, is amended to read as follows:

b. However, prior to entering into the agreement, a notice of intent to execute such agreement shall be published in a newspaper of general circulation within the county and the cost of such notice shall be jointly borne by the department and the board of supervisors. If one hundred or more residents of the county request by petition or in writing that a hearing be held in regard to such agreement within ten days after the publication of the notice, the board of supervisors and the department shall hold such a hearing not more than seven days after receiving the petition or written instrument, ~~and based~~. Based upon evidence presented at such the hearing, the board of supervisors and the department shall reexamine the merits of executing such agreement and make a decision in regard to it.

Sec. 87. Section 313.5, subsection 2, Code 2017, is amended to read as follows:

2. The provisions of chapter 8 shall apply except that the provisions of section 8.39 shall not apply to funds appropriated to the department under section 313.4; however, ~~the first paragraph~~ of section 8.39, subsection 1, shall apply to appropriations for support of the department and for engineering and administration of highway work and maintenance of the primary road system.

Sec. 88. Section 313.12, Code 2017, 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 in this section.

Sec. 89. Section 314.21, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. A city or county which has a project which qualifies for the use of these funds shall submit a request for the funds to the state department of transportation. A city or county may, at its option, apply moneys allocated for use on city or county projects under this subsection toward qualifying projects on the primary road system. The state department of transportation in consultation with the department of natural resources shall determine which projects qualify for the funds and which projects shall be funded if the requests for the funds exceed the availability of the funds. In ranking applications for funds, the department shall consider the proportion of political subdivision matching funds to be provided, if any, and the proportion of private contributions to be provided, if any. In considering the proportion of political subdivision matching funds provided, the department shall consider only those moneys which are in addition to those which the political subdivision has historically provided toward such projects. Funds allocated to the cities, the counties, and the department which are not programmed by the end of each fiscal year shall be available for redistribution to any eligible applicant regardless of the original allocation of funds. Such funds shall be awarded for eligible projects based upon their merit in meeting the program objectives established by the department under section 314.22. The department shall submit a report of all projects funded in the previous fiscal year to the governor and to the general assembly on January 15 of each year.

Sec. 90. Section 317.25, subsection 2, Code 2017, is amended to read as follows:

2. Any person violating subsection 1 commits a public offense and is subject to a fine not to exceed one hundred dollars.

Sec. 91. Section 321.34, subsection 13, paragraph a, subparagraph (1), Code 2017, is amended to read as follows:

(1) 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 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.

Sec. 92. Section 321.40, subsection 6, paragraph a, Code 2017, is amended to read as follows:

a. The department or the county treasurer shall refuse to renew the registration of a vehicle registered to the applicant if the department or the county treasurer knows that the applicant has a delinquent account, charge, fee, loan, taxes, or other indebtedness owed to or being collected by the state, from information provided pursuant to sections 8A.504 and 421.17. An applicant may contest this action by requesting initiating a contested case proceeding from with the agency that referred the debt for collection pursuant to section 8A.504. The department of revenue and the department of transportation shall notify the county treasurers through the distributed teleprocessing network of persons who owe such a delinquent account, charge, fee, loan, taxes, or other indebtedness.

Sec. 93. Section 321.40, subsection 7, paragraph a, Code 2017, is amended to read as follows:

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~~ initiating a contested case proceeding ~~from~~ with the department. The department shall notify the county treasurers through the distributed teleprocessing network of persons who have not paid such civil penalties.

Sec. 94. Section 321.189, subsection 8, Code 2017, 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 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 of veteran affairs shall initiate contact with the licensee.

Sec. 95. Section 321.285, subsection 7, Code 2017, is amended to read as follows:

7. A person who violates this section for excessive speed in violation of a speed limit commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 5. ~~A person who violates this section for excessive~~ operates a school bus at a speed as an operator of a school bus which exceeds a limit established under this section by ten miles an hour or less commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 10. A person who violates any other provision of this section commits a simple misdemeanor.

Sec. 96. Section 321.463, subsection 5, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The maximum gross weight allowed to be carried on a vehicle or combination of vehicles on highways which are part of the primary road system is as follows:

Sec. 97. Section 321G.13, subsection 2, paragraph b, subparagraph (1), Code 2017, is amended to read as follows:

(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.

Sec. 98. Section 321G.13, subsection 2, paragraph b, subparagraph (2), unnumbered paragraph 1, Code 2017, is amended to read as follows:

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:

Sec. 99. Section 321I.14, subsection 2, paragraph b, subparagraph (1), Code 2017, is amended to read as follows:

(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.

Sec. 100. Section 321I.14, subsection 2, paragraph b, subparagraph (2), unnumbered paragraph 1, Code 2017, is amended to read as follows:

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:

Sec. 101. Section 325A.1, subsection 13, Code 2017, is amended to read as follows:

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, but is not a for-hire motor carrier or a transportation network company or a transportation network company driver, as defined in section 321N.1.

Sec. 102. Section 331.655, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. For serving a notice and returning it, for the first person served, fifteen dollars, and for each additional person, fifteen dollars, ~~except that the fee for serving additional persons in the same household shall be ten dollars for each additional service, or if the service of notice cannot be made or several attempts are necessary, the repayment of all necessary expenses actually incurred by the sheriff while attempting in good faith to serve the notice.~~

Sec. 103. Section 331.910, subsection 4, paragraph f, Code 2017, is amended to read as follows:

f. While in the receiving state pursuant to a contract under this subsection, a person detained, committed, or placed under the laws of a sending state shall be subject to all laws and regulations of the receiving state, except those laws and regulations with respect to the involuntary civil commitment of the person due to a mental illness or substance-related disorder. A person shall not be sent to a receiving state pursuant to a contract under this section subsection until the receiving state has enacted a law recognizing the validity and applicability of this subsection.

Sec. 104. Section 364.2, subsection 4, paragraph b, Code 2017, is amended to read as follows:

b. Such an ordinance shall not become effective unless approved at an election. The proposal may be submitted by the council on its own motion to the voters at any city election. Upon receipt of a valid petition as defined in meeting the requirements of section 362.4 requesting that a proposal be submitted to the voters, the council shall submit the proposal at the next regular city election or at a special election called for that purpose before the next regular city election. However, the city council may dispense with such election as to the grant, amendment, extension, or renewal of an electric light and power, heating, or gasworks franchise unless there is a valid petition requesting submission of the proposal to the voters, or the party seeking such franchise, grant, amendment, extension, or renewal requests an election. If a majority of those voting approves the proposal, the city may proceed as proposed. The complete text of the ordinance shall be included on the ballot if conventional paper ballots are used. If an optical scan voting system is used, the proposal shall be stated on the optical scan ballot, and the full text of the ordinance posted for the voters pursuant to section 52.25. All absentee voters shall receive the full text of the ordinance.

Sec. 105. Section 372.13, subsection 11, paragraph a, Code 2017, is amended to read as follows:

a. Council members shall be elected according to the council representation plans under sections 372.4 and 372.5. However, the council representation plan may be changed, by petition and election, to one of those described in this subsection. Upon receipt of a valid petition, as defined in meeting the requirements of section 362.4, requesting a change to a council representation plan, the council shall submit the question at a special election. If a majority of the persons voting at the special election approves the changed plan, it becomes

effective at the beginning of the term following the next regular city election. If a majority does not approve the changed plan, the council shall not submit another proposal to change a plan to the voters within the next two years.

Sec. 106. Section 376.2, subsection 2, Code 2017, is amended to read as follows:

2. Except as otherwise provided by state law or the city charter, terms for elective offices are two years. However, the term of an elective office may be changed to two or four years by petition and election. Upon receipt of a valid petition as defined in meeting the requirements of section 362.4, requesting that the term of an elective office be changed, the council shall submit the question at a special election. If a majority of the persons voting at the special election approves the changed term, it becomes effective at the beginning of the term following the next regular city election. If a majority does not approve the changed term, the council shall not submit the same proposal to the voters within the next four years.

Sec. 107. Section 384.31, Code 2017, is amended to read as follows:

384.31 Negotiable.

General obligation bonds issued pursuant to this part division are negotiable instruments.

Sec. 108. Section 384.44, Code 2017, is amended to read as follows:

384.44 Estimated cost.

The estimated total cost of any public improvement constructed under this part division must include all of the items of cost listed in section 384.37, subsection 26, which the council proposes to include as a part of the cost of the public improvement, and may include an item to be known as the default fund amounting to not more than ten percent of the portion of the total cost of the improvement which the council proposes to assess against specially benefited property.

Sec. 109. Section 384.66, subsection 4, Code 2017, is amended to read as follows:

4. No action may be brought questioning the regularity of the proceedings pertaining to special assessments or the validity of any special assessment levied for any public improvement under this part division, from and after sixty days after the final publication of notice of filing the final assessment schedule.

Sec. 110. Section 384.76, Code 2017, is amended to read as follows:

384.76 Application to joint undertakings.

The provisions of this division apply to any public improvement undertaken jointly by the city and another city or by the city and the state or any other political subdivision of the state, and a city may enter into an agreement for such purpose under the provisions of chapter 28E and may assess and pay its portion of the cost of a public improvement as provided in this division, but any requirement of this part division in respect to approval of detailed plans and specifications, calling for construction bids, awarding construction contracts and acceptance of the completed improvement may be carried out by each city with other cities, the state or any other political subdivision of the state, as provided in an agreement entered into as permitted by chapter 28E. However, an agreement between the city and the state department of transportation is also governed by the provisions of sections 313.21 to 313.23.

Sec. 111. Section 403A.10, Code 2017, is amended to read as follows:

403A.10 Tax exemption and payments in lieu of taxes.

The property acquired or held pursuant to this chapter is declared to be public property used exclusively for essential city, or municipal public and governmental purposes and such property is hereby declared to be exempt from all taxes and special assessments of the state or of any state public body. In lieu of taxes on such property a municipality may agree to make payments to the state or a state public body ~~(including itself)~~, including to the municipality, as it finds consistent with the maintenance of the low-rent character of housing projects and the achievement of the purposes of this chapter.

Sec. 112. Section 403A.12, Code 2017, is amended to read as follows:

403A.12 Bonds.

1. A municipality shall have power to issue bonds from time to time in its discretion, for any of the purposes of this chapter. A municipality shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. A municipality may issue such types of bonds as it may determine, including ~~(without limiting the generality of the foregoing)~~ bonds on which the principal and interest are payable exclusively from the income and revenues of the project financed with the proceeds of such bonds, or exclusively from the income and revenues of certain designated housing projects whether or not they are financed in whole or in part with the proceeds of such bonds. Any such bonds may be additionally secured by a pledge of any loan, grant or contribution or parts thereof from the federal government or other source, or a pledge of any income or revenues connected with a housing project or a mortgage of any housing project or projects. The authority to issue bonds under this subsection does not limit the municipality's general authority to issue bonds for any of the purposes of this chapter.

2. Neither the governing body of a municipality nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof hereunder. The bonds and other obligations issued under the provisions of this chapter ~~(and such bonds and obligations shall so state on their face)~~ shall be payable solely from the sources provided in this section and shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. The bonds and obligations shall state on their face that they are payable solely from the sources provided in this section and that they do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Bonds issued pursuant to this chapter are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes. The tax exemption provisions of this chapter shall be considered part of the security for the repayment of bonds and shall constitute, by virtue of this chapter and without the necessity of the same being restated in said bonds, a contract between the bondholders and each and every one thereof, including all transferees of said bonds from time to time on the one hand and the respective municipalities issuing said bonds and the state on the other.

Sec. 113. Section 403A.18, Code 2017, 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 obligation shall be specifically enforceable and shall not constitute a mortgage, notwithstanding any other 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 defined in such contract with respect to the covenant or conditions to which the municipality is subject; ~~and such~~. The 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 the contract:—Provided, 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. 114. Section 404A.1, subsection 6, Code 2017, is amended to read as follows:

6. "Program" shall mean the historic preservation ~~and cultural and entertainment district~~ tax credit program set forth in this chapter.

Sec. 115. Section 404A.2, subsection 1, Code 2017, 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 authority pursuant to section 404A.3, subsection 5, paragraph “c”.

Sec. 116. Section 404A.3, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. An eligible taxpayer seeking historic preservation ~~and cultural and entertainment district~~ tax credits provided in section 404A.2 shall make application to the authority in the manner prescribed by the authority.

Sec. 117. Section 404A.5, subsection 2, Code 2017, is amended to read as follows:

2. An annual report shall be filed which shall include but is not limited to data on the number and potential value of qualified rehabilitation projects begun during the latest twelve-month period, the total historic preservation ~~and cultural and entertainment district~~ tax credits originally awarded or tax credit certificates originally issued during that period, the potential reduction in state tax revenues as a result of all awarded or issued tax credits still unclaimed and eligible for refund, and the potential increase in local property tax revenues as a result of the qualified rehabilitation projects.

Sec. 118. Section 411.7, subsection 1, Code 2017, is amended to read as follows:

1. The board of trustees is the trustee of the fire and police retirement fund created in section 411.8 and shall annually establish an investment policy to govern the investment and reinvestment of the moneys in the fund, subject to the terms, conditions, limitations, and restrictions imposed by subsection 2 and chapters 12F, ~~and 12H, and 12J~~. Subject to like terms, conditions, limitations, and restrictions the system has full power to hold, purchase, sell, assign, transfer, or dispose of any of the securities and investments in which the fund has been invested, as well as of the proceeds of the investments and any moneys belonging to the fund.

Sec. 119. Section 422.11D, Code 2017, is amended to read as follows:

422.11D Historic preservation ~~and cultural and entertainment district~~ tax credit.

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a historic preservation ~~and cultural and entertainment district~~ tax credit allowed under chapter 404A.

Sec. 120. Section 422.15, subsection 1, Code 2017, is amended to read as follows:

1. Every person or corporation being a resident of or having a place of business in this state, including lessees or mortgagors of real or personal property, fiduciaries, employers and all officers and employees of the state or of any political subdivision of the state, or agent of the person or corporation, having the control, receipt, custody, disposal or payment of interest ~~(other other than interest coupons payable to bearer)~~ bearer, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, unemployment compensation, royalties, patronage dividends, or other fixed or determinable annual or periodical gains, profits and income, in an amount sufficient to require that an information return be filed under the Internal Revenue Code if the income is subject to federal tax, paid or payable during any year to any individual, whether a resident of this state or not, shall make a complete information return under such regulations and in such form and manner and to such extent as may be prescribed by the director. However, the person or corporation shall not be required to file an information return if the information is available to the department from the internal revenue service.

Sec. 121. Section 422.33, subsection 10, Code 2017, is amended to read as follows:

10. The taxes imposed under this division shall be reduced by a historic preservation ~~and cultural and entertainment district~~ tax credit allowed under chapter 404A.

Sec. 122. Section 422.60, subsection 4, Code 2017, is amended to read as follows:

4. The taxes imposed under this division shall be reduced by a historic preservation ~~and cultural and entertainment district~~ tax credit allowed under chapter 404A.

Sec. 123. Section 427B.1, Code 2017, is amended to read as follows:

427B.1 Actual value added exemption from tax — public hearing.

1. For purposes of this section:

a. “Distribution center” means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. “Distribution center” does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.

b. “New construction” means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. “New construction” does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the city council of the city or the board of supervisors of the county.

c. “Research-service facilities” means a building or group of buildings devoted primarily to research and development activities, including but not limited to the design and production or manufacture of prototype products for experimental use, and corporate-research services which do not have a primary purpose of providing on-site services to the public.

d. “Warehouse” means a building or structure used as a public warehouse for the storage of goods pursuant to chapter 554, article 7, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

2. A city council, or a county board of supervisors as authorized by section 427B.2, may provide by ordinance for a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses, distribution centers and the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to section 427A.1, subsection 1, paragraph “e”. ~~“New construction” means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. “New construction” does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the city council of the city or the board of supervisors of the county. The exemption shall also apply to new machinery and equipment assessed as real estate pursuant to section 427A.1, subsection 1, paragraph “e”, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status. “Research-service facilities” means a building or group of buildings devoted primarily to research and development activities, including but not limited to the design and production or manufacture of prototype products for experimental use, and corporate-research services which do not have a primary purpose of providing on-site services to the public. “Warehouse” means a building or structure used as a public warehouse for the storage of goods pursuant to chapter 554, article 7, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail. “Distribution center” means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. “Distribution center” does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.~~

~~2. 3.~~ The ordinance may be enacted not less than thirty days after a public hearing is held in accordance with section 335.6 in the case of a county, or section 362.3 in the case of a city. The ordinance shall designate the length of time the partial exemption shall be available and may provide for an exemption schedule in lieu of that provided in section 427B.3. However, an alternative exemption schedule adopted shall not provide for a larger tax exemption in a particular year than is provided for that year in the schedule contained in section 427B.3.

Sec. 124. Section 432.12A, Code 2017, is amended to read as follows:

432.12A Historic preservation and cultural and entertainment district tax credit.

The taxes imposed under this chapter shall be reduced by a historic preservation ~~and cultural and entertainment district tax credit~~ allowed under chapter 404A.

Sec. 125. Section 441.48, Code 2017, is amended to read as follows:

441.48 Notice of adjustment.

Before the department of revenue shall adjust the valuation of any class of property any such percentage, the department shall serve ten days' notice by mail, on the county auditor of the county whose valuation is proposed to be adjusted ~~and the~~. The department shall hold an adjourned meeting after such ten days' notice, at which time the county or assessing jurisdiction may appear by its city council or board of supervisors, city or county attorney, and other assessing jurisdiction, city or county officials, and make written or oral protest against such proposed adjustment, ~~which~~. The protest shall consist simply of a statement of the error, or errors, complained of with such facts as may lead to their correction, ~~and at such~~. At the adjourned meeting final action may be taken in reference thereto to the proposed adjustment.

Sec. 126. Section 455B.183, subsection 2, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Upon adoption of standards by the commission pursuant to section 455B.173, subsections 5 ~~to through~~ 8, plans and specifications for sewer extensions and water supply distribution system extensions covered by this section shall be submitted to the city or county public works department for approval if the local public works department employs a qualified, licensed engineer who reviews the plans and specifications using the specific state standards known as the Iowa ~~Standards~~ standards for ~~Sewer Systems~~ sewer systems and the Iowa ~~Standards~~ standards for ~~Water Supply Distribution Systems~~ water supply distribution systems that have been formulated and adopted by the department pursuant to section 455B.173, subsections 5 ~~to through~~ 8. The local agency shall issue a written permit to construct if all of the following apply:

Sec. 127. Section 455B.302, subsection 2, Code 2017, is amended to read as follows:

2. Cities and counties may execute with public and private agencies contracts, leases, or other necessary instruments, and may purchase land and do all things necessary not prohibited by law for the implementation of waste management programs, collection of solid waste, establishment and operation of sanitary disposal projects, and general administration of the same. Any agreement executed with a private agency for the operation of a sanitary disposal project shall provide for the posting of a sufficient surety bond by the private agency conditioned upon the faithful performance of the agreement. A city or county may at any time during regular working hours enter upon the premises of a sanitary disposal project, including the premises of a sanitary landfill, in order to inspect the premises and monitor the operations and general administration of the project to ensure compliance with the agreement and with state and federal laws. This includes the right of the city or county to enter upon the premises of a former sanitary disposal project which has been closed, including the premises of a former sanitary landfill, owned by a private agency, for the purpose of providing required postclosure care.

Sec. 128. Section 456A.33B, subsection 3, paragraph c, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Each joint lake restoration action plan shall comply with the following guidelines:

Sec. 129. Section 461A.32, Code 2017, is amended to read as follows:

461A.32 Sale of park lands — conveyances to cities or counties.

1. The commission may sell or exchange such parts of public lands under the jurisdiction of the commission as in its judgment may be undesirable for conservation purposes, excepting state-owned meandered lands already surveyed and platted at state expense as a conservation plan and project tentatively adopted and now in the process of rehabilitation and development authorized by a special legislative Act. The sale or exchange shall be made upon the terms, conditions or considerations as the commission may approve, whereupon the secretary of state shall issue a patent therefor in the manner provided by law in other cases. The proceeds of any such sale or exchange shall become a part of the funds to be expended under the provisions of this chapter.

2. Upon request by resolution of any city₂ or county₂ or any legal agency thereof of any city or county, the executive council may, upon majority recommendation of the commission, convey without consideration to such city₂ or county₂ or legal agency thereof of the city or county, such public lands under the jurisdiction of the commission as in its judgment may be desirable for city or county parks. Conveyance shall be in the name of the state, with the great seal of the state attached and shall contain a provision that when such lands cease to be used as public park by said city or county such lands revert to the state, and such park shall, within one year after such land has reverted to the state, be restored, as nearly as possible, to the condition it was in when acquired by such city, county₂ or legal agency thereof of the city or county at the expense of such city, county₂ or legal agency.

3. The state may require that the city, county₂ or legal agency thereof of the city or county file a notice of intention every three years.

Sec. 130. Section 461A.68, Code 2017, is amended to read as follows:

461A.68 Final order — condition.

It ~~The commission~~ may grant such permit in whole or in part upon such terms, conditions and restrictions as may be determined by ~~it~~ the commission to be just and proper and in the public interest, ~~provided that.~~ However, before any permit shall be granted to any such municipality or corporation₂ the commission shall, after public hearing as provided ~~hereby~~ in this subchapter, determine whether the water recreational area will be in the interests of the public health and welfare and an affirmative finding to such effect shall be a condition precedent to the granting of such permit.

Sec. 131. Section 461A.74, Code 2017, is amended to read as follows:

461A.74 Extension of permit.

Any municipality or corporation owning a permit granted ~~hereby desiring under this subchapter, which desires~~ to acquire an extension of said ~~the~~ permit, may petition the commission in the same manner provided for the granting of ~~such~~ the permit and the same proceeding shall be had on the extension petition as on an original application.

Sec. 132. Section 468.13, subsection 1, Code 2017, is amended to read as follows:

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 the same engineer or 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 in this subchapter.

Sec. 133. Section 468.40, Code 2017, is amended to read as follows:

468.40 Rules of classification.

1. ~~In the~~ The report of the appraisers ~~so appointed they~~ commissioners shall specify each tract of land by proper description, and the ownership thereof, as the same appears on the transfer books in the auditor's office.

2. In estimating the benefits as to the lands not traversed by said improvement, ~~they the~~ commissioners shall not consider what benefits such land shall receive after some other improvements shall have been constructed, but only the benefits which will be received by reason of the construction of the improvement in question as it affords an outlet to the drainage of such lands, ~~or brings an outlet nearer to said lands,~~ or relieves the same lands from overflow and relieves and protects the same lands from damage by erosion.

3. When the land is a state-owned lake or state-owned wetland, the commissioners shall ascertain the benefits realized from removing excess water and shall not consider any benefit realized if the state-owned lake or state-owned wetland were drained or converted to another land use.

Sec. 134. Section 468.69, Code 2017, is amended to read as follows:

468.69 Bonds received for assessments.

Bonds issued for the cost of construction, maintenance, or repair of any drainage or levee district improvements, or for the refunding of any obligation of such district may be acquired by any taxpayer or group of taxpayers of such district and applied at their face value in the order of their priority, if any priority exists between bonds of the same issue, upon the payment of the delinquent or future assessments levied against the property of such taxpayers to pay off the bonds so acquired. The interest coupons attached to such bonds may likewise be applied at their face value to the payment of assessments for interest accounts, delinquent or future.

Sec. 135. Section 468.94, Code 2017, is amended to read as follows:

468.94 Costs.

Unless the result on the appeal is more favorable to the appellant than to the action of the board, all costs of the appeal shall be taxed to the appellant, ~~but if.~~ If the result is more favorable to the appellant, the cost shall be taxed to the appellees.

Sec. 136. Section 478.6A, subsection 2, Code 2017, is amended to read as follows:

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:~~

Notwithstanding section 478.21, in addition to any other applicable requirements pursuant to this chapter, if a petition for a franchise to construct a merchant line 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.

Sec. 137. Section 483A.18, Code 2017, 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 required information shall be in writing. All licenses shall clearly indicate the nature of the privilege granted.

Sec. 138. Section 484B.7, subsection 2, Code 2017, is amended to read as follows:

2. Each licensee shall file an annual report with the department on or before April 30. The report shall detail the hunting preserve operations during the preceding license year. The original report shall be forwarded to the department and a copy shall be retained in the hunting preserve's file for three years from the date of expiration of the hunting preserve's last license issued. Records required by this section shall be entered in the annual report record within twenty-four hours of the event. Failure to keep or submit the required records and

reports is grounds for refusal to renew a license for the succeeding year. An on-site inspection of property and facilities shall be conducted by an authorized agent of the department prior to the initial issuance of a hunting preserve operator's license. The hunting preserve may be reinspected by an agent of the department at any reasonable time. A licensed hunting preserve shall maintain adequate facilities for all designated birds and ungulates held under the hunting preserve operator's license.

Sec. 139. Section 484B.10, subsections 2 and 3, Code 2017, are amended to read as follows:

2. Waterfowl shall not be shot over any area where pen-reared mallards may serve as live decoys for wild waterfowl. All persons hunting game birds or ungulates upon a licensed hunting preserve shall secure a hunting license that includes the wildlife habitat fee in accordance with the game laws of Iowa, with the exception that an unlicensed person may secure an annual hunting preserve hunting license restricted to hunting preserves only for a license fee of five dollars. All persons who hunt on hunting preserves shall pay the wildlife habitat fee.

3. A nonresident youth under sixteen years of age may hunt game birds on a licensed hunting preserve upon securing an annual hunting preserve hunting license restricted to hunting preserves only for a license fee of five dollars and payment of the wildlife habitat fee. A nonresident youth is not required to complete the hunter education course to obtain a hunting preserve hunting license pursuant to this subsection if the youth is accompanied by a person who is at least eighteen years of age, is qualified to hunt, and possesses a valid hunting license that includes the wildlife habitat fee. During the hunt, the accompanying adult must be within arm's reach of the nonresident youth.

Sec. 140. Section 484B.13, Code 2017, is amended to read as follows:

484B.13 License refusal.

The department may either refuse to issue, refuse to renew, or suspend or revoke a hunting preserve operator's license if the department finds that the licensed area or the operator or employees of the licensed area are not in compliance with this chapter, or that the property or area is operated in violation of this chapter or administrative rules adopted under this chapter.

Sec. 141. Section 505.27, subsection 5, Code 2017, is amended to read as follows:

5. For purposes of this section, ~~“health care provider”~~:

a. ~~“Health care provider”~~ means the same as defined in section 135.61, a hospital licensed pursuant to chapter 135B, or a health care facility licensed pursuant to chapter 135C, ~~and~~ ~~“insurer”~~.

b. ~~“Insurer”~~ means an insurance company authorized to transact insurance business in this state. ~~“Insurer”~~ does not include a health care provider who maintains professional liability insurance coverage through a self-insurance plan, an unauthorized insurance company transacting business with an insured person in this state, or a person not authorized to transact insurance business in this state.

Sec. 142. Section 507B.14, Code 2017, is amended to read as follows:

507B.14 Transfer of insurance stock.

1. When a controlling interest in two or more corporations, at least one of which is an insurance company domiciled in this state, is held by any person, group of persons, firm, or corporation, no exchange of stock, transfer or sale of securities, or loan based upon securities of any such corporation shall take place between such corporations, or between such person, group of persons, firm or corporation and such corporations, without first securing the approval of the insurance commissioner. If, in the opinion of the insurance commissioner, such sale, transfer, exchange, or loan would be improper and would work to the detriment of any such insurance company, the commissioner shall have the power to prohibit the transaction. A person, firm, or corporate officer or director shall not aid such transaction without approval of the insurance commissioner. A person, firm, or ~~other~~ corporate officer or director who willfully violates this ~~provision~~ section is guilty of a class “D” felony. A person, firm, or corporate officer or director who willfully violates this ~~provision~~ section, and when such violation results in a loss of more than ten thousand dollars, is guilty of a class “C” felony.

2. For purposes of this section, ~~controlling interest~~ “controlling interest” means actual control or the possession directly or indirectly of the power to direct or cause the direction of the management and policies of a firm, partnership, corporation, association, or trust, whether through the ownership of voting securities, by contract, or otherwise.

Sec. 143. Section 507E.3A, Code 2017, is amended to read as follows:

507E.3A Fraudulent sales practices — ~~penalty penalties~~.

1. A person commits a ~~class “D” felony~~ the offense of fraudulent sales practices 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. A person who violates subsection 1 commits a class “D” felony.

~~2.~~ 3. Notwithstanding subsection ~~1~~ 2, 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. 144. Section 508.37, subsection 7, paragraph f, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The recalculated nonforfeiture net level premium shall be equal to the result obtained by dividing the amount described in subparagraph (1) by the amount described in subparagraph (2), where subparagraph (1) and subparagraph (2) are as follows:

Sec. 145. Section 509.1, subsection 6, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A policy issued to any nonprofit industrial association ~~(to, which shall be deemed the policyholder)~~ policy holder, incorporated for a period of at least ten years and organized for purposes other than obtaining insurance, subject to the following requirements:

Sec. 146. Section 514.5, Code 2017, is amended to read as follows:

514.5 Contracts for service.

1. A hospital service corporation organized under chapter 504, Code 1989, or current chapter 504, and governed by this chapter, may enter into contracts for the rendering of hospital service to any of its subscribers with hospitals maintained and operated by the state or any of its political subdivisions, or by any corporation, association, or individual. Such hospital service corporation may also contract with an ambulatory surgical facility to provide surgical services to the corporation’s subscribers. Hospital service is meant to include bed and board, general nursing care, use of the operating room, use of the delivery room, ordinary medications and dressings and other customary routine care. “Ambulatory surgical facility” means a facility constructed and operated for the specific purpose of providing surgery to patients admitted to and discharged from the facility within the same day.

2. A medical service corporation organized under chapter 504, Code 1989, or current chapter 504, and governed by this chapter, may enter into contracts with subscribers to furnish health care service through physicians and surgeons, dentists, podiatric physicians, osteopathic physicians, osteopathic physicians and surgeons, or chiropractors.

3. Any pharmaceutical or optometric service corporation organized under ~~the provisions of said chapter 504, Code 1989, or current chapter 504, and governed by this chapter~~, may enter into contracts for the rendering of pharmaceutical or optometric service to any of its subscribers. Membership in any pharmaceutical service corporation shall be open to all pharmacies licensed under chapter 155A.

4. A hospital service corporation or medical service corporation organized under chapter 504, Code 1989, or current chapter 504, and governed by this chapter, may enter into contracts with subscribers and providers to furnish health care services not otherwise allocated by this section.

Sec. 147. Section 514.13, Code 2017, is amended to read as follows:

514.13 Arbitration of disputes.

Any dispute arising between a corporation organized under chapter 504, Code 1989, or current chapter 504, and governed by this chapter, and a provider may be submitted to the commissioner of insurance for a decision. All decisions and findings of the commissioner of insurance may be judicially reviewed in accordance with the terms of chapter 17A.

Sec. 148. Section 514.14, Code 2017, is amended to read as follows:

514.14 Dissolution or merger.

Any dissolution, merger, or liquidation of a corporation organized under ~~the provisions of said chapter 504, Code 1989, or current chapter 504, and governed by this chapter~~ shall be under the supervision of the commissioner of insurance who shall have all powers with respect thereto granted to the commissioner under the insurance laws of this state.

Sec. 149. Section 514.15, Code 2017, is amended to read as follows:

514.15 Nonexempt from taxation.

Every corporation organized under ~~the provisions of~~ chapter 504, Code 1989, or current chapter 504, and governed by this chapter, is hereby declared to be a charitable and benevolent institution but its property and funds, including subscribers' contracts, shall not be exempt from taxation. For purposes of this section, the term "*subscriber contract*" shall mean only those benefit contracts issued or delivered in Iowa by corporations subject to this chapter, including certificates issued under such contracts, and which provide coverage to residents of Iowa on a risk basis.

Sec. 150. Section 514.18, Code 2017, is amended to read as follows:

514.18 Podiatric physicians.

Medical or surgical services or procedures constituting the practice of podiatry, also known as chiropody, as ~~defined by~~ provided in chapter 149, and covered by the terms of any individual, group, blanket, or franchise policy providing accident or health benefits hereafter delivered or hereafter issued for delivery in Iowa and covering an Iowa risk may be performed by any practitioner, selected by the insured, licensed under chapter 149 to perform such medical or surgical services or procedures. Any provision of such policy or exclusion or limitation denying an insured the free choice of such licensed podiatric physician, also known as chiropodist, shall to the extent of the denial, be void, but such voidance shall not affect the validity of the other provisions of the policy.

Sec. 151. Section 514.23, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A corporation organized under chapter 504, Code 1989, or current chapter 504, and governed by this chapter, may become a mutual insurer under a plan which is approved by the commissioner of insurance. The plan shall state whether the insurer will be organized as a for-profit corporation pursuant to chapter 490 or 491 or a nonprofit corporation pursuant to chapter 504. Upon consummation of the plan, the corporation shall fully comply with the requirements of the law that apply to a mutual insurance company. If the insurer is to be organized under chapter 504, then at least seventy-five percent of the initial board of directors of the mutual insurer so formed shall be policyholders who are also nonproviders of health care. All directors comprising this initial board of directors shall be selected by an independent committee appointed by the state commissioner of insurance. This independent committee shall consist of seven to eleven persons who are current policyholders, who are nonproviders of health care, and who are not directors of a corporation subject to this chapter. For purposes of this subsection, a "*nonprovider of health care*" is an individual who is not any of the following:

Sec. 152. Section 514.23, subsection 2, Code 2017, is amended to read as follows:

2. A corporation organized under chapter 504, Code 1989, or current chapter 504, and governed by this chapter, which becomes a mutual insurer under this section shall continue as a mutual insurer to be governed by the provisions of section 514.7 and shall also be governed by section 509.3, subsection 1, paragraph "f".

Sec. 153. Section 519A.4, subsection 1, paragraphs a and b, Code 2017, are amended to read as follows:

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, 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 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 July 1, 1975,~~ 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, 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.6, subsection 1, Code 2017, is amended to read as follows:

1. There is created a stabilization reserve fund. The fund shall be administered by three directors, one of whom shall be the commissioner. The remaining two directors shall be appointed by the ~~commissioner.~~ One commissioner, one of whom shall be a representative of the association and the other a representative of its policyholders.

Sec. 155. Section 535.13, Code 2017, is amended to read as follows:

535.13 Definition Definitions.

As used in this chapter, unless the context otherwise requires, ~~“agricultural purpose” means a purpose related to the production, harvest, exhibition, marketing, transportation, processing or manufacture of agricultural products by a person who cultivates, plants, propagates or nurtures the agricultural products.~~

1. “Agricultural products” includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured products thereof.

2. “Agricultural purpose” means a purpose related to the production, harvest, exhibition, marketing, transportation, processing, or manufacture of agricultural products by a person who cultivates, plants, propagates, or nurtures the agricultural products.

Sec. 156. Section 543E.20, subsection 2, paragraph g, subparagraph (6), Code 2017, is amended to read as follows:

(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)(a)–(i), 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.

Sec. 157. Section 587.12, subsection 1, Code 2017, is amended to read as follows:

1. In all actions or in proceedings in probate where an order, judgment or decree has been entered prior to July 1, 1970, based upon service of notice by publication as provided by rule 60 of the Iowa rules of civil procedure, Iowa court rules, third edition, or any statute authorizing publication of notice or upon service of notice by publication or posting pursuant to authorization or direction of any court of competent jurisdiction in the state of Iowa, all such orders, judgments, or decrees are hereby declared valid and of full force and effect, unless an action shall be commenced within the time provided in subsection 2 hereof to question such order, judgment, or decree, or any right or status created, confirmed, or existing thereunder.

Sec. 158. Section 600.5, subsection 13, Code 2017, is amended to read as follows:

13. Whether or not a guardian ad litem should be appointed for a minor child to be adopted, and if not, the reasons ~~therefor~~ for that determination.

Sec. 159. Section 602.9111, subsection 1, Code 2017, is amended to read as follows:

1. So much of the judicial retirement fund as may not be necessary to be kept on hand for the making of disbursements under this article shall be invested by the treasurer of state in any investments authorized for the Iowa public employees' retirement system in section 97B.7A and subject to the requirements of chapters 12F, ~~and 12H,~~ and 12J, and the earnings therefrom shall be credited to the fund. The treasurer of state may execute contracts and agreements with investment advisors, consultants, and investment management and benefit consultant firms in the administration of the judicial retirement fund.

Sec. 160. Section 622.28, subsections 1 and 2, Code 2017, are amended to read as follows:

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 or records of all such acts, events, or conditions at the time thereof or within a reasonable time thereafter, and to preserve ~~them~~ the memoranda or records.

Sec. 161. Section 633.230, subsection 1, Code 2017, is amended to read as follows:

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 date of 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. 162. Section 665.3, unnumbered paragraph 1, Code 2017, is amended to read as follows:

In addition to the ~~above acts or omissions in section 665.2~~, any court of record may punish the following acts or omissions as contempts:

Sec. 163. Section 670.9, Code 2017, 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, and its officers, employees, and agents, for damages under section 670.2 or 670.8 and may appropriate money for the payment of amounts agreed upon.

Sec. 164. REPEAL. Sections 256.29, 266.39F, 488.1207, and 524.529, Code 2017, are repealed.

DIVISION II
AMENDMENTS TO 2014 IOWA ACTS, CH. 1080

Sec. 165. 2014 Iowa Acts, chapter 1080, section 118, is amended by striking the section and inserting in lieu thereof the following:

SEC. 118. Section 422.11M, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

422.11M Agricultural assets transfer tax credit.

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by an agricultural assets transfer tax credit as allowed under section 16.80.

Sec. 166. 2014 Iowa Acts, chapter 1080, section 119, is amended by striking the section and inserting in lieu thereof the following:

SEC. 119. Section 422.33, subsection 21, Code 2017, is amended by striking the subsection and inserting in lieu thereof the following:

21. The taxes imposed under this division shall be reduced by an agricultural assets transfer tax credit as allowed under section 16.80.

DIVISION III
CORRESPONDING CHANGES

Sec. 167. Section 524.528, subsection 1, Code 2017, is amended to read as follows:

1. ~~Unless otherwise provided in section 524.529, the~~ The shareholders of a state bank do not have a preemptive right to acquire the state bank's unissued shares except to the extent provided in the articles of incorporation.

DIVISION IV
CODE EDITOR DIRECTIVE

Sec. 168. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to transfer section 421.46 to section 8A.460.
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.

DIVISION V
EFFECTIVE DATES

Sec. 169. EFFECTIVE DATE. The following provision or provisions in Division I of this Act take effect July 1, 2030:

1. The section of this Act amending section 2.48, subsection 3, paragraph “h”.

Approved April 7, 2017

CHAPTER 30

DECLARATIONS CONCERNING DISPOSITION OF HUMAN REMAINS

S.F. 410

AN ACT relating to a declaration concerning the final disposition of a person’s remains and including applicability provisions.

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

Section 1. Section 144B.1, subsection 2, Code 2017, is amended to read as follows:

2. “*Designee*” means a person named in a declaration under chapter 144C ~~that is contained in or attached to a durable power of attorney for health care.~~

Sec. 2. Section 144C.2, subsection 8, Code 2017, is amended to read as follows:

8. “*Declaration*” means a written instrument, ~~contained in or attached to a durable power of attorney for health care under chapter 144B,~~ that is executed by a declarant in accordance with the requirements of this chapter, and that names a designee who shall have the sole responsibility and discretion for making decisions concerning the final disposition of the declarant’s remains and the ceremonies planned after the declarant’s death.

Sec. 3. Section 144C.6, subsection 2, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A declaration executed pursuant to this chapter shall be in a written form that substantially complies with the form in subsection 1, is properly completed, ~~is contained in or attached to a durable power of attorney for health care under chapter 144B,~~ and is dated and signed by the declarant or another person acting on the declarant’s behalf at the direction of and in the presence of the declarant. In addition, a declaration shall be either of the following:

Sec. 4. APPLICABILITY. This Act applies to a declaration executed by a declarant pursuant to the provisions of this Act on or after the effective date of this Act.

Approved April 7, 2017

CHAPTER 31**SALVAGE MOTOR VEHICLES — INSURERS — CERTIFICATE OF TITLE**

S.F. 448

AN ACT relating to insurers in possession of salvage motor vehicles.

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

Section 1. Section 321.45, subsection 2, paragraph a, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (6) An insurer obtains a salvage certificate of title for a vehicle pursuant to section 321.52, subsection 4, paragraph “0a”.

Sec. 2. Section 321.52, subsection 4, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0a. Notwithstanding any other provision of law to the contrary, an insurer may apply for and be issued a salvage certificate of title for a motor vehicle without surrendering the certificate of title or manufacturer’s or importer’s statement of origin properly assigned if ownership of the vehicle was transferred, or will transfer, to the insurer pursuant to a settlement with the previous owner of the vehicle arising from circumstances involving damage to the vehicle, and at least thirty days have expired since the effective date of such settlement. To obtain a salvage certificate of title pursuant to this paragraph “0a”, the insurer shall submit an application for a salvage certificate of title to the county treasurer of the county in which the vehicle is stored by or on behalf of the insurer. The application shall be accompanied by an affidavit from the insurer in which the insurer certifies it has made at least two written attempts to obtain a properly assigned certificate of title or manufacturer’s or importer’s statement of origin for the vehicle by contacting the previous owner of the vehicle and all lienholders of record by certified mail or a similar service that provides proof of service using a return receipt, and has been unable to obtain the title or statement of origin. The failure of a previous owner or lienholder to provide a properly assigned certificate of title or manufacturer’s or importer’s statement of origin shall be deemed to be a waiver by the previous owner or lienholder of all rights, title, claim, and interest in the vehicle. The application shall also be accompanied by the application fee required under paragraph “a”, and proof of payment of the total amount of the settlement by the insurer to the previous owner of the vehicle. Upon receiving an application that complies with this paragraph “0a”, the county treasurer shall issue a salvage certificate of title to the insurer which shall be free and clear of all liens and claims of ownership and shall bear the word “SALVAGE” stamped or printed on the face of the title in a manner prescribed by the department.

Sec. 3. Section 321.67, Code 2017, is amended to read as follows:

321.67 Certificate of title must be executed.

1. No person, except as provided in sections 321.23 and 321.45, ~~and~~ section 321.52, subsection 2, paragraph “b”, and section 321.52, subsection 4, paragraph “0a”, shall sell or otherwise dispose of a registered vehicle or a vehicle subject to registration without delivering to the purchaser or transferee thereof a certificate of title with such assignment thereon as may be necessary to show title in the purchaser.

2. No person shall purchase or otherwise acquire or bring into this state a registered vehicle or a vehicle subject to registration without obtaining a certificate of title thereto except for temporary use or as provided in sections 321.23 and 321.45, ~~and~~ section 321.52, subsection 2, paragraph “b”, and section 321.52, subsection 4, paragraph “0a”.

Sec. 4. Section 321.104, subsection 4, Code 2017, is amended to read as follows:

4. To sell, offer for sale, or transfer a motor vehicle, trailer, or semitrailer, except as provided in section 321.47 or 321.48, ~~or~~ section 321.52, subsection 2, paragraph “b”, or section 321.52, subsection 4, paragraph “0a”, without obtaining a certificate of title in the name of the seller or transferor or without delivering to the purchaser or transferee a

certificate of title or a manufacturer's or importer's certificate duly assigned to the purchaser or transferee as provided in this chapter.

Approved April 7, 2017

CHAPTER 32

HIGHWAY CROSSINGS BY ALL-TERRAIN OR OFF-ROAD UTILITY VEHICLES

H.F. 464

AN ACT relating to the crossing of highways by all-terrain vehicles and off-road utility vehicles, and making a penalty applicable.

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

Section 1. Section 321.234A, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. The all-terrain vehicle is crossing the highway pursuant to section 321I.10, subsection 5.

Sec. 2. Section 321I.10, subsection 5, Code 2017, is amended by striking the subsection and inserting in lieu thereof the following:

5. An all-terrain vehicle or off-road utility vehicle may make a direct crossing of a highway provided all of the following occur:

a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

b. The all-terrain vehicle or off-road utility vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

c. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

e. The crossing is made from a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city to a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city.

Approved April 7, 2017

CHAPTER 33

IOWA FINANCE AUTHORITY PROGRAMS AND OBLIGATIONS AND MECHANIC'S LIEN NOTICES

H.F. 586

AN ACT relating to financial matters, including mechanic's liens, and the Iowa finance authority by establishing a rent subsidy program, modifying shelter assistance fund grant award requirements, and revising filing requirements for certain bonds and notes issued by the authority.

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

Section 1. Section 16.26, subsection 7, Code 2017, is amended by striking the subsection and inserting in lieu thereof the following:

7. A pledge made in respect of bonds or notes shall be valid and binding from the time the pledge is made. The moneys or property so pledged and received after the pledge by the authority shall immediately be subject to the lien of the pledge without physical delivery or further act. The lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority whether or not the parties have notice of the lien. Neither the resolution, trust agreement, nor any other instrument by which a pledge is created needs to be recorded or filed under the Iowa uniform commercial code, chapter 554, to be valid, binding, or effective against the parties.

Sec. 2. Section 16.41, subsection 2, Code 2017, is amended to read as follows:

2. The authority shall award grants ~~annually~~ to qualified applicants on a competitive basis. The authority shall establish application procedures, requirements, priorities, and maximum and minimum grant award amounts for each ~~annual~~ grant competition.

Sec. 3. NEW SECTION. **16.55 Home and community-based services rent subsidy program.**

The authority shall establish and administer a home and community-based services rent subsidy program. Under the program, the authority shall provide rent subsidies to those persons who are approved participants under a home and community-based services Medicaid waiver, and to those individuals who are approved participants in the federal money follows the person grant program under the medical assistance program. If the authority utilizes a waiting list for purposes of the program, 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.

Sec. 4. Section 572.13A, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A Either a general contractor, or an owner-builder who has contracted or will contract with a subcontractor to provide labor or furnish material for the property, shall post a notice of commencement of work to the mechanics' notice and lien registry internet site no later than ten days after the commencement of work on the property. A notice of commencement of work is effective only as to any labor, service, equipment, or material furnished to the property subsequent to the posting of the notice of commencement of work. A notice of commencement of work shall include all of the following information:

Approved April 7, 2017

CHAPTER 34

MENTAL HEALTH PROFESSIONALS — SCOPE OF PRACTICE

H.F. 593

AN ACT authorizing mental health professionals to perform certain functions relating to persons with substance-related disorders and persons with mental illness.

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

Section 1. Section 125.2, Code 2017, is amended by adding the following new subsection: NEW SUBSECTION. 10A. "Mental health professional" means the same as defined in section 228.1.

Sec. 2. Section 125.12, subsection 3, Code 2017, is amended to read as follows:

3. The director shall provide for adequate and appropriate treatment for persons with substance-related disorders and concerned family members admitted under sections 125.33 and 125.34, or under section 125.75, 125.81, or 125.91. Treatment shall not be provided at a correctional institution except for inmates. A mental health professional, ~~as defined in section 228-1,~~ who is employed by a treatment provider under the program may provide treatment to a person with co-occurring substance-related and mental health disorders. Such treatment may also be provided by a person employed by such a treatment provider who is receiving the supervision required to meet the definition of mental health professional but has not completed the supervision component.

Sec. 3. Section 125.33, subsections 1 and 3, Code 2017, are amended to read as follows:

1. A person with a substance-related disorder may apply for voluntary treatment or rehabilitation services directly to a facility or to a licensed physician and surgeon or osteopathic physician and surgeon or to a mental health professional. If the proposed patient is a minor or an incompetent person, a parent, a legal guardian or other legal representative may make the application. The licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or any employee or person acting under the direction or supervision of the physician and surgeon or osteopathic physician and surgeon, mental health professional, or the facility shall not report or disclose the name of the person or the fact that treatment was requested or has been undertaken to any law enforcement officer or law enforcement agency; nor shall such information be admissible as evidence in any court, grand jury, or administrative proceeding unless authorized by the person seeking treatment. If the person seeking such treatment or rehabilitation is a minor who has personally made application for treatment, the fact that the minor sought treatment or rehabilitation or is receiving treatment or rehabilitation services shall not be reported or disclosed to the parents or legal guardian of such minor without the minor's consent, and the minor may give legal consent to receive such treatment and rehabilitation.

3. A person with a substance-related disorder seeking treatment or rehabilitation and who is either addicted or dependent on a chemical substance may first be examined and evaluated by a licensed physician and surgeon or osteopathic physician and surgeon or a mental health professional who may prescribe, if authorized or licensed to do so, a proper course of treatment and medication, if needed. The licensed physician and surgeon or osteopathic physician and surgeon or mental health professional may further prescribe a course of treatment or rehabilitation and authorize another licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or facility to provide the prescribed treatment or rehabilitation services. Treatment or rehabilitation services may be provided to a person individually or in a group. A facility providing or engaging in treatment or rehabilitation shall not report or disclose to a law enforcement officer or law enforcement agency the name of any person receiving or engaged in the treatment or rehabilitation; nor shall a person receiving or participating in treatment or rehabilitation report or disclose the name of any other person engaged in or receiving treatment or rehabilitation or that the program is in existence, to a law enforcement officer or law enforcement agency. Such information shall not be admitted in evidence in any court, grand jury, or administrative proceeding. However, a person engaged in or receiving treatment or rehabilitation may authorize the disclosure of the person's name and individual participation.

Sec. 4. Section 125.34, subsections 3 and 7, Code 2017, are amended to read as follows:

3. A person who arrives at a facility and voluntarily submits to examination shall be examined by a licensed physician or mental health professional as soon as possible after the person arrives at the facility. The person may then be admitted as a patient or referred to another health facility. The referring facility shall arrange for transportation.

7. A licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, facility administrator, or an employee or a person acting as or on behalf of the facility administrator, is not criminally or civilly liable for acts in conformity with this chapter, unless the acts constitute willful malice or abuse.

Sec. 5. Section 125.75, subsection 2, paragraph c, subparagraph (1), Code 2017, is amended to read as follows:

(1) A written statement of a licensed physician or mental health professional in support of the application.

Sec. 6. Section 125.78, subsection 3, paragraph b, Code 2017, is amended to read as follows:

b. Requiring an examination of the respondent, prior to the hearing, by one or more licensed physicians or mental health professionals who shall submit a written report of the examination to the court as required by section 125.80.

Sec. 7. Section 125.80, Code 2017, is amended to read as follows:

125.80 Physician's or mental health professional's examination — report — scheduling of hearing.

1. a. An examination of the respondent shall be conducted within a reasonable time and prior to the commitment hearing by one or more licensed physicians or mental health professionals as required by the court's order. If the respondent is taken into custody under section 125.81, the examination shall be conducted within twenty-four hours after the respondent is taken into custody. If the respondent desires, the respondent may have a separate examination by a licensed physician or mental health professional of the respondent's own choice. The court shall notify the respondent of the right to choose a licensed physician or mental health professional for a separate examination. The reasonable cost of the examinations shall be paid from county funds upon order of the court if the respondent lacks sufficient funds to pay the cost.

b. A licensed physician or mental health professional conducting an examination pursuant to this section may consult with or request the participation in the examination of facility personnel, and may include with or attach to the written report of the examination any findings or observations by facility personnel who have been consulted or have participated in the examination.

c. If the respondent is not taken into custody under section 125.81, but the court is subsequently informed that the respondent has declined to be examined by a licensed physician or mental health professional pursuant to the court order, the court may order limited detention of the respondent as necessary to facilitate the examination of the respondent by the licensed physician or mental health professional.

2. A written report of the examination by a court-designated licensed physician or mental health professional shall be filed with the clerk prior to the hearing date. A written report of an examination by a licensed physician or mental health professional chosen by the respondent may be similarly filed. The clerk shall immediately:

a. Cause a report to be shown to the judge who issued the order.

b. Cause the respondent's attorney to receive a copy of the report of a court-designated licensed physician or mental health professional.

3. If the report of a court-designated licensed physician or mental health professional is to the effect that the respondent is not a person with a substance-related disorder, the court, without taking further action, may terminate the proceeding and dismiss the application on its own motion and without notice.

4. If the report of a court-designated licensed physician or mental health professional is to the effect that the respondent is a person with a substance-related disorder, the court shall schedule a commitment hearing as soon as possible. The hearing shall be held not more than forty-eight hours after the report is filed, excluding Saturdays, Sundays, and holidays, unless an extension for good cause is requested by the respondent, or as soon thereafter as possible if the court considers that sufficient grounds exist for delaying the hearing.

Sec. 8. Section 125.82, subsection 3, Code 2017, is amended to read as follows:

3. The person who filed the application and a licensed physician, mental health professional ~~as defined in section 228.1~~, or certified alcohol and drug counselor certified by the nongovernmental Iowa board of substance abuse certification who has examined the respondent in connection with the commitment hearing shall be present at the hearing,

unless the court for good cause finds that their presence or testimony is not necessary. The applicant, respondent, and the respondent's attorney may waive the presence or telephonic appearance of the licensed physician, mental health professional, or certified alcohol and drug counselor who examined the respondent and agree to submit as evidence the written report of the licensed physician, mental health professional, or certified alcohol and drug counselor. The respondent's attorney shall inform the court if the respondent's attorney reasonably believes that the respondent, due to diminished capacity, cannot make an adequately considered waiver decision. "Good cause" for finding that the testimony of the licensed physician, mental health professional, or certified alcohol and drug counselor who examined the respondent is not necessary may include, but is not limited to, such a waiver. If the court determines that the testimony of the licensed physician, mental health professional, or certified alcohol and drug counselor is necessary, the court may allow the licensed physician, mental health professional, or certified alcohol and drug counselor to testify by telephone. The respondent shall be present at the hearing unless prior to the hearing the respondent's attorney stipulates in writing that the attorney has conversed with the respondent, and that in the attorney's judgment the respondent cannot make a meaningful contribution to the hearing, or that the respondent has waived the right to be present, and the basis for the attorney's conclusions. A stipulation to the respondent's absence shall be reviewed by the court before the hearing, and may be rejected if it appears that insufficient grounds are stated or that the respondent's interests would not be served by the respondent's absence.

Sec. 9. Section 125.86, subsection 3, paragraph b, Code 2017, is amended to read as follows:

b. An advanced registered nurse practitioner who is not certified as a psychiatric advanced registered nurse practitioner but who meets the qualifications ~~set forth in the definition of a mental health professional in section 228.1,~~ may complete periodic reports pursuant to paragraph "a".

Sec. 10. Section 125.91, subsection 3, Code 2017, is amended to read as follows:

3. The attending physician shall examine and may detain the person pursuant to the magistrate's order for a period not to exceed forty-eight hours from the time the order is dated, excluding Saturdays, Sundays, and holidays, unless the order is dismissed by a magistrate. The facility may provide treatment which is necessary to preserve the person's life or to appropriately control the person's behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue or is otherwise deemed medically necessary by the attending physician or mental health professional, but shall not otherwise provide treatment to the person without the person's consent. The person shall be discharged from the facility and released from detention no later than the expiration of the forty-eight-hour period, unless an application for involuntary commitment is filed with the clerk pursuant to section 125.75. The detention of a person by the procedure in this section, and not in excess of the period of time prescribed by this section, shall not render the peace officer, attending physician, or facility detaining the person liable in a criminal or civil action for false arrest or false imprisonment if the peace officer, attending physician, mental health professional, or facility had reasonable grounds to believe that the circumstances described in subsection 1 were applicable.

Sec. 11. Section 125.92, subsection 4, Code 2017, is amended to read as follows:

4. Enjoy all legal, medical, religious, social, political, personal, and working rights and privileges, which the person would enjoy if not detained, taken into immediate custody, or committed, consistent with the effective treatment of the person and of the other persons in the facility. If the person's rights are restricted, the physician's or mental health professional's direction to that effect shall be noted in the person's record. The person or the person's next of kin or guardian shall be advised of the person's rights and be provided a written copy upon the person's admission to or arrival at the facility.

Sec. 12. Section 229.6, subsection 2, paragraph c, subparagraph (1), Code 2017, is amended to read as follows:

(1) A written statement of a licensed physician or mental health professional in support of the application.

Sec. 13. Section 229.8, subsection 3, paragraph b, Code 2017, is amended to read as follows:

b. Order an examination of the respondent, prior to the hearing, by one or more licensed physicians or mental health professionals who shall submit a written report on the examination to the court as required by section 229.10.

Sec. 14. Section 229.10, Code 2017, is amended to read as follows:

229.10 Physicians' or mental health professionals' examination — report.

1. a. An examination of the respondent shall be conducted by one or more licensed physicians or mental health professionals, as required by the court's order, within a reasonable time. If the respondent is detained pursuant to section 229.11, subsection 1, paragraph "b", the examination shall be conducted within twenty-four hours. If the respondent is detained pursuant to section 229.11, subsection 1, paragraph "a" or "c", the examination shall be conducted within forty-eight hours. If the respondent so desires, the respondent shall be entitled to a separate examination by a licensed physician or mental health professional of the respondent's own choice. The reasonable cost of the examinations shall, if the respondent lacks sufficient funds to pay the cost, be paid by the regional administrator from mental health and disability services region funds upon order of the court.

b. Any licensed physician or mental health professional conducting an examination pursuant to this section may consult with or request the participation in the examination of any consulting mental health professional, and may include with or attach to the written report of the examination any findings or observations by any consulting mental health professional who has ~~been so consulted or has so~~ participated in the examination.

c. If the respondent is not taken into custody under section 229.11, but the court is subsequently informed that the respondent has declined to be examined by ~~the one or more licensed physician or~~ physicians or mental health professionals pursuant to the court order, the court may order such limited detention of the respondent as is necessary to facilitate the examination of the respondent by ~~the one or more licensed physician or~~ physicians or mental health professionals.

2. A written report of the examination by ~~the one or more court-designated physician or~~ physicians or mental health professionals shall be filed with the clerk prior to the time set for hearing. A written report of any examination by a physician chosen by the respondent may be similarly filed. The clerk shall immediately do all of the following:

a. Cause the report or reports to be shown to the judge who issued the order; ~~and~~.

b. Cause the respondent's attorney to receive a copy of the report ~~of the court-designated physician or physicians or reports~~.

3. If the report of ~~one or more of the court-designated physician or~~ physicians or mental health professionals is to the effect that the individual is not seriously mentally impaired, the court may without taking further action terminate the proceeding and dismiss the application on its own motion and without notice.

4. If the report of ~~one or more of the court-designated physician or~~ physicians or mental health professionals is to the effect that the respondent is seriously mentally impaired, the court shall schedule a hearing on the application as soon as possible. The hearing shall be held not more than forty-eight hours after the report is filed, excluding Saturdays, Sundays and holidays, unless an extension for good cause is requested by the respondent, or as soon thereafter as possible if the court considers that sufficient grounds exist for delaying the hearing.

Sec. 15. Section 229.22, subsection 2, paragraph a, subparagraphs (2), (3), (4), and (5), Code 2017, are amended to read as follows:

(2) Upon delivery of the person believed mentally ill to the facility or hospital, the examining physician, examining physician assistant, examining mental health professional,

or examining psychiatric advanced registered nurse practitioner may order treatment of that person, including chemotherapy, but only to the extent necessary to preserve the person's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue.

(3) The peace officer who took the person into custody, or other party who brought the person to the facility or hospital, shall describe the circumstances of the matter to the examining physician, examining physician assistant, examining mental health professional, or examining psychiatric advanced registered nurse practitioner. If the person is a peace officer, the peace officer may do so either in person or by written report.

(4) If the examining physician, examining physician assistant, examining mental health professional, or examining psychiatric advanced registered nurse practitioner finds that there is reason to believe that the person is seriously mentally impaired, and because of that impairment is likely to physically injure the person's self or others if not immediately detained, the examining physician, examining physician assistant, examining mental health professional, or examining psychiatric advanced registered nurse practitioner shall at once communicate with the nearest available magistrate as defined in section 801.4, subsection 10.

(5) The magistrate shall, based upon the circumstances described by the examining physician, examining physician assistant, examining mental health professional, or examining psychiatric advanced registered nurse practitioner, give the examining physician, examining physician assistant, examining mental health professional, or examining psychiatric advanced registered nurse practitioner oral instructions either directing that the person be released forthwith or authorizing the person's detention in an appropriate facility. A peace officer from the law enforcement agency that took the person into custody, if available, during the communication with the magistrate, may inform the magistrate that an arrest warrant has been issued for or charges are pending against the person and request that any oral or written order issued under this subsection require the facility or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

Sec. 16. Section 229.22, subsection 3, Code 2017, is amended to read as follows:

3. The chief medical officer of the facility or hospital shall examine and may detain and care for the person taken into custody under the magistrate's order for a period not to exceed forty-eight hours from the time such order is dated, excluding Saturdays, Sundays and holidays, unless the order is sooner dismissed by a magistrate. The facility or hospital may provide treatment which is necessary to preserve the person's life, or to appropriately control behavior by the person which is likely to result in physical injury to the person's self or others if allowed to continue, but may not otherwise provide treatment to the person without the person's consent. The person shall be discharged from the facility or hospital and released from custody not later than the expiration of that period, unless an application is sooner filed with the clerk pursuant to section 229.6. Prior to such discharge the facility or hospital shall, if required by this section, notify the law enforcement agency requesting such notification about the discharge of the person. The law enforcement agency shall retrieve the person no later than six hours after notification from the facility or hospital but in no circumstances shall the detention of the person exceed the period of time prescribed for detention by this subsection. The detention of any person by the procedure and not in excess of the period of time prescribed by this section shall not render the peace officer, physician, mental health professional, facility, or hospital so detaining that person liable in a criminal or civil action for false arrest or false imprisonment if the peace officer, physician, mental health professional, facility, or hospital had reasonable grounds to believe the person so detained was mentally ill and likely to physically injure the person's self or others if not immediately detained, or if the facility or hospital was required to notify a law enforcement agency by this section, and the law enforcement agency requesting notification prior to discharge retrieved the person no later than six hours after the notification, and the detention prior to the retrieval of the person did not exceed the period of time prescribed for detention by this subsection.

Sec. 17. Section 229.23, subsection 3, Code 2017, is amended to read as follows:

3. In addition to protection of the person's constitutional rights, enjoyment of other legal, medical, religious, social, political, personal and working rights and privileges which the person would enjoy if the person were not so hospitalized or detained, so far as is possible consistent with effective treatment of that person and of the other patients of the hospital. If the patient's rights are restricted, the physician's or mental health professional's direction to that effect shall be noted on the patient's record. The department of human services shall, in accordance with chapter 17A establish rules setting forth the specific rights and privileges to which persons so hospitalized or detained are entitled under this section, and the exceptions provided by section 17A.2, subsection 11, paragraphs "a" and "k", shall not be applicable to the rules so established. The patient or the patient's next of kin or friend shall be advised of these rules and be provided a written copy upon the patient's admission to or arrival at the hospital.

Sec. 18. Section 229.25, subsection 1, paragraph a, subparagraph (1), Code 2017, is amended to read as follows:

(1) The information is requested by a licensed physician or mental health professional, attorney, or advocate who provides the chief medical officer with a written waiver signed by the person about whom the information is sought.

Approved April 7, 2017

CHAPTER 35

INSURANCE PREMIUMS FOR GENERAL ASSEMBLY MEMBERS AND FULL-TIME EMPLOYEES

S.F. 230

AN ACT concerning payment of insurance premium costs by members and full-time employees of the general assembly and including effective date and applicability provisions.

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

Section 1. Section 2.40, subsection 1, paragraph a, subparagraphs (1) and (2), Code 2017, are amended to read as follows:

(1) The member shall be eligible for all state group insurance plans on the basis of enrollment rules established for the largest number of full-time state employees of the executive branch, other than employees of the state board of regents, that are excluded from collective bargaining as provided in chapter 20.

(2) The member shall pay that portion of the total premium for the plan selected on the same basis as a paid by the largest number of full-time state employee employees of the executive branch, other than employees of the state board of regents, that are excluded from collective bargaining as provided in chapter 20.

Sec. 2. Section 2.40, subsection 1, paragraph a, subparagraph (4), Code 2017, is amended by striking the subparagraph.

Sec. 3. Section 2.40, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A full-time employee of the general assembly may elect to become a member of a state group insurance plan for employees of the state established under chapter 509A subject to the following conditions:

a. The full-time employee shall be eligible for all state group insurance plans on the basis of enrollment rules established for the largest number of full-time state employees of the

executive branch, other than employees of the state board of regents, that are excluded from collective bargaining as provided in chapter 20 and shall have the same rights to change programs or coverage as are afforded such state employees.

b. The full-time employee shall pay that portion of the total premium for the plan selected on the same basis as paid by the largest number of full-time state employees of the executive branch, other than employees of the state board of regents, that are excluded from collective bargaining as provided in chapter 20.

c. A member of a state group insurance plan pursuant to this subsection shall have the same rights upon final termination of employment as are afforded the largest number of full-time state employees, other than employees of the state board of regents, that are excluded from collective bargaining as provided in chapter 20.

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

Sec. 5. APPLICABILITY. This Act applies to a member of the general assembly or a full-time employee of the general assembly electing to become or to continue as a member of a state group insurance plan established anew under chapter 509A that becomes effective on or after the effective date of this Act.

Approved April 12, 2017

CHAPTER 36

BASS FISHING TOURNAMENTS

S.F. 257

AN ACT relating to bass fishing in the state.

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

Section 1. NEW SECTION. **483A.39 Bass fishing tournaments.**

1. a. For the purposes of this section, “*bass fishing tournament*” means an organized fishing event, except for a fishing event sponsored by the department for educational purposes, involving all of the following:

(1) An organized event occurring on public water for the purpose of fishing for bass.

(2) Participation of six or more vessels or twelve or more individuals in the event, except for an event on the waters of the Mississippi river, where the number of vessels participating shall be twenty or more and the number of participants shall be forty or more.

(3) The award of prizes or other inducements for participation in the event.

b. For the purposes of this section, “*bass fishing tournament*” also includes a planned event on public water for the purpose of fishing for bass.

2. A person shall apply for a permit to hold a bass fishing tournament. The commission shall, by rule, specify the requirements to obtain a permit including but not limited to the following:

a. Minimum requirements for weigh-in, handling, and release of live bass by tournament participants.

b. Measurement of bass to length and release from a vessel.

c. Allowance of up to five bass for weigh-in during the tournament.

d. Allowance of possession of bass of any length so long as the bass are kept alive and are released after weigh-in.

e. Cleaning of vessels used before and after the tournament in compliance with department guidelines to prevent the transportation of aquatic invasive species.

Approved April 12, 2017

CHAPTER 37

ELECTRONIC SEARCH WARRANT APPLICATIONS AND ISSUANCE AND SEIZED PROPERTY INVENTORIES

S.F. 358

AN ACT relating to search warrants, by allowing an application for and the issuance of a search warrant by electronic means, and allowing for the written inventory of any property seized to be filed with the clerk of the district court, and including effective date provisions.

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

Section 1. Section 602.1614, subsection 3, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0m.* Establishing processes and procedures for an application and for the issuance of a search warrant under chapter 808 by electronic means.

Sec. 2. Section 808.1, subsection 2, Code 2017, is amended to read as follows:

2. “*Affidavit*” means a written declaration or statement of fact made under oath, or legally sufficient affirmation, submitted in person or by electronic submission before any person authorized to administer oaths within or without the state.

Sec. 3. Section 808.1, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 3. “*Electronic*” or “*electronically*” means relating to technology having electrical, digital, magnetic, telephonic, wireless, optical, electromagnetic, or similar capabilities. For governmental agencies, this may include alternate software to exchange electronic records with the court’s electronic document management system.

NEW SUBSECTION. 4. “*Electronic submission*” means the process by which a person may electronically submit an application for a search warrant and any supporting documents to the court for review or other court action.

Sec. 4. Section 808.3, Code 2017, is amended to read as follows:

808.3 Application for search warrant.

1. *a.* A person may make application for the issuance of a search warrant by submitting before a magistrate a written application, supported by the person’s oath or affirmation, which includes facts, information, and circumstances tending to establish sufficient grounds for granting the application, and probable cause for believing that the grounds exist. The application shall describe the person, place, or thing to be searched and the property to be seized with sufficient specificity to enable an independent reasonable person with reasonable effort to ascertain and identify the person, place, or thing.

b. The search warrant application and any supporting documents may be submitted to the magistrate in person or by electronic submission. If a search warrant is submitted by electronic submission, the magistrate may use electronic means to contact the person submitting the application and supporting documents to confirm the identity of the person, and may administer the person’s oath or affirmation and accept the person’s sworn testimony by electronic means, subject to the processes and procedures established by the judicial branch.

2. If the magistrate issues the search warrant, the magistrate shall endorse on the application the name and address of all persons upon whose sworn testimony the magistrate relied to issue the warrant together with the abstract of each witness' testimony, or the witness' affidavit. However, if the grounds for issuance are supplied by an informant, the magistrate shall identify only the peace officer to whom the information was given. The application or sworn testimony supplied in support of the application must establish the credibility of the informant or the credibility of the information given by the informant. The magistrate may in the magistrate's discretion require that a witness upon whom the applicant relies for information appear personally and be examined concerning the information.

Sec. 5. Section 808.4, Code 2017, is amended to read as follows:

808.4 Issuance.

Upon a finding of probable cause for grounds to issue a search warrant, the magistrate shall issue a warrant, signed by the magistrate with the magistrate's name of office, directed to any peace officer, commanding that peace officer forthwith to search the named person, place, or thing within the state for the property specified, and to bring any property seized before file with the magistrate or clerk of the district court, a written inventory itemizing all seized property. The warrant may be issued electronically, subject to the processes and procedures established by the judicial branch, and if so, the peace officer shall cause a printed copy of the warrant to be made for service of process.

Sec. 6. Section 808.4A, subsection 2, Code 2017, is amended to read as follows:

2. a. The application shall describe the person, place, or thing to be tracked or monitored by a global positioning device, or the removal of such a device from a person, place, or thing with sufficient specificity to enable an independent reasonable person with reasonable effort to ascertain and identify the person, place, or thing. If the magistrate issues the search warrant, the magistrate shall endorse on the application the name and address of all persons upon whose sworn testimony the magistrate relied to issue the warrant together with the abstract of each witness' testimony, or the witness' affidavit. However, if the grounds for issuance are supplied by an informant, the magistrate shall identify only the peace officer to whom the information was given. The application or sworn testimony supplied in support of the application must establish the credibility of the informant or the credibility of the information given by the informant. The magistrate may in the magistrate's discretion require that a witness upon whom the applicant relies for the information appear personally and be examined concerning the information.

b. The search warrant application and any supporting documents may be submitted to the magistrate in person or by electronic submission. If a search warrant is submitted by electronic submission, the magistrate may use electronic means to contact the person submitting the application and supporting documents to confirm the identity of the person, and may administer the person's oath or affirmation and accept the person's sworn testimony by electronic means, subject to the processes and procedures established by the judicial branch.

Sec. 7. Section 808.8, subsection 2, Code 2017, is amended to read as follows:

2. The officer must file, with the officer's return, a complete inventory of the property taken with the magistrate or clerk of the district court, and state under oath that it is accurate to the best of the officer's knowledge. The magistrate or clerk of the district court must, if requested, deliver a copy of the inventory of seized property to the person from whose possession it was taken and to the applicant for the warrant.

Sec. 8. Section 808.11, Code 2017, is amended to read as follows:

808.11 Transmission of papers documents to district court clerk.

The magistrate who has issued a search warrant shall attach to the warrant a copy of the return, inventory, if the inventory has not already been filed with the clerk of the district court, and all other papers documents in connection therewith and shall file them with the clerk of the district court for the county in which the property was seized.

Sec. 9. CONTINGENT EFFECTIVE DATE. This Act takes effect on the effective date of rules prescribed by the supreme court and submitted to the legislative council pursuant to section 602.4202, that establish processes and procedures for the application and issuance of a search warrant by electronic means to implement this Act.

Approved April 12, 2017

CHAPTER 38

DISPOSAL OR RETURN OF FEDERAL TAX LIENS, CERTIFICATES, OR NOTICES

S.F. 439

AN ACT relating to the disposal or return of certain notices and certificates filed or recorded during certain periods of time.

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

Section 1. Section 331.609, subsections 5 and 6, Code 2017, are amended to read as follows:

5. a. Filing or recording officers with whom notices of federal tax liens, certificates, and notices affecting the liens have been filed or recorded on or before July 1, 1970, shall, after that date, continue to maintain a file labeled “federal tax lien notices filed prior to July 1, 1970” containing notices and certificates filed in numerical order of receipt. If a notice of lien was filed or recorded on or before July 1, 1970, a certificate or notice affecting the lien shall be filed or recorded in the same office.

b. The original lien, certificate, or notice included in the file required to be maintained under paragraph “a” may be returned to the sender or disposed of by the recorder if the sender does not wish the instrument returned and if there is an official copy of the lien, certificate, or notice in the recorder’s office or the lien, certificate, or notice is maintained in the recorder’s office as an electronic document or is recorded, copied, or reproduced by any electronic, optical, magnetic, microfilm, or other method of storage.

6. a. Filing or recording officers with whom notices of federal tax liens, certificates, and notices affecting the liens have been filed or recorded after July 1, 1970, and before July 1, 1989, shall, after July 1, 1989, continue to maintain a file labeled “federal tax lien notices filed after July 1, 1970, and before July 1, 1989” containing notices and certificates filed or recorded in numerical order of receipt. If a notice of lien was filed or recorded on or after July 1, 1970, and before July 1, 1989, a certificate or notice affecting the lien shall be filed or recorded in the same office.

b. The original lien, certificate, or notice included in the file required to be maintained under paragraph “a” may be returned to the sender or disposed of by the recorder if the sender does not wish the instrument returned and if there is an official copy of the lien, certificate, or notice in the recorder’s office or the lien, certificate, or notice is maintained in the recorder’s office as an electronic document or is recorded, copied, or reproduced by any electronic, optical, magnetic, microfilm, or other method of storage.

Approved April 12, 2017

CHAPTER 39**DRIVERS' OPERATING RECORDS — CERTIFIED ABSTRACT FEES — TRANSFER OF MONEYS**

S.F. 462

AN ACT relating to the transfer of moneys collected by the office of the chief information officer for furnishing certified abstracts of drivers' operating records.

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

Section 1. Section 321A.3, subsection 1, Code 2017, is amended to read as follows:

1. The department shall upon request furnish any person a certified abstract of the operating record of a person subject to chapter 321, or 321J, or this chapter. The abstract shall also fully designate the motor vehicles, if any, registered in the name of the person. If there is no record of a conviction of the person having violated any law relating to the operation of a motor vehicle or of any injury or damage caused by the person, the department shall so certify. A fee of five dollars and fifty cents shall be paid for each abstract except for abstracts requested by state, county, or city officials, court officials, public transit officials, or other officials of a political subdivision of the state or a nonprofit charitable organization described in section 501(c)(3) of the Internal Revenue Code. The Except for any additional access fee collected under subsection 7, the department shall transfer the moneys collected under this section to the treasurer of state who shall credit to the general fund all moneys collected. If a fee established in this subsection is collected by the office of the chief information officer, created in section 8B.2, for a record furnished through an electronic portal maintained by the office of the chief information officer, the office of the chief information officer shall transfer the moneys collected under this subsection to the treasurer of state who shall credit the moneys to the general fund.

Approved April 12, 2017

CHAPTER 40**REGULATION OF SNOWMOBILES AND SNOWMOBILE PROGRAMS**

S.F. 472

AN ACT relating to snowmobile registration and use of moneys from the special snowmobile fund.

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

Section 1. Section 321G.1, subsection 21, Code 2017, is amended to read as follows:

21. "Public land" means land owned by the federal government, the state, or political subdivisions of the state and land acquired or developed for public recreation pursuant to section 321G.7. "Public land" includes but is not limited to a roadway or highway. However, this subsection shall not be construed to permit the operation of snowmobiles on a roadway or highway except as provided in section 321G.9.

Sec. 2. Section 321G.7, subsection 2, Code 2017, is amended to read as follows:

2. The department shall remit the fees, including user permit fees collected pursuant to section 321G.4A, to the treasurer of state, who shall place the money in a special snowmobile fund. The money is appropriated to the department for the snowmobile programs of the state. The programs shall include grants, subgrants, contracts, or cost-sharing of snowmobile programs with political subdivisions or incorporated private organizations or both, which may include the purchase, ownership, and maintenance of trail grooming

equipment, in accordance with rules adopted by the commission. Snowmobile fees may be used to support snowmobile programs on a usage basis. At least fifty seventy percent of the special fund shall be available for political subdivisions or incorporated private organizations or both. Moneys from the special fund not used by the political subdivisions or incorporated private organizations or both shall remain in the fund and may be used by the department for the administration of the snowmobile programs. Notwithstanding section 8.33, moneys in the special fund shall not revert to the general fund of the state at the end of a fiscal year. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the special fund shall remain in the fund.

Sec. 3. Section 321G.7, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding any provision of law to the contrary, the department may donate trail grooming equipment owned by the department to a political subdivision or incorporated private organization receiving moneys from the fund after the useful life of the trail grooming equipment to the department has expired.

Sec. 4. Section 321G.8, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Snowmobiles registered in an organized special event authorized pursuant to section 321G.16 when such snowmobiles are operated within the boundaries of the event.

Approved April 12, 2017

CHAPTER 41

EDUCATIONAL SERVICES PERFORMED BY LICENSED DENTAL HYGIENISTS

S.F. 479

AN ACT relating to the performance of educational services by licensed dental hygienists.

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

Section 1. Section 153.15, Code 2017, is amended to read as follows:

153.15 Dental hygienists — scope of term.

A licensed dental hygienist may perform those services which are educational, therapeutic, and preventive in nature which attain or maintain optimal oral health as determined by the board and may include but are not necessarily limited to complete oral prophylaxis, application of preventive agents to oral structures, exposure and processing of radiographs, administration of medicaments prescribed by a licensed dentist, obtaining and preparing nonsurgical, clinical and oral diagnostic tests for interpretation by the dentist, and preparation of preliminary written records of oral conditions for interpretation by the dentist. Such services, except educational services, shall be performed under supervision of a licensed dentist and in a dental office, a public or private school, public health agencies, hospitals, and the armed forces, but nothing herein shall be construed to authorize a dental hygienist to practice dentistry. Educational services shall be limited to assessing the need for, planning, implementing, and evaluating oral health education programs for individual patients and community groups; and conducting workshops and in-service training sessions on dental health for nurses, school personnel, institutional staff, community groups, and other agencies providing consultation and technical assistance for promotional, preventive, and educational services.

Approved April 12, 2017

CHAPTER 42

INTERFERENCE WITH OFFICIAL ACTS — PERSONS PERFORMING BAILIFF DUTIES

H.F. 52

AN ACT relating to the criminal offense of interference with official acts and certain county-provided bailiff services, 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 2017, 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, or a person performing bailiff duties pursuant to section 602.1303, subsection 4, 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 a person performing bailiff duties pursuant to section 602.1303, subsection 4, 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.

Approved April 12, 2017

CHAPTER 43

CHILD CUSTODY AND VISITATION PROCEEDINGS — APPOINTMENT AND DUTIES OF GUARDIANS AD LITEM, ATTORNEYS FOR MINORS, CHILD CUSTODY INVESTIGATORS, AND CHILD AND FAMILY REPORTERS

H.F. 133

AN ACT relating to guardians ad litem, attorneys for minor children, child custody investigators, and child and family reporters involved in child custody and visitation proceedings.

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

Section 1. Section 598.10, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. The court may order either party to pay the clerk a sum of money for the separate support and maintenance of the other party and the children and to enable such party to prosecute or defend the action. The court may on its own motion and shall upon application of either party or ~~an attorney or~~ a guardian ad litem appointed under section 598.12 or an attorney appointed under section 598.12A determine the temporary custody of any minor child whose welfare may be affected by the filing of the petition for dissolution.

Sec. 2. Section 598.12, Code 2017, is amended to read as follows:

598.12 ~~Attorney or guardian~~ Guardian ad litem for minor child — investigations.

~~1. The court may appoint an attorney to represent the legal interests of the minor child or children of the parties. The attorney shall be empowered to make independent investigations and to cause witnesses to appear and testify before the court on matters pertinent to the legal interests of the children.~~

~~2. 1.~~ 1. The court may appoint a guardian ad litem to represent the best interests of the minor child or children of the parties. The guardian ad litem shall be a practicing attorney and shall be solely responsible for representing the best interests of the minor child or children. The

guardian ad litem shall be independent of the court and other parties to the proceeding, and shall be unprejudiced and uncompromised in the guardian ad litem's independent actions.

a. Unless otherwise enlarged or circumscribed by a court or juvenile court having jurisdiction over the child or by operation of law, the duties of a guardian ad litem with respect to a child shall include all of the following:

(1) Conducting ~~general~~ an initial in-person interviews interview with the child, if the child's age is appropriate for the interview, and interviewing each parent, guardian, or other person having custody of the child, if authorized by the person's legal counsel.

(2) Conducting interviews with the child, if the child's age is appropriate for the interview, prior to any court-ordered hearing. Maintaining regular contact with the child.

(3) Visiting the home, residence, or both home and residence of the child and any prospective home or residence of the child, including visiting the home or residence or prospective home or residence each time placement is changed.

(4) Interviewing any person providing medical, mental health, social, educational, or other services to the child, prior to any court-ordered hearing.

(5) Obtaining firsthand knowledge, if possible, of facts, circumstances, and parties involved in the matter in which the person is appointed guardian ad litem.

(6) Attending any depositions, hearings, or trials in the matter in which the person is appointed guardian ad litem, and filing motions or responses or making objections when necessary. The guardian ad litem may cause witnesses to appear, offer evidence, and question witnesses on behalf of the best interests of the child. The guardian ad litem may offer proposed or requested relief and arguments in the same manner allowed the parties by the court. However, the guardian ad litem shall not testify, serve as a witness, or file a written report in the matter.

b. The order appointing the guardian ad litem shall grant authorization to the guardian ad litem to interview any relevant person and inspect and copy any records relevant to the proceedings, if not prohibited by federal law. The order shall specify that the guardian ad litem may interview any person providing medical, mental health, social, educational, or other services to the child; may attend any meeting with the medical or mental health providers, service providers, organizations, or educational institutions regarding the child, if deemed necessary by the guardian ad litem; and may inspect and copy any records relevant to the proceedings; and shall specifically be authorized to communicate with any individual or person appointed by the court to conduct a home-study investigation. The parent, guardian, or other person having custody of the child shall immediately execute any release necessary to allow the guardian ad litem to effect the authorization granted under this paragraph.

3. 2. The same person may ~~shall not~~ serve both as the child's legal counsel attorney and as guardian ad litem, nor shall the same person serve both as the child and family reporter and as guardian ad litem. However, the court may appoint a separate guardian ad litem, if the same person cannot properly represent the legal interests of the child as legal counsel and also represent the best interests of the child as guardian ad litem, or a separate guardian ad litem is required to fulfill the requirements of subsection 2.

4. The court may require that an appropriate agency make an investigation of both parties regarding the home conditions, parenting capabilities, and other matters pertinent to the best interests of the child or children in a dispute concerning custody of the child or children. The investigation report completed by the appropriate agency shall be submitted to the court and available to both parties. The investigation report completed by the appropriate agency shall be a part of the record unless otherwise ordered by the court.

5. 3. The court shall enter an order in favor of the attorney, the guardian ad litem, or an appropriate agency for fees and disbursements as submitted by the guardian ad litem, and the amount shall be charged against the party responsible for court costs unless the court determines that the party responsible for court costs is indigent, in which event the fees amount shall be borne by the county.

Sec. 3. NEW SECTION. 598.12A Attorney for minor child.

1. The court may appoint an attorney to represent the minor child or children of the parties. If appointed under this section, the child's attorney shall be solely responsible for representing the minor child or children. The child's attorney shall be independent of the

court and other parties to the proceeding, and shall be unprejudiced and uncompromised in the attorney's independent actions.

a. Unless otherwise enlarged or circumscribed by a court having jurisdiction over the child or by operation of law, the duties of an attorney with respect to a child shall include all of the following:

(1) Conducting an initial in-person interview with the child, if the child's age is appropriate for the interview, and interviewing each parent, guardian, or other person having custody of the child if authorized by the person's legal counsel.

(2) Maintaining regular contact with the child.

(3) Interviewing any person providing medical, mental health, social, educational, or other services to the child, as necessary to advance the child's interests.

(4) Obtaining knowledge of facts, circumstances, and the parties involved in the matter as necessary to advance the child's interests.

(5) Attending any depositions, hearings, and trials in the matter and filing motions or responses or making objections when necessary. The child's attorney may cause witnesses to appear, offer evidence on behalf of the child, and question witnesses. The child's attorney may offer proposed or requested relief and arguments in the same manner allowed the parties by the court. However, the child's attorney shall not testify, serve as a witness, or file a written report in the matter.

b. The order appointing the child's attorney shall grant authorization to the child's attorney to interview any relevant person and inspect and copy any records relevant to the proceedings, if not prohibited by federal law. The order shall specify that the child's attorney may interview any person providing medical, mental health, social, educational, or other services to the child; may attend any meeting with the medical or mental health providers, service providers, organizations, or educational institutions regarding the child, if deemed necessary by the child's attorney; and may inspect and copy any records relevant to the proceedings. The parent, guardian, or other person having custody of the child shall immediately execute any release necessary to allow the child's attorney to effect the authorization granted under this paragraph.

2. The same person shall not serve as both the child's guardian ad litem and the child's attorney, nor shall the same person serve as both the child and family reporter and as the child's attorney.

3. The court shall enter an order in favor of the child's attorney for fees and disbursements as submitted by the child's attorney, and the amount shall be charged against the party responsible for court costs unless the court determines that the party responsible for court costs is indigent, in which event the amount shall be borne by the county.

Sec. 4. NEW SECTION. 598.12B Child custody investigators and child and family reporters.

1. The supreme court shall prescribe and maintain standards for child custody investigators and child and family reporters.

2. The court may require a child custody investigator or a child and family reporter to obtain information regarding both parties' home conditions, parenting capabilities, and other matters pertinent to the best interests of the child or children in a dispute concerning custody of the child or children. A report of the information obtained shall be submitted to the court and available to both parties. The report shall be a part of the record unless otherwise ordered by the court.

3. The court shall enter an order in favor of the child custody investigator or child and family reporter for fees and disbursements, and the amount shall be charged against the party responsible for court costs unless the court determines that the party responsible for court costs is indigent, in which event the amount shall be borne by the county.

Sec. 5. Section 598.16, subsection 2, Code 2017, is amended to read as follows:

2. Except as provided in subsection 7, upon the application of the petitioner in the petition or by the respondent in the responsive pleading ~~thereto~~ to the petition, or, within twenty days of appointment, of an attorney appointed under section 598.12 598.12A, the court shall

require the parties to participate in conciliation efforts for a period of sixty days from the issuance of an order setting forth the conciliation procedure and the conciliator.

Approved April 12, 2017

CHAPTER 44

SERVICE OF PETITIONS AND ORDERS FOR DEPENDENT ADULT PROTECTIVE SERVICES — PERSONS ENTITLED — PRIORITY

H.F. 183

AN ACT relating to service of copies of court documents on certain persons relating to the receipt of emergency protective services by a dependent adult.

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

Section 1. Section 235B.19, subsection 3, paragraph a, Code 2017, is amended to read as follows:

a. The department shall serve a copy of the petition and any order authorizing protective services, if issued, on the dependent adult and on persons who are competent adults and reasonably ascertainable at the time the petition is filed in accordance with the following priority:

(1) An attorney in fact named by the dependent adult in a durable power of attorney for health care pursuant to chapter 144B.

(2) The dependent adult's spouse, if not legally separated from the dependent adult.

(3) The dependent adult's children.

(4) The dependent adult's parents.

~~(4)~~ (5) The dependent adult's grandchildren.

~~(5)~~ (6) The dependent adult's siblings.

(7) The dependent adult's grandparents.

~~(6)~~ (8) The dependent adult's aunts and uncles.

~~(7)~~ (9) The dependent adult's nieces and nephews.

~~(8)~~ (10) The dependent adult's cousins.

Approved April 12, 2017

CHAPTER 45

SOLID WASTE MANAGEMENT AND PLANNING

H.F. 202

AN ACT relating to the solid waste environmental management systems program and beautification grants.

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

Section 1. Section 455E.11, subsection 2, paragraph a, subparagraph (1), subparagraph division (a), Code 2017, is amended by striking the subparagraph division.

Sec. 2. Section 455E.11, subsection 2, paragraph a, subparagraph (1), subparagraph division (e), Code 2017, is amended to read as follows:

(e) Not more than four hundred thousand dollars to the department for purposes of providing funding assistance to eligible communities to address abandoned buildings by promoting waste abatement, diversion, selective dismantlement of building components, and recycling. Eligible communities include a city with a population of five thousand or fewer. Eligible costs for program assistance include but are not limited to asbestos and other hazardous material abatement and removal, the recovery processing of recyclable or reusable material through the selective dismantlement of abandoned buildings, and reimbursement for purchased recycled content materials used in the renovation of buildings. ~~For projects that support community beautification, the department may elect to administer funding to eligible communities in collaboration with the organization awarded the beautification grant in accordance with subparagraph division (a), subparagraph subdivision (i).~~

Sec. 3. Section 455J.1, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. The policy of responsible environmental management can be furthered by rewarding solid waste disposal ~~projects~~ planning and service areas that operate in an innovative, cost-effective, technologically advanced, and environmentally sensitive manner.

Sec. 4. Section 455J.2, subsection 2, Code 2017, is amended by striking the subsection.

Sec. 5. Section 455J.2, subsection 5, Code 2017, is amended to read as follows:

5. “*Environmental management system*” or “*system*” means a solid waste planning or service area which has been designated as an environmental management system pursuant to section 455J.7. “*Environmental management system*” includes a planning or service area designated as an environmental management system that is providing multiple environmental services in addition to solid waste disposal and that is planning for the continuous improvement of solid waste management by appropriately and aggressively mitigating the environmental impacts of solid waste disposal.

Sec. 6. Section 455J.3, Code 2017, is amended to read as follows:

455J.3 Environmental management system designation requirements.

To qualify for designation as an environmental management system pursuant to section 455J.7, a solid waste planning or service area shall actively pursue all of the following:

1. Yard Organics waste management. Provide for the operation of a yard an organics waste management program or ~~contract with~~ provide support to another party to do so.

2. Hazardous household waste materials collection. Provide for the proper management and disposal of hazardous household waste materials by operating a regional collection center or participating in a regional collection center network. The regional collection center shall provide for the collection and disposal of hazardous household wastes materials, including but not limited to paint, pesticides, batteries, automotive products, sharps, needles and syringes, and pool chemicals. The regional collection center shall encourage the reuse of any materials for which reuse is possible and may educate households on the use of safer alternatives through efforts designed to increase public participation and to increase the participation of local government entities not currently in a network. Regional collection centers may also provide for the assessment of current educational programs by examining changes in consumer behavior.

3. Water quality improvement. Provide for a water quality improvement program within the system’s planning or service area. Such a program may include offering educational programs, sponsoring awareness initiatives, providing for cleanup activities such as the cleanup of illegal dumping areas, and otherwise promoting responsible environmental behavior.

4. Greenhouse gas reduction. Implement a greenhouse gas reduction program designed to prevent the release of greenhouse gases into the atmosphere. Such a program may include but is not limited to the following activities:

a. Generating electricity or producing other fuels through the collection of landfill gas, such as a methane gas recovery or minimization system.

b. Collecting and managing food and other organic waste from households and from industrial and commercial establishments, or attempting to recover energy from the reuse of biomass.

c. Implementing programs that encourage the efficient use of energy and promote the use of renewable fuels.

d. Discouraging the uncontrolled burning of solid waste and yard waste.

e. Setting recycling goals to measure energy savings and quantify the level of success of greenhouse gas mitigation efforts.

f. Collection and recycling services targeted at waste generated by industrial and commercial facilities such as cardboard, paper, construction, and demolition waste.

5. *Recycling services.*

a. Offer recycling services for paper, glass, metal, and plastics within the communities served. In addition to offering recycling of paper, metal, glass, and plastics, a solid waste planning or service area may also offer recycling services for electronic waste, white goods, and tires.

b. Recycling services may also be targeted at waste generated by industrial and commercial facilities such as cardboard, paper, construction, and demolition waste.

c. Recycling services offered in an effort to meet the goals of this subsection may be provided through drop-off sites or through curbside recycling programs operated in conjunction with solid waste collection.

6. *Environmental education.* Plan and implement programs educating the public on environmental stewardship. These programs may include components designed to prevent illegal dumping, reduce greenhouse gas emissions, improve water quality, reduce waste generation, increase recycling and reuse, or any other environmental objective that furthers the purpose and goals of this chapter.

Sec. 7. Section 455J.4, subsection 1, Code 2017, is amended to read as follows:

1. On September 1, ~~2009, and each year thereafter,~~ each environmental management system shall submit to the department an annual report. The report shall document the system's compliance with the requirements of section 455J.3.

Sec. 8. Section 455J.5, Code 2017, is amended to read as follows:

455J.5 Incentives.

1. A solid waste planning or service area designated as an environmental management system pursuant to section 455J.7 shall qualify for all of the following:

a. An exemption from solid waste reduction goals imposed on ~~sanitary landfills~~ solid waste planning or service areas pursuant to section 455D.3.

b. A reduced tonnage fee of three dollars and sixty-five cents per ton, to be imposed as provided in section 455B.310, notwithstanding section 455B.310, subsection 2, of which two dollars and ten cents shall be remitted to the department.

c. Financial assistance as ~~recommended by the council and~~ approved by the commission pursuant to section 455J.7.

2. Notwithstanding any other provision of law to the contrary, in addition to the incentives in subsection 1, a solid waste planning or service area designated as an environmental management system is only required to file exempt from filing its updated comprehensive plan once every five years.

Sec. 9. Section 455J.7, Code 2017, is amended to read as follows:

455J.7 Designation of environmental management systems.

1. *Consideration of plans.* The ~~council~~ department shall consider solid waste management plans submitted by solid waste planning or service areas and make recommendations for designation as an environmental management system to the commission. All system designations recommended by the ~~council~~ department are subject to approval by the commission. Any solid waste planning or service area may submit a plan to the ~~council~~ department and seek designation as a system.

a. ~~By October 1, 2008, the council shall recommend the designation of up to six initial qualifying solid waste planning areas as environmental management systems to serve as~~

~~pilot projects. By October 1, 2009, and by the same date each year thereafter, the council department may recommend the designation of any additional planning or service areas as systems, provided those areas meet the requirements of section 455J.3.~~

~~b. In recommending the designation of a planning or service area as a system, the council department shall make a determination as to whether the area meets the requirements of section 455J.3. The council department shall not recommend the designation of a planning or service area as a system unless the planning or service area meets the requirements of section 455J.3.~~

~~c. The commission shall consider the plans submitted to the council department and shall review the council's department's recommendations on those plans. The commission shall approve or reject each plan and shall make publicly available its reasons for doing so.~~

~~2. System review.~~

~~a. By October January 1, 2009, and by the same date each year thereafter, the council department shall review the annual reports of all designated systems and determine whether those systems remain in compliance with section 455J.3. If the council department determines that a planning or service area is no longer in compliance, the council department may recommend to the commission the revocation of the planning or service area's system designation.~~

~~b. The council department may review and monitor the progress of those planning or service areas that have not been designated as a system and shall coordinate with other statewide boards, task forces, and other entities in order to achieve the goals and objectives of this chapter.~~

~~3. Allocation of funds.~~

~~a. The council department shall recommend to the commission a reasonable allocation of the moneys provided in section 455E.11, subsection 2, paragraph "a", subparagraph (1), subparagraph division (d), to eligible systems. In making its recommendation as to the allocation of moneys, the council department shall adopt and use a set of reasonable criteria. The criteria shall conform to the goals and purposes of this chapter as described in section 455J.1 and shall be approved by the commission.~~

~~b. Notwithstanding any other provision of law to the contrary, the commission shall make a final allocation of the funds described in section 455E.11, subsection 2, paragraph "a", subparagraph (1), subparagraph division (d), to systems meeting the requirements of this chapter.~~

~~c. Moneys allocated pursuant to this subsection shall be used by systems to further compliance with any of the requirements of section 455J.3 this chapter.~~

~~4. The department shall prepare an annual report citing the results and costs of the program for submittal to the commission by January 1, 2018, and by January 1 each year thereafter.~~

Sec. 10. REPEAL. Section 455J.6, Code 2017, is repealed.

Approved April 12, 2017

CHAPTER 46

MAXIMUM ALLOWABLE LENGTH FOR SINGLE TRUCKS

H.F. 218

AN ACT increasing the maximum allowable length for single trucks operated on the highways of this state.

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

Section 1. Section 321.457, subsection 2, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A single truck, unladen or with load, shall not have an overall length, inclusive of front and rear bumpers, in excess of ~~forty-one~~ forty-five feet. When determining the overall length of a single truck, the following shall be excluded:

Approved April 12, 2017

CHAPTER 47

COUNTY COMMISSIONS OF VETERAN AFFAIRS — ADMINISTRATION OF DUTIES

H.F. 241

AN ACT concerning the administration of the duties of the county commissions of veteran affairs.

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

Section 1. Section 35B.6, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Neither a county board of supervisors nor a county commission of veteran affairs shall place the administration of the duties of the county commission of veteran affairs under any other agency of any county.

Approved April 12, 2017

CHAPTER 48

TAGGING OF DEER CARCASSES — REQUIREMENTS

H.F. 254

AN ACT relating to tagging requirements for deer carcasses and including penalties.

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

Section 1. Section 483A.8, subsection 2, Code 2017, is amended to read as follows:

2. a. The deer hunting license shall be accompanied by a tag designed to be used only once. When a deer is taken, the deer shall be tagged and the tag shall be dated. The tag shall be attached to the carcass of a deer taken within fifteen minutes of the time the deer carcass is located after being taken, or before the carcass is moved to be transported by any means from the place where the deer was taken, whichever occurs first. For each antlered deer taken, the tag shall be affixed to the deer's antlers.

b. For purposes of the tagging requirements in this subsection, a deer carcass may be moved away from an obstacle, entanglement, waterway, or any other area, including but not limited to a roadway, if tagging the carcass at that location would be a safety hazard to the hunter or a third person, before the tag is attached to the carcass. However, the carcass shall not be moved from the immediate vicinity of where the deer was taken, shall be moved only so

far as is necessary to avoid the obstacle, entanglement, waterway, or other safety hazard, and shall be tagged immediately upon being so moved and before being moved to be transported.

Approved April 12, 2017

CHAPTER 49

NURSE AIDE TRAINING AND TESTING PROGRAMS

H.F. 306

AN ACT relating to the requirements for nurse aide training and testing programs.

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

Section 1. NURSE AIDE TRAINING AND TESTING PROGRAMS.

1. Pursuant to chapter 249A, the department of human services shall adopt rules pursuant to chapter 17A to provide policies and procedures governing the department of inspections and appeals, as the designated department to approve nurse aide training and testing programs. The rules shall provide for all of the following:

a. The utilization of online course curricula to meet the required minimum of thirty hours of classroom instruction. However, online instruction shall only include the didactic theory component of the curriculum. Required laboratory experience and supervised clinical training shall be provided in a face-to-face environment.

b. A definition of clock hours for the purposes of meeting the required minimum of seventy-five clock hours of training to include classroom instruction, prior equivalent experience, or both.

c. A process to allow a veteran, as defined in section 35.1, to be deemed to satisfy the nurse aide training requirements based upon the training and experience acquired through the veteran's service and to receive a nurse aide training certificate of completion. However, a veteran shall still be required to successfully complete the nurse aide competency evaluation in order to meet all requirements for inclusion on the state's nurse aide registry.

2. This Act shall not be interpreted to affect the existing provision by community colleges of nurse aide training certificates of completion and verification of successful completion of the competency evaluation necessary for inclusion of a nurse aide in the state's nurse aide registry.

Approved April 12, 2017

CHAPTER 50

CITY FRANCHISES — WATERWORKS OR SEWER SERVICES

H.F. 307

AN ACT relating to the procedures for granting a waterworks or sewer services franchise by a city and including effective date provisions.

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

Section 1. Section 364.2, subsection 4, paragraphs a and b, Code 2017, are amended to read as follows:

a. A city may grant to any person a franchise to erect, maintain, and operate plants and systems for electric light and power, heating, telegraph, cable television, district telegraph and alarm, motor bus, trolley bus, street railway or other public transit, waterworks, sewer services, or gasworks, within the city for a term of not more than twenty-five years. When considering whether to grant, amend, extend, or renew a franchise, a city shall hold a public hearing on the question. Notice of the time and place of the hearing shall be published as provided in section 362.3. The franchise may be granted, amended, extended, or renewed only by an ordinance, but no exclusive franchise shall be granted, amended, extended, or renewed.

b. Such an ordinance shall not become effective unless approved at an election. The proposal may be submitted by the council on its own motion to the voters at any city election. Upon receipt of a valid petition as defined in section 362.4 requesting that a proposal be submitted to the voters, the council shall submit the proposal at the next regular city election or at a special election called for that purpose before the next regular city election. However, the city council may dispense with such election as to the grant, amendment, extension, or renewal of an electric light and power, heating, waterworks, sewer services under section 357A.23, or gasworks franchise unless there is a valid petition requesting submission of the proposal to the voters, or the party seeking such franchise, grant, amendment, extension, or renewal requests an election. If a majority of those voting approves the proposal, the city may proceed as proposed. The complete text of the ordinance shall be included on the ballot if conventional paper ballots are used. If an optical scan voting system is used, the proposal shall be stated on the optical scan ballot, and the full text of the ordinance posted for the voters pursuant to section 52.25. All absentee voters shall receive the full text of the ordinance.

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

Approved April 12, 2017

CHAPTER 51

CERTIFICATES OF INSURANCE

H.F. 309

AN ACT relating to certificates of insurance, including penalties and effective date and applicability provisions.

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

Section 1. **NEW SECTION. 515.115 Certificates of insurance — penalty.**

1. As used in this section, unless the context otherwise requires:

a. “*Certificate of insurance*” means a document or instrument, regardless of how the document or instrument is titled or described, that is prepared or issued by an insurer or insurance producer as evidence of property and casualty insurance coverage. “*Certificate of insurance*” does not include a policy of insurance, insurance binder, policy endorsement, or automobile insurance identification or information card.

b. “*Commercial real estate transaction*” means a non-recourse commercial lending transaction in which the underlying property serves as the primary collateral securing the borrower’s repayment of the loan and the borrower or any of the borrower’s members, partners, or shareholders, or any person related to the borrower or the borrower’s members,

partners, or shareholders, does not bear the economic risk of loss in the event of a payment default under the terms of the commercial lending transaction.

c. “*Insurance producer*” means a person required to be licensed pursuant to chapter 522B to sell, solicit, or negotiate property and casualty insurance.

d. “*Insurer*” means a property and casualty insurance company regulated under this chapter.

e. “*Person*” means the same as defined in section 4.1.

2. a. The commissioner of insurance shall prohibit the use of a certificate of insurance form if the form is either of the following:

(1) Unfair, misleading, or deceptive, or violates public policy.

(2) Violates any law, including any rule adopted by the commissioner of insurance pursuant to chapter 17A.

b. A certificate of insurance is not a policy of insurance and does not affirmatively or negatively amend, extend, or alter the coverage afforded by the policy to which the certificate of insurance makes reference. A certificate of insurance shall not confer on any person new or additional rights beyond what the referenced policy of insurance expressly provides.

c. Notwithstanding any provision of this chapter to the contrary, or any language on a certificate of insurance that states that the form is for “information only”, a binder delivered together with a certificate of insurance in connection with a commercial real estate transaction shall be valid and may be relied upon by the borrower or by the borrower’s lender as evidence of insurance, including in a private civil action or an administrative proceeding, until the delivery of the insurance policy to the borrower or the cancellation of the binder pursuant to section 515.125, 515.126, or 515.127.

3. a. A person shall not do any of the following:

(1) Prepare, issue, request, or require the issuance of a certificate of insurance that contains any false or misleading information concerning the policy of insurance to which the certificate of insurance makes reference.

(2) Prepare, issue, request, or require the issuance of a certificate of insurance that purports to affirmatively or negatively amend, extend, or alter the coverage provided by the policy of insurance to which the certificate of insurance makes reference.

b. A certificate of insurance shall not warrant that the policy of insurance referenced in the certificate of insurance complies with the insurance or indemnification requirements of a contract and the inclusion of a contract number or description within a certificate of insurance shall not be interpreted as warranting compliance with such requirements.

4. A person is entitled to notice of cancellation, nonrenewal, or material change concerning a policy of insurance or to any similar notice concerning a policy of insurance only if the person has such rights to notice under the terms of the policy of insurance or any endorsement to the policy of insurance. The terms and conditions of a person’s right to notice are governed by the policy of insurance or the endorsement and shall not be altered by a certificate of insurance.

5. a. The provisions of this section are applicable to all certificates of insurance issued in connection with property, operations, or risks located in this state, regardless of where the policyholder, insurer, insurance producer, or person requesting or requiring the issuance of a certificate of insurance is located.

b. A certificate of insurance or any other document or correspondence prepared, issued, requested, or required in violation of this section is null and void.

6. The commissioner of insurance may do all of the following:

a. Examine and investigate the activities of any person that the commissioner reasonably believes has been or is engaged in an act or practice prohibited under this section.

b. Enforce the provisions of this section, including the authority to issue orders to cease and desist, and to impose a penalty in an amount of five hundred dollars per violation to be collected in the name of the state for deposit as provided in section 505.7.

c. Adopt rules pursuant to chapter 17A to administer this section.

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

Sec. 3. APPLICABILITY. This Act applies to certificates of insurance prepared, issued, requested, or required beginning ninety days after the effective date of this Act.

Approved April 12, 2017

CHAPTER 52

IOWA COMMUNICATIONS NETWORK — LAW ENFORCEMENT COMMUNICATIONS SYSTEMS INCLUDED

H.F. 467

AN ACT including law enforcement communications systems within the scope of state communications included in the Iowa communications network.

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

Section 1. Section 8D.2, subsection 6, Code 2017, is amended to read as follows:

6. “*State communications*” refers to the transmission of voice, data, video, the written word, or other visual signals by electronic means but does not include radio and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems under the public broadcasting division of the department of education, or the department of transportation distributed data processing and mobile radio network, ~~or law enforcement communications systems.~~

Approved April 12, 2017

CHAPTER 53

SOIL AND WATER CONSERVATION DISTRICT COMMISSIONERS — ELIGIBILITY — VACANCIES — ELECTION

H.F. 469

AN ACT relating to the election of commissioners of soil and water conservation districts.

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

Section 1. Section 161A.5, subsection 2, Code 2017, is amended to read as follows:

2. a. The governing body of each district shall consist of five commissioners elected on a nonpartisan basis for staggered four-year terms commencing on the first day of January that is not a Sunday or holiday following their election.

b. Any eligible elector residing in the district is eligible to the office of commissioner, except that ~~no not more than one commissioner~~ two commissioners shall at any one time be a resident of any one township. A vacancy is created in the office of any commissioner who changes residence into a township where ~~another commissioner~~ two commissioners then resides reside.

c. If a commissioner is absent for sixty or more percent of monthly meetings during any twelve-month period, the other commissioners by their unanimous vote may declare the member’s office vacant. A vacancy in the office of commissioner shall be filled by appointment of the state soil conservation committee until the next succeeding general

election, at which time the balance of the unexpired term shall be filled as provided by section 69.12.

Sec. 2. Section 161A.5, subsection 3, paragraph e, Code 2017, is amended to read as follows:

e. If the canvass shows that ~~the two or three~~ candidates receiving the highest ~~and the second highest~~ number of votes for the office of ~~district~~ commissioner are ~~both~~ all residents of the same township, the board shall certify as elected the ~~candidate who received the two candidates receiving the~~ highest number of votes for the office and the candidate receiving the next highest number of votes for the office who is not a resident of the same township ~~as the candidate receiving the highest number of votes, if any. If one commissioner whose term has not expired is a resident of the township, and the canvass shows that two or three candidates receiving the highest number of votes for the office are from the same township,~~ the board shall certify as elected the candidate receiving the highest number of votes for the office and the candidate receiving the next highest number of votes for the office who is not a resident of the same township, if any, as the candidate receiving the highest number of votes.

Approved April 12, 2017

CHAPTER 54

NONSUBSTANTIVE CODE CORRECTIONS

H.F. 488

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 1.5, Code 2017, is amended to read as follows:

1.5 Federal wildlife and fish and game refuge.

The state of Iowa hereby consents that the government of the United States may in any manner acquire in this state such areas of land or water or of land and water as said government may deem necessary for the establishment of the “Upper Mississippi River Wild Life National Wildlife and Fish Refuge” in accordance with the Act of Congress, approved June 7, 1924, [16 U.S.C. ch 8] provided the states of Illinois, Wisconsin, and Minnesota grant a like consent.

Sec. 2. Section 1.7, Code 2017, is amended to read as follows:

1.7 Legislative grant.

There is hereby granted to the government of the United States, so long as it shall use the same as a part and for the purposes of the said “Upper Mississippi River Wild Life National Wildlife and Fish Refuge”, all areas of land subject to overflow and not used for agricultural purposes or state fish hatcheries or salvaging stations, owned by this state within the boundaries of the said refuge, as the same may be established from time to time under authority of the said Act of Congress.

Sec. 3. Section 1.9, Code 2017, is amended to read as follows:

1.9 National forests.

The consent of the state of Iowa is hereby given to the acquisition by the United States, by purchase, gift, or condemnation with adequate compensation, of such lands in Iowa as in the opinion of the federal government may be needed for the establishment, consolidation, and

extension of national forests or for the establishment and extension of ~~wild life~~ wildlife, fish, and game refuges and for other conservation uses in the state, and may exercise jurisdiction thereover but not to the extent of limiting the provisions of the laws of this state. This section shall not, in any manner or to any extent, modify, limit, or affect the title and ownership of the state to all ~~wild life~~ wildlife as provided in section 481A.2; provided, that the state of Iowa shall retain a concurrent jurisdiction with the United States in and over lands so acquired so far that civil process in all cases, and such criminal process as may issue under the authority of the state of Iowa against any persons charged with the commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this law had not been passed.

Sec. 4. Section 7.14, subsection 1, Code 2017, is amended to read as follows:

1. Whenever it appears that the governor is unable to discharge the duties of office for reason of disability pursuant to Article IV, section 17, Constitution of the State of Iowa, the person next in line of succession to the office of the governor, or the chief justice, may call a conference consisting of the person who is chief justice, the person who is director of mental health, and the person who is the dean of medicine at the state university of Iowa. Provided, if either the director or dean is not a physician duly licensed to practice medicine by this state the director or dean may assign a member of the director's or dean's staff so licensed to assist and advise on the conference. The three members of the conference shall within ten days after the conference is called examine the governor. Within seven days after the examination, or if upon attempting to examine the governor the members of the conference are unable to examine the governor because of circumstances beyond their control, they shall conduct a secret ballot and by unanimous vote may find that the governor is temporarily unable to discharge the duties of the office.

Sec. 5. Section 7E.5, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. There is a civil rights commission, a public employment relations board, an interstate cooperation commission, an Iowa ethics and campaign disclosure board, and an Iowa law enforcement academy.

Sec. 6. Section 8.36, Code 2017, is amended to read as follows:

8.36 Fiscal year.

The fiscal year of the government shall commence on the first day of July and end on the thirtieth day of June. This fiscal year shall be used for purposes of making appropriations and of financial reporting and shall be uniformly adopted by all departments and establishments of the government. However, the department of workforce development may use the federal fiscal year instead of the fiscal year commencing on July 1.

~~However, the department of workforce development may use the federal fiscal year instead of the fiscal year commencing on July 1.~~

Sec. 7. Section 8.39, subsection 5, Code 2017, is amended to read as follows:

5. a. Any transfer made under the provisions of this section shall be reported to the legislative fiscal committee on a monthly basis. The report shall cover each calendar month and shall be due the tenth day of the following month. The report shall contain the following:

- (1) The amount of each transfer; ~~the.~~
- (2) The date of each transfer; ~~the.~~
- (3) The departments and funds affected; ~~a.~~
- (4) A brief explanation of the reason for the transfer; ~~and such.~~
- (5) Such other information as may be required by the committee.

b. A summary of all transfers made under the provisions of this section shall be included in the annual report of the legislative fiscal committee.

Sec. 8. Section 10A.701, subsection 1, Code 2017, is amended to read as follows:

1. "Administrator" means the person coordinating the administration of ~~this~~ the division.

Sec. 9. Section 12J.3, subsection 2, paragraph a, Code 2017, is amended to read as follows:

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~~ companies 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.

Sec. 10. Section 12J.6, Code 2017, is amended to read as follows:

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~~ companies list created by a public fund pursuant to section 12J.3 to acquire or dispose of services, supplies, information technology, or construction.

Sec. 11. Section 17A.12, subsection 5, Code 2017, is amended to read as follows:

5. Unless precluded by statute, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, ~~or~~ or default, ~~or~~ or by another method agreed upon by the parties in writing.

Sec. 12. Section 17A.19, subsection 7, Code 2017, is amended to read as follows:

7. In proceedings for judicial review of agency action a court may hear and consider such evidence as it deems appropriate. In proceedings for judicial review of agency action in a contested case, however, a court shall not itself hear any further evidence with respect to those issues of fact whose determination was entrusted by the Constitution or a statute to the agency in that contested case proceeding. Before the date set for hearing a petition for judicial review of agency action in a contested case, application may be made to the court for leave to present evidence in addition to that found in the record of the case. If it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the contested case proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision in the case by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing court and mail copies of the new findings or decisions to all parties.

Sec. 13. Section 22.7, subsection 52, paragraph d, Code 2017, is amended to read as follows:

d. This subsection does not apply to a report filed with the Iowa ethics and campaign disclosure board pursuant to section 8.7.

Sec. 14. Section 26.3, subsection 1, Code 2017, 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 posting a notice to bidders not less than thirteen and not more than forty-five days before the date for filing bids in a relevant contractor plan room service with statewide circulation, and in 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 in 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. 15. Section 29A.1, subsection 6, Code 2017, is amended to read as follows:

6. “Militia” shall mean the forces provided for in the Constitution of the State of Iowa.

Sec. 16. Section 43.27, Code 2017, is amended to read as follows:

43.27 Printing of ballots.

The text printed on ballots of each political party shall be 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 the ballots, which ballots shall be prepared by the commissioner in the same manner as for the general election, except as provided 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. 17. Section 48A.25, Code 2017, is amended to read as follows:

48A.25 Compensation for assistance in completing registration forms.

1. a. A person may pay, offer to pay, or accept compensation for assisting others in completing voter registration forms only if the compensation is based solely on the time spent providing the assistance.

b. Paying, offering to pay, or receiving compensation based on the number of registration forms completed, or the party affiliations shown on completed registration forms, or on any other performance criteria, is unlawful.

2. a. This section shall not apply to state statutory political committees, as defined in section 43.111.

b. This section shall not apply to state and political subdivision employees who are required to offer assistance to clients as a part of their regular job duties, and who shall not be granted additional compensation for voter registration activities.

3. A person assisting another in completing a voter registration form shall not complete any portion of the form without the knowledge or consent of the registrant.

Sec. 18. Section 49.67, Code 2017, is amended to read as follows:

49.67 Form of reserve supply.

1. The number of reserve ballots for each precinct shall be determined by the commissioner.

2. a. If necessary, the commissioner or the commissioner’s designee may make photocopies of official ballots to replace or replenish ballot supplies. The commissioner shall keep a record of the number of photocopied ballots made for each precinct, the name of the person who made the photocopies, and the date, time, and location at which the photocopies were made. These records shall be made on forms and following procedures prescribed by the secretary of state by administrative rule.

b. In any precinct where photocopied ballots are used, each photocopied ballot shall be initialed as required by section 49.82 by two precinct officials immediately before being issued to the voter. In partisan elections the two precinct officials shall be of different political parties.

Sec. 19. Section 49.75, Code 2017, is amended to read as follows:

49.75 Oath.

Before opening the polls, each of the board members shall take the following oath:

“I, A. B., do solemnly swear or affirm that I will impartially, and to the best of my knowledge and ability, perform the duties of precinct election official of this election, and will studiously endeavor to prevent fraud, deceit, and abuse in conducting the election.” election.

Sec. 20. Section 68.9, Code 2017, is amended to read as follows:

68.9 Organization of court.

1. When an impeachment is presented, the senate shall, after the hour of final adjournment of the legislature, be forthwith organized as a court of impeachment for the trial thereof, at the capitol.

2. *a.* An oath or affirmation shall be administered by the secretary of the senate to its president, and by the president to each member of that body, to the effect that the member will truly and impartially try and determine the charges of impeachment according to the law and evidence.

b. No member shall sit on the trial or give evidence thereon until the member has taken such oath or affirmation.

3. The organization of such court shall be perfected when such presiding officer and the members present, but not less than a majority of the whole number, have taken and subscribed the oath or affirmation.

Sec. 21. Section 68A.603, Code 2017, is amended to read as follows:

68A.603 Rules promulgated.

The Iowa ethics and campaign disclosure board shall administer the provisions of sections 68A.601 through 68A.609 and shall promulgate all necessary rules in accordance with chapter 17A.

Sec. 22. Section 68A.606, Code 2017, is amended to read as follows:

68A.606 Funds — campaign expenses only.

1. The chairperson of the state statutory political committee shall produce evidence to the Iowa ethics and campaign disclosure board not later than the twenty-fifth day of January each year, that all income tax checkoff funds expended for campaign expenses have been utilized exclusively for campaign expenses.

2. The Iowa ethics and campaign disclosure board shall issue, prior to the payment of any money, guidelines that explain which expenses and evidence thereof qualify as acceptable campaign expenses.

3. Should the Iowa ethics and campaign disclosure board determine that any part of the funds have been used for noncampaign or improper expenses, the board may order the political party or the candidate to return all or any part of the total funds paid to that political party for that election. When such funds are returned, they shall be deposited in the general fund of the state.

Sec. 23. Section 68B.35, subsection 2, paragraph e, Code 2017, is amended to read as follows:

e. Members of the state banking council, the Iowa ethics and campaign disclosure board, the credit union review board, the economic development authority, the employment appeal board, the environmental protection commission, the health facilities council, the Iowa finance authority, the Iowa public employees' retirement system investment board, the board of the Iowa lottery authority, the natural resource commission, the board of parole, the petroleum underground storage tank fund board, the public employment relations board, the state racing and gaming commission, the state board of regents, the transportation commission, the office of consumer advocate, the utilities board, the Iowa telecommunications and technology commission, and any full-time members of other boards and commissions as defined under section 7E.4 who receive an annual salary for their service on the board or commission. The Iowa ethics and campaign disclosure board shall conduct an annual review to determine if members of any other board, commission, or authority should file a statement and shall require the filing of a statement pursuant to rules adopted pursuant to chapter 17A.

Sec. 24. Section 68B.35, subsection 5, Code 2017, is amended to read as follows:

5. *a.* A candidate for statewide office shall file a financial statement with the Iowa ethics and campaign disclosure board, a candidate for the office of state representative shall file a financial statement with the chief clerk of the house of representatives, and a candidate for the office of state senator shall file a financial statement with the secretary of the senate. Statements shall contain information concerning the year preceding the year in which the election is to be held.

b. The Iowa ethics and campaign disclosure board shall adopt rules pursuant to chapter 17A providing for the filing of the financial statements with the board and for the deposit, retention, and availability of the financial statements. The ethics committees of the house

of representatives and the senate shall recommend rules for adoption by the respective houses providing for the filing of the financial statements with the chief clerk of the house or the secretary of the senate and for the deposit, retention, and availability of the financial statements. Rules adopted shall also include a procedure for notification of candidates of the duty to file disclosure statements under this section.

Sec. 25. Section 96.19, subsection 41, Code 2017, is amended to read as follows:

41. a. "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.

b. The term ~~wages~~ "wages" shall not include:

a. (1) The amount of any payment, including any amount paid by an employer for insurance or annuities or into a fund to provide for such payment, made to or on behalf of an employee or any of the employee's dependents under a plan or system established by an employer which makes provisions for the employer's employees generally, or for the employer's employees generally and their dependents, or for a class, or classes of the employer's employees, or for a class or classes of the employer's employees and their dependents, on account of retirement, sickness, accident disability, medical, or hospitalization expense in connection with sickness or accident disability, or death.

b. (2) Any payment paid to an employee, including any amount paid by any employer for insurance or annuities or into a fund to provide for any such payment, on account of retirement.

c. (3) Any payment on account of sickness or accident disability, or medical or hospitalization expense in connection with sickness or accident disability made by an employer to, or on behalf of, an employee after the expiration of six calendar months following the last calendar month in which the employee worked for such employer.

d. (4) Remuneration for agricultural labor paid in any medium other than cash.

e. (5) Any portion of the remuneration to a member of a limited liability company based on a membership interest in the company provided that the remuneration is allocated among members, and among classes of members, in proportion to their respective investments in the company. If the amount of remuneration attributable to a membership interest cannot be determined, the entire amount of remuneration shall be deemed to be based on services performed.

Sec. 26. Section 97B.44, Code 2017, is amended to read as follows:

97B.44 Beneficiary.

1. Each member shall designate on a form to be furnished by the system a beneficiary for death benefits payable under this chapter on the death of the member. The designation may be changed from time to time by the member by filing a new designation with the system.

2. A designation or change in designation made by a member on or after July 1, 2000, shall contain the written consent of the member's spouse, if applicable. However, the system may accept a married member's designation or change in designation under this section without the written consent of the member's spouse if the member submits a notarized statement indicating that the member has been unable to locate the member's spouse to obtain the written consent of the spouse after reasonable diligent efforts. The member's designation or change in designation shall become effective upon filing the necessary forms, including the notarized statement, with the system. The system shall not be liable to the member, the member's spouse, or to any other person affected by the member's designation or change of designation, based upon a designation or change of designation accomplished without the written consent of the member's spouse.

3. The designation of a beneficiary is not applicable if the member receives a refund of all contributions of the member. If a member who has received a refund of contributions returns to employment, the member shall file a new designation with the system.

4. If a member has not designated a beneficiary on a form furnished by the system, or if there are no surviving designated beneficiaries of a member, death benefits payable under this chapter shall be paid to the member's estate.

~~However, the system may accept a married member's designation or change in designation under this section without the written consent of the member's spouse if the member submits a notarized statement indicating that the member has been unable to locate the member's spouse to obtain the written consent of the spouse after reasonable diligent efforts. The member's designation or change in designation shall become effective upon filing the necessary forms, including the notarized statement, with the system. The system shall not be liable to the member, the member's spouse, or to any other person affected by the member's designation or change of designation, based upon a designation or change of designation accomplished without the written consent of the member's spouse.~~

Sec. 27. Section 103A.41, Code 2017, is amended to read as follows:

103A.41 State historic building code.

The commissioner, with the approval of the state historical society board established by section 303.4, shall adopt, in accordance with chapter 17A, alternative building standards and building regulations for the rehabilitation, preservation, restoration, ~~(including including related reconstruction)~~ reconstruction, and relocation of buildings or structures designated by state agencies or governmental subdivisions as qualified historic buildings which are included in, or appear to meet criteria for inclusion in, the national register of historic places. The alternative building standards and building regulations comprise and shall be known as the state historic building code. The purpose of the state historic building code is to facilitate the restoration or change of occupancy of qualified historic buildings or structures so as to preserve their original or restored architectural elements and features and, concurrently, to provide reasonable safety from fire and other hazards for the occupants and users, through a cost-effective approach to preservation.

Sec. 28. Section 124.306, Code 2017, is amended to read as follows:

124.306 Records of registrants.

1. a. Persons registered to manufacture, distribute, dispense, or administer controlled substances under this chapter shall keep records and maintain inventories in conformance with the recordkeeping and inventory requirements of federal law and with such additional rules as may be issued by the board. A practitioner who engages in dispensing any controlled substance to the practitioner's patients shall keep records of receipt and disbursements of such drugs, including dispensing or other disposition, and information as to controlled substances stolen, lost, or destroyed. In every such case the records of controlled substance received shall show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received. The record of all controlled substances dispensed or otherwise disposed of, shall show the date of dispensing, the name and address of the person to whom or for whose use, or the owner and species of animal for which the drugs were dispensed and the kind and quantity of drugs dispensed.

b. Every such record shall be kept for a period of two years from the date of the transaction recorded. Records of controlled substances lost, destroyed, or stolen, shall contain a detailed list of the kind and quantity of such drugs and the date of the discovery of such loss, destruction, or theft.

2. No person shall distribute complimentary packages of controlled substances, to a practitioner unless that person prepares and leaves with the practitioner a specific written list of the items so distributed. This list shall be prepared on a form prescribed by rules promulgated by the board, and the person who distributes the items listed shall send a copy of the list to the board as soon as practicable after distribution of the complimentary packages to the practitioner.

Sec. 29. Section 124.407, Code 2017, is amended to read as follows:

124.407 Gatherings where controlled substances unlawfully used — penalties.

1. It is unlawful for any person to sponsor, promote, or aid, or assist in the sponsoring or promoting of a meeting, gathering, or assemblage with the knowledge or intent that a controlled substance be there distributed, used, or possessed, in violation of this chapter.

2. a. Any person who violates this section and where the controlled substance is any one other than marijuana is guilty of a class "D" felony.

b. Any person who violates this section, and where the controlled substance is marijuana only, is guilty of a serious misdemeanor.

3. The district court shall grant an injunction barring a meeting, gathering, or assemblage if upon hearing the court finds that the sponsors or promoters of the meeting, gathering, or assemblage have not taken reasonable means to prevent the unlawful distribution, use, or possession of a controlled substance. Further injunctive relief may be granted against all persons furnishing goods or services to such meeting, gathering, or assemblage.

4. The district court may, upon application and a showing of one or more of the grounds provided in section 639.3, grant to the state or governmental subdivision thereof a writ of attachment, *ex parte*, without bond, in an amount necessary to secure the payment of any fine that may be imposed and the payment of costs. The reasonable expense to the state and governmental subdivisions thereof to provide the necessary law enforcement resulting from a meeting, gathering, or assemblage held in violation of this section may be taxed as costs in the criminal action.

Sec. 30. Section 159.27, Code 2017, is amended to read as follows:

159.27 Iowa seal.

1. A seal for agricultural products shall be created under the direction of the department of agriculture and land stewardship to identify agricultural products that have been produced or processed in the state. The department shall certify that agricultural products marked with the Iowa seal are of the quality and specifications warranted by the sellers of those products.

2. The department of agriculture and land stewardship shall adopt rules under chapter 17A to provide methods of identifying, marking, and grading agricultural products, to prevent any misleading use of the Iowa seal, and as necessary or advisable to fully implement this section.

3. a. A violation of a rule adopted by the department of agriculture and land stewardship to implement this section is a simple misdemeanor.

b. A fraudulent use of the term "Iowa Seal" or of the identifying mark for the Iowa seal, or a deliberately misleading or unwarranted use of the term or identifying mark is a serious misdemeanor.

Sec. 31. Section 232.102, Code 2017, is amended to read as follows:

232.102 Transfer of legal custody of child and placement.

1. a. After a dispositional hearing the court may enter an order transferring the legal custody of the child to one of the following for purposes of placement:

(1) A parent who does not have physical care of the child, other relative, or other suitable person.

(2) A child-placing agency or other suitable private agency, facility, or institution which is licensed or otherwise authorized by law to receive and provide care for the child.

(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.

b. If the child is sixteen 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 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 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.

~~1A.~~ 2. The court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the service area plan for group foster care established pursuant to section 232.143 for the departmental service area in which the court is located.

~~2.~~ 3. After a dispositional hearing and upon the request of the department, the court may enter an order appointing the department as the guardian of an unaccompanied refugee child or of a child without parent or guardian.

~~3.~~ 4. After a dispositional hearing and upon written findings of fact based upon evidence in the record that an alternative placement set forth in subsection 1, paragraph "a", subparagraph (1), has previously been made and is not appropriate, the court may enter an order transferring the guardianship of the child for the purposes of subsection ~~9~~ 11, to the director of human services for the purposes of placement in the Iowa juvenile home at Toledo.

~~4.~~ 5. a. Upon receipt of an application from the director of the department of human services, the court shall enter an order to temporarily transfer a child who has been placed in the Iowa juvenile home at Toledo pursuant to subsection ~~3~~ 4, to a facility which has been designated to be an alternative placement site for the juvenile home, provided the court finds that all of the following conditions exist:

(1) There is insufficient time to file a motion and hold a hearing for a new dispositional order under section 232.103.

(2) Immediate removal of the child from the juvenile home is necessary to safeguard the child's physical or emotional health.

(3) That reasonable attempts to notify the parents, guardian ad litem, and attorney for the child have been made.

b. If the court finds the conditions in paragraph "a" exist and there is insufficient time to provide notice as required under rule of juvenile procedure 8.12, the court may enter an ex parte order temporarily transferring the child to the alternative placement site.

c. Within three days of the child's transfer, the director shall file a motion for a new dispositional order under section 232.103 and the court shall hold a hearing concerning the motion within fourteen days of the child's transfer.

~~5.~~ 6. a. Whenever possible the court should permit the child to remain at home with the child's parent, guardian, or custodian. Custody of the child should not be transferred unless the court finds there is clear and convincing evidence that:

(1) The child cannot be protected from physical abuse without transfer of custody; or

(2) The child cannot be protected from some harm which would justify the adjudication of the child as a child in need of assistance and an adequate placement is available.

b. In order to transfer custody of the child under this subsection, the court must make a determination that continuation of the child in the child's home would be contrary to the welfare of the child, and shall identify the reasonable efforts that have been made. The court's determination regarding continuation of the child in the child's home, and regarding reasonable efforts, including those made to prevent removal and those made to finalize any permanency plan in effect, as well as any determination by the court that reasonable efforts are not required, must be made on a case-by-case basis. The grounds for each determination must be explicitly documented and stated in the court order. However, preserving the safety of the child is the paramount consideration. If imminent danger to the child's life or health exists at the time of the court's consideration, the determinations otherwise required under this paragraph shall not be a prerequisite for an order for removal of the child. If the court transfers custody of the child, unless the court waives the requirement for making reasonable efforts or otherwise makes a determination that reasonable efforts are not required, reasonable efforts shall be made to make it possible for the child to safely return to the family's home.

~~5A.~~ 7. 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.

~~6.~~ 8. The child shall not be placed in the state training school.

7. 9. In any order transferring custody to the department or an agency, or in orders pursuant to a custody order, the court shall specify the nature and category of disposition which will serve the best interests of the child, and shall prescribe the means by which the placement shall be monitored by the court. If the court orders the transfer of the custody of the child to the department of human services or other agency for placement, the department or agency shall submit a case permanency plan to the court and shall make every reasonable effort to return the child to the child's home as quickly as possible consistent with the best interests of the child. When the child is not returned to the child's home and if the child has been previously placed in a licensed foster care facility, the department or agency shall consider placing the child in the same licensed foster care facility. If the court orders the transfer of custody to a parent who does not have physical care of the child, other relative, or other suitable person, the court may direct the department or other agency to provide services to the child's parent, guardian, or custodian in order to enable them to resume custody of the child. If the court orders the transfer of custody to the department of human services or to another agency for placement in group foster care, the department or agency shall make every reasonable effort to place the child in the least restrictive, most family-like, and most appropriate setting available, and in close proximity to the parents' home, consistent with the child's best interests and special needs, and shall consider the placement's proximity to the school in which the child is enrolled at the time of placement.

8. 10. Any order transferring custody to the department or an agency shall include a statement informing the child's parent that the consequences of a permanent removal may include the termination of the parent's rights with respect to the child.

9. 11. An agency, facility, institution, or person to whom custody of the child has been transferred pursuant to this section shall file a written report with the court at least every six months concerning the status and progress of the child. The court shall hold a periodic dispositional review hearing for each child in placement pursuant to this section in order to determine whether the child should be returned home, an extension of the placement should be made, a permanency hearing should be held, or a termination of the parent-child relationship proceeding should be instituted. The placement shall be terminated and the child returned to the child's home if the court finds by a preponderance of the evidence that the child will not suffer harm in the manner specified in section 232.2, subsection 6. If the placement is extended, the court shall determine whether additional services are necessary to facilitate the return of the child to the child's home, and if the court determines such services are needed, the court shall order the provision of such services. When the child is not returned to the child's home and if the child has been previously placed in a licensed foster care facility, the department or agency responsible for the placement of the child shall consider placing the child in the same licensed foster care facility.

a. The initial dispositional review hearing shall not be waived or continued beyond six months after the date of the dispositional hearing.

b. Subsequent dispositional review hearings shall not be waived or continued beyond twelve months after the date of the most recent dispositional review hearing.

c. For purposes of this subsection, a hearing held pursuant to section 232.103 satisfies the requirements for initial dispositional review or subsequent permanency hearing.

10. 12. a. As used in this division, "*reasonable efforts*" means the efforts made to preserve and unify a family prior to the out-of-home placement of a child in foster care or to eliminate the need for removal of the child or make it possible for the child to safely return to the family's home. Reasonable efforts shall include but are not limited to giving consideration, if appropriate, to interstate placement of a child in the permanency planning decisions involving the child and giving consideration to in-state and out-of-state placement options at a permanency hearing and when using concurrent planning. If returning the child to the family's home is not appropriate or not possible, reasonable efforts shall include the efforts made in a timely manner to finalize a permanency plan for the child. A child's health and safety shall be the paramount concern in making reasonable efforts. Reasonable efforts may include but are not limited to family-centered services, if the child's safety in the home can be maintained during the time the services are provided. In determining whether reasonable efforts have been made, the court shall consider both of the following:

(1) The type, duration, and intensity of services or support offered or provided to the child and the child's family. If family-centered services were not provided, the court record shall enumerate the reasons the services were not provided, including but not limited to whether the services were not available, not accepted by the child's family, judged to be unable to protect the child and the child's family during the time the services would have been provided, judged to be unlikely to be successful in resolving the problems which would lead to removal of the child, or other services were found to be more appropriate.

(2) The relative risk to the child of remaining in the child's home versus removal of the child.

b. As used in this section, "*family-centered services*" means services and other support intended to safely maintain a child with the child's family or with a relative, to safely and in a timely manner return a child to the home of the child's parent or relative, or to promote achievement of concurrent planning goals by identifying and helping the child secure placement for adoption, with a guardian, or with other alternative permanent family connections. Family-centered services are adapted to the individual needs of a family in regard to the specific services and other support provided to the child's family and the intensity and duration of service delivery. Family-centered services are intended to preserve a child's connections to the child's neighborhood, community, and family and to improve the overall capacity of the child's family to provide for the needs of the children in the family.

~~11.~~ 13. The performance of reasonable efforts to place a child for adoption or with a guardian may be made concurrently with making reasonable efforts as defined in this section.

~~12.~~ 14. If the court determines by clear and convincing evidence that aggravated circumstances exist, with written findings of fact based upon evidence in the record, the court may waive the requirement for making reasonable efforts. The existence of aggravated circumstances is indicated by any of the following:

a. The parent has abandoned the child.

b. The court finds the circumstances described in section 232.116, subsection 1, paragraph "i", are applicable to the child.

c. The parent's parental rights have been terminated under section 232.116 or involuntarily terminated by an order of a court of competent jurisdiction in another state with respect to another child who is a member of the same family, and there is clear and convincing evidence to show that the offer or receipt of services would not be likely within a reasonable period of time to correct the conditions which led to the child's removal.

d. The parent has been convicted of the murder of another child of the parent.

e. The parent has been convicted of the voluntary manslaughter of another child of the parent.

f. The parent has been convicted of aiding or abetting, attempting, conspiring in, or soliciting the commission of the murder or voluntary manslaughter of another child of the parent.

g. The parent has been convicted of a felony assault which resulted in serious bodily injury of the child or of another child of the parent.

~~13.~~ 15. Unless prohibited by the court order transferring custody of the child for placement or other court order or the department or agency that received the custody transfer finds that allowing the visitation would not be in the child's best interest, the department or agency may authorize reasonable visitation with the child by the child's grandparent, great-grandparent, or other adult relative who has established a substantial relationship with the child.

Sec. 32. Section 235B.3A, subsection 3, Code 2017, is amended to read as follows:

3. Providing a dependent adult with immediate and adequate notice of the dependent adult's rights. The notice shall consist of handing the dependent adult a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains a copy of the following written statement; requesting the dependent adult to read the card; and asking the dependent adult whether the dependent adult understands the rights:

{a} [1] You have the right to ask the court for the following help on a temporary basis:

{H} [a] Keeping the alleged perpetrator away from you, your

home, and your place of work.

{2} [b] The right to stay at your home without interference from the alleged perpetrator.

{3} [c] Professional counseling for you, your family, or household members, and the alleged perpetrator of the dependent adult abuse.

{b} [2] If you are in need of medical treatment, you have the right to request that the peace officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

{e} [3] If you believe that police protection is needed for your physical safety, you have the right to request that the peace officer present remain at the scene until you and other affected parties can leave or safety is otherwise ensured.

Sec. 33. Section 235E.3, subsection 3, Code 2017, is amended to read as follows:

3. Providing a dependent adult with immediate and adequate notice of the dependent adult's rights. The notice shall consist of handing the dependent adult a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains a copy of the following written statement; requesting the dependent adult to read the card; and asking the dependent adult whether the dependent adult understands the rights:

{a} [1] You have the right to ask the court for the following help on a temporary basis:

{1} [a] Keeping the alleged perpetrator away from you, your home, your facility, and your place of work.

{2} [b] The right to stay at your home or facility without interference from the alleged perpetrator.

{3} [c] Professional counseling for you, your family, or household members, and the alleged perpetrator of the dependent adult abuse.

{b} [2] If you are in need of medical treatment, you have the right to request that the peace officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

{e} [3] If you believe that police protection is needed for your physical safety, you have the right to request that the peace officer present remain at the scene until you and other affected parties can leave or safety is otherwise ensured.

Sec. 34. Section 236.12, subsection 1, paragraph c, Code 2017, is amended to read as follows:

c. Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains a copy of the following statement written in English and Spanish; asking the person to read the card; and asking whether the person understands the rights:

[1] You have the right to ask the court for the following help on a temporary basis:

{1} [a] Keeping your attacker away from you, your home and your place of work.

{2} [b] The right to stay at your home without interference from your attacker.

{3} [c] Getting custody of children and obtaining support for yourself and your minor children if your attacker is legally required to provide such support.

{4} [d] Professional counseling for you, the children who are members of the household, and the defendant.

[2] You have the right to seek help from the court to seek

a protective order with or without the assistance of legal representation. You have the right to seek help from the courts without the payment of court costs if you do not have sufficient funds to pay the costs.

[3] You have the right to file criminal charges for threats, assaults, or other related crimes.

[4] You have the right to seek restitution against your attacker for harm to yourself or your property.

[5] If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

[6] If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected parties can leave or until safety is otherwise ensured.

Sec. 35. Section 237A.13, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. The child's parent, guardian, or custodian is participating in approved academic, vocational, or technical training.

Sec. 36. Section 257.24, Code 2017, is amended to read as follows:

257.24 Deposit of instructional support income surtax.

1. The director of revenue shall deposit all moneys received as instructional support income surtax to the credit of each district from which the moneys are received, in the school district income surtax fund which is established in section 298.14.

2. a. The director of revenue shall deposit instructional support income surtax moneys received on or before November 1 of the year following the close of the school budget year for which the surtax is imposed to the credit of each district from which the moneys are received in the school district income surtax fund.

b. Instructional support income surtax moneys received or refunded after November 1 of the year following the close of the school budget year for which the surtax is imposed shall be deposited in or withdrawn from the general fund of the state and shall be considered part of the cost of administering the instructional support income surtax.

Sec. 37. Section 261A.27, Code 2017, is amended to read as follows:

261A.27 Exercise of powers as essential public function — exemption from taxation.

1. The exercise of the powers granted by this chapter will be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare, and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of a program by the authority or its agent will constitute the performance of an essential public function. Income of the authority is exempt from all taxation in the state. Property of the authority, acquired or held for purposes of this chapter, is exempt from all taxation and special assessments in the state if the property was exempt for the fiscal year in which the property was first acquired or held and such property shall continue to be exempt for subsequent fiscal years. Property of the authority, acquired or held for purposes of this chapter, is subject to taxation and special assessments in the state if the property was taxable for the fiscal year in which the property was first acquired or held and such property shall continue to be taxable for subsequent fiscal years.

2. Obligations issued by the authority on or after July 1, 2000, pursuant to either ~~division~~ subchapter of this chapter, their transfer, and income therefrom are exempt from taxation of any kind by the state or any political subdivision of the state.

Sec. 38. Section 261A.45, Code 2017, is amended to read as follows:

261A.45 Obligations issued to acquire federally guaranteed securities.

1. The authority may finance the cost of a project, refund outstanding indebtedness, or reimburse advances from an endowment or similar fund of an institution as authorized by this ~~division~~ subchapter, by issuing its obligations pursuant to a plan of financing involving

the acquisition of a federally guaranteed security or the acquisition or entering into of commitments to acquire a federally guaranteed security. For the purposes of this section, “*federally guaranteed security*” means any direct obligation of, or obligation the principal of and interest on which are fully guaranteed or insured by the United States, or an obligation issued by, or the principal of and interest on which are fully guaranteed or insured by any agency or instrumentality of the United States, including without limitation an obligation that is issued pursuant to the National Housing Act, or any successor provision of law.

2. The authority may acquire or enter into commitments to acquire a federally guaranteed security and pledge or otherwise use the federally guaranteed security in the manner the authority deems in its best interest to secure or otherwise provide a source of repayment of its obligations issued to finance or refinance a project, or may enter into an appropriate agreement with an institution whereby the authority may make a loan to the institution for the purpose of acquiring or entering into commitments to acquire a federally guaranteed security. An agreement entered into pursuant to this section may contain provisions deemed necessary or desirable by the authority for the security or protection of the authority or the holders of the obligations, except that the authority, prior to making an acquisition, commitment, or loan, shall determine and enter into an agreement with the institution or another appropriate institution to require that the proceeds derived from the acquisition of a federally guaranteed security will be used, directly or indirectly, for the purpose of financing or refinancing a project.

3. The obligations issued pursuant to this section shall not exceed in principal amount the cost of financing or refinancing the project as determined by the participating institution and approved by the authority, except that the costs may include, without limitation, all costs and expenses necessary or incidental to the acquisition of or commitment to acquire a federally guaranteed security and to the issuance and obtaining of insurance or guarantee of an obligation issued or incurred in connection with a federally guaranteed security. In other respects the bonds are subject to this ~~division~~ subchapter, and the trust agreement creating the bonds may contain provisions set forth in this ~~division~~ subchapter as the authority deems appropriate.

4. If a project is financed or refinanced pursuant to this section, the title to the project shall remain in the participating institution owning the project, subject to the lien of a mortgage or security interest securing, directly or indirectly, the federally guaranteed securities being purchased or to be purchased.

Sec. 39. Section 274.6, Code 2017, is amended to read as follows:

274.6 Names.

School corporations shall be designated as follows:

1. The independent school district of (naming city, township, or village, and if there are two or more districts therein, including some appropriate name or number), in the county of (naming county), state of Iowa; ~~or, the~~.

2. The consolidated school district of (some appropriate name or number), in the county of (naming county), state of Iowa; ~~or, the~~.

3. The community school district of (some appropriate name), in the county (or counties) of (naming county or counties), state of Iowa; ~~or, the~~.

4. ~~The~~ (some appropriate name) community school district, in the county (or counties) of (naming county or counties), state of Iowa.

Sec. 40. Section 275.4, Code 2017, is amended to read as follows:

275.4 Studies, surveys, and plans.

1. a. In developing studies and surveys the area education agency board shall consult with the officials of school districts in the area and other citizens, and shall from time to time hold public hearings, and may employ such research and other assistance as it may determine reasonably necessary in order to properly carry on its survey and prepare definite plans of reorganization.

b. In addition, the area education agency board shall consult with the director of the department of education in the development of surveys and plans. The director of the department of education shall provide assistance to the area education agency boards as

requested and shall advise the area education agency boards concerning plans of contiguous area education agencies and the reorganization policies adopted by the state board of education.

2. Completed plans shall be transmitted by the area education agency board to the director of the department of education.

Sec. 41. Section 279.19, Code 2017, is amended to read as follows:

279.19 Probationary period.

1. The first three consecutive years of employment of a teacher in the same school district are a probationary period. However, if the teacher has successfully completed a probationary period of employment for another school district located in Iowa, the probationary period in the current district of employment shall not exceed one year. A board of directors may waive the probationary period for any teacher who previously has served a probationary period in another school district and the board may extend the probationary period for an additional year with the consent of the teacher.

2. *a.* In the case of the termination of a probationary teacher's contract, the provisions of sections 279.15 and 279.16 shall apply. However, if the probationary teacher is a beginning teacher who fails to demonstrate competence in the Iowa teaching standards in accordance with chapter 284, the provisions of sections 279.17 and 279.18 shall also apply.

b. The board's decision shall be final and binding unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the teacher or an alleged violation of public employee rights of the teacher under section 20.10.

3. Notwithstanding any provision to the contrary, the grievance procedures of section 20.18 relating to job performance or job retention shall not apply to a teacher during the first two years of the teacher's probationary period. However, this paragraph subsection shall not apply to a teacher who has successfully completed a probationary period in a school district in Iowa.

Sec. 42. Section 279.21, Code 2017, is amended to read as follows:

279.21 Principals.

1. The board of directors of a school district may employ principals, under the provisions of section 279.23. A principal shall hold a current valid principal's certificate. Notwithstanding the provisions of section 279.23, after serving at least nine months, a principal may be employed for a term of not to exceed two years.

2. *a.* The principal, under the supervision of the superintendent of the school district and pursuant to rules and policies of the board of directors of the school district, shall be responsible for administration and operation of the attendance center to which the principal is assigned.

b. The principal shall, pursuant to the policies adopted by the board of directors of the school district, be responsible for the planning, management, operation, and evaluation of the educational program offered at the attendance center to which the principal is assigned and shall submit recommendations to the superintendent regarding the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the attendance center. The principal shall perform such other duties as may be assigned by the superintendent.

c. For purposes of this section and sections 279.23, 279.23A, 279.24, and 279.25, the term "principal" includes school principals, associate principals, and assistant principals.

Sec. 43. Section 280.19A, Code 2017, is amended to read as follows:

280.19A Alternative options education programs — disclosure of records.

1. By January 15, 1995, each school district shall adopt a plan to provide alternative options education programs to students who are either at risk of dropping out or have dropped out. An alternative options education program may be provided in a district, through a sharing agreement with a school in a contiguous district, or through an areawide program available at the community college serving the merged area in which the school district is located. Each area education agency shall provide assistance in establishing a plan to provide alternative education options to students attending a public school in a district served by the agency.

2. If a district has not adopted a plan as required in this section and implemented the plan by January 15, 1996, the area education agency serving the district shall assist the district with developing a plan and an alternative options education program for the pupil. When a plan is developed, the district shall be responsible for the operation of the program and shall reimburse the area education agency for the actual costs incurred by the area education agency under this section.

3. Notwithstanding section 22.7, subsection 1, records kept regarding a student who has participated in a program under this section shall be requested by school officials of a public or nonpublic receiving school in which the student seeks to enroll, and shall be provided by the sending school. A school official who receives information under this section shall disclose this information only to those school officials and employees whose duties require them to be involved with the student. A school official or employee who discloses information received under this section in violation of this paragraph subsection shall be subject to disciplinary action, including but not limited to reprimand, suspension, or termination. “*School officials and employees*” means those officials and persons employed by a nonpublic school or public school district, and area education agency staff members who provide services to schools or school districts.

Sec. 44. Section 282.18, subsection 11, Code 2017, 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.

Sec. 45. Section 306.9, Code 2017, is amended to read as follows:

306.9 Diagonal roads — restoring and improving existing roads.

1. It is the policy of the state of Iowa that relocation of primary highways through cultivated land shall be avoided to the maximum extent possible. When the volume of traffic for which the road is designed or other conditions, including designation as part of the network of commercial and industrial highways, require relocation, diagonal routes shall be avoided if feasible and prudent alternatives consistent with efficient movement of traffic exist.

2. The improvement of two-lane roads shall utilize the existing right-of-way unless alignment or other conditions, including designation as part of the network of commercial and industrial highways, make changes imperative, and when a two-lane road is expanded to a four-lane road, the normal procedure shall be that the additional right-of-way be contiguous to the existing right-of-way unless relocated for compelling reasons, including

the need to provide efficient movement of traffic on the network of commercial and industrial highways. This policy does not apply to a highway project for which the corridor has been approved by the state department of transportation and the corridor has been finalized by September 1, 1977.

3. It is the policy of the state of Iowa that in constructing primary highways designed with four-lane divided roadways, access controls shall be limited to the minimum level necessary, as determined by the department, to ensure the safe and efficient movement of traffic or to comply with federal aid requirements.

4. Unless otherwise required by the federal law or regulation, it is also the policy of this state that road use tax fund moneys shall be used to rehabilitate or reconstruct existing roads, streets, and bridges using substantially existing right-of-way. ~~This paragraph subsection~~ does not apply where additional right-of-way is needed for the construction or completion of designated interstate or city routes and highway bypasses or highways designated as part of the network of commercial and industrial highways.

Sec. 46. Section 321A.1, subsection 11, Code 2017, is amended to read as follows:

11. “*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:

a. 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~~.

b. ~~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.

Sec. 47. Section 327G.79, Code 2017, is amended to read as follows:

327G.79 Valuing property in controversy.

1. The department of inspections and appeals’ determination and order shall be just and equitable and in the case of the determination of the fair market value of the property, shall be based in part upon at least three independent appraisals prepared by certified appraisers. Each party shall select one appraiser and each appraisal shall be paid for by the party for whom the appraisal is prepared. The two appraisers shall select a third appraiser and the costs of this appraisal shall be divided equally between the parties. If the appraisers selected by the parties cannot agree on selection of a third appraiser, the state department of transportation shall appoint a third appraiser and the costs of this appraisal shall be divided equally between the parties.

2. The department of inspections and appeals’ determination and order is final for the purpose of administrative review to the district court as provided in chapter 17A. The district court’s scope of review shall be confined to whether there is substantial evidence to support the department of inspections and appeals’ determination and order.

3. For purposes of this ~~division~~ subchapter, unless the context otherwise requires, “*department*” means the state department of transportation.

Sec. 48. Section 331.210A, subsection 2, paragraph e, subparagraphs (1) and (2), Code 2017, are amended to read as follows:

(1) The plan approved by the board of supervisors shall be submitted to the state commissioner of elections for approval. If the state commissioner or the Iowa ethics and campaign disclosure board finds that the plan does not meet the standards of section 42.4, the state commissioner shall reject the plan, and the board of supervisors shall direct the commission to prepare and adopt an acceptable plan.

(2) For purposes of determining whether the standards of section 42.4 have been met, an eligible elector may file a complaint with the state commissioner of elections within fourteen days after a plan is approved by the board of supervisors of the county in which the eligible elector resides, on a form prescribed by the commissioner, alleging that the plan was drawn for improper political reasons as described in section 42.4, subsection 5. If a complaint is filed with the state commissioner of elections, the state commissioner shall forward the complaint to the Iowa ethics and campaign disclosure board established in section 68B.32 for resolution.

Sec. 49. Section 331.756, subsection 15, Code 2017, is amended to read as follows:

15. Review the report and recommendations of the Iowa ethics and campaign disclosure board and proceed to institute the recommended actions or advise the board that prosecution is not merited, as provided in sections 68B.32C and 68B.32D.

Sec. 50. Section 355.7A, subsection 14, Code 2017, is amended to read as follows:

14. The acreage shall be shown for each parcel or tract included in a retracement plat of survey to the nearest one-hundredth of an 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.

Sec. 51. Section 400.15, Code 2017, is amended to read as follows:

400.15 Appointing powers.

1. All appointments or promotions to positions within the scope of this chapter other than those of chief of police and chief of fire department shall be made:

a. In cities under the commission form of government, by the superintendents of the respective departments, with the approval of the city council; ~~in~~

b. In cities under the city manager plan, by the city manager; ~~in~~

c. In all other cities with the approval of the city council, ~~and in~~

d. In the police and fire departments by the chiefs of the respective departments.

2. All such appointments or promotions shall promptly be reported to the clerk of the commission by the appointing officer. An appointing authority may transfer an employee, other than police officers and fire fighters, from one department to the same civil service classification in another department, and such employee shall retain the same civil service status.

Sec. 52. Section 400.21, Code 2017, is amended to read as follows:

400.21 Notice of appeal.

If the appeal be taken by the person suspended, demoted, or discharged, notice thereof, signed by the appellant and specifying the ruling appealed from, shall be filed with the clerk of the commission; if by the person making such suspension, demotion, or discharge, such notice shall also be served upon the person suspended, demoted, or discharged.

Sec. 53. Section 403.9, subsection 3, paragraph a, Code 2017, is amended to read as follows:

a. Bonds issued under this section shall be authorized by resolution or ordinance of the local governing body and may be issued in one or more series and shall bear such date or dates, be payable upon demand or 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 or without premium, be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

Sec. 54. Section 437.9, Code 2017, is amended to read as follows:

437.9 County assessment — certification.

The department of revenue shall, for the purpose of determining what amount shall be assessed to any one of ~~said the~~ companies in each county of the state into which the line or lines of the company extend, multiply the assessed or taxable value per mile of line of ~~said the~~ company, as ascertained according to the provisions of this chapter, by the number of miles of line in each of ~~said the~~ counties, and the result thereof shall be ~~by the department~~ certified ~~by the department~~ to the several county auditors of the respective counties into, over, or through which ~~said the~~ line or lines extend.

Sec. 55. Section 437A.1, Code 2017, is amended to read as follows:

437A.1 Classification of chapter.

The provisions of this chapter are classified and designated as follows:

1. Subchapter I Introductory Provisions.
2. Subchapter II Generation, Transmission, and Delivery Taxes.
3. Subchapter III Statewide Property Tax.
4. Subchapter IV General Provisions.

Sec. 56. Section 455B.381, unnumbered paragraph 1, Code 2017, is amended to read as follows:

As used in this part 4 ~~of division IV~~, unless the context otherwise requires:

Sec. 57. Section 455B.474, subsection 2, paragraph a, subparagraph (1), Code 2017, is amended to read as follows:

(1) ~~(a)~~ Financial responsibility required by this subsection may be established in accordance with rules adopted by the commission by any one, or any combination, of the following methods: ~~insurance, guarantee, surety bond, letter~~

~~(i) Insurance.~~

~~(ii) Guarantee.~~

~~(iii) Letter of credit, or qualification.~~

~~(iv) Qualification as a self-insurer.~~

~~(b)~~ In adopting requirements under this subsection, the commission may specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing the evidence of financial responsibility.¹

Sec. 58. Section 455B.474, subsection 3, paragraph c, Code 2017, is amended to read as follows:

c. The material used in the construction or lining of the tank is compatible with the substance to be stored. If soil tests conducted in accordance with ASTM (American society for testing and materials) international's standard G57-78 or another standard approved by the commission show that soil resistivity in an installation location is twelve thousand ohm/cm or more ~~(unless, unless~~ a more stringent soil resistivity standard is adopted by rule of the ~~commission)~~ commission, a storage tank without corrosion protection may be installed in that location until the effective date of the standards adopted by the commission and after January 1, 1986.

Sec. 59. Section 461A.25, Code 2017, is amended to read as follows:

461A.25 Leases and easements.

1. The commission may recommend that the executive council lease property under the commission's jurisdiction. All leases shall reserve to the public of the state the right to enter upon the property leased for any lawful purpose. The council may, if it approves the recommendation and the lease to be entered into is for five years or less, execute the lease in behalf of the state and commission. If the recommendation is for a lease in excess of five years, with the exception of agricultural lands specifically dealt with in Article I, section 24 of the Constitution of the State of Iowa, the council shall advertise for bids. If a bid is accepted, the lease shall be let or executed by the council in accordance with the most desirable

¹ See chapter 170, §38 herein

bid. The lease shall not be executed for a term longer than fifty years. Any such leasehold interest, including any improvements placed on it, shall be listed on the tax rolls as provided in chapters 428 and 443; and assessed and valued as provided in chapter 441; taxes shall be levied on it as provided in chapter 444 and collected as provided in chapter 445; and the leasehold interest is subject to tax sale, redemption, and apportionment of taxes as provided in chapters 446, 447 and 448. The lessee shall discharge and pay all taxes.

2. The commission shall adopt rules providing for granting easements to political subdivisions and utility companies on state land under the jurisdiction of the department. An applicant for an easement shall provide the director with information setting forth the need for the easement, availability of alternatives, and measures proposed to prevent or minimize adverse impacts on the affected property. An easement shall be executed by the director, approved as to form by the attorney general, and if granted for a term longer than five years, approved by the commission.

3. For the purposes of this section, property under the commission's jurisdiction does not include an area of the bed of a lake or river occupied by a dock or other appurtenance or means of access to a dock, including but not limited to boat hoists and boat slips, or occupied by a boat ramp, constructed or installed and maintained under littoral or riparian rights.

Sec. 60. Section 515.24, Code 2017, is amended to read as follows:

515.24 Tax — computation.

For the purpose of determining the basis of any tax upon the “gross amount of premiums” ~~gross amount of premiums, or “gross receipts from premiums, assessments, fees, and promissory obligations”~~ gross receipts from premiums, assessments, fees, and promissory obligations, now or hereafter imposed upon any fire or casualty insurance company under any law of this state, such gross amount or gross receipts shall consist of the gross written premiums or receipts for direct insurance, without including or deducting any amounts received or paid for reinsurance except that any company reinsuring windstorm or hail risks written by county mutual insurance associations shall be required to pay as a tax the applicable percent provided in section 432.1, calculated upon the gross amount of reinsurance premiums received upon such risks, but with such other deductions as provided by law, and in addition deducting any so-called dividend or return of savings or gains to policyholders; provided that as to any deposits or deposit premiums received by any such company, the taxable premiums shall be the portion of such deposits or deposit premiums earned during the year with such deductions therefrom as provided by law.

Sec. 61. Section 515.48, subsection 1, paragraph a, subparagraphs (1), (2), (3), (4), (5), (6), and (7), Code 2017, are amended to read as follows:

(1) Explosion of pressure vessels, not including steam boilers of more than fifteen pounds pressure, in buildings designed and used solely for residential purposes by not more than four families; and.

(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.

(4) 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.

(5) 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.

(6) Loss or damage to property of the insured caused by the breakage or leakage or by water, hail, rain, sleet, or snow seeping or entering through water pipes, leaks, or openings in buildings; and.

(7) Loss of and damage to glass, including lettering and ornamentation thereon, and against loss or damage caused by the breakage of glass; and.

Sec. 62. Section 522B.11, subsection 7, paragraph b, Code 2017, is amended to read as follows:

b. The general assembly declares that the holding of *Langwith v. Am. Nat'l Gen. Ins. Co.*, (~~No. 08-0778~~) 793 N.W. 2d 215 (Iowa 2010) is abrogated to the extent that it overrules *Sandbulte* and imposes higher or greater duties and responsibilities on insurance producers than those set forth in *Sandbulte*.

Sec. 63. Section 523I.316, subsection 2, Code 2017, is amended to read as follows:

2. *Disturbance of interment spaces — penalty.* A person who knowingly and without authorization damages, defaces, destroys, or otherwise disturbs an interment space commits criminal mischief in the third degree under section 716.5. Criminal mischief in the third degree is an aggravated misdemeanor.

Sec. 64. Section 554.7304, subsection 5, Code 2017, is amended to read as follows:

5. The bailee shall deliver in accordance with ~~Part~~ part 4 against the first presented part of a tangible bill of lading lawfully issued in a set. Delivery in this manner discharges the bailee's obligation on the whole bill.

Sec. 65. Section 554.7503, subsection 3, Code 2017, is amended to read as follows:

3. Title to goods based upon a bill of lading issued to a freight forwarder is subject to the rights of any person to which a bill issued by the freight forwarder is duly negotiated. However, delivery by the carrier in accordance with ~~Part~~ part 4 pursuant to its own bill of lading discharges the carrier's obligation to deliver.

Sec. 66. Section 554.8102, subsection 1, paragraph q, Code 2017, is amended to read as follows:

q. "*Security entitlement*" means the rights and property interest of an entitlement holder with respect to a financial asset specified in ~~Part~~ part 5.

Sec. 67. Section 554.8104, subsection 3, Code 2017, is amended to read as follows:

3. A person who acquires a security entitlement to a security or other financial asset has the rights specified in ~~Part~~ part 5, but is a purchaser of any security, security entitlement, or other financial asset held by the securities intermediary only to the extent provided in section 554.8503.

Sec. 68. Section 554.9805, subsection 5, Code 2017, is amended to read as follows:

5. *Application of ~~Part~~ part 5.* A financing statement that includes a financing statement filed before July 1, 2013, and a continuation statement filed on or after July 1, 2013, is effective only to the extent that the financing statement satisfies the requirements of ~~Part~~ part 5, as amended by 2012 Acts, ch. 1052, for an initial financing statement. A financing statement that indicates that the debtor is a decedent's estate indicates that the collateral is being administered by a personal representative within the meaning of section 554.9503, subsection 1, paragraph "b", as amended by 2012 Acts, ch. 1052. A financing statement that indicates that the debtor is a trust or is a trustee acting with respect to property held in trust indicates that the collateral is held in a trust within the meaning of section 554.9503, subsection 1, paragraph "c", as amended by 2012 Acts, ch. 1052.

Sec. 69. Section 554.9806, subsection 3, paragraph a, Code 2017, is amended to read as follows:

a. satisfy the requirements of ~~Part~~ part 5, as amended by 2012 Acts, ch. 1052, for an initial financing statement;

Sec. 70. Section 554.13501, subsection 5, Code 2017, is amended to read as follows:

5. If the lease agreement covers both real property and goods, the party seeking enforcement may proceed under this ~~Part~~ part as to the goods, or under other applicable law as to both the real property and the goods in accordance with that party's rights and remedies in respect of the real property, in which case this ~~Part~~ part does not apply.

Sec. 71. Section 820.23, Code 2017, is amended to read as follows:

820.23 Application for extradition.

1. When the return to this state of a person charged with crime in this state is required, the prosecuting attorney shall present to the governor the prosecuting attorney's written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against the person, the approximate time, place and circumstances of its commission, the state in which the person is believed to be, including the location of the accused therein at the time the application is made and certifying that, in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim.

2. When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of the person's bail, probation, or parole, the prosecuting attorney of the county in which the offense was committed, the parole board, or the warden of the institution or sheriff of the county, from which escape was made, shall present to the governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which the person was convicted, the circumstances of the person's escape from confinement or of the breach of the terms of the person's bail, probation, or parole, the state in which the person is believed to be, including the location of the person therein at the time application is made.

3. The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or magistrate, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, parole board, warden, or sheriff may also attach such further affidavits and other documents in duplicate as the prosecuting officer, parole board, warden, or sheriff shall deem proper to be submitted with such application. One copy of the application, with the action of the governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information, and affidavits or of the judgment of conviction or of the sentence shall be filed in the office of the governor to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition.

DIVISION II
CORRESPONDING CHANGES

Sec. 72. Section 232.103, subsection 7, Code 2017, is amended to read as follows:

7. With respect to a temporary transfer order made pursuant to section 232.102, subsection 4 ~~5~~, if the court finds that removal of a child from the Iowa juvenile home is necessary to safeguard the child's physical or emotional health and is in the best interests of the child, the court shall grant the director's motion for a new dispositional order to place the child in a facility which has been designated to be an alternative placement site for the juvenile home.

Sec. 73. Section 232.104, subsection 1, paragraph a, subparagraph (2), Code 2017, is amended to read as follows:

(2) For an order entered under section 232.102, for which the court has waived reasonable efforts requirements under section 232.102, subsection ~~12~~ 14, the permanency hearing shall be held within thirty days of the date the requirements were waived.

Sec. 74. Section 232.182, subsection 5, unnumbered paragraph 1, Code 2017, is amended to read as follows:

After the hearing is concluded, the court shall make and file written findings as to whether reasonable efforts, as defined in section 232.102, subsection ~~10~~ 12, have been made and whether the voluntary foster family care placement is in the child's best interests.

Sec. 75. Section 234.6, subsection 1, paragraph e, subparagraph (3), Code 2017, is amended to read as follows:

(3) Family-centered services, as defined in section 232.102, subsection ~~10~~ 12, paragraph “b”.

DIVISION III CODE EDITOR DIRECTIVES

Sec. 76. CODE EDITOR DIRECTIVES.

1. Sections 502.510, 514B.17A, and 654.17, Code 2017, are amended by striking the word “recession” and inserting in lieu thereof the word “rescission”.

2. Sections 15.318, subsection 4; 15.354, subsection 5; 29C.3, subsection 3; 29C.6, subsection 1; 144.13, subsection 4, paragraph “c”; 202C.2, subsection 4; 252A.3A, subsections 6, 7, 8, and 12; 489.111, subsection 4; 490.732, subsection 3; 502.202, subsection 19; 502.603, subsection 2, paragraph “b”, subparagraph (3); 508E.10, subsection 3; 523A.602, subsection 1, paragraph “b”, unnumbered paragraph 1; 523A.602, subsection 1, paragraph “c”; 535.17, subsection 5, paragraph “f”; 551A.3, subsection 3, paragraph “c”, subparagraph (15), subparagraph division (b); 551A.8, subsection 1; 558.71, subsection 3; and 714F.4, subsection 1, Code 2017, are amended by striking the word “recession” and inserting in lieu thereof the word “rescission”.

3. Sections 15E.41, 15E.42, 15E.67, 15E.69, 15E.71, 15E.201, 15E.204, 15E.211, 15E.301, 15E.302, 124.404, 124.550, 124.557, 124.558, 125.75A, 125.77, 125.90, 135B.19, 135B.21, 135B.23, 135B.24, 135B.31, 261.42, 261A.33, 261A.35, 261A.36, 261A.39, 261A.40, 261A.41, 261A.44, 261A.46, 261A.47, 261A.48, 261A.49, 261A.50, 266.41, 266.42, 266.46, 327G.1, 327G.61, 427B.22, 515F.30, 515F.33, 515F.37, 515F.38, 904.704, 904.806, 904.812, and 904.907, Code 2017, are amended by striking the word “division” and inserting in lieu thereof the word “subchapter”.

4. Sections 15E.43, subsection 6; 15E.46, subsections 1 and 3; 15E.61, subsection 2, unnumbered paragraph 1; 15E.62, unnumbered paragraph 1; 15E.62, subsection 5; 15E.63, subsections 1 and 9; 15E.64, subsections 1, 3, 4, and 7; 15E.66, subsections 2, 4, and 6; 15E.72, subsection 3, paragraph “a”; 15E.72, subsection 4, paragraph “a”; 15E.72, subsection 5, paragraph “a”; 15E.72, subsection 7; 15E.72, subsection 11, unnumbered paragraph 1; 15E.202, unnumbered paragraph 1; 15E.202, subsection 11; 15E.203, subsections 2 and 3; 15E.206, subsection 3, paragraph “b”; 15E.207, unnumbered paragraph 1; 15E.207, subsection 2, paragraph “b”, subparagraph (3); 15E.208, subsection 3, unnumbered paragraph 1; 15E.208, subsection 3, paragraph “b”, subparagraph (2), subparagraph divisions (c), (d), and (e); 15E.208, subsection 5, paragraph “d”, unnumbered paragraph 1; 15E.208, subsection 6, paragraph “a”; 15E.303, unnumbered paragraph 1; 15E.362, subsection 1, unnumbered paragraph 1; 15E.362, subsection 1, paragraph “d”; 124.101, subsection 5; 124.201, subsection 1, paragraph “h”; 124.302, subsection 2; 124.303, subsection 3; 124.402, subsection 1, paragraph “a”; 124.551, subsection 1; 124.553, subsections 3 and 5; 124.554, subsection 1, unnumbered paragraph 1; 125.89, subsection 2; 125.92, unnumbered paragraph 1; 135B.20, unnumbered paragraph 1; 261.9, subsection 7; 261.15, subsection 2; 261.35, unnumbered paragraph 1; 261.36, unnumbered paragraph 1; 261.37, unnumbered paragraph 1; 261.37, subsections 5 and 7; 261.87, subsection 1, unnumbered paragraph 1; 261.102, subsection 7; 261A.32, subsection 3; 261A.34, unnumbered paragraph 1; 261A.34, subsections 1 and 2; 261A.42, subsections 2 and 4; 266.40, unnumbered paragraph 1; 266.47, subsection 1, paragraph “a”, subparagraph (1); 372.1, subsections 2 and 3; 427B.19A, subsection 1; 427B.20, subsection 1, unnumbered paragraph 1; 491.111, subsection 1, paragraph “b”, subparagraph (3); 515F.31, unnumbered paragraph 1; 904.801, unnumbered paragraph 1; and 904.802, unnumbered paragraph 1, Code 2017, are amended by striking the word “division” and inserting in lieu thereof the word “subchapter”.

5. Section 515F.3, subsection 2, unnumbered paragraph 1, Code 2017, is amended by striking the word “divisions” and inserting in lieu thereof the word “subchapters”.

6. The Code editor shall change Code chapter division designations to subchapter designations and correct internal references as necessary in the following Code chapters:

a. 15E.

- b. 124.
- c. 125.
- d. 135B.
- e. 261.
- f. 261A.
- g. 266.
- h. 327G.
- i. 368.
- j. 372.
- k. 427B.
- l. 491.
- m. 507C.
- n. 515F.
- o. 524.
- p. 904.

7. The Code editor shall change the Code chapter division designations to article designations and correct internal references as necessary in the following Code chapter:

- a. 562B.

8. The Code editor shall designate unnumbered Code chapter headings as numbered subchapters and correct internal references as necessary within the following Code chapters:

- a. 2.
- b. 8.
- c. 8B.
- d. 11.
- e. 29B.
- f. 100.
- g. 135C.
- h. 192.
- i. 226.
- j. 275.
- k. 306.
- l. 306A.

9. The Code editor is directed to number unnumbered paragraphs within sections 1.4, 8A.373, 12.44, 20.26, 28E.39, 29A.10, 29A.18, 29A.34, 29A.58, 29A.79, 29B.2, 29B.27, 29B.32, 29B.33, 29B.39, 29B.44, 29B.45, 29B.59, 29B.67, 29B.68, 29B.71, 29B.77, 29B.120, 37.20, 43.52, 43.88, 43.100, 43.111, 43.115, 50.11, 50.22, 59.1, 65.10, 73A.15, 80B.15, 85.43, 86.10, 86.12, 86.13A, 88A.2, 97B.66, 99A.6, 99D.8, 100.35, 103A.12, 103A.13, 103A.23, 135B.6, 137C.25E, 137F.5, 144.15, 144.37, 144.45, 152B.11, 164.21, 166A.2, 166D.14, 169.9, 169.12, 174.2, 183A.6, 191.3, 192.103, 194.4, 202B.402, 208.19, 216.3, 218.4, 234.12, 236.11, 256.45, 257.19, 260C.38, 261.3, 262.69, 262.82, 272.7, 275.26, 275.31, 275.51, 279.8A, 279.12, 280.13A, 294.12, 298.11, 298.14, 298.22, 299A.6, 306.30, 306.53, 308A.1, 312.3C, 312.15, 313A.12, 313A.31, 321.465, 322.8, 322A.10, 327D.66, 327G.78, 328.20, 350.6, 351.37, 352.1, 354.23, 356.3, 356.43, 358.18, 358.24, 362.4, 364.5, 364.11, 368.3, 372.7, 373.8, 384.7, 384.51, 394.1, 394.4, 400.4, 400.12, 400.13, 400.27, 403A.11, 410.1, 414.23, 414.24, 414.25, 452A.72, 904.706, and 905.8, Code 2017, in accordance with established Code section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

Approved April 12, 2017

CHAPTER 55**STATE FOREST NURSERIES — OVERSIGHT — ORDERING AND SALE OF PLANT MATERIAL***H.F. 511*

AN ACT relating to the administration of the state forest nurseries.

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

Section 1. Section 455A.13, subsection 1, Code 2017, is amended to read as follows:

1. ~~Notwithstanding section 17A.2, subsection 11, paragraph “g”, the~~ The department of natural resources shall adopt administrative rules establishing annually review market conditions and the expenditures and revenues of the state forest nurseries, and establish minimum ordering quantities and a range of prices of for plant material grown at the state forest nurseries to cover all expenses related to the growing of the plants. The department is authorized to sell plant material in other states. The department is authorized to sell barerooted plants to private nurseries for resale.

Sec. 2. RESCISSION OF ADMINISTRATIVE RULES.

1. 571 Iowa administrative code, rules 71.1 through 71.3, are rescinded.

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

Sec. 3. REPEAL. 1989 Iowa Acts, chapter 311, section 16, is repealed.

Approved April 12, 2017

CHAPTER 56**PENALTIES FOR OCCUPATIONAL SAFETY AND HEALTH LAW VIOLATIONS***H.F. 529*

AN ACT providing for conformity with federal law relating to civil penalties for violations of the state occupational safety and health law and including effective date provisions.

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

Section 1. Section 88.14, subsections 1, 2, 3, 4, and 9, Code 2017, are amended to read as follows:

1. *Willful violations.* Any employer who willfully or repeatedly violates the requirements of section 88.4, any standard, rule, or order adopted or issued pursuant to section 88.5, or rules adopted pursuant to this chapter, may be assessed a civil penalty of not less than the minimum penalty amount and not more than seventy thousand dollars for each violation, but not less than five thousand dollars the maximum penalty amount set by the United States department of labor pursuant to the federal Occupational Safety and Health Act of 1970, Pub. L. No. 91-596, §17, codified at 29 U.S.C. §666, as amended, and the federal Bipartisan Budget Act of 2015, Pub. L. No. 114-74, §701, for each willful violation. The commissioner shall adopt rules pursuant to chapter 17A, in accordance with this subsection, that contain the minimum and maximum penalty amounts for each willful violation.

2. *Serious violations.* Any employer who has received a citation for a serious violation of the requirements of section 88.4, of any standard, rule, or order adopted or issued pursuant to section 88.5, or of any ~~regulations prescribed~~ rules adopted pursuant to this chapter, shall be assessed a civil penalty of up to seven thousand dollars not more than the maximum penalty

amount set by the United States department of labor pursuant to the federal Occupational Safety and Health Act of 1970, Pub. L. No. 91-596, §17, codified at 29 U.S.C. §666, as amended, and the federal Bipartisan Budget Act of 2015, Pub. L. No. 114-74, §701, for each such violation. The commissioner shall adopt rules pursuant to chapter 17A, in accordance with this subsection, that contain the maximum penalty amount for each serious violation.

3. *Nonserious violations.* Any employer who has received a citation for a violation of the requirements of section 88.4, of any standard, rule, or order adopted or issued pursuant to section 88.5, or of rules ~~prescribed~~ adopted pursuant to this chapter and the violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of ~~up to seven thousand dollars~~ not more than the maximum penalty amount set by the United States department of labor pursuant to the federal Occupational Safety and Health Act of 1970, Pub. L. No. 91-596, §17, codified at 29 U.S.C. §666, as amended, and the federal Bipartisan Budget Act of 2015, Pub. L. No. 114-74, §701, for each violation. The commissioner shall adopt rules pursuant to chapter 17A, in accordance with this subsection, that contain the maximum penalty amount for each nonserious violation.

4. *Failure to correct.* Any employer who fails to correct a violation for which a citation has been issued under section 88.7, subsection 1, within the period permitted for its correction, may be assessed a civil penalty of not more than ~~seven thousand dollars~~ the maximum penalty amount set by the United States department of labor pursuant to the federal Occupational Safety and Health Act of 1970, Pub. L. No. 91-596, §17, codified at 29 U.S.C. §666, as amended, and the federal Bipartisan Budget Act of 2015, Pub. L. No. 114-74, §701, for each day during which the failure or violation continues. The commissioner shall adopt rules pursuant to chapter 17A, in accordance with this subsection, that contain the maximum penalty amount for each day during which the failure or violation continues. The period for correction shall not begin until the date of the final order of the appeal board of any review proceeding under section 88.8 initiated by the employer in good faith and not solely for delay or avoidance of penalties.

9. *Violation of posting requirements.* Any employer who violates any of the posting, reporting, or recordkeeping requirements under this chapter, shall be assessed a civil penalty of ~~up to seven thousand dollars~~ not more than the maximum penalty amount set by the United States department of labor pursuant to the federal Occupational Safety and Health Act of 1970, Pub. L. No. 91-596, §17, codified at 29 U.S.C. §666, as amended, and the federal Bipartisan Budget Act of 2015, Pub. L. No. 114-74, §701, for each violation. The commissioner shall adopt rules pursuant to chapter 17A, in accordance with this subsection, that contain the maximum penalty amount for each violation of any of the posting, reporting, or recordkeeping requirements under this chapter.

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

Approved April 12, 2017

CHAPTER 57

BACKGROUND INVESTIGATIONS OF DEPARTMENT OF HUMAN SERVICES EMPLOYMENT APPLICANTS, EMPLOYEES, CONTRACTORS, AND VENDORS

H.F. 547

AN ACT relating to background investigations conducted by the department of human services.

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

Section 1. NEW SECTION. **217.45 Background investigations.**

1. A background investigation may be conducted by the department of human services on all of the following individuals:

a. An applicant for employment with the department.

b. A contractor, vendor, or employee performing work for the department with access to federal tax information used for purposes of the department.

2. An individual subject to this section shall authorize the release of the results of all of the following:

a. A work history.

b. A state criminal history background check.

c. A national criminal history check through the federal bureau of investigation.

3. An individual subject to this section shall provide the individual's fingerprints to the department. The department 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.

4. The department shall pay the actual cost of the fingerprinting and the national criminal history check, if any, unless otherwise agreed to as part of a vendor contract or other contract with the department.

5. A contractor, vendor, or employee performing work for the department with access to federal tax information used for purposes of the department may be subject to a background investigation by the department at least once every ten years after the date of the initial contract with the contractor or vendor or initial date of hire of the employee.

6. The results of background investigations conducted pursuant to this section shall not be considered public records under chapter 22.

Approved April 12, 2017

CHAPTER 58

BACKGROUND INVESTIGATIONS OF TEMPORARY STAFF AGENCY EMPLOYEES PROVIDING DIRECT HEALTH CARE SERVICES

H.F. 576

AN ACT relating to background investigations of individuals employed through temporary staffing agencies with certain health care providers.

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

Section 1. Section 135C.33, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. a. This section shall also apply to an employee of a temporary staffing agency that provides staffing for a facility, service, program, or other provider regulated by this section if the employee provides direct services to consumers.

b. In substantial conformance with the provisions of this section, prior to the employment of such an employee, the temporary staffing agency shall request the performance of the criminal and child and dependent adult abuse record checks. The temporary staffing agency shall inform the prospective employee and obtain the prospective employee's signed acknowledgment. The department of human services shall perform the evaluation of any criminal record or founded child or dependent adult abuse record and shall make the determination of whether a prospective employee of a temporary staffing agency shall not be employed by the assisted living program as defined in section 231C.2, the Medicare certified home health agency, or the facility, service, program, or other provider regulated by this section.

c. If a person employed by a temporary staffing agency that is subject to this section is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person's employment application date, the person shall inform the temporary staffing agency within forty-eight hours and the temporary staffing agency shall inform the facility, service, program, or other provider within two hours.

d. If a temporary staffing agency fails to comply with the requirements of this section, the temporary staffing agency shall be liable to the facility, service, program, or other provider for any actual damages, including civil penalties, and reasonable attorney fees.

e. This section shall not apply to employees employed by a temporary staffing agency for a position that does not provide direct services to consumers.

Approved April 12, 2017

CHAPTER 59

DUTIES OF DEPARTMENT OF VETERANS AFFAIRS — VETERANS EXPOSED TO AGENT ORANGE

H.F. 584

AN ACT concerning the duties of the department of veterans affairs relative to veteran exposure to Agent Orange.

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

Section 1. Section 36.1, subsection 3, Code 2017, is amended by striking the subsection.

Sec. 2. REPEAL. Sections 36.2, 36.3, 36.4, 36.6, 36.7, 36.8, and 36.9, Code 2017, are repealed.

Approved April 12, 2017

CHAPTER 60

PHYSICIAN SUPERVISION OF PHYSICIAN ASSISTANTS

H.F. 591

AN ACT relating to physician supervision of physician assistants, and including effective date and retroactive applicability provisions.

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

Section 1. **NEW SECTION. 148C.5 Supervising physicians — board of medicine — rulemaking requirements.**

1. If the board commences a contested case hearing against a physician assistant by delivering a statement of charges and notice of hearing to the physician assistant, the board shall deliver a copy of the statement of charges and notice of hearing to the physician assistant's supervising physician.

2. The board shall adopt rules pursuant to chapter 17A to establish specific procedures for consulting with and sharing information with the board of medicine regarding complaints

that a physician assistant may have been inadequately supervised by the physician assistant's supervising physician.

3. The board shall not amend or rescind any of the following rules unless, prior to the submission of such an amendment or rescission to the administrative rules coordinator, the board consults with and receives approval from the board of medicine to make such a submission:

a. 645 IAC 326.1 regarding the following terms:

- (1) "Physician".
 - (2) "Physician assistant".
 - (3) "Supervising physician".
 - (4) "Supervision".
- b. 645 IAC 326.2(1)(f).
- c. 645 IAC 326.4(6).
- d. 645 IAC 326.8.
- e. 645 IAC 326.19(3)(b)(3).
- f. 645 IAC 327.1(1)(s)(1)-(4).
- g. 645 IAC 327.1(1)(u).
- h. 645 IAC 327.1(1)(z).
- i. 645 IAC 327.4(1)(b)(2)-(4).
- j. 645 IAC 327.4(2).
- k. 645 IAC 327.6(1)(d).

Sec. 2. REPEAL. 2015 Iowa Acts, chapter 137, section 113, is repealed.

Sec. 3. PHYSICIAN ASSISTANT SUPERVISION RULEMAKING ACTIONS.

1. The board of physician assistants shall take no further action relating to ARC 2832C. ARC 2832C is terminated as of the effective date of this Act.

2. a. The amendments to 653 Iowa administrative code, rules 21.4, 21.5, 21.6, 21.7, and 21.8; and 653 Iowa administrative code, chapter 21, implementation sentence, as appearing in ARC 2532C, as published in the Iowa administrative bulletin, volume XXXVIII, number 23, dated May 11, 2016, pp. 2190-2193, are rescinded.

b. As soon as practicable, the Iowa administrative code editor shall restore the language of the Iowa administrative code referenced in paragraph "a" of this subsection to the language that existed on May 10, 2016.

Sec. 4. RETROACTIVE APPLICABILITY. The section of this Act repealing 2015 Iowa Acts, chapter 137, section 113, applies retroactively to July 1, 2015.

Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate importance, shall be effective upon enactment.

Approved April 12, 2017

CHAPTER 61

MAMMOGRAM REPORTS — CONTENT REQUIREMENTS

S.F. 250

AN ACT establishing a notification requirement for mammogram reports to patients, and including effective date provisions.

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

Section 1. Section 136C.3, subsection 10, Code 2017, is amended to read as follows:

10. a. Adopt rules specifying the minimum training and performance standards for an individual using a radiating machine for mammography, and other rules necessary to implement section 136C.15. The rules shall complement federal requirements applicable to similar radiation machinery and shall not be less stringent than those federal requirements.

b. (1) Adopt rules, in collaboration with appropriate stakeholders, to require that, by January 1, 2018, a facility at which mammography services are performed shall include information on breast density in mammogram reports sent to all mammography patients, pursuant to regulations implementing the federal Mammography Quality Standards Act of 1992, Pub. L. No. 102-539, as amended. The mammogram report shall include information on a patient's breast density, as categorized by an interpreting physician at the facility based on standards as defined in nationally recognized guidelines or systems for breast imaging reporting of mammography screening, including the breast imaging reporting and data system of the American college of radiology. For patients categorized as having heterogeneously dense breasts or extremely dense breasts, or an equivalent determination by another nationally recognized density gradient system, the report to the patient shall include evidence-based information on dense breast tissue, the increased risk associated with dense breast tissue, and the effects of dense breast tissue on screening mammography.

(2) Nothing in this paragraph "b" shall be construed to modify the existing liability of a facility where mammography services are performed beyond the duty to provide the information set forth in this paragraph "b". Notwithstanding any other provision of law to the contrary, this paragraph "b" shall not create a cause of action or create a standard of care, obligation, or duty that provides grounds for a cause of action.

(3) Nothing in this paragraph "b" shall be deemed to require a notice or the provision of information that is inconsistent with the provisions of the federal Mammography Quality Standards Act of 1992, Pub. L. No. 102-539, as amended, or any regulations promulgated pursuant to that Act.

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

Approved April 13, 2017

CHAPTER 62

MUNICIPAL UTILITIES REGULATION

S.F. 355

AN ACT relating to municipal utilities, by restricting the regulatory authority of the Iowa utilities board with regard to certain services, and authorizing city utilities to require deposits for gas or electric services for residential rental properties.

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

Section 1. Section 384.84, subsection 3, Code 2017, is amended to read as follows:

3. a. A city utility or enterprise service to a property or premises, including services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, water, solid waste disposal, or any of these services, may be discontinued or disconnected if the account for the service becomes delinquent. Gas or electric service provided by a city utility or enterprise shall be discontinued or disconnected only as provided by section 476.20, subsections 1 through 4, and discontinuance or disconnection of those services are is subject to rules adopted by the utilities board of the department of commerce.

b. If more than one city utility or enterprise service is billed to a property or premises as a combined service account, all of the services may be discontinued or disconnected if the account becomes delinquent.

c. A city utility or enterprise service to a property or premises shall not be discontinued or disconnected unless prior written notice is sent, by ordinary mail, to the account holder in whose name the delinquent rates or charges were incurred, informing the account holder of the nature of the delinquency and affording the account holder the opportunity for a hearing prior to discontinuance or disconnection of service. If the account holder is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. If the account holder is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.

d. (1) If a delinquent amount is owed by an account holder for a utility service associated with a prior property or premises, a city utility, city enterprise, or combined city enterprise may withhold service from the same account holder at any new property or premises until such time as the account holder pays the delinquent amount owing on the account associated with the prior property or premises. A city utility, city enterprise, or combined city enterprise shall not withhold service from, or discontinue or disconnect service to, a subsequent owner who obtains fee simple title of the prior property or premises unless such delinquent amount has been certified in a timely manner to the county treasurer as provided in subsection 4, paragraph "a", subparagraphs (1) and (2).

(2) Delinquent amounts that have not been certified in a timely manner to the county treasurer are not collectible against any subsequent owner of the property or premises.

e. (1) A legal entity created pursuant to chapter 28E by a city or cities, or other political subdivisions, and public or private agencies for the purposes of providing wastewater, sewer system, storm water drainage, or sewage treatment services shall have the same powers and duties as a city utility or enterprise under this subsection with respect to account holders and subsequent owners, or with respect to properties and premises, associated with a delinquent account under this subsection.

(2) The governing body of a city utility, combined city utility, city enterprise, or combined city enterprise may enter into an agreement with a legal entity described in subparagraph (1) to discontinue or disconnect water service to a property or premises if an account owed the legal entity for wastewater, sewer system, storm water drainage, or sewage treatment services provided to that customer's property or premises becomes delinquent. The customer shall be responsible for all costs associated with discontinuing or disconnecting and reestablishing water service disconnected pursuant to this paragraph "e".

(3) This paragraph "e" shall not apply to a property or premises if, prior to July 1, 2015, the account holder for that property or premises had an established account with a legal entity described in subparagraph (1) for the provision of wastewater, sewer system, storm water drainage, or sewage treatment services to the property or premises.

f. (1) A legal entity providing wastewater, sewer system, storm water drainage, or sewage treatment services to a city or cities or other political subdivisions pursuant to a franchise or other agreement shall have the same powers and duties as a city utility or enterprise under this subsection with respect to account holders and subsequent owners, or with respect to properties and premises, associated with a delinquent account under this subsection.

(2) The governing body of a city utility, combined city utility, city enterprise, or combined city enterprise may enter into an agreement with a legal entity described in subparagraph (1) to discontinue or disconnect water service to a property or premises if an account owed the legal entity for wastewater, sewer system, storm water drainage, or sewage treatment services provided to that customer's property or premises becomes delinquent. The customer shall be responsible for all costs associated with discontinuing or disconnecting and reestablishing water service disconnected pursuant to this paragraph "f".

(3) This paragraph "f" shall not apply to a property or premises if, prior to July 1, 2015, the account holder for that property or premises had an established account with a legal entity described in subparagraph (1) for the provision of wastewater, sewer system, storm water drainage, or sewage treatment services to the property or premises.

Sec. 2. Section 384.84, subsection 4, paragraphs b and e, Code 2017, are amended to read as follows:

b. The lien under paragraph “a” may be imposed upon a property or premises even if a city utility or enterprise service to the property or premises has been or may be discontinued or disconnected as provided in this section.

e. Residential rental property where a charge for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal is paid directly to the city utility or enterprise by the tenant is exempt from a lien for delinquent rates or charges associated with such services if the landlord gives written notice to the city utility or enterprise that the property is residential rental property and that the tenant is liable for the rates or charges. A city utility or enterprise may require a deposit not exceeding the usual cost of ninety days of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal to be paid to the utility or enterprise. A city utility or enterprise may require a deposit not exceeding the usual cost of sixty days of the services of gas and electric to be paid to the utility or enterprise. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for the charges, the address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins. A change in tenant shall require a new written notice to be given to the city utility or enterprise within thirty business days of the change in tenant. When the tenant moves from the rental property, the city utility or enterprise shall return the deposit if the charges for the services of gas, electric, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the city utility or enterprise within thirty business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs related to a service of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal if the repair charges become delinquent.

Sec. 3. Section 384.84, subsection 8, paragraphs b and c, Code 2017, are amended to read as follows:

b. Two or more city utilities, combined utility systems, city enterprises, or combined city enterprises, including city utilities established pursuant to chapter 388, may contract pursuant to chapter 28E for joint billing or collection, or both, of combined service accounts for utility or enterprise services, or both. The contracts may provide for the discontinuance or disconnection of one or more of the city utility or enterprise services if a delinquency occurs in the payment of any charges billed under a combined service account.

c. One or more city utilities or combined utility systems, including city utilities established pursuant to chapter 388, may contract pursuant to chapter 28E with one or more sanitary districts established pursuant to chapter 358 for joint billing or collection, or both, of combined service accounts from utility services and sanitary district services. The contracts may provide for the discontinuance or disconnection of one or more of the city water utility services or sanitary district services if a delinquency occurs in the payment of any charges billed under a combined service account.

Sec. 4. Section 476.1B, subsection 1, paragraph e, Code 2017, is amended to read as follows:

e. Disconnection of service, as set forth in section 476.20, subsections 1 through 4.

Sec. 5. Section 476.20, subsection 5, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The board shall establish rules which shall be uniform with respect to all public utilities furnishing gas or electricity relating to deposits which may be required by the public utility for the initiation or reinstatement of service. This subsection shall not apply to municipally owned utilities, which shall be governed by the provisions of section 384.84 with respect to deposits and payment plans for delinquent amounts owed. Municipally owned utilities shall not be subject to the board’s rules in regards to deposits and payment plans for delinquent

amounts owed and repayment of past due debt. Municipally owned utilities shall be subject to the board's rules in regards to payment plans made prior to the disconnection of services.

Approved April 13, 2017

CHAPTER 63

MILITARY CODE AND MILITARY JUSTICE — APPLICABILITY, JURISDICTION, STATUTE OF LIMITATIONS

S.F. 373

AN ACT relating to service in the national guard and reserve components of the armed forces, including applicability of reemployment protections, and military justice jurisdiction and statutes of limitation.

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

Section 1. Section 29A.43, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The protections provided for in this section shall apply with equal force to members of the national guard of another state, an organized reserve unit in another state, or a civil air patrol unit in another state who are employed in this state.

Sec. 2. Section 29B.1, Code 2017, is amended to read as follows:

29B.1 Persons subject to code.

1. This chapter applies to all members of the state military forces performing national guard duty or state active duty, while not on federal active duty. In addition, this chapter applies to all members of the state military forces who commit an offense during travel to or from the member's duty location or during intervals between consecutive periods of duty on the same day or on consecutive days in which the victim of the offense is another member of the state military forces.

2. As used in this chapter, unless the context otherwise requires, "state military forces" has the same meaning as in section 29A.6, and "code" means this chapter, which may be cited as the "Iowa Code of Military Justice".

Sec. 3. Section 29B.2, Code 2017, is amended to read as follows:

29B.2 Jurisdiction to try personnel.

1. Each person discharged from the state military forces who is later charged with having fraudulently obtained a discharge is, subject to section 29B.44, subject to trial by court-martial on that charge and is after apprehension subject to this code while in the custody of the military for that trial. Upon conviction of that charge the person is subject to trial by court-martial for all offenses under this code committed before the fraudulent discharge.

2. No person who has deserted from the state military forces may be relieved from amenability to the jurisdiction of this code by virtue of a separation from any later period of service.

3. A member of the state military forces person who is charged with having committed an offense against this code may be called or ordered to duty for the purpose of investigation under section 29B.33, trial by court-martial, and or nonjudicial punishment under section 29B.14. A member shall be called or ordered to duty within one hundred eighty days of the discovery of the charged offense, and in no event shall a member be called or ordered to duty after the expiration of three years from the termination of a period of duty.

4. A member of the state military forces who is subject to this code at the time of commission of an offense made punishable by this code is not relieved from amenability to the jurisdiction of this code by virtue of the termination of a period of duty.

Sec. 4. Section 29B.44, Code 2017, is amended to read as follows:

29B.44 Statute of limitations.

1. A person charged with desertion or absence without leave in time of war, or with aiding the enemy or with mutiny, may be tried and punished at any time without limitation.

2. Except as otherwise provided in this section, a person charged with desertion in time of peace or with ~~the any other offense punishable under section 29B.112 under this code~~ is not liable to be tried by court-martial if the offense was committed more than ~~three~~ five years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command.

3. Except as otherwise provided in this section, a person charged with any offense ~~under this code~~ is not liable to be ~~tried by court-martial or~~ punished under section 29B.14 if the offense was committed more than two years before the ~~receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command or before the imposition of punishment under section 29B.14.~~

4. Periods in which the accused was absent from territory in which the state has the authority to apprehend the accused, or in the custody of civil authorities, or in the hands of the enemy, shall be excluded in computing the period of limitation prescribed in this section.

5. If charges or specifications are dismissed as defective or insufficient for any cause and the period prescribed by the applicable statute of limitations has expired or will expire within one hundred eighty days after the date the charges or specifications are dismissed, trial by court-martial or punishment under section 29B.14 is not barred by the statute of limitations if the following conditions are met:

a. The charges and specifications are received by an officer exercising summary court-martial jurisdiction or having the authority to conduct punishment under section 29B.14 within one hundred eighty days after the charges or specifications are dismissed.

b. The charges and specifications allege some or all of the same acts or omissions that were alleged in the dismissed charges or specifications.

Approved April 13, 2017

CHAPTER 64

IMPROVEMENTS TO REAL PROPERTY — UNSAFE OR DEFECTIVE CONDITIONS — LIMITATIONS ON ACTIONS

S.F. 413

AN ACT relating to statute-of-repose periods for improvements to real property and including applicability provisions.

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

Section 1. Section 614.1, subsection 11, Code 2017, is amended to read as follows:

11. *Improvements to real property.*

a. In addition to limitations contained elsewhere in this section, an action arising out of the unsafe or defective condition of an improvement to real property based on tort and implied warranty and for contribution and indemnity, and founded on injury to property, real or personal, or injury to the person or wrongful death, shall not be brought more than ~~fifteen~~ the number of years specified below after the date on which occurred the act or omission of the defendant alleged in the action to have been the cause of the injury or death.:

(1) For an action arising from or related to a nuclear power plant licensed by the United States nuclear regulatory commission or an interstate pipeline licensed by the federal energy regulatory commission, fifteen years.

(2) For an action arising from or related to residential construction, as defined in section 572.1, ten years.

(3) For an action arising from or related to any other kind of improvement to real property, eight years.

b. Notwithstanding paragraph "a", an action arising from or related to the intentional misconduct or fraudulent concealment of an unsafe or defective condition of an improvement to real property shall not be brought more than fifteen years after the date on which occurred the act or omission of the defendant alleged in the action to have been the cause of the injury or death.

c. If the unsafe or defective condition is discovered within one year prior to the expiration of the applicable period of repose, the period of repose shall be extended one year.

d. However, this This subsection does not bar an action against a person solely in the person's capacity as an owner, occupant, or operator of an improvement to real property.

Sec. 2. APPLICABILITY. This Act does not apply to an improvement to real property in existence prior to the effective date of this Act or to an improvement to real property, whether construction has begun or not, that is the subject of a binding agreement as of the effective date of this Act.

Approved April 13, 2017

CHAPTER 65

BIDS AND CONTRACTS FOR PUBLIC IMPROVEMENT PROJECTS

S.F. 438

AN ACT relating to bidding and contracting for public improvement projects, making penalties applicable, and including effective date and applicability provisions.

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

Section 1. Section 26.9, Code 2017, is amended to read as follows:

26.9 Award of contract.

1. The contract for the public improvement must be awarded to the lowest responsive, responsible bidder. However, contracts relating to public utilities or extensions or improvements thereof, as described in sections 384.80 through 384.94, may be awarded by the city as it deems to be in the best interests of the city. This section shall not be construed to prohibit a governmental entity in the award of a contract for a public improvement or a governing body of a city utility from providing, in the award of a contract for a public improvement, an enhancement of payments upon early completion of the public improvement if the availability of the enhancement payments is included in the notice to bidders, the enhancement payments are competitively neutral to potential bidders, the enhancement payments are considered as a separate item in the public hearing on the award of contract, and the total value of the enhancement payments does not exceed ten percent of the value of the contract.

2. A governmental entity shall not require a potential bidder on a public improvement to provide any information which the potential bidder may deem to be confidential or proprietary as a requirement for being deemed a responsive, responsible bidder. This subsection shall not be construed to prohibit a governmental entity from obtaining information from the lowest responsive bidder to determine the bidder's responsibility relating to the bidder's experience, number of employees, and ability to finance the cost of the public improvement. However, a governmental entity shall require nonresident bidders to comply with section 73A.21, subsection 4.

Sec. 2. **NEW SECTION. 26.16 Prequalification requirements prohibited.**

A governmental entity shall not by ordinance, rule, or any other action relating to contracts for public improvements for which competitive bids are required by this chapter impose any requirement that directly or indirectly restricts potential bidders to any predetermined class of bidders defined by experience on similar projects, size of company, union membership, or any other criteria. However, a governmental entity shall require nonresident bidders to comply with section 73A.21, subsection 4.

Sec. 3. Section 73A.1, Code 2017, is amended to read as follows:

73A.1 Definitions.

As used in this subchapter:

1. ~~“Appeal board” as used in this chapter~~ means the state appeal board, composed of the auditor of state, treasurer of state, and the director of the department of management.
2. ~~“Municipality” as used in this chapter~~ means township or the state fair board.
3. ~~“Public improvement” as used in this chapter~~ means a building or other construction work to be paid for in whole or in part by the use of funds of any municipality.

Sec. 4. Section 73A.16, Code 2017, is amended to read as follows:

73A.16 Bonds and taxes void.

Any bonds or other evidence of indebtedness issued contrary to the provisions of this ~~chapter~~ subchapter, and any tax levied or attempted to be levied for the payment of any such bonds or interest thereon, shall be null and void.

Sec. 5. **NEW SECTION. 73A.25 Title.**

This subchapter shall be known as the *“Fair and Open Competition in Governmental Construction Act”*.

Sec. 6. **NEW SECTION. 73A.26 Purpose.**

The purpose of this chapter¹ is to provide for more economical, nondiscriminatory, neutral, and efficient procurement of construction-related goods and services by this state and political subdivisions of this state.

Sec. 7. **NEW SECTION. 73A.27 Definitions.**

As used in this subchapter, unless the context clearly indicates otherwise:

1. *“Governmental entity”* means the state, political subdivisions of the state, public school corporations, and all officers, boards, or commissions empowered by law to enter into contracts for the construction of public improvements.
2. *“Public improvement”* means any building or construction work which is constructed, repaired, remodeled, or demolished under the control of a governmental entity and is paid for in whole or in part with funds of the governmental entity, including a building or improvement constructed or operated jointly with any other public or private agency.

Sec. 8. **NEW SECTION. 73A.28 Public improvement contracts — prohibited terms and exemptions.**

1. A governmental entity awarding a contract for the construction, repair, remodeling, or demolition of a public improvement and any construction manager acting on its behalf shall not, in any bid specifications, project agreements, or other controlling documents do any of the following:

- a. Require a bidder, offeror, contractor, or subcontractor to enter into or adhere to an agreement with one or more labor organizations in regard to the public improvement or a related public improvement project.
- b. Prohibit a bidder, offeror, contractor, or subcontractor from entering into or adhering to an agreement with one or more labor organizations in regard to the public improvement or a related public improvement project.
- c. Discriminate against a bidder, offeror, contractor, or subcontractor for becoming or remaining or refusing to become or remain a signatory to, or for adhering or refusing

¹ See chapter 170, §32 herein

to adhere to, an agreement with one or more labor organizations in regard to the public improvement or a related public improvement project.

2. A governmental entity shall not award a grant, tax abatement, or tax credit that is conditioned upon a requirement that the awardee include a term described in subsection 1 in a contract document for any construction, improvement, maintenance, or renovation to real property or fixtures that is the subject of the grant, tax abatement, or tax credit.

3. This section shall not be construed to do any of the following:

a. Prohibit a governmental entity from awarding a contract, grant, tax abatement, or tax credit to a private owner, bidder, contractor, or subcontractor who enters into or who is party to an agreement with a labor organization, if being or becoming a party or adhering to an agreement with a labor organization is not a condition for award of the contract, grant, tax abatement, or tax credit, and if the governmental entity does not discriminate against a private owner, bidder, contractor, or subcontractor in the awarding of that contract, grant, tax abatement, or tax credit based upon the private owner's, bidder's, contractor's, or subcontractor's status as being or becoming, or the willingness or refusal to become, a party to an agreement with a labor organization.

b. Prohibit a contractor or subcontractor from voluntarily entering into or complying with an agreement entered into with one or more labor organizations in regard to a contract with a governmental entity or funded in whole or in part from a grant, tax abatement, or tax credit from the governmental entity.

c. Prohibit employers or other parties from entering into agreements or engaging in any other activity protected by the federal National Labor Relations Act, 29 U.S.C. §151 et seq.

d. Interfere with labor relations of parties that are not regulated under the federal National Labor Relations Act, 29 U.S.C. §151 et seq.

Sec. 9. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 10. APPLICABILITY. This Act applies to notices to bidders for public improvements, bids awarded for public improvements, and contracts for public improvements entered into on and after the effective date of this Act.

Approved April 13, 2017

CHAPTER 66

CHILD LABOR — LAUNDRY OCCUPATIONS

H.F. 441

AN ACT relating to the use of child labor in laundry occupations.

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

Section 1. Section 92.6, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *j.* Laundering, except for the use of a washing machine which has a capacity of less than ten cubic feet and which is designed to reach an internal temperature which does not exceed two hundred twelve degrees Fahrenheit.

Sec. 2. Section 92.8, subsection 18, Code 2017, is amended to read as follows:

18. Occupations involving the operation of ~~laundry~~, dry cleaning, or dyeing machinery.

Approved April 13, 2017

CHAPTER 67**ELECTION PRECINCT BOUNDARIES AND CONSOLIDATIONS***H.F. 471*

AN ACT relating to election precinct boundaries and consolidations.

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

Section 1. Section 49.8, subsection 7, Code 2017, is amended to read as follows:

7. Precinct boundaries established by or pursuant to section 49.3 or 49.4, and not changed under subsection 1 since the most recent federal decennial census, may be changed once during the period beginning January 1 of the second year following a year in which a federal decennial census is taken and ending June 30 of the year immediately following the year in which the next succeeding federal decennial census is taken, if the commissioner recommends and the board of supervisors finds that the change will effect a substantial savings in election costs. Changes made under this subsection shall be made not later than ninety-nine days before a primary election, unless the changes will not take effect until January 1 of the next even-numbered year.

Sec. 2. Section 49.11, subsection 3, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The precincts established pursuant to section 49.7 shall not be changed except in the manner provided by law. However, ~~for any election other than the primary or general election or any special election held under section 69.14,~~ the county commissioner of elections may:

Sec. 3. Section 49.11, subsection 3, paragraph d, unnumbered paragraph 1, Code 2017, is amended to read as follows:

~~Notwithstanding subsection 1, the~~ The commissioner may also consolidate precincts for any election ~~including a primary and general election~~ under any of the following circumstances:

Approved April 13, 2017

CHAPTER 68**DEER HUNTING — USE OF RIFLES — STRAIGHT WALL CARTRIDGE RIFLES***H.F. 475*

AN ACT relating to the use of a straight wall cartridge rifle to hunt deer and including penalties.

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

Section 1. Section 481A.48, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The commission shall adopt rules pursuant to chapter 17A allowing the use of straight wall cartridge rifles to hunt deer as follows:

a. A straight wall cartridge rifle may be used to hunt deer during youth and disabled deer hunting season and first and second shotgun deer hunting seasons by a person who has a valid deer hunting license and is otherwise qualified to hunt.

b. A straight wall cartridge rifle that is allowed pursuant to this subsection shall be of the same caliber and use the same straight wall ammunition as is allowed for use in a pistol or revolver for hunting deer as provided in subsection 5. In addition, the commission shall provide, by rule, for the use of straight wall ammunition under this subsection that meets

ballistics specifications similar to the requirements for straight wall ammunition allowed for use in a pistol or revolver for hunting deer as provided in subsection 5.

c. A person possessing a prohibited rifle while hunting deer commits a scheduled violation under section 805.8B, subsection 3, paragraph “h”, subparagraph (6). In addition, the hunting privileges of a person convicted of possessing a prohibited rifle while hunting deer shall be suspended for two years.

Sec. 2. Section 805.8B, subsection 3, paragraph h, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (6) Possession of a prohibited rifle while hunting deer, the scheduled fine is two hundred fifty dollars.

Approved April 13, 2017

CHAPTER 69

REGULATION OF WEAPONS AND AMMUNITION AND USE OF REASONABLE FORCE

H.F. 517

AN ACT relating to offensive and dangerous weapons, and the justifiable use of reasonable and deadly force, including carrying, possessing, transferring, and acquiring weapons, the purchase and regulation of such weapons, providing penalties, and including effective date and applicability provisions.

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

DIVISION I OFFENSIVE WEAPONS

Section 1. Section 724.1, subsection 1, paragraph b, Code 2017, is amended by striking the paragraph.

Sec. 2. NEW SECTION. **724.1C Short-barreled rifle or short-barreled shotgun — penalty.**

1. For purposes of this section, “*short-barreled rifle*” or “*short-barreled shotgun*” means the same as defined in 18 U.S.C. §921.

2. A person shall not knowingly possess a short-barreled rifle or short-barreled shotgun in violation of federal law.

3. A person who possesses a short-barreled rifle or short-barreled shotgun in violation of subsection 2 commits a class “D” felony.

DIVISION II CARRYING WEAPONS AND POSSESSION OF WEAPONS

Sec. 3. Section 232.52, subsection 2, paragraph a, subparagraph (4), subparagraph division (a), subparagraph subdivision (viii), Code 2017, is amended to read as follows:

(viii) Section 724.4, ~~if the child carried the dangerous weapon on school grounds or~~ 724.4B.

Sec. 4. Section 708.8, Code 2017, is amended to read as follows:

708.8 Going armed with intent.

A person who goes armed with any dangerous weapon with the intent to use without justification such weapon against the person of another commits a class “D” felony. The intent required for a violation of this section shall not be inferred from the mere carrying or concealment of any dangerous weapon itself, including the carrying of a loaded firearm, whether in a vehicle or on or about a person’s body.

Sec. 5. Section 724.2A, Code 2017, is amended to read as follows:

724.2A Peace officer defined and reserve peace officer — defined.

As used in sections 724.4, 724.6, and 724.11 regarding obtaining or renewing a permit for the carrying of weapons, “peace officer” means a certified “peace officer” and¹ includes a reserve peace officer as defined in section 80D.1A.

Sec. 6. Section 724.4, subsection 4, paragraph b, Code 2017, is amended to read as follows:

b. A peace officer, when the officer’s duties require the person to carry such weapons, or as provided in section 724.6.

Sec. 7. Section 724.4B, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A licensee under chapter 80A or an employee of such a licensee, while the licensee or employee is engaged in the performance of duties, and if the licensee or employee possesses a valid professional or nonprofessional permit to carry weapons issued pursuant to this chapter.

Sec. 8. Section 724.4C, Code 2017, is amended to read as follows:

724.4C Possession or carrying of firearms dangerous weapons while under the influence.

1. A permit issued under this chapter is invalid if the Except as provided in subsection 2, a person to whom the permit is issued is commits a serious misdemeanor if the person is intoxicated as provided under the conditions set out in section 321J.2, subsection 1,² and the person does any of the following:

a. Carries a dangerous weapon on or about the person.

b. Carries a dangerous weapon within the person’s immediate access or reach while in a vehicle.

2. This section shall not apply to any of the following:

a. A person who carries or possesses a dangerous weapon while in the person’s own dwelling, place of business, or on land owned or lawfully possessed by the person.

b. The transitory possession or use of a dangerous weapon during an act of justified self-defense or justified defense of another, provided that the possession lasts no longer than is immediately necessary to resolve the emergency.

Sec. 9. Section 724.5, Code 2017, is amended to read as follows:

724.5 Duty to carry permit to carry weapons.

1. A person armed with a revolver, pistol, or pocket billy concealed upon the person shall have in the person’s immediate possession the permit provided for in section 724.4, subsection 4, paragraph “i”, and shall produce the permit for inspection at the request of a peace officer. Failure to so produce a permit is a simple misdemeanor.

2. A person charged with a violation of subsection 1 who produces to the clerk of the district court prior to the date of the person’s court appearance proof that the person possesses a valid permit to carry weapons which was valid at the time of the alleged offense, shall not be convicted of a violation of subsection 1 and the charge shall be dismissed by the court. Upon dismissal, the court shall assess the costs of the action against the person named on the indictment or information.

Sec. 10. Section 724.6, subsection 1, Code 2017, is amended to read as follows:

1. a. A person may be issued a permit to carry weapons when the person’s employment in a private investigation business or private security business licensed under chapter 80A, or a person’s employment as a peace officer, correctional officer, security guard, bank messenger or other person transporting property of a value requiring security, or in police work, reasonably justifies that person going armed.

¹ See chapter 170, §46 herein

² See chapter 170, §47 herein

b. The permit shall be on a form prescribed and published by the commissioner of public safety, shall identify the holder, and shall state the nature of the employment requiring the holder to go armed. A permit so issued, other than to a peace officer, shall authorize the person to whom it is issued to go armed anywhere in the state, only while engaged in the employment, and while going to and from the place of the employment.

c. A permit issued to a certified peace officer shall authorize that peace officer to go armed anywhere in the state at all times, including on the grounds of a school.

d. Permits shall expire twelve months after the date when issued except that permits issued to peace officers and correctional officers are valid through the officer's period of employment unless otherwise canceled. When the employment is terminated, the holder of the permit shall surrender it to the issuing officer for cancellation.

DIVISION III PERMIT TO CARRY WEAPONS AND FIREARM SAFETY TRAINING

Sec. 11. Section 80A.13, subsection 1, Code 2017, is amended to read as follows:

1. File with the sheriff of the county in which the campus is located evidence that the individual has successfully completed an approved ~~firearms~~ firearm safety training program under section 724.9. This requirement does not apply to armored car personnel.

Sec. 12. Section 724.9, Code 2017, is amended to read as follows:

724.9 Firearm safety training program.

1. An applicant for an initial permit to carry weapons shall demonstrate knowledge of firearm safety by any of the following means:

a. Completion of any national rifle association handgun safety training course.

b. Completion of any handgun safety training course available to the general public offered by a law enforcement agency, community college, college, private or public institution or organization, or firearms training school, utilizing instructors certified by the national rifle association or the department of public safety or another state's department of public safety, state police department, or similar certifying body.

c. Completion of any handgun safety training course offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement or security enforcement agency approved by the department of public safety.

d. Completion of small arms training while serving with the armed forces of the United States ~~as evidenced by any of the following:~~

~~(1) For personnel released or retired from active duty, possession of an honorable discharge or general discharge under honorable conditions.~~

~~(2) For personnel on active duty or serving in one of the national guard or reserve components of the armed forces of the United States, possession of a certificate of completion of basic training with a service record of successful completion of small arms training and qualification.~~

e. Completion of a law enforcement agency ~~firearms~~ firearm safety training course that qualifies a peace officer to carry a firearm in the normal course of the peace officer's duties.

f. Completion of a hunter education program approved by the natural resource commission pursuant to section 483A.27, if the program includes handgun safety training and completion of the handgun safety training is included on the certificate of completion.

2. The handgun safety training course required in subsection 1 may be conducted over the internet in a live or web-based format, if completion of the course is verified by the instructor or provider of the course.

3. Firearm safety training shall not be required for renewals of permits issued after December 31, 2010.

~~2. 4. Evidence~~ If firearm safety training is required under this section, evidence of qualification under this section such training may be documented by any of the following:

a. A photocopy of a certificate of completion or any similar document indicating completion of any course or class identified in subsection 1 that was completed within twenty-four months prior to the date of the application.

b. An affidavit from the instructor, school, organization, or group that conducted or taught a course or class identified in subsection 1 that was completed within twenty-four months prior to the date of the application attesting to the completion of the course or class by the applicant.

e. ~~A copy of any document indicating participation in any firearms shooting competition.~~

c. For personnel released or retired from active duty in the armed forces of the United States, possession of an honorable discharge or general discharge under honorable conditions issued any time prior to the date of the application.

d. For personnel on active duty or serving in one of the national guard or reserve components of the armed forces of the United States, possession of a certificate of completion of basic training with a service record of successful completion of small arms training and qualification issued prior to the date of the application, or any other official documentation satisfactory to the issuing officer issued prior to the date of the application.

3. 5. An issuing officer shall not condition the issuance of a permit on training requirements that are not specified in or that exceed the requirements of this section.

6. If an applicant applies after expiration of the time periods specified for renewal in section 724.11, firearm safety training shall not be required for a renewal permit under this section.

Sec. 13. Section 724.11, subsections 1 and 3, Code 2017, are amended to read as follows:

1. Applications for permits to carry weapons shall be made to the sheriff of the county in which the applicant resides. Applications for professional permits to carry weapons for persons who are nonresidents of the state, or whose need to go armed arises out of employment by the state, shall be made to the commissioner of public safety. In either case, the sheriff or commissioner, before issuing the permit, shall determine that the requirements of sections 724.6 to 724.10 have been satisfied. ~~However, for renewal of a permit the training program requirements in section 724.9, subsection 1, shall apply or the renewal applicant may choose to qualify on a firing range under the supervision of an instructor certified by the national rifle association or the department of public safety or another state's department of public safety, state police department, or similar certifying body. Such training or qualification must occur within the twelve-month period prior to the expiration of the applicant's current permit. A renewal applicant shall apply within thirty days prior to the expiration of the permit, or within thirty days after the expiration of the permit; otherwise the applicant shall be considered an applicant for an initial permit for purposes of renewal fees under subsection 3.~~

3. The issuing officer shall collect a fee of fifty dollars for an initial permit, except from a duly appointed peace officer or correctional officer, for each permit issued. Renewal permits or duplicate permits shall be issued for a fee of twenty-five dollars, provided the application for such renewal permit is received by the issuing officer at least within thirty days prior to the expiration of the applicant's current permit or within thirty days after the expiration of the applicant's current permit. The issuing officer shall notify the commissioner of public safety of the issuance of any permit at least monthly and forward to the commissioner an amount equal to ten dollars for each permit issued and five dollars for each renewal or duplicate permit issued. All such fees received by the commissioner shall be paid to the treasurer of state and deposited in the operating account of the department of public safety to offset the cost of administering this chapter. Notwithstanding section 8.33, any unspent balance as of June 30 of each year shall not revert to the general fund of the state.

Sec. 14. Section 724.11, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 5. An initial or renewal permit shall have a uniform appearance, size, and content prescribed and published by the commissioner of public safety. The permit shall contain the name of the permittee and the effective date of the permit, but shall not contain the permittee's social security number. The permit shall also include a designation that the permit is invalid when the permittee is intoxicated. Such a permit shall not be issued for a particular weapon and shall not contain information about a particular weapon including the make, model, or serial number of the weapon, or any ammunition used in that weapon.

Sec. 15. **NEW SECTION. 724.14 Nonprofessional permit — change of residence to another county.**

If a permit holder of a nonprofessional permit to carry weapons changes residences from one county to another county after the issuance of the permit, the department of public safety shall by rule specify the procedure to transfer the regulation of the holder's permit to another sheriff for the purposes of issuing a renewal or duplicate permit, or complying with section 724.13.

Sec. 16. Section 724.21A, Code 2017, is amended by adding the following new subsection: **NEW SUBSECTION. 8.** If an applicant or permit holder appeals the decision by the sheriff or commissioner to deny an application, or suspend or revoke a permit to carry weapons or a permit to acquire pistols or revolvers, and it is later determined the applicant or permit holder is eligible to be issued or possess such a permit, the applicant or permit holder shall be awarded court costs and reasonable attorney fees. If the decision of the sheriff or commissioner to deny the application, or suspend or revoke the permit is upheld on appeal, the political subdivision of the state representing the sheriff or the commissioner shall be awarded court costs and reasonable attorney fees.³

DIVISION IV
PERMIT TO ACQUIRE PISTOLS OR REVOLVERS

Sec. 17. Section 724.11A, Code 2017, is amended to read as follows:

724.11A Recognition.

A valid permit or license issued by another state to any nonresident of this state shall be considered to be a valid permit or license to carry weapons issued pursuant to this chapter, except that such permit or license shall not be considered to be a substitute for ~~an annual~~ a permit to acquire pistols or revolvers issued pursuant to section 724.15.

Sec. 18. Section 724.15, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Any person who desires to acquire ownership of any pistol or revolver shall first obtain ~~an annual~~ a permit. ~~An annual~~ A permit shall be issued upon request to any resident of this state unless the person is subject to any of the following:

Sec. 19. Section 724.15, subsection 2, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Any person who acquires ownership of a pistol or revolver shall not be required to obtain ~~an annual~~ a permit if any of the following apply:

Sec. 20. Section 724.15, subsection 3, Code 2017, is amended to read as follows:

3. The ~~annual~~ permit to acquire pistols or revolvers shall authorize the permit holder to acquire one or more pistols or revolvers during the period that the permit remains valid. If the issuing officer determines that the applicant has become disqualified under the provisions of subsection 1, the issuing officer may immediately revoke the permit and shall provide a written statement of the reasons for revocation, and the applicant shall have the right to appeal the revocation as provided in section 724.21A.

Sec. 21. Section 724.16, Code 2017, is amended to read as follows:

724.16 Annual permit Permit to acquire required — transfer prohibited.

1. Except as otherwise provided in section 724.15, subsection 2, a person who acquires ownership of a pistol or revolver without a valid ~~annual~~ permit to acquire pistols or revolvers or a person who transfers ownership of a pistol or revolver to a person who does not have in the person's possession a valid ~~annual~~ permit to acquire pistols or revolvers is guilty of an aggravated misdemeanor.

³ See chapter 170, §52 herein

2. A person who transfers ownership of a pistol or revolver to a person that the transferor knows is prohibited by section 724.15 from acquiring ownership of a pistol or revolver commits a class “D” felony.

Sec. 22. Section 724.17, Code 2017, is amended to read as follows:

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

1. The application for ~~an annual~~ a 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 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.⁴

2. An issuing officer may conduct an annual criminal history check concerning a person issued a permit to acquire by obtaining criminal history data from the department of public safety.

Sec. 23. Section 724.18, Code 2017, is amended to read as follows:

724.18 Procedure for making application for annual permit to acquire.

A person may personally request the sheriff to mail an application for ~~an annual~~ a permit to acquire pistols or revolvers, and the sheriff shall immediately forward to such person an application for ~~an annual~~ a permit to acquire pistols or revolvers. A person shall upon completion of the application personally deliver such application to the sheriff who shall note the period of validity on the application and shall immediately issue the ~~annual~~ permit to acquire pistols or revolvers to the applicant. For the purposes of this section the date of application shall be the date on which the sheriff received the completed application.

Sec. 24. Section 724.19, Code 2017, is amended to read as follows:

724.19 Issuance of ~~annual~~ permit to acquire.

The ~~annual~~ permit to acquire pistols or revolvers shall be issued to the applicant immediately upon completion of the application unless the applicant is disqualified under the provisions of section 724.15 ~~and~~. The permit shall be on a form have a uniform appearance, size, and content prescribed and published by the commissioner of public safety. The permit shall contain the name of the permittee, the residence of the permittee, and the effective date of the permit, but shall not contain the permittee’s social security number. Such a permit shall not be issued for a particular pistol or revolver and shall not contain information about a particular pistol or revolver including the make, model, or serial number of the pistol or revolver, or any ammunition used in that pistol or revolver.

Sec. 25. Section 724.20, Code 2017, is amended to read as follows:

724.20 Validity of ~~annual~~ permit to acquire pistols or revolvers.

The permit shall be valid throughout the state and shall be valid three days after the date of application and shall be invalid ~~one year~~ five years after the date of ~~application~~ issuance.

Sec. 26. Section 724.21A, subsections 1 and 7, Code 2017, are amended to read as follows:

1. In any case where the sheriff or the commissioner of public safety denies an application for or suspends or revokes a permit to carry weapons or ~~an annual~~ a permit to acquire pistols

⁴ See chapter 170, §48 herein

or revolvers, the sheriff or commissioner shall provide a written statement of the reasons for the denial, suspension, or revocation and the applicant or permit holder shall have the right to appeal the denial, suspension, or revocation to an administrative law judge in the department of inspections and appeals within thirty days of receiving written notice of the denial, suspension, or revocation.

7. In any case where the issuing officer denies an application for, or suspends or revokes a permit to carry weapons or ~~an annual~~ a permit to acquire pistols or revolvers solely because of an adverse determination by the national instant criminal background check system, the applicant or permit holder shall not seek relief under this section but may pursue relief of the national instant criminal background check system determination pursuant to Pub. L. No. 103-159, sections 103(f) and (g) and 104 and 28 C.F.R. §25.10, or other applicable law. The outcome of such proceedings shall be binding on the issuing officer.

Sec. 27. Section 724.21A, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 8. If an applicant or permit holder appeals the decision by the sheriff or commissioner to deny an application for or suspend or revoke a permit to carry weapons or a permit to acquire pistols or revolvers, and it is later determined on appeal the applicant or permit holder is eligible to be issued or possess a permit to carry weapons or a permit to acquire pistols or revolvers, the applicant or permit holder shall be awarded court costs and reasonable attorney fees. If the decision of the sheriff or commissioner to deny an application for or suspend or revoke a permit to carry weapons or a permit to acquire pistols or revolvers is upheld on appeal, or the applicant or permit holder withdraws or dismisses the appeal, the political subdivision of the state representing the sheriff or the state department representing the commissioner shall be awarded court costs and reasonable attorney fees.

DIVISION V

POSSESSION OF PISTOL OR REVOLVER BY PERSONS UNDER 14 YEARS OF AGE

Sec. 28. Section 724.22, subsection 5, Code 2017, is amended to read as follows:

5. a. A parent or guardian or spouse who is twenty-one years of age or older, of a person ~~fourteen years of age but less than under the age of twenty-one~~ may allow the person, while under direct supervision, to possess a pistol or revolver or the ammunition therefor for any lawful purpose ~~while under the direct supervision of the parent or guardian or spouse who is twenty-one years of age or older~~, or while the person receives instruction in the proper use thereof from an instructor twenty-one years of age or older, with the consent of such parent, guardian or spouse.

b. As used in this section, "direct supervision" means supervision provided by the parent, guardian, spouse, or instructor who is twenty-one years of age or older, who maintains a physical presence near the supervised person conducive to hands-on instruction, who maintains visual and verbal contact at all times with the supervised person, and who is not intoxicated as provided under the conditions set out in section 321J.2, subsection 1, or under the influence of an illegal drug.

Sec. 29. Section 724.22, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 8. A parent, guardian, or spouse who is twenty-one years of age or older, of a minor under the age of fourteen years who allows that minor to possess a pistol or revolver or the ammunition pursuant hereto, shall be strictly liable to an injured party for all damages resulting from the possession of the pistol or revolver or ammunition therefor by that minor.

NEW SUBSECTION. 9. A parent, guardian, spouse, or instructor, who knowingly provides direct supervision under subsection 5, of a person while intoxicated as provided under the conditions set out in section 321J.2, subsection 1, or under the influence of an illegal drug,⁵ commits child endangerment in violation of section 726.6, subsection 1, paragraph "i".

⁵ See chapter 170, §49 herein

Sec. 30. Section 726.6, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *i.* Knowingly provides direct supervision of a person under section 724.22, subsection 5, while intoxicated as provided under the conditions set out in section 321J.2, subsection 1, or under the influence of an illegal drug.⁶

DIVISION VI
RECORDS KEPT BY COMMISSIONER — CONFIDENTIALITY

Sec. 31. Section 724.23, Code 2017, is amended to read as follows:

724.23 Records kept by commissioner and issuing officers.

1. The commissioner of public safety shall maintain a permanent record of all valid permits to carry weapons and of current permit revocations.

2. *a.* Notwithstanding any other law or rule to the contrary, the commissioner of public safety and any issuing officer shall keep confidential personally identifiable information of holders of professional or nonprofessional permits to carry weapons and permits to acquire pistols or revolvers, including but not limited to the name, social security number, date of birth, residential or business address, and driver's license or other identification number of the applicant or permit holder.

b. This subsection shall not prohibit the release of statistical information relating to the issuance, denial, revocation, or administration of professional or nonprofessional permits to carry weapons and permits to acquire pistols or revolvers, provided that the release of such information does not reveal the identity of any individual permit holder.

c. This subsection shall not prohibit the release of information to a criminal or juvenile justice agency as defined in section 692.1 for the performance of any lawfully authorized duty or for conducting a lawfully authorized background investigation.

d. This subsection shall not prohibit the release of information relating to the validity of a professional permit to carry weapons to an employer who requires an employee or an agent of the employer to possess a professional permit to carry weapons as part of the duties of the employee or agent.

e. Except as provided in paragraphs "b", "c", and "d", the release of any confidential information under this section shall require a court order or the consent of the person whose personally identifiable information is the subject of the information request.

DIVISION VII
STATE PREEMPTION

Sec. 32. Section 724.28, Code 2017, is amended to read as follows:

724.28 Prohibition of regulation by political subdivisions.

1. As used in this section, "*political subdivision of the state*" means a city, county, or township.

2. A political subdivision of the state shall not enact an ordinance regulating the ownership, possession, legal transfer, lawful transportation, registration, or licensing of firearms when the ownership, possession, transfer, or transportation is otherwise lawful under the laws of this state. An ordinance regulating firearms in violation of this section existing on or after April 5, 1990, is void.

3. If a political subdivision of the state, prior to, on, or after July 1, 2017, adopts, makes, enacts, or amends any ordinance, measure, enactment, rule, resolution, motion, or policy regulating the ownership, possession, legal transfer, lawful transportation, registration, or licensing of firearms when the ownership, possession, transfer, transportation, registration, or license is otherwise lawful under the laws of this state, a person adversely affected by the ordinance, measure, enactment, rule, resolution, motion, or policy may file suit in the appropriate court for declaratory and injunctive relief for damages.

⁶ See chapter 170, §50 herein

DIVISION VIII
PISTOLS OR REVOLVERS — CAPITOL BUILDINGS AND GROUNDS

Sec. 33. Section 8A.322, subsection 3, Code 2017, is amended to read as follows:

3. The director shall establish, publish, and enforce rules regulating and restricting the use by the public of the capitol buildings and grounds and of the state laboratories facility in Ankeny. The rules when established shall be posted in conspicuous places about the capitol buildings and grounds and the state laboratories facility, as applicable. Any person violating any rule, except a parking regulation, shall be guilty of a simple misdemeanor. The rules shall prohibit a person, other than a peace officer, from openly carrying a pistol or revolver in the capitol building and on the grounds surrounding the capitol building including state parking lots and parking garages. However, this subsection shall not be construed to allow the director to prohibit the lawful carrying, transportation, or possession of any pistol or revolver in the capitol building and on the grounds surrounding the capitol building including state parking lots and parking garages by a person who displays to capitol security personnel a valid permit to carry weapons upon request.

DIVISION IX
EMERGENCY POWERS

Sec. 34. Section 29C.3, subsection 4, paragraph e, Code 2017, is amended by striking the paragraph.

Sec. 35. Section 29C.6, subsection 16, Code 2017, is amended to read as follows:

16. Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, ~~firearms~~, explosives, and combustibles.

Sec. 36. **NEW SECTION. 29C.25 Firearms and ammunition — limitations — exceptions — remedies.**

1. This chapter shall not be construed to authorize the governor or any other official of this state or any of its political subdivisions or any agent or person acting at the direction of the governor or any such official to do any of the following:

a. Prohibit, regulate, or curtail the otherwise lawful possession, carrying, transportation, or defensive use of firearms or ammunition.

b. Suspend or revoke, except in accordance with section 724.13, a permit issued pursuant to section 724.6, 724.7, or 724.15.

c. Seize or confiscate firearms and ammunition possessed in accordance with the laws of this state.

2. This section shall not prohibit any of the following:

a. The temporary closure or limitations on the operating hours of businesses that sell firearms or ammunition if the same operating restrictions apply to all businesses in the affected area.

b. The adoption or enforcement of regulations pertaining to firearms and ammunition used or carried for official purposes by law enforcement officers or persons acting under the authority of emergency management agencies or officials.

3. a. A person aggrieved by a violation of this section may seek relief in an action at law or in equity or in any other proper proceeding for actual damages, injunctive relief, or other appropriate redress against a person who commits or causes the commission of such violation.

b. In addition to any other remedy available at law or in equity, a person aggrieved by the seizure or confiscation of a firearm or ammunition in violation of this section may make application pursuant to section 809.3 for its return in the office of the clerk of court for the county in which the property was seized.

c. In an action or proceeding to enforce this section, the court shall award the prevailing plaintiff reasonable court costs and attorney fees.

DIVISION X
JUSTIFIABLE USE OF REASONABLE AND DEADLY FORCE

Sec. 37. Section 704.1, Code 2017, is amended to read as follows:

704.1 Reasonable force.

1. "Reasonable force" is means that force and no more which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or safety or the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat. Reasonable force, including deadly force, may be used even if an alternative course of action is available if the alternative entails a risk to life or safety, or the life or safety of a third party, or requires one to abandon or retreat from one's dwelling or place of business or employment.

2. A person may be wrong in the estimation of the danger or the force necessary to repel the danger as long as there is a reasonable basis for the belief of the person and the person acts reasonably in the response to that belief.

3. A person who is not engaged in illegal activity has no duty to retreat from any place where the person is lawfully present before using force as specified in this chapter.

Sec. 38. Section 704.2, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. "Deadly force" does not include a threat to cause serious injury or death, by the production, display, or brandishing of a deadly weapon, as long as the actions of the person are limited to creating an expectation that the person may use deadly force to defend oneself, another, or as otherwise authorized by law.

Sec. 39. NEW SECTION. 704.2A Justifiable use of deadly force.

1. For purposes of this chapter, a person is presumed to reasonably believe that deadly force is necessary to avoid injury or risk to one's life or safety or the life or safety of another in either of the following circumstances:

a. The person against whom force is used, at the time the force is used, is doing any of the following:

(1) Unlawfully entering the dwelling, place of business or employment, or occupied vehicle of the person using force by force or stealth, or has unlawfully entered by force or stealth and remains within the dwelling, place of business or employment, or occupied vehicle of the person using force.

(2) Unlawfully removing or is attempting to unlawfully remove another person against the other person's will from the dwelling, place of business or employment, or occupied vehicle of the person using force.

b. The person using force knows or has reason to believe that any of the conditions set forth in paragraph "a" are occurring.

2. The presumption set forth in subsection 1 does not apply if, at the time force is used, any of the following circumstances are present:

a. The person using defensive force is engaged in a criminal offense, is attempting to escape from the scene of a criminal offense that the person has committed, or is using the dwelling, place of business or employment, or occupied vehicle to further a criminal offense.

b. The person sought to be removed is a child or grandchild or is otherwise in the lawful custody or under the lawful guardianship of the person against whom force is used.

c. The person against whom force is used is a peace officer who has entered or is attempting to enter a dwelling, place of business or employment, or occupied vehicle in the lawful performance of the peace officer's official duties.

d. The person against whom the force is used has the right to be in, or is a lawful resident of, the dwelling, place of business or employment, or occupied vehicle of the person using force, and a protective or no-contact order is not in effect against the person against whom the force is used.

Sec. 40. NEW SECTION. 704.2B Use of deadly force — duties — evidence.

1. If a person uses deadly force, the person shall notify or cause another to notify a law enforcement agency about the person's use of deadly force within a reasonable time period

after the person's use of the deadly force, if the person or another person is capable of providing such notification.

2. The person using deadly force shall not intentionally destroy, alter, conceal, or disguise physical evidence relating to the person's use of deadly force, and the person shall not intentionally intimidate witnesses into refusing to cooperate with any investigation relating to the use of such deadly force or induce another person to alter testimony about the use of such deadly force.

Sec. 41. Section 704.3, Code 2017, is amended to read as follows:

704.3 Defense of self or another.

A person is justified in the use of reasonable force when the person reasonably believes that such force is necessary to defend oneself or another from any actual or imminent use of unlawful force.

Sec. 42. Section 704.7, Code 2017, is amended to read as follows:

704.7 Resisting forcible felony.

A person who ~~knows~~ reasonably believes that a forcible felony is being or will imminently be perpetrated is justified in using, ~~against the perpetrator,~~ reasonable force, including deadly force, against the perpetrator or perpetrators to prevent ~~the completion of~~ or terminate the perpetration of that felony.

Sec. 43. NEW SECTION. **704.13 Immunity.**

A person who is justified in using reasonable force against an aggressor in defense of oneself, another person, or property pursuant to section 704.4 is immune from criminal or civil liability for all damages incurred by the aggressor pursuant to the application of reasonable force.

Sec. 44. Section 707.6, Code 2017, is amended to read as follows:

707.6 Civil liability.

1. ~~No~~ A person who injures or causes the death of the aggressor through application of reasonable force in defense of the person's person or property ~~may~~ shall not be held civilly liable for such injury or death.

2. ~~No~~ A person who injures or causes the death of the aggressor through application of reasonable force in defense of a second person ~~may~~ shall not be held civilly liable for such injury or death.

DIVISION XI
FRAUDULENT PURCHASE OF FIREARMS OR AMMUNITION

Sec. 45. NEW SECTION. **724.29A Fraudulent purchase of firearms or ammunition.**

1. For purposes of this section:

a. "Ammunition" means any cartridge, shell, or projectile designed for use in a firearm.

b. "Licensed firearms dealer" means a person who is licensed pursuant to 18 U.S.C. §923 to engage in the business of dealing in firearms.

c. "Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal.

d. "Private seller" means a person who sells or offers for sale any firearm or ammunition.

2. A person who knowingly solicits, persuades, encourages, or entices a licensed firearms dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances that the person knows would violate the laws of this state or of the United States commits a class "D" felony.

3. A person who knowingly provides materially false information to a licensed firearms dealer or private seller of firearms or ammunition with the intent to deceive the firearms dealer or seller about the legality of a transfer of a firearm or ammunition commits a class "D" felony.

4. A person who willfully procures another to engage in conduct prohibited by this section shall be held accountable as a principal.

5. This section does not apply to a law enforcement officer acting in the officer's official capacity or to a person acting under the direction of such law enforcement officer.

DIVISION XII SNOWMOBILES AND ALL-TERRAIN VEHICLES

Sec. 46. Section 321G.13, subsection 2, Code 2017, 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, except as otherwise provided. 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 pistol or revolver, 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 and the person's conduct is otherwise lawful.~~

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. 47. Section 321I.14, subsection 2, Code 2017, 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, except as otherwise provided. 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 pistol or revolver, 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 and the person's conduct is otherwise lawful.~~

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.

DIVISION XIII TARGET SHOOTING — PRIVATE PREMISES

Sec. 48. Section 481A.123, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Subject to subsection 1, an owner or tenant of private premises located in the unincorporated area of a county, or a person to whom the owner or tenant has given consent, may discharge a firearm for the purpose of target shooting on those private premises. The use of such private premises for target shooting shall not be found to be in violation of a noise ordinance or declared a public or private nuisance or be otherwise prohibited under state or local law. As used in this subsection, "target shooting" means

the discharge of a firearm at an inanimate object, for amusement or as a test of skill in marksmanship.

DIVISION XIV
INITIAL APPEARANCE — BAIL

Sec. 49. Section 804.21, subsection 5, paragraph b, subparagraph (1), Code 2017, is amended to read as follows:

(1) The person was arrested for a crime other than a violation of section 708.6, section 724.26, subsection 1, or a forcible felony, and

DIVISION XV
EFFECTIVE DATE AND APPLICABILITY PROVISIONS

Sec. 50. 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 section 724.22.⁷
2. The section of this Act amending section 724.23.
3. The applicability section of this division of this Act related to amending section 724.23.

Sec. 51. APPLICABILITY — RECORDS KEPT BY COMMISSIONER — CONFIDENTIALITY. The section of this Act amending section 724.23 applies to holders of nonprofessional permits to carry weapons and permits to acquire pistols or revolvers and to applicants for nonprofessional permits to carry weapons and permits to acquire pistols or revolvers on or after the effective date of that section of this Act.

Approved April 13, 2017

CHAPTER 70

UNEMPLOYMENT INSURANCE BENEFITS ELIGIBILITY AND DISQUALIFICATION

H.F. 533

AN ACT relating to disqualification from eligibility for unemployment benefits and including effective date provisions.

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

Section 1. Section 96.5, unnumbered paragraph 1, Code 2017, is amended to read as follows:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

Sec. 2. Section 96.5, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. ~~The individual shall be disqualified for benefits~~ disqualification shall continue until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Sec. 3. Section 96.5, Code 2017, is amended by adding the following new subsections:
NEW SUBSECTION. 11. Incarceration — disqualified.

a. If the department finds that the individual became separated from employment due to the individual's incarceration in a jail, municipal holding facility, or correctional institution or facility, unless the department finds all of the following:

⁷ See chapter 170, §51 herein

(1) The individual notified the employer that the individual would be absent from work due to the individual's incarceration prior to any such absence.

(2) Criminal charges relating to the incarceration were not filed against the individual, all criminal charges against the individual relating to the incarceration were dismissed, or the individual was found not guilty of all criminal charges relating to the incarceration.

(3) The individual reported back to the employer within two work days of the individual's release from incarceration and offered services.

(4) The employer rejected the individual's offer of services.

b. A disqualification under this subsection shall continue until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

NEW SUBSECTION. 12. Supplemental part-time employment. If the department finds that an individual is disqualified for benefits under subsection 1 or 2 based on the nature of the individual's separation from supplemental part-time employment, all wages paid by the supplemental part-time employer to that individual in any quarter which are chargeable following a disqualifying separation under subsection 1 or 2 shall not be considered wages credited to the individual until such time as the individual meets the conditions of requalification as provided for in this chapter, or until the period of disqualification provided for in this chapter has elapsed.

Sec. 4. Section 96.6, subsection 2, Code 2017, is amended to read as follows:

2. *Initial determination.* A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant. The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. The claimant has the burden of proving that the claimant meets the basic eligibility conditions of section 96.4. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to section 96.5, except as provided by this subsection. The claimant has the initial burden to produce evidence showing that the claimant is not disqualified for benefits in cases involving section 96.5, ~~subsection~~ subsections 10 and 11, and has the burden of proving that a voluntary quit pursuant to section 96.5, subsection 1, was for good cause attributable to the employer and that the claimant is not disqualified for benefits in cases involving section 96.5, subsection 1, paragraphs "a" through "h". Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision. If an administrative law judge affirms a decision of the representative, or the appeal board affirms a decision of the administrative law judge allowing benefits, the benefits shall be paid regardless of any appeal which is thereafter taken, but if the decision is finally reversed, no employer's account shall be charged with benefits so paid and this relief from charges shall apply to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Sec. 5. EFFECTIVE DATE. This Act takes effect July 2, 2017.

Approved April 13, 2017

CHAPTER 71**REAL ESTATE LICENSES, LICENSEES, AND DISCLOSURE STATEMENTS***H.F. 541*

AN ACT relating to licensed real estate professionals and real estate disclosure statements.

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

DIVISION I
REAL ESTATE LICENSEES

Section 1. Section 543B.15, subsection 3, Code 2017, is amended to read as follows:

3. *a.* An applicant for a real estate broker's or salesperson's license who has been convicted of an offense specified in this subsection shall not be considered for licensure until the following time periods have elapsed following completion of any applicable period of incarceration, or payment of a fine or fulfillment of any other type of sentence:

(1) For an offense which is classified as a felony, ~~two~~ an offense including or involving forgery, embezzlement, obtaining money under false pretenses, theft, arson, extortion, conspiracy to defraud, or other similar offense, or any other offense involving a criminal breach of fiduciary duty, five years.

(2) ~~Notwithstanding subparagraph (1), for offenses including or involving forgery, embezzlement, obtaining money under false pretenses, theft, arson, extortion, conspiracy to defraud, or other similar offense, any offense involving moral turpitude, or other offense involving a criminal breach of fiduciary duty, five years. For any offense not described in subparagraph (1) involving moral turpitude, one year.~~

b. After expiration of the time periods specified in paragraph "a", an application shall be considered by the commission pursuant to subsection 6 and may be denied on the grounds of the conviction. An applicant may request a hearing pursuant to section 543B.19 in the event of a denial.

c. For purposes of this section, "convicted" or "conviction" means a conviction for an indictable offense and includes a court's acceptance of a guilty plea, deferred judgment from the time of entry of the deferred judgment until the time the defendant is discharged by the court without entry of judgment, or other finding of guilt by a court of competent jurisdiction in this state, or in any other state, territory, or district of the United States, or in any foreign jurisdiction. A copy of the record of conviction is conclusive evidence of such conviction.

Sec. 2. Section 543B.16, Code 2017, is amended to read as follows:

543B.16 Application forms.

1. Every applicant for a real estate broker's license shall apply in writing upon blanks prepared or furnished by the real estate commission. The real estate commission shall not require that a recent photograph of the applicant be attached to the application. The real estate commission shall only require an applicant to disclose on the application criminal convictions for crimes classified as indictable offenses.

2. Every applicant for a license shall furnish information setting forth the applicant's present mailing address, both of business and residence, a complete list of all former places where the applicant may have been engaged in business for a period of sixty days or more, during the last five years, accounting for such entire period and electronic mail address.

3. ~~The commission shall prepare and furnish written application blanks for the salesperson's license requesting information as the commission may require. The commission shall not require that a recent photograph of the applicant be attached to the application. The application~~ Every applicant for the a salesperson's license shall be accompanied by furnish a written statement by the designated broker whose service the applicant is about to enter recommending that the license be granted to the applicant.

Sec. 3. Section 543B.29, subsection 4, Code 2017, is amended to read as follows:

4. A real estate broker's or salesperson's license shall be revoked following three violations of this section or section 543B.34 within a ~~five-year~~ three-year period.

Sec. 4. Section 543B.31, Code 2017, is amended to read as follows:

543B.31 Place of business — branch license.

Every real estate broker, except as provided in section 543B.22, shall maintain a place of business in this state. A real estate broker may maintain more than one place of business within the state and a broker may be the designated broker of more than one branch office within the state. If the real estate broker maintains more than one place of business within the state, a duplicate license shall be issued to such broker for each branch office maintained. ~~Provided, that if such broker be a partnership, association, corporation, professional corporation, or professional limited liability company a duplicate shall be issued to the members or officers thereof, and a~~ A fee determined by the real estate commission ~~in each case shall be paid for each duplicate license.~~

Sec. 5. Section 543B.32, Code 2017, is amended to read as follows:

543B.32 Change of location.

Notice in writing, ~~electronic or otherwise,~~ shall be given to the real estate commission by each licensee of any change of principal business location, whereupon the commission shall issue a new license for the unexpired period upon the payment of a fee established by rule to cover the cost of issuing the license.

Sec. 6. Section 543B.33, Code 2017, is amended to read as follows:

543B.33 Salespersons — change of employment or association.

When any real estate salesperson is discharged or terminates employment or association with the real estate broker by whom the salesperson is employed, the real estate broker shall immediately deliver, ~~or mail, or electronically submit~~ to the real estate commission a copy of the real estate salesperson's license on the reverse side of which the ~~employing designated~~ broker shall set out the date ~~and cause of termination of employment.~~ The ~~real estate designated~~ broker at the time of ~~mailing submitting a copy of~~ the real estate salesperson's license to the commission shall address a communication to the last known residence address of the real estate salesperson stating that a copy of the license has been delivered, ~~or mailed, or electronically submitted~~ to the commission. A copy of the communication to the real estate salesperson shall accompany the copy of the license when mailed or delivered submitted to the commission. It is unlawful for any real estate salesperson to perform any of the acts contemplated by this chapter either directly or indirectly under authority of a license from and after the date of receipt of a copy of the license by the commission. The commission shall, upon presentation of evidence by the salesperson that the salesperson has been employed by or is associated with another broker, issue another license for the balance of the current license period showing each change of employment or association. A fee as determined by the commission shall be charged for the issuance of the license. Not more than one license shall be issued to any real estate salesperson for the same period of time.

Sec. 7. Section 543B.34, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The real estate commission may upon its own motion and shall upon the verified complaint in writing of any person, if the complaint together with evidence, documentary or otherwise, presented in connection with the complaint makes out a prima facie case, request commission staff or any other duly authorized representative or designee to investigate the actions of any real estate broker, real estate salesperson, or other person who assumes to act in either such capacity within this state. The commission may assess civil penalties against any person or entity, and may suspend or revoke a license issued under this chapter at any time if the licensee has by false or fraudulent representation obtained a license, or if the licensee or other person assuming to act in the capacity of a real estate broker or real estate salesperson, except for those actions exempt pursuant to section 543B.7, is found to be guilty of any of the following:

Sec. 8. Section 543B.34, subsection 1, paragraph i, subparagraph (1), subparagraph division (b), Code 2017, is amended to read as follows:

(b) A citizen of another country acting as a referral agent if that country does not license real estate brokers or salespersons and if the Iowa licensee paying the commission or

consideration obtains and maintains reasonable written evidence that the payee is a citizen of the other country, is not a resident of this country, and is in the business of brokering real estate in that other country.

Sec. 9. Section 543B.34, subsection 1, paragraph i, subparagraph (2), subparagraph division (b), Code 2017, is amended to read as follows:

(b) The employing broker is not relieved of any obligation to supervise the ~~employed~~ licensee or any other requirement of this chapter or the rules adopted pursuant to this chapter.

Sec. 10. Section 543B.46, Code 2017, is amended to read as follows:

543B.46 Trust accounts.

1. Each real estate broker who is in the practice of depositing funds in a trust account shall maintain a common trust account in a ~~bank, savings association, or credit union~~ federally insured depository institution for the deposit of all down payments, earnest money deposits, or other trust funds received by the broker or the broker's salespersons on behalf of the broker's principal, except that a broker acting as a salesperson shall deposit these funds in the common trust account of the broker for whom the broker acts as salesperson. The account shall be an interest-bearing account. The interest on the account shall be transferred quarterly to the treasurer of state and transferred to the Iowa finance authority for deposit in the housing trust fund established in section 16.181 unless there is a written agreement between the buyer and seller to the contrary. The broker shall not benefit from interest received on funds of others in the broker's possession. A broker who is not in the practice of depositing funds in a trust account shall not be required to maintain a common trust account pursuant to this section.

2. Each broker required to maintain a trust account pursuant to this section shall notify the real estate commission of the name of ~~each bank, savings association, or credit union~~ the federally insured depository institution in which a trust account is maintained and also the name of the account on forms provided therefor.

3. Each broker required to maintain a trust account pursuant to this section shall authorize the real estate commission to examine each trust account and shall obtain the certification of the ~~bank, savings association, or credit union~~ federally insured depository institution attesting to each trust account and consenting to the examination and audit of each account by a duly authorized representative of the commission. The certification and consent shall be furnished on forms prescribed by the commission. This subsection does not apply to an individual farm account maintained in the name of the owner or owners for the purpose of conducting ongoing farm business whether it is conducted by the farm owner or by an agent or farm manager when the account is part of a farm management agreement between the owner and agent or manager. This subsection also does not apply to an individual property management account maintained in the name of the owner or owners for the purpose of conducting ongoing property management whether it is conducted by the property owner or by an agent or manager when the account is part of a property management agreement between the owner and agent or manager.

4. Each broker required to maintain a trust account pursuant to this section shall only deposit trust funds ~~received on real estate or business opportunity transactions~~ as directed by the principal of a transaction constituting dealing in real estate as defined in section 543B.6 in the common trust account and shall not commingle the broker's personal funds or other funds in the trust account with the exception that a broker may deposit and keep a sum not to exceed ~~five hundred~~ one thousand dollars in the account from the broker's personal funds, which sum shall be specifically identified and deposited to cover bank service charges relating to the trust account.

5. A broker may maintain more than one trust account provided the commission is advised of said account as specified in subsections 2 and 3 above.

6. The commission shall verify on a test basis, a random sampling of the brokers, corporations, professional corporations, professional limited liability companies, and partnerships for their trust account compliance. The commission may upon reasonable cause, or as a part of or after an investigation, request or order a special report.

7. The examination of a trust account shall be conducted by the commission or the commission's authorized representative.

8. The commission shall adopt rules to ensure implementation of this section.

Sec. 11. Section 543B.53, Code 2017, is amended to read as follows:

543B.53 Application of chapter.

The provisions of this chapter which require successful completion of a real estate education course before being licensed as a real estate salesperson shall not apply to ~~persons who hold real estate salesperson's licenses on July 1, 1976 or to the issuance of new licenses to these persons under the provisions of pursuant to section 543B.28.~~

Sec. 12. Section 543B.57, Code 2017, is amended to read as follows:

543B.57 Confirmation and disclosure of relationship.

1. A licensee shall not represent any party or parties to a transaction or otherwise as a licensee unless that licensee makes ~~a disclosure to all parties to the transaction identifying which party that person represents in the transaction~~ an agency disclosure to the party or parties represented by the licensee.

2. a. The disclosure required in subsection 1 shall be made by the licensee at the time the licensee provides specific assistance to the client. A change in a licensee's representation that makes the initial disclosure incomplete, misleading, or inaccurate requires that a new disclosure be made immediately.

b. A written disclosure is required to be made to the client prior to an offer being made or accepted ~~by any party to a transaction.~~ The written disclosure shall be acknowledged by separate signatures of ~~all parties to the transaction~~ the party or parties represented by the licensee prior to any offer being made or accepted by any party to a transaction.

c. For purposes of this section, "*specific assistance*" means eliciting or accepting confidential information about a party's real estate needs, motivation, or financial qualifications, or eliciting or accepting information involving a proposed or preliminary offer associated with specific real estate. "*Specific assistance*" does not mean an open house showing, preliminary conversations concerning price range, location, and property styles, or responding to general factual questions concerning properties which have been advertised for sale or lease.

3. The written agency disclosure form shall contain all of the following:

a. A statement of which party is the licensee's client or, if the licensee is providing brokerage services to more than one client as provided under section 543B.60, a statement of all persons who are the licensee's clients.

b. A statement of the licensee's duties to the licensee's client under section 543B.56, subsections 1 and 2.

c. Any additional information that the licensee determines is necessary to clarify the licensee's relationship to the licensee's client or customer.

4. This section does not prohibit a person from representing oneself.

5. The seller, in the listing agreement, may authorize the seller's licensee to disburse part of the licensee's compensation to other licensees, including a buyer's licensee solely representing the buyer. A licensee representing a buyer shall inform the listing licensee, if there is a listing licensee, either verbally or in writing, of the agency relationship before any negotiations are initiated. The obligation of either the seller or the buyer to pay compensation to a licensee is not determinative of the agency relationship.

Sec. 13. REPEAL. Section 543B.25, Code 2017, is repealed.

DIVISION II
REAL ESTATE DISCLOSURES

Sec. 14. Section 558A.1, Code 2017, is amended by adding the following new subsection: NEW SUBSECTION. 01. "*Agent*" means an individual designated by a transferee to accept delivery of a disclosure statement from a transferor.

Sec. 15. Section 558A.1, subsection 4, paragraph e, Code 2017, is amended to read as follows:

e. A transfer made to a spouse, or to a person ~~in the lineal line~~ within the third degree of consanguinity or affinity of a person making the transfer.

Sec. 16. Section 558A.2, subsection 2, Code 2017, is amended to read as follows:

2. The disclosure statement shall be made by personal delivery, ~~or by~~ certified or registered mail, or electronic delivery to the transferee or to the transferee's agent. If delivery is electronic, acknowledgment of receipt shall be provided pursuant to rules adopted by the commission. The delivery may be made to the spouse of the transferee, unless otherwise provided by the parties. If the disclosure statement is not timely delivered, the transferee may withdraw the offer or revoke the acceptance without liability, within three days following personal delivery of the statement or five days following electronic delivery or delivery by mail.

Approved April 13, 2017

CHAPTER 72

UNEMPLOYMENT INSURANCE BENEFITS ELIGIBILITY — CONSECUTIVE BENEFIT YEARS

H.F. 542

AN ACT relating to eligibility requirements for individuals claiming unemployment insurance benefits in consecutive benefit years and including effective date provisions.

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

Section 1. Section 96.4, subsection 4, paragraph c, Code 2017, is amended to read as follows:

c. If the individual has drawn benefits in any benefit year, the individual must during or subsequent to that year, work in and be paid wages for insured work totaling at least ~~two hundred fifty dollars~~ eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

Sec. 2. EFFECTIVE DATE. This Act takes effect July 2, 2017.

Approved April 13, 2017

CHAPTER 73

REGULATION OF PARI-MUTUEL WAGERING — MEDICATION OF HORSES AND DOGS — ADVANCE DEPOSIT WAGERING SETOFF PROCEDURES

H.F. 568

AN ACT relating to pari-mutuel wagering, including horse and dog racing medication requirements and the applicability of certain setoff procedures to advance deposit wagering operators and including effective date provisions.

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

Section 1. Section 99D.25, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. “*Numbing*” means the applying of ice or a freezing device or substance to the limbs of a horse or dog within two hours before the start of a race, or a surgical or other procedure which was, at any time, performed in which the nerves of a horse or dog were severed, destroyed, injected, or removed. For purposes of this paragraph, ice is not a freezing device or substance.

Sec. 2. Section 99D.25A, subsections 2 and 7, Code 2017, are amended to read as follows:

2. Phenylbutazone ~~shall not may~~ be administered to a horse in ~~dosages which would result in concentrations of more than five micrograms of the substance or its metabolites per milliliter of blood~~ dosage amounts as set by rule by the commission. ~~In races recognized as graded stakes thoroughbred races, the commission may establish restrictions on dosage amounts for phenylbutazone which would result in concentrations of less than five micrograms of the substance or its metabolites per milliliter of blood.~~

7. A horse entered to race with furosemide must be treated at least four hours prior to post time. The furosemide shall be administered intravenously by a veterinarian ~~employed by the owner or trainer of the horse~~ issued a current occupational license by the commission. The commission shall adopt rules to ensure that furosemide is administered as provided in this section. The commission shall require that the ~~practicing~~ veterinarian deliver an affidavit signed by the veterinarian which certifies information regarding the treatment of the horse. The affidavit must be delivered to a commission veterinarian ~~within twenty minutes~~ following the treatment. The ~~statement~~ affidavit must at least include the name of the ~~practicing~~ veterinarian, the tattoo number of the horse, the location of the barn and stall where the treatment occurred, the race number of the horse, the name of the trainer, and the time that the furosemide was administered. Furosemide shall only be administered in a dose level of no less than one hundred fifty milligrams and no more than five hundred milligrams.

Sec. 3. Section 99D.28, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 8. For purposes of this section, “*licensee*” shall also include an advance deposit wagering operator.

Sec. 4. 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 section 99D.25.
2. The section of this Act amending section 99D.25A.

Approved April 13, 2017

CHAPTER 74

WORKFORCE DEVELOPMENT BOARD MEMBERSHIP AND DUTIES AND UNEMPLOYMENT INSURANCE SYSTEM MODERNIZATION

H.F. 572

AN ACT relating to employment services programs administered by the department of workforce development by modifying the membership requirements and duties of the Iowa workforce development board and authorizing the department to carry out unemployment insurance systems modernization, making appropriations, and including effective date provisions.

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

DIVISION I
IOWA WORKFORCE DEVELOPMENT BOARD

Section 1. Section 84A.1A, subsection 1, Code 2017, is amended by striking the subsection and inserting in lieu thereof the following:

1. An Iowa workforce development board is created, consisting of thirty-three voting members and thirteen nonvoting members.

a. The voting members of the Iowa workforce development board shall include the following:

(1) The governor.

(2) One state senator appointed by the president of the senate after consultation with the majority leader of the senate, who shall serve a term as provided in section 69.16B.

(3) One state representative appointed by the speaker of the house of representatives after consultation with the majority leader of the house of representatives, who shall serve a term as provided in section 69.16B.

(4) The director of the department of workforce development or the director's designee.

(5) The director of the department of education or the director's designee.

(6) The director of the department for the blind or the director's designee.

(7) The administrator of the division of Iowa vocational rehabilitation services of the department of education or the administrator's designee.

(8) The following twenty-six members who shall be appointed by the governor for staggered terms of four years beginning and ending as provided in section 69.19, subject to confirmation by the senate:

(a) Seventeen members who shall be representatives of businesses in the state to whom each of the following applies:

(i) The members shall be owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority, and may, in addition, be members of a local workforce development board described in section 84A.4.

(ii) The members shall represent businesses, including small businesses, or organizations representing businesses described in this subparagraph (a), that provide employment opportunities that, at a minimum, include high quality, work-relevant training and development in in-demand industry sectors or occupations in the state.

(iii) The members shall be appointed from among individuals nominated by state business organizations and business trade associations.

(b) Seven members who shall be representatives of the workforce in the state and who shall include all of the following:

(i) Four representatives of labor organizations who have been nominated by state labor federations.

(ii) One representative of a joint labor-management apprenticeship program in the state who shall be a member of a labor organization or a training director. If such a joint program does not exist in the state, the member shall instead be a representative of an apprenticeship program in the state.

(iii) Two representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §3(24), including but not limited to organizations that serve veterans,¹ that provide or support competitive, integrated employment for individuals with disabilities; or that serve eligible youth, as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §3(18), including representatives of organizations that serve out-of-school youth, as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §129(a)(1)(B).

(c) One city chief elected official, as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §3(9).

¹ See chapter 170, §34 herein

(d) One county chief elected official, as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §3(9).

b. The nonvoting members of the Iowa workforce development board shall include the following:

(1) One state senator appointed by the minority leader of the senate, who shall serve for a term as provided in section 69.16B.

(2) One state representative appointed by the minority leader of the house of representatives, who shall serve for a term as provided in section 69.16B.

(3) 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.

(4) One president, or the president's designee, of an independent Iowa college, appointed by the Iowa association of independent colleges and universities.

(5) One president or president's designee, of a community college, appointed by the Iowa association of community college presidents.

(6) One representative of the economic development authority, appointed by the director.

(7) One representative of the department on aging, appointed by the director.

(8) One representative of the department of corrections, appointed by the director.

(9) One representative of the department of human services, appointed by the director.

(10) One representative of the United States department of labor, office of apprenticeship.

(11) One representative from the largest statewide public employees' organization representing state employees.

(12) One representative of a statewide labor organization representing employees in the construction industry.

(13) One representative of a statewide labor organization representing employees in the manufacturing industry.

c. The terms of members of the board described in paragraph "a", subparagraph (8), shall be staggered so that the terms of no more than nine members expire in a calendar year.

d. The members of the board shall represent diverse geographic areas of the state, including urban, rural, and suburban areas.

e. An individual shall not serve as a member of the board in more than one capacity described in paragraph "a".

Sec. 2. Section 84A.1A, subsections 3 and 4, Code 2017, are amended to read as follows:

3. ~~The workforce development board shall meet in May of each year for the purpose of electing one of its voting members as chairperson and one of its voting members as vice chairperson. However, the chairperson and the vice chairperson shall not be from the same political party. The governor shall select a chairperson for the workforce development board from among the members who are representatives of business described in subsection 1, paragraph "a", subparagraph (8), subparagraph division (a).~~ The workforce development board shall meet at the call of the chairperson or when ~~any five~~ a majority of voting members of the workforce development board file a written request with the chairperson for a meeting. Written notice of the time and place of each meeting shall be given to each member of the workforce development board. A majority of the voting members constitutes a quorum.

4. ~~Members of the workforce development board, the director of the department of workforce development, and other employees of the department of workforce development 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. Each member of the workforce development board may also be eligible to receive compensation as provided in section 7E.6.~~

Sec. 3. Section 84A.1B, subsections 5, 6, and 9, Code 2017, are amended by striking the subsections.

Sec. 4. Section 84A.1B, subsection 17, Code 2017, is amended to read as follows:

17. Make recommendations to the general assembly and governor regarding workforce development services, programs, and activities, including but not limited to allocation of resources.

Sec. 5. INITIAL BOARD APPOINTMENTS — TRANSITION PROVISIONS.

1. The governor shall appoint initial members of the Iowa workforce development board described in section 84A.1A, subsection 1, paragraph “a”, subparagraph (8), as enacted by this division of this Act, to terms of less than four years as necessary to ensure that the terms of no more than nine members expire in a calendar year.

2. The governor may appoint members serving on the Iowa workforce development board prior to the effective date of this division of this Act pursuant to section 84A.1A, subsection 1, paragraph “a”, Code 2017, for membership on the board on and after the effective date of this division of this Act if such individuals continue to be eligible for membership on the board pursuant to section 84A.1A, subsection 1, paragraph “a”, subparagraph (8), as enacted by this division of this Act.

3. The members serving on the Iowa workforce development board prior to the effective date of this division of this Act pursuant to section 84A.1A, subsection 1, paragraph “a”, Code 2017, shall continue to constitute the membership of the board until a meeting of the board is held at which a majority of the voting members of the board appointed pursuant to section 84A.1A, subsection 1, paragraph “a”, subparagraph (8), as enacted by this division of this Act, are present.

Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II UNEMPLOYMENT INSURANCE SYSTEMS MODERNIZATION

Sec. 7. 2016 Iowa Acts, chapter 1118, section 22, is amended to read as follows:

~~SEC. 22. AUTHORIZATION TO JOIN CONSORTIUM USE FEDERAL FUNDS. 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 use federal funds distributed to the department for the purpose of unemployment insurance systems modernization.~~

Sec. 8. 2016 Iowa Acts, chapter 1118, section 23, subsections 1 and 2, are amended to read as follows:

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~~ unemployment insurance systems modernization 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~~ July 1, 2017.

Sec. 9. 2016 Iowa Acts, chapter 1118, section 24, is amended to read as follows:

~~SEC. 24. AUTHORIZATION OF USE OF FUNDS — UNEMPLOYMENT INSURANCE BENEFIT PAYMENT SOFTWARE SYSTEM — SYSTEMS MODERNIZATION.~~

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~~ unemployment insurance systems modernization 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~~ July 1, 2017.

Sec. 10. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 13, 2017

CHAPTER 75

WRITING, SENDING, OR VIEWING ELECTRONIC MESSAGES WHILE DRIVING

S.F. 234

AN ACT relating to the use of electronic communication devices to write, send, or view electronic messages while driving as a primary offense, and making penalties applicable.

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

Section 1. Section 321.276, subsection 1, paragraphs b, c, and d, Code 2017, are amended to read as follows:

b. *“Hand-held electronic communication device”* means a mobile telephone or other portable electronic communication device capable of being used to write, send, or ~~read a text~~ view an electronic message. *“Hand-held electronic communication device”* does not include a voice-operated or hands-free device which allows the user to write, send, or ~~read a text~~ view an electronic message without the use of either hand except to activate or deactivate a feature or function. *“Hand-held electronic communication device”* does not include a wireless communication device used to transmit or receive data as part of a digital dispatch system. *“Hand-held electronic communication device”* includes a device which is temporarily mounted inside the motor vehicle, unless the device is a voice-operated or hands-free device.

c. *“Text “Electronic message”* includes images visible on the screen of a hand-held electronic communication device including a text-based message, an instant message, and a portion of electronic mail, an internet site, a social media application, or a game.

d. The terms *“write”*, *“send”*, and *“read”* “view”, with respect to ~~a text an electronic~~ message, mean the manual entry, transmission, ~~and or~~ retrieval of a text an electronic message, ~~respectively, to communicate with any other person or device~~ and include playing, browsing, or accessing an electronic message.

Sec. 2. Section 321.276, subsection 2, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A person shall not use a hand-held electronic communication device to write, send, or ~~read a text~~ view an electronic message while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway.

Sec. 3. Section 321.276, subsection 2, paragraph b, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The provisions of this subsection relating to ~~reading a text~~ writing, sending, or viewing an electronic message do not apply to the following persons:

Sec. 4. Section 321.276, subsection 3, Code 2017, is amended to read as follows:

3. Nothing in this section shall be construed to authorize a peace officer to confiscate a ~~portable~~ hand-held electronic communication device from the driver or occupant of a motor vehicle.

Sec. 5. Section 321.276, subsection 5, Code 2017, is amended by striking the subsection.

Sec. 6. Section 805.8A, subsection 14, paragraph 1, Code 2017, is amended to read as follows:

1. ~~Text messaging~~ Writing, sending, or viewing an electronic message while driving violations. For violations under section 321.276, the scheduled fine is thirty dollars.

Approved April 17, 2017

CHAPTER 76

VEHICULAR HOMICIDE AND USE OF ELECTRONIC COMMUNICATION DEVICES — STATEWIDE SOBRIETY AND DRUG MONITORING PROGRAM

S.F. 444

AN ACT relating to public safety on highways, including the use of electronic communication devices while driving where such use results in death and the establishment of a statewide sobriety and drug monitoring program, and providing penalties.

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

DIVISION I

HOMICIDE BY VEHICLE — USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING

Section 1. Section 707.6A, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. Driving a motor vehicle in a reckless manner with willful or wanton disregard for the safety of persons or property, in violation of section 321.277.

(1) For the purposes of this paragraph “a”, a person’s use of a hand-held electronic communication device to write, send, or view an electronic message while driving a motor vehicle shall be considered prima facie evidence that the person was driving the motor vehicle in a reckless manner with willful or wanton disregard for the safety of persons or property, in violation of section 321.277.

(2) Subparagraph (1) shall not apply to any of the following:

(a) A member of a public safety agency, as defined in section 34.1, performing official duties.

(b) A health care professional in the course of an emergency situation.

(c) A person receiving safety-related information including emergency, traffic, or weather alerts.

(3) For the purposes of this paragraph “a”, the following definitions apply:

(a) “Hand-held electronic communication device” means a mobile telephone or other portable electronic communication device capable of being used to write, send, or view an electronic message. “Hand-held electronic communication device” does not include a voice-operated or hands-free device which allows the user to write, send, or view an electronic message without the use of either hand except to activate or deactivate a feature or function. “Hand-held electronic communication device” does not include a wireless communication device used to transmit or receive data as part of a digital dispatch system.

“Hand-held electronic communication device” includes a device which is temporarily mounted inside the motor vehicle, unless the device is a voice-operated or hands-free device.

(b) “Electronic message” includes images visible on the screen of a hand-held electronic communication device including a text-based message, an instant message, a portion of electronic mail, an internet site, a social media application, or a game.

(c) The terms “write”, “send”, and “view”, with respect to an electronic message, mean the manual entry, transmission, or retrieval of an electronic message, and include playing, browsing, or accessing an electronic message.

DIVISION II

STATEWIDE SOBRIETY AND DRUG MONITORING PROGRAM

Sec. 2. LEGISLATIVE FINDINGS — PURPOSE.

1. The general assembly finds that operating a motor vehicle in this state is a privilege, not a right. A person who wishes to enjoy the benefits of this privilege shall accept the corresponding responsibilities.

2. The general assembly declares that the purpose of this division of this Act is to do all of the following:

a. Protect the public health and welfare by reducing the number of people on the highways of this state who operate a motor vehicle under the influence of alcohol or a controlled substance.

b. Protect the public health and welfare by reducing the number of repeat offenders who commit crimes in which the abuse of alcohol or a controlled substance is a contributing factor in the commission of the crime.

c. Strengthen the pretrial and post-trial options available to prosecutors and judges in responding to repeat offenders who commit crimes in which the abuse of alcohol or a controlled substance is a contributing factor in the commission of the crime.

d. Assure the timely and sober participation of offenders in judicial proceedings.

3. The general assembly declares that it is important to have a centralized repository for all information related to alcohol and controlled substance testing required by the laws of this state or as a condition of bond, pretrial release, sentence, probation, parole, or a temporary restricted license.

Sec. 3. NEW SECTION. 901D.1 Short title.

This chapter shall be known and may be cited as the “*Iowa Sobriety and Drug Monitoring Program Act*”.

Sec. 4. NEW SECTION. 901D.2 Definitions.

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

1. “*Alcohol*” means an alcoholic beverage as defined in section 321J.1.

2. “*Controlled substance*” means as defined in section 124.101.

3. “*Department*” means the department of public safety.

4. “*Eligible offense*” means a criminal offense in which the abuse of alcohol or a controlled substance was a contributing factor in the commission of the offense, as determined by the court or governmental entity of the participating jurisdiction. For the purposes of operating while intoxicated offenses committed in violation of section 321J.2, “*eligible offense*” includes only the following offenses:

a. A first offense in which the person’s alcohol concentration exceeded .15.

b. A first offense in which an accident resulting in personal injury or property damage occurred.

c. A first offense in which the person refused to submit to a chemical test requested pursuant to section 321J.6.

d. A second or subsequent offense.

5. “*Immediate sanction*” means a sanction that is applied within minutes of a failed test result.

6. “*Law enforcement agency*” means a law enforcement agency charged with enforcement of the program created under this chapter.

7. “*Participating jurisdiction*” means a county or other governmental entity that chooses to participate in the program created under this chapter.

8. “*Sobriety and drug monitoring program*” or “*program*” means the program established pursuant to section 901D.3.

9. “*Testing*” means a procedure or set of procedures performed to determine the presence of alcohol or a controlled substance in a person’s breath or bodily fluid, including blood, urine, saliva, and perspiration, and includes any combination of breath testing, drug patch testing, urine analysis testing, saliva testing, and continuous or transdermal alcohol monitoring. Subject to section 901D.3, the department may approve additional testing methodologies or the testing of alternative bodily fluids.

10. “*Timely sanction*” means a sanction that is applied within hours or days after a failed test result. A timely sanction shall be applied as soon as possible, but the period between the failed test result and the application of the timely sanction shall not exceed five days.

Sec. 5. NEW SECTION. 901D.3 Program created.

1. The department of public safety shall establish a statewide sobriety and drug monitoring program to be used by participating jurisdictions, which shall be available twenty-four hours per day, seven days per week. Pursuant to the provisions of this chapter, a court or governmental entity, or an authorized officer thereof, within a participating jurisdiction may, as a condition of bond, pretrial release, sentence, probation, parole, or a temporary restricted license, do all of the following:

a. Require a person who has been charged with, pled guilty to, or been convicted of an eligible offense to abstain from alcohol and controlled substances for a period of time.

b. Require the person to be subject to testing to determine whether alcohol or a controlled substance is present in the person’s body in the following manner:

(1) At least twice per day at a central location where an immediate sanction can be effectively applied.

(2) Where testing under subparagraph (1) creates a documented hardship or is geographically impractical, by an alternative method approved by the department and consistent with this section where a timely sanction can be effectively applied.

2. a. A person who has been required to participate in the program by a court or governmental entity and whose driver’s license is suspended or revoked shall not begin participation in the program or be subject to the testing required by the program until the person is eligible for a temporary restricted license under applicable law.

b. In order to participate in the program, a person shall be required to install an approved ignition interlock device on all motor vehicles owned or operated by the person.

c. A person wishing to participate in the program who has been charged with, pled guilty to, or been convicted of an eligible offense, but has not been required by a court or governmental entity to participate in the program, may apply to the court or governmental entity of the participating jurisdiction on a form created by the participating jurisdiction, and the court or governmental entity may order the person to participate in the program as a condition of bond, pretrial release, sentence, probation, parole, or a temporary restricted license. The application form shall include an itemization of all costs associated with participation in the program.

3. The program shall be evidence-based and shall satisfy at least two of the following requirements:

a. The program is included in the United States substance abuse and mental health services administration’s national registry of evidence-based programs and practices.

b. The program has been reported in a peer-reviewed journal as having positive effects on the primary targeted outcome.

c. The program has been documented as effective by informed experts and other sources.

4. a. The core components of the program shall include the use of a primary testing methodology for determining the presence of alcohol or a controlled substance in a person that best facilitates the ability of a law enforcement agency to apply immediate sanctions for failed test results and that is available at an affordable cost.

b. In cases of documented hardship or geographic impracticality, or in cases where a program participant has received less stringent testing requirements, testing methodologies

that best facilitate the ability of a law enforcement agency to apply timely sanctions for noncompliant test results may be utilized. For purposes of this section, hardship or geographic impracticality shall be determined by documentation and consideration of the following factors:

- (1) Whether a testing device is available.
- (2) Whether the participant is capable of paying the fees and costs associated with the testing device.
- (3) Whether the participant is capable of wearing the testing device.
- (4) Whether the participant fails to qualify for testing twice per day because of one or more of the following:
 - (a) The participant lives in a rural area and submitting to testing twice per day would be unduly burdensome.
 - (b) The participant's employment requires the participant's presence at a location remote from the testing location and submitting to testing twice per day would be unduly burdensome.
 - (c) The participant has repeatedly violated the requirements of the program while submitting to testing twice per day and poses a substantial risk of continuing to violate the requirements of the program.

5. A jurisdiction wishing to participate in the program shall submit an application to the department. A jurisdiction shall not participate in the program unless the jurisdiction's application for participation has been approved by the department. If a jurisdiction is approved for participation in the program, the department shall assist the jurisdiction in setting up and administering the program in that jurisdiction in compliance with this chapter.

6. *a.* If a jurisdiction participates in the program, the participating jurisdiction or a law enforcement agency of the participating jurisdiction may designate a third party to provide testing services or to take any other action required or authorized to be provided by the participating jurisdiction or law enforcement agency under this chapter, except a third-party designee shall not determine whether to participate in the program.

b. The participating jurisdiction, in consultation with the law enforcement agency of the participating jurisdiction, shall establish testing locations for the program.

7. Any efforts by the department to alter or modify a core component of the program shall include a documented strategy for achieving and measuring the effectiveness of the planned alteration or modification. Before the department alters or modifies a core component of the program, a pilot program with defined objectives and timelines shall be initiated, and measurements of the effectiveness and impact of the proposed alteration or modification to a core component shall be monitored. The data shall be assessed and the department shall make a determination as to whether the stated goals of the alteration or modification were achieved and whether the alteration or modification should be formally implemented into the program.

Sec. 6. NEW SECTION. 901D.4 Rulemaking — fees.

The department shall adopt rules pursuant to chapter 17A to administer this chapter, including but not limited to rules regarding any of the following:

1. Providing for the nature and manner of testing, including the procedures and apparatus to be used for testing.
2. Establishing reasonable participant, enrollment, and testing fees for the program, including fees to pay the costs of installation, monitoring, and deactivation of any testing device. The fees shall be set at an amount such that the fees collected in a participating jurisdiction are sufficient to pay for the costs of the program in the participating jurisdiction, including all costs to the state associated with the program in the participating jurisdiction.
3. Providing for the application, acceptance, and use of public and private grants, gifts, and donations to support program activities.
4. Establishing a process for the identification and management of indigent participants.
5. Providing for the creation and administration of a stakeholder group to review and recommend changes to the program.
6. Establishing a process for the submission and approval of applications from jurisdictions to participate in the program.

Sec. 7. **NEW SECTION. 901D.5 Data management system.**

1. The department shall provide for and approve the use of a program data management system that shall be used by the department and all participating jurisdictions to manage testing, test events, test results, data access, fees, the collection of fee payments, and the submission and collection of any required reports.

2. The data management system shall include but is not limited to all of the following features:

a. A secure, remotely hosted, demonstrated, internet-based management application that allows multiple concurrent users to access and input information.

b. The support of breath testing, continuous remote transdermal alcohol monitoring, drug patch testing, and urine analysis testing.

c. The capability to track and store events including but not limited to participant enrollment, testing activity, accounting activity, and participating law enforcement agency activity.

d. The capability to generate reports of system fields and data. The data management system shall allow reports to be generated as needed and on a scheduled basis, and shall allow reports to be exported over a network connection or by remote printing.

e. The ability to identify program participants who have previously been enrolled in a similar program in this state or another state.

3. Unless otherwise required by federal law, all alcohol or controlled substance testing performed as a condition of bond, pretrial release, sentence, probation, parole, or a temporary restricted license shall utilize and input results to the data management system.

4. The data management system shall contain sufficient security protocols to protect participants' personal information from unauthorized use.

Sec. 8. **NEW SECTION. 901D.6 Authority to order program participation.**

1. A court or governmental entity, or an authorized officer thereof, in a participating jurisdiction may utilize the program as provided in this section. The program shall be a preferred program for offenders charged with or convicted of an eligible offense.

2. A court may condition any bond or pretrial release otherwise authorized by law for a person charged with an eligible offense upon participation in the program and payment of the fees established pursuant to section 901D.4.

3. A court may condition a suspended sentence or probation otherwise authorized by law for a person convicted of an eligible offense upon participation in the program and payment of the fees established pursuant to section 901D.4.

4. The board of parole, the department of corrections, or a parole officer may condition parole otherwise authorized by law for a person convicted of an eligible offense upon participation in the program and payment of the fees established pursuant to section 901D.4.

Sec. 9. **NEW SECTION. 901D.7 Placement and enrollment.**

1. Subject to sections 901D.3 and 901D.6, a participant may be placed in the program as a condition of bond, pretrial release, sentence, probation, parole, or a temporary restricted license. However, a person who has been required to participate in the program by a court or governmental entity and whose driver's license is suspended or revoked shall not begin participation in the program or be subject to the testing required by the program until the person is eligible for a temporary restricted license under applicable law.

2. An order or directive placing a participant in the program shall include the type of testing required to be administered in the program and the length of time that the participant is required to remain in the program. The person issuing the order or directive shall send a copy of the order or directive to the law enforcement agency of the participating jurisdiction.

3. Upon receipt of a copy of an order or directive, a representative of the law enforcement agency of the participating jurisdiction shall enroll a participant in the program prior to testing.

4. At the time of enrollment, a representative of the law enforcement agency of the participating jurisdiction shall enter the participant's information into the data management system described in section 901D.5. The representative of the agency shall provide the participant with the appropriate materials required by the program, inform the participant

that the participant's information may be shared for law enforcement and reporting purposes, and provide the participant with information related to the required testing, procedures, and fees.

5. The participant shall sign a form stating that the participant understands the program requirements and releases the participant's information for law enforcement and reporting purposes.

6. A participant shall report to the program for testing for the length of time ordered by the court, the board of parole, the department of corrections, or a parole officer.

Sec. 10. NEW SECTION. 901D.8 Collection, distribution, and use of fees.

1. The law enforcement agency of a participating jurisdiction shall do all of the following:

a. Establish and maintain a sobriety program account.

b. Collect the participant, enrollment, and testing fees established pursuant to section 901D.4 and deposit the fees and any other funds received for the program into the sobriety program account for administration of the program.

2. A participant shall pay all fees directly to the law enforcement agency of the participating jurisdiction.

3. a. The law enforcement agency shall distribute a portion of the fees to any participating third-party designee in accordance with the agreement between the agency and the third-party designee.

b. The remainder of the fees collected shall be deposited in the sobriety program account, and shall be used only for the purposes of administering and operating the program.

Sec. 11. NEW SECTION. 901D.9 Noncompliance.

1. An allegation that a participant failed a test, refused to submit to a test, or failed to appear for testing shall be communicated ex parte by the participating jurisdiction, a law enforcement agency of the participating jurisdiction, or the participating jurisdiction's third-party designee to a magistrate as soon as practicable. A magistrate who receives such a communication may order the participant's immediate incarceration pending a hearing on the allegation but lasting no longer than twenty-four hours after the issuance of the order, or if the participant failed to appear for testing as scheduled, the magistrate may issue a warrant for the arrest of the participant for a violation of the terms of bond, pretrial release, sentence, probation, or parole, as applicable.

2. The magistrate may notify the department of transportation of the participant's noncompliance and direct the department to withdraw any temporary restricted license issued to the participant.

Sec. 12. NEW SECTION. 901D.10 Report and repeal.

1. The department, in consultation with the judicial branch and the department of transportation, shall by December 1, 2021, submit a report to the general assembly detailing the effectiveness of the program established pursuant to this chapter and shall make recommendations concerning the continued implementation of the program or the elimination of the program.

2. This chapter is repealed July 1, 2022.

DIVISION III

OPERATING WHILE INTOXICATED — SOBRIETY AND DRUG MONITORING PROGRAM PROVISIONS

Sec. 13. Section 321J.20, subsection 1, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The department may, on application, issue a temporary restricted license to a person whose noncommercial driver's license is revoked under this chapter allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by the person's full-time or part-time employment, continuing health care or the continuing health care of another who is dependent upon the person, continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other

certification of successful educational completion, substance abuse treatment, court-ordered community service responsibilities, ~~and appointments with the person's parole or probation officer, and participation in a program established pursuant to chapter 901D,~~ if the person's driver's license has not been revoked previously under section 321J.4, 321J.9, or 321J.12 and if any of the following apply:

Sec. 14. Section 321J.20, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. Notwithstanding section 321.560, the department may, on application, and upon the expiration of the minimum period of ineligibility for a temporary restricted license provided for under section 321.560, 321J.4, 321J.9, or 321J.12, issue a temporary restricted license to a person whose noncommercial driver's license has either been revoked under this chapter, or revoked or suspended under chapter 321 solely for violations of this chapter, or who has been determined to be a habitual offender under chapter 321 based solely on violations of this chapter or on violations listed in section 321.560, subsection 1, paragraph "b", and who is not eligible for a temporary restricted license under subsection 1. However, the department may not issue a temporary restricted license under this subsection for a violation of section 321J.2A or to a person under the age of twenty-one whose license is revoked under section 321J.4, 321J.9, or 321J.12. A temporary restricted license issued under this subsection may allow the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by the person's full-time or part-time employment; continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion; ~~or~~ substance abuse treatment; or participation in a program established pursuant to chapter 901D.

Sec. 15. Section 321J.20, subsection 3, Code 2017, is amended to read as follows:

3. If a person required to install an ignition interlock device or participate in a program established pursuant to chapter 901D operates a motor vehicle which does not have an approved ignition interlock device or while not in compliance with the program, or if the person tampers with or circumvents an ignition interlock device, in addition to other penalties provided, the person's temporary restricted license shall be revoked.

Sec. 16. Section 321J.20, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Notwithstanding any other provision of law to the contrary, in any circumstance in which this chapter requires the installation of an ignition interlock device in all vehicles owned or operated by a person as a condition of the person's license or privilege to operate noncommercial motor vehicles, the department shall require the person to be a participant in and in compliance with a sobriety and drug monitoring program established pursuant to chapter 901D if the person's offense under this chapter qualifies as an eligible offense as defined in section 901D.2, and the person's offense occurred in a participating jurisdiction, as defined in section 901D.2. This subsection shall not apply if the court enters an order finding the person is not required to participate in a sobriety and drug monitoring program. The department, in consultation with the department of public safety, may adopt rules for issuing and accepting a certification of participation in and compliance with a program established pursuant to chapter 901D. This subsection shall be construed and implemented to comply with 23 U.S.C. §164(a), as amended by the federal Fixing America's Surface Transportation Act, Pub. L. No. 114-94, §1414, and shall not apply if such application results in a finding of noncompliance with 23 U.S.C. §164 that results or will result in a reservation or transfer of funds pursuant to 23 U.S.C. §164(b). This subsection shall not authorize the operation of a motor vehicle for any purpose not otherwise authorized by this chapter.

Sec. 17. FUTURE REPEAL. This division of this Act is repealed July 1, 2022.

CHAPTER 77**CYTOMEGALOVIRUS PUBLIC HEALTH INITIATIVE AND NEWBORN TESTING***S.F. 51*

AN ACT relating to a cytomegalovirus public health initiative and the testing of newborns for congenital cytomegalovirus.

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

Section 1. NEW SECTION. **136A.5B Cytomegalovirus public health initiative.**

1. In accordance with the duties prescribed in section 136A.3, the center for congenital and inherited disorders shall collaborate with state and local health agencies and other public and private organizations to develop and publish or approve and publish informational materials to educate and raise awareness of cytomegalovirus and congenital cytomegalovirus among women who may become pregnant, expectant parents, parents of infants, attending health care providers, and others, as appropriate. The materials shall include information regarding all of the following:

- a. The incidence of cytomegalovirus and congenital cytomegalovirus.
- b. The transmission of cytomegalovirus to a pregnant woman or a woman who may become pregnant.
- c. Birth defects caused by congenital cytomegalovirus.
- d. Methods of diagnosing congenital cytomegalovirus.
- e. Available preventive measures to avoid cytomegalovirus infection by women who are pregnant or who may become pregnant.
- f. Early interventions, treatment, and services available for children diagnosed with congenital cytomegalovirus.

2. An attending health care provider shall provide to a pregnant woman during the first trimester of the pregnancy the informational materials published under this subsection. The center for congenital and inherited disorders shall make the informational materials available to attending health care providers upon request.

3. The department shall publish the informational materials on its internet site and shall specifically make the informational materials available electronically to child care facilities and child care homes as defined in section 237A.1, school nurses, hospitals, attending health care providers, and other health care providers offering care to pregnant women and infants.

Sec. 2. Section 135.131, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. a. If the results of the newborn hearing screening performed under this section demonstrate that the newborn has hearing loss, the birthing hospital, birth center, physician, or other health care professional required to ensure that the hearing screening is performed on the newborn under this section, shall do all of the following:

(1) Test the newborn or ensure that the newborn is tested for congenital cytomegalovirus before the newborn is twenty-one days of age.

(2) Provide information to the parent of the newborn including information regarding the birth defects caused by congenital cytomegalovirus and early intervention and treatment resources and services available for children diagnosed with congenital cytomegalovirus.

b. This subsection shall not apply if the parent objects to the testing. If a parent objects to the testing, the birthing hospital, birth center, physician, or other health care professional required to test or to ensure that the newborn is tested for congenital cytomegalovirus under this subsection shall obtain a written refusal from the parent, shall document the refusal in the newborn's or infant's medical record, and shall report the refusal to the department in the manner prescribed by rule of the department.

Approved April 20, 2017

CHAPTER 78**PRACTICE OF PUBLIC ACCOUNTING***S.F. 237*

AN ACT relating to the practice of public accountants.

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

Section 1. Section 542.3, subsection 27, Code 2017, is amended to read as follows:

27. “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam.

Sec. 2. Section 542.6, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. The holder of a certificate issued under this section shall only provide attest services in a certified public accounting firm that is issued a permit under section 542.7, or through a certified public accounting firm with a practice privilege under section 542.20.

Sec. 3. Section 542.7, subsection 1, paragraphs a and c, Code 2017, are amended to read as follows:

a. A firm must hold a permit issued under this section if the firm ~~performs attest services in this state or for clients having a home office in this state~~ or has an office in this state and uses the title “CPAs”, “CPA firm”, “certified public accountants”, or “certified public accounting firm”.

c. A firm that holds a permit issued under this chapter shall designate to the board the licensee or ~~person with a practice privilege under section 542.20~~ nonlicensee owner who is responsible for the proper licensure of the firm and the firm’s compliance with all applicable laws and rules of this state. If such firm has one or more offices in this state, the firm shall designate to the board one or more persons who are licensed under this chapter who are responsible for the proper registration of each Iowa office of the firm and each office’s compliance with all applicable laws and rules of this state.

Sec. 4. Section 542.8, subsection 12, paragraph b, subparagraph (2), Code 2017, is amended to read as follows:

(2) All nonlicensee owners are of good moral character and active participants in the firm or an affiliated entity.

Sec. 5. Section 542.8, subsection 12, paragraphs c and d, Code 2017, are amended to read as follows:

c. An individual licensee or person with a practice privilege under section 542.20 who is responsible for compilation services and signs or authorizes someone to sign the accountant’s report ~~on the financial statements~~ on behalf of the firm shall meet the competency requirements set out in nationally recognized professional standards for such services.

d. An individual licensee or person with a practice privilege under section 542.20 who signs or authorizes someone to sign the accountant’s report ~~on the financial statements~~ on behalf of the firm shall meet the competency requirements set out in nationally recognized professional standards for such services.

Sec. 6. Section 542.20, subsection 5, Code 2017, is amended to read as follows:

5. A certified public accounting firm that is licensed in the state of its principal place of business and is not required to hold an Iowa firm license under section 542.7 may practice in this state without a firm license under this chapter or notice to the board if the firm’s practice in this state is performed by individuals who hold a license under this chapter or who practice in conformance with subsection 6, under the following conditions:

~~a. The firm shall not perform attest services, other than review services, in Iowa or for a client having a home office in Iowa.~~

~~b.~~ a. The firm shall not have an office in Iowa which uses the title “CPAs”, “CPA firm”, “certified public accountants”, or “certified public accounting firm”.

~~e. The firm may perform compilation or review services only if it complies with the ownership and peer review requirements of section 542.7.~~

~~d. b.~~ The firm shall not make any representation tending to falsely indicate that the firm is licensed under this chapter.

~~e. c.~~ The firm, upon a client's or prospective client's request, shall provide accurate information on the state or states of licensure, principal place of business, contact information, and manner in which licensure status can be verified.

~~f. d.~~ The firm shall comply with all professional standards, laws, and rules that apply to licensees performing the same professional services.

e. The firm shall comply with the ownership and peer review requirements of section 542.7.

Sec. 7. Section 542.20, subsection 6, paragraph c, Code 2017, is amended to read as follows:

c. An individual who provides attest services, ~~other than review services~~, in Iowa or for a client having a home office in Iowa must practice through a certified public accounting firm that is licensed under section 542.7, or through a certified public accounting firm that is validly licensed in the state of its principal place of business and complies with the ownership and peer review requirements of section 542.7.

Sec. 8. Section 542.20, subsection 6, paragraph h, Code 2017, is amended by striking the paragraph.

Approved April 20, 2017

CHAPTER 79

DIGITAL ASSETS AND FIDUCIARY ACCESS

S.F. 333

AN ACT relating to a fiduciary's access to digital assets and including applicability provisions.

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

Section 1. NEW SECTION. 633.90 Power of a fiduciary to access digital assets.

Except as modified by a court order or limited in the instrument creating the fiduciary relationship, a fiduciary may exercise all rights and powers granted to such fiduciary under chapter 638.

Sec. 2. Section 633A.4402, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 33. Exercise all rights and powers granted to a trustee under chapter 638.

Sec. 3. Section 633B.201, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. Exercise all rights and powers granted to an agent under chapter 638.

Sec. 4. NEW SECTION. 638.1 Short title.

This chapter may be cited as the "Iowa Uniform Fiduciary Access to Digital Assets Act".

Sec. 5. NEW SECTION. 638.2 Definitions.

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

1. “*Account*” means an arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives, or stores a digital asset of the user or provides goods or services to the user.
2. “*Agent*” means an attorney-in-fact granted authority under a durable or nondurable power of attorney under chapter 633B.
3. “*Carries*” means engages in the transmission of an electronic communication.
4. “*Catalogue of electronic communications*” means information that identifies each person with which a user has had an electronic communication, the time and date of the communication, and the electronic address of the person.
5. “*Conservator*” means the same as defined in section 633.3. “*Conservator*” includes a person appointed to have the custody and control of the property of a ward in a limited conservatorship unless otherwise provided by order of the court.
6. “*Content of an electronic communication*” means information concerning the substance or meaning of the communication to which all of the following apply:
 - a. The communication has been sent or received by a user.
 - b. The communication is in electronic storage by a custodian providing an electronic-communication service to the public or is carried or maintained by a custodian providing a remote-computing service to the public.
 - c. The communication is not readily accessible to the public.
7. “*Court*” means a district court in this state.
8. “*Custodian*” means a person that carries, maintains, processes, receives, or stores a digital asset of a user.
9. “*Designated recipient*” means a person chosen by a user using an online tool to administer digital assets of the user.
10. “*Digital asset*” means an electronic record in which an individual has a right or interest. “*Digital asset*” does not include an underlying asset or liability unless the asset or liability is itself an electronic record. “*Digital asset*” does not include health information or individually identifiable health information as those terms are defined in the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.
11. “*Electronic*” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
12. “*Electronic communication*” has the meaning set forth in 18 U.S.C. §2510(12).
13. “*Electronic-communication service*” means a custodian that provides to a user the ability to send or receive an electronic communication.
14. “*Fiduciary*” means a personal representative, conservator, guardian, agent, or trustee.
15. “*Guardian*” means the same as defined in section 633.3. “*Guardian*” includes a person appointed to have the custody and care of the person of the ward in a limited guardianship unless otherwise provided by order of the court.
16. “*Information*” means data, text, images, videos, sounds, codes, computer programs, software, databases, or the like.
17. “*Online tool*” means an electronic service provided by a custodian that allows the user, in an agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a third person.
18. “*Person*” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, instrumentality, or other legal entity.
19. “*Personal representative*” means the same as defined in section 633.3.
20. “*Power of attorney*” means the same as defined in section 633B.102.
21. “*Principal*” means the same as defined in section 633B.102.
22. “*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.
23. “*Remote-computing service*” means a custodian that provides to a user computer-processing services or the storage of digital assets by means of an electronic communications system, as defined in 18 U.S.C. §2510(14).
24. “*Terms-of-service agreement*” means an agreement that controls the relationship between a user and a custodian.
25. “*Trustee*” means the same as defined in section 633.3 or 633A.1102.
26. “*User*” means a person that has an account with a custodian.

27. “Ward” means an individual for whom a conservator or guardian has been appointed. “Ward” includes an individual for whom an application for the appointment of a conservator or guardian is pending and for which a court order authorizing access under this chapter has been granted.

28. “Will” means the same as defined in section 633.3.

Sec. 6. NEW SECTION. 638.3 Applicability.

1. This chapter applies to all of the following:

a. A fiduciary acting under a will or power of attorney executed before, on, or after the effective date of this Act.

b. A personal representative acting for a decedent who died before, on, or after the effective date of this Act.

c. A conservator or guardian acting for a ward on or after the effective date of this Act.

d. A trustee acting under a trust created before, on, or after the effective date of this Act.

2. This chapter applies to a custodian if the user resides in this state or resided in this state at the time of the user’s death.

3. This chapter does not apply to a digital asset of an employer used by an employee in the ordinary course of the employer’s business.

Sec. 7. NEW SECTION. 638.4 User direction for disclosure of digital assets.

1. A user may use an online tool to direct the custodian to disclose to the designated recipient or not to disclose some or all of the user’s digital assets, including the content of electronic communications. If the online tool allows the user to modify or delete a direction at any time, a direction regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of attorney, or other record.

2. If a user has not used an online tool to give direction under subsection 1, or if the custodian has not provided an online tool, the user may allow or prohibit in a will, trust, power of attorney, or other record, disclosure to a fiduciary of some or all of the user’s digital assets, including the content of electronic communications sent or received by the user.

3. A user’s direction under subsection 1 or 2 overrides a contrary provision in a terms-of-service agreement that does not require the user to act affirmatively and distinctly from the user’s assent to the terms of service.

Sec. 8. NEW SECTION. 638.5 Terms-of-service agreement.

1. This chapter does not change or impair a right of a custodian or a user under a terms-of-service agreement to access and use digital assets of the user.

2. This chapter does not give a fiduciary or a designated recipient any new or expanded rights other than those held by the user for whom, or for whose estate, the fiduciary or a designated recipient acts or represents.

3. A fiduciary’s or designated recipient’s access to digital assets may be modified or eliminated by a user, by federal law, or by a terms-of-service agreement if the user has not provided direction under section 638.4.

Sec. 9. NEW SECTION. 638.6 Procedure for disclosing digital assets.

1. When disclosing digital assets of a user under this chapter, the custodian may at its sole discretion do any of the following:

a. Grant a fiduciary or designated recipient full access to the user’s account.

b. Grant a fiduciary or designated recipient partial access to the user’s account sufficient to perform the tasks with which the fiduciary or designated recipient is charged.

c. Provide a fiduciary or designated recipient a copy in a record of any digital asset that, on the date the custodian received the request for disclosure, the user could have accessed if the user were alive, was competent, and had access to the account.

2. A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under this chapter.

3. A custodian need not disclose under this chapter a digital asset deleted by a user.

4. If a user directs or a fiduciary requests a custodian to disclose some, but not all, of the user’s digital assets, the custodian need not disclose the assets if segregation of the assets would impose an undue burden on the custodian. If the custodian believes the direction or

request imposes an undue burden, the custodian or fiduciary may seek an order from the court to disclose any of the following:

- a. A subset of the user's digital assets limited by date.
- b. All of the user's digital assets to the fiduciary or designated recipient.
- c. None of the user's digital assets.
- d. All of the user's digital assets to the court for review in camera.

Sec. 10. NEW SECTION. 638.7 Disclosure of content of electronic communications of deceased user.

If a deceased user consented or a court directs disclosure of the contents of electronic communications of the user, the custodian shall disclose to the personal representative of the estate of the user the content of an electronic communication sent or received by the user if the personal representative gives the custodian all of the following:

1. A written request for disclosure in physical or electronic form.
2. A certified copy of the death certificate of the user.
3. A certified copy of the letters of appointment of the personal representative, an original affidavit made pursuant to section 633.356, or a file-stamped copy of the court order authorizing the personal representative to administer the user's estate.
4. Unless the user provided direction using an online tool, a copy of the user's will, trust, power of attorney, or other record evidencing the user's consent to disclosure of the content of electronic communications.
5. If requested by the custodian, any of the following:
 - a. A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account.
 - b. Evidence linking the account to the user.
 - c. A finding by the court of any of the following:
 - (1) The user had a specific account with the custodian, identifiable by the information specified in paragraph "a".
 - (2) Disclosure of the content of electronic communications of the user would not violate 18 U.S.C. §2701 et seq., 47 U.S.C. §222, or other applicable law.
 - (3) Unless the user provided direction using an online tool, that the user consented to disclosure of the content of electronic communications.
 - (4) Disclosure of the content of electronic communications of the user is reasonably necessary for administration of the estate.

Sec. 11. NEW SECTION. 638.8 Disclosure of other digital assets of deceased user.

Unless the user prohibited disclosure of digital assets or the court directs otherwise, a custodian shall disclose to the personal representative of the estate of a deceased user a catalogue of electronic communications sent or received by the user and digital assets, other than the content of electronic communications, of the user, if the personal representative gives the custodian all of the following:

1. A written request for disclosure in physical or electronic form.
2. A certified copy of the death certificate of the user.
3. A certified copy of the letters of appointment of the personal representative, an original affidavit made pursuant to section 633.356, or a file-stamped copy of the court order authorizing the personal representative to administer the user's estate.
4. If requested by the custodian, any of the following:
 - a. A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account.
 - b. Evidence linking the account to the user.
 - c. An affidavit stating that disclosure of the user's digital assets is reasonably necessary for administration of the estate.
 - d. A finding by the court of any of the following:
 - (1) The user had a specific account with the custodian, identifiable by the information specified in paragraph "a".
 - (2) Disclosure of the user's digital assets is reasonably necessary for administration of the estate.

Sec. 12. NEW SECTION. 638.9 Disclosure of content of electronic communications of principal.

To the extent a power of attorney expressly grants an agent authority over the content of electronic communications sent or received by the principal and unless directed otherwise by the principal or the court, a custodian shall disclose to the agent the content if the agent gives the custodian all of the following:

1. A written request for disclosure in physical or electronic form.
2. An original or copy of the power of attorney expressly granting the agent authority over the content of electronic communications of the principal.
3. A certification by the agent, under penalty of perjury, that the power of attorney is in effect. The certification form provided in section 633B.302 shall satisfy the requirement of this subsection.
4. If requested by the custodian, any of the following:
 - a. A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account.
 - b. Evidence linking the account to the principal.

Sec. 13. NEW SECTION. 638.10 Disclosure of other digital assets of principal.

Unless otherwise ordered by the court, directed by the principal, or provided by a power of attorney, a custodian shall disclose to an agent with specific authority over digital assets or general authority to act on behalf of a principal a catalogue of electronic communications sent or received by the principal and digital assets, other than the content of electronic communications, of the principal if the agent gives the custodian all of the following:

1. A written request for disclosure in physical or electronic form.
2. An original or a copy of the power of attorney that gives the agent specific authority over digital assets or general authority to act on behalf of the principal.
3. A certification by the agent, under penalty of perjury, that the power of attorney is in effect.
4. If requested by the custodian, any of the following:
 - a. A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account.
 - b. Evidence linking the account to the principal.

Sec. 14. NEW SECTION. 638.11 Disclosure of digital assets held in trust when trustee is original user.

Unless otherwise ordered by the court or provided in a trust, a custodian shall disclose to a trustee that is an original user of an account any digital asset of the account held in trust, including a catalogue of electronic communications of the trustee and the content of electronic communications.

Sec. 15. NEW SECTION. 638.12 Disclosure of contents of electronic communications held in trust when trustee not original user.

Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose to a trustee that is not an original user of an account the content of an electronic communication sent or received by an original or successor user and carried, maintained, processed, received, or stored by the custodian in the account of the trust if the trustee gives the custodian all of the following:

1. A written request for disclosure in physical or electronic form.
2. A certified copy of the trust instrument or a certification of trust under section 633A.4604 that includes consent to disclosure of the content of electronic communications to the trustee.
3. A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust.
4. If requested by the custodian, any of the following:
 - a. A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account.
 - b. Evidence linking the account to the trust.

Sec. 16. NEW SECTION. 638.13 Disclosure of other digital assets held in trust when trustee not original user.

Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose, to a trustee that is not an original user of an account, a catalogue of electronic communications sent or received by an original or successor user and stored, carried, or maintained by the custodian in an account of the trust and any digital assets, other than the content of electronic communications, in which the trust has a right or interest if the trustee gives the custodian all of the following:

1. A written request for disclosure in physical or electronic form.
2. A certified copy of the trust instrument or a certification of trust under section 633A.4604.
3. A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust.
4. If requested by the custodian, any of the following:
 - a. A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account.
 - b. Evidence linking the account to the trust.

Sec. 17. NEW SECTION. 638.14 Disclosure of digital assets to conservator or guardian of a ward.

1. After an opportunity for a hearing to all interested parties, the court may grant a conservator or guardian access to the digital assets of a ward.

2. Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a conservator or guardian the catalogue of electronic communications sent or received by a ward and any digital assets, other than the content of electronic communications, in which the ward has a right or interest if the conservator or guardian gives the custodian all of the following:

- a. A written request for disclosure in physical or electronic form.
- b. A file-stamped copy of the court order that gives the conservator or guardian authority over the digital assets of the ward.
- c. If requested by the custodian, any of the following:
 - (1) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the account of the ward.
 - (2) Evidence linking the account to the ward.
3. If the conservatorship or guardianship is not limited, the conservator or guardian may request a custodian of the digital assets of the ward to suspend or terminate an account of the ward for good cause. A request made under this section must be accompanied by a file-stamped copy of the court order establishing the conservatorship or guardianship.

Sec. 18. NEW SECTION. 638.15 Fiduciary duty and authority.

1. The legal duties imposed on a fiduciary charged with managing tangible property apply to the management of digital assets, including all of the following:

- a. The duty of care.
- b. The duty of loyalty.
- c. The duty of confidentiality.
2. All of the following apply to a fiduciary's or a designated recipient's authority with respect to a digital asset of a user:
 - a. Except as otherwise provided in section 638.4, the fiduciary's or designated recipient's authority is subject to the applicable terms of service.
 - b. The fiduciary's or designated recipient's authority is subject to other applicable law, including copyright law.
 - c. In the case of a fiduciary, the fiduciary's authority is limited by the scope of the fiduciary's duties.
 - d. The fiduciary's or designated recipient's authority shall not be used to impersonate the user.
3. A fiduciary with authority over the property of a decedent, ward, principal, or settlor has the right to access any digital asset in which the decedent, ward, principal, or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.

4. A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, ward, principal, or settlor for the purpose of applicable computer-fraud and unauthorized-computer-access laws, including section 716.6B.

5. A fiduciary with authority over the tangible, personal property of a decedent, ward, principal, or settlor possesses all of the following authority:

a. Has the right to access the property and any digital asset stored in the property.

b. Is an authorized user for the purpose of computer-fraud and unauthorized-computer-access laws, including section 716.6B.

6. A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to the user.

7. A fiduciary of a user may request a custodian to terminate the user's account. A request for termination must be in writing, in either physical or electronic form, and accompanied by all of the following:

a. If the user is deceased, a certified copy of the death certificate of the user.

b. A certified copy of the letters of appointment of the personal representative, an original affidavit made pursuant to section 633.356, a file-stamped copy of the court order authorizing the personal representative to administer the user's estate, power of attorney, or trust, including a certification of trust, giving the fiduciary authority over the account.

c. If requested by the custodian, any of the following:

(1) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account.

(2) Evidence linking the account to the user.

(3) A finding by the court that the user had a specific account with the custodian, identifiable by the information specified in subparagraph (1).

Sec. 19. NEW SECTION. 638.16 Custodian compliance and immunity.

1. Not later than sixty days after receipt of the information required under sections 638.7 through 638.15, a custodian shall comply with a request under this chapter from a fiduciary or designated recipient to disclose digital assets or terminate an account. If the custodian fails to comply, the fiduciary or designated recipient may apply to the court for an order directing compliance.

2. An order under subsection 1 directing compliance must contain a finding that compliance is not in violation of 18 U.S.C. §2702.

3. A custodian may notify the user that a request for disclosure or to terminate an account was made under this chapter.

4. A custodian may deny a request under this chapter from a fiduciary or designated recipient for disclosure of digital assets or to terminate an account if the custodian is aware of any lawful access to the account following the receipt of the fiduciary's request.

5. This chapter does not limit a custodian's ability to obtain or require a fiduciary or designated recipient requesting disclosure or termination under this chapter to obtain a court order which finds all of the following:

a. That the account belongs to the user.

b. That there is sufficient consent from the user to support the requested disclosure.

c. Any specific factual finding required by any applicable law other than this chapter.

6. A custodian and the custodian's officers, employees, and agents are immune from liability for an act or omission done in good faith in compliance with this chapter.

Sec. 20. NEW SECTION. 638.17 Uniformity of application and construction.

In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to this chapter's subject matter among states that enact the revised uniform fiduciary access to digital assets Act.

Sec. 21. NEW SECTION. 638.18 Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, or 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).

Approved April 20, 2017

CHAPTER 80

LIABILITY OF FAIRS FOR TRANSMISSION OF DOMESTICATED ANIMAL PATHOGENS ON FAIRGROUNDS

S.F. 362

AN ACT barring claims against fairs for damages arising out of the transmission of pathogens from certain animals housed on the fairgrounds.

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

Section 1. Section 673.1, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. “*Domesticated animal pathogen*” or “*pathogen*” means a microorganism, biological agent, or toxin causing disease, illness, or death to a human, if the microorganism, biological agent, or toxin is primarily transmitted by human contact with a domesticated animal, manure from a domesticated animal, or other excretions or body fluids from a domesticated animal.

NEW SUBSECTION. 5B. “*Domesticated animal premises*” or “*premises*” means a location under the management or control of a domesticated animal activity sponsor where domesticated animals are regularly kept for three or more consecutive hours.

NEW SUBSECTION. 6A. “*Fair authority*” means the Iowa state fair authority established in section 173.1 or a fair as defined in section 174.1.

NEW SUBSECTION. 6B. “*Fairgrounds*” mean real estate under the management or control of a fair authority, including land, buildings, and improvements, and which includes but is not limited to areas reserved for domesticated animal events or domesticated animal activities.

Sec. 2. NEW SECTION. **673.4 Fairs — domesticated animal premises — liability.**

1. A fair authority is not liable for damages arising from a claim by a participant or spectator alleging injury or death caused by a domesticated animal pathogen transmitted at a domesticated animal premises located on its fairgrounds. This subsection applies regardless of whether a domesticated animal is present on the domesticated animal premises, when the domesticated animal pathogen is transmitted, or whether a domesticated animal present on the domesticated animal premises is engaged in a domesticated animal activity.

2. Subsection 1 does not apply to the extent that the participant or spectator proves that the fair authority failed to post a warning sign at a conspicuous place at the domesticated animal premises as required in section 673.5.

Sec. 3. NEW SECTION. **673.5 Warning sign — notice.**

A fair authority shall post a warning sign at a conspicuous place on any domesticated animal premises located on the fairgrounds. The warning sign shall be clearly visible to a person visiting the premises for the first time. The sign shall have a white background and the sign’s notice shall be printed in black letters a minimum of one inch high in the following form:

WARNING

DOMESTICATED ANIMAL PREMISES

Under Iowa Code chapter 673, the fair is not liable for a domesticated animal pathogen transmitted from this domesticated animal premises. Take necessary sanitary precautions including by not touching your face or consuming food or water until

thoroughly cleansing and drying your hands after your visit. As soon as possible after your visit, thoroughly cleanse your hands using an appropriate soap and water and thoroughly dry them after cleansing.

Approved April 20, 2017

CHAPTER 81

PERMIT REQUIREMENTS FOR MOTOR VEHICLES CARRYING IMPLEMENTS OF HUSBANDRY

S.F. 406

AN ACT exempting motor vehicles carrying an implement of husbandry from certain permit requirements.

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

Section 1. Section 321.453, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A motor vehicle that is operated by a farmer and that is carrying an implement of husbandry between fields, locations for repair, or locations for storage of the implement of husbandry shall be exempt from any requirement to obtain a permit under section 321.463, 321.471, or 321.474. Nothing in this subsection shall be construed to exempt such a vehicle from any requirement or restriction other than a requirement to obtain a permit, including but not limited to requirements or restrictions relating to size, weight, load, lighting, flags, equipment, or manner of operation. For the purposes of this subsection, "farmer" means as defined in section 142D.2.

Approved April 20, 2017

CHAPTER 82

BONDING AUTHORITY OF COMBINED BENEFITED RECREATIONAL LAKE AND WATER QUALITY DISTRICTS

S.F. 493

AN ACT relating to the authority of combined benefited recreational lake and water quality districts when issuing bonds.

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

Section 1. Section 357E.11A, subsections 2 and 3, Code 2017, are amended to read as follows:

2. A combined district shall have the same powers to issue bonds, ~~including both general obligation and revenue bonds~~, that cities have under the laws of this state, including but not limited to chapter 76, section 384.4, and sections 384.23 through 384.94. The bonds shall be made payable at the place and be of the form as the board of trustees shall by resolution designate. In the application of the laws to this section, the words used in the laws referring to municipal corporations or to cities shall be held to include combined districts organized

under this chapter; the words “council” or “city council” shall be held to include the board of trustees of a combined district; the words “mayor” and “clerk” shall be held to include the president and clerk of a board of trustees; and like construction shall be given to any other words in the laws where required to permit the exercise of the powers by combined districts under this section.

3. ~~An~~ Except for the issuance of refunding bonds, an indebtedness shall not be incurred under this section until authorized by an election. The election shall be held and notice given in the same manner as provided in section 357E.8, except that a proposition to authorize indebtedness is approved if sixty percent of those voting on the proposition vote in favor of the proposition. A proposition for the authorization of indebtedness may be submitted to the voters at the same election as the election under section 357E.8.

Approved April 20, 2017

CHAPTER 83

DOMESTIC ABUSE ASSAULT, STALKING, AND UNAUTHORIZED PLACEMENT OF GLOBAL POSITIONING DEVICES

H.F. 263

AN ACT relating to the criminal offenses of domestic abuse and unauthorized placement of a global positioning device, and providing penalties.

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

Section 1. Section 708.2A, subsection 7, paragraph b, Code 2017, is amended by striking the paragraph and inserting in lieu thereof the following:

b. A person convicted of a violation referred to in subsection 4 shall be sentenced as provided under section 902.13.

Sec. 2. Section 708.11, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. “*Course of conduct*” means repeatedly maintaining a visual or physical proximity to a person without legitimate purpose, repeatedly utilizing a technological device to locate, listen to, or watch a person without legitimate purpose, or repeatedly conveying oral or written threats, threats implied by conduct, or a combination thereof, directed at or toward a person.

Sec. 3. Section 708.11, subsection 2, Code 2017, is amended to read as follows:

2. A person commits stalking when all of the following occur:

a. The person purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened or to fear that the person intends to cause bodily injury to, or the death of, that specific person or a member of the specific person’s immediate family.

b. The person has knowledge or should have knowledge that ~~the specific person will be placed in reasonable fear of~~ a reasonable person would feel terrorized, frightened, intimidated, or threatened or fear that the person intends to cause bodily injury to, or the death of, that specific person or a member of the specific person’s immediate family by the course of conduct.

c. The person’s course of conduct induces fear in the specific person of bodily injury to, or the death of, the specific person or a member of the specific person’s immediate family.

Sec. 4. NEW SECTION. 708.11A Unauthorized placement of global positioning device.

1. A person commits unauthorized placement of a global positioning device when the person, without the consent of the other person, places a global positioning device on the other person or an object in order to track the movements of the other person without a legitimate purpose.

2. A person who commits a violation of this section commits a serious misdemeanor.

Sec. 5. NEW SECTION. 902.13 Minimum sentence for certain domestic abuse assault offenses.

1. A person who has been convicted of a third or subsequent offense of domestic abuse assault under section 708.2A, subsection 4, shall be denied parole or work release until the person has served between one-fifth of the maximum term and the maximum term of the person's sentence as provided in subsection 2.

2. The sentencing court shall determine, after receiving and examining all pertinent information referred to in section 901.5, the minimum term of confinement, within the parameters set forth in subsection 1, required to be served before a person may be paroled or placed on work release.

Sec. 6. Section 903A.2, subsection 1, paragraph a, subparagraph (1), unnumbered paragraph 1, Code 2017, is amended to read as follows:

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 or 902.13. 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:

Sec. 7. Section 903A.2, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. (1) Category "B" sentences are those sentences which are subject to a maximum accumulation of earned time of fifteen percent of the total sentence of confinement under section 902.12 or 902.13. An inmate of an institution under the control of the department of corrections who is serving a category "B" sentence is eligible for a reduction of sentence equal to fifteen eighty-fifths of a day for each day of good conduct by the inmate.

(2) An inmate required to participate in a domestic abuse treatment program shall not be eligible for a reduction of sentence unless the inmate participates in and completes a domestic abuse treatment program established by the director.

Sec. 8. Section 904A.4, subsection 8, Code 2017, is amended to read as follows:

8. *a.* The board of parole shall implement a risk assessment program which shall provide risk assessment analysis for the board.

b. The board of parole shall also develop a risk assessment validated for domestic abuse-related offenses in consultation with the department of corrections. The board may adopt rules pursuant to chapter 17A relating to the use of the domestic abuse risk assessment.

Sec. 9. NEW SECTION. 905.16 Electronic tracking and monitoring system — domestic abuse assault — felony.

1. A person placed on probation, parole, work release, or any other type of conditional release for domestic abuse assault in violation of section 708.2A, subsection 4, may be supervised by an electronic tracking and monitoring system in addition to any other conditions of supervision.

2. When considering whether to order the use of an electronic tracking and monitoring system the court shall consider the safety of the victim and other legitimate factors that may impact all of the parties.

Sec. 10. Section 907.3, subsection 1, paragraph a, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (013) The offense is a violation referred to in section 708.2A, subsection 4.

Sec. 11. Section 907.3, subsection 2, paragraph a, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) The offense is a violation referred to in section 708.2A, subsection 4.

Sec. 12. Section 907.3, subsection 3, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0a. The sentence imposed under section 902.13 for a violation referred to in section 708.2A, subsection 4.

Approved April 20, 2017

CHAPTER 84

MOTOR VEHICLE REGULATION — UTILITY MAINTENANCE AND SOLID WASTE OR RECYCLING COLLECTION SERVICE VEHICLES

H.F. 314

AN ACT relating to utility maintenance vehicles and solid waste or recycling collection service vehicles, and making penalties applicable.

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

Section 1. Section 321.1, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 89A. “*Utility maintenance vehicle*” means a motor vehicle operated by an employee or contractor of an entity, including but not limited to the state, a political subdivision of the state, or any commission, department, or agency thereof, an electric cooperative association, or a public or private corporation, in connection with the provision of utility services.

NEW SUBSECTION. 89B. “*Utility services*” means cable, electric, natural gas, telephone, telecommunication, water, and wastewater treatment services and includes but is not limited to the improvement, installation, maintenance, relocation, or repair of cables, fibers, pipes, utility poles, utility structures, wires, and associated right-of-way and other infrastructure associated with such services.

Sec. 2. Section 321.323A, subsection 2, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The operator of a motor vehicle approaching a stationary towing or recovery vehicle, a stationary utility maintenance vehicle, a stationary municipal maintenance vehicle, ~~or a stationary highway maintenance vehicle,~~ or a stationary solid waste or recycling collection service vehicle, that is displaying flashing yellow, amber, blue, white, or red lights, shall approach the vehicle with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer:

Sec. 3. Section 321.423, subsection 2, paragraph h, Code 2017, is amended to read as follows:

h. A flashing amber light is permitted on a towing or recovery vehicle, a utility maintenance vehicle, a municipal maintenance vehicle, a highway maintenance vehicle, a solid waste or

recycling collection service vehicle, or a vehicle operated in accordance with subsection 6 or section 321.398 or 321.453.

Approved April 20, 2017

CHAPTER 85

HIGH SCHOOL EQUIVALENCY DIPLOMAS — APPLICATION AND COMPETENCY REQUIREMENTS — ASSESSMENTS

H.F. 473

AN ACT relating to high school equivalency programs and assessments and including effective date provisions.

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

Section 1. Section 259A.1, Code 2017, is amended to read as follows:

259A.1 Tests ~~Assessment of competency.~~

The department of education shall cause to be made available for qualified individuals a high school equivalency diploma. The diploma shall be issued on the basis of satisfactory demonstrated competence as shown by tests covering in all of the following core areas: reading, language arts, literacy, mathematics, science, and social studies.

Sec. 2. Section 259A.2, Code 2017, is amended to read as follows:

259A.2 Age ~~Application requirements.~~

1. Every applicant ~~must shall~~ have attained the age of eighteen years, ~~be a nonhigh~~ have not graduated from high school graduate, and not be currently enrolled in a secondary school. ~~However, an~~

2. An applicant is not eligible for the a high school equivalency diploma until after the class in which the applicant was enrolled has graduated from high school.

3. Application shall be made to a high school equivalency program or testing center approved by the department of education, accompanied by an application fee in an amount prescribed by the department.

4. ~~The test~~ Test scores shall be forwarded by the scorer of the test to the department of education.

5. Evidence that an applicant demonstrates competence as required under section 259A.1 shall be made available to the department of education by the high school equivalency program for verification purposes.

Sec. 3. Section 259A.3, Code 2017, is amended to read as follows:

259A.3 Notice and fee.

Any applicant who has ~~achieved demonstrated competence in the minimum passing core areas under standards as established by the department, and approved~~ adopted by the state board of education pursuant to section 259A.5, shall be issued a high school equivalency diploma by the department of education upon payment of an additional amount determined in rules adopted by the state board of education to cover the actual costs of the production and distribution of the diploma. The state board of education may also by rule establish a fee for the issuance or verification of a transcript which shall be based on the actual costs of the production or verification of a transcript.

Sec. 4. Section 259A.5, Code 2017, is amended to read as follows:

259A.5 Rules — duties.

1. The director of the department of education shall ~~adopt tests~~ prescribe assessments, definitions of terms, and forms and resources as necessary for the administration of this chapter.

2. The state board of education shall adopt rules under chapter 17A to carry out this chapter. Any rules adopted relating to demonstrations of competence for purposes of this chapter shall require such demonstrations to be equivalent to or of greater rigor than those required for high school graduation, and such demonstrations shall include but are not limited to a test battery, credit-based measures, and attainment of other academic credentials.

Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 20, 2017

CHAPTER 86

CHILDREN IN NEED OF ASSISTANCE, CHILD ABUSE, DANGEROUS SUBSTANCES, AND ALCOHOL — DEFINITIONS — REPORTING

H.F. 543

AN ACT relating to child in need of assistance and child abuse cases involving certain drugs and other substances.

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

Section 1. Section 232.2, subsection 6, paragraph p, Code 2017, is amended to read as follows:

p. Whose parent, guardian, or custodian, or other adult member of the household in which a child resides does any of the following: unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance in the presence of a child; or knowingly allows such use, possession, manufacture, cultivation, or distribution by another person in the presence of a child; or in the presence of a child possesses a product containing ephedrine, its salts, optical isomers, salts of optical isomers, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, with the intent to use the product as a precursor or an intermediary to a dangerous substance in the presence of a child; or unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance specified in subparagraph (2), subparagraph division (a), (b), or (c), in a child's home, on the premises, or in a motor vehicle located on the premises.

(1) For the purposes of this paragraph, "*in the presence of a child*" means in the physical presence of a child during the manufacture or possession, the manufacture or possession occurred in a child's home, on the premises, or in a motor vehicle located on the premises, or the manufacture or possession occurred or occurring under other circumstances in which a reasonably prudent person would know that the use, possession, manufacture or possession, cultivation, or distribution may be seen, smelled, ingested, or heard by a child.

(2) For the purposes of this paragraph, "*dangerous substance*" means any of the following:

(a) Amphetamine, its salts, isomers, or salts of its isomers.

(b) Methamphetamine, its salts, isomers, or salts of its isomers.

(c) A chemical or combination of chemicals that poses a reasonable risk of causing an explosion, fire, or other danger to the life or health of persons who are in the vicinity while the chemical or combination of chemicals is used or is intended to be used in any of the following:

(i) The process of manufacturing an illegal or controlled substance.

(ii) As a precursor in the manufacturing of an illegal or controlled substance.

(iii) As an intermediary in the manufacturing of an illegal or controlled substance.

(d) Cocaine, its salts, isomers, salts of its isomers, or derivatives.

(e) Heroin, its salts, isomers, salts of its isomers, or derivatives.

(f) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

Sec. 2. Section 232.68, subsection 2, paragraph a, subparagraph (7), Code 2017, is amended to read as follows:

(7) The person responsible for the care of a child has, in the presence of the a child, as defined in section 232.2, subsection 6, paragraph "p", manufactured unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance, as defined in section 232.2, subsection 6, paragraph "p", or in the presence of the child knowingly allows such use, possession, manufacture, cultivation, or distribution by another person in the presence of a child; possesses a product containing ephedrine, its salts, optical isomers, salts of optical isomers, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, with the intent to use the product as a precursor or an intermediary to a dangerous substance in the presence of a child; or unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance specified in section 232.2, subsection 6, paragraph "p", subparagraph (2), subparagraph division (a), (b), or (c), in a child's home, on the premises, or in a motor vehicle located on the premises.

Sec. 3. Section 232.77, subsection 2, Code 2017, is amended to read as follows:

2. a. If a health practitioner discovers in a child physical or behavioral symptoms of the effects of exposure to cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs, or combinations or derivatives thereof, which were not prescribed by a health practitioner, or if the health practitioner has determined through examination of the natural mother of the child that the child was exposed in utero, the health practitioner may perform or cause to be performed a medically relevant test, as defined in section 232.73, on the child. The practitioner shall report any positive results of such a test on the child to the department. The department shall begin an assessment pursuant to section 232.71B upon receipt of such a report. A positive test result obtained prior to the birth of a child shall not be used for the criminal prosecution of a parent for acts and omissions resulting in intrauterine exposure of the child to an illegal drug.

b. If a health practitioner involved in the delivery or care of a newborn or infant discovers in the newborn or infant physical or behavioral symptoms that are consistent with the effects of prenatal drug exposure or a fetal alcohol spectrum disorder, the health practitioner shall report such information to the department in a manner prescribed by rule of the department.

Approved April 20, 2017

CHAPTER 87

TERMINATION OF PARENTAL RIGHTS PROCEEDINGS — VENUE — SAFETY OR SECURITY CONCERNS

S.F. 275

AN ACT relating to termination of parental rights proceedings based upon safety or security concerns.

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

Section 1. Section 600A.5, Code 2017, is amended to read as follows:

600A.5 Petition for termination — venue — safety or security concerns.

1. The following persons may petition a juvenile court for termination of parental rights under this chapter if the child of the parent-child relationship is born or expected to be born within one hundred eighty days of the date of petition filing:

- a. A parent or prospective parent of the parent-child relationship.
- b. A custodian or guardian of the child.
2. A petition for termination of parental rights shall be filed, and venue shall lie, with the juvenile court in the county in which the guardian or custodian of the child resides or the child, the biological mother, or the pregnant woman is domiciled. If a juvenile court has made an order pertaining to a minor child under chapter 232, division III, and that order is still in force, the termination proceedings shall be conducted pursuant to the provisions of chapter 232, division IV.
 3. A petition for termination of parental rights shall include the following:
 - a. The legal name, age and domicile, if any, of the child.
 - b. The names, residences, and domicile of any:
 - (1) Living parents of the child.
 - (2) Guardian of the child.
 - (3) Custodian of the child.
 - (4) Guardian ad litem of the child.
 - (5) Petitioner.
 - (6) Person standing in the place of the parents of the child.
 - c. A plain statement of the facts and grounds in section 600A.8 which indicate that the parent-child relationship should be terminated.
 - d. A plain statement explaining why the petitioner does not know any of the information required under paragraphs "a" and "b" of this subsection.
 - e. The signature and verification of the petitioner.
 4. If the petitioner alleges and affirms in the verified petition that the petitioner has a legitimate concern for the safety or security of the child or petitioner, all of the following shall apply:
 - a. Notwithstanding subsection 2, the petitioner may file the petition in a county within the same judicial district but other than those counties specified, and venue shall be in the county in which the petition is filed.
 - b. The court shall keep confidential the residence and domicile of the child and the petitioner disclosed in the petition.

Approved April 21, 2017

CHAPTER 88

INDIGENT DEFENSE

S.F. 374

AN ACT relating to providing legal assistance to indigent persons in criminal proceedings, and including effective date provisions.

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

Section 1. Section 13B.4, subsection 1, Code 2017, is amended to read as follows:

1. a. The state public defender shall coordinate the provision of legal representation of to all indigents under arrest or charged with a crime, who face the possibility of imprisonment under the applicable criminal statute or ordinance.
- b. The state public defender shall also coordinate the provision of legal representation to all indigents seeking postconviction relief, against whom a contempt action is pending, in proceedings under section 811.1A or chapter 229A or 812, in juvenile proceedings, on appeal in criminal cases, and on appeal in proceedings to obtain postconviction relief when ordered to do so by the district court in which the judgment or order was issued, and may provide for the representation of indigents in proceedings instituted pursuant to chapter 908.

c. The state public defender shall not engage in the private practice of law.

Sec. 2. Section 13B.4, subsection 3, Code 2017, is amended to read as follows:

3. The state public defender may contract with persons admitted to practice law in this state and nonprofit legal organizations ~~employing persons admitted to practice law in this state~~ for the provision of legal services to indigent persons. The contract may incorporate administrative rules into the terms of the contract or expressly provide that payments may be paid that are other than on an hourly rate basis for legal services provided, including but not limited to a fixed rate per case or per month.

Sec. 3. Section 13B.8, subsection 4, Code 2017, is amended to read as follows:

4. a. The state public defender shall provide separate and suitable office space, furniture, equipment, computers, ~~computer networks~~, support staff, and supplies for each office of the local public defender out of funds appropriated to the state public defender for this purpose.

b. The state public defender may enter into agreements with the office of the chief information officer created in chapter 8B to provide or procure suitable computer networks and other information technology services to or for each office of the state public defender, including the central administrative office and the office of the state appellate defender, and to each office of the local public defender.

Sec. 4. Section 815.9, subsection 4, paragraph a, Code 2017, is amended to read as follows:

a. If the appointed attorney is a public defender, the attorney shall submit a report to the court specifying the total hours of service plus expenses incurred in providing legal assistance to the person, unless the court has ordered that the cost of legal assistance is not required to be reimbursed to the state. In a criminal case, the report shall be submitted within ~~ten days of~~ a reasonable period of time after the date of sentencing, acquittal, or dismissal. In a case other than a criminal case, the report shall be submitted within ~~ten days of a reasonable period of time after the date of any court ruling or the conclusion of a trial held in the case, or if the case is dismissed within ten days of the~~ a reasonable period of time after the date of dismissal.

Sec. 5. Section 815.10, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. For purposes of this subsection, a criminal proceeding in which an indigent person is entitled to legal assistance at public expense is a proceeding where the person faces the possibility of imprisonment under the applicable criminal statute or ordinance. This section does not require the appointment of an attorney if the indigent person does not request the appointment of an attorney or waives the right to an appointed attorney.

Sec. 6. **NEW SECTION. 815.15 Violations of local ordinances — reimbursement.**

1. If an attorney is appointed in a case to represent an indigent person for an alleged violation of a local ordinance that may require a term of confinement, the office of the state public defender shall seek reimbursement from the political subdivision of the state that was the plaintiff in the case for the compensation paid to and the expenses incurred by the attorney.

2. A political subdivision of the state shall reimburse the office of the state public defender for the compensation and expenses paid from the indigent defense fund in section 815.11 to an attorney who represented the indigent person pursuant to subsection 1.

Sec. 7. **EFFECTIVE DATE.** The following provision of this Act takes effect January 1, 2018:

1. The section of this Act enacting section 815.15.

Approved April 21, 2017

CHAPTER 89**THEFT OF EQUIPMENT RENTAL PROPERTY***S.F. 403*

AN ACT relating to the theft of equipment rental property, and making penalties applicable.

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

Section 1. Section 714.1, subsection 9, Code 2017, is amended to read as follows:

9. *a.* Obtains the temporary use of video rental property or equipment rental property with the intent to deprive the owner of the use and possession of the video rental property or equipment rental property without the consent of the owner.

b. Lawfully obtains the temporary use of video rental property or equipment rental property and fails to return the video rental property or equipment rental property by the agreed time with the intent to deprive the owner of the use and possession of the video rental property or equipment rental property without the consent of the owner. The aggregate value of the video rental property or equipment rental property involved shall be the original retail value of the video rental property or equipment rental property.

Sec. 2. Section 714.6A, Code 2017, is amended to read as follows:

714.6A Video or equipment rental property theft — evidence of intention — affirmative defense.

1. The fact that a person obtains possession of video rental property or equipment rental property by means of deception, including but not limited to furnishing a false name, address, or other identification to the owner, is evidence that possession was obtained with intent to knowingly deprive the owner of the use and possession of the video rental property or equipment rental property.

2. The fact that a person, having lawfully obtained possession of video rental property or equipment rental property, fails to pay the owner the fair market value of the video rental property or equipment rental property or to return or make arrangements acceptable to the owner to return the video rental property or equipment rental property to the owner within forty-eight hours after receipt of written notice and demand from the owner is evidence of an intent to knowingly deprive the owner of the use and possession of the video rental property or equipment rental property.

3. It shall be an affirmative defense to a prosecution under section 714.1, subsection 9, paragraph “a”, if the defendant in possession of video rental property or equipment rental property pays the owner the fair market value of the video rental property or equipment rental property or returns the property to the owner within forty-eight hours of arrest, together with any standard overdue charges for the period that the owner was unlawfully deprived of possession, but not to exceed one hundred twenty days, and the value of the damage to the property, if any.

Approved April 21, 2017

CHAPTER 90**CONTRACTOR REGISTRATION AND LICENSING — FEE TRANSFER — SURETY BONDS***S.F. 411*

AN ACT relating to contractor registration and licensing by the department of public health and the department of workforce development and related fees and including effective date provisions.

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

Section 1. Section 91C.1, subsection 3, Code 2017, is amended to read as follows:

3. a. The labor services division of the department of workforce development and the Iowa department of public health will work with stakeholders to develop a plan to combine the contractor registration and contractor licensing application process for contractors licensed under chapter 105, to be implemented in time for licensing renewals due July 1, 2017. ~~The department of public health shall transfer to the labor services division a portion of each contractor license fee equal to three times the current contractor registration fee.~~ Effective July 1, 2017, a contractor licensed under chapter 105 shall register as a contractor under this chapter in conjunction with the contractor licensing process. At no cost to the labor services division, the department of public health shall collect both the registration and licensing applications as part of one combined application. The labor commissioner shall design the contractor registration application form to exclude from the division of labor's contractor registration application process those contractors who are also covered by chapter 105. The labor commissioner is authorized to adopt rules as needed to accomplish a merger of the application systems including transitional registration periods and fees.

b. Effective July 1, 2017, excluding registrations by contractors that are exempt from the registration fee pursuant to this section, the department of public health shall collect and transfer to the labor services division a portion of each contractor license fee equal to three times the contractor registration fee for each three-year license or a prorated portion thereof using a one-sixth deduction for each six-month period of the renewal cycle.

Sec. 2. Section 91C.2, subsection 3, Code 2017, is amended to read as follows:

3. An out-of-state contractor shall either file a surety bond, as provided in section 91C.7, with the division of labor services in the amount of twenty-five thousand dollars ~~for a one-year period~~ or shall provide a statement to the division of labor services that the contractor is prequalified to bid on projects for the department of transportation pursuant to section 314.1.

Sec. 3. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 21, 2017

CHAPTER 91**NURSE LICENSURE COMPACT***S.F. 419*

AN ACT relating to the nurse licensure compact, including provisions for assessments against party states, and including effective date provisions.

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

Section 1. Section 152E.1, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

152E.1 Form of compact.

1. *Article I — Findings and declaration of purpose.*

a. The party states find that:

(1) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws.

(2) Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public.

(3) The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation.

(4) New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex.

(5) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states.

(6) Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.

b. The general purposes of this compact are to:

(1) Facilitate the states' responsibility to protect the public's health and safety.

(2) Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation.

(3) Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions.

(4) Promote compliance with the laws governing the practice of nursing in each jurisdiction.

(5) Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses.

(6) Decrease redundancies in the consideration and issuance of nurse licenses.

(7) Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

2. *Article II — Definitions.* As used in this compact:

a. "*Adverse action*" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action.

b. "*Alternative program*" means a nondisciplinary monitoring program approved by a licensing board.

c. "*Coordinated licensure information system*" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.

d. "*Current significant investigative information*" means either of the following:

(1) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

(2) Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.

e. "*Encumbrance*" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board.

f. "*Home state*" means the party state which is the nurse's primary state of residence.

g. “*Licensing board*” means a party state’s regulatory body responsible for issuing nurse licenses.

h. “*Multistate license*” means a license to practice as a registered or a licensed practical or vocational nurse issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.

i. “*Multistate licensure privilege*” means a legal authorization associated with a multistate license permitting the practice of nursing as either a registered nurse or a licensed practical or vocational nurse in a remote state.

j. “*Nurse*” means a registered nurse or licensed practical or vocational nurse, as those terms are defined by each party state’s practice laws.

k. “*Party state*” means any state that has adopted this compact.

l. “*Remote state*” means a party state other than the home state.

m. “*Single-state license*” means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.

n. “*State*” means a state, territory, or possession of the United States and the District of Columbia.

o. “*State practice laws*” means a party state’s laws, rules, and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. “*State practice laws*” does not include the initial qualifications for licensure or requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

3. *Article III — General provisions and jurisdiction.*

a. A multistate license to practice registered or licensed practical or vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as a registered nurse or as a licensed practical or vocational nurse, under a multistate licensure privilege, in each party state.

b. A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state’s criminal records.

c. Each party state shall require all of the following for an applicant to obtain or retain a multistate license in the home state:

(1) Meets the home state’s qualifications for licensure or renewal of licensure, as well as all other applicable state laws.

(2) Either of the following:

(a) Has graduated or is eligible to graduate from a licensing board-approved registered nurse or licensed practical or vocational nurse prelicensure education program.

(b) Has graduated from a foreign registered nurse or licensed practical or vocational nurse prelicensure program that meets both of the following requirements:

(i) Has been approved by the authorized accrediting body in the applicable country.

(ii) Has been verified by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program.

(3) Has, if a graduate of a foreign prelicensure education program not taught in English or if English is not the individual’s native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing, and listening.

(4) Has successfully passed a national council licensure examination — registered nurse or national council licensure examination — practical nurse examination or recognized predecessor, as applicable.

(5) Is eligible for or holds an active, unencumbered license.

(6) Has submitted in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state’s criminal records.

(7) Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law.

(8) Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis.

(9) Is not currently enrolled in an alternative program.

(10) Is subject to self-disclosure requirements regarding current participation in an alternative program.

(11) Has a valid United States social security number.

d. All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

e. A nurse practicing in a party state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts, and the laws of the party state in which the client is located at the time service is provided.

f. Individuals not residing in a party state shall continue to be able to apply for a party state's single-state license as provided under the laws of each party state. However, the single-state license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state. Nothing in this compact shall affect the requirements established by a party state for the issuance of a single-state license.

g. Any nurse holding a home state multistate license on the effective date of this compact may retain and renew the multistate license issued by the nurse's then-current home state, provided that:

(1) A nurse who changes primary state of residence after this compact's effective date must meet all applicable requirements in article III, paragraph "c", to obtain a multistate license from a new home state.

(2) A nurse who fails to satisfy the multistate licensure requirements in article III, paragraph "c", due to a disqualifying event occurring after this compact's effective date shall be ineligible to retain or renew a multistate license, and the nurse's multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the commission.

4. Article IV — Applications for licensure in a party state.

a. Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant and whether the applicant is currently participating in an alternative program.

b. A nurse may hold a multistate license, issued by the home state, in only one party state at a time.

c. If a nurse changes primary state of residence by moving between two party states, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior home state will be deactivated in accordance with applicable rules adopted by the commission.

(1) The nurse may apply for licensure in advance of a change in the primary state of residence.

(2) A multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.

d. If a nurse changes primary state of residence by moving from a party state to a nonparty state, the multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

5. Article V — Additional authorities invested in party state licensing boards.

a. In addition to the other powers conferred by state law, a licensing board shall have the authority to do all of the following:

(1) Take adverse action against a nurse's multistate licensure privilege to practice within that party state.

(a) Only the home state shall have the power to take adverse action against a nurse's license issued by the home state.

(b) For purposes of taking adverse action, the home state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

(2) Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state.

(3) Complete any pending investigations of a nurse who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate action and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.

(4) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(5) Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-based information to the federal bureau of investigation for criminal background checks, receive the results of the federal bureau of investigation record search on criminal background checks, and use the results in making licensure decisions.

(6) If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse.

(7) Take adverse action based on the factual findings of the remote state, provided that the licensing board follows its own procedures for taking such adverse action.

b. If adverse action is taken by the home state against a nurse's multistate license, the nurse's multistate licensure privilege to practice in all other party states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against a nurse's multistate license shall include a statement that the nurse's multistate licensure privilege is deactivated in all party states during the pendency of the order.

c. Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse's participation in an alternative program.

6. *Article VI — Coordinated licensure information system and exchange of information.*

a. All party states shall participate in a coordinated licensure information system of all licensed registered nurses and licensed practical or vocational nurses. This system will include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.

b. The commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.

c. All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications with the reasons for such denials and nurse participation in alternative

programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law.

d. Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party state licensing boards.

e. Notwithstanding any other provision of law, all party state licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.

f. Any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board shall not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

g. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

h. The compact administrator of each party state shall furnish a uniform data set to the compact administrator of each other party state, which shall include but not be limited to the following:

(1) Identifying information.

(2) Licensure data.

(3) Information related to alternative program participation.

(4) Other information that may facilitate the administration of this compact, as determined by commission rules.

i. The compact administrator of a party state shall provide all investigative documents and information requested by another party state.

7. *Article VII — Establishment of the interstate commission of nurse licensure compact administrators.*

a. The party states hereby create and establish a joint public entity known as the interstate commission of nurse licensure compact administrators.

(1) The commission is an instrumentality of the party states.

(2) Venue is proper, and judicial proceedings by or against the commission shall be brought solely and exclusively, in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

b. *Membership, voting, and meetings.*

(1) Each party state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this compact for each party state. Any administrator may be removed or suspended from office as provided by the law of the state from which the administrator is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the party state in which the vacancy exists.

(2) Each administrator shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws or rules of the commission.

(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in article VIII.

(5) The commission may convene in a closed, nonpublic meeting if the commission must discuss any of the following:

(a) Noncompliance of a party state with its obligations under this compact.

(b) The employment, compensation, discipline, or other personnel matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures.

- (c) Current, threatened, or reasonably anticipated litigation.
 - (d) Negotiation of contracts for the purchase or sale of goods, services, or real estate.
 - (e) Accusing any person of a crime or formally censuring any person.
 - (f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential.
 - (g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.
 - (h) Disclosure of investigatory records compiled for law enforcement purposes.
 - (i) Disclosure of information related to any reports prepared by or on behalf of the commission for the purpose of investigation of compliance with this compact.
 - (j) Matters specifically exempted from disclosure by federal or state statute.
- (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.
- c. The commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this compact, including but not limited to any of the following:
- (1) Establishing the fiscal year of the commission.
 - (2) Providing reasonable standards and procedures for both of the following:
 - (a) The establishment and meetings of other committees.
 - (b) Governing any general or specific delegation of any authority or function of the commission.
 - (3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed.
 - (4) Establishing the titles, duties, and authority and reasonable procedures for the election of the officers of the commission.
 - (5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the commission.
 - (6) Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of this compact after the payment or reserving of all of its debts and obligations.
- d. The commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the internet site of the commission.
- e. The commission shall maintain its financial records in accordance with the bylaws.
- f. The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.
- g. The commission shall have the following powers:
- (1) To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all party states.
 - (2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected.
 - (3) To purchase and maintain insurance and bonds.

(4) To borrow, accept, or contract for services of personnel, including but not limited to employees of a party state or nonprofit organizations.

(5) To cooperate with other organizations that administer state compacts related to the regulation of nursing, including but not limited to sharing administrative or staff expenses, office space or other resources.

(6) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(7) To accept any and all appropriate donations, grants and gifts of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest.

(8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, whether real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety.

(9) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, whether real, personal, or mixed.

(10) To establish a budget and make expenditures.

(11) To borrow money.

(12) To appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives, and other such interested persons.

(13) To provide and receive information from, and to cooperate with, law enforcement agencies.

(14) To adopt and use an official seal.

(15) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of nurse licensure and practice.

h. Financing of the commission.

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities, and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule that is binding upon all party states.

(3) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the party states, except by, and with the authority of, such party state.

(4) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

i. Qualified immunity, defense, and indemnification.

(1) The administrators, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph "i" shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.

(2) The commission shall defend any administrator, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out

of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining the person's own counsel; and provided further that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct.

(3) The commission shall indemnify and hold harmless any administrator, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.

8. *Article VIII — Rulemaking.*

a. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this compact.

b. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

c. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking on the internet site of the commission and on the internet site of each licensing board or the publication in which each state would otherwise publish proposed rules.

d. The notice of proposed rulemaking shall include all of the following:

(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon.

(2) The text of the proposed rule or amendment, and the reason for the proposed rule.

(3) A request for comments on the proposed rule from any interested person.

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

e. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

f. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.

g. The commission shall publish the place, time, and date of the scheduled public hearing.

(1) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded, and a copy will be made available upon request.

(2) Nothing in this article shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this article.

h. If no one appears at the public hearing, the commission may proceed with promulgation of the proposed rule.

i. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

j. The commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

k. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking procedures provided in this compact and in this article shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety

days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to do any of the following:

(1) Meet an imminent threat to public health, safety, or welfare.

(2) Prevent a loss of commission or party state funds.

(3) Meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.

l. The commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the internet site of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

9. *Article IX — Oversight, dispute resolution, and enforcement.*

a. *Oversight.*

(1) Each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purposes and intent.

(2) The commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities, or actions of the commission, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

b. *Default, technical assistance, and termination.*

(1) If the commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall do both of the following:

(a) Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission.

(b) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state's membership in this compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor of the defaulting state and to the executive officer of the defaulting state's licensing board and each of the party states.

(4) A state whose membership in this compact has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs related to a state that is found to be in default or whose membership in this compact has been terminated unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district in which the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

c. *Dispute resolution.*

(1) Upon request by a party state, the commission shall attempt to resolve disputes related to the compact that arise among party states and between party and nonparty states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

(3) In the event the commission cannot resolve disputes among party states arising under this compact:

(a) The party states may submit the issues in dispute to an arbitration panel, which will be comprised of individuals appointed by the compact administrator in each of the affected party states and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute.

(b) The decision of a majority of the arbitrators shall be final and binding.

d. Enforcement.

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district in which the commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

10. *Article X — Effective date, withdrawal, and amendment.*

a. This compact shall become effective and binding on the earlier of the date of legislative enactment of this compact into law by no less than twenty-six states or December 31, 2018. All party states to this compact, that also were parties to the prior nurse licensure compact, superseded by this compact, shall be deemed to have withdrawn from said prior compact within six months after the effective date of this compact.

b. Each party state to this compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the prior nurse licensure compact until such party state has withdrawn from the prior nurse licensure compact.

c. Any party state may withdraw from this compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six months after enactment of the repealing statute.

d. A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.

e. Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with the other provisions of this compact.

f. This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

g. Representatives of nonparty states to this compact shall be invited to participate in the activities of the commission, on a nonvoting basis, prior to the adoption of this compact by all states.

11. *Article XI — Construction and severability.*

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or if the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held to be contrary to the constitution of any party state, this compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

Sec. 2. Section 152E.2, Code 2017, is amended to read as follows:

152E.2 Compact administrator.

The executive director of the board of nursing, as provided for in section 152.2, shall serve as the compact administrator identified in article VIII VII, paragraph “a” “b”, of the nurse licensure compact contained in section 152E.1 and as the compact administrator identified in article VIII, paragraph “a”, of the advanced practice registered nurse compact contained in section 152E.3.

Sec. 3. EFFECTIVE DATE. This Act takes effect upon the earlier of the date of adoption of the revised nurse licensure compact contained in this Act by no less than twenty-six states or December 31, 2018. The executive director of the board of nursing shall notify the Code editor upon adoption of the compact by the requisite number of states.

Approved April 21, 2017

CHAPTER 92

ELECTRONIC PAYMENTS MADE TO COUNTY TREASURERS

S.F. 451

AN ACT relating to certain payments made through a county treasurer’s internet site.

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

Section 1. Section 321.134, subsection 1, Code 2017, is amended to read as follows:

1. On the first day of the second month following the beginning of each registration year a penalty of five percent of the annual registration fee shall be added to the annual registration fees not paid by that date and an additional penalty of five percent shall be added the first day of each succeeding month, until the fee is paid. A penalty shall not be less than five dollars. If the owner of a vehicle surrenders the registration plates for a vehicle prior to the plates becoming delinquent, to the county treasurer of the county where the vehicle is registered, or to the department if the vehicle is registered under chapter 326, the owner may register the vehicle any time thereafter upon payment of the annual registration fee for the registration year without penalty. To avoid a penalty or an additional penalty in the case of a delinquent registration through a county treasurer, if the last calendar day of a month falls on Saturday, Sunday, or a holiday, the payment deadline is extended to include the first business day of the following month. For payments made through a county treasurer’s authorized internet site only, if the last day of the month falls on a Saturday, Sunday, or a holiday, the electronic payment must be ~~initiated~~ entered by midnight on the first business day of the next month. All other electronic payments must be ~~initiated~~ entered by midnight on the last day of the month preceding the delinquent date.

Sec. 2. Section 384.65, subsection 4, paragraph c, Code 2017, is amended to read as follows:

c. To avoid interest on current or delinquent special assessment installments, for payments made through a county treasurer’s authorized internet site only, if the last day of the month falls on a Saturday, Sunday, or a holiday, the electronic payment must be ~~initiated~~ entered by midnight on the first business day of the next month. All other electronic payments must be ~~initiated~~ entered by midnight on the last day of the month preceding the delinquent date.

Sec. 3. Section 445.37, subsection 2, paragraph b, Code 2017, is amended to read as follows:

b. To avoid interest on current or delinquent taxes, for payments made through a county treasurer’s authorized internet site only, if the last day of the month falls on a Saturday, Sunday, or a holiday, the electronic payment must be ~~initiated~~ entered by midnight on the

first business day of the next month. All other electronic payments must be ~~initiated~~ entered by midnight on the last day of the month preceding the delinquent date.

Sec. 4. Section 446.32, Code 2017, is amended to read as follows:

446.32 Payment of subsequent taxes by purchaser.

The county treasurer shall provide to the purchaser of a parcel sold at tax sale a receipt for the total amount paid by the purchaser after the date of purchase for a subsequent year. Taxes for a subsequent year may be paid by the purchaser beginning one month and fourteen days following the date from which an installment becomes delinquent as provided in section 445.37. Notwithstanding any provision to the contrary, a subsequent payment must be received and recorded by the treasurer in the county system or entered through the county treasurer's authorized internet site no later than 5:00 p.m. on the last business day of the month for interest for that month to accrue and be added to the amount due under section 447.1. However, the treasurer may establish a deadline for receipt of subsequent payments that is other than 5:00 p.m. on the last business day of the month to allow for timely processing of the subsequent payments. Late interest shall be calculated through the date that the subsequent payment is recorded by the treasurer in the county system or entered through the county treasurer's authorized internet site. In no instance shall the date of postmark of a subsequent payment be used by a treasurer either to calculate interest or to determine whether interest shall accrue on the subsequent payment.

Sec. 5. Section 447.1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A parcel sold under this chapter and chapter 446 may be redeemed at any time before the right of redemption expires, by payment to the county treasurer, to be held by the treasurer subject to the order of the purchaser, of the amount for which the parcel was sold, including the fee for the certificate of purchase, and interest of two percent per month, counting each fraction of a month as an entire month, from the month of sale, and the total amount paid by the purchaser or the purchaser's assignee for any subsequent year, with interest at the same rate added on the amount of the payment for each subsequent year from the month of payment, counting each fraction of a month as an entire month. The amount of interest must be at least one dollar and shall be rounded to the nearest whole dollar. Interest shall accrue on subsequent amounts as provided in section 446.32. The redemption must be received by the treasurer or entered through the county treasurer's authorized internet site on or before the last day of the month to avoid additional interest being added to the amount necessary to redeem. However, if the last day of a month falls on a Saturday, Sunday, or a holiday, the payment must be received by the treasurer or entered through the county treasurer's authorized internet site by the close of business on the first business day of the following month.

Sec. 6. Section 447.12, Code 2017, is amended to read as follows:

447.12 When service deemed complete — presumption.

Service is complete only after an affidavit has been filed with the county treasurer, showing the making of the service, the manner of service, the time when and place where made, under whose direction the service was made, and costs incurred as provided in section 447.13. Costs not filed with the treasurer before a redemption is complete shall not be collected by the treasurer. Costs shall not be filed with the treasurer prior to the filing of the affidavit. The affidavit shall be made by the holder of the certificate or by the holder's agent or attorney, and in either of the latter cases stating that the affiant is the agent or attorney of the holder of the certificate. The affidavit shall be filed by the treasurer and entered in the county system and is presumptive evidence of the completed service of the notice. The right of redemption shall not expire until ninety days after service is complete. A redemption shall not be considered valid unless received by the treasurer or entered through the county treasurer's authorized internet site prior to the close of business on the ninetieth day from the date of completed service except in the case of a public bidder certificate held by the county in which case the county may accept a redemption at any time prior to the issuance of the tax deed. However, if the ninetieth day falls on a Saturday, Sunday, or a holiday, payment of the total redemption

amount must be received by the treasurer or entered through the county treasurer's authorized internet site before the close of business on the first business day following the ninetieth day. The date of postmark of a redemption shall not be considered as the day the redemption was received by the treasurer for purposes of the ninety-day time period.

Approved April 21, 2017

CHAPTER 93

REGULATION OF PRACTICE OF PHARMACY

S.F. 484

AN ACT relating to pharmacy regulation, including alternate board of pharmacy members, drug disposal program funding, an impaired professionals program, and pharmacy internet sites.

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

Section 1. NEW SECTION. **155A.2A Board of pharmacy — alternate members.**

1. Notwithstanding sections 17A.11, 69.16, 69.16A, 147.12, 147.14, and 147.19, the board may have a pool of up to seven alternate members, including members licensed to practice under this chapter and members not licensed to practice under this chapter, to substitute for board members who are disqualified or become unavailable for any reason for contested case hearings.

a. The board may recommend, subject to approval by the governor, up to seven people to serve in a pool of alternate members.

b. A person serves in the pool of alternate members at the discretion of the board; however, the length of time an alternate member may serve in the pool shall not exceed nine years. A person who serves as an alternate member may later be appointed to the board and may serve nine years, in accordance with sections 147.12 and 147.19. A former board member may serve in the pool of alternate members.

c. An alternate member licensed under this chapter shall hold an active license and shall have been actively engaged in the practice of pharmacy in the preceding three years, with the two most recent years of practice being in Iowa.

d. When a sufficient number of board members are unavailable to hear a contested case, the board may request alternate members to serve.

e. Notwithstanding section 17A.11, section 147.14, subsection 2, and section 272C.6, subsection 5:

(1) An alternate member is deemed a member of the board only for the hearing panel for which the alternate member serves.

(2) A hearing panel containing alternate members must include at least five people.

(3) The majority of a hearing panel containing alternate members shall be members of the board.

(4) The majority of a hearing panel containing alternate members shall be licensed to practice under this chapter.

(5) A decision of a hearing panel containing alternate members is considered a final decision of the board.

f. An alternate member shall not receive compensation in excess of that authorized by law for a board member.

Sec. 2. Section 155A.3, subsection 36, Code 2017, is amended to read as follows:

36. "*Practitioner*" means a physician, dentist, podiatric physician, prescribing psychologist, veterinarian, optometrist, physician assistant, advanced registered nurse practitioner, or other person licensed or registered to prescribe, 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. 3. Section 155A.39, Code 2017, is amended to read as follows:

155A.39 Programs Program to aid monitor impaired pharmacists, pharmacist-interns, or pharmacy technicians — reporting, confidentiality, immunity, and funding.

1. A person or pharmaceutical peer review committee may report relevant facts to the board relating to the acts of a pharmacist in this state, a pharmacist-intern as defined in section 155A.3, subsection 31, or a pharmacy technician in this state if the person or peer review committee has knowledge relating to the pharmacist, pharmacist-intern, or pharmacy technician which, in the opinion of the person or pharmaceutical peer review committee, might impair competency due to chemical abuse, chemical dependence, or mental or physical illness, or which might endanger the public health and safety, or which provide grounds for disciplinary action as specified in this chapter and in the rules of the board. The board may establish a review committee and may implement a program to monitor impaired pharmacists, pharmacist-interns, and pharmacy technicians pursuant to section 272C.3, subsection 1, paragraph "k".

2. A committee of a professional pharmaceutical organization, its staff, or a district or local intervenor participating in a program established to aid pharmacists, pharmacist-interns, or pharmacy technicians impaired by chemical abuse, chemical dependence, or mental or physical illness may report in writing to the board the name of the impaired pharmacist, pharmacist-intern, or pharmacy technician together with pertinent information relating to the impairment. The board may report to a committee of a professional pharmaceutical organization or the organization's designated staff information which the board receives with regard to a pharmacist, pharmacist-intern, or pharmacy technician who may be impaired by chemical abuse, chemical dependence, or mental or physical illness.

3. Upon determination by the board that a report submitted by a peer review committee or a professional pharmaceutical organization committee is without merit, the report shall be expunged from the pharmacist's, pharmacist-intern's, or pharmacy technician's individual record in the board's office. A pharmacist, pharmacist-intern, pharmacy technician, or an authorized representative of the pharmacist, pharmacist-intern, or pharmacy technician shall be entitled on request to examine the peer review committee report or the pharmaceutical organization committee report submitted to the board and to place into the record a statement of reasonable length of the pharmacist's, pharmacist-intern's, or pharmacy technician's view with respect to any information existing in the report.

4. Notwithstanding other provisions of the Code, the records and proceedings of the board, its authorized agents, a peer review committee, or a pharmaceutical organization committee as set out in subsections 1 and 2 shall be privileged and confidential and shall not be considered public records or open records unless the affected pharmacist, pharmacist-intern, or pharmacy technician so requests and shall not be subject to a subpoena or to a discovery proceeding. The board may disclose the records and proceedings only as follows:

- a. In a criminal proceeding.
- b. In a disciplinary hearing before the board or in a subsequent trial or appeal of a board action or order.
- c. To the pharmacist licensing or disciplinary authorities of other jurisdictions.
- d. To the pharmacy technician registering, licensing, or disciplinary authorities of other jurisdictions.
- e. Pursuant to an order of a court of competent jurisdiction.
- f. Pursuant to subsection 11.
- g. As otherwise provided by law.

5. 2. An employee or a member of the board, a peer review committee member, a professional pharmaceutical organization committee member, a professional pharmaceutical organization district or local intervenor, or any other person who furnishes information, data, reports, or records in good faith for the purpose of aiding the an impaired pharmacist, pharmacist-intern, or pharmacy technician, shall be immune from civil liability. This immunity from civil liability shall be liberally construed to accomplish the purpose of this section and is in addition to other immunity provided by law.

~~6. 3.~~ An employee or member of the board or a review committee or intervenor program member is presumed to have acted in good faith. A person alleging a lack of good faith has the burden of proof on that issue.

~~7.~~ The board may contract with professional pharmaceutical associations or societies to provide a program for pharmacists, pharmacist-interns, and pharmacy technicians who are impaired by chemical abuse, chemical dependence, or mental or physical illness. Such programs shall include, but not be limited to, education, intervention, and posttreatment monitoring. A contract with a professional pharmaceutical association or society shall include the following requirements:

~~a.~~ Periodic reports to the board regarding education, intervention, and treatment activities.

~~b.~~ Immediate notification to the board's executive secretary or director or the executive secretary's or director's designee of the identity of the pharmacist, pharmacist-intern, or pharmacy technician who is participating in a program to aid impaired pharmacists, pharmacist-interns, or pharmacy technicians.

~~c.~~ Release to the board's executive secretary or director or the executive secretary's or director's designee upon written request of all treatment records of a participant.

~~d.~~ Quarterly reports to the board, by case number, regarding each participant's diagnosis, prognosis, and recommendations for continuing care, treatment, and supervision which maintain the anonymity of the participant.

~~e.~~ Immediate reporting to the board of the name of an impaired pharmacist, pharmacist-intern, or pharmacy technician who the treatment organization believes to be an imminent danger to either the public or to the pharmacist, pharmacist-intern, or pharmacy technician.

~~f.~~ Reporting to the board, as soon as possible, the name of a participant who refuses to cooperate with the program, who refuses to submit to treatment, or whose impairment is not substantially alleviated through intervention and treatment.

~~g.~~ Immediate reporting to the board of the name of a participant where additional information is evident that known distribution of controlled substances or legend drugs to other individuals has taken place.

~~8. 4.~~ The board may add a surcharge of not more than ten percent of the applicable fee to a pharmacist license fee, pharmacist license renewal fee, pharmacist-intern registration fee, pharmacy technician registration fee, or pharmacy technician registration renewal fee authorized under this chapter to fund programs a program to aid monitor impaired pharmacists, pharmacist-interns, or pharmacy technicians.

~~9. 5.~~ The board may accept, transfer, and expend funds made available by the federal or state government or by another public or private source to be used in programs a program authorized by this section. The board may contract to provide funding on an annual basis to a professional pharmaceutical association or society for expenses incurred in management and operation of a program to aid impaired pharmacists, pharmacist-interns, or pharmacy technicians. Documentation of the use of these funds shall be provided to the board not less than annually for review and comment.

~~10. 6.~~ Funds and surcharges collected under this section shall be deposited in an account and may be used by the board to administer programs a program authorized by this section, including the provision of education, intervention, and posttreatment monitoring to an impaired pharmacist, pharmacist-intern, or pharmacy technician and to pay the administrative costs incurred by the board in connection with that funding and appropriate oversight, but shall not be used for costs incurred for a participant's initial evaluation, referral services, treatment, or rehabilitation subsequent to intervention.

~~11. 7.~~ The board may disclose that the license of a pharmacist, the registration of a pharmacist-intern, or the registration of a pharmacy technician who is the subject of an order of the board that is confidential pursuant to ~~subsection 4~~ section 272C.6 is suspended, revoked, canceled, restricted, or retired; or that the pharmacist, pharmacist-intern, or pharmacy technician is in any manner otherwise limited in the practice of pharmacy; or other relevant information pertaining to the pharmacist, pharmacist-intern, or pharmacy technician which the board deems appropriate.

~~12. 8.~~ The board may adopt rules necessary for the implementation of this section.

Sec. 4. Section 155A.43, Code 2017, is amended to read as follows:

155A.43 Pharmaceutical collection and disposal program — annual allocation.

Of the fees collected by the board pursuant to sections 124.301 and 147.80 and this chapter 155A by the board of pharmacy, and retained by the board pursuant to section 147.82, ~~not more than one hundred seventy-five thousand dollars may be allocated the board may annually allocate a sum deemed by the board to be adequate for administering the pharmaceutical collection and disposal program originally established pursuant to 2009 Iowa Acts, ch. 175, §9.~~ The program shall provide for the management and disposal of unused, excess, and expired pharmaceuticals, including the management and disposal of controlled substances pursuant to state and federal regulations. The board of pharmacy may ~~cooperate contract with the Iowa pharmacy association and may consult with the department and sanitary landfill operators in administering one or more vendors for the provision of supplies and services to manage and maintain the program and to safely and appropriately dispose of pharmaceuticals collected through the program.~~

Sec. 5. REPEAL. Section 155A.13B, Code 2017, is repealed.

Approved April 21, 2017

CHAPTER 94

REGULATION OF RESIDENTIAL RENTAL PROPERTY OCCUPANCY — AUTHORITY OF CITIES

H.F. 134

AN ACT relating to the authority of cities to regulate and restrict the occupancy of residential rental property.

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

Section 1. Section 414.1, subsection 1, Code 2017, is amended to read as follows:

1. a. For the purpose of promoting the health, safety, morals, or the general welfare of the community or for the purpose of preserving historically significant areas of the community, any city is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

b. A city shall not, after January 1, 2018, adopt or enforce any regulation or restriction related to the occupancy of residential rental property that is based upon the existence of familial or nonfamilial relationships between the occupants of such rental property.

Approved April 21, 2017

CHAPTER 95

FORCIBLE ENTRY AND DETAINER ACTIONS — NOTICE AND HEARING PROCEDURE

H.F. 146

AN ACT relating to notice requirements for actions for forcible entry and detainer.

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

Section 1. Section 648.5, Code 2017, is amended by adding the following new subsection:
NEW SUBSECTION. 4A. The notice requirements of this section shall be deemed to have been satisfied if the defendant or the defendant's attorney appears at the hearing. If the hearing will be held fewer than three days after service of the original notice or if notice is deemed satisfied pursuant to this subsection, the court shall inform the defendant that the defendant has the right to a continuance and shall grant a continuance at the defendant's request to allow the defendant to prepare for the hearing or to retain an attorney.

Approved April 21, 2017

CHAPTER 96

PRONOUNCEMENTS OF DEATH BY NURSES OR PHYSICIAN ASSISTANTS

H.F. 232

AN ACT relating to pronouncements of death by registered nurses and physician assistants.

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

Section 1. Section 152.1, subsection 7, paragraph e, Code 2017, is amended to read as follows:

e. Make the pronouncement of death for a patient whose death is anticipated if the death occurs in a licensed hospital, a licensed health care facility, a correctional institution listed in section 904.102, a Medicare-certified home health agency, a Medicare-certified hospice program or facility, an assisted living facility, or a residential care facility, with notice of the death to a physician, advanced registered nurse practitioner, or physician assistant.

Sec. 2. Section 148C.4, subsection 1, Code 2017, is amended to read as follows:

1. A physician assistant may perform medical services when the services are rendered under the supervision of a physician. A physician assistant student may perform medical services when the services are rendered within the scope of an approved program. For the purposes of this section, "*medical services when the services are rendered under the supervision of a physician*" includes making a pronouncement of death for a patient whose death is anticipated if the death occurs in a licensed hospital, a licensed health care facility, a correctional institution listed in section 904.102, a Medicare-certified home health agency, or a Medicare-certified hospice program or facility, with notice of the death to a physician and in accordance with the directions of a physician.

Approved April 21, 2017

CHAPTER 97**MENTAL HEALTH ADVOCATE REPORTING DUTIES***H.F. 234*

AN ACT relating to reports filed with the court by mental health advocates for persons with mental health disorders.

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

Section 1. Section 229.19, subsection 1, paragraph d, subparagraph (6), Code 2017, is amended to read as follows:

(6) To file with the court ~~quarterly reports, and additional reports as the advocate feels necessary or as required by the court, in a form prescribed by the court. The reports shall state what actions the advocate has taken with respect to each patient and the amount of time spent.~~

Approved April 21, 2017

CHAPTER 98**PATERNITY, SUPPORT OBLIGATION, AND CUSTODY OR VISITATION PROCEEDINGS***H.F. 253*

AN ACT relating to proceedings and actions regarding paternity and the obligation for support.

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

Section 1. Section 600B.37, Code 2017, is amended to read as follows:

600B.37 Contempt.

If ~~the father~~ a party fails to comply with or violates the terms or conditions of ~~a support order made pursuant to the provisions of this chapter, the father party shall be held in contempt and 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. 2. NEW SECTION. 600B.37A Action for default or contempt — costs.

If an action is brought on the grounds that a party to an order made pursuant to this chapter is in default or contempt of the order, and the court determines that the party is in default or contempt of the order, the costs of the proceeding, including reasonable attorney fees, may be taxed against that party.

Sec. 3. Section 600B.40, Code 2017, is amended to read as follows:

600B.40 Custody and visitation.

1. The mother of a child born out of wedlock whose paternity has not been acknowledged and who has not been adopted has sole custody of the child unless the court orders otherwise. If a judgment of paternity is entered, the father may petition for rights of visitation or custody in the same paternity action or in an equity proceeding separate from any action to establish paternity.

2. In determining the visitation or custody arrangements of a child born out of wedlock, if a judgment of paternity is entered and the mother of the child has not been awarded sole custody, section 598.41 shall apply to the determination, as applicable, and the court shall consider the factors specified in section 598.41, subsection 3, including but not limited to the factor related to a parent's history of domestic abuse.

3. In a proceeding under this chapter to determine custody or visitation or to modify a custody or visitation order, section 598.15 shall apply to the parties.

Approved April 21, 2017

CHAPTER 99

MILITARY PERSONNEL RECORDS — RELEASE — SOCIAL SECURITY NUMBER REDACTED

H.F. 308

AN ACT concerning the release of certain military personnel records.

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

Section 1. Section 331.608, subsection 6, paragraph b, Code 2017, is amended to read as follows:

b. To a person requesting to examine or copy a record when the event that resulted in the record being made occurred more than ~~seventy-five~~ sixty-two years prior to the request. However, the recorder shall redact any social security number included in a record made available pursuant to this paragraph.

Approved April 21, 2017

CHAPTER 100

CHILD FOSTER CARE — CARE BY RELATIVE

H.F. 396

AN ACT relating to the definition of child foster care for purposes of child care provided by a relative of a child.

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

Section 1. Section 237.1, subsection 4, Code 2017, is amended to read as follows:

4. “*Child foster care*” means the provision of parental nurturing, including but not limited to the furnishing of food, lodging, training, education, supervision, treatment, or other care, to a child on a full-time basis by a person ~~other than~~ including a relative of the child if the relative is licensed under this chapter, but not including a relative or guardian of the child, ~~but~~. “*Child foster care*” does not include any of the following care situations:

a. Care furnished by an individual person who receives the child of a personal friend as an occasional and personal guest in the individual person’s home, free of charge and not as a business.

b. Care furnished by an individual person with whom a child has been placed for lawful adoption, unless that adoption is not completed within two years after placement.

c. Care furnished by a private boarding school subject to approval by the state board of education pursuant to section 256.11.

d. Child care furnished by a child care center, a child development home, or a child care home as defined in section 237A.1.

e. Care furnished in a hospital licensed under chapter 135B or care furnished in a nursing facility licensed under chapter 135C.

f. Care furnished by a relative of a child for more than twenty days in one calendar year, where the child is not under the placement, care, or supervision of the department.

Approved April 21, 2017

CHAPTER 101

NOXIOUS WEEDS AND INVASIVE PLANTS — PALMER AMARANTH

H.F. 410

AN ACT classifying Palmer amaranth as a primary noxious weed and an invasive plant and making penalties applicable.

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

Section 1. Section 199.1, subsection 16, paragraph a, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) Palmer amaranth — *Amaranthus palmeri*.

Sec. 2. Section 317.1A, subsection 1, paragraph a, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (12) Palmer amaranth (*Amaranthus palmeri*).

Sec. 3. NEW SECTION. **317.14A Special requirements for the control or elimination of palmer amaranth on conservation reserve program land.**

The program for weed control established pursuant to section 317.13, and any order issued under that program, shall not apply to the control or elimination of palmer amaranth (*Amaranthus palmeri*) on land enrolled in the conservation reserve program as described in 7 C.F.R. pt. 1410, unless the control or elimination measures comply with the conservation reserve program requirements for that land including contract requirements. The board of supervisors in adopting the program for weed control, or the commissioner in administering the program, shall seek cooperation with the United States department of agriculture, which may include the department's farm service agency office for that county, the farm service agency's state office, or any other office or official designated by the department.

Sec. 4. Section 317.25, subsection 1, paragraph a, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) Palmer amaranth (*Amaranthus palmeri*).

Approved April 21, 2017

CHAPTER 102

VOLUNTEER FIRE DEPARTMENT SERVICE — CITY COUNCIL MEMBERS

H.F. 485

AN ACT allowing city council members to serve a city's volunteer fire department in any position or capacity.

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

Section 1. Section 372.13, subsection 10, Code 2017, is amended to read as follows:

10. A council member, during the term for which that member is elected, is not precluded from holding the office of chief of the volunteer fire department ~~if the fire department serves an area with a population of not more than two thousand or from serving the volunteer fire department in any other position or capacity.~~ A person holding the office of chief of such a volunteer fire department at the time of the person's election to the city council may continue to hold the office of chief of the fire department during the city council term for which that person was elected.

Approved April 21, 2017

CHAPTER 103

CHILD CARE FACILITY LICENSING — EXEMPT PROGRAMS

H.F. 534

AN ACT relating to exceptions from child care facility licensing requirements.

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

Section 1. Section 237A.1, subsection 3, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

An instructional program for children who are attending prekindergarten as defined by the state board of education under section 256.11 or a higher grade level and are at least four years of age, or are at least three years of age and eligible for special education under chapter 256B, administered by any of the following:

Approved April 21, 2017

CHAPTER 104

DISCLOSURE OF FOUNDED CHILD ABUSE INFORMATION — FATALITIES OR NEAR FATALITIES

H.F. 545

AN ACT relating to the public disclosure of information regarding founded child abuse involving a child fatality or near fatality.

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

Section 1. Section 235A.15, subsection 10, Code 2017, is amended to read as follows:

10. The information released by the director of human services or the director's designee pursuant to a request made under subsection 9 relating to a case of founded child abuse involving a fatality or near fatality to a child shall include all of the following, unless such information is excepted from disclosure under subsection 9:

a. Any relevant child abuse information concerning the cause of and circumstances surrounding the child fatality or near fatality, including the age and gender of the child or the child's family and the department's response and findings.

b. Information describing any previous child abuse or neglect investigations of the caregivers responsible for the child abuse or neglect that are pertinent to the child abuse or neglect that led to the child fatality or near fatality, and the results of any such investigations.

~~b. c.~~ A summary of information, that would otherwise be confidential under section 217.30, as to whether or not the child or a member of the child's family was utilizing social services provided by the department at the time of the child fatality or near fatality or within the five-year period preceding the fatality or near fatality.

e. d. Any recommendations made by the department to the county attorney or the juvenile court.

~~d. e.~~ If applicable, a summary of an evaluation of the department's responses in the case. The services provided by and actions of the state on behalf of the child that are pertinent to the child abuse or neglect that led to the child fatality or near fatality.

Sec. 2. Section 235A.15, subsection 11, paragraph b, Code 2017, is amended to read as follows:

b. If release of social services information in addition to that released under subsection 10, paragraph "b" "c", is believed to be in the public's interest and right to know, the director of human services or the director's designee may apply to the court under section 235A.24 requesting a review of the information proposed for release and an order authorizing release of the information. A release of information that would otherwise be confidential under section 217.30 concerning social services provided to the child or the child's family shall not include information concerning financial or medical assistance provided to the child or the child's family.

Approved April 21, 2017

CHAPTER 105

INDEPENDENT REVIEW OF LONG-TERM CARE INSURANCE BENEFIT DETERMINATIONS — FILING FEE ELIMINATED

H.F. 626

AN ACT eliminating filing fees for requests for independent review of certain determinations under long-term care insurance policies.

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

Section 1. Section 514G.110, subsection 2, Code 2017, is amended by striking the subsection.

Approved April 21, 2017

CHAPTER 106**COMPUTER SCIENCE EDUCATION***S.F. 274*

AN ACT relating to computer science education by providing for education standards by the state board of education, for instructor endorsements and authorizations issued by the board of educational examiners, for establishment of a computer science professional development incentive fund, and for the establishment of a computer science education work group.

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

Section 1. Section 256.7, subsection 26, paragraph a, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) The rules shall provide for the establishment of high-quality standards for computer science education taught by elementary, middle, and high schools, in accordance with the goal established under section 284.6A, subsection 1, setting a foundation for personal and professional success in a high-technology, knowledge-based Iowa economy. Such rules shall be applicable only to school districts and accredited nonpublic schools receiving moneys from the computer science professional development incentive fund under section 284.6A, or from other funds administered by the department for the same purposes as specified in section 284.6A, subsection 2.

Sec. 2. Section 272.2, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 20. Establish by rule endorsements and authorizations for computer science instruction, including traditional and nontraditional pathways for obtaining such endorsements or authorizations.

Sec. 3. **NEW SECTION. 284.6A Computer science professional development incentive fund — legislative findings.**

1. The general assembly finds and declares all of the following:

a. That instruction in high-quality computer science for elementary, middle school, and high school students establishes a foundation for personal and professional success in a high-technology, knowledge-based Iowa economy.

b. It is the goal of the general assembly that by July 1, 2019, each accredited high school offer at least one high-quality computer science course, each accredited middle school offer instruction in exploratory computer science, and each accredited elementary school offer instruction in the basics of computer science.

c. It is the intent of the general assembly to appropriate moneys for purposes of the computer science professional development incentive fund for the fiscal year beginning July 1, 2018.

2. A computer science professional development incentive fund is established in the state treasury under the control of the department. The department may accept gifts, grants, bequests, and other private contributions, as well as state or federal moneys, for deposit in the fund. If state, federal, or private moneys deposited in the fund are sufficient, the department may disburse moneys contained in the fund for professional development activities or tuition reimbursement as follows:

a. A school district or accredited nonpublic school, or a collaborative of one or more school districts, accredited nonpublic schools, and area education agencies, may apply to the department, in the manner prescribed by the department, to receive moneys from the fund to provide proven professional development activities for Iowa teachers in the area of computer science education.

b. A school district or accredited nonpublic school may apply to the department, in the manner prescribed by the department, to receive moneys from the fund to provide tuition reimbursement for Iowa teachers seeking endorsements or authorizations for computer science under section 272.2, subsection 20.

3. Notwithstanding section 8.33, moneys in the computer science professional development incentive 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.

Sec. 4. COMPUTER SCIENCE EDUCATION WORK GROUP.

1. The director of the department of education shall convene a computer science education work group to identify and recommend measures for incentivizing school districts and accredited nonpublic schools to meet the following goals by the school year beginning July 1, 2019:

- a. Offer at least one high-quality computer science course in each high school.
- b. Offer instruction in exploratory computer science in each middle school.
- c. Offer instruction in the basics of computer science in each elementary school.

2. The work group shall also develop recommendations that, at a minimum, address or identify the following:

a. How one or more high-quality computer science courses can satisfy high school graduation requirements for mathematics or science.

b. How one or more high-quality computer science courses can be integrated into a career and technical education pathway.

c. Multiple settings for the delivery of high-quality high school computer science courses, including traditional high school classes, concurrent enrollment classes, and online learning classes that include the opportunity for students to collaborate within a classroom setting.

d. Guidelines for creating a kindergarten through grade twelve career pathway in computer science, with an appropriate scope and sequence for high-quality computer science instruction at each such grade level.

e. How the computer science professional development incentive fund established under section 284.6A, if enacted by this Act, could be used to meet the goals set forth in subsection 1.

3. a. The membership of the work group shall represent kindergarten through grade twelve school districts and accredited nonpublic schools, higher education, business, labor, and other appropriate stakeholders.

b. The membership of the work group shall also include four members of the general assembly. The legislative members shall serve as ex officio, nonvoting members of the work group, with one member to be appointed 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.

4. The work group shall submit its findings and recommendations, including any proposed legislation, in a report to the governor, the state board of education, and the general assembly by November 1, 2017.

Sec. 5. DIRECTIVE TO STATE BOARD OF EDUCATION. The state board of education shall submit a notice of intended action to the administrative rules coordinator and the administrative code editor pursuant to section 17A.4, subsection 1, paragraph "a", not later than December 13, 2017, for the adoption of rules to implement section 256.7, subsection 26, paragraph "a", subparagraph (4), as enacted in this Act.

Approved April 28, 2017

CHAPTER 107**MEDICAL MALPRACTICE ACTIONS**

S.F. 465

AN ACT relating to medical malpractice claims, including noneconomic damage awards and expert witnesses, and including applicability provisions.

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

Section 1. Section 135P.1, subsections 1 and 2, Code 2017, are amended to read as follows:

1. “*Adverse health care incident*” means an objective and definable outcome arising from or related to patient care that results in the death or ~~serious~~ physical injury of a patient.

2. “*Health care provider*” means a physician or osteopathic physician licensed under chapter 148, a physician assistant licensed ~~under and practicing under~~ a supervising physician pursuant to chapter 148C, a podiatrist licensed under chapter 149, ~~or a chiropractor licensed under chapter 151, a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed pursuant to under chapter 152 or 152E, a dentist licensed under chapter 153, an optometrist licensed under chapter 154, a pharmacist licensed under chapter 155A, or any other person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.~~

Sec. 2. **NEW SECTION. 147.136A Noneconomic damage awards against health care providers.**

1. For purposes of this section:

a. “*Health care provider*” means a physician or an osteopathic physician licensed under chapter 148, a chiropractor licensed under chapter 151, a podiatrist licensed under chapter 149, a physician assistant licensed and practicing under a supervising physician under chapter 148C, a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed under chapter 152 or 152E, a dentist licensed under chapter 153, an optometrist licensed under chapter 154, a pharmacist licensed under chapter 155A, a hospital as defined in section 135B.1, a health care facility as defined in section 135C.1, a health facility as defined in section 135P.1, a professional corporation under chapter 496C that is owned by persons licensed to practice a profession listed in this paragraph, or any other person or entity who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.

b. “*Noneconomic damages*” means damages arising from pain, suffering, inconvenience, physical impairment, mental anguish, emotional pain and suffering, loss of chance, loss of consortium, or any other nonpecuniary damages.

c. “*Occurrence*” means the event, incident, or happening, and the acts or omissions incident thereto, which proximately caused injuries or damages for which recovery is claimed by the patient or the patient’s representative.

2. The total amount recoverable in any civil action for noneconomic damages for personal injury or death, whether in tort, contract, or otherwise, against a health care provider shall be limited to two hundred fifty thousand dollars for any occurrence resulting in injury or death of a patient regardless of the number of plaintiffs, derivative claims, theories of liability, or defendants in the civil action, unless the jury determines that there is a substantial or permanent loss or impairment of a bodily function, substantial disfigurement, or death, which warrants a finding that imposition of such a limitation would deprive the plaintiff of just compensation for the injuries sustained.

3. The limitation on damages contained in this section shall not apply as to a defendant if that defendant’s actions constituted actual malice.

Sec. 3. Section 147.139, Code 2017, is amended to read as follows:

147.139 Expert witness standards.

If the standard of care given by a ~~physician and surgeon or an osteopathic physician and surgeon licensed pursuant to chapter 148, or a dentist licensed pursuant to chapter 153~~ health care provider, as defined in section 147.136A, is at issue, the court shall only allow a person the plaintiff designates as an expert witness to qualify as an expert witness and to testify on the issue of the appropriate standard of care if the person's medical or dental qualifications relate directly to the medical problem or problems at issue and the type of treatment administered in the case. or breach of the standard of care if all of the following are established by the evidence:

1. The person is licensed to practice in the same or a substantially similar field as the defendant, is in good standing in each state of licensure, and in the five years preceding the act or omission alleged to be negligent, has not had a license in any state revoked or suspended.

2. In the five years preceding the act or omission alleged to be negligent, the person actively practiced in the same or a substantially similar field as the defendant or was a qualified instructor at an accredited university in the same field as the defendant.

3. If the defendant is board-certified in a specialty, the person is certified in the same or a substantially similar specialty by a board recognized by the American board of medical specialties or the American osteopathic association.

4. If the defendant is a licensed physician or osteopathic physician under chapter 148, the person is a physician or osteopathic physician licensed in this state or another state.

Sec. 4. NEW SECTION. 147.140 Expert witness — certificate of merit affidavit.

1. *a.* In any action for personal injury or wrongful death against a health care provider based upon the alleged negligence in the practice of that profession or occupation or in patient care, which includes a cause of action for which expert testimony is necessary to establish a prima facie case, the plaintiff shall, prior to the commencement of discovery in the case and within sixty days of the defendant's answer, serve upon the defendant a certificate of merit affidavit signed by an expert witness with respect to the issue of standard of care and an alleged breach of the standard of care. The expert witness must meet the qualifying standards of section 147.139.

b. A certificate of merit affidavit must be signed by the expert witness and certify the purpose for calling the expert witness by providing under the oath of the expert witness all of the following:

(1) The expert witness's statement of familiarity with the applicable standard of care.

(2) The expert witness's statement that the standard of care was breached by the health care provider named in the petition.

c. A plaintiff shall serve a separate certificate of merit affidavit on each defendant named in the petition.

2. An expert witness's certificate of merit affidavit does not preclude additional discovery and supplementation of the expert witness's opinions in accordance with the rules of civil procedure.

3. The parties shall comply with the requirements of section 668.11 and all other applicable law governing certification and disclosure of expert witnesses.

4. The parties by agreement or the court for good cause shown and in response to a motion filed prior to the expiration of the time limits specified in subsection 1 may provide for extensions of the time limits. Good cause shall include but not be limited to the inability to timely obtain the plaintiff's medical records from health care providers when requested prior to filing the petition.

5. If the plaintiff is acting pro se, the plaintiff shall have the expert witness sign the certificate of merit affidavit or answers to interrogatories referred to in this section and the plaintiff shall be bound by those provisions as if represented by an attorney.

6. Failure to substantially comply with subsection 1 shall result, upon motion, in dismissal with prejudice of each cause of action as to which expert witness testimony is necessary to establish a prima facie case.

7. For purposes of this section, "*health care provider*" means the same as defined in section 147.136A.

Sec. 5. APPLICABILITY. This Act applies to causes of action that accrue on or after the effective date of this Act.

Approved May 5, 2017

CHAPTER 108

ABORTION — PREREQUISITES AND LIMITATIONS

S.F. 471

AN ACT relating to limitations on and prerequisites for an abortion, providing for licensee discipline, providing civil penalties, and including effective date provisions.

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

DIVISION I PREREQUISITES FOR ABORTION

Section 1. Section 146A.1, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

146A.1 Prerequisites for abortion — ultrasound — licensee discipline — interpretation.

1. A physician performing an abortion shall obtain written certification from the pregnant woman of all of the following at least seventy-two hours prior to performing an abortion:

a. That the woman has undergone an ultrasound imaging of the unborn child that displays the approximate age of the unborn child.

b. That the woman was given the opportunity to see the unborn child by viewing the ultrasound image of the unborn child.

c. That the woman was given the option of hearing a description of the unborn child based on the ultrasound image and hearing the heartbeat of the unborn child.

d. (1) That the woman has been provided information regarding all of the following, based upon the materials developed by the department of public health pursuant to subparagraph (2):

(a) The options relative to a pregnancy, including continuing the pregnancy to term and retaining parental rights following the child's birth, continuing the pregnancy to term and placing the child for adoption, and terminating the pregnancy.

(b) The indicators, contra-indicators, and risk factors including any physical, psychological, or situational factors related to the abortion in light of the woman's medical history and medical condition.

(2) The department of public health shall make available to physicians, upon request, all of the following information:

(a) Geographically indexed materials designed to inform the woman about public and private agencies and services available to assist a woman through pregnancy, at the time of childbirth, and while the child is dependent. The materials shall include a comprehensive list of the agencies available, categorized by the type of services offered, and a description of the manner by which the agency may be contacted.

(b) Materials that encourage consideration of placement for adoption. The materials shall inform the woman of the benefits of adoption, including the requirements of confidentiality in the adoption process, the importance of adoption to individuals and society, and the state's interest in promoting adoption by preferring adoption over abortion.

(c) Materials that contain objective information describing the methods of abortion procedures commonly used, the medical risks commonly associated with each such procedure, and the possible detrimental physical and psychological effects of abortion.

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

a. An abortion performed to save the life of a pregnant woman.

- b. An abortion performed in a medical emergency.
- c. The performance of a medical procedure by a physician that in the physician's reasonable medical judgment is designed to or intended to prevent the death or to preserve the life of the pregnant woman.
3. A physician who violates this section is subject to licensee discipline pursuant to section 148.6.
4. This section shall not be construed to impose civil or criminal liability on a woman upon whom an abortion is performed, or to prohibit the sale, use, prescription, or administration of a measure, drug, or chemical designed for the purposes of contraception.
5. The board of medicine shall adopt rules pursuant to chapter 17A to administer this section.
6. As used in this section, "*unborn child*" means an individual organism of the species homo sapiens from fertilization to live birth.

DIVISION II
PROHIBITIONS ON ABORTION — TWENTY WEEKS POSTFERTILIZATION

Sec. 2. NEW SECTION. 146B.1 Definitions.

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

1. "*Abortion*" means the termination of a human pregnancy with the intent other than to produce a live birth or to remove a dead fetus.
2. "*Attempt to perform an abortion*" means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performing of an abortion.
3. "*Department*" means the department of public health.
4. "*Fertilization*" means the fusion of a human spermatozoon with a human ovum.
5. "*Major bodily function*" includes but is not limited to functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
6. "*Medical emergency*" means a situation in which an abortion is performed to preserve the life of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy, or when continuation of the pregnancy will create a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman.
7. "*Medical facility*" means any public or private hospital, clinic, center, medical school, medical training institution, health care facility, physician's office, infirmary, dispensary, ambulatory surgical center, or other institution or location where medical care is provided to any person.
8. "*Perform*", "*performed*", or "*performing*", relative to an abortion, means the use of any means, including medical or surgical, to terminate the pregnancy of a woman known to be pregnant with the intent other than to produce a live birth or to remove a dead fetus.
9. "*Physician*" means a person licensed under chapter 148.
10. "*Postfertilization age*" means the age of the unborn child as calculated from fertilization.
11. "*Probable postfertilization age*" means what, in reasonable medical judgment, will with reasonable probability be the postfertilization age of the unborn child at the time the abortion is to be performed.
12. "*Reasonable medical judgment*" means a medical judgment made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.
13. "*Unborn child*" means an individual organism of the species homo sapiens from fertilization until live birth.

Sec. 3. NEW SECTION. 146B.2 Determination of postfertilization age — abortion prohibited at twenty or more weeks postfertilization age — exceptions — reporting requirements — penalties.

1. Except in the case of a medical emergency, in addition to compliance with the prerequisites of chapter 146A, an abortion shall not be performed or be attempted to be performed unless the physician performing the abortion has first made a determination of the probable postfertilization age of the unborn child or relied upon such a determination made by another physician. In making such a determination, a physician shall make such inquiries of the pregnant woman and perform or cause to be performed such medical examinations and tests the physician considers necessary in making a reasonable medical judgment to accurately determine the postfertilization age of the unborn child.

2. *a.* A physician shall not perform or attempt to perform an abortion upon a pregnant woman when it has been determined, by the physician performing the abortion or by another physician upon whose determination that physician relies, that the probable postfertilization age of the unborn child is twenty or more weeks unless, in the physician's reasonable medical judgment, any of the following applies:

(1) The pregnant woman has a condition which the physician deems a medical emergency.

(2) The abortion is necessary to preserve the life of an unborn child.

b. If an abortion is performed under this subsection, the physician shall terminate the human pregnancy in the manner which, in the physician's reasonable medical judgment, provides the best opportunity for an unborn child to survive, unless, in the physician's reasonable medical judgment, termination of the human pregnancy in that manner would pose a greater risk than any other available method of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function. A greater risk shall not be deemed to exist if it is based on a claim or diagnosis that the pregnant woman will engage in conduct which would result in the pregnant woman's death or in substantial and irreversible physical impairment of a major bodily function.

3. A physician who performs or attempts to perform an abortion shall report to the department, on a schedule and in accordance with forms and rules adopted by the department, all of the following:

a. If a determination of probable postfertilization age of the unborn child was made, the probable postfertilization age determined and the method and basis of the determination.

b. If a determination of probable postfertilization age of the unborn child was not made, the basis of the determination that a medical emergency existed.

c. If the probable postfertilization age of the unborn child was determined to be twenty or more weeks, the basis of the determination of a medical emergency, or the basis of the determination that the abortion was necessary to preserve the life of an unborn child.

d. The method used for the abortion and, in the case of an abortion performed when the probable postfertilization age was determined to be twenty or more weeks, whether the method of abortion used was one that, in the physician's reasonable medical judgment, provided the best opportunity for an unborn child to survive or, if such a method was not used, the basis of the determination that termination of the human pregnancy in that manner would pose a greater risk than would any other available method of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function.

4. *a.* By June 30, annually, the department shall issue a public report providing statistics for the previous calendar year, compiled from the reports for that year submitted in accordance with subsection 3. The department shall ensure that none of the information included in the public reports could reasonably lead to the identification of any woman upon whom an abortion was performed.

b. (1) A physician who fails to submit a report by the end of thirty days following the due date shall be subject to a late fee of five hundred dollars for each additional thirty-day period or portion of a thirty-day period the report is overdue.

(2) A physician required to report in accordance with subsection 3 who has not submitted a report or who has submitted only an incomplete report more than one year following the due date, may, in an action brought in the manner in which actions are brought to enforce chapter 148, be directed by a court of competent jurisdiction to submit a complete report within a time period stated by court order or be subject to contempt of court.

(3) A physician who intentionally or recklessly falsifies a report required under this section is subject to a civil penalty of one hundred dollars.

5. Any medical facility in which a physician is authorized to perform an abortion shall implement written medical policies and procedures consistent with the requirements and prohibitions of this chapter.

6. The department shall adopt rules to implement this section.

Sec. 4. NEW SECTION. 146B.3 Civil actions and penalties.

1. Failure of a physician to comply with any provision of section 146B.2, with the exception of the late filing of a report or failure to submit a complete report in compliance with a court order, is grounds for licensee discipline under chapter 148.

2. A woman upon whom an abortion has been performed in violation of this chapter may maintain an action against the physician who performed the abortion in intentional or reckless violation of this chapter for actual damages.

3. A woman upon whom an abortion has been attempted in violation of this chapter may maintain an action against the physician who attempted the abortion in intentional or reckless violation of this chapter for actual damages.

4. A cause of action for injunctive relief to prevent a physician from performing abortions may be maintained against a physician who has intentionally violated this chapter by the woman upon whom the abortion was performed or attempted, by a parent or guardian of the woman if the woman is less than eighteen years of age at the time the abortion was performed or attempted, by a current or former licensed health care provider of the woman, by a county attorney with appropriate jurisdiction, or by the attorney general.

5. If the plaintiff prevails in an action brought under this section, the plaintiff shall be entitled to an award for reasonable attorney fees.

6. If the defendant prevails in an action brought under this section and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the defendant shall be entitled to an award for reasonable attorney fees.

7. Damages and attorney fees shall not be assessed against the woman upon whom an abortion was performed or attempted except as provided in subsection 6.

8. In a civil proceeding or action brought under this chapter, the court shall rule whether the anonymity of any woman upon whom an abortion has been performed or attempted shall be preserved from public disclosure if the woman does not provide consent to such disclosure. The court, upon motion or on its own motion, shall make such a ruling and, upon determining that the woman's anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard the woman's identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or attempted, anyone, other than a public official, who brings an action under this section shall do so under a pseudonym. This subsection shall not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

9. This chapter shall not be construed to impose civil or criminal liability on a woman upon whom an abortion is performed or attempted.

DIVISION III
LEGISLATIVE INTENT

Sec. 5. **LEGISLATIVE INTENT.** It is the intent of the general assembly to enact policies that protect all unborn life. However, this Act shall not be interpreted to create or recognize a right to an abortion or to prohibit abortion prior to an unborn child reaching a postfertilization age of twenty weeks.

DIVISION IV
SEVERABILITY — EFFECTIVE DATE

Sec. 6. SEVERABILITY CLAUSE. If any provision of this Act or its application to a person or circumstance is held invalid, the invalidity does not affect other provisions of applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 5, 2017

CHAPTER 109

MENTAL HEALTH, DISABILITY, AND SUBSTANCE ABUSE TREATMENT, SERVICES,
AND FUNDING

S.F. 504

AN ACT relating to mental health and disabilities, including the funding of mental health and disability services by modifying the mental health and disability services property tax levy, providing for the expenditure and deposit of certain county hospital property tax revenues, requiring the use of specified excess cash flow funds, including certain law enforcement notification provisions, and including effective date and applicability provisions.

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

Section 1. Section 222.73, subsection 2, paragraph b, Code 2017, is amended to read as follows:

b. The per diem costs billed to each mental health and disability services region shall not exceed the per diem costs billed to the county region in the fiscal year beginning July 1, 1996 2016. ~~However, the per diem costs billed to a county may be adjusted for a fiscal year to reflect increased costs to the extent of the percentage increase in the statewide per capita expenditure target amount, if any per capita growth amount is authorized by the general assembly for that fiscal year in accordance with section 331.424A.~~

Sec. 2. Section 229.11, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. If a respondent is detained pursuant to subsection 1, paragraph “b” or “c”, the sheriff or the sheriff’s deputy that took the respondent into immediate custody may inform the hospital or facility that an arrest warrant has been issued for or charges are pending against the respondent and may request the hospital or facility to notify the sheriff or the sheriff’s deputy about the discharge of the respondent prior to discharge.

Sec. 3. Section 230.20, subsection 2, paragraph b, Code 2017, is amended to read as follows:

b. The per diem costs billed to each mental health and disability services region shall not exceed the per diem costs billed to the county region in the fiscal year beginning July 1, 1996 2016. ~~However, the per diem costs billed to a mental health and disability services region may be adjusted annually to reflect increased costs, to the extent of the percentage increase in the statewide per capita expenditure target amount, if any per capita growth amount is authorized by the general assembly for the fiscal year in accordance with section 426B.3.~~

Sec. 4. Section 331.391, subsection 4, Code 2017, is amended by striking the subsection and inserting in lieu thereof the following:

4. a. If a region is meeting the financial obligations for implementation of its regional service system management plan for a fiscal year and residual funding is anticipated, the regional administrator shall reserve an adequate amount of unobligated and unencumbered funds for cash flow of expenditure obligations in the next fiscal year.

b. For fiscal years beginning July 1, 2017, July 1, 2018, and July 1, 2019, that portion of each region's cash flow amount either reserved in the combined account or reserved among all separate county accounts under the control of the governing board that exceeds twenty-five percent of the gross expenditures from the combined account or from all separate county accounts under control of the governing board in the fiscal year preceding the fiscal year in progress shall be used in whole or in part to fund the payment of services provided under the regional service system management plan under section 331.393.

c. Each region shall certify to the department of management on or before December 1, 2020, and each December 1 thereafter, the amount of the region's cash flow amount in the combined account that is attributable to each county within the region based upon each county's proportionate amount of funding and contributions to the region or other methodology specified in the regional governance agreement or certify the cash flow amount for each separate county account that is under the control of the governing board at the conclusion of the most recently completed fiscal year.

d. (1) For fiscal years beginning on or after July 1, 2021, for each region having a population of one hundred thousand or over, the region's cash flow amount shall not exceed twenty percent of the gross expenditures from the combined account or from all separate county accounts under control of the governing board for the fiscal year preceding the fiscal year in progress.

(2) For fiscal years beginning on or after July 1, 2021, for each region having a population of less than one hundred thousand, the region's cash flow amount shall not exceed twenty-five percent of the gross expenditures from the combined account or from all separate county accounts under control of the governing board for the fiscal year preceding the fiscal year in progress.

Sec. 5. Section 331.424A, subsection 1, Code 2017, is amended by striking the subsection and inserting in lieu thereof the following:

1. For the purposes of part 6 of division III of this chapter, this section, and chapter 426B, unless the context otherwise requires:

a. "*Base expenditure amount*" is an amount determined for each county that is the lesser of the following amounts:

(1) The county's base year expenditures for mental health and disabilities services, as defined in section 331.424A, subsection 1, paragraph "a", Code 2017.

(2) The product of the statewide per capita expenditure target amount multiplied by the county's population for the fiscal year beginning July 1, 2017.

b. "*Cash flow reduction amount*" means the amount calculated under subsection 4 and used to reduce a county budgeted amount under subsection 9 for fiscal years beginning on or after July 1, 2021.

c. "*County budgeted amount*" means the amount calculated under subsection 9 and certified for levy under subsection 6.

d. "*County services fund*" means a county mental health and disabilities services fund created pursuant to this section.

e. "*Population*" means the population shown by the latest preceding certified federal census or the latest applicable population estimate issued by the federal government, whichever is most recent and available as of July 1 of the fiscal year preceding the fiscal year to which the funding calculations apply.

f. "*Region*" means a mental health and disability services region formed in accordance with section 331.389.

g. "*Regional per capita expenditure target amount*" means the amount determined in subsection 8 for each region.

h. "Statewide per capita expenditure target amount" means forty-seven dollars and twenty-eight cents.

Sec. 6. Section 331.424A, subsection 4, Code 2017, is amended by striking the subsection and inserting in lieu thereof the following:

4. *a.* An amount of unobligated and unencumbered funds, as specified in the regional governance agreement entered into by the county under section 331.392, shall be reserved in the county services fund to address cash flow obligations in the next fiscal year, subject to the limitations of this subsection.

b. For fiscal years beginning July 1, 2017, July 1, 2018, and July 1, 2019, that portion of each county's cash flow amount reserved in the county services fund that exceeds an amount equal to twenty-five percent of the gross expenditures from the county services fund in the fiscal year preceding the fiscal year in progress shall be used in whole or in part to fund the county's financial obligations for the payment of services provided under the regional service system management plan under section 331.393.

c. Each county shall, as part of the financial report required under section 331.403, certify the county's cash flow amount in the county services fund at the conclusion of the most recently completed fiscal year.

d. For each fiscal year beginning on or after July 1, 2021, of a county's cash flow amount maintained in the county services fund or of the region's cash flow amount attributable to the county under section 331.391, subsection 4, paragraph "c", an amount equal to the county's cash flow reduction amount shall be used to fund the county's financial obligations for the payment of services provided under the regional service system management plan under section 331.393.

e. For each fiscal year beginning on or after July 1, 2021, each county's cash flow reduction amount shall be determined as follows and shall result in a reduction of the county budgeted amount determined pursuant to subsection 9:

(1) For each county located in a region having a population of one hundred thousand or over, the county's cash flow reduction amount equals the sum of the county's cash flow amount in the county services fund plus the most recent amount certified by the region for the county under section 331.391, subsection 4, paragraph "c", minus twenty percent of the gross expenditures from the county services fund in the fiscal year preceding the fiscal year in progress. However, the cash flow reduction amount shall not be less than zero and shall not exceed the county budgeted amount determined under subsection 9 prior to any reduction resulting from the cash flow reduction amount.

(2) For each county located in a region having a population of less than one hundred thousand, the county's cash flow reduction amount equals the sum of the county's cash flow amount in the county services fund plus the most recent amount certified by the region for the county under section 331.391, subsection 4, paragraph "c", minus twenty-five percent of the gross expenditures budgeted from the county services fund for the fiscal year in progress. However, the cash flow reduction amount shall not be less than zero and shall not exceed the county budgeted amount determined under subsection 9 prior to any reduction resulting from the cash flow reduction amount.

Sec. 7. Section 331.424A, subsections 6 and 7, Code 2017, are amended to read as follows:

6. For each fiscal year, the county shall certify a levy for payment of services. For each fiscal year, county revenues from taxes imposed by the county credited to the county services fund shall not exceed an amount equal to the county budgeted amount of ~~base year expenditures for mental health and disability services for the fiscal year~~. A levy certified under this section is not subject to the appeal provisions of section 331.426 or to any other provision in law authorizing a county to exceed, increase, or appeal a property tax levy limit.

7. Appropriations specifically authorized to be made from the ~~mental health and disabilities~~ county services fund shall not be made from any other fund of the county.

Sec. 8. Section 331.424A, subsection 8, Code 2017, is amended by striking the subsection and inserting in lieu thereof the following:

8. For the fiscal year beginning July 1, 2017, the regional per capita expenditure target amount is the sum of the base expenditure amount for all counties in the region divided by the population of the region. However, a regional per capita expenditure target amount shall not exceed the statewide per capita expenditure target amount. For the fiscal year beginning July 1, 2018, and each subsequent fiscal year, the regional per capita expenditure target amount for each region is equal to the regional per capita expenditure target amount for the fiscal year beginning July 1, 2017.

Sec. 9. Section 331.424A, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 9. For the fiscal year beginning July 1, 2017, and each subsequent fiscal year, the county budgeted amount determined for each county shall be the amount necessary to meet the county's financial obligations for the payment of services provided under the regional service system management plan approved pursuant to section 331.393, not to exceed an amount equal to the product of the regional per capita expenditure target amount multiplied by the county's population, and, for fiscal years beginning on or after July 1, 2021, reduced by the amount of the county's cash flow reduction amount for the fiscal year calculated under subsection 4, if applicable.

Sec. 10. Section 331.432, subsection 3, Code 2017, is amended to read as follows:

3. Except as authorized in section 331.477, transfers of moneys between the county ~~mental health and disabilities~~ services fund created pursuant to section 331.424A and any other fund are prohibited. This subsection does not apply to appropriations made or the value of in-kind care and treatment provided pursuant to section 347.7, subsection 1, paragraph "c".

Sec. 11. Section 347.7, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. For the fiscal years beginning July 1, 2017, July 1, 2018, and July 1, 2019, if a county public hospital is located in a county having a population of two hundred twenty-five thousand or over and having a county budgeted amount for the fiscal year under section 331.424A, subsection 9, equal to the product of the regional per capita expenditure target amount multiplied by the county's population, as those terms are defined in section 331.424A, the board of trustees shall appropriate for payment on July 1 of each such fiscal year from the county public hospital fund to the board of supervisors for deposit in the county services fund created pursuant to section 331.424A, two million eight hundred thousand dollars, and the county public hospital shall, in each such fiscal year, contract with the county in which the county public hospital is located to provide care and treatment to patients who are residents of the county and whose costs for such care and treatment would otherwise qualify for payment from the county services fund under section 331.424A, in an amount equal to three million five hundred thousand dollars.

Sec. 12. Section 426B.1, subsection 2, Code 2017, is amended to read as follows:

2. Moneys shall be distributed from the property tax relief fund to counties for the mental health and disability regional service system for ~~providing county base property tax equivalent equalization payments and the per capita growth amount established pursuant to section 426B.3~~ mental health and disabilities services, in accordance with the appropriations made to the fund and other statutory requirements.

Sec. 13. Section 426B.2, Code 2017, is amended to read as follows:

426B.2 Property tax relief fund payments.

1. The director of human services shall draw warrants on the property tax relief fund, payable to the county treasurer in the amount due to a county in accordance with ~~section 426B.3~~ statutory requirements, and mail the warrants to the county auditors in July and January of each year.

2. ~~As used in this chapter and in section 331.424A, for purposes of population-based funding calculations, "population" means the population shown by the latest preceding certified federal census or the latest applicable population estimate issued by the federal~~

~~government, whichever is most recent and available as of July 1 of the fiscal year preceding the fiscal year to which the funding calculations apply.~~

Sec. 14. REPEAL. Section 426B.3, Code 2017, is repealed.

Sec. 15. COUNTY BUDGET RECERTIFICATION. If this Act takes effect on or after March 15, 2017, notwithstanding section 24.17, for the fiscal year beginning July 1, 2017, a county may recertify the county's budget as necessary to implement the provisions of this Act. A budget recertified pursuant to this section must be recertified in duplicate to the county auditor not later than thirty days after the effective date of this Act, and protests to the budget shall be filed not later than ten days after the county's budget is recertified.

Sec. 16. MENTAL HEALTH AND DISABILITY SERVICES FUNDING — FISCAL VIABILITY REVIEW DURING 2018 LEGISLATIVE INTERIM. The legislative council is requested to authorize a study committee to analyze the viability of the mental health and disability services funding provisions in this Act, including the methodology used to calculate and determine the base expenditure amount, the county budgeted amount, the regional per capita expenditure target amount, the statewide per capita expenditure target amount, and the cash flow reduction amount. The study committee shall consist of five 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, and five 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 study committee shall meet during the 2018 legislative interim to make appropriate recommendations for consideration during the 2019 legislative session in a report submitted to the general assembly by January 15, 2019.

Sec. 17. WORKGROUP — MENTAL HEALTH, DISABILITY, AND SUBSTANCE USE DISORDER SERVICES. The department of human services shall convene a stakeholder workgroup to make recommendations relating to the delivery of, access to, and coordination and continuity of mental health, disability, and substance use disorder services and supports for individuals with mental health, disability, and substance use disorder needs, particularly for individuals with complex mental health, disability, and substance use disorder needs. The workgroup shall be comprised of representatives from community mental health centers, law enforcement agencies, the national alliance on mental illness, the Iowa hospital association, the judicial system, mental health and disability services regions, substance abuse treatment providers, the department of public health, and other entities as appropriate. The report shall incorporate selected strategies from community service plans submitted by the mental health and disability services regions to the department of human services pursuant to this Act to address services and supports for individuals with mental health, disability, and substance use disorder needs, particularly for individuals with complex mental health, disability, and substance use disorder needs. The workgroup shall submit a report with recommendations to the governor and general assembly by December 15, 2017.

Sec. 18. REGIONAL WORKGROUP — MENTAL HEALTH AND DISABILITY REGIONAL SERVICES.

1. The regional administrator of each mental health and disability services region shall convene a stakeholder workgroup to meet on a regular basis, beginning July 1, 2017, to create collaborative policies and processes relating to the delivery of, access to, and continuity of services and supports for individuals with mental health, disability, and substance use disorder needs, particularly for individuals with complex mental health, disability, and substance use disorder needs. Each region shall review resources currently available including the reduction of mental health and disability services fund balances and options for combining funding from different sources, particularly funding available pursuant to Tit. XIX of the federal Social Security Act, and shall consider providing additional services and supports in their own region or partnering with one or more regions to provide additional services and supports to serve such individuals. The workgroup shall be comprised of representatives from hospitals, the judicial system, law enforcement agencies, managed care

organizations, mental health providers, crisis service providers, substance abuse providers, the national alliance on mental illness, and other entities as appropriate.

2. Each mental health and disability services region shall submit a community service plan to the department of human services by October 16, 2017. The plan shall include planning and implementation time frames and assessment tools for determining the effectiveness of the plan in achieving the department's identified outcomes for success in the delivery of, access to, and coordination and continuity of services and supports for individuals with mental health, disability, and substance use disorder needs, particularly for individuals with complex mental health, disability, and substance use disorder needs, and financial strategies to support the plan including combined funding from different sources, particularly funding available pursuant to Tit. XIX of the federal Social Security Act. The plan shall address how mental health and disability services regions will spend down mental health and disabilities services fund balances remaining from the fiscal year ending June 30, 2016.

3. The regional administrator of each mental health and disability services region shall enter into a memorandum of understanding with each of Iowa's managed care organizations that delineates the roles and responsibilities of the region and the managed care organizations in relation to the plan developed by the region to address the services and supports necessary to meet the needs of individuals with mental health, disability, and substance use disorder needs, particularly individuals with complex mental health, disability, and substance use disorder needs.

4. In addition to the requirements specified in subsections 2 and 3, the eastern Iowa mental health and disability services region shall consult with the department to complete an analysis of the region's mental health, disability, and substance use disorder service and support concerns and identify funding opportunities to address such areas of concern in the region, and shall include information in the region's plan that includes the concerns, strategies to address the concerns, and the budget.

5. The department shall submit a report to the governor and general assembly by December 3, 2018, providing a summary of services implemented by each mental health and disability services region and an assessment of each region in achieving the department's identified outcomes for success.

Sec. 19. SAVINGS PROVISION. This Act, pursuant to section 4.13, does not affect the operation of, or prohibit the application of, prior provisions of law amended or repealed by this Act, or rules adopted under chapter 17A to administer prior provisions of law amended or repealed by this Act, for fiscal years beginning before July 1, 2017.

Sec. 20. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 21. APPLICABILITY. This Act applies to fiscal years beginning on or after July 1, 2017.

Approved May 5, 2017

CHAPTER 110

REGULATION OF ELECTIONS AND VOTING

H.F. 516

AN ACT relating to the conduct and administration of elections, including voter registration, absentee voting, voter identity verification, signature verification, polling place prohibitions, commissioner duties and certifications, voter misconduct information and reporting, straight party voting, the voting age at primary elections, candidate filing deadlines, and post-election audits, creating an electronic poll book and polling place technology revolving loan fund, providing penalties, and including effective date and applicability provisions.

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

DIVISION I
GENERAL PROVISIONS

Section 1. Section 22.7, Code 2017, is amended by adding the following new subsections:
NEW SUBSECTION. 70. The voter verification number, as defined in section 53.2, subsection 4, paragraph “c”, that is assigned to a voter and maintained and updated in the statewide voter registration system.

NEW SUBSECTION. 71. The personal identification number assigned by the state commissioner of elections pursuant to section 48A.10A, subsection 1.

Sec. 2. Section 39A.5, subsection 1, paragraph b, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) Violating any provision of chapter 48A for which another penalty is not provided.

Sec. 3. NEW SECTION. 48A.24 Deadline for submitting voter registration forms.

1. A person who accepts a completed voter registration form from an applicant shall submit the form to the appropriate commissioner within seven days of receiving the form if the person accepting the form is doing so on behalf of any of the following:

- a. A political party, as defined in section 43.2.
- b. A nonparty political organization required to nominate candidates under chapter 44.
- c. A candidate or committee, as defined in section 68A.102.

2. Notwithstanding the deadline in subsection 1, a person described in subsection 1 who accepts a completed voter registration form from an applicant within three days of the voter registration deadline prescribed in section 48A.9 for the next election shall submit the form to the appropriate commissioner within twenty-four hours of accepting the form, and not later than the registration deadline.

Sec. 4. Section 48A.30, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Of.* The registered voter is not a resident of Iowa, or the registered voter submits documentation under section 607A.4, subsection 3, that indicates that the voter is not a citizen of the United States.

Sec. 5. Section 48A.31, Code 2017, is amended to read as follows:

48A.31 Deceased persons record.

The state registrar of vital statistics shall transmit or cause to be transmitted to the state registrar of voters, once each calendar quarter, a certified list of all persons seventeen ~~and one-half~~ years of age and older in the state whose deaths have been reported to the bureau of vital records of the Iowa department of public health since the previous list of decedents was certified to the state registrar of voters. The list shall be submitted according to the specifications of the state registrar of voters and shall be transmitted to the state registrar of voters without charge for production or transmission. The commissioner shall, in the month following the end of a calendar quarter, run the statewide voter registration system’s matching

program to determine whether a listed decedent was registered to vote in the county and shall immediately cancel the registration of any person named on the list of decedents.

Sec. 6. Section 53.2, subsections 1, 4, and 8, Code 2017, are amended to read as follows:

1. *a.* Any registered voter, under the circumstances specified in section 53.1, may on any day, except election day, and not more than seventy one hundred twenty days prior to the date of the election, apply in person for an absentee ballot at the commissioner's office or at any location designated by the commissioner. However, for those elections in which the commissioner directs the polls be opened at noon pursuant to section 49.73, a voter may apply in person for an absentee ballot at the commissioner's office from 8:00 a.m. until 11:00 a.m. on election day.

b. A registered voter may make written application to the commissioner for an absentee ballot. A written application for an absentee ballot must be received by the commissioner no later than 5:00 p.m. ~~on the Friday before the election~~ on the same day as the voter registration deadline provided in section 48A.9 for the election for which the ballot is requested, except when the absentee ballot is requested and voted at the commissioner's office pursuant to section 53.10. A written application for an absentee ballot delivered to the commissioner and received by the commissioner more than seventy one hundred twenty days prior to the date of the election shall be ~~retained by the commissioner and processed in the same manner as a written application received not more than seventy days before the date of the election~~ returned to the voter with a notification of the date when the applications will be accepted.

4. *a.* Each application shall contain the following information:

(1) The name and signature of the registered voter, the

(2) The registered voter's date of birth, the

(3) The address at which the voter is registered to vote, and the

(4) The registered voter's voter verification number.

(5) The name or date of the election for which the absentee ballot is requested, and such.

(6) Such other information as may be necessary to determine the correct absentee ballot for the registered voter.

b. If insufficient information has been provided, including the absence of a voter verification number, either on the prescribed form or on an application created by the applicant, the commissioner shall, by the best means available, obtain the additional necessary information. A voter requesting or casting a ballot pursuant to section 53.22 shall not be required to provide a voter verification number.

c. For purposes of this subsection, "voter verification number" means the registered voter's driver's license number or nonoperator's identification card number assigned to the voter by the department of transportation or the registered voter's identification number assigned to the voter by the state commissioner pursuant to section 47.7, subsection 2.

8. An application for an absentee ballot that is returned to the commissioner by a person acting as an actual or implied agent for a political party, as defined in section 43.2, or by a candidate, or committee, all both as defined by chapter 68A, shall be returned to the commissioner within seventy-two hours of the time the completed application was received from the applicant or no later than 5:00 p.m. ~~on the Friday before same day as the election deadline under subsection 1, paragraph "b", whichever is earlier.~~ An application received by a person acting as an actual or implied agent of a political party after the deadline but before the date of the election shall be returned to the commissioner within twenty-four hours.

Sec. 7. Section 53.8, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* For envelopes mailed at any election other than the primary election, the commissioner shall not mark any envelope with any information related to the party affiliation of the applicant.

Sec. 8. Section 53.10, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. A voter shall not vote or offer to vote any ballot except such as the voter has received from the commissioner. A voter voting an absentee ballot at the commissioner's office shall not take or remove any ballot from the commissioner's office.

Sec. 9. Section 53.23, subsection 3, paragraph b, subparagraph (1), Code 2017, is amended to read as follows:

(1) The commissioner may direct the board to meet on the day before the election for the purpose of reviewing the absentee voters' affidavits appearing on the sealed envelopes. If in the commissioner's judgment this procedure is necessary due to the number of absentee ballots received, the members of the board may open the sealed affidavit envelopes and remove the secrecy envelope containing the ballot, but under no circumstances shall a secrecy envelope or a return envelope marked with an affidavit be opened before the board convenes on election day, except as provided in paragraph "c". If the affidavit envelopes are opened before election day pursuant to this paragraph "b", ~~two observers, one the observers~~ appointed by each of the two political parties referred to in section 49.13, subsection 2, party, as defined in section 43.2, shall witness the proceedings. Each political party may appoint up to five observers under this paragraph "b". The observers shall be appointed by the county chairperson or, if the county chairperson fails to make an appointment, by the state chairperson. However, if either or both political parties fail to appoint an observer, the commissioner may continue with the proceedings.

Sec. 10. Section 53.23, subsection 4, Code 2017, is amended to read as follows:

4. The room where members of the special precinct election board are engaged in counting absentee ballots on the day before the election pursuant to subsection 3, paragraph "c", or during the hours the polls are open shall be policed so as to prevent any person other than those whose presence is authorized by this subsection from obtaining information about the progress of the count. The only persons who may be admitted to that room are the members of the board, ~~one challenger~~ five challengers representing each political party, one observer representing any nonparty political organization or any candidate nominated by petition pursuant to chapter 45 or any other nonpartisan candidate in a city or school election appearing on the ballot of the election in progress, one observer representing persons supporting a public measure appearing on the ballot and one observer representing persons opposed to such measure, and the commissioner or the commissioner's designee. It shall be unlawful for any of these persons to communicate or attempt to communicate, directly or indirectly, information regarding the progress of the count at any time while the board is convened pursuant to subsection 3, paragraph "c", or at any time before the polls are closed.

Sec. 11. EFFECTIVE DATE. The section of this division of this Act amending section 53.2 takes effect January 1, 2018.

DIVISION II VOTER IDENTITY AND SIGNATURE VERIFICATION

Sec. 12. Section 48A.2, Code 2017, is amended by adding the following new subsection:
NEW SUBSECTION. 4A. "Voter identification card" means a card issued pursuant to section 48A.10A.

Sec. 13. Section 48A.7A, subsection 1, paragraph b, subparagraph (1), subparagraph division (c), Code 2017, is amended to read as follows:

(c) A United States military or veterans identification card.

Sec. 14. Section 48A.7A, subsection 1, paragraph b, subparagraph (2), unnumbered paragraph 1, Code 2017, is amended to read as follows:

If the photographic identification presented does not contain the person's current address in the precinct, the person shall also present one of the following documents that shows the person's name and current address in the precinct, and the document must be dated, or describe terms of residency current to, within forty-five days prior to presentation:

Sec. 15. Section 48A.7A, subsection 1, paragraph c, Code 2017, is amended to read as follows:

c. In lieu of paragraph "b", a person wishing to vote may establish identity and residency in the precinct by written oath of a person who is registered to vote in the precinct. Before

signing an oath under this paragraph, the attesting registered voter shall present to the precinct election official proof of the voter's identity, as described in section 49.78, subsection 2. The registered voter's oath shall attest to the stated identity of the person wishing to vote and that the person is a current resident of the precinct. The oath must be signed by the attesting registered voter in the presence of the appropriate precinct election official. A registered voter who has signed an oath on election day attesting to a person's identity and residency as provided in this paragraph is prohibited from signing any further oaths as provided in this paragraph on that day.

Sec. 16. Section 48A.7A, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 5. *a.* If a person registers to vote under this section at a polling place that has access to an electronic poll book, the precinct election official shall verify against a database maintained by the state commissioner that the person has not been convicted of a felony or, if the person has been convicted of a felony, the person has had the person's voting rights restored. If the precinct election official determines that the person has not been convicted of a felony or has been convicted of a felony but the person's voting rights have been restored, the precinct election official shall furnish a ballot to the voter. If the database indicates that the person has been convicted of a felony and that the person's voting rights have not been restored, the precinct election official shall challenge the person under section 49.79.

b. If a person registers to vote under this section at a polling place that does not have access to an electronic poll book, the person shall be permitted to cast a provisional ballot under section 49.81, and the absentee and special voters precinct board, appointed pursuant to section 53.23, shall verify against a database maintained by the state commissioner that the person has not been convicted of a felony or, if the person has been convicted of a felony, the person's voting rights have been restored. If information in the database indicates that the person has not been convicted of a felony or, if the person has been convicted of a felony, the person's voting rights have been restored, the voter's provisional ballot shall be counted. If the database indicates that the person has been convicted of a felony and the person's voting rights have not been restored, the voter's provisional ballot shall be rejected.

Sec. 17. Section 48A.8, subsection 2, Code 2017, is amended to read as follows:

2. An eligible elector who registers by mail and who has not previously voted in an election for federal office in the county of registration shall be required to provide identification documents when voting for the first time in the county, unless the registrant provided on the registration form the registrant's Iowa driver's license number, or the registrant's Iowa nonoperator's identification card number, or the last four numerals of the registrant's social security number and the driver's license, nonoperator's identification, or partial social security number matches an existing state or federal identification record with the same number, name, and date of birth. If the registrant under this subsection votes in person at the polls, or by absentee ballot at the commissioner's office or at a satellite voting station, the registrant shall provide a current and valid photo identification card, ~~or~~ and shall present, as proof of residence, to the appropriate election official one of the following current documents that shows the name and address of the registrant:

0a. Residential lease.

00a. Property tax statement.

a. Utility bill.

b. Bank statement.

c. Paycheck.

d. Government check.

e. Other government document.

Sec. 18. NEW SECTION. **48A.10A Voter identification cards — verification of voter registration information.**

1. The state registrar shall compare lists of persons who are registered to vote with the department of transportation's driver's license and nonoperator's identification card files and shall, on an initial basis, issue a voter identification card to each active, registered

voter whose name does not appear in the department of transportation's files. The voter identification card shall include the name of the registered voter, a signature line above which the registered voter shall sign the voter identification card, the registered voter's identification number assigned to the voter pursuant to section 47.7, subsection 2, and an additional four-digit personal identification number assigned by the state commissioner.

2. The commissioner shall issue voter identification cards on an ongoing basis as prescribed by the state registrar. The commissioner shall, as a part of the voter acknowledgment process required under sections 48A.26 and 48A.26A, issue a voter identification card to a registered voter under this subsection at the time of registration or update to registration if the registered voter's name does not appear in the department of transportation's driver's license or nonoperator's identification card files. A registered voter whose name appears in the department of transportation's driver's license or nonoperator's identification card files shall not be issued a voter identification card pursuant to this section.

3. A person issued a voter identification card under this section shall not be charged any fee for the issuance or delivery of the voter identification card.

4. Implementation of this section shall be contingent upon appropriations by the general assembly in sufficient amounts to meet the requirements of this section.

5. The state registrar shall adopt rules pursuant to chapter 17A to implement this section.

Sec. 19. Section 48A.26A, subsection 1, Code 2017, is amended to read as follows:

1. Within ~~forty-five~~ twenty-one days of receiving a voter registration form completed under section 48A.7A, the commissioner shall send an acknowledgment to the registrant, in the manner provided in section 48A.26, subsections 2 through 5, as applicable, at the mailing address shown on the registration form. The acknowledgment shall be sent by nonforwardable mail.

Sec. 20. NEW SECTION. 48A.26B Form of acknowledgment.

The state registrar shall adopt rules pursuant to chapter 17A to prescribe the form of written acknowledgments sent to a registrant by a commissioner pursuant to section 48A.26 or 48A.26A.

Sec. 21. Section 48A.38, subsection 1, paragraph f, Code 2017, is amended to read as follows:

f. The county commissioner of registration and the state registrar of voters shall remove a voter's whole or partial social security number, as applicable, voter identification number assigned by the state commissioner, Iowa driver's license number, or Iowa nonoperator's identification card number from a voter registration list prepared pursuant to this section.

Sec. 22. Section 49.53, subsection 1, Code 2017, is amended to read as follows:

1. The commissioner shall not less than four nor more than twenty days before the day of each election, except those for which different publication requirements are prescribed by law, publish notice of the election. The notice shall contain a facsimile of the portion of the ballot containing the first rotation as prescribed by section 49.31, subsection 2, and shall show the names of all candidates or nominees and the office each seeks, and all public questions, to be voted upon at the election. The sample ballot published as a part of the notice may at the discretion of the commissioner be reduced in size relative to the actual ballot but such reduction shall not cause upper case letters appearing in candidates' names or in summaries of public measures on the published sample ballot to be less than nine point type. The notice shall also state the date of the election, the hours the polls will be open, that each voter is required to provide identification at the polling place before the voter can receive and cast a ballot, the location of each polling place at which voting is to occur in the election, and the names of the precincts voting at each polling place, but the statement need not set forth any fact which is apparent from the portion of the ballot appearing as a part of the same notice. The notice shall include the full text of all public measures to be voted upon at the election.

Sec. 23. Section 49.77, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The board members of their respective precincts shall have charge of the ballots and shall furnish them to the voters after verifying each voter’s identity pursuant to section 49.78.

Sec. 24. Section 49.77, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. Any person desiring to vote shall sign a voter’s declaration provided by the officials, in substantially the following form:

VOTER’S DECLARATION
OF ELIGIBILITY

I do solemnly swear or affirm that I am a resident of the
precinct, ward or township, city of,
county of, Iowa.

I am a registered voter. I was born on the day of
..... (month) (year). I have not voted and will not
vote in any other precinct in said election.

I understand that any false statement in this declaration is a
criminal offense punishable as provided by law.

.....
Signature of Voter
.....
Address
.....
Telephone (optional)

Approved:
.....
Board Member

Sec. 25. Section 49.77, subsection 3, Code 2017, is amended by striking the subsection.

Sec. 26. Section 49.77, subsection 4, paragraph a, Code 2017, is amended to read as follows:

a. A person whose name does not appear on the election register of the precinct in which that person claims the right to vote shall not be permitted to vote, unless the person affirms that the person is currently registered in the county and presents proof of identity and residence as required pursuant to section 48A.8, or the commissioner informs the precinct election officials that an error has occurred and that the person is a registered voter of that precinct. If the commissioner finds no record of the person’s registration but the person insists that the person is a registered voter of that precinct, the precinct election officials shall allow the person to cast a ballot in the manner prescribed by section 49.81.

Sec. 27. **NEW SECTION. 49.78 Voter identity and signature verification.**

1. To ensure the integrity of, and to instill public confidence in, all elections in this state the general assembly finds that the verification of a voter’s identity is necessary before a voter is permitted to receive and cast a ballot.

2. a. Before a precinct election official furnishes a ballot to a voter under section 49.77, the voter shall establish the voter’s identity by presenting the official with one of the following forms of identification for verification:

- (1) An Iowa driver’s license issued pursuant to section 321.189.
- (2) An Iowa nonoperator’s identification card issued pursuant to section 321.190.
- (3) A United States passport.
- (4) A United States military or veterans identification card.

b. Upon being presented with a form of identification under this section, the precinct election official shall examine the identification. The precinct election official shall use the information on the identification card, including the signature, to determine whether the person offering to vote appears to be the person depicted on the identification card. The voter’s signature shall generally be presumed to be valid. If the identification provided does

not appear to be the person offering to vote under section 49.77, the precinct election official shall challenge the person offering to vote in the same manner provided for other challenges by sections 49.79 and 49.80. A person offering to vote who establishes identity by presenting a veteran’s identification card that does not contain a signature, is not subject to challenge under this paragraph “b”.

3. To establish the voter’s identity under this section, a person who is registered to vote but is unable to present a form of identification listed under subsection 2 may present any of the following:

a. A current voter identification card provided pursuant to section 48A.10A that contains the voter identification number if the voter identification card is signed before the voter presents the card to the election official.

b. Other forms of identification sufficient to establish identity and residence under section 48A.7A, subsection 1, paragraph “b”.

4. A person who is registered to vote but is unable to present a form of identification under subsection 2 or 3 may establish identity and residency in the precinct by written oath of a person who is also registered to vote in the precinct. The attesting registered voter’s oath shall attest to the stated identity of the person wishing to vote and that the person is a current resident of the precinct. The oath must be signed by the attesting registered voter in the presence of the appropriate precinct election official. A registered voter who has signed two oaths on election day attesting to a person’s identity and residency as provided in this subsection is prohibited from signing any further oaths as provided in this subsection on that day.

5. The form of the written oath required of a registered voter attesting to the identity and residency of the voter unable to present a form of identification shall read as follows:

I, (name of attesting registered voter), do solemnly swear or affirm all of the following:

I am a preregistered voter in this precinct or I registered to vote in this precinct today, and a registered voter did not sign an oath on my behalf. I have not signed more than one oath attesting to the identity and residence of any other person in this election.

I am a resident of the precinct, ward or township, city of, county of, Iowa.

I reside at (street address) in (city or township).

I personally know (name of voter), and I personally know that (name of voter) is a resident of the precinct, ward or township, city of, county of, Iowa.

I understand that any false statement in this oath is a class “D” felony punishable by no more than five years in confinement and a fine of at least seven hundred fifty dollars but not more than seven thousand five hundred dollars.

.....
Signature of Attesting Registered Voter
Subscribed and sworn before me on (date).
.....

Signature of Precinct Election Official

6. A voter who is not otherwise disqualified from voting and who has established identity under subsection 2, 3, or 4 shall be furnished a ballot and be allowed to vote under section 49.77.

7. A registered voter who fails to establish the voter’s identity under this section shall be permitted to cast a provisional ballot under section 49.81.

8. a. Notwithstanding subsection 7, for any election conducted prior to January 1, 2019, a registered voter who fails to establish the voter’s identity under this section shall be permitted

to vote upon signing an oath attesting to the voter's identity. The form of the written oath required of the person voting under this subsection shall read as follows:

My name is, and I am a United States citizen, at least eighteen years of age. I am the person named above, I am a registered voter of this county, and I am eligible to vote in this election.

.....
(signature of voter) (date)

b. This subsection is repealed July 1, 2019.

Sec. 28. Section 49.81, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. A prospective voter who is unable to establish identity under section 49.78, subsection 2, paragraph "a", or section 49.78, subsection 3 or 4, shall be notified by the appropriate precinct election official that the voter may cast a provisional ballot. The voter shall mark the ballot and immediately seal it in an envelope of the type prescribed by subsection 4. The voter shall deliver the sealed envelope to a precinct election official who shall deposit it in an envelope marked "provisional ballots". The ballot shall be considered as having been cast in the special precinct established by section 53.20 for purposes of the postelection canvass.

Sec. 29. Section 49.124, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The training course and the continuing education program under this section shall include practical and holistic instruction on the criteria for determining whether a person meets the requirements for establishing identity under section 49.78, subsection 2, consistent with all voting rights and nondiscrimination provisions of federal and state law. The state commissioner of elections shall adopt rules pursuant to chapter 17A to implement instruction required under this subsection.

Sec. 30. Section 53.2, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. The commissioner may dispute an application if it appears to the commissioner that the signature on the application has been signed by someone other than the registered voter, in comparing the signature on the application to the signature on record of the registered voter named on the application. If the commissioner disputes a registered voter's application under this subsection, the commissioner shall notify the registered voter and the registered voter may submit a new application and signature or update the registered voter's signature on record, as provided by rule adopted by the state commissioner.

Sec. 31. Section 53.18, subsection 3, Code 2017, is amended to read as follows:

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

Sec. 32. Section 53.22, Code 2017, is amended by adding the following new subsection: NEW SUBSECTION. 7. The proof of identity requirements under section 49.78 shall not apply to a voter casting a ballot pursuant to this section.

Sec. 33. Section 53.25, Code 2017, is amended to read as follows:

53.25 Rejecting ballot.

1. a. If the absentee voter's affidavit lacks the voter's signature, if the applicant is not a duly registered voter on election day in the precinct where the absentee ballot was cast, if the envelope marked with the affidavit contains more than one ballot of any one kind, or if the voter has voted in person, such vote shall be rejected by the absentee and special voters precinct board. If the affidavit envelope or return envelope marked with the affidavit is open, or has been opened and resealed, or if the ballot is not enclosed in such envelope, and an affidavit envelope or return envelope marked with the affidavit with the same serial number and marked "Replacement ballot" is not attached as provided in section 53.18, the vote ballot shall be rejected by the absentee and special voters precinct board.

b. If a voter casts a provisional ballot pursuant to section 49.78, subsection 7, and the voter has failed to establish the voter's identity at the commissioner's office, the provisional ballot shall be rejected by the absentee and special voters precinct board.

2. If the absentee or provisional ballot is rejected prior to the opening of the affidavit envelope or return envelope marked with the affidavit, the voter casting the ballot shall be notified by a precinct election official by the time the canvass is completed of the reason for the rejection on a form prescribed by the state commissioner of elections.

Sec. 34. SEVERABILITY. If any provision of this division of this Act or the application of any provision of this division of this Act to any person or circumstance is held invalid, the invalidity shall not affect other provisions of the division which can be given effect without the invalid provisions or application of the invalid provisions, and to this end, the provisions of the division are severable.

Sec. 35. EFFECTIVE DATE. This division of this Act takes effect upon the appropriation of moneys by the general assembly to the state commissioner of elections in an amount sufficient for implementation of section 48A.10A as declared by the general assembly.

Sec. 36. APPLICABILITY. This division of this Act applies to elections held on or after the effective date of this division of this Act.

DIVISION III
POLLING PLACES

Sec. 37. NEW SECTION. **47.11 Electronic poll book and polling place technology program — revolving loan fund.**

1. An electronic poll book and polling place technology program is created and an electronic poll book and polling place technology revolving loan fund is created in the state treasury under the control of the state commissioner. The program and revolving loan fund shall be administered by the state commissioner and the revolving loan fund shall include moneys allocated from the state commissioner's budget and any other moneys obtained or accepted by the state commissioner for deposit in the revolving loan fund.

2. a. The state commissioner may loan moneys in the revolving loan fund to county commissioners for the purchase or update of electronic poll book and polling place technology.

b. Moneys loaned under this subsection shall be used, in accordance with section 49.28, to furnish electronic poll books to election precincts for the purpose of modernizing polling places throughout the state.

c. The state commissioner may spend an amount not to exceed thirty percent of the moneys in the revolving loan fund at the beginning of a fiscal year to administer polling place technology to ensure compliance with state standards of technological security and the protection of personally identifiable information.

3. A loan made under this section shall bear no interest.

4. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the revolving loan fund shall be credited to the revolving loan fund. Notwithstanding section 8.33, moneys in the revolving loan fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert to any other fund but shall remain available in the revolving loan fund for the purposes designated.

5. The state commissioner shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 38. Section 49.88, subsection 1, Code 2017, is amended to read as follows:

1. No more than one person shall be allowed to occupy any voting booth at any time. The use of cameras, cellular telephones, pagers, or other electronic communications devices in the voting booth photographic devices and the display of voted ballots is prohibited if such use or display is for purposes prohibited under chapter 39A, interferes with other voters, or interferes with the orderly operation of the polling place.

DIVISION IV ELECTION CERTIFICATION, OVERSIGHT, AND AUDITS

Sec. 39. Section 39.2, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. All special elections which are authorized or required by law, unless the applicable law otherwise requires, shall be held on Tuesday. A special election shall not be held on the first, second, ~~and third, and fourth~~ Tuesdays preceding and following the primary and the general elections.

Sec. 40. Section 47.1, Code 2017, is amended by adding the following new subsection:
NEW SUBSECTION. 6. The state commissioner may, at the state commissioner's discretion, examine the records of a commissioner to evaluate complaints and to ensure compliance with the provisions of chapters 39 through 53. The state commissioner shall adopt rules pursuant to chapter 17A to require a commissioner to provide written explanations related to examinations conducted pursuant to this subsection.

Sec. 41. NEW SECTION. **49.128 Commissioner filings and notifications.**

1. No later than twenty days following a general election, the commissioner shall place on file in the commissioner's office a certification that the county met the following requirements at the general election:

- a. The testing of voting equipment was performed, as required under section 52.35.
- b. The election personnel training course was conducted, as required under section 49.124.
- c. Polling places met accessibility standards, as required under section 49.21.
- d. The schedule of required publications was adhered to, as required under section 49.53.
- e. The commissioner has complied with administrative rules adopted by the state commissioner under chapter 52, including having a written voting system security plan.

2. a. If the county is required to conduct an audit under section 50.51, the commissioner shall include a copy of the results with the certification required under this section.

b. If a county is not required to conduct an audit under section 50.51, the commissioner shall include a copy of the certification required under this section along with the election canvass summary report required under section 50.30A.

3. The commissioner shall file a copy of the certification under this section with the state commissioner.

4. The commissioner shall promptly notify the state commissioner of each suspected incidence of election misconduct that the commissioner has referred to other agencies or law enforcement for investigation.

5. The state commissioner shall prescribe a form for use by the county commissioners.

Sec. 42. Section 50.12, Code 2017, is amended to read as follows:

50.12 Return and preservation of ballots.

Immediately after making the proclamation, and before separating, the board members of each precinct in which votes have been received by paper ballot shall enclose in an envelope or

other container all ballots which have been counted by them, except those endorsed “Rejected as double”, “Defective”, or “Objected to”, and securely seal the envelope. The signatures of all board members of the precinct shall be placed across the seal or the opening of the container so that it cannot be opened without breaking the seal. The precinct election officials shall return all the ballots to the commissioner, who shall carefully preserve them for six months. Ballots from elections for federal offices shall be preserved for twenty-two months. The sealed packages containing voted ballots shall be opened only for an official recount authorized by section 50.48, 50.49, or 50.50, for an election contest held pursuant to chapters 57 through 62, to conduct an audit pursuant to section 50.51, or to destroy the ballots pursuant to section 50.19.

Sec. 43. **NEW SECTION. 50.51 Election audits.**

1. After each general election, the state commissioner shall, with the cooperation of the county commissioners, conduct an audit of the official canvass of votes from the preceding general election.

2. The state commissioner shall determine the number of counties and precincts to be audited and shall select the precincts to be audited by lot. The absentee ballot and special voters precinct for each county, established pursuant to section 53.20, shall be included with all other precincts of the county for selection by lot. In every precinct selected, the commissioner shall conduct a hand count of all ballots cast in the preceding general election for president of the United States or governor, as the case may be. The hand count shall be observed by a representative selected by each of the two political parties whose candidates received the highest number of votes statewide in the preceding general election.

3. *a.* The commissioner may order an administrative recount pursuant to section 50.50 if the commissioner determines the results of an audit require an administrative recount.

b. If selected to conduct an audit, the commissioner shall provide an audit report to the county board of supervisors and shall transmit the audit report to the state commissioner no later than twenty days following the election.

4. The results of an audit conducted pursuant to this section shall not change the results, or invalidate the certification, of an election.

5. In advance of any other election, the state commissioner may order an audit of the election in the manner provided in this section.

6. The state commissioner shall adopt rules, pursuant to chapter 17A, to implement this section.

DIVISION V

VOTER MISCONDUCT INFORMATION AND REPORTING

Sec. 44. Section 48A.26A, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A county attorney receiving a notification pursuant to subsection 2 shall review the voter’s registration documents and other such information as may be necessary, and report the findings to the commissioner and state registrar of voters.

Sec. 45. **NEW SECTION. 48A.27A Voting more than once — referral and examination.**

1. If the state registrar of voters receives information from another jurisdiction that a registered voter of this state may have voted or attempted to vote more than once in the same election, the state registrar shall provide the information to the appropriate commissioner.

2. If a commissioner receives information from the state registrar of voters or from another jurisdiction that a registered voter may have voted or attempted to vote more than once in the same election, the commissioner shall provide the information to the county attorney in each jurisdiction where the voter voted or attempted to vote. A county attorney of this state that is provided such information shall examine the information and report any findings to the commissioner.

DIVISION VI
STRAIGHT PARTY VOTING

Sec. 46. Section 49.37, subsection 1, Code 2017, is amended to read as follows:

1. For general elections, and for other elections in which more than one partisan office will be filled, the first section of the ballot shall be for straight party voting arranged as provided in this section.

~~a. Each political party or organization which has nominated candidates for more than one office shall be listed. Instructions to the voter for straight party or organization voting shall be in substantially the following form:~~

~~To vote for all candidates from a single party or organization, mark the voting target next to the party or organization name. Not all parties or organizations have nominated candidates for all offices. Marking a straight party or organization vote does not include votes for nonpartisan offices, judges, or questions.~~

~~b. Political parties and nonparty political organizations which have nominated candidates for only one office shall be listed below the other political organizations under the following heading:~~

~~Other Political Organizations. The following organizations have nominated candidates for only one office:~~

~~c. Offices shall be arranged in groups. Partisan offices, nonpartisan offices, judges, and public measures shall be separated by a distinct line appearing on the ballot.~~

Sec. 47. Section 49.37, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Offices shall be arranged in groups. Partisan offices, nonpartisan offices, judges, and public measures shall be separated by a distinct line appearing on the ballot.

Sec. 48. Section 49.57, subsection 2, Code 2017, is amended to read as follows:

2. ~~In the area of the general election ballot for straight party voting, the party or organization names shall be printed in upper case and lower case letters using a uniform font size for each political party or nonparty political organization. The font size shall be not less than twelve point type. After the name of each candidate for a partisan office the name of the candidate's political party shall be printed in at least six point type. The names of political parties and nonparty political organizations may be abbreviated on the remainder of the ballot if both the full name and the abbreviation appear in the "Straight Party" and "Other Political Party" areas of the ballot.~~

Sec. 49. Section 49.98, Code 2017, is amended to read as follows:

49.98 Counting ballots.

The ballots shall be counted according to the voters' marks on them as provided in sections 49.92 to 49.97 and 49.93, and not otherwise. If, for any reason, it is impossible to determine from a ballot, as marked, the choice of the voter for any office, the vote for that office shall not be counted. ~~When there is a conflict between a straight party or organization vote for one political party or nonparty political organization and the vote cast by marking the voting target next to the name of a candidate for another political party or nonparty political organization on the ballot, the mark next to the name of the candidate shall be held to control, and the straight party or organization vote in that case shall not apply as to that office.~~ A ballot shall be rejected if the voter used a mark to identify the voter's ballot. For each voting system, the The state commissioner shall, by rule adopted pursuant to chapter 17A, develop uniform definitions of what constitutes a vote.

Sec. 50. REPEAL. Sections 49.94, 49.95, 49.96, and 49.97, Code 2017, are repealed.

DIVISION VII
ABSENTEE VOTING PERIOD

Sec. 51. Section 53.8, subsection 1, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, but not more than twenty-nine days before the election, the commissioner shall mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in subsection 3. The absentee ballot shall be sent to the registered voter by one of the following methods:

Sec. 52. Section 53.10, subsection 1, Code 2017, is amended to read as follows:

1. Not more than ~~forty~~ twenty-nine days before the date of the primary election or the general election, the commissioner shall provide facilities for absentee voting in person at the commissioner's office. This service shall also be provided for other elections as soon as the ballots are ready, but in no case shall absentee ballots be available under this section more than ~~forty~~ twenty-nine days before an election.

Sec. 53. Section 53.11, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. ~~Satellite~~ Not more than twenty-nine days before the date of an election, satellite absentee voting stations may be established throughout the cities and county at the direction of the commissioner and shall be established upon receipt of a petition signed by not less than one hundred eligible electors requesting that a satellite absentee voting station be established at a location to be described on the petition. However, if a special election is scheduled in the county on a date that falls between the date of the regular city election and the date of the city runoff election, the commissioner is not required to establish a satellite absentee voting station for the city runoff election.

Sec. 54. APPLICABILITY. This division of this Act applies to elections held on or after January 1, 2018.

DIVISION VIII
VOTING AGE AT PRIMARY ELECTIONS

Sec. 55. Section 48A.5, subsection 2, paragraph c, Code 2017, is amended to read as follows:

c. (1) Be at least eighteen years of age. However, for purposes of voting in the primary election, an eligible elector shall be at least eighteen years of age on the date of the respective general election or city election. Completed registration forms shall be accepted from registrants who are at least seventeen ~~and one-half~~ years of age; ~~however,~~ For an election other than a primary election, the registration shall not be effective until the registrant reaches the age of eighteen. The commissioner of registration shall ensure that the birth date shown on the registration form is at least seventeen ~~and one-half~~ years earlier than the date the registration is processed.

(2) A registrant who is at least seventeen ~~and one-half~~ years of age and who will be eighteen by the date of a pending election is a registered voter for the pending election for purposes of chapter 53. For purposes of voting in a primary election under chapter 43, a registrant who will be at least eighteen years of age by the date of the respective general election or city election is a registered voter for the pending primary election.

Sec. 56. Section 48A.11, subsection 3, Code 2017, is amended to read as follows:

3. a. The following questions and statement regarding eligibility shall be included on forms that may be used for registration by mail:

- [1] "Are you a citizen of the United States of America?"
- [2] "Will you be eighteen years of age on or before election day?"
- [3] "If you checked 'no' in response to either of these questions, do not complete this form."

b. The forms shall also include information noting that, for purposes of voting in a primary election, a person may complete the form if the person is a citizen of the United States of America and will be at least eighteen years of age on the date of the general election.

Sec. 57. Section 48A.14, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. The challenged registrant is less than seventeen ~~and one-half~~ years of age.

Sec. 58. Section 48A.23, subsection 1, Code 2017, is amended to read as follows:

1. At least twice during each school year, the board of directors of each school district operating a high school and the authorities in charge of each accredited nonpublic school shall offer the opportunity to register to vote to each student who is at least seventeen ~~and one-half~~ years of age.

Sec. 59. Section 48A.26, subsection 9, Code 2017, is amended to read as follows:

9. When a person who is at least seventeen ~~and one-half~~ years of age but less than eighteen years of age registers to vote, the commissioner shall maintain a record of the registration so as to clearly indicate that it will not take effect until the registrant's eighteenth birthday and that the person is registered and qualifies to vote at any election held on or after that date. However, the commissioner shall indicate that the person is registered and qualifies to vote at the pending primary election if the person will be at least eighteen years of age on the date of the respective general election or city election.

Sec. 60. Section 49.79, subsection 2, paragraph b, Code 2017, is amended to read as follows:

b. ~~The~~ For an election other than a primary election, the challenged person is less than eighteen years of age as of the date of the election at which the person is offering to vote. For a primary election, the challenged person will be less than eighteen years of age on the date of the respective general election or city election.

Sec. 61. Section 49.81, subsection 4, paragraph a, Code 2017, is amended to read as follows:

a. (1) The individual envelopes used for each provisional ballot cast pursuant to subsection 1 shall have space for the voter's name, date of birth, and address and shall have printed on them the following:

I am a United States citizen, at least eighteen years of age ~~or, for purposes of voting in a primary election, I will be at least eighteen years of age on the date of the respective general election or city election.~~ I believe I am a registered voter of this county and I am eligible to vote in this election.

.....
(signature of voter) (date)

(2) The following information is to be provided by the precinct election official:

Reason for casting provisional ballot:
.....
.....

.....
(signature of precinct election official)

Sec. 62. Section 280.9A, subsection 3, Code 2017, is amended to read as follows:

3. At least twice during each school year, the board of directors of each local public school district operating a high school and the authorities in charge of each accredited nonpublic school operating a high school shall offer the opportunity to register to vote to each student who is at least seventeen ~~and one-half~~ years of age, as required by section 48A.23.

Sec. 63. Section 602.8102, subsection 15, Code 2017, is amended to read as follows:

15. Monthly, notify the county commissioner of registration and the state registrar of voters of persons seventeen ~~and one-half~~ years of age and older who have been convicted of a felony during the preceding calendar month or persons who at any time during the preceding calendar month have been legally declared to be a person who is incompetent to vote as that term is defined in section 48A.2.

Sec. 64. EFFECTIVE DATE. This division of this Act takes effect January 1, 2019.

DIVISION IX CANDIDATE FILING DEADLINES

Sec. 65. Section 43.6, subsection 1, Code 2017, is amended to read as follows:

1. When a vacancy occurs in the office of senator in the Congress of the United States, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general and section 69.13 requires that the vacancy be filled for the balance of the unexpired term at a general election, candidates for the office shall be nominated in the preceding primary election if the vacancy occurs eighty-nine or more days before the date of that primary election. If the vacancy occurs less than one hundred four days before the date of that primary election, the state commissioner shall accept nomination papers for that office only until 5:00 p.m. on the seventy-fourth day before the primary election, the provisions of section 43.11 notwithstanding. If the vacancy occurs later than eighty-nine days before the date of that primary election, but not less than ~~eighty-nine~~ eighty-one days before the date of the general election, the nominations shall be made in the manner prescribed by this chapter for filling vacancies in nominations for offices to be voted for at the general election.

Sec. 66. Section 43.73, Code 2017, is amended to read as follows:

43.73 State commissioner to certify nominees.

1. Not less than ~~sixty-nine~~ sixty-four days before the general election the state commissioner shall certify to each commissioner, under separate party headings, the name of each person nominated as shown by the official canvass made by the executive council, or as certified to the state commissioner by the proper persons when any person has been nominated by a convention or by a party committee, or by petition, the office to which the person is nominated, and the order in which federal and state offices, judges, constitutional amendments, and state public measures shall appear on the official ballot.

2. The state commissioner shall similarly certify to the appropriate commissioner or commissioners at the earliest practicable time the names of nominees for a special election, called under section 69.14, submitted to the state commissioner pursuant to section 43.78, subsection 4.

Sec. 67. Section 43.76, subsection 1, Code 2017, is amended to read as follows:

1. A candidate nominated in a primary election for any office for which nomination papers are required to be filed with the state commissioner may withdraw as a nominee for that office on or before, but not later than, the ~~eighty-ninth~~ eighty-first day before the date of the general election by so notifying the state commissioner in writing.

Sec. 68. Section 43.77, subsections 3 and 4, Code 2017, are amended to read as follows:

3. The person nominated in the primary election as the party's candidate for that office subsequently withdrew as permitted by section 43.76, was found to lack the requisite qualifications for the office, or died, at a time not later than the ~~eighty-ninth~~ eighty-first day before the date of the general election in the case of an office for which nomination papers must be filed with the state commissioner and not later than the seventy-fourth day before the date of the general election in the case of an office for which nomination papers must be filed with the county commissioner.

4. A vacancy has occurred in the office of senator in the Congress of the United States, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general, under the circumstances described in section 69.13, less than eighty-nine days before the primary election and not less than eighty-nine days before the general election.

Sec. 69. Section 43.78, subsection 2, Code 2017, is amended to read as follows:

2. The name of any candidate designated to fill a vacancy on the general election ballot in accordance with subsection 1, paragraph “a”, “b”, or “c” shall be submitted in writing to the state commissioner not later than 5:00 p.m. on the ~~eighty-first~~ seventy-third day before the date of the general election.

Sec. 70. Section 43.79, Code 2017, is amended to read as follows:

43.79 Death of candidate after time for withdrawal.

The death of a candidate nominated as provided by law for any office to be filled at a general election, during the period beginning on the ~~eighty-eighth~~ ~~eighty-first~~ day before the general election, in the case of any candidate whose nomination papers were filed with the state commissioner, or beginning on the seventy-third day before the general election, in the case of any candidate whose nomination papers were filed with the commissioner, and ending on the last day before the general election shall not operate to remove the deceased candidate’s name from the general election ballot. If the deceased candidate was seeking the office of senator or representative in the Congress of the United States, governor, attorney general, senator or representative in the general assembly or county supervisor, section 49.58 shall control. If the deceased candidate was seeking any other office, and as a result of the candidate’s death a vacancy is subsequently found to exist, the vacancy shall be filled as provided by chapter 69.

Sec. 71. Section 44.4, subsection 1, Code 2017, is amended to read as follows:

1. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the state commissioner shall be filed in that office not more than ninety-nine days nor later than 5:00 p.m. on the ~~eighty-first~~ seventy-third day before the date of the general election to be held in November. Nominations made for a special election called pursuant to section 69.14 shall be filed by 5:00 p.m. not less than twenty-five days before the date of an election called upon at least forty days’ notice and not less than fourteen days before the date of an election called upon at least eighteen days’ notice. Nominations made for a special election called pursuant to section 69.14A shall be filed by 5:00 p.m. not less than twenty-five days before the date of the election. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the commissioner shall be filed in that office not more than ninety-two days nor later than 5:00 p.m. on the sixty-ninth day before the date of the general election. Nominations made pursuant to this chapter or chapter 45 for city office shall be filed not more than seventy-two days nor later than 5:00 p.m. on the forty-seventh day before the city election with the county commissioner of elections responsible under section 47.2 for conducting elections held for the city, who shall process them as provided by law.

Sec. 72. Section 44.9, subsection 1, Code 2017, is amended to read as follows:

1. In the office of the state commissioner, at least ~~seventy-four~~ sixty-eight days before the date of the election.

Sec. 73. Section 44.11, Code 2017, is amended to read as follows:

44.11 Vacancies filled.

If a candidate named under this chapter withdraws before the deadline established in section 44.9, declines a nomination, or dies before election day, or if a certificate of nomination is held insufficient or inoperative by the officer with whom it is required to be filed, or in case any objection made to a certificate of nomination, or to the eligibility of any candidate named in the certificate, is sustained by the board appointed to determine such questions, the vacancy or vacancies may be filled by the convention, or caucus, or in such manner as such convention or caucus has previously provided. The vacancy or vacancies shall be filled not less than ~~seventy-four~~ sixty-eight days before the election in the case of nominations required to be filed with the state commissioner, not less than sixty-four days before the election in the case of nominations required to be filed with the commissioner, not less than thirty-five days before the election in the case of nominations required to be filed in the office of the school board secretary, and not less than forty-two days before the election in the case of nominations required to be filed with the commissioner for city elections.

Sec. 74. Section 46.21, unnumbered paragraph 1, Code 2017, is amended to read as follows:

At least ~~sixty-nine~~ sixty-four days before each judicial election, the state commissioner of elections shall certify to the county commissioner of elections of each county a list of the judges of the supreme court, court of appeals, and district court including district associate judges, full-time associate juvenile judges, and full-time associate probate judges, and clerks of the district court to be voted on in each county at that election. The county commissioner of elections shall place the names upon the ballot in the order in which they appear in the certificate. The state commissioner of elections shall rotate the names in the certificate by county. The names of all judges and clerks to be voted on shall be placed upon one ballot, which shall be in substantially the following form:

DIVISION X
PUBLIC EDUCATION

Sec. 75. PUBLIC EDUCATION. The state commissioner of elections shall, in consultation with the county commissioners of elections and other relevant stakeholder groups, develop and implement a comprehensive and statewide public education plan, including multimedia advertising, in order to inform the voters of this state of the election day identification requirements contained in this Act.

Approved May 5, 2017

CHAPTER 111

PRIVATE SECTOR EMPLOYEE DRUG TESTING

S.F. 32

AN ACT relating to private sector employee drug testing.

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

Section 1. Section 730.5, subsection 1, paragraphs b and k, Code 2017, are amended to read as follows:

b. “*Confirmed positive test result*” means, except for alcohol testing conducted pursuant to subsection 7, paragraph “f”, subparagraph (2), the results of a hair, blood, urine, or oral fluid test in which the level of controlled substances or metabolites in the ~~specimen~~ sample analyzed meets or exceeds nationally accepted standards for determining detectable levels of controlled substances as adopted by the federal United States department of health and human services’ substance abuse and mental health services administration. If nationally accepted standards for ~~oral fluid tests on a particular specimen~~ have not been adopted by the federal United States department of health and human services’ substance abuse and mental health services administration, the standards for determining detectable levels of controlled substances for purposes of determining a confirmed positive test result shall be the same standard that has been established ~~cleared or approved by the federal United States department of health and human services’ food and drug administration for the measuring instrument used to perform the oral fluid test~~ particular specimen testing utilized.

k. “*Sample*” means such sample from the human body capable of revealing the presence of alcohol or other drugs, or their metabolites, which shall include only hair, urine, saliva, breath, and blood. However, “*sample*” does not mean blood except as authorized pursuant to subsection 7, paragraph “l”.

Sec. 2. Section 730.5, subsection 7, paragraphs a and b, Code 2017, are amended to read as follows:

a. The collection of samples shall be performed under sanitary conditions and with regard for the privacy of the individual from whom the ~~specimen~~ sample is being obtained and in a manner reasonably calculated to preclude contamination or substitution of the ~~specimen~~ sample. If the sample collected is hair which would entail removal of an article of clothing or urine, procedures shall be established to provide for individual privacy in the collection of the sample unless there is a reasonable suspicion that a particular individual subject to testing may alter or substitute the hair or urine ~~specimen~~ sample to be provided, or has previously altered or substituted a hair or urine ~~specimen~~ sample provided pursuant to a drug or alcohol test. For purposes of this paragraph, "*individual privacy*" means a location at the collection site where hair collection or urination can occur in private, which has been secured by visual inspection to ensure that other persons are not present, which provides that undetected access to the location is not possible during hair collection or urination, and which provides for the ability to effectively restrict access to the location during the time the ~~specimen~~ sample is provided. If an individual is providing a hair or urine sample and collection of the hair or urine sample is directly monitored or observed by another individual, the individual who is directly monitoring or observing the collection shall be of the same gender as the individual from whom the hair or urine sample is being collected.

b. Collection of a ~~urine~~ sample for testing of current employees shall be performed so that the ~~specimen~~ sample is split into two components at the time of collection in the presence of the individual from whom the sample ~~or specimen~~ is collected. The second portion of the ~~specimen~~ sample shall be of sufficient quantity to permit a second, independent confirmatory test as provided in paragraph "i". ~~The~~ If the sample is urine, the sample shall be split such that the primary sample contains at least thirty milliliters and the secondary sample contains at least fifteen milliliters. Both portions of the sample shall be forwarded to the laboratory conducting the initial confirmatory testing. In addition to any requirements for storage of the initial sample that may be imposed upon the laboratory as a condition for certification or approval, the laboratory shall store the second portion of any sample until receipt of a confirmed negative test result or for a period of at least forty-five calendar days following the completion of the initial confirmatory testing, if the first portion yielded a confirmed positive test result.

Sec. 3. Section 730.5, subsection 7, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0e. Testing of a hair sample shall be limited to samples not longer than one and one-half inches. Testing of a hair sample shall be limited to the portion of the hair that was closest to the skin.

Sec. 4. Section 730.5, subsection 7, paragraph f, subparagraphs (2) and (3), Code 2017, are amended to read as follows:

(2) Notwithstanding any provision of this section to the contrary, alcohol testing, including initial and confirmatory testing, may be conducted pursuant to requirements established by the employer's written policy. The written policy shall include requirements governing evidential breath testing devices, alcohol screening devices, and the qualifications governing personnel administering initial and confirmatory testing, which shall be consistent with regulations adopted as of ~~January 1, 1999~~ July 1, 2017, by the United States department of transportation governing alcohol testing required to be conducted pursuant to the federal Omnibus Transportation Employee Testing Act of 1991.

(3) Notwithstanding any provision of this section to the contrary, collection of an oral fluid sample for testing shall be performed in the presence of the individual from whom the sample ~~or specimen~~ is collected. The ~~specimen~~ sample shall be of sufficient quantity to permit a second, independent, confirmatory test as provided in paragraph "i". In addition to any requirement for storage of the initial sample that may be imposed upon the laboratory as a condition for certification or approval, the laboratory shall store the unused portion of any sample until receipt of a confirmed negative test result or for a period of at least

forty-five calendar days following the completion of the initial confirmatory testing, if the portion yielded a confirmed positive test result.

Sec. 5. Section 730.5, subsection 8, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Employers may conduct hair testing of prospective employees only.

Approved May 9, 2017

CHAPTER 112

SMALL WIRELESS FACILITY SITING

S.F. 431

AN ACT relating to the siting of small wireless facilities.

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

Section 1. Section 8C.2, subsections 3 and 14, Code 2017, are amended to read as follows:

3. “*Authority*”, used as a noun, means a state, county, or city governing body, board, agency, office, or commission authorized by law to make legislative, quasi-judicial, or administrative decisions relative to an application. “*Authority*” does not include state any of the following:

a. State courts having jurisdiction over land use, planning, or zoning decisions made by an authority, the.

b. The utilities division of the department of commerce, or.

c. Any entities, including municipally owned utilities established under or governed by Title IX, subtitle 4 of the Code, that do not have zoning or permitting authority jurisdiction.

14. “*Utility pole*” means a pole or similar structure owned or operated utilized in whole or in part by a public utility, municipality, wireless service provider, or electric utility that is designed specifically for and used to carry lines, cable, transmission equipment, or wires for telephone, wireless service, cable television, or electricity service, or to provide for lighting, the vertical portion of support structures for traffic control signals or devices, signage, information kiosks, or other similar functions.

Sec. 2. Section 8C.2, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 9A. “*Micro wireless facility*” means a small wireless facility with dimensions no larger than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that has an exterior antenna, if any, that is no more than eleven inches in length.

NEW SUBSECTION. 10A. a. “*Small wireless facility*” means a wireless facility that meets the following requirements:

(1) Each antenna is no more than six cubic feet in volume.

(2) (a) All other equipment associated with the small wireless facility is cumulatively no more than twenty-eight cubic feet in volume.

(b) For purposes of this subparagraph, volume shall be measured by the external displacement of the primary equipment enclosure, not the internal volume of such enclosure. An associated electric meter, concealment, telecommunications demarcation box, ground-based enclosures, battery backup power systems, grounding equipment, power transfer switch, cutoff switch, cable, conduit, and any equipment that is concealed from public view within or behind an existing structure or concealment may be located outside of the primary equipment enclosure and shall not be included in the calculation of the equipment volume.

b. “*Small wireless facility*” includes a micro wireless facility as defined in subsection 9A.

c. “*Small wireless facility*” does not include any structure that supports or houses equipment described in this subsection.

NEW SUBSECTION. 14A. “*Wireless facility*” means equipment at a fixed location that enables the transmission of wireless communications or information of any kind between user equipment and a communications network, except that “*wireless facility*” does not include coaxial or fiberoptic cable that is not immediately adjacent to, or directly associated with, a particular antenna.

NEW SUBSECTION. 14B. “*Wireless service*” means any fixed or mobile service using licensed or unlicensed wireless spectrum and provided using a wireless facility.

NEW SUBSECTION. 14C. “*Wireless service provider*” means a provider of wireless service.

Sec. 3. NEW SECTION. 8C.7A Uniform rules for small wireless facilities — permit approval.

1. a. Except as provided in this section, an authority shall not prohibit or restrict the siting of a small wireless facility.

b. For purposes of this section, “*siting*” means the mounting, installation, maintenance, modification, operation, or replacement of a small wireless facility on or adjacent to any of the following:

(1) An existing tower, utility pole, wireless support structure, or other existing structure.

(2) A new utility pole of a similar height and appearance as an existing utility pole and which is located within a five-hundred-foot radius of the existing utility pole.

(3) A replacement utility pole of a similar height and appearance as an existing utility pole and which is located within a five-hundred-foot radius of the existing utility pole.

2. a. An authority that has adopted planning and zoning regulations shall authorize the siting of a small wireless facility within its jurisdiction and shall not require a person to obtain a special or conditional land use permit for any of the following:

(1) For siting the small wireless facility in a public right-of-way or on an authority structure located outside of a public right-of-way to the extent that such structure is already in use as a wireless support structure by supporting non-authority communications equipment that involve external attachments, provided that such structure is not listed on the national register of historic places.

(2) For siting the small wireless facility on an existing tower, utility pole, or wireless support structure, regardless of the location, except for on property zoned and used exclusively for single-family residential use or within a previously designated area of historical significance pursuant to section 303.34.

b. A small wireless facility may be classified as a special or conditional land use where such small wireless facility is not sited in a manner as provided in paragraph “a”.

c. A person may install a new utility pole or wireless support structure in a public right-of-way subject to the provisions of this section. An authority may reasonably limit the number of new utility poles or wireless support structures, consistent with the protection of public health, safety, and welfare, and provided that such limitation does not have the effect of prohibiting or significantly impairing a wireless service provider’s ability to provide wireless service within the area of a proposed new structure. However, an authority may require a person to obtain a special or conditional land use permit to install a new utility pole or wireless support structure for the siting of a small wireless facility on property zoned and used exclusively for single-family residential use or within a previously designated area of historical significance pursuant to section 303.34.

3. a. (1) An authority may require a person to obtain a building, electrical, or public right-of-way use permit for the siting of a small wireless facility to the extent that such permit is of general applicability and does not deny access to site the small wireless facility in a public right-of-way. Notwithstanding this paragraph, an authority shall not require a person to obtain a permit for the routine maintenance of a previously approved small wireless facility or the replacement of a previously approved small wireless facility with a facility of substantially similar height, weight, and wind and structural loading, provided, however, that an authority may require a person to obtain a permit to work in a public right-of-way or on an authority structure located outside of a public right-of-way with the same terms and

conditions provided for other commercial projects or uses in the public right-of-way or on the authority structure.

(2) (a) Except as provided in subparagraph divisions (b) and (c), an authority shall not impose any fee or require any application or permit for the installation, placement, operation, maintenance, or replacement of a micro wireless facility that is suspended on operator-owned cables or lines that are strung between existing utility poles in compliance with national safety codes.

(b) An authority that has adopted a municipal or county code which requires an application or permit for the installation, placement, operation, maintenance, or replacement of a micro wireless facility may continue the application or permit requirement subsequent to the effective date of this Act.

(c) (i) An authority may require a single-use right-of-way permit for the installation, placement, operation, maintenance, or replacement of a micro wireless facility if any of the following conditions apply:

(A) The work is contained within a highway lane or requires the closure of a highway lane.

(B) The work disturbs the pavement, shoulder, ditch, or operation of a highway.

(C) The work involves placement of a micro wireless facility on a limited access right-of-way.

(D) The work requires any specific precautions to ensure the safety of the traveling public or the protection or operation of public infrastructure and such work was not authorized in, or will not be conducted in, the same time, place, or manner that is consistent with the approved terms of the existing permit for the facility or structure upon which the micro wireless facility is attached.

(ii) For purposes of this subparagraph division, “*highway*” means the same as defined in section 325A.1.

b. An authority shall not require a person to apply for or enter into an individual license, franchise, or other agreement with the authority or any other entity for the siting of a small wireless facility on a utility pole located in a public right-of-way. However, an authority may, through the conditions set forth in a building¹ permit obtained pursuant to this subsection, do any of the following:

(1) Establish nondiscriminatory, competitively neutral and commercially reasonable rates, terms, and conditions for such siting, which rates, terms, and conditions shall comply with the federal pole attachment requirements provided in 47 U.S.C. §224 and any regulations promulgated thereunder.

(2) Require compliance with the Iowa electrical safety code, the national electrical safety code, applicable fire safety codes, and any building code or similar code of general applicability for the protection of the public health, safety, or welfare that was adopted by an authority prior to the filing of the application.

(3) Require that a small wireless facility reasonably match the aesthetics of an existing utility pole or wireless support structure that incorporates decorative elements.

(4) Require compliance with section 306.46, subsection 1, and section 306.47.

(5) Require that after the construction of a small wireless facility or new utility pole is completed in accordance with all conditions under which the permit is granted, which conditions shall be consistent with this section, the owner of the small wireless facility or new utility pole, or the owner’s successor in interest, shall maintain the small wireless facility or new utility pole at the expense of the owner or successor and if the authority subsequently undertakes any maintenance, public improvement project, or reconstruction of authority property or equipment which requires the modification, relocation, or reconstruction of the small wireless facility or new utility pole, such work and the costs thereof shall be the responsibility of the owner or successor. If the project necessitating the modification, relocation, or reconstruction of the small wireless facility or new utility pole is for a private commercial purpose, the authority may require the owner or successor to modify, relocate, or reconstruct the small wireless facility or new utility pole upon prepayment of the costs of such work by the private commercial entity whose project facilitates the need for such work. For purposes of this subparagraph, “*new utility pole*” means a new utility pole installed

¹ See chapter 170, §22 herein

by a wireless service provider pursuant to this section solely for use as a wireless support structure and that is owned by the wireless service provider.

c. Beginning with applications filed on or after September 1, 2017, an authority shall accept an application for, process, and issue a permit under this subsection as follows:

(1) An applicant shall not be required to provide more information or pay a higher application fee, consulting fee, or other fee associated with the processing or issuance of a permit than the amount charged to a telecommunications service provider that is not a wireless service provider. The total amount of fees for processing or issuing a permit, including any fees charged by third parties, shall not exceed five hundred dollars for an application addressing no more than five small wireless facilities, and an additional fifty dollars for each small wireless facility addressed in an application in excess of five small wireless facilities. An applicant shall not be required to pay any additional fees or perform any services relating to the acceptance, processing, or issuance of a permit, nor provide any services unrelated to the siting of the small wireless facility or of a new, replacement, or modified utility pole on which a small wireless facility is sited. For purposes of this subparagraph, engineering and structural review are deemed to be related to the permitting of a small wireless facility. The total amount of fees shall be adjusted every five years to reflect any increases or decreases in the consumer price index, rounded to the nearest five dollars.

(2) An authority shall approve or deny a permit application within ninety days following the submission of a completed application. Except as provided herein, an application shall be deemed approved if the authority fails to approve or deny the application within ninety days following the submission of a completed application. This period of time for the processing of an application may be extended upon mutual written agreement between the authority and the applicant. An applicant may address up to twenty-five small wireless facilities in a single application, provided, however, that a single application may only address small wireless facilities within a single two-mile radius consisting of substantially similar equipment to be placed on substantially similar types of wireless support structures or utility poles. In rendering a decision on an application addressing more than one small wireless facility, an authority may approve the application as to certain individual small wireless facilities while denying it as to others. An authority's denial of an individual small wireless facility or subset of small wireless facilities within an application is not a basis to deny the application as a whole. If an authority receives applications for the approval of more than seventy-five small wireless facilities within a single seven-day period, whether from a single applicant or from multiple applicants, the authority may notify an applicant submitting any additional siting applications during that seven-day period that the authority is invoking its right to an automatic thirty-day extension for any additional siting application submitted during that seven-day period.

(3) (a) An authority may only deny a completed application if any of the following apply:

(i) The application fails to include reasonable information required by the authority and in accordance with this subsection.

(ii) The application does not comply with the Iowa electrical safety code, the national electrical safety code, applicable fire safety codes, or any building code or similar code of general applicability for the protection of the public health, safety, or welfare that was adopted by an authority prior to the filing of the application.

(iii) The application would result in the authority being noncompliant with the federal Americans With Disabilities Act.

(iv) (A) A licensed engineer selected by the applicant or the authority certifies that siting the small wireless facility as proposed would compromise the structural safety of, or preclude the essential purpose of, the utility pole or wireless support structure in the public right-of-way on which it is proposed to be sited and any of the following conditions apply:

(I) The applicant fails to redesign the small wireless facility in a manner determined necessary by the engineer to make the existing utility pole or wireless support structure structurally sound for the siting of the small wireless facility.

(II) The applicant fails to modify the utility pole or wireless support structure to make the structure structurally sound for the siting of the small wireless facility.

(III) The applicant fails to replace the utility pole or wireless support structure with a utility pole or wireless support structure that is structurally sound for the siting of the small wireless facility.

(IV) The applicant fails to propose an alternative location for the siting of the small wireless facility.

(B) If an applicant chooses to modify or replace a utility pole or wireless support structure to make the structure structurally sound for the siting of a small wireless facility, the applicant shall pay or advance to the authority the costs of modifying or replacing the utility pole or wireless support structure with a utility pole or wireless support structure that would safely support the small wireless facility and preserve the essential purpose of the utility pole or wireless support structure.

(v) The application seeks approval of a new small wireless facility, utility pole, or wireless support structure that would impair, interfere with, or preclude the safe and effective use of facilities already located in the public right-of-way for pedestrian, vehicular, utility, or other authority public right-of-way purposes.

(vi) The application seeks approval for the siting of a small wireless facility outside the public right-of-way that would impair, interfere with, or preclude the safe and effective use of an authority structure or property for a public purpose.

(vii) The application seeks approval for the siting of a small wireless facility on a wireless support structure used exclusively for emergency communications equipment.

(viii) The application seeks approval for the siting of a small wireless facility on a utility pole that is the vertical portion of a support structure for a traffic control signal or device, and the authority determines that the utility pole lacks sufficient space or load capacity for the proposed siting or the small wireless facility cannot be sited on the utility pole without impairing the public health, safety, or welfare.

(b) An authority denying an application shall document the basis for the denial, including the specific code provisions or standards on which the denial is based, and provide the applicant with such documentation on or before the date the application is denied.

(c) An applicant whose application is denied shall have an opportunity to cure any deficiencies identified by the authority as the basis for the denial and to submit a revised application within thirty days following the date of denial without paying an additional fee. The authority shall approve or deny a revised application within thirty days following submission. The authority shall not identify any deficiencies in a second or subsequent denial that were not identified in the original denial.

(4) An authority shall not limit the duration of a permit issued for the siting of a small wireless facility in a public right-of-way pursuant to this subsection, and shall not limit the duration of a permit issued for the siting of a small wireless facility on an authority structure located outside of a public right-of-way to any period less than ten years, with one automatic five-year renewal, provided, however, that the owner of the small wireless facility may terminate the permit upon providing ninety days' notice to the authority. The construction of a small wireless facility permitted pursuant to this subsection shall commence no later than two years following the date that the permit is issued, or two years after any appeals are exhausted.

(5) An authority shall not impose a moratorium on the processing or issuance of permits under this subsection.

(6) An authority shall process and issue permits on a nondiscriminatory basis. An authority shall receive an application for, process, and issue a permit for the siting of a small wireless facility in a manner substantially comparable to the permitting of other applicants within the jurisdiction of the authority, and may not impose discriminatory licensing standards for persons siting small wireless facilities.

4. The annual recurring rate charged by an authority for the siting of a small wireless facility on an authority utility pole shall not exceed the rate computed by the federal communications commission for telecommunications pole attachments in 47 C.F.R. §1.1409(e)(2).

5. a. An authority shall authorize the siting of a small wireless facility on an authority structure located outside of a public right-of-way to the same extent the authority authorizes access to such structures for other non-authority communications equipment that involve

external attachments, and may authorize the siting even if the authority has not previously permitted such access.

b. A siting authorized under this subsection shall be subject to reasonable rates, terms, and conditions as provided in one or more agreements between the authority and the wireless service provider. Notwithstanding chapter 480A, the annual recurring rate for such siting as charged by an authority shall not exceed the lesser of the following:

(1) The amount charged for a similar commercial project or use to occupy a similar area of space on similarly situated property.

(2) The projected cost to the authority resulting from the siting.

6. A party aggrieved by the final action of an authority, either by its affirmative action on a permit, term or condition, or rate under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction, except that if the final action of the authority was the denial of a conditional or special use permit pursuant to this section, the party must first seek review under section 335.13 or 414.10, as applicable.

7. This section only addresses an authority's approval of zoning and building permits and the rates for the use of public rights-of way and authority structures. This section shall not modify the rights and obligations of a nonauthority owner of a utility pole or a municipal utility that owns a utility pole, under 47 C.F.R. §1.1401 et seq., and the Iowa electrical safety code.

Sec. 4. NEW SECTION. **8C.7B Small wireless facilities — violation and removal.**

1. A public utility that owns or controls a utility pole on which a small wireless facility is sited in alleged violation of this chapter or the Iowa electrical safety code shall notify the owner of the small wireless facility of the alleged violation, in writing or by any other method agreed upon by the parties in writing. The notice shall include the following information:

- a. The address and location where the alleged violation occurred.
- b. A description of the alleged violation.
- c. Suggested corrective action.

2. Upon the receipt of notice of an alleged violation, the recipient of such notice shall respond to the public utility within sixty days in writing or by any other method agreed upon by the parties in writing. The response shall include the following information:

- a. A statement disclosing whether or not the recipient of the notice is the owner of the small wireless facility at issue.
- b. A statement disclosing that the owner disputes that the alleged violation has occurred, if applicable.
- c. A plan for corrective action if the owner does not dispute that the violation has occurred.
- d. A statement disclosing whether the violation has been corrected, if the owner does not dispute that the violation has occurred.

3. The owner of a small wireless facility in alleged violation of this chapter or the Iowa electrical safety code shall correct the alleged violation within one hundred eighty days after receiving notice of the violation unless, for good cause shown, a delay for taking corrective action is appropriate or if the parties otherwise agree in writing to extend the time required to take corrective action. Good cause for a delay in corrective action shall include but is not limited to a dispute over whether the recipient of the notice is the owner of the small wireless facility at issue, a dispute over whether the alleged violation has occurred, or if taking corrective action within the required time frame is not possible due to circumstances which are beyond the control of the owner of the small wireless facility. The public utility and owner of the small wireless facility shall cooperate in determining an efficient and cost-effective solution to correct an alleged violation.

4. a. Notwithstanding subsections 1 through 3, in the event of an emergency, an authority or public utility shall contact the owner of the small wireless facility at issue and provide the owner with a reasonable opportunity, given the nature of the emergency, to alleviate such emergency or participate with the authority or public utility to make any repairs necessary to alleviate such emergency. If the owner of the small wireless facility does not respond in a timely manner, as determined by the authority or public utility given the nature of the emergency, the authority or public utility may remove or make alterations to the small wireless facility as necessary to ensure public safety.

b. For purposes of this subsection, “*emergency*” means exigent and extraordinary circumstances under which the physical or electrical failure of a utility pole, wireless support structure, or small wireless facility threatens imminent physical harm to persons or there is a substantial likelihood of imminent and significant harm to property.

5. If the parties cannot resolve a dispute after following the procedures provided in this section, any party may file an action concerning an alleged violation under this section in the district court for the county in which the violation is alleged to have occurred, for any appropriate remedy, including the removal of a small wireless facility deemed by the court to be in violation of this chapter or the Iowa electrical safety code. However, this section shall not preclude a party from bringing an action pursuant to the Iowa electrical safety code or 47 C.F.R. §1.1401 et seq., or the application of a dispute resolution process set forth in an applicable pole attachment agreement between the parties.

6. Nothing in this section shall be deemed to limit the ability of a public utility and the owner of a small wireless facility to voluntarily enter into a pole attachment agreement that establishes different terms for the siting of a small wireless facility or the resolution of a dispute regarding such a facility.

Sec. 5. NEW SECTION. **8C.7C Height limitations.**

1. A new, replacement, or modified utility pole or wireless support structure installed in a public right-of-way located within the city limits of an incorporated city for the purpose of siting a wireless facility, including a small wireless facility under the provisions of this chapter shall not exceed the greater of ten feet in height above the tallest utility pole existing on or before July 1, 2017, located within five hundred feet of the new, replacement, or modified utility pole in the same public right-of-way, or forty feet in height above ground level. Except as provided in section 8C.7A, subsection 2, paragraph “c”, an authority shall not require a special or conditional use permit for the installation of a utility pole or wireless support structure that complies with the height limitations of this subsection.

2. Notwithstanding subsection 1, a person may construct, modify, or maintain a utility pole or wireless support structure along, across, and under a public right-of-way in excess of the size limits provided in subsection 1, to the extent permitted by the authority’s applicable zoning regulations.

3. A person shall comply with nondiscriminatory undergrounding requirements that prohibit wireless service providers from installing structures in a public right-of-way without prior zoning approval in areas designated as an underground district pursuant to a resolution or ordinance adopted by an authority prior to the date the application is filed or in areas zoned and used for single-family residential use, provided that such requirements shall not prohibit the replacement of existing structures.

4. Nothing in this section shall be deemed to limit the ability of a public utility to install a utility pole for the purposes of electric utility transmission or distribution within a public right-of-way subject to an authority’s planning and zoning regulations.

Sec. 6. Section 8C.9, Code 2017, is amended to read as follows:

8C.9 Repeal.

This chapter is repealed July 1, ~~2020~~ 2022.

Approved May 9, 2017

CHAPTER 113

TERMINATION OF PARENTAL RIGHTS AND ADOPTION

S.F. 433

AN ACT relating to termination of parental rights and adoption proceedings, and providing penalties.

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

Section 1. Section 422.9, subsection 2, paragraph c, Code 2017, is amended to read as follows:

c. Add the amount by which expenses paid or incurred in connection with the adoption of a child by the taxpayer exceed three percent of the net income of the taxpayer, or of the taxpayer and spouse in the case of a joint return. The expenses may include medical and hospital expenses of the biological mother which are incident to the child's birth and are paid by the taxpayer, welfare agency fees, legal fees, and all other fees and costs relating to the adoption of a child if the child is placed by ~~a child-placing agency licensed under chapter 238 or by a person making an independent placement~~ an adoption service provider according to the provisions of chapter 600. If the taxpayer claims an adoption tax credit under section 422.12A, the taxpayer shall recompute for purposes of this subsection the amount of the deduction by excluding the amount of qualified adoption expenses, as defined in section 422.12A, used in computing the adoption tax credit.

Sec. 2. Section 422.12A, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. "Adoption" means the permanent placement in this state of a child by the department of human services, by ~~a licensed agency under chapter 238~~ an adoption service provider as defined in section 600A.2, or, by an agency that meets the provisions of the interstate compact in section 232.158, ~~or by a person making an independent placement according to the provisions of chapter 600.~~

Sec. 3. Section 600.2, subsection 1, Code 2017, is amended to read as follows:

1. "Child", "parent", "parent-child relationship", "termination of parental rights", "biological parent", "stepparent", "guardian", "custodian", "guardian ad litem", "minor", "adoption service provider", "certified adoption investigator", "adult", "agency", "department", "court", and "juvenile court", ~~"independent placement"~~ mean the same as defined in section 600A.2.

Sec. 4. Section 600.8, subsection 1, paragraph c, subparagraph (1), Code 2017, is amended to read as follows:

(1) A background information investigation of the medical and social history of the biological parents of the minor person to be adopted and a report of the investigation shall be made by the ~~agency, the person making an independent placement~~ adoption service provider, the department, or an a certified adoption investigator prior to the placement of the minor person to be adopted with any prospective adoption petitioner.

Sec. 5. Section 600.8, subsection 2, paragraph a, subparagraph (1), Code 2017, is amended to read as follows:

(1) A preplacement investigation and report of the investigation shall be completed and the prospective adoption petitioner approved for a placement by the person making the investigation prior to any ~~agency or independent~~ adoption service provider or department placement of a minor person in the petitioner's home in anticipation of an ensuing adoption.

Sec. 6. Section 600.8, subsections 3, 4, 8, and 10, Code 2017, are amended to read as follows:

3. The department, an agency, or ~~an~~ a certified adoption investigator shall conduct all investigations and reports required under subsection 2 ~~of this section.~~

4. A postplacement investigation and the report of the investigation shall be completed and filed with the juvenile court or court prior to the holding of the adoption hearing prescribed in section 600.12. Upon the filing of an adoption petition pursuant to section 600.5, the juvenile court or court shall immediately appoint the department, an agency, or ~~an~~ a certified adoption investigator to conduct and complete the postplacement report. Any person who has gained relevant background information concerning a minor person subject to an adoption petition shall, upon request, fully cooperate with the conducting of the postplacement investigation by disclosing any relevant information requested, whether contained in sealed records or not.

8. Any person designated to make an investigation and report under this section may request an agency, certified adoption investigator, or state agency, within or outside this state, to conduct a portion of the investigation or the report, as may be appropriate, and to file a supplemental report of such investigation or report with the juvenile court or court. In the case of the adoption of a minor person by a person domiciled or residing in any other jurisdiction of the United States, any investigation or report required under this section which has been conducted pursuant to the standards of that other jurisdiction shall be recognized in this state.

10. The department, ~~or~~ an agency, or a certified adoption investigator may conduct any investigations required for an interstate or interagency placement. Any interstate investigations or placements shall follow the procedures and regulations under the interstate compact on the placement of children. Such investigations and placements shall be in compliance with the laws of the states involved.

Sec. 7. Section 600.9, Code 2017, is amended to read as follows:

600.9 Report of expenditures — penalty.

1. a. A biological parent shall not receive any thing of value as a result of the biological parent's child or former child being placed with and adopted by another person, unless that thing of value is an allowable expense under subsection 2.

b. Any person assisting in any way with the placement or adoption of a minor person shall not charge a fee which is more than usual, necessary, and commensurate with the services rendered.

c. If the biological parent receives any prohibited thing of value, if a person gives a prohibited thing of value, or if a person charges a prohibited fee under this subsection, the person is guilty of a ~~simple~~ serious misdemeanor.

2. a. An adoption petitioner of a minor person shall file with the juvenile court or court, prior to the adoption hearing, a full accounting of all disbursements of any thing of value paid or agreed to be paid by or on behalf of the petitioner in connection with the petitioned adoption. This accounting shall be made by a report prescribed by the juvenile court or court and shall be signed and verified by the petitioner. The report shall be accompanied by documentation of all disbursements made prior to the date of filing of the report. Only expenses incurred in connection with the following and any other expenses approved by the juvenile court or court are allowable:

(1) The birth of the minor person to be adopted.

(2) Placement of the minor person with by the adoption ~~petitioner and legal service~~ provider.

(3) Legal expenses related to the termination of parental rights and adoption processes.

~~(3)~~ (4) Pregnancy-related medical care received by the biological parents or the minor person during the pregnancy or delivery of the minor person and for medically necessary postpartum care for the biological parent and the minor person.

~~(4)~~ (5) Living Ordinary and necessary living expenses of the mother, ~~permitted in an amount not to exceed~~ including but not limited to the cost of room and board or rent and costs of housing, food, utilities, and transportation, for medical purposes only, on a common carrier of persons or an ambulance related to the pregnancy and birth of the child, in an amount not to exceed two thousand dollars and for no longer than thirty days after the birth of the minor person.

~~(5)~~ (6) Costs of the counseling provided to the biological parents prior to the birth of the child, prior to the release of custody, and any counseling provided to the biological parents for not more than sixty days after the birth of the child.

~~(6)~~ (7) Living expenses or care of the minor person if the minor person is placed in foster care during the pendency of the termination of parental rights proceedings.

b. All payments for allowable expenses shall be made through the adoption service provider. An adoption service provider shall deposit all funds received from prospective adoptive parents as payments for allowable expenses for a designated biological parent into an escrow account established with a financial institution located in this state whose accounts are insured by the federal deposit insurance corporation, the national credit union administration, or the federal savings and loan insurance corporation. Such escrow funds shall not be commingled with other revenues or expense accounts of the adoption service provider and separate accounting shall be maintained for each prospective adoptive parent whose funds are deposited in the escrow account. Any escrow funds not disbursed by the adoption service provider for the benefit of the designated biological parent shall be returned to the prospective adoptive parents with a full accounting of all deposits and disbursements. If the adoption service provider is a licensed attorney, use of the attorney's state-sanctioned trust account shall satisfy the requirements relative to the escrow account under this paragraph.

~~b. c. All~~ Any payments for allowable expenses shall be made to the provider, if applicable, and not directly be made to the a biological parents parent, but instead shall be made directly to the provider of the service, product, or other activity to which the allowable expense is attributable, if applicable.

d. The provisions of this subsection do not apply in a stepparent adoption.

3. The juvenile court or court shall review the report prior to the adoption hearing and shall include findings regarding the allowance or disallowance of any disbursements or projected disbursements in the adoption decree.

Sec. 8. NEW SECTION. 600.9A Prohibited practices — penalties.

1. All of the following are prohibited practices regarding a proceeding under this chapter:

a. The provision of termination of parental rights, child placement, or adoption services to any biological or adoptive parent by any person other than an adoption service provider or the department.

b. The charging of a fee by an adoption service provider that is more than the usual and necessary fee commensurate with the services rendered.

c. The facilitation, encouragement, or advisement of adoptive parents by an adoption service provider to provide any thing of value beyond those expenditures allowed pursuant to section 600.9.

d. The knowing encouragement or solicitation of payment of allowable expenses or provision of anything of value beyond those expenditures allowed pursuant to section 600.9, by a person falsely representing that a child may be available for adoption with the intent to defraud the other person.

2. A person who commits a prohibited practice under this section is guilty of a serious misdemeanor for the first violation and a class "C" felony for any second or subsequent violation.

Sec. 9. Section 600.13, subsection 5, Code 2017, is amended to read as follows:

5. An interlocutory or a final adoption decree shall be entered with the clerk of court. Such decree shall set forth any facts of the adoption petition which have been proven to the satisfaction of the juvenile court or court and any other facts considered to be relevant by the juvenile court or court and shall grant the adoption petition. If so designated in the adoption decree, the name of the adopted person shall be changed by issuance of that decree. The clerk of the court shall, within thirty days of issuance, deliver one certified copy of any adoption decree to the petitioner, one copy of any adoption decree to the department and any ~~agency or person making an independent placement~~ adoption service provider who placed a minor person for adoption, and one certification of adoption as prescribed in section 144.19 to the state registrar of vital statistics at no charge. Upon receipt of the certification, the state registrar shall prepare a new birth certificate pursuant to section 144.23 and deliver to the parents named in the decree and any adult person adopted by the decree a copy of the new birth certificate. The parents shall pay the fee prescribed in section 144.46. If the

person adopted was born outside this state but in the United States, the state registrar shall forward the certification of adoption to the appropriate agency in the state of birth. A copy of any interlocutory adoption decree vacation shall be delivered and another birth certificate shall be prepared in the same manner as a certification of adoption is delivered and the birth certificate was originally prepared.

Sec. 10. Section 600.16, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Any information compiled under section 600.8, subsection 1, paragraph “c”, relating to medical and developmental histories shall be made available at any time by the clerk of court, the department, or any ~~agency which~~ adoption service provider that made the placement to:

Sec. 11. Section 600.16A, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. ~~An agency~~ The department or an adoption service provider involved in placement shall contact the adopting parents or the adult adopted child regarding eligibility of the adopted child for benefits based on entitlement of benefits or inheritance from the terminated biological parents.

Sec. 12. Section 600.16A, subsection 3, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

In addition to other procedures by which adoption records may be opened under this section, if both of the following conditions are met, the department, the clerk of court, or the ~~agency which~~ adoption service provider that made the placement shall open the adoption record for inspection and shall reveal the identity of the biological parents to the adult adopted child or the identity of the adult adopted child to the biological parents:

Sec. 13. Section 600.16A, subsection 3, paragraph c, Code 2017, is amended to read as follows:

c. Notwithstanding the provisions of this subsection, if the adult adopted person has a sibling who is a minor and who has also been adopted by the same parents, the department, the clerk of court, or the ~~agency which~~ adoption service provider that made the placement may deny the request of either the adult adopted person or the biological parent to open the adoption records and to reveal the identities of the parties pending determination by the juvenile court or court that there is good cause to open the records pursuant to subsection 2.

Sec. 14. Section 600.20, Code 2017, is amended to read as follows:

600.20 Availability of assistance.

Financial assistance shall be available only if the child to be adopted was under the guardianship of the state, county, or a ~~licensed child-placing an~~ agency immediately prior to adoption. The one-hundred-eighty-day period of residence in the proposed home required in section 600.10 shall not apply to this section.

Sec. 15. Section 600A.2, Code 2017, is amended by adding the following new subsections:
NEW SUBSECTION. 01. “Adoption service provider” means an agency or a licensed attorney.

NEW SUBSECTION. 3A. “Certified adoption investigator” means a person who is certified and approved by the department of human services, after inspection by the department of inspections and appeals, as being capable of conducting an investigation under section 600.8.

Sec. 16. Section 600A.2, subsection 2, Code 2017, is amended to read as follows:

2. “Agency” means a child-placing agency as defined in section 238.1 ~~or the department.~~

Sec. 17. Section 600A.2, subsection 10, Code 2017, is amended by striking the subsection.

Sec. 18. Section 600A.4, subsection 1, Code 2017, is amended to read as follows:

1. A parent shall not permanently alter the parent-child relationship, except as ordered by a juvenile court or court. However, custody of a minor child may be assumed by a

stepparent or a relative of that child within the fourth degree of consanguinity or transferred by an acceptance of a release of custody. A person who assumes custody or an agency adoption service provider which accepts a release of custody under this section becomes, upon assumption or acceptance, the custodian of the minor child.

Sec. 19. Section 600A.4, subsection 2, paragraphs a and d, Code 2017, are amended to read as follows:

a. ~~Shall be accepted only by an agency or a person making an independent placement adoption service provider.~~

d. ~~(1) Shall contain written acknowledgment of the biological parents that after the birth of the child three hours of counseling regarding the decision to release custody and the alternatives available have been offered to the biological parents by the agency, the person making an independent placement, an investigator as defined in section 600.2, or other qualified counselor regarding the decision to release custody and the alternatives available to the biological parents department or an adoption service provider. The release of custody shall also contain written acknowledgment of the acceptance or refusal of the counseling by the biological parent.~~

(2) If accepted, the counseling shall be provided after the birth of the child and prior to the signing of a release of custody or the filing of a petition for termination of parental rights as applicable. Counseling shall be provided only by a person who is qualified under rules adopted by the department of human services which shall include a requirement that the person complete a minimum number of hours of training in the area of adoption-related counseling approved by the department. If counseling is accepted, the counselor shall provide an affidavit, which shall be attached to the release of custody, when practicable, certifying that the counselor has provided the biological parent with the requested counseling and documentation that the person is qualified to provide the requested counseling as prescribed by this paragraph "d". The requirements of this paragraph "d" do not apply to a release of custody which is executed for the purposes of a stepparent adoption.

Sec. 20. Section 600A.4, subsection 2, paragraph f, subparagraphs (1) and (4), Code 2017, are amended to read as follows:

(1) A biological parent may also provide ongoing information to the adoptive parents, as additional medical or social history information becomes known, by providing information to the clerk of court, the department of ~~human services~~, or the ~~agency which~~ adoption service provider that made the placement, and may provide the current address of the biological parent. The clerk of court, the department of ~~human services~~, or the ~~agency which~~ adoption service provider that made the placement shall transmit the information to the adoptive parents if the address of the adoptive parents is known.

(4) The department shall prescribe forms designed to obtain the family medical and social history and shall provide the forms at no charge to any agency adoption service provider or person who executes a release of custody of the minor child or who files a petition for termination of parental rights. The existence of this report does not limit a person's ability to petition the court for release of records in accordance with other provisions of law.

Sec. 21. Section 600A.4, subsection 3, Code 2017, is amended to read as follows:

3. Notwithstanding the provisions of subsection 2, ~~the department or an agency or a person making an independent placement adoption service provider~~ may assume custody of a minor child upon the signature of the one living parent who has possession of the minor child if the ~~agency or a person making an independent placement department or an adoption service provider~~ immediately petitions the juvenile court designated in section 600A.5 to be appointed custodian and otherwise petitions, either in the same petition or within a reasonable time in a separate petition, for termination of parental rights under section 600A.5. Upon the custody petition, the juvenile court may appoint a guardian as well as a custodian.

Sec. 22. **NEW SECTION. 600A.6C Report of expenditures — penalty.**

1. a. A biological parent shall not receive any thing of value as a result of the biological parent terminating the parent's parental rights, unless that thing of value is an allowable expense under subsection 2.

b. Any person assisting in any way with the termination of parental rights shall not charge a fee which is more than usual, necessary, and commensurate with the services rendered.

c. If the biological parent receives any prohibited thing of value, if a person gives a prohibited thing of value, or if a person charges a prohibited fee under this subsection, the person is guilty of a serious misdemeanor.

2. a. The petitioner shall file with the juvenile court or court, prior to the termination hearing, a full accounting of all disbursements of any thing of value paid or agreed to be paid by or on behalf of the petitioner or intended adoptive parent in connection with the petitioned termination. This accounting shall be made by a report prescribed by the juvenile court or court and shall be signed and verified by the petitioner. The report shall be accompanied by documentation of all disbursements made prior to the date of filing of the report. Only expenses incurred in connection with the following and any other expenses approved by the juvenile court or court are allowable:

(1) The birth of the minor person to be adopted.

(2) Placement of the minor person by the adoption service provider.

(3) Legal expenses related to the termination of parental rights and adoption processes.

(4) Pregnancy-related medical care received by the biological parents or the minor person during the pregnancy or delivery of the minor person and for medically necessary postpartum care for the biological parent and the minor person.

(5) Ordinary and necessary living expenses of the mother including but not limited to the costs of housing, food, utilities, and transportation for medical purposes related to the pregnancy and birth of the child, in an amount not to exceed two thousand dollars and for no longer than thirty days after the birth of the minor person.

(6) Costs of the counseling provided to the biological parents prior to the birth of the child, prior to the release of custody, and any counseling provided to the biological parents for not more than sixty days after the birth of the child.

(7) Living expenses or care of the minor person during the pendency of the termination of parental rights proceedings.

b. All payments for allowable expenses shall be made through the adoption service provider. An adoption service provider shall deposit all funds received from prospective adoptive parents as payments for allowable expenses for a designated biological parent into an escrow account established with a financial institution located in this state whose accounts are insured by the federal deposit insurance corporation, the national credit union administration, or the federal savings and loan insurance corporation. Such escrow funds shall not be commingled with other revenues or expense accounts of the adoption service provider and separate accounting shall be maintained for each prospective adoptive parent whose funds are deposited in the escrow account. Any escrow funds not disbursed by the adoption service provider for the benefit of the designated biological parent shall be returned to the prospective adoptive parents with a full accounting of all deposits and disbursements. If the adoption service provider is a licensed attorney, use of the attorney's state-sanctioned trust account shall satisfy the requirements relative to the escrow account under this paragraph.

c. Any payments for allowable expenses shall not be made to a biological parent, but instead shall be made directly to the provider of the service, product, or other activity to which the allowable expense is attributable, if applicable.

d. The provisions of this subsection do not apply in a stepparent adoption.

3. The juvenile court or court shall review the report prior to the termination hearing and shall include findings regarding the allowance or disallowance of any disbursements or projected disbursements in the termination order.

Sec. 23. Section 600A.10, Code 2017, is amended to read as follows:

600A.10 Termination procedures — prohibited practices — penalty for violation.

1. Any biological parent who chooses to identify the other biological parent and who knowingly and intentionally identifies a person who is not the other biological parent in the written release of custody or in any other document related to the termination of parental rights proceedings is guilty of a ~~simple~~ serious misdemeanor.

2. Any person who signs or accepts a release of custody under section 600A.4 prior to the expiration of the seventy-two-hour period required is guilty of a serious misdemeanor.

3. *a.* All of the following are prohibited practices regarding a proceeding under this chapter:

(1) The provision of termination of parental rights, child placement, or adoption services to any biological or adoptive parent by any person other than an adoption service provider or the department.

(2) The charging of a fee by an adoption service provider that is more than the usual and necessary fee commensurate with the services rendered.

(3) The facilitation, encouragement, or advisement of adoptive parents by an adoption service provider to provide any thing of value beyond those expenditures allowed pursuant to section 600A.6C.

(4) The knowing encouragement or solicitation of payment of allowable expenses or provision of anything of value beyond those expenditures allowed pursuant to section 600A.6C, by a person falsely representing that a child may be available for adoption with the intent to defraud the other person.

b. A person who commits a prohibited practice under this subsection is guilty of a serious misdemeanor for the first violation and a class "C" felony for any second or subsequent violation.

Sec. 24. Section 714.8, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 21. Knowingly, by deception and with intent to defraud another person, represents that the child expected as the result of that person's pregnancy or the pregnancy of another person may be available for adoption.

Sec. 25. Section 714.11, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. A fraudulent practice as set forth in section 714.8, subsections 2, 8, and 9, and 21.

Approved May 9, 2017

CHAPTER 114

CIVIL ASSET FORFEITURE

S.F. 446

AN ACT relating to asset forfeiture by prohibiting civil asset forfeiture for property valued at less than a minimum amount, raising the standard of proof for asset forfeiture, requiring a proportionality review for property to be forfeited, and requiring law enforcement agencies to retain certain records related to asset forfeiture and including applicability provisions.

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

Section 1. Section 809A.1, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 01. "Convicted" or "conviction" includes a finding of guilt, a plea of guilty, deferred judgment, deferred or suspended sentence, adjudication of delinquency, or circumstances where a person is not charged with a criminal offense that is a serious or aggravated misdemeanor or felony related to the action for forfeiture based in whole or in part on the person's cooperation in providing information regarding the criminal activity of another person.

NEW SUBSECTION. 001. "Instrumentality" means property otherwise lawful to possess that is used in or intended to be used in a public offense.

NEW SUBSECTION. 1A. “*Minimum civil forfeiture amount*” means five thousand dollars.

Sec. 2. Section 809A.5, subsection 2, paragraph b, Code 2017, is amended to read as follows:

b. The owner or interest holder is criminally responsible for the conduct giving rise to its forfeiture, ~~whether or not the owner or interest holder is prosecuted or convicted.~~ If the forfeiture is for property valued at less than the minimum civil forfeiture amount, the owner or interest holder must also be convicted of the criminal offense for the conduct giving rise to forfeiture.

Sec. 3. Section 809A.8, subsection 1, paragraph a, subparagraph (2), Code 2017, is amended to read as follows:

(2) File a judicial forfeiture proceeding within ninety days after notice of pending forfeiture of property upon which a proper claim has been timely filed pursuant to section 809A.11, or, if the value of the property is less than the minimum civil forfeiture amount, file a judicial forfeiture proceeding within ninety days after the conclusion of the criminal prosecution.

Sec. 4. Section 809A.8, subsection 1, paragraph d, unnumbered paragraph 1, Code 2017, is amended to read as follows:

If a petition is timely filed, the prosecuting attorney may delay filing a judicial forfeiture proceeding for one hundred eighty days after the notice of pending forfeiture, or, if the value of the property is less than the minimum civil forfeiture amount, one hundred eighty days after the conclusion of the criminal prosecution, and the following procedures shall apply:

Sec. 5. Section 809A.12, subsections 6, 7, and 14, Code 2017, are amended to read as follows:

6. A defendant ~~convicted in any whose criminal proceeding results in a conviction is precluded from later denying the essential allegations of the criminal offense of which the defendant was convicted in any proceeding pursuant to this section. For the purposes of this section, a conviction results from a verdict or a plea of guilty.~~ A defendant whose conviction is overturned on appeal may file a motion to correct, vacate, or modify a judgment of forfeiture under this subsection.

7. In any proceeding under this chapter, if a claim is based on an exemption provided for in this chapter, ~~the burden of proving the existence of the exemption is on the claimant must make a prima facie showing of the existence of the exemption. However, once the claimant comes forward with some evidence supporting the existence of the exemption, the state~~ The prosecuting attorney must provide some evidence to negate the assertion of the then prove by clear and convincing evidence that the exemption does not apply. The state’s evidence must be substantial, though not necessarily rising to the level of a preponderance of the evidence, and more than a simple assertion of the claimant’s interest in the property. The agency or political subdivision bringing the forfeiture action shall pay the reasonable attorney fees and costs, as determined by the court, incurred by a claimant who prevails on a claim for exemption in a proceeding under this chapter.

14. An acquittal or dismissal in a criminal proceeding shall not preclude civil proceedings under this chapter if the value of the property to be forfeited is equal to or exceeds the minimum civil forfeiture amount.

Sec. 6. Section 809A.12, Code 2017, is amended by adding the following new subsection:
NEW SUBSECTION. 7A. The prosecuting attorney must prove by clear and convincing evidence that the property is properly subject to forfeiture.

Sec. 7. Section 809A.12, subsection 10, paragraph a, Code 2017, is amended to read as follows:

a. The If the property to be forfeited is equal to or exceeds the minimum civil forfeiture amount, that the person has engaged in conduct giving rise to forfeiture. If the property to be forfeited is less than the minimum civil forfeiture amount, that the person was convicted for the conduct giving rise to forfeiture.

Sec. 8. NEW SECTION. 809A.12A **Limitations on civil forfeiture.**

1. If the total value of the property seized for forfeiture is less than the minimum civil forfeiture amount, a judicial forfeiture proceeding shall not be brought unless one of the following applies:

a. The conduct giving rise to forfeiture resulted in a conviction.

b. The property owner is deceased.

c. Charges have been filed against the property owner, a warrant was issued for the arrest of the property owner, and either of the following applies:

(1) The property owner is outside the state and is unable to be extradited or brought back to the state for prosecution.

(2) Law enforcement has made reasonable efforts to locate and arrest the property owner, but the property owner has not been located.

d. The property owner has not claimed the property subject to forfeiture or asserted any interest in the property at any time during or after the seizure of the property, and all claims brought under section 809A.11 have been denied.

2. The prosecuting attorney has the burden to prove by clear and convincing evidence that the value of the property is or exceeds the minimum civil forfeiture amount in any civil action.

Sec. 9. NEW SECTION. 809A.12B **Proportionality review.**

1. Property shall not be forfeited as an instrumentality under this chapter to the extent that the amount or value of the property is grossly disproportionate to the severity of the offense.

2. Contraband and any proceeds obtained from the offense are not subject to proportionality review under this section.

Sec. 10. Section 809A.13, subsections 7 and 8, Code 2017, are amended to read as follows:

7. The forfeiture hearing shall be held without a jury and within sixty days after service of the complaint unless continued for good cause. The prosecuting attorney shall have the initial burden of proving by clear and convincing evidence that the property is subject to forfeiture by a preponderance of the evidence. If the state so proves the property is subject to forfeiture, the claimant ~~has the burden of proving~~ may assert that the claimant has an interest in the property which is exempt from forfeiture under this chapter by a preponderance of the evidence. If the claimant asserts and makes a prima facie showing of the existence of the exemption, the prosecuting attorney then has the burden of proving by clear and convincing evidence that the exemption does not apply.

8. The court shall order the interest in the property returned or conveyed to the claimant if the prosecuting attorney fails to meet the state's burden ~~or the claimant establishes by a preponderance of the evidence that the claimant has an interest that is exempt from forfeiture.~~ The court shall order all other property forfeited to the state and conduct further proceedings pursuant to sections 809A.16 and 809A.17.

Sec. 11. Section 809A.14, subsection 7, paragraph d, Code 2017, is amended to read as follows:

d. In accordance with the findings made at the hearing, the court may amend the order of forfeiture if it determines that any claimant has ~~established by a preponderance of the evidence that the claimant has~~ properly petitioned for recognition of exemption under section 809A.11 and that the prosecuting attorney has not shown, by clear and convincing evidence, that the claimant does not have an interest in the property which is exempt under the provisions of section 809A.5.

Sec. 12. Section 809A.15, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The court shall order the forfeiture of any other property of a person, including a claimant, up to the value of that person's property found by the court to be subject to forfeiture under this chapter, if the prosecuting attorney proves by clear and convincing evidence that any of the following applies to the person's forfeitable property:

Sec. 13. Section 809A.16, subsection 2, Code 2017, is amended to read as follows:

2. Within one hundred eighty days of the date of a declaration of forfeiture, an owner or interest holder in property declared forfeited pursuant to subsection 1 may petition the court to have the declaration of forfeiture set aside, after making a prima facie showing that the state failed to serve proper notice as provided by section 809A.13. Upon such a showing the court shall allow the state to demonstrate by a ~~preponderance of the~~ clear and convincing evidence that notice was properly served. If the state fails to meet its burden of proof, the court may order the declaration of forfeiture set aside. The state may proceed with judicial proceedings pursuant to this chapter.

Sec. 14. NEW SECTION. 809A.18A Recordkeeping.

1. Each law enforcement agency that has custody of any property that is subject to this chapter shall adopt and comply with a written internal control policy that does all of the following:

a. Provides for keeping detailed records as to the amount of property acquired by the agency and the date property was acquired.

b. Provides for keeping detailed records of the disposition of the property, which shall include but not be limited to all of the following:

(1) The manner in which the property was disposed, the date of disposition, and detailed financial records concerning any property sold. The records shall not identify or enable identification of the individual officer who seized any item of property or the name of any person or entity who received any item of property.

(2) An itemized list of the specific expenditures made with amounts that are gained from the sale of the property and that are retained by the agency, including the specific amount expended on each expenditure, except that the policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation.

2. The records kept under the internal control policy shall be open to public inspection during the agency's regular business hours. The policy adopted under this section is a public record open for inspection under chapter 22.

Sec. 15. APPLICABILITY. This Act applies to forfeiture proceedings that begin on or after the effective date of this Act.

Approved May 9, 2017

CHAPTER 115

POSSESSION, SALE, TRANSFER, PURCHASE, AND USE OF FIREWORKS

S.F. 489

AN ACT relating to the possession, sale, transfer, purchase, and use of fireworks, providing penalties, and including effective date provisions.

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

DIVISION I FIREWORKS REGULATION

Section 1. Section 100.1, subsection 4, paragraph b, Code 2017, is amended to read as follows:

b. The storage, transportation, handling, and use of flammable liquids, combustibles, fireworks, and explosives;

Sec. 2. Section 100.1, Code 2017, is amended by adding the following new subsection:
NEW SUBSECTION. 8. To order the suspension of the use of consumer fireworks, display fireworks, or novelties, as described in section 727.2, if the fire marshal determines that the use of such devices would constitute a threat to public safety.

Sec. 3. NEW SECTION. **100.19 Consumer fireworks seller licensing — penalty — fund.**

1. As used in this section:

a. “APA 87-1” means the American pyrotechnics association standard 87-1, as published in December 2001.

b. “Community group” means a nonprofit entity that is open for membership to the general public which is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code or a fraternal benefit society, as that term is defined in section 512B.3.

c. “First-class consumer fireworks” means the following consumer fireworks, as described in APA 87-1, chapter 3:

(1) Aerial shell kits and reloadable tubes.

(2) Chasers.

(3) Helicopter and aerial spinners.

(4) Firecrackers.

(5) Mine and shell devices.

(6) Missile-type rockets.

(7) Roman candles.

(8) Sky rockets and bottle rockets.

(9) Multiple tube devices under this paragraph “c” that are manufactured in accordance with APA 87-1, section 3.5.

d. “Retailer” means as defined in section 423.1.

e. “Second-class consumer fireworks” means the following consumer fireworks, as described in APA 87-1, chapter 3:

(1) Cone fountains.

(2) Cylindrical fountains.

(3) Flitter sparklers.

(4) Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA 87-1, section 3.5.

(5) Ground spinners.

(6) Illuminating torches.

(7) Toy smoke devices that are not classified as novelties pursuant to APA 87-1, section 3.2.

(8) Wheels.

(9) Wire or dipped sparklers that are not classified as novelties pursuant to APA 87-1, section 3.2.

2. a. The state fire marshal shall establish a consumer fireworks seller license. An application for a consumer fireworks seller license shall be made on a form provided by the state fire marshal. The state fire marshal shall adopt rules consistent with this section establishing minimum requirements for a retailer or community group to be issued a consumer fireworks seller license.

b. A person shall possess a consumer fireworks seller license under this section in order to sell consumer fireworks.

3. a. The state fire marshal shall establish a fee schedule for consumer fireworks seller licenses as follows:

(1) For a retailer at a permanent building who devotes fifty percent or more of the retailer’s retail floor space to the sale or display of first-class consumer fireworks, an annual fee of one thousand dollars.

(2) For a retailer at a temporary structure who devotes fifty percent or more of the retailer’s retail floor space to the sale or display of first-class consumer fireworks, an annual fee of five hundred dollars.

(3) For a retailer who devotes less than fifty percent of the retailer’s retail floor space to the sale or display of first-class consumer fireworks, an annual fee of four hundred dollars.

(4) For a community group that offers for sale, exposes for sale, or sells first-class consumer fireworks, an annual fee of four hundred dollars.

(5) For a retailer or community group that offers for sale, exposes for sale, or sells second-class consumer fireworks, but not first-class consumer fireworks, an annual fee of one hundred dollars.

b. A license issued to a retailer or community group pursuant to paragraph "a", subparagraph (1), (2), (3), or (4), shall allow the licensee to sell both first-class consumer fireworks and second-class consumer fireworks.

4. The state fire marshal shall adopt rules to:

a. Require that any retailer or community group offering for sale at retail any consumer fireworks, as described in APA 87-1, chapter 3, shall do so in accordance with the national fire protection association standard 1124, published in the code for the manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles, 2006 edition.

b. Require that a retailer or community group to be issued a license pursuant to this section provide proof of and maintain commercial general liability insurance with minimum per occurrence coverage of at least one million dollars and aggregate coverage of at least two million dollars.

c. Permit a retailer or community group issued a license pursuant to this section to sell consumer fireworks, as described in APA 87-1, chapter 3, at the following locations as specified:

(1) At a permanent building that meets the requirements of paragraph "a", between June 1 and July 8 and between December 10 and January 3 each year, all dates inclusive.

(2) At a temporary structure that meets the requirements of paragraph "a" between June 13 and July 8 each year, both dates inclusive.

d. A retailer or community group shall not transfer consumer fireworks, as described in APA 87-1, chapter 3, to a person who is under eighteen years of age.

5. a. The state fire marshal shall adopt rules to provide that a person's consumer fireworks seller license may be revoked for the intentional violation of this section. The proceedings for revocation shall be held before the division of the state fire marshal, which may revoke the license or licenses involved as provided in paragraph "b".

b. (1) If, upon the hearing of the order to show cause, the division of the state fire marshal finds that the licensee intentionally violated this section, then the license or licenses under which the licensed retailer or community group sells first-class consumer fireworks or second-class consumer fireworks, shall be revoked.

(2) Judicial review of actions of the division of the state fire marshal may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. If the licensee has not filed a petition for judicial review in district court, revocation shall date from the thirty-first day following the date of the order of the division of the state fire marshal. If the licensee has filed a petition for judicial review, revocation shall date from the thirty-first day following entry of the order of the district court, if action by the district court is adverse to the licensee.

(3) A new license shall not be issued to a person whose license has been revoked, or to the business in control of the premises on which the violation occurred if it is established that the owner of the business had actual knowledge of the violation resulting in the license revocation, for the period of one year following the date of revocation.

6. a. A consumer fireworks fee fund is created in the state treasury under the control of the state fire marshal. Notwithstanding section 12C.7, interest or earnings on moneys in the consumer fireworks fee fund shall be credited to the consumer fireworks fee fund. Moneys in the fund are appropriated to the state fire marshal to be used to fulfill the responsibilities of the state fire marshal for the administration and enforcement of this section and section 100.19A and to provide grants pursuant to paragraph "b". The fund shall include the fees collected by the state fire marshal under the fee schedule established pursuant to subsection 3 and the fees collected by the state fire marshal under section 100.19A for wholesaler registration.

b. The state fire marshal shall establish a local fire protection and emergency medical service providers grant program to provide grants to local fire protection service providers and local emergency medical service providers to establish or provide fireworks safety education programming to members of the public. The state fire marshal may also provide grants to local fire protection service providers and local emergency medical service

providers for the purchase of necessary enforcement, protection, or emergency response equipment related to the sale and use of consumer fireworks in this state.

7. The state fire marshal shall adopt rules for the administration of this section.

8. A person who violates a provision of this section or a rule adopted pursuant to this section is guilty of a simple misdemeanor.

Sec. 4. NEW SECTION. **100.19A Consumer fireworks wholesaler — registration — penalty.**

1. For purposes of this section:

a. “*Consumer fireworks*” means first-class consumer fireworks and second-class consumer fireworks, as those terms are defined in section 100.19.

b. “*Wholesaler*” means a person who engages in the business of selling or distributing consumer fireworks for the purpose of resale in this state.

2. The state fire marshal shall adopt rules to require all wholesalers to annually register with the state fire marshal. The state fire marshal may also adopt rules to regulate the storage or transfer of consumer fireworks by wholesalers and to require wholesalers to maintain insurance.

3. The state fire marshal shall establish an annual registration fee of one thousand dollars for wholesalers of consumer fireworks within the state. Registration fees collected pursuant to this section shall be deposited in the consumer fireworks fee fund created in section 100.19.

4. A person who violates a provision of this section or a rule adopted pursuant to this section is guilty of a simple misdemeanor.

Sec. 5. Section 101A.1, subsection 3, Code 2017, is amended to read as follows:

3. “*Explosive*” means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified by the United States department of transportation. The term “*explosive*” includes all materials which are classified as a class 1, division 1.1, 1.2, 1.3, or 1.4 explosive by the United States department of transportation, under 49 C.F.R. §173.50, and all materials classified as explosive materials under 18 U.S.C. §841, and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, cordeau detonative fuse, instantaneous fuse, igniter cord, igniters, smokeless propellant, cartridges for propellant-actuated power devices, cartridges for industrial guns, and overpressure devices, but does not include “*fireworks*” as “*consumer fireworks*”, “*display fireworks*”, or “*novelties*” as those terms are defined in section 727.2 or ammunition or small arms primers manufactured for use in shotguns, rifles, and pistols. Commercial explosives are those explosives which are intended to be used in commercial or industrial operations.

Sec. 6. Section 331.301, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 17. The board of supervisors may by ordinance or resolution prohibit or limit the use of consumer fireworks or display fireworks, as described in section 727.2, if the board determines that the use of such devices would constitute a threat to public safety or private property, or if the board determines that the use of such devices would constitute a nuisance to neighboring landowners.

Sec. 7. Section 331.304, subsection 8, Code 2017, is amended to read as follows:

8. The board, upon application, may grant permits for the ~~display use of~~ display use of display fireworks as provided in section 727.2.

Sec. 8. Section 364.2, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A city council may by ordinance or resolution prohibit or limit the use of consumer fireworks, display fireworks, or novelties, as described in section 727.2.

Sec. 9. Section 461A.42, subsection 2, Code 2017, is amended to read as follows:

2. The use of consumer fireworks or display fireworks, as defined in section 727.2, in state parks and preserves is prohibited except as authorized by a permit issued by the department.

The commission shall establish, by rule adopted pursuant to chapter 17A, a fireworks permit system which authorizes the issuance of a limited number of permits to qualified persons to use or display fireworks in selected state parks and preserves.

Sec. 10. Section 727.2, Code 2017, is amended to read as follows:

727.2 Fireworks.

1. Definitions. For purposes of this section:

a. “Consumer fireworks” includes first-class consumer fireworks and second-class consumer fireworks as those terms are defined in section 100.19, subsection 1. “Consumer fireworks” does not include novelties enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1 or display fireworks enumerated in chapter 4 of the American pyrotechnics association’s standard 87-1.

b. ~~The term “fireworks”~~ “Display fireworks” includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other device containing any explosive substance. ~~The term “fireworks”~~ “Display fireworks” does not include goldstar-producing sparklers on wires which contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed one-eighth of an inch in diameter, toy snakes which contain no mercury, or caps used in cap pistols ~~novelties or~~ consumer fireworks enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1.

c. “Novelties” includes all novelties enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission.

2. Display fireworks.

a. A person, firm, partnership, or corporation who offers for sale, exposes for sale, sells at retail, or uses or explodes any display fireworks, commits a simple misdemeanor. ~~In addition to any other penalties, the punishment imposed for a violation of this section shall include assessment of, punishable by a fine of not less than two hundred fifty dollars. However, the a~~ city council of a city or a county board of supervisors may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the city or the county board of supervisors when the display fireworks display will be handled by a competent operator, but no such permit shall be required for the display of display fireworks at the Iowa state fairgrounds by the Iowa state fair board, at incorporated county fairs, or at district fairs receiving state aid. Sales of display fireworks for such display may be made for that purpose only.

b. (1) A person who uses or explodes display fireworks while the use of such devices is prohibited or limited by an ordinance or resolution adopted by the county or city in which the firework is used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

(2) A person who uses or explodes display fireworks while the use of such devices is suspended by an order of the state fire marshal commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

3. Consumer fireworks and novelties.

a. A person or a firm, partnership, or corporation may possess, use, or explode consumer fireworks in accordance with this subsection and subsection 4.

b. A person, firm, partnership, or corporation who sells consumer fireworks to a person who is less than eighteen years of age commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. A person who is less than eighteen years of age who purchases consumer fireworks commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

c. (1) A person who uses or explodes consumer fireworks or novelties while the use of such devices is prohibited or limited by an ordinance adopted by the county or city in which

the fireworks are used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

(2) A person who uses or explodes consumer fireworks or novelties while the use of such devices is suspended by an order of the state fire marshal commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

4. Limitations.

a. A person shall not use or explode consumer fireworks on days other than June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive.

b. A person shall not use or explode consumer fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates consumer fireworks shall not be used at times other than between the hours specified:

(1) Between the hours of 9:00 a.m. and 11:00 p.m. on July 4 and the Saturdays and Sundays immediately preceding and following July 4.

(2) Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day.

(3) Between the hours of 9:00 a.m. and 11:00 p.m. on the Saturdays and Sundays immediately preceding and following December 31.

c. A person shall not use consumer fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of consumer fireworks on that property.

d. A person who violates this subsection commits a simple misdemeanor. A court shall not order imprisonment for violation of this subsection.

3. 5. Applicability.

a. This section does not prohibit the sale by a resident, dealer, manufacturer, or jobber of such fireworks as are not prohibited by this section, or the sale of any kind of fireworks if they are to be shipped out of the state, or the sale or use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads or trucks, for signal purposes, or by a recognized military organization.

b. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

c. Unless specifically provided otherwise, this section does not apply to novelties.

DIVISION II
RULEMAKING

Sec. 11. EMERGENCY RULES. The state fire marshal shall adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions 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.

DIVISION III
EFFECTIVE DATE

Sec. 12. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 9, 2017

CHAPTER 116**FIRST-TIME HOMEBUYER SAVINGS ACCOUNTS***S.F. 505*

AN ACT providing for the establishment of first-time homebuyer savings accounts in Iowa, including related individual income tax exemptions, and including applicability provisions.

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

Section 1. Section 422.7, Code 2017, is amended by adding the following new subsection: **NEW SUBSECTION.** 41. a. Subject to the restrictions in paragraph “b”, subtract the sum of the following amounts:

(1) The amount of contributions made by an account holder during the tax year to the account holder’s first-time homebuyer savings accounts, not to exceed the following annual limit:

(a) (i) For married taxpayers who file a joint return and maintain a joint first-time homebuyer savings account, four thousand dollars.

(ii) For any other account holder, two thousand dollars.

(b) For the tax year beginning in the 2018 calendar year and for each subsequent tax year, the director shall multiply each dollar amount set forth in ¹ subparagraph subdivisions (i) and (ii) by the latest cumulative inflation factor, shall round off the resulting product to the nearest one dollar, and shall incorporate the result into the income tax forms and instructions for each tax year. For purposes of this subparagraph division, “*cumulative inflation factor*” means the product of the annual inflation factor for the 2018 calendar year and all annual inflation factors for subsequent calendar years as determined by section 422.4, subsection 1, paragraph “a”. The cumulative inflation factor applies to all tax years beginning on or after January 1 of the calendar year for which the latest annual inflation factor has been determined. Notwithstanding any other provision, the annual inflation factor for the 2018 calendar year is one hundred percent.

(2) To the extent included, income from interest received from the account holder’s first-time homebuyer savings accounts.

b. (1) The subtraction in paragraph “a” shall not exceed the following aggregate lifetime limit:

(a) For married taxpayers who file a joint return and maintain a joint first-time homebuyer savings account, an amount equal to the product of the deductible amount determined for the year in paragraph “a”, subparagraph (1), subparagraph division (a), subparagraph subdivision (i), multiplied by ten.

(b) For any other account holder, an amount equal to the product of the deductible amount determined for the year in paragraph “a”, subparagraph (1), subparagraph division (a), subparagraph subdivision (ii), multiplied by ten.

(2) The subtraction in paragraph “a” shall not be allowed to an account holder upon one of the following dates, whichever occurs first:

(a) January 1 of the tenth calendar year after the calendar year during which the account holder first opened a first-time homebuyer savings account.

(b) The date on which funds within an account holder’s first-time homebuyer savings account are withdrawn for purposes other than the payment or reimbursement of the designated beneficiary’s eligible home costs in connection with a qualified home purchase. Any amount transferred between different first-time homebuyer savings accounts of the same account holder by a person other than the account holder shall not be considered a withdrawal for purposes of this subparagraph division (b).

c. (1) Add, to the extent previously deducted under paragraph “a”, subparagraph (1), the amount withdrawn during the tax year from an account holder’s first-time homebuyer savings account for purposes other than the payment or reimbursement of the designated beneficiary’s eligible home costs in connection with a qualified home purchase.

¹ See chapter 170, §37 herein

(2) For purposes of this paragraph “c”, any amount remaining in an account holder’s first-time homebuyer savings account on January 1 of the tenth calendar year after the calendar year during which the account holder first opened a first-time homebuyer savings account shall be considered immediately withdrawn under subparagraph (1).

(3) For purposes of this paragraph “c”, the transfer of amounts between different first-time homebuyer accounts of the same account holder by a person other than the account holder shall not cause such transfer to be considered a withdrawal under subparagraph (1).

d. For any amount considered a withdrawal required to be added to net income pursuant to paragraph “c”, the account holder shall be assessed a penalty equal to ten percent of the amount of the withdrawal. The penalty shall not apply to withdrawals made by reason of the death of the account holder, or to withdrawals made pursuant to a garnishment, levy, or other order, including but not limited to an order in bankruptcy following a filing for protection under the federal bankruptcy code, 11 U.S.C. §101 et seq.

e. For purposes of this subsection, “account holder”, “designated beneficiary”, “eligible home costs”, “first-time homebuyer savings account”, and “qualified home purchase” mean the same as defined in section 541B.2.

Sec. 2. Section 422.9, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. Subtract interest, taxes, and other miscellaneous expenses deductible for federal income tax purposes to the extent such amounts are eligible home costs in connection with a qualified home purchase that were paid or reimbursed from funds in a first-time homebuyer savings account. For purposes of this paragraph, “eligible home costs”, “first-time homebuyer savings account”, and “qualified home purchase” mean the same as defined in section 541B.2.

Sec. 3. **NEW SECTION. 541B.1 Short title.**

This chapter may be cited as the “Iowa First-Time Homebuyer Savings Account Act”.

Sec. 4. **NEW SECTION. 541B.2 Definitions.**

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

1. “Account holder” means an individual who establishes, either individually or jointly with the individual’s spouse, a first-time homebuyer savings account pursuant to section 541B.3.

2. “Department” means the department of revenue.

3. “Designated beneficiary” means an individual meeting the requirements of section 541B.3, subsection 2, and designated by an account holder as beneficiary of the account holder’s first-time homebuyer savings account pursuant to section 541B.3, subsection 2.

4. a. “Eligible home costs” means the following:

(1) The down payment for the purchase of a single-family residence in Iowa by a designated beneficiary.

(2) A cost, fee, tax, or payment incurred by, or charged or assigned to, a designated beneficiary for the purchase of a single-family residence in Iowa, and listed on the statement of receipts and disbursements for the sale, including any statement prescribed by 12 C.F.R. §1026.38, as amended.

b. “Eligible home costs” includes any United States veterans administration funding fee incurred by, or charged or assigned to, a designated beneficiary in connection with a veterans administration home loan guaranty program.

5. “Financial institution” means a state or federally chartered bank, savings and loan association, credit union, or trust company in this state.

6. “First-time homebuyer” means an individual who is a resident of Iowa and who does not own, either individually or jointly, a single-family or multifamily residence, and who has not owned or purchased, either individually or jointly, a single-family or multifamily residence for a period of three years prior to all of the following:

a. The date on which the individual is named as a designated beneficiary of a first-time homebuyer savings account.

b. The date of the qualified home purchase for which the eligible home costs are paid or reimbursed from a first-time homebuyer savings account.

7. “*First-time homebuyer savings account*” means an account that meets the requirements of sections 541B.3 and 541B.4 and that was established for the purpose of paying or reimbursing a designated beneficiary’s eligible home costs in connection with a qualified home purchase.

8. “*Individual*” means a natural person.

9. “*Qualified home purchase*” means, with respect to a first-time homebuyer savings account, the purchase of a single-family residence in Iowa by the account’s designated beneficiary ninety or more days after the date the account holder first opened a first-time homebuyer savings account.

10. “*Resident*” means the same as defined in section 422.4.

11. “*Single-family residence*” means a single-family residence owned and occupied by a designated beneficiary as the designated beneficiary’s principal residence, including but not limited to a manufactured home, mobile home, condominium unit, or cooperative.

Sec. 5. NEW SECTION. 541B.3 First-time homebuyer savings account.

1. Establishment of account.

a. Beginning January 1, 2018, an individual may open an interest-bearing savings account with a financial institution and designate the entire account as a first-time homebuyer savings account for the purpose of paying or reimbursing a designated beneficiary’s eligible home costs in connection with a qualified home purchase. The first-time homebuyer savings account designation shall be made no later than April 30 of the year following the tax year during which the account is opened, on forms provided by the department.

b. A married couple electing to file a joint Iowa individual income tax return may establish a joint first-time homebuyer savings account. Married taxpayers electing to file separate tax returns or separately on a combined tax return for Iowa tax purposes shall not establish or maintain a joint first-time homebuyer savings account.

c. An individual may establish more than one first-time homebuyer savings account, provided each account has a different designated beneficiary.

2. Designation of beneficiary.

a. The account holder shall designate one individual as beneficiary of the first-time homebuyer savings account. The designation shall be made on forms provided by the department and no later than April 30 of the year following the tax year during which the account is opened. The account holder may change the designated beneficiary of the first-time homebuyer savings account at any time.

b. The account holder and designated beneficiary of a first-time homebuyer savings account may be the same individual.

c. An individual may be the designated beneficiary of more than one first-time homebuyer savings account.

d. The designated beneficiary of a first-time homebuyer savings account must be a first-time homebuyer.

Sec. 6. NEW SECTION. 541B.4 Account administration — account holder responsibilities.

1. *Account contributions.* Contributions to a first-time homebuyer savings account may be made by any person in the form of cash. There is no limitation on the amount of contributions that may be made to or retained in a first-time homebuyer savings account.

2. *Account expenses.* The account holder shall not use funds held in a first-time homebuyer savings account to pay expenses, if any, of administering the account, except that all fees and charges assessed by the financial institution may be deducted from the account by the financial institution where the account is held.

3. *Required reports.* The account holder shall submit the following information to the department:

a. An annual report for the first-time homebuyer savings account on forms furnished by the department. The report shall be included with the Iowa income tax return of the account holder.

b. A copy of the federal internal revenue service form 1099, or other similar federal internal revenue service income reporting form, if any, issued for the first-time homebuyer savings

account to the account holder by the financial institution where the account is held. The form shall be included with the Iowa income tax return of the account holder.

c. Upon a withdrawal of funds from a first-time homebuyer savings account, a transaction report on forms furnished by the department.

4. *Withdrawal of funds.* The account holder may withdraw funds from a first-time homebuyer savings account at any time.

Sec. 7. NEW SECTION. 541B.5 Financial institution protections.

Nothing in this chapter shall be construed to require a financial institution to do any of the following, or to be responsible or liable for any of the following:

1. Designate or label within the financial institution's account contracts, systems, or in any other manner, an account as a first-time homebuyer savings account.

2. Ascertain or verify the purpose of a withdrawal of funds from a first-time homebuyer savings account, or track the destination or use of the withdrawn funds.

3. Allocate funds in a first-time homebuyer savings account to a designated beneficiary or among joint account holders.

4. Report any information to the department or any other governmental agency.

5. Determine or ensure that an account satisfies the requirements to be a first-time homebuyer savings account.

6. Determine or ensure that funds withdrawn from a first-time homebuyer savings account are used for the payment or reimbursement of a designated beneficiary's eligible home costs in connection with a qualified home purchase.

7. Report or remit taxes or penalties related to the ownership or use of a first-time homebuyer savings account.

8. Include the name of a beneficiary in the title of a first-time homebuyer savings account, or document the change of any beneficiary to a first-time homebuyer savings account.

Sec. 8. NEW SECTION. 541B.6 Tax considerations.

The state income tax treatment of a first-time homebuyer savings account shall be as provided in section 422.7, subsection 41, and section 422.9, subsection 2, paragraph "k".

Sec. 9. NEW SECTION. 541B.7 Rules and forms.

1. The department shall adopt rules to implement and administer this chapter.

2. The department shall create and make available forms to be used in complying with this chapter, including but not limited to the following:

a. A form for designating an account as a first-time homebuyer savings account pursuant to section 541B.3, subsection 1, paragraph "a".

b. A form for designating an individual as beneficiary of a first-time homebuyer savings account pursuant to section 541B.3, subsection 2, paragraph "a".

c. A first-time homebuyer savings account annual report as required in section 541B.4, subsection 3, paragraph "a". The report shall require, at a minimum, a list of transactions occurring on the account during the tax year, and shall identify any supporting documentation to be included with the report or maintained by the taxpayer.

d. A transaction report as required in section 541B.4, subsection 3, paragraph "c", which report shall require, at a minimum, information regarding the eligible home costs to which any withdrawn funds were applied in connection with a qualified home purchase, and information regarding the amount of funds remaining, if any, in a first-time homebuyer savings account.

Sec. 10. APPLICABILITY. The following provision or provisions of this Act apply to tax years beginning on or after January 1, 2018:

1. The section of this Act enacting section 422.7, subsection 41.

2. The section of this Act enacting section 422.9, subsection 2, paragraph "k".

CHAPTER 117**HARASSMENT — NONCONSENSUAL DISCLOSURE OF INFORMATION***H.F. 526*

AN ACT relating to the criminal offense of harassment or invasion of privacy, providing penalties, and making penalties applicable.

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

Section 1. Section 232.8, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* The juvenile court shall have exclusive jurisdiction in a proceeding concerning a child under the age of eighteen alleged to have committed the offense of harassment in violation of section 708.7, subsection 1, paragraph “a”, subparagraph (5).

Sec. 2. Section 708.7, Code 2017, is amended to read as follows:

708.7 Harassment.

1. *a.* A person commits harassment when, with intent to intimidate, annoy, or alarm another person, the person does any of the following:

(1) Communicates with another by telephone, telegraph, writing, or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

(2) Places a simulated explosive or simulated incendiary device in or near a building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person.

(3) Orders merchandise or services in the name of another, or to be delivered to another, without the other person’s knowledge or consent.

(4) Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the act did not occur.

(5) Disseminates, publishes, distributes, posts, or causes to be disseminated, published, distributed, or posted a photograph or film showing another person in a state of full or partial nudity or engaged in a sex act, knowing that the other person has not consented to the dissemination, publication, distribution, or posting.

~~*b.* A person commits harassment when the person, purposefully and without legitimate purpose, has personal contact with another person, with the intent to threaten, intimidate, or alarm that other person. As used in this section, unless the context otherwise requires, “personal contact” means an encounter in which two or more people are in visual or physical proximity to each other. “Personal contact” does not require a physical touching or oral communication, although it may include these types of contacts.~~

2. *a.* A person commits harassment in the first degree when the person commits harassment involving a any of the following:

(1) A threat to commit a forcible felony, or commits.

(2) A violation of subsection 1, paragraph “a”, subparagraph (5).

(3) Commits harassment and has previously been convicted of harassment three or more times under this section or any similar statute during the preceding ten years.

b. Harassment in the first degree is an aggravated misdemeanor.

3. *a.* A person commits harassment in the second degree when the person commits harassment involving a threat to commit bodily injury, or commits harassment and has previously been convicted of harassment two times under this section or any similar statute during the preceding ten years.

b. Harassment in the second degree is a serious misdemeanor.

4. *a.* Any other act of harassment is harassment in the third degree.

b. Harassment in the third degree is a simple misdemeanor.

5. For purposes of determining whether or not the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126. However, the fact finder shall not make a determination as provided in section 692A.126 regarding a juvenile convicted of a violation of subsection 1,

paragraph “a”, subparagraph (5), and the juvenile shall not be required to register as a sex offender with regard to the violation.

6. The following do not constitute harassment under subsection 1, paragraph “a”, subparagraph (5):

a. A photograph or film involving voluntary exposure by a person in public or commercial settings.

b. Disclosures made in the public interest, including but not limited to the reporting of unlawful conduct, disclosures by law enforcement, news reporting, legal proceeding disclosures, or medical treatment disclosures.

c. Disclosures by an interactive computer service of information provided by another information content provider, as those terms are defined in 47 U.S.C. §230.

7. As used in this section, unless the context otherwise requires:

a. “Full or partial nudity” means the showing of any part of the human genitals or pubic area or buttocks, or any part of the nipple of the breast of a female, with less than fully opaque covering.

b. “Personal contact” means an encounter in which two or more people are in visual or physical proximity to each other. “Personal contact” does not require a physical touching or oral communication, although it may include these types of contacts.

c. “Photographs or films” means the making of any photograph, motion picture film, videotape, or any other recording or transmission of the image of a person.

d. “Sex act” means the same as defined in section 702.17.

Sec. 3. Section 709.21, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. The other person ~~does not have knowledge about and~~ does not consent or is unable to consent to being viewed, photographed, or filmed.

Approved May 9, 2017

CHAPTER 118

TAX-SHELTERED INVESTMENT PROGRAM — AUTHORIZED INVESTMENT VEHICLES

H.F. 569

AN ACT concerning authorized investment vehicles in a tax-sheltered investment program established by the department of administrative services.

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

Section 1. Section 8A.438, subsection 1, Code 2017, is amended to read as follows:

1. The director may establish a tax-sheltered investment program for eligible employees. The director may arrange for the provision of investment vehicles authorized under section 403(b) of the Internal Revenue Code, as defined in section 422.3. The tax-sheltered investment program shall include investment vehicles authorized under section 403(b) of the Internal Revenue Code provided by any insurance company or investment company that is recommended for inclusion in the program by a person licensed as an insurance producer under chapter 522B, or registered as a securities agent or investment adviser representative under chapter 502, by the insurance division of the department of commerce. The director shall require each insurance company and investment company included in the program to utilize the third party administrator selected by the department and a common remitter, and shall limit the total number of insurance companies and investment companies in the program to no more than thirty. To be eligible for inclusion in the program, an insurance company shall have filed with, and had the company’s contract and forms approved by, the insurance division of the department of commerce, and an investment company shall be

registered with the federal securities and exchange commission. The department may offer the tax-sheltered investment program to eligible public employers in the state of Iowa.

Approved May 9, 2017

CHAPTER 119

REGULATION OF ALCOHOLIC BEVERAGES

H.F. 607

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:

DIVISION I ALCOHOLIC BEVERAGE CONTROL

Section 1. Section 123.3, subsection 25, Code 2017, is amended to read as follows:

25. "Licensed premises" or "premises" means all rooms, enclosures, contiguous areas, or places susceptible of precise description satisfactory to the administrator where alcoholic beverages, wine, or beer is sold or consumed under authority of a liquor control license, wine permit, or beer permit. A single licensed premises may consist of multiple rooms, enclosures, areas, or places if they are wholly within the confines of a single building or contiguous grounds, or areas or places susceptible of precise description satisfactory to the administrator.

Sec. 2. Section 123.22, Code 2017, is amended to read as follows:

123.22 State monopoly.

1. The division has the exclusive right of importation into the state of all forms of alcoholic liquor, except as otherwise provided in this chapter, and a person shall not import alcoholic liquor, except that an individual of legal age may import and have in the individual's possession an amount of alcoholic liquor not exceeding one liter or, in the case of alcoholic liquor personally obtained outside the United States, four liters for personal consumption only in a private home or other private accommodation. A distillery shall not sell alcoholic liquor within the state to any person but only to the division, except as otherwise provided in this chapter. This section vests in the division exclusive control within the state as purchaser of all alcoholic liquor sold by distilleries within the state or imported, except beer and wine, and except as otherwise provided in this chapter. The division shall receive alcoholic liquor on a bailment system for resale by the division in the manner set forth in this chapter. The division shall act as the sole wholesaler of alcoholic liquor to class "E" liquor control licensees.

2. No person, acting individually or through another acting for the person shall directly or indirectly, or upon any pretense, or by any device, manufacture, sell, exchange, barter, dispense, give in consideration of the purchase of any property or of any services or in evasion of this chapter, or keep for sale, or have possession of any intoxicating liquor, except as provided in this chapter; or own, keep, or be in any way concerned, engaged, or employed in owning or keeping, any intoxicating liquor with intent to violate any provision of this chapter, or authorize or permit the same to be done; or manufacture, own, sell, or have possession of any manufactured or compounded article, mixture or substance, not in a liquid form, and containing alcohol which may be converted into a beverage by a process of pressing or straining the alcohol therefrom, or any instrument intended for use and capable of being used in the manufacture of intoxicating liquor; or own or have possession of any material used exclusively in the manufacture of intoxicating liquor; or use or have possession of any material with intent to use it in the manufacture of intoxicating liquors; however, alcohol may

be manufactured for industrial and nonbeverage purposes by persons who have qualified for that purpose as provided by the laws of the United States and the laws of this state. Such alcohol, so manufactured, may be denatured, transported, used, possessed, sold, and bartered and dispensed, subject to the limitations, prohibitions and restrictions imposed by the laws of the United States and this state. Any person may manufacture, sell, or transport ingredients and devices other than alcohol for the making of homemade wine or beer.

Sec. 3. Section 123.23, subsection 2, Code 2017, is amended to read as follows:

2. At the time of applying for a certificate of compliance, each applicant shall submit to the division electronically, or in a manner prescribed by the administrator, the name and address of its authorized agent for service of process which shall remain effective until changed for another, and a list of names and addresses of all representatives, employees, or attorneys whom the applicant has appointed in the state of Iowa to represent it for any purpose. The listing shall be amended ~~from time to time~~ by the certificate holder as necessary to keep the listing current with the division.

Sec. 4. Section 123.28, Code 2017, is amended to read as follows:

123.28 Restrictions on transportation.

1. It is lawful to transport, carry, or convey alcoholic liquors from the place of purchase by the division to a state warehouse or depot established by the division or from one such place to another and, when so permitted by this chapter, it is lawful for the division, a common carrier, or other person to transport, carry, or convey alcoholic liquor sold from a state warehouse, depot, or point of purchase by the state to any place to which the liquor may be lawfully delivered under this chapter.

2. The division shall deliver alcoholic liquor purchased by class "E" liquor control licensees. Class "E" liquor control licensees may deliver alcoholic liquor purchased by class "A", "B", or "C" liquor control licensees, and class "A", "B", or "C" liquor control licensees may transport alcoholic liquor purchased from class "E" liquor control licensees.

3. A common carrier or other person shall not break or open or allow to be broken or opened a container or package containing alcoholic liquor or use or drink or allow to be used or drunk any alcoholic liquor while it is being transported or conveyed, ~~but this~~.

4. This section does not prohibit a private person from transporting individual bottles or containers of alcoholic liquor exempted pursuant to section 123.22 and individual bottles or containers bearing the identifying mark prescribed in section 123.26 which have been opened previous to the commencement of the transportation.

5. This section does not affect the right of a special permit or liquor control license holder to purchase, possess, or transport alcoholic liquors subject to this chapter.

Sec. 5. Section 123.30, subsection 1, paragraph c, Code 2017, is amended to read as follows:

c. As a further condition for the issuance of a class "E" liquor control license, the applicant shall post a bond in a sum of not less than five thousand nor more than fifteen thousand dollars as determined on a sliding scale established by the division; however, a bond shall not be required if all purchases of alcoholic liquor from the division by the licensee are made ~~by cash payment~~ or by means that ensure that the division will receive full payment in advance of delivery of the alcoholic liquor.

Sec. 6. Section 123.31, subsections 6 and 7, Code 2017, are amended by striking the subsections.

Sec. 7. Section 123.32, subsection 6, paragraph b, Code 2017, is amended to read as follows:

b. Upon receipt of an application having been approved by the local authority, the division shall make an investigation as the administrator deems necessary to determine that the applicant complies with all requirements for holding a license or permit, and may require the applicant to appear to be examined under oath to demonstrate that the applicant complies with all of the requirements to hold a license or permit. If the administrator requires the applicant to appear and to testify under oath, a record shall be made of all testimony

or evidence and the record shall become a part of the application. The administrator may appoint a member of the division or may request an administrative law judge of the department of inspections and appeals to receive the testimony under oath and evidence, and to issue a proposed decision to approve or disapprove the application for a license or permit. The administrator may affirm, reverse, or modify the proposed decision to approve or disapprove the application for the license or permit. If the application is approved by the administrator, the license or permit shall be issued. If the application is disapproved by the administrator, the applicant and the appropriate local authority shall be so notified by certified mail and the appropriate local authority shall be notified electronically, or in a manner prescribed by the administrator.

Sec. 8. Section 123.33, Code 2017, is amended to read as follows:

123.33 Records.

~~Every holder of a liquor control license shall keep a daily record, in printed or electronic format, of the gross receipts of the holder's business or permit under this chapter shall~~ maintain records, in printed and electronic format, which include income statements, balance sheets, purchase and sales invoices, purchase and sales ledgers, and any other records as the administrator may require. The records required and the premises of the licensee or permittee shall be accessible and open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the licensee or permittee.

Sec. 9. Section 123.34, subsection 1, Code 2017, is amended to read as follows:

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.~~ However, after a period of two months the applicant may apply for a new seasonal license or permit for the same location.

Sec. 10. Section 123.49, subsection 2, paragraph b, Code 2017, is amended to read as follows:

b. Sell or dispense any alcoholic beverage ~~or beer~~ on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday, however, a holder of a liquor control license or retail wine or beer permit granted the privilege of selling alcoholic liquor, wine, or beer on Sunday may sell or dispense alcoholic liquor, wine, or beer between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday.

Sec. 11. Section 123.49, subsection 2, paragraph k, Code 2017, is amended by striking the paragraph.

Sec. 12. Section 123.51, subsection 1, Code 2017, is amended to read as follows:

1. No signs or other matter advertising any brand of alcoholic liquor, beer, or wine shall be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell alcoholic liquor, beer, or wine at retail. ~~This subsection does not prohibit the use of signs~~ However, signs or other advertising matter may be erected or placed inside the premises, inside a fence or similar enclosure which wholly or partially surrounds the licensed premises, or inside a window facing outward from the premises.

Sec. 13. Section 123.175, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

123.175 Class "A" or retail wine permit application and issuance.

1. A person applying for a class “A” or retail wine permit shall submit an application electronically, or in a manner prescribed by the administrator, which shall set forth under oath the following:

a. The name and place of residence of the applicant.

b. The names and addresses of all persons or, in the case of a corporation, the officers, directors, and persons owning or controlling ten percent or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise, in the business.

c. The location of the premises where the applicant intends to operate.

d. The name of the owner of the premises and if the owner of the premises is not the applicant, whether the applicant is the actual lessee of the premises.

e. When required by the administrator, and in such form and containing such information as the administrator may require, a description of the premises where the applicant intends to use the permit, to include a sketch or drawing of the premises and, if applicable, the number of square feet of interior floor space which comprises the retail sales area of the premises.

f. Whether any person specified in paragraph “b” has ever been convicted of any offense against the laws of the United States, or any state or territory thereof, or any political subdivision of any such state or territory.

g. Any other information as required by the administrator.

2. The administrator shall issue a class “A” or retail wine permit to any applicant who establishes all of the following:

a. That the applicant has submitted a completed application as required by subsection 1.

b. That the applicant is a person of good moral character as provided in section 123.3, subsection 34.

c. That the applicant is a citizen of the state of Iowa or, if a corporation, that the applicant is authorized to do business in the state.

d. That the premises where the applicant intends to use the permit conforms to all applicable laws, health regulations, and fire regulations, and constitutes a safe and proper place or building.

e. That the applicant gives consent to a person, pursuant to section 123.30, subsection 1, to enter upon the premises without a warrant during the business hours of the applicant to inspect for violations of the provisions of this chapter or ordinances and regulations that local authorities may adopt.

f. That the applicant has submitted, in the case of a class “A” wine permit, a bond in the amount of five thousand dollars in a manner prescribed by the administrator with good and sufficient sureties to be approved by the division conditioned upon compliance with this chapter.

Sec. 14. Section 123.177, Code 2017, is amended by adding the following new subsection:
NEW SUBSECTION. 3. A class “A” wine permit holder may sell wine to a person holding both a class “B” beer permit and a class “A” beer permit pursuant to section 123.131, subsection 4.

Sec. 15. Section 123.178B, subsection 4, Code 2017, is amended to read as follows:

4. A person holding a class “C” native wine permit and a class “A” wine permit whose primary purpose is manufacturing native wine may purchase beer from a wholesaler holding a class “A” beer permit for sale at retail for consumption on or off the premises covered by the class “C” native wine permit.

Sec. 16. Section 123.180, subsection 2, Code 2017, is amended to read as follows:

2. At the time of applying for a vintner’s certificate of compliance, each applicant shall file with the division a list of all class “A” wine permittees with whom it intends to do business. The listing of class “A” wine permittees as filed with the division may shall be amended ~~from time to time~~ by the holder of the certificate of compliance as necessary to keep the listing current with the division.

Sec. 17. Section 123.183, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. Revenue collected from the wine gallonage tax on wine manufactured for sale and sold at wholesale in this state, and on wine subject to direct shipment as provided in section 123.187 by a wine manufacturer licensed or permitted pursuant to laws regulating alcoholic beverages in this state, shall be deposited in the wine gallonage tax fund as created in this section.

Sec. 18. Section 123.187, subsection 2, paragraph c, Code 2017, is amended to read as follows:

c. An application submitted pursuant to paragraph “a” shall also be accompanied by a bond in the amount of five thousand dollars in the form prescribed and furnished by the division with good and sufficient sureties to be approved by the division conditioned upon compliance with this chapter. However, a wine manufacturer that has submitted a bond pursuant to section 123.175, subsection 3 2, paragraph “f”, shall not be required to provide a bond as provided in this paragraph.

DIVISION II BEER PERMITS

Sec. 19. Section 123.30, subsection 3, paragraph e, subparagraph (1), Code 2017, is amended to read as follows:

(1) A class “E” liquor control license may be issued and shall authorize the holder to purchase alcoholic liquor from the division only and high alcoholic content beer from a class “AA” “A” beer permittee only and to sell the alcoholic liquor and high alcoholic content beer to patrons for consumption off the licensed premises and to other liquor control licensees. A holder of a class “E” liquor control license may hold other retail liquor control licenses or retail wine or beer permits, but the premises licensed under a class “E” liquor control license shall be separate from other licensed premises, though the separate premises may have a common entrance. However, the holder of a class “E” liquor control license may also hold a class “B” wine or class “C” beer permit or both for the premises licensed under a class “E” liquor control license.

Sec. 20. Section 123.124, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

123.124 Beer permits — classes.

Permits for the manufacture and sale, or sale, of beer shall be divided into four classes, known as class “A”, special class “A”, class “B”, or class “C” beer permits. A holder of a class “A” or special class “A” beer permit shall have the authority as provided in section 123.130. A holder of a class “B” beer permit shall have the authority as provided in section 123.131, and a holder of a class “C” beer permit shall have the authority as provided in section 123.132.

Sec. 21. Section 123.125, Code 2017, is amended to read as follows:

123.125 Issuance of beer permits.

The administrator shall issue class “A”, special class “A”, ~~class “AA”, special class “AA”~~, class “B”, and class “C” beer permits and may suspend or revoke permits for cause as provided in this chapter.

Sec. 22. Section 123.127, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

123.127 Class “A” and special class “A” beer permit application and issuance.

1. A person applying for a class “A” or special class “A” beer permit shall submit an application electronically, or in a manner prescribed by the administrator, which shall set forth under oath the following:

- a. The name and place of residence of the applicant.
- b. The names and addresses of all persons or, in the case of a corporation, the officers, directors, and persons owning or controlling ten percent or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise, in the business.
- c. The location of the premises where the applicant intends to operate.

d. The name of the owner of the premises and if the owner of the premises is not the applicant, whether the applicant is the actual lessee of the premises.

e. When required by the administrator, and in such form and containing such information as the administrator may require, a description of the premises where the applicant intends to use the permit, to include a sketch or drawing of the premises and, if applicable, the number of square feet of interior floor space which comprises the retail sales area of the premises.

f. Whether any person specified in paragraph "b" has ever been convicted of any offense against the laws of the United States, or any state or territory thereof, or any political subdivision of any such state or territory.

g. Any other information as required by the administrator.

2. The administrator shall issue a class "A" or special class "A" beer permit to any applicant who establishes all of the following:

a. That the applicant has submitted a completed application as required by subsection 1.

b. That the applicant is a person of good moral character as provided in section 123.3, subsection 34.

c. That the applicant is a citizen of the state of Iowa or, if a corporation, that the applicant is authorized to do business in the state.

d. That the premises where the applicant intends to use the permit conforms to all applicable laws, health regulations, and fire regulations, and constitutes a safe and proper place or building.

e. That the applicant gives consent to a person, pursuant to section 123.30, subsection 1, to enter upon the premises without a warrant during the business hours of the applicant to inspect for violations of the provisions of this chapter or ordinances and regulations that local authorities may adopt.

f. That the applicant has submitted a bond in the amount of ten thousand dollars in a manner prescribed by the administrator with good and sufficient sureties to be approved by the division conditioned upon compliance with this chapter.

g. If the person is applying for a special class "A" beer permit, that the applicant holds or has applied for a class "C" liquor control license or class "B" beer permit.

Sec. 23. Section 123.128, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. All the information required of an applicant by section 123.127, subsection 1, ~~paragraph "a"~~.

Sec. 24. Section 123.128, subsection 2, Code 2017, is amended to read as follows:

2. ~~Fulfills the requirements of section 123.127, subsection 1, paragraph paragraphs "b", "c", and "d"~~.

Sec. 25. Section 123.129, subsection 2, paragraphs a and b, Code 2017, are amended to read as follows:

a. Submits an application electronically, or in a manner prescribed by the administrator, which shall state under oath all the information required of an applicant by section 123.127, subsection 1, ~~paragraph "a"~~.

b. ~~Establishes that the person is of good moral character as defined by this chapter~~ Fulfills the requirements of section 123.127, subsection 2, paragraphs "b", "c", and "d".

Sec. 26. Section 123.129, subsection 2, paragraph d, Code 2017, is amended by striking the paragraph.

Sec. 27. Section 123.130, Code 2017, is amended to read as follows:

123.130 Authority under class "A", class "AA", and 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, both a class "C" native wine permit and a class "A" wine permit pursuant to section 123.178B, subsection 4, or liquor control licenses issued in accordance

with the provisions of this chapter. A class "A", ~~class "AA", or 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 at retail at the manufacturing premises for consumption off the premises beer that is transferred at the time of sale to another container subject to the requirements of section 123.131, subsection 2, 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. 28. Section 123.131, Code 2017, is amended to read as follows:

123.131 Authority under class "B" beer permit.

1. 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. Sales of beer for consumption off the premises made pursuant to this section shall be made in original containers except as provided in subsection 2. 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.

2. Subject to the rules of the division, sales of beer for consumption off the premises 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 rules of the division 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. A person holding a class "B" beer permit and a class "A" beer permit whose primary purpose is manufacturing beer may purchase wine from a wholesaler holding a class "A" wine permit for sale at retail for consumption on the premises covered by the class "B" beer permit.

Sec. 29. Section 123.134, subsection 1, Code 2017, is amended to read as follows:

1. The annual permit fee for a class "A" or special class "A" beer permit is ~~two~~ seven hundred fifty dollars.

Sec. 30. Section 123.134, subsection 2, Code 2017, is amended by striking the subsection.

Sec. 31. Section 123.135, Code 2017, is amended to read as follows:

123.135 Certificate of compliance — civil penalty.

1. A manufacturer, brewer, bottler, importer, or vendor of beer, or any agent thereof, desiring to ship or sell beer, or have beer brought into this state for resale by a class "A" or class "AA" beer permittee, shall first make application for and be issued a brewer's certificate of compliance by the administrator for that purpose. The certificate of compliance expires at the end of one year from the date of issuance and shall be renewed for a like period upon application to the administrator unless otherwise revoked for cause. Each application for a certificate of compliance or renewal of a certificate shall be submitted electronically, or in a manner prescribed by the administrator, and shall be accompanied by a fee of five hundred dollars payable to the division. Each holder of a certificate of compliance shall furnish the information in a manner the administrator requires.

2. At the time of applying for a certificate of compliance, each applicant shall file with the division a list of all class "A" and class "AA" beer permittees with whom it intends to do business and shall designate the geographic area in which its products are to be distributed by such permittee. The listing of class "A" and class "AA" beer permittees and geographic area as filed with the division may shall be amended from time to time by the holder of a certificate of compliance as necessary to keep the listing current with the division.

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. 32. Section 123.136, subsection 1, Code 2017, 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 and on all beer sold at retail at the manufacturing premises for consumption off the premises pursuant to section 123.130, subsection 3, 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. 33. Section 123.137, subsection 1, Code 2017, is amended to read as follows:

1. A person holding a class "A", class "AA", or 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. 34. Section 123.138, subsection 1, Code 2017, is amended to read as follows:

1. Each class “A”, ~~class “AA”, or 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. 35. Section 123.139, Code 2017, is amended to read as follows:

123.139 Separate locations — class “A”, ~~class “AA”, or special class “A”, or special class “AA”~~ beer permit.

A class “A”, ~~class “AA”, or 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. 36. Section 123.142, Code 2017, 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. 37. Section 123.143, subsection 3, Code 2017, 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. 38. Section 123.144, subsection 1, Code 2017, is amended to read as follows:

1. No person shall bottle beer within the state of Iowa, except class “A”, ~~and 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”, ~~and special class “A”, class “AA”, and special class “AA”~~ beer permittees who desire to bottle beer.

DIVISION III NATIVE DISTILLED SPIRITS

Sec. 39. Section 123.3, subsections 28 and 29, Code 2017, are amended to read as follows:

28. ~~“Micro-distilled “Native distilled spirits” means distilled spirits fermented, distilled, or, for a period of two years, barrel matured on the licensed premises of the micro-distillery native distillery where fermented, distilled, or matured. “Micro-distilled spirits” “Native distilled spirits” also includes blended or mixed spirits comprised solely of spirits fermented, distilled, or, for a period of two years, barrel matured at a micro-distillery native distillery.~~

29. ~~“Micro-distillery” “Native distillery” means a business with an operational operating still which, combining all production facilities of the business, produces and manufactures less than fifty thousand proof gallons of native distilled spirits on an annual basis.~~

Sec. 40. Section 123.30, subsection 3, paragraph c, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) A class “C” native distilled spirits liquor control license may be issued to a native distillery but shall be issued in the name of the individuals who actually own the business and shall only be issued to a native distillery which, combining all production facilities of the business, produces and manufactures not more than one hundred thousand proof gallons of distilled spirits on an annual basis. The license shall authorize the holder to sell native distilled spirits manufactured on the premises of the native distillery to patrons by the individual drink for consumption on the premises. All native distilled spirits sold by a native distillery for on-premises consumption shall be purchased from a class “E” liquor control licensee.

Sec. 41. Section 123.32, subsection 1, Code 2017, is amended to read as follows:

1. *Filing of application.* An application for a class “A”, class “B”, class “C”, or class “E” liquor control license, for a class “A” ~~micro-distilled native distilled spirits permit~~ license, for a retail beer permit as provided in sections 123.128 and 123.129, or for a class “B”, class “B” native, or class “C” native retail wine permit as provided in section 123.178, 123.178A, or 123.178B, accompanied by the necessary fee and bond, if required, shall be filed with the appropriate city council if the premises for which the license or permit is sought are located within the corporate limits of a city, or with the board of supervisors if the premises for which the license or permit is sought are located outside the corporate limits of a city. An application for a class “D” liquor control license and for a class “A” beer or class “A” wine permit, accompanied by the necessary fee and bond, if required, shall be submitted to the division electronically, or in a manner prescribed by the administrator, which shall proceed in the same manner as in the case of an application approved by local authorities.

Sec. 42. Section 123.36, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Class “C” native distilled spirits liquor control license, the sum of two hundred fifty dollars.

Sec. 43. Section 123.36, subsection 5, Code 2017, is amended to read as follows:

5. Any club, hotel, motel, native distillery, or commercial establishment holding a liquor control license, subject to section 123.49, subsection 2, paragraph “b”, may apply for and receive permission to sell and dispense alcoholic liquor and wine to patrons on Sunday for consumption on the premises only, and beer for consumption on or off the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday. A class “D” liquor control licensee may apply for and receive permission to sell and dispense alcoholic beverages to patrons for consumption on the premises only between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday. For the privilege of selling beer, wine, and alcoholic liquor on the premises on Sunday the liquor control license fee of the applicant shall be increased by twenty percent of the regular fee prescribed for the license pursuant to this section, and the privilege shall be noted on the liquor control license.

Sec. 44. NEW SECTION. **123.43 Class “A” native distilled spirits license — application and issuance — fees.**

1. A person applying for a class “A” native distilled spirits license shall submit an application electronically, or in a manner prescribed by the administrator, which shall set forth under oath the following:

- a. The name and place of residence of the applicant.
- b. The names and addresses of all persons or, in the case of a corporation, the officers, directors, and persons owning or controlling ten percent or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise, in the business.
- c. The location of the premises where the applicant intends to operate.
- d. The name of the owner of the premises and if the owner of the premises is not the applicant, whether the applicant is the actual lessee of the premises.
- e. When required by the administrator, and in such form and containing such information as the administrator may require, a description of the premises where the applicant intends to

use the license, to include a sketch or drawing of the premises and, if applicable, the number of square feet of interior floor space which comprises the retail sales area of the premises.

f. Whether any person specified in paragraph "b" has ever been convicted of any offense against the laws of the United States, or any state or territory thereof, or any political subdivision of any such state or territory.

g. Any other information as required by the administrator.

2. Except as otherwise provided in this chapter, the administrator shall issue a class "A" native distilled spirits license to any applicant who establishes all of the following:

a. That the applicant has submitted a completed application as required by subsection 1.

b. That the applicant is a person of good moral character as provided in section 123.3, subsection 34.

c. That the applicant is a citizen of the state of Iowa or, if a corporation, that the applicant is authorized to do business in the state.

d. That the applicant is a bona fide manufacturer of alcoholic liquors, and that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of alcoholic liquor.

e. That the premises where the applicant intends to use the license conforms to all applicable laws, health regulations, and fire regulations, and constitutes a safe and proper place or building.

f. That the applicant gives consent to a person, pursuant to section 123.30, subsection 1, to enter upon the premises without a warrant during the business hours of the applicant to inspect for violations of the provisions of this chapter or ordinances and regulations that local authorities may adopt.

3. A class "A" native distilled spirits license for a native distillery shall be issued and renewed annually upon payment of a fee of five hundred dollars.

4. A violation of the requirements of this chapter shall subject the licensee to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty or suspension or revocation of the license after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A.

Sec. 45. Section 123.43A, Code 2017, is amended to read as follows:

123.43A ~~Micro-distilled spirits~~ — ~~permit~~ Native distilleries.

1. Subject to rules of the division, a ~~micro-distillery~~ native distillery holding a class "A" ~~micro-distilled native distilled spirits permit pursuant to this section~~ license issued pursuant to section 123.43 may sell or offer for sale ~~micro-distilled native distilled~~ native distilled spirits. As provided in this section, sales of native distilled spirits manufactured on the premises may be made at retail for off-premises consumption when sold on the premises of the ~~micro-distillery~~ native distillery that manufactures ~~micro-distilled native distilled~~ native distilled spirits. All sales intended for resale in this state shall be made through the state's wholesale distribution system.

2. A ~~micro-distillery~~ native distillery shall not sell more than one and one-half liters per person per day, of ~~micro-distilled native distilled~~ native distilled spirits on the premises of the ~~micro-distillery~~ native distillery. However, a native distillery which, combining all production facilities of the business, produces and manufactures not more than one hundred thousand proof gallons of native distilled spirits on an annual basis, may sell not more than nine liters per person per day, of native distilled spirits. In addition, a ~~micro-distillery~~ native distillery shall not directly ship ~~micro-distilled native distilled~~ native distilled spirits for sale at retail. The ~~micro-distillery~~ native distillery shall maintain records of individual purchases of ~~micro-distilled native distilled~~ native distilled spirits at the ~~micro-distillery~~ native distillery for three years.

3. A ~~micro-distillery~~ native distillery shall not sell ~~micro-distilled native distilled~~ native distilled spirits other than as permitted in this chapter and shall not allow ~~micro-distilled native distilled~~ native distilled spirits sold for consumption off the premises to be consumed upon the premises of the ~~micro-distillery~~ native distillery. However, as a part of a micro-distillery tour, ~~micro-distilled native distilled~~ native distilled spirits 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.

4. A class "A" ~~micro-distilled spirits permit for a micro-distillery~~ shall be issued and renewed annually upon payment of a fee of five hundred dollars.

5. The sale of ~~micro-distilled~~ native distilled spirits to the division for wholesale disposition and sale by the division shall be subject to the requirements of this chapter regarding such disposition and sale.

6. ~~5.~~ The division shall issue no more than three ~~permits under this section~~ class “A” native distilled spirits licenses to a person. In addition, a ~~micro-distillery~~ native distillery issued a ~~permit under this section~~ class “A” native distilled spirits license shall file with the division, on or before the fifteenth day of each calendar month, all documents filed by the ~~micro-distillery~~ native distillery with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all production, storage, and processing reports.

7. ~~Micro-distilled spirits purchased at a micro-distillery shall not be consumed on any property owned, operated, or controlled by a micro-distillery.~~

6. Notwithstanding any provision of this chapter to the contrary or the fact that a person is the holder of a class “A” native distilled spirits license, a native distillery which, combining all production facilities of the business, produces and manufactures not more than one hundred thousand proof gallons of native distilled spirits on an annual basis may sell those native distilled spirits manufactured on the premises of the native distillery for consumption on the premises by applying for a class “C” native distilled spirits liquor control license as provided in section 123.30. A native distillery may be granted not more than one class “C” native distilled spirits liquor control license. All native distilled spirits sold by a native distillery for on-premises consumption shall be purchased from a class “E” liquor control licensee. A manufacturer of native distilled spirits may be issued a class “C” native distilled spirits liquor control license regardless of whether the manufacturer is also a manufacturer of native wine pursuant to a class “A” wine permit. A native distillery engaged in the business of manufacturing beer shall not be issued a class “C” native distilled spirits liquor control license.

7. A native distillery may sell the native distilled spirits it manufactures to customers outside the state.

Sec. 46. Section 123.56, subsection 5, Code 2017, is amended to read as follows:

5. Notwithstanding any other provision of this chapter, a person engaged in the business of manufacturing native wine may sell native wine at retail for consumption on the premises of the manufacturing facility by applying for a class “C” native wine permit as provided in section 123.178B. A manufacturer of native wine may be granted not more than one class “C” native wine permit. A manufacturer of native wine may be issued a class “C” native wine permit regardless of whether the manufacturer is also a manufacturer of native distilled spirits pursuant to a class “A” native distilled spirits license.

Sec. 47. Section 123.173A, subsections 4 and 7, Code 2017, are amended to read as follows:

4. The authorized nonprofit entity conducting the charity beer, spirits, and wine auction shall obtain the beer, spirits, and wine to be auctioned at the charity beer, spirits, and wine auction from an Iowa retail beer permittee, an Iowa retail liquor control licensee, or an Iowa retail wine permittee, or may receive donations of beer, spirits, or wine to be auctioned at the charity beer, spirits, and wine auction from persons who purchased the donated beer, spirits, or wine from an Iowa retail beer permittee, an Iowa retail liquor control licensee, an Iowa ~~micro-distilled~~ class “A” native distilled spirits ~~permittee~~ licensee, or an Iowa retail wine permittee and who present a receipt documenting the purchase at the time the beer, spirits, or wine is donated. The authorized nonprofit entity conducting the charity beer, spirits, and wine auction shall retain a copy of the receipt for a period of one year from the date of the charity beer, spirits, and wine auction.

7. A liquor control licensee, beer permittee, ~~micro-distilled~~ class “A” native distilled spirits ~~permittee~~ licensee, or wine permittee shall not purchase beer, spirits, or wine at a charity beer, spirits, and wine auction. The charity beer, spirits, and wine auction may be conducted on a premises for which a class “B” liquor control license or class “C” liquor control license has been issued, provided that the liquor control licensee does not participate in the charity beer, spirits, and wine auction, supply beer, spirits, or wine to be auctioned at the charity beer,

spirits, and wine auction, or receive any of the proceeds of the charity beer, spirits, and wine auction.

Approved May 9, 2017

CHAPTER 120

ELECTIONS — CANDIDATE WITHDRAWAL, VOTER REGISTRATION, ELECTION OFFICIALS, ABSENTEE VOTING, AND SCHOOL ELECTIONS

S.F. 399

AN ACT relating to the conduct of elections, including general election ballot vacancies, voter registration, elections administration, absentee voting, and vacancies on school boards and merged area governing boards and including effective date and applicability provisions.

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

DIVISION I CANDIDATE WITHDRAWAL

Section 1. Section 43.78, Code 2017, is amended by adding the following new subsection: NEW SUBSECTION. 5. Any candidate nominated to fill a vacancy in accordance with this section may withdraw the candidate's nomination by a written request filed as follows:

a. In the office of the state commissioner, at least seventy-four days before the date of the election.

b. In the office of the proper commissioner, at least sixty-four days before the date of the election.

c. In the office of the state commissioner, in case of a special election to fill vacancies in Congress or the general assembly, not more than:

(1) Twenty days after the date on which the governor issues the call for a special election to be held on at least forty days' notice.

(2) Five days after the date on which the governor issues the call for a special election to be held on at least ten but less than forty days' notice.

d. In the office of the proper commissioner or the state commissioner, as applicable, in case of a special election to fill vacancies, at least twenty-five days before the day of election.

DIVISION II VOTER REGISTRATION

Sec. 2. Section 48A.27, subsection 2, paragraph a, subparagraph (1), Code 2017, is amended to read as follows:

(1) A signed, written notice to the county commissioner in person, by mail, ~~by facsimile~~, or by electronic ~~mail~~ submission.

DIVISION III ELECTIONS ADMINISTRATION GENERALLY

Sec. 3. Section 49.16, subsection 5, Code 2017, is amended to read as follows:

5. A person shall not serve on the precinct election board as a representative of a political party if the person has changed political party affiliation from that of the political party which selected the person to serve as a precinct election official. If a precinct election official records a change of political party, the official's name shall be removed from the list of precinct election officials for that political party. The chairperson of the political party shall be notified

of the vacancy and may designate a replacement. If the chairperson of another political party later designates the person as a precinct election official, the person may serve, if qualified. If a precinct election official serving on the board as a representative of a political party records a change of political party to vote absentee under chapter 53 and after voting absentee records a change of political party back to the political party the official represents on the precinct election board, the official's name shall be removed from the list of precinct election officials for that election. The chairperson of the political party shall be notified of the vacancy and may designate a replacement for that election.

Sec. 4. Section 49.104, subsection 7, Code 2017, is amended to read as follows:

7. Any person authorized by the commissioner, in consultation with the secretary of state, for the purposes of conducting and attending educational voting programs ~~for youth~~.

DIVISION IV ABSENTEE VOTING

Sec. 5. Section 53.8, subsection 3, paragraph a, Code 2017, is amended to read as follows:

a. When an application for an absentee ballot is received by the commissioner of any county from a registered voter who is a patient in a hospital in that county, a tenant of an assisted living program in that county as shown by the list of certifications provided the commissioner under section 231C.21, or a resident of any facility in that county shown to be a health care facility by the list of licenses provided the commissioner under section 135C.29, the absentee ballot shall be delivered to the voter and returned to the commissioner in the manner prescribed by section 53.22. For purposes of this paragraph, "assisted living program" means a program certified pursuant to section 231C.3 that meets the standards for a dementia-specific assisted living program, as established by rule by the department of inspections and appeals.

Sec. 6. Section 53.22, Code 2017, is amended to read as follows:

53.22 Balloting by confined persons.

1. For purposes of this section, "assisted living program" means a program certified pursuant to section 231C.3 that meets the standards for a dementia-specific assisted living program, as established by rule by the department of inspections and appeals.

1. 2. a. (1) A registered voter who has applied for an absentee ballot, in a manner other than that prescribed by section 53.10 or 53.11, and who is a resident, tenant, or patient in a health care facility, assisted living program, or hospital located in the county to which the application has been submitted shall be delivered the appropriate absentee ballot by two special precinct election officers, one of whom shall be a member of each of the political parties referred to in section 49.13, who shall be appointed by the commissioner from the election board panel for the special precinct established by section 53.20. The special precinct election officers shall be sworn in the manner provided by section 49.75 for election board members, shall receive compensation as provided in section 49.20, and shall perform their duties during the ten calendar days after the ballots are printed if the commissioner so elects, during the fourteen calendar days preceding the election, and on election day if all ballots requested under section 53.8, subsection 3, have not previously been delivered and returned.

(2) If materials are prepared for the two special precinct election officials, a list shall be made of all voters to whom ballots are to be delivered. The list shall be sent with the officials who deliver the ballots and shall include spaces to indicate whether the person was present at the hospital, assisted living program, or health care facility when the officials arrived, whether the person requested assistance from the officials, whether the person was assisted by another person of the voter's choice, the time that the ballot was returned to the officials, and any other notes the officials deem necessary.

(3) The officials shall also be issued a supply of extra ballots to replace spoiled ballots. Receipts shall be issued in substantially the same form as receipts issued to precinct election officials pursuant to section 49.65. All ballots shall be accounted for and shall be returned to the commissioner. Separate envelopes shall be provided for the return of spoiled ballots and unused ballots.

b. If an applicant under this subsection notifies the commissioner that the applicant will not be available at the health care facility, assisted living program, or hospital address at any time during the ten-day period after the ballots are printed, if applicable, or during the fourteen-day period immediately prior to the election, but will be available there at some other time prior to the election or on election day, the commissioner shall direct the two special precinct election officers to deliver the applicant's ballot at an appropriate time preceding the election or on election day. If a person who so requested an absentee ballot has been dismissed from the health care facility or hospital, or is no longer a tenant of the assisted living program, the special precinct election officers may take the ballot to the voter if the voter is currently residing in the county.

c. The special precinct election officers shall travel together in the same vehicle and both shall be present when an applicant casts an absentee ballot. If either or both of the special precinct election officers fail to appear at the time the duties set forth in this section are to be performed, the commissioner shall at once appoint some other person, giving preference to persons designated by the respective county chairpersons of the political parties described in section 49.13, to carry out the requirements of this section. The persons authorized by this subsection to deliver an absentee ballot to an applicant, if requested, may assist the applicant in filling out the ballot as permitted by section 49.90. After the voter has securely sealed the marked ballot in the envelope provided and has subscribed to the oath, the voted absentee ballots shall be deposited in a sealed container which shall be returned to the commissioner on the same day the ballots are voted. On election day the officers shall return the sealed container by the time the polls are closed.

~~2.~~ 3. Any registered voter who becomes a patient, tenant, or resident of a hospital, assisted living program, or health care facility in the county where the voter is registered to vote within three days prior to the date of any election or on election day may request an absentee ballot during that period or on election day. As an alternative to the application procedure prescribed by section 53.2, the registered voter may make the request directly to the officers who are delivering and returning absentee ballots under this section. Alternatively, the request may be made by telephone to the office of the commissioner not later than four hours before the close of the polls. If the requester is found to be a registered voter of that county, these officers shall deliver the appropriate absentee ballot to the registered voter in the manner prescribed by this section.

~~3.~~ 4. For any election except a primary or general election or a special election to fill a vacancy under section 69.14, the commissioner may, as an alternative to subsection ~~1~~ 2, mail an absentee ballot to an applicant under this section to be voted and returned to the commissioner in accordance with this chapter. This subsection only applies to applications for absentee ballots from a single health care facility, assisted living program, or hospital if there are no more than two applications from that facility, program, or hospital.

~~4.~~ 5. The commissioner shall mail an absentee ballot to a registered voter who has applied for an absentee ballot and who is a patient, tenant, or resident of a hospital, assisted living program, or health care facility outside the county in which the voter is registered to vote.

~~5.~~ 6. a. If the registered voter becomes a patient, tenant, or resident of a hospital, assisted living program, or health care facility outside the county where the voter is registered to vote within three days before the date of any election or on election day, the voter may designate a person to deliver and return the absentee ballot. The designee may be any person the voter chooses except that no candidate for any office to be voted upon for the election for which the ballot is requested may deliver a ballot under this subsection. The request for an absentee ballot may be made by telephone to the office of the commissioner not later than four hours before the close of the polls. If the requester is found to be a registered voter of that county, the ballot shall be delivered by mail or by the person designated by the voter. An application form shall be included with the absentee ballot and shall be signed by the voter and returned with the ballot.

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.

6. 7. Observers representing candidates, political parties, or nonparty political organizations, or observers who are opponents or proponents of a ballot issue to be voted on at the election are prohibited from being present at a hospital, assisted living program, or health care facility during the time the special precinct election officers are delivering absentee ballots to the patients, tenants, or residents of such hospital, assisted living program, or health care facility.

Sec. 7. Section 53.37, subsection 3, paragraph e, Code 2017, is amended to read as follows:

e. Citizens of the United States who do not fall under any of the categories described in paragraphs “a” through “d”, but who are entitled to register and vote pursuant to section 48A.5, subsection 4 or 5.

Sec. 8. NEW SECTION. 231C.21 Certification list to county commissioner of elections.

To facilitate the implementation of section 53.8, subsection 3, and section 53.22, the director shall provide to each county commissioner of elections at least annually a list of each certified dementia-specific assisted living program in that county. The list shall include the street address or location, and the mailing address if it is other than the street address or location, of each program.

DIVISION V SCHOOL ELECTIONS

Sec. 9. Section 260C.11, subsection 1, Code 2017, is amended to read as follows:

1. The governing board of a merged area is a board of directors composed of one member elected from each director district in the area by the electors of the respective district. Members of the board shall be residents of the district from which elected. Successors shall be chosen at the regular school elections for members whose terms expire. The term of a member of the board of directors is four years and commences at the organizational meeting. Vacancies on the board shall be filled at the next regular meeting of the board by appointment by the remaining members of the board. A member so chosen shall be a resident of the district in which the vacancy occurred and shall serve until a member is elected pursuant to at the next school election or intervening special election held for the merged area, in accordance with section 69.12 to fill the vacancy for the balance of the unexpired term. A vacancy is defined in section 277.29. A member shall not serve on the board of directors who is a member of a board of directors of a local school district or a member of an area education agency board.

Sec. 10. Section 279.6, subsection 1, paragraph b, subparagraphs (1) and (2), Code 2017, are amended to read as follows:

(1) If within fourteen days after publication of a notice required pursuant to paragraph “a” for a vacancy that occurs more than one hundred eighty days before the next regular school election, or after the filing period closes pursuant to section 277.4, subsection 1, for the next regular school election, there is filed with the secretary of the school board a petition requesting a special election to fill the vacancy, an appointment to fill the vacancy is temporary until a successor is elected and qualified, and the board shall call a special election pursuant to section 279.7, to fill the vacancy for the remaining balance of the unexpired term.

(2) If within fourteen days after publication of a notice required pursuant to paragraph “a” for a vacancy that occurs one hundred eighty days or less but more than forty days before the next regular school election there is filed with the secretary of the school board a petition requesting to fill the vacancy by election, an appointment to fill the vacancy is temporary until a successor is elected and qualified, and the school board shall require that the remaining balance of the unexpired term be filled at the next regular school election.

Sec. 11. EFFECTIVE UPON ENACTMENT. The section of this division of this Act amending section 260C.11, being deemed of immediate importance, takes effect upon enactment.

Sec. 12. RETROACTIVE APPLICABILITY. The section of this division of this Act amending section 260C.11 applies retroactively to July 1, 2016.

Approved May 10, 2017

CHAPTER 121

DOMESTIC AND SEXUAL ABUSE — PROTECTIVE ORDERS, PROCEEDINGS, AND SERVICES

S.F. 401

AN ACT relating to civil protective orders in domestic abuse and sexual abuse cases, and making penalties and remedies applicable.

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

Section 1. Section 13.31, subsection 3, Code 2017, is amended to read as follows:

3. Administer the domestic abuse program provided in chapter 236 and the sexual abuse program provided in chapter 236A.

Sec. 2. Section 232.8, subsection 1, paragraph d, subparagraph (1), Code 2017, is amended to read as follows:

(1) The juvenile court shall abide by the provisions of sections 236.4, and 236.6, 236A.6, and 236A.8 in holding hearings and making a disposition.

Sec. 3. Section 232.22, subsection 1, paragraph g, Code 2017, is amended to read as follows:

g. There is probable cause to believe that the child has committed a delinquent act which would be domestic abuse under chapter 236 or, sexual abuse under chapter 236A, or a domestic abuse assault under section 708.2A if committed by an adult.

Sec. 4. NEW SECTION. 236A.1 Short title.

This chapter may be cited as the “*Sexual Abuse Act*”.

Sec. 5. NEW SECTION. 236A.2 Definitions.

For purposes of this chapter, unless a different meaning is clearly indicated by the context:

1. “*Department*” means the department of justice.
2. “*Emergency shelter services*” include but are not limited to secure crisis shelters or housing for victims of sexual abuse.
3. “*Plaintiff*” includes a person filing an action on behalf of an unemancipated minor.
4. “*Pro se*” means proceeding on one’s own behalf without legal representation.
5. “*Sexual abuse*” means any commission of a crime defined in chapter 709 or section 726.2 or 728.12. “*Sexual abuse*” also means any commission of a crime in another jurisdiction under a statute that is substantially similar to any crime defined in chapter 709 or section 726.2 or 728.12.
6. “*Support services*” include but are not limited to legal services, counseling services, transportation services, child care services, and advocacy services.

Sec. 6. NEW SECTION. 236A.3 Commencement of actions — waiver to juvenile court.

1. A person, including a parent or guardian on behalf of an unemancipated minor, may seek relief from sexual abuse by filing a verified petition in the district court. Venue shall lie where either the plaintiff or defendant resides. The petition shall state the following:

a. Name of the plaintiff and the name and address of the plaintiff's attorney, if any. If the plaintiff is proceeding pro se, the petition shall state a mailing address for the plaintiff. A mailing address may be provided by the plaintiff pursuant to section 236A.11.

b. Name and address of the parent or guardian filing the petition, if the petition is being filed on behalf of an unemancipated minor. A mailing address may be provided by the plaintiff pursuant to section 236A.11.

c. Name and address, if known, of the defendant.

d. Nature of the alleged sexual abuse.

e. Name and age of each child under eighteen whose welfare may be affected by the controversy.

f. Desired relief, including a request for temporary or emergency orders.

2. A temporary or emergency order shall be based on a showing of a prima facie case of sexual abuse. If the factual basis for the alleged sexual abuse is contested, the court shall issue a protective order based upon a finding of sexual abuse by a preponderance of the evidence.

3. a. The filing fee and court costs for an order for protection and in a contempt action under this chapter shall be waived for the plaintiff.

b. The clerk of court, the sheriff of any county in this state, and other law enforcement and corrections officers shall perform their duties relating to service of process without charge to the plaintiff. When an order for protection is entered by the court, the court may direct the defendant to pay to the clerk of court the fees for the filing of the petition and reasonable costs of service of process if the court determines the defendant has the ability to pay the plaintiff's fees and costs. In lieu of personal service of an order for protection issued pursuant to this section, the sheriff of any county in this state and other law enforcement and corrections officers may serve a defendant with a short-form notification pursuant to section 664A.4A.

4. If the person against whom relief from sexual abuse is being sought is seventeen years of age or younger, the district court shall waive its jurisdiction over the action to the juvenile court.

Sec. 7. NEW SECTION. 236A.4 Plaintiffs proceeding pro se — provision of forms and assistance.

1. The department shall prescribe standard forms to be used by plaintiffs seeking protective orders by proceeding pro se in actions under this chapter. The standard forms shall include language in fourteen point boldface type. Standard forms prescribed by the department shall be the exclusive forms used by plaintiffs proceeding pro se, and may be used by other plaintiffs. The department shall distribute the forms to the clerks of the district court.

2. The clerk of the district court shall furnish the required forms to persons seeking protective orders through pro se proceedings pursuant to this chapter.

Sec. 8. NEW SECTION. 236A.5 Assistance by county attorney.

A county attorney's office may provide assistance to a person wishing to initiate proceedings pursuant to this chapter or to a plaintiff at any stage of a proceeding under this chapter, if the person or plaintiff does not have sufficient funds to pay for legal assistance and if the assistance does not create a conflict of interest for the county attorney's office. The assistance provided may include but is not limited to assistance in obtaining or completing forms, filing a petition or other necessary pleading, presenting evidence to the court, and enforcing the orders of the court entered pursuant to this chapter. Providing assistance pursuant to this section shall not be considered the private practice of law for the purposes of section 331.752.

Sec. 9. NEW SECTION. 236A.6 Hearings — temporary orders.

1. Not less than five and not more than fifteen days after commencing a proceeding and upon notice to the defendant, a hearing shall be held at which the plaintiff must prove the allegation of sexual abuse by a preponderance of the evidence.

2. The court may enter any temporary order it deems necessary to protect the plaintiff from sexual abuse prior to the hearing upon good cause shown in an ex parte proceeding. Present danger of sexual abuse to the plaintiff constitutes good cause for purposes of this subsection.

3. If a hearing is continued, the court may make or extend any temporary order under subsection 2 that it deems necessary.

4. Upon application of the plaintiff or defendant, the court shall issue subpoenas requiring attendance and testimony of witnesses and production of papers.

5. The court shall advise the defendant of a right to be represented by counsel of the defendant's choosing and to have a continuance to secure counsel.

6. Hearings shall be recorded.

Sec. 10. NEW SECTION. 236A.7 Disposition.

1. Upon a finding that the defendant has engaged in sexual abuse, the court may grant a protective order or approve a consent agreement which may contain but is not limited to any of the following provisions:

a. That the defendant cease sexual abuse of the plaintiff.

b. That the defendant stay away from the plaintiff's residence, school, or place of employment.

2. An order for a protective order or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend or extend its order or a consent agreement at any time upon a petition filed by the plaintiff or defendant and after notice and hearing. The court may extend the order if the court, after hearing at which the defendant has the opportunity to be heard, finds that the defendant continues to pose a threat to the safety of the plaintiff, persons residing with the plaintiff, or members of the plaintiff's immediate family. The number of extensions that can be granted by the court is not limited.

3. The order shall state whether the defendant is to be taken into custody by a peace officer for a violation of the terms stated in the order.

4. The court may order that the defendant pay the plaintiff's attorney fees and court costs.

5. An order or consent agreement under this section shall not affect title to real property.

6. A copy of any order or approved consent agreement shall be issued to the plaintiff, the defendant, the county sheriff of the county in which the order or consent decree is initially entered, and the twenty-four-hour dispatcher for the county sheriff. Any subsequent amendment or revocation of an order or consent agreement shall be forwarded by the clerk to all persons and the county sheriff previously notified.

7. The clerk shall notify the county sheriff and the twenty-four-hour dispatcher for the county sheriff in writing so that the county sheriff and the county sheriff's dispatcher receive written notice within six hours of filing the order, approved consent agreement, amendment, or revocation. The clerk may fulfill this requirement by sending the notice by facsimile or other electronic transmission which reproduces the notice in writing within six hours of filing the order.

8. The county sheriff's dispatcher shall notify all law enforcement agencies having jurisdiction over the matter and the twenty-four-hour dispatcher for the law enforcement agencies upon notification by the clerk.

Sec. 11. NEW SECTION. 236A.8 Emergency orders.

1. When the court is unavailable from the close of business at the end of the day or week to the resumption of business at the beginning of the day or week, a petition may be filed before a district judge, or district associate judge designated by the chief judge of the judicial district, who may grant emergency relief in accordance with section 236A.7, subsection 1, paragraph "b", if the district judge or district associate judge deems it necessary to protect the plaintiff from sexual abuse, upon good cause shown in an ex parte proceeding. Present danger of sexual abuse to the plaintiff constitutes good cause for purposes of this subsection.

2. An emergency order issued under subsection 1 shall expire seventy-two hours after issuance. When the order expires, the plaintiff may seek a temporary order from the court pursuant to section 236A.6.

3. A petition filed and emergency order issued under this section and any documentation in support of the petition and order shall be immediately certified to the court. The certification shall commence a proceeding for purposes of section 236A.3.

Sec. 12. NEW SECTION. 236A.9 Procedure.

A proceeding under this chapter shall be held in accordance with the rules of civil procedure, except as otherwise set forth in this chapter and in chapter 664A, and is in addition to any other civil or criminal remedy.

Sec. 13. NEW SECTION. 236A.10 Sexual abuse information.

1. Criminal or juvenile justice agencies, as defined in section 692.1, shall collect and maintain information on incidents involving sexual abuse and shall provide the information to the department of public safety in the manner prescribed by the department of public safety.

2. The department of public safety may compile statistics and issue reports on sexual abuse in Iowa, provided individual identifying details of the sexual abuse are deleted. The statistics and reports may include nonidentifying information on the personal characteristics of perpetrators and victims. The department of public safety may request the cooperation of the department of justice in compiling the statistics and issuing the reports. The department of public safety may provide nonidentifying information on individual incidents of sexual abuse to persons conducting bona fide research, including but not limited to personnel of the department of justice.

Sec. 14. NEW SECTION. 236A.11 Plaintiff's address — confidentiality of records.

1. A plaintiff seeking relief from sexual abuse under this chapter may use any of the following addresses as a mailing address for purposes of filing a petition under this chapter, as well as for the purpose of obtaining any utility or other service:

- a. The mailing address of a shelter or other agency.
- b. A public or private post office box.
- c. Any other mailing address, with the permission of the resident of that address.

2. A plaintiff shall report any change of address, whether designated according to subsection 1 or otherwise, to the clerk of court no more than five days after the previous address on record becomes invalid.

3. The entire file or a portion of the file in a sexual abuse case shall be sealed by the clerk of court as ordered by the court to protect the privacy interest or safety of any person.

4. Notwithstanding subsection 3, court orders and support payment records shall remain public records, although the court may order that address and location information be redacted from the public records.

Sec. 15. NEW SECTION. 236A.12 Duties of peace officer — magistrate.

1. A peace officer shall use every reasonable means to enforce an order or court-approved consent agreement entered under this chapter, an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a sexual abuse, or a protective order under chapter 232. If a peace officer has reason to believe that sexual abuse has occurred, the peace officer shall ask the abused person if any prior orders exist, and shall contact the twenty-four-hour dispatcher to inquire if any prior orders exist. If a peace officer has probable cause to believe that a person has violated an order or approved consent agreement entered under this chapter, an order establishing conditions of release or a protective or sentencing order in a criminal prosecution arising from sexual abuse, or, if the person is an adult, a violation of a protective order under chapter 232, the peace officer shall take the person into custody and shall take the person without unnecessary delay before the nearest or most accessible magistrate in the judicial district in which the person was taken into custody. The magistrate shall make an initial preliminary determination whether there is probable cause to believe that an order or consent agreement existed and that the person taken into custody has violated its terms. The magistrate's decision shall be entered in the record.

2. If a peace officer has probable cause to believe that a person has violated an order or approved consent agreement entered under this chapter, an order establishing conditions of

release or a protective or sentencing order in a criminal prosecution arising from a sexual abuse, or a protective order under chapter 232, and the peace officer is unable to take the person into custody within twenty-four hours of making the probable cause determination, the peace officer shall either request a magistrate to make a determination as to whether a rule to show cause or arrest warrant should be issued, or refer the matter to the county attorney.

3. If the magistrate finds probable cause, the magistrate shall order the person to appear either before the court which issued the original order or approved the consent agreement, or before the court in the jurisdiction where the alleged violation took place, at a specified time not less than five days nor more than fifteen days after the initial appearance under this section. The magistrate shall cause the original court to be notified of the contents of the magistrate's order.

4. A peace officer shall not be held civilly or criminally liable for acting pursuant to this section provided that the peace officer acts reasonably and in good faith, on probable cause, and the officer's acts do not constitute a willful and wanton disregard for the rights or safety of another.

Sec. 16. NEW SECTION. 236A.13 Prevention of further abuse — notification of rights — arrest — liability.

1. If a peace officer has reason to believe that sexual abuse has occurred, the officer shall use all reasonable means to prevent further abuse including but not limited to the following:

a. If requested, remaining on the scene as long as there is a danger to an abused person's physical safety without the presence of a peace officer, including but not limited to staying in the dwelling unit, or if unable to remain on the scene, assisting the person in leaving the residence.

b. Assisting an abused person in obtaining medical treatment necessitated by an assault, including providing assistance to the abused person in obtaining transportation to the emergency room of the nearest hospital.

c. Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains a copy of the following statement written in English and Spanish; asking the person to read the card; and asking whether the person understands the rights:

You have the right to ask the court for the following help on a temporary basis:

[1] Keeping your attacker away from you, your home, and your place of work.

[2] The right to stay at your home without interference from your attacker.

You have the right to seek help from the court to seek a protective order with or without the assistance of legal representation. You have the right to seek help from the courts without the payment of court costs if you do not have sufficient funds to pay the costs.

You have the right to file criminal complaints for threats, assaults, or other related crimes.

You have the right to seek restitution against your attacker for harm to yourself or your property.

If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected persons can leave or until safety is otherwise ensured.

2. A peace officer is not civilly or criminally liable for actions pursuant to this section taken reasonably and in good faith.

Sec. 17. NEW SECTION. 236A.14 Prohibition against referral.

In a criminal action arising from sexual abuse, the prosecuting attorney or court shall not refer or order the parties involved to participate in mediation or other nonjudicial procedures prior to judicial resolution of the action.

Sec. 18. **NEW SECTION. 236A.15 Application for designation and funding as a provider of services for victims of sexual abuse.**

Upon receipt of state or federal funding designated for victims of sexual abuse by the department, a public or private nonprofit organization may apply to the department for designation and funding as a provider of emergency shelter services and support services to victims of sexual abuse. The application shall be submitted on a form prescribed by the department and shall include but not be limited to information regarding services to be provided, budget, and security measures.

Sec. 19. **NEW SECTION. 236A.16 Department powers and duties.**

1. The department shall do all of the following:

a. Designate and award grants for existing and pilot programs pursuant to this chapter to provide emergency shelter services and support services to victims of sexual abuse.

b. Design and implement a uniform method of collecting data from sexual abuse organizations funded under this chapter.

c. Designate and award moneys for publicizing and staffing a statewide, toll-free telephone hotline for use by victims of sexual abuse. The department may award a grant to a public agency or a private, nonprofit organization for the purpose of operating the hotline. The operation of the hotline shall include informing victims of their rights and of various community services that are available, referring victims to service providers, receiving complaints concerning misconduct by peace officers and encouraging victims to refer such complaints to the office of ombudsman, providing counseling services to victims over the telephone, and providing sexual abuse victim advocacy.

d. Advertise the toll-free telephone hotline through the use of public service announcements, billboards, print and broadcast media services, and other appropriate means, and contact media organizations to encourage the provision of free or inexpensive advertising concerning the hotline and its services.

e. Develop, with the assistance of the entity operating the telephone hotline and other sexual abuse victim services providers, brochures explaining the rights of victims set forth under section 236A.13 and the services of the telephone hotline, and distribute the brochures to law enforcement agencies, victim service providers, health practitioners, charitable and religious organizations, and other entities that may have contact with victims of sexual abuse.

2. The department shall consult and cooperate with all public and private agencies which may provide services to victims of sexual abuse, including but not limited to legal services, social services, prospective employment opportunities, and unemployment benefits.

3. The department may accept, use, and dispose of contributions of money, services, and property made available by an agency or department of the state or federal government, or a private agency or individual.

Sec. 20. **NEW SECTION. 236A.17 Sexual abuse training requirements.**

The department, in cooperation with victim service providers, shall work with various professional organizations to encourage organizations to establish training programs for professionals who work in the area of sexual abuse prevention and services. Sexual abuse training may include but is not limited to the following areas:

1. The enforcement of both civil and criminal remedies in sexual abuse matters.

2. The nature, extent, and causes of sexual abuse.

3. The legal rights and remedies available to sexual abuse victims, including crime victim compensation.

4. Services available to sexual abuse victims including the sexual abuse telephone hotline.

5. The duties of peace officers pursuant to this chapter.

6. Techniques for intervention in sexual abuse cases.

Sec. 21. **NEW SECTION. 236A.18 Reference to certain criminal provisions.**

In addition to the provisions contained in this chapter, certain criminal penalties and provisions pertaining to sexual abuse are set forth in chapters 664A and 709 and sections 726.2 and 728.12.

Sec. 22. **NEW SECTION. 236A.19 Foreign protective orders — registration — enforcement — immunity.**

1. As used in this section, “*foreign protective order*” means a protective order entered by a court of another state, Indian tribe, or United States territory that would be an order or court-approved consent agreement entered under this chapter, an order that establishes conditions of release, or a protective order or sentencing order in a criminal prosecution arising from a sexual abuse if it had been entered in Iowa.

2. A certified or authenticated copy of a permanent foreign protective order may be filed with the clerk of the district court in any county that would have venue if the original action was being commenced in this state or in which the person in whose favor the order was entered may be present.

a. The clerk shall file foreign protective orders that are not certified or authenticated, if supported by an affidavit of a person with personal knowledge, subject to the penalties for perjury. The person protected by the order may provide this affidavit.

b. The clerk shall provide copies of the order as required by section 236A.7, except that notice shall not be provided to the respondent without the express written direction of the person in whose favor the order was entered.

3. a. A valid foreign protective order has the same effect and shall be enforced in the same manner as a protective order issued in this state whether or not filed with a clerk of court or otherwise placed in a registry of protective orders.

b. A foreign protective order is valid if it meets all of the following:

(1) The order states the name of the protected person and the person against whom enforcement is sought.

(2) The order has not expired.

(3) The order was issued by a court or tribunal that had jurisdiction over the parties and subject matter under the law of the foreign jurisdiction.

(4) The order was issued in accordance with the respondent’s due process rights, either after the respondent was provided with reasonable notice and an opportunity to be heard before the court or tribunal that issued the order, or in the case of an *ex parte* order, the respondent was granted notice and opportunity to be heard within a reasonable time after the order was issued.

c. Proof that a foreign protective order failed to meet all of the factors listed in paragraph “b” shall be an affirmative defense in any action seeking enforcement of the order.

4. A peace officer shall treat a foreign protective order as a valid legal document and shall make an arrest for a violation of the foreign protective order in the same manner that a peace officer would make an arrest for a violation of a protective order issued within this state.

a. The fact that a foreign protective order has not been filed with the clerk of court or otherwise placed in a registry shall not be grounds to refuse to enforce the terms of the order unless it is apparent to the officer that the order is invalid on its face.

b. A peace officer acting reasonably and in good faith in connection with the enforcement of a foreign protective order shall be immune from civil and criminal liability in any action arising in connection with such enforcement.

5. Filing and service costs in connection with foreign protective orders are waived as provided in section 236A.3.

Sec. 23. **NEW SECTION. 236A.20 Mutual protective orders prohibited — exceptions.**

A court in an action under this chapter shall not issue mutual protective orders against the victim and the abuser unless both file a petition requesting a protective order.

Sec. 24. Section 331.424, subsection 1, paragraph a, subparagraph (6), Code 2017, is amended to read as follows:

(6) The maintenance and operation of the courts, including but not limited to the salary and expenses of the clerk of the district court and other employees of the clerk’s office, and bailiffs, court costs if the prosecution fails or if the costs cannot be collected from the person liable, costs and expenses of prosecution under section 189A.17, salaries and expenses of juvenile court officers under chapter 602, court-ordered costs in domestic abuse cases under section 236.5, sexual abuse cases under section 236A.7, and elder abuse cases under section

235F.6, the county's expense for confinement of prisoners under chapter 356A, temporary assistance to the county attorney, county contributions to a retirement system for bailiffs, reimbursement for judicial magistrates under section 602.6501, claims filed under section 622.93, interpreters' fees under section 622B.7, uniform citation and complaint supplies under section 805.6, and costs of prosecution under section 815.13.

Sec. 25. Section 507B.4, subsection 3, paragraph g, subparagraph (3), Code 2017, is amended to read as follows:

(3) Making or permitting any discrimination in the sale of insurance solely on the basis of domestic abuse as defined in section 236.2 or sexual abuse as defined in section 236A.2.

Sec. 26. Section 664A.1, subsection 2, Code 2017, is amended to read as follows:

2. "Protective order" means a protective order issued pursuant to chapter 232, a court order or court-approved consent agreement entered pursuant to this chapter or chapter 235F, a court order or court-approved consent agreement entered pursuant to chapter 236 or 236A, including a valid foreign protective order under section 236.19, subsection 3, or section 236A.19, subsection 3, a temporary or permanent protective order or order to vacate the homestead under chapter 598, or an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault under section 708.2A, or a civil injunction issued pursuant to section 915.22.

Sec. 27. Section 664A.2, subsection 2, Code 2017, is amended to read as follows:

2. A protective order issued in a civil proceeding shall be issued pursuant to chapter 232, 235F, 236, 236A, 598, or 915. Punishment for a violation of a protective order shall be imposed pursuant to section 664A.7.

Sec. 28. Section 664A.3, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

When a person is taken into custody for contempt proceedings pursuant to section 236.11, taken into custody pursuant to section 236A.12, or arrested for any public offense referred to in section 664A.2, subsection 1, and the person is brought before a magistrate for initial appearance, the magistrate shall enter a no-contact order if the magistrate finds both of the following:

Sec. 29. Section 664A.3, subsection 2, Code 2017, is amended to read as follows:

2. Notwithstanding chapters 804 and 805, a person taken into custody pursuant to section 236.11 or 236A.12 or arrested pursuant to section 236.12 may be released on bail or otherwise only after initial appearance before a magistrate as provided in chapter 804 and the rules of criminal procedure or section 236.11 or 236A.12, whichever is applicable.

Sec. 30. Section 664A.4, subsection 2, Code 2017, is amended to read as follows:

2. The clerk of the district court shall provide a notice and copy of the no-contact order to the appropriate law enforcement agencies and the twenty-four-hour dispatcher for the law enforcement agencies in the same manner as provided in section 235F.6, ~~or 236.5~~, or 236A.7, as applicable. The clerk of the district court shall provide a notice and copy of a modification or vacation of a no-contact order in the same manner.

Sec. 31. Section 664A.5, Code 2017, is amended to read as follows:

664A.5 Modification — entry of permanent no-contact order.

If a defendant is convicted of, receives a deferred judgment for, or pleads guilty to a public offense referred to in section 664A.2, subsection 1, or is held in contempt for a violation of a no-contact order issued under section 664A.3 or for a violation of a protective order issued pursuant to chapter 232, 235F, 236, 236A, 598, or 915, the court shall either terminate or modify the temporary no-contact order issued by the magistrate. The court may enter a no-contact order or continue the no-contact order already in effect for a period of five years from the date the judgment is entered or the deferred judgment is granted, regardless of whether the defendant is placed on probation.

Sec. 32. Section 664A.7, subsections 1, 3, and 5, Code 2017, are amended to read as follows:

1. Violation of a no-contact order issued under this chapter or a protective order issued pursuant to chapter 232, 235F, 236, 236A, or 598, including a modified no-contact order, is punishable by summary contempt proceedings.

3. If convicted of or held in contempt for a violation of a no-contact order or a modified no-contact order for a public offense referred to in section 664A.2, subsection 1, or held in contempt of a no-contact order issued during a contempt proceeding brought pursuant to section 236.11 or 236A.12, the person shall be confined in the county jail for a minimum of seven days. A jail sentence imposed pursuant to this subsection shall be served on consecutive days. No portion of the mandatory minimum term of confinement imposed by this subsection shall be deferred or suspended. A deferred judgment, deferred sentence, or suspended sentence shall not be entered for a violation of a no-contact order, modified no-contact order, or protective order and the court shall not impose a fine in lieu of the minimum sentence, although a fine may be imposed in addition to the minimum sentence.

5. Violation of a no-contact order entered for the offense or alleged offense of domestic abuse assault in violation of section 708.2A or a violation of a protective order issued pursuant to chapter 232, 235F, 236, 236A, 598, or 915 constitutes a public offense and is punishable as a simple misdemeanor. Alternatively, the court may hold a person in contempt of court for such a violation, as provided in subsection 3.

Sec. 33. Section 915.22, subsection 5, Code 2017, is amended to read as follows:

5. The clerk of the district court shall provide notice and copies of restraining orders issued pursuant to this section in a criminal case involving an alleged violation of section 708.2A to the applicable law enforcement agencies and the ~~twenty-four hour~~ twenty-four-hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under section 236.5 or 236A.7. The clerk shall provide notice and copies of modifications or vacations of these orders in the same manner.

Sec. 34. Section 915.50, unnumbered paragraph 1, Code 2017, is amended to read as follows:

In addition to other victim rights provided in this chapter, victims of domestic abuse and sexual abuse shall have the following rights:

Sec. 35. Section 915.50, subsections 1 and 2, Code 2017, are amended to read as follows:

1. The right to file a pro se petition for relief from domestic abuse and sexual abuse in the district court, pursuant to sections 236.3 through 236.10 and sections 236A.3 through 236A.11.

2. The right, pursuant to ~~section~~ sections 236.12, and 236A.13, for law enforcement to remain on the scene, to assist the victim in leaving the scene, to assist the victim in obtaining transportation to medical care, and to provide the person with a written statement of victim rights and information about domestic abuse and sexual abuse shelters, support services, and crisis lines.

Sec. 36. NEW SECTION. 915.52 Protective order victim notification system.

1. An automated protective order victim notification system is established within the crime victim assistance division of the department of justice to assist public officials in informing registered victims of domestic abuse and sexual abuse pursuant to chapters 236 and 236A, the families of victims, and other interested persons of the date and time of service of a protective order upon respondents who are the subjects of protective orders and of the expiration dates of the protective orders. The system shall also have the capability to notify victims of the expiration of the protective orders thirty days prior to their expiration dates.

2. The automated protective order victim notification system shall disseminate the information to registered users through telephonic, electronic, or other means of access.

3. A law enforcement agency or any other public or private agency responsible for serving civil protective orders shall enter the date and time of the service of a protective order into the Iowa court information system or other secure electronic database intended only for law enforcement use within twenty-four hours of service of the protective order upon

a respondent in a domestic abuse or sexual abuse case pursuant to chapter 236 or 236A. A law enforcement agency or any other public or private agency responsible for serving civil protective orders which has made a good-faith effort to serve a protective order upon a respondent and which is unable to comply with the requirements of this subsection shall notify the appropriate clerk of the district court, who shall, if possible, enter such information into the automated protective order victim notification system.

4. The standard forms prescribed by the department of justice to be used by victims of domestic abuse and sexual abuse pursuant to chapters 236 and 236A shall include a space to allow victims to register for service of process and expiration notifications pursuant to this section.

5. For the purposes of this section, “*registered*” means having provided the county attorney with the victim’s written request for registration and current mailing address and telephone number. “*Registered*” also means having provided the county attorney notice in writing that the victim has filed a request for registration with the automated protective order victim notification system established in this section.

Sec. 37. Section 915.94, Code 2017, 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, 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 of sexual abuse as provided in chapter 236A, 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.

Approved May 10, 2017

CHAPTER 122

CONFIDENTIALITY OF LAW ENFORCEMENT OFFICER INFORMATION, CRIMINAL SENTENCING, AND MASSAGE THERAPY REGULATION

S.F. 445

AN ACT relating to law enforcement including the establishment of a law enforcement officer privilege, criminal sentencing, and local enforcement of certain restrictions, and modifying certain criminal penalties.

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

DIVISION I
LAW ENFORCEMENT OFFICER PRIVILEGE

Section 1. Section 22.7, subsection 5, Code 2017, is amended to read as follows:

5. Peace officers' investigative reports, privileged records or information specified in section 80G.2, and specific portions of electronic mail and telephone billing records of law enforcement agencies if that information is part of an ongoing investigation, except where disclosure is authorized elsewhere in this Code. However, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this section, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual. Specific portions of electronic mail and telephone billing records may only be kept confidential under this subsection if the length of time prescribed for commencement of prosecution or the finding of an indictment or information under the statute of limitations applicable to the crime that is under investigation has not expired.

Sec. 2. Section 22.7, subsection 11, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Personal information in confidential personnel records of government bodies relating to identified or identifiable individuals who are officials, officers, or employees of the government bodies. However, the following information relating to such individuals contained in personnel records shall be public records, except as otherwise provided in section 80G.3:

Sec. 3. NEW SECTION. 80G.1 Definitions.

As used in this section except as the context otherwise requires:

1. "Compensation" means the same as defined in section 22.7, subsection 11.
2. "Law enforcement officer" means the same as "peace officer" as defined in section 801.4.
3. "Undercover law enforcement officer" means a law enforcement officer who is actively involved with and assigned to investigate alleged violations of state or federal law and whose identity as a law enforcement officer is concealed while conducting an investigation. "Undercover law enforcement officer" includes a law enforcement officer actively engaged in undercover law enforcement work whose assignment requires the law enforcement officer to work incognito, or in a situation in which the true identity of the law enforcement officer is intentionally hidden from others. "Undercover law enforcement officer" does not include a law enforcement officer participating in undercover law enforcement work that is merely incidental or ancillary to the law enforcement officer's assigned duties.

Sec. 4. NEW SECTION. 80G.2 Law enforcement officer — privilege — confidentiality.

1. a. A law enforcement officer shall not be examined or be required to give evidence in any criminal proceeding that requires the disclosure of any records or information relating to any of the following:

(1) Identification documents or other documents necessary to conduct a lawful undercover criminal investigation.

(2) Personal identifying information about the law enforcement officer or immediate family member of the law enforcement officer, or other information unrelated to the law enforcement officer's professional duties which could be used to threaten, harm, or intimidate the law enforcement officer or immediate family member of the law enforcement officer, or other information that could reasonably be construed to constitute an unwarranted invasion of privacy of the law enforcement officer or immediate family member of the law enforcement officer. Personal information that is knowingly and voluntarily disclosed by the law enforcement officer or immediate family member of the law enforcement officer may be disseminated.

b. A law enforcement officer who is called to testify shall not disclose information that is subject to nondisclosure as a result of a court order, statute, contract, or a condition or requirement of a grant.

2. In determining whether nondisclosure of confidential or privileged information about a law enforcement officer may affect a defendant's right to present a defense, the court shall

make findings on the record regarding the impact of disclosure on the personal safety of the law enforcement officer or immediate family member of the law enforcement officer if the evidence is disclosed, the probative value of the confidential or privileged information about the law enforcement officer, the impact of disclosure on public safety, the potential for partial or limited disclosure of the privileged information, and the defendant's constitutional right to present a defense. Any privileged information that is admitted for purposes of a pretrial hearing or a preliminary admissibility determination shall remain confidential.

Sec. 5. NEW SECTION. **80G.3 Personnel information — undercover law enforcement officer — confidentiality.**

The name, photograph, compensation and benefit records, time records, residential address, or any other personal identifying information of an undercover law enforcement officer shall be confidential while the undercover law enforcement officer is actively involved with or assigned to investigate violations of state or federal law.

Sec. 6. NEW SECTION. **80G.4 Court determination.**

Factual disputes relating to who is an undercover law enforcement officer or what work constitutes undercover law enforcement work shall be determined by the district court.

DIVISION II
CRIMINAL SENTENCING

Sec. 7. Section 124.401, subsection 1, paragraph a, subparagraph (3), Code 2017, is amended to read as follows:

(3) More than ~~fifty~~ two hundred grams of a mixture or substance described in subparagraph (2) which contains cocaine base.

Sec. 8. Section 124.401, subsection 1, paragraph b, subparagraph (3), Code 2017, is amended to read as follows:

(3) More than ~~ten forty~~ grams but not more than fifty two hundred grams of a mixture or substance described in subparagraph (2) which contains cocaine base.

Sec. 9. Section 124.401, subsection 1, paragraph c, subparagraph (3), Code 2017, is amended to read as follows:

(3) ~~Ten Forty~~ grams or less of a mixture or substance described in subparagraph (2) which contains cocaine base.

Sec. 10. Section 124.413, subsection 1, Code 2017, is amended to read as follows:

1. 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 term of confinement of one-third of the maximum indeterminate sentence prescribed by law.

Sec. 11. Section 124.413, subsection 3, Code 2017, is amended to read as follows:

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 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. 12. Section 707.11, Code 2017, is amended by adding the following new subsection:
NEW SUBSECTION. 5. a. As used in this subsection, "peace officer" means the same as defined in section 801.4.

b. For purposes of determining the category of sentence under section 903A.2, the fact finder shall determine whether the attempt to commit murder was against a peace officer, with the knowledge that the person against whom the attempt to commit murder was committed was a peace officer acting in the officer's official capacity.

c. If the fact finder determines the attempt to commit murder was against a peace officer as described in paragraph “b”, the person shall serve one hundred percent of the term of confinement imposed and shall be denied parole, work release, or other early release.

Sec. 13. Section 901.11, subsection 1, Code 2017, is amended to read as follows:

1. At the time of sentencing, the court shall determine when a person convicted under section 124.401, subsection 1, paragraph “b” ~~or “e”~~, 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.

Sec. 14. Section 901.12, subsection 1, Code 2017, is amended to read as follows:

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 “e”~~, 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.

Sec. 15. Section 901.12, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Effective July 1, 2017, a person whose sentence commenced prior to July 1, 2017, for a conviction under section 124.401, subsection 1, paragraph “c”, shall not be required to serve a minimum term of confinement as prescribed in section 124.413.

Sec. 16. Section 902.4, Code 2017, is amended to read as follows:

902.4 Reconsideration of felon’s sentence.

For a period of one year from the date when a person convicted of a felony, other than a class “A” or class “B” felony ~~or a felony for which a minimum sentence of confinement is imposed~~, begins to serve a sentence of confinement, the court, on its own motion or on the recommendation of the director of the Iowa department of corrections, may order the person to be returned to the court, at which time the court may review its previous action and reaffirm it or substitute for it any sentence permitted by law. Copies of the order to return the person to the court shall be provided to the attorney for the state, the defendant’s attorney, and the defendant. Upon a request of the attorney for the state, the defendant’s attorney, or the defendant if the defendant has no attorney, the court may, but is not required to, conduct a hearing on the issue of reconsideration of sentence. The court shall not disclose its decision to reconsider or not to reconsider the sentence of confinement until the date reconsideration is ordered or the date the one-year period expires, whichever occurs first. The district court retains jurisdiction for the limited purposes of conducting such review and entering an appropriate order notwithstanding the timely filing of a notice of appeal. The court’s final order in the proceeding shall be delivered to the defendant personally or by regular mail. The court’s decision to take the action or not to take the action is not subject to appeal. However, for the purposes of appeal, a judgment of conviction of a felony is a final judgment when pronounced.

Sec. 17. Section 902.12, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. Attempted murder in violation of section 707.11, except as provided in section 707.11, subsection 5.

Sec. 18. Section 903A.2, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Each inmate committed to the custody of the director of the department of corrections is eligible to earn a reduction of sentence in the manner provided in this section. For purposes of calculating the amount of time by which an inmate’s sentence may be reduced, inmates shall be grouped into the following ~~two~~ three sentencing categories:

Sec. 19. Section 903A.2, subsection 1, paragraph a, subparagraph (1), unnumbered paragraph 1, Code 2017, is amended to read as follows:

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 and are not category “C” sentences. 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:

Sec. 20. Section 903A.2, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. Category “B” sentences are those sentences which are subject to a maximum accumulation of earned time of fifteen percent of the total sentence of confinement under section 902.12 and are not category “C” sentences. An inmate of an institution under the control of the department of corrections who is serving a category “B” sentence is eligible for a reduction of sentence equal to fifteen eighty-fifths of a day for each day of good conduct by the inmate.

Sec. 21. Section 903A.2, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Category “C” sentences are those sentences for attempted murder described in section 707.11, subsection 5. Notwithstanding paragraphs “a” or “b”, an inmate serving a category “C” sentence is ineligible for a reduction of sentence under this section.

Sec. 22. Section 903A.7, Code 2017, is amended to read as follows:

903A.7 Separate sentences.

1. Consecutive multiple sentences that are within the same category under section 903A.2 shall be construed as one continuous sentence for purposes of calculating reductions of sentence for earned time.

2. If a person is sentenced to serve both category “A” and category “B” sentences of both categories, category “B” sentences shall be served before category “A” sentences are served, and earned time accrued against the category “B” sentences shall not be used to reduce the category “A” sentences. If an inmate serving a category “A” sentence is sentenced to serve a category “B” sentence, the category “A” sentence shall be interrupted, and no further earned time shall accrue against that sentence until the category “B” sentence is completed.

3. If a person is sentenced to serve both a category “C” sentence and another category sentence, the category “C” sentence shall be served before the other category sentence is served, and no earned time shall accrue until the category “C” sentence has been served. If an inmate serving a category sentence other than a category “C” sentence is sentenced to serve a category “C” sentence, the sentence of the other category sentence shall be interrupted, and no further earned time shall accrue against that sentence until the category “C” sentence is completed.

DIVISION III
LOCAL ENFORCEMENT OF RESTRICTIONS

Sec. 23. REPEAL. Section 152C.6, Code 2017, is repealed.

Approved May 10, 2017

CHAPTER 123**RESTRICTIONS ON RECEIPT OF BOND OR INSURANCE DEATH BENEFITS BY FELONS***S.F. 467*

AN ACT relating to restrictions on the receipt by certain felons of certain insurance proceeds and other benefits.

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

Section 1. Section 633.535, subsection 3, Code 2017, is amended to read as follows:

3. A named beneficiary of a bond, life insurance policy, or ~~any other contractual arrangement~~ life insurance contract who intentionally and unjustifiably causes or procures the death of the principal obligee or person upon whose life the policy is issued or whose death generates the benefits under ~~any other contractual arrangement~~ the bond or contract is not entitled to any benefit under the bond, policy, or ~~other contractual arrangement~~ contract, and the benefits become payable as though the person causing death had predeceased the decedent.

Sec. 2. Section 633.535, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 4. *a.* A named beneficiary of a bond, life insurance policy, or life insurance contract convicted of a felony referenced in paragraph “d” that was perpetrated against the principal obligee or person upon whose life the policy is issued or whose death generates the benefits, in the six months immediately prior to the obligee’s or person’s death, is not entitled to any benefit under the bond, policy, or contract.

b. The procedure set out in section 633.536 applies and the benefits become payable as though the convicted obligee or person had predeceased the decedent.

c. However, a principal obligee or person upon whose life the policy is issued or whose death generates the benefits, in the six months immediately prior to the obligee’s or person’s death, may affirm by a signed, notarized affidavit that the beneficiary should receive any benefit under the bond, policy, or contract despite a felony conviction referenced in this subsection.

d. This subsection applies to a conviction for any of the following felonies:

- (1) Any felony contained in chapter 707.
- (2) Any felony contained in chapter 708.
- (3) Any felony contained in chapter 709.
- (4) Any felony contained in chapter 710.
- (5) Any felony contained in chapter 710A.

Approved May 10, 2017

CHAPTER 124**USE OF STEP THERAPY PROTOCOLS IN PRESCRIPTION DRUG BENEFIT DECISION MAKING***H.F. 233*

AN ACT relating to the use of step therapy protocols for prescription drugs by health carriers, health benefit plans, and utilization review organizations, and including applicability provisions.

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

Section 1. **NEW SECTION. 514F.7 Use of step therapy protocols.**

1. *Definitions.* For the purposes of this section:

- a. “Authorized representative” means the same as defined in section 514J.102.
- b. “Clinical practice guidelines” means a systematically developed statement to assist health care professionals and covered persons in making decisions about appropriate health care for specific clinical circumstances and conditions.
- c. “Clinical review criteria” means the same as defined in section 514J.102.
- d. “Covered person” means the same as defined in section 514J.102.
- e. “Health benefit plan” means the same as defined in section 514J.102.
- f. “Health care professional” means the same as defined in section 514J.102.
- g. “Health care services” means the same as defined in section 514J.102.
- h. “Health carrier” means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner, including an insurance company offering sickness and accident plans, a health maintenance organization, a nonprofit health service corporation, a plan established pursuant to chapter 509A for public employees, or any other entity providing a plan of health insurance, health care benefits, or health care services. “Health carrier” includes an organized delivery system. “Health carrier” does not include a managed care organization as defined in 441 IAC 73.1 when the managed care organization is acting pursuant to a contract with the Iowa department of human services to provide services to Medicaid recipients.
- i. “Pharmaceutical sample” means a unit of a prescription drug that is not intended to be sold and is intended to promote the sale of the drug.
- j. “Step therapy override exception” means a step therapy protocol should be overridden in favor of coverage of the prescription drug selected by a health care professional within the applicable time frames and in compliance with the requirements specified in section 505.26, subsection 7, for a request for prior authorization of prescription drug benefits. This determination is based on a review of the covered person’s or health care professional’s request for an override, along with supporting rationale and documentation.
- k. “Step therapy protocol” means a protocol or program that establishes a specific sequence in which prescription drugs for a specified medical condition and medically appropriate for a particular covered person are covered under a pharmacy or medical benefit by a health carrier, a health benefit plan, or a utilization review organization, including self-administered drugs and drugs administered by a health care professional.
- l. “Utilization review” means a program or process by which an evaluation is made of the necessity, appropriateness, and efficiency of the use of health care services, procedures, or facilities given or proposed to be given to an individual. Such evaluation does not apply to requests by an individual or provider for a clarification, guarantee, or statement of an individual’s health insurance coverage or benefits provided under a health benefit plan, nor to claims adjudication. Unless it is specifically stated, verification of benefits, preauthorization, or a prospective or concurrent utilization review program or process shall not be construed as a guarantee or statement of insurance coverage or benefits for any individual under a health benefit plan.
- m. “Utilization review organization” means an entity that performs utilization review, other than a health carrier performing utilization review for its own health benefit plans.
2. *Establishment of step therapy protocols.* A health carrier, health benefit plan, or utilization review organization shall consider available recognized evidence-based and peer-reviewed clinical practice guidelines when establishing a step therapy protocol. Upon written request of a covered person, a health carrier, health benefit plan, or utilization review organization shall provide any clinical review criteria applicable to a specific prescription drug covered by the health carrier, health benefit plan, or utilization review organization.
3. *Step therapy override exceptions process transparency.*
- a. When coverage of a prescription drug for the treatment of any medical condition is restricted for use by a health carrier, health benefit plan, or utilization review organization through the use of a step therapy protocol, the covered person and the prescribing health care professional shall have access to a clear, readily accessible, and convenient process to request a step therapy override exception. A health carrier, health benefit plan, or utilization review organization may use its existing medical exceptions process to satisfy this requirement. The process used shall be easily accessible on the internet site of the health carrier, health benefit plan, or utilization review organization.

b. A step therapy override exception shall be approved by a health carrier, health benefit plan, or utilization review organization if any of the following circumstances apply:

(1) The prescription drug required under the step therapy protocol is contraindicated pursuant to the drug manufacturer's prescribing information for the drug or, due to a documented adverse event with a previous use or a documented medical condition, including a comorbid condition, is likely to do any of the following:

(a) Cause an adverse reaction to a covered person.

(b) Decrease the ability of a covered person to achieve or maintain reasonable functional ability in performing daily activities.

(c) Cause physical or mental harm to a covered person.

(2) The prescription drug required under the step therapy protocol is expected to be ineffective based on the known clinical characteristics of the covered person, such as the covered person's adherence to or compliance with the covered person's individual plan of care, and any of the following:

(a) The known characteristics of the prescription drug regimen as described in peer-reviewed literature or in the manufacturer's prescribing information for the drug.

(b) The health care professional's medical judgment based on clinical practice guidelines or peer-reviewed journals.

(c) The covered person's documented experience with the prescription drug regimen.

(3) The covered person has had a trial of a therapeutically equivalent dose of the prescription drug under the step therapy protocol while under the covered person's current or previous health benefit plan for a period of time to allow for a positive treatment outcome, and such prescription drug was discontinued by the covered person's health care professional due to lack of effectiveness.

(4) The covered person is currently receiving a positive therapeutic outcome on a prescription drug selected by the covered person's health care professional for the medical condition under consideration while under the covered person's current or previous health benefit plan. This subparagraph shall not be construed to encourage the use of a pharmaceutical sample for the sole purpose of meeting the requirements for a step therapy override exception.

c. Upon approval of a step therapy override exception, the health carrier, health benefit plan, or utilization review organization shall authorize coverage for the prescription drug selected by the covered person's prescribing health care professional if the prescription drug is a covered prescription drug under the covered person's health benefit plan.

d. A health carrier, health benefit plan, or utilization review organization shall make a determination to approve or deny a request for a step therapy override exception within the applicable time frames and in compliance with the requirements specified in section 505.26, subsection 7, for a request for prior authorization of prescription drug benefits.

e. If a request for a step therapy override exception is denied, the health carrier, health benefit plan, or utilization review organization shall provide the covered person or the covered person's authorized representative and the patient's prescribing health care professional with the reason for the denial and information regarding the procedure to request external review of the denial pursuant to chapter 514J. Any denial of a request for a step therapy override exception that is upheld on appeal shall be considered a final adverse determination for purposes of chapter 514J and is eligible for a request for external review by a covered person or the covered person's authorized representative pursuant to chapter 514J.

4. *Limitations.* This section shall not be construed to do either of the following:

a. Prevent a health carrier, health benefit plan, or utilization review organization from requiring a covered person to try a prescription drug with the same generic name and demonstrated bioavailability or a biological product that is an interchangeable biological product pursuant to section 155A.32 prior to providing coverage for the equivalent branded prescription drug.

b. Prevent a health care professional from prescribing a prescription drug that is determined to be medically appropriate.

Sec. 2. **APPLICABILITY.** This Act is applicable to a health benefit plan that is delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2018.

Approved May 10, 2017

CHAPTER 125

POWERS OF SCHOOL DISTRICT BOARDS OF DIRECTORS

H.F. 573

AN ACT relating to the exercise, by school districts, of any broad and implied powers not inconsistent with the laws of the general assembly, and to the construction of statutes related to school district boards and school districts.

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

Section 1. **NEW SECTION. 274.3 Exercise of powers — construction.**

1. The board of directors of a school district shall operate, control, and supervise all public schools located within its district boundaries and may exercise any broad and implied power, not inconsistent with the laws of the general assembly and administrative rules adopted by state agencies pursuant thereto, related to the operation, control, and supervision of those public schools.

2. Notwithstanding subsection 1, the board of directors of a school district shall not have power to do any of the following:

a. Levy any tax unless expressly authorized by the general assembly.

b. Charge elementary and secondary school students or the students' families a mandatory fee except as expressly authorized by the general assembly.

c. Adopt or enforce a policy that would unreasonably interfere with the duties and responsibilities of a local, state, or federal law enforcement agency.

3. This chapter, chapter 257, chapter 257B, and chapters 275 through 301, and other statutes relating to the boards of directors of school districts and to school districts shall be liberally construed to effectuate the purposes of subsection 1.

4. If the power or authority of a school district conflicts with the power and authority of a municipal corporation, county, or joint county-municipal corporation government, the power and authority exercised by a municipal corporation, county, or joint county-municipal corporation government shall prevail within its jurisdiction.

Approved May 10, 2017

CHAPTER 126

ADMINISTRATIVE RULES — JOB IMPACT STATEMENTS

S.F. 1

AN ACT requiring jobs impact statements for administrative rules.

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

Section 1. **NEW SECTION. 17A.4B Job impact statement.**

1. *a. "Benefit"* means the reasonably identifiable and quantifiable positive effect or outcome that is expected to result from implementation of a rule.

b. "Cost" means reasonably identifiable, significant, direct or indirect, economic impact that is expected to result from implementation of and compliance with a rule.

c. "Cost-benefit analysis" means regulatory analysis to provide the public with transparency regarding the cost-effectiveness of a rule, including the economic costs and benefits and the effectiveness weighed by the agency in adopting the rule. "*Cost-benefit analysis*" includes a comparison of the probable costs and benefits of a rule to the probable costs and benefits of less intrusive or less expensive methods that exist for achieving the purpose of the rule.

d. "Jobs" means private sector employment including self-employment and areas for potential for employment growth.

e. "Jobs impact statement" means a statement that does all of the following:

(1) Identifies the purpose of a rule and the applicable section of the statute that provides specific legal authority for the agency to adopt the rule.

(2) Identifies and describes the cost that the agency anticipates state agencies, local governments, the public, and the regulated entities, including regulated businesses and self-employed individuals, will incur due to implementing and complying with a rule.

(3) Determines whether a rule would have a positive or negative impact on private sector jobs and employment opportunities in Iowa.

(4) Describes and quantifies the nature of the impact a rule will have on private sector jobs and employment opportunities including the categories of jobs and employment opportunities that are affected by the rule, and the number of jobs or potential job opportunities and the regions of the state affected by the rule.

(5) Identifies, where possible, the additional costs to employers per employee due to implementing and complying with a rule.

(6) Includes other relevant analysis requested by the administrative rules coordinator.

2. Prior to implementation of a rule, an agency shall take steps to minimize the adverse impact on jobs and the development of new employment opportunities due to implementation of the rule.

3. An agency shall provide a jobs impact statement to the administrative rules coordinator prior to publication of a notice of intended action or the publication of a rule filed without notice pursuant to section 17A.4, subsection 3.

4. The jobs impact statement shall be published as part of the preamble to the notice of rulemaking in the Iowa administrative bulletin, unless the administrative rules coordinator determines that publication of the entire jobs impact statement would be unnecessary or impractical.

5. An agency shall accept comments and information from stakeholders prior to final preparation of the jobs impact statement. Any concerned private sector employer or self-employed individual, potential employer, potential small business, or member of the public may submit information relating to a jobs impact statement prior to publication of a notice of intended action or publication of a rule filed without notice pursuant to section 17A.4, subsection 3. An agency may request that such information be submitted to the agency.

6. If a jobs impact statement is revised after a notice of intended action or a rule filed without notice pursuant to section 17A.4, subsection 3, is published, the revised jobs impact statement shall be published as part of the preamble to the adopted version of the rule, unless the administrative rules coordinator determines that publication of the entire jobs impact statement would be unnecessary or impractical.

7. The analysis in the jobs impact statement shall give particular weight to jobs in production sectors of the economy which includes the manufacturing and agricultural sectors of the economy and shall include analysis, where applicable, of the impact of the rule on expansion of existing businesses or facilities.

8. The administrative rules coordinator may waive the jobs impact statement requirement for rules proposed under section 17A.4, subsection 3, or section 17A.5, subsection 2, paragraph “b”.

Approved May 11, 2017

CHAPTER 127

SEXUAL EXPLOITATION BY SCHOOL EMPLOYEES

S.F. 238

AN ACT relating to the criminal offense of sexual exploitation by a school employee, and making penalties applicable.

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

Section 1. Section 709.15, subsection 1, paragraph f, Code 2017, is amended by striking the paragraph and inserting in lieu thereof the following:

f. (1) “School employee” means any of the following, except as provided in subparagraph (2):

(a) A person who holds a license, certificate, or statement of professional recognition issued under chapter 272.

(b) A person who holds an authorization issued under chapter 272.

(c) A person employed by a school district full-time, part-time, or as a substitute.

(d) A person who performs services as a volunteer for a school district and who has direct supervisory authority over the student with whom the person engages in conduct prohibited under subsection 3, paragraph “a”.

(e) A person who provides services under a contract for such services to a school district and who has direct supervisory authority over the student with whom the person engages in conduct prohibited under subsection 3, paragraph “a”.

(2) “School employee” does not include a student enrolled in the school district.

Sec. 2. Section 709.15, subsection 3, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The provisions of this subsection do not apply to a person who is employed by a school district attendance center if the student with whom the person engages in conduct prohibited under subsection 3, paragraph “a”, is not enrolled in the same school district attendance center that employs the person, the person does not have direct supervisory authority over the student, and the person does not meet the requirements of subsection 1, paragraph “f”, subparagraph (1), subparagraph division (a).

Approved May 11, 2017

CHAPTER 128

STATEWIDE STUDENT ACADEMIC ASSESSMENTS

S.F. 240

AN ACT relating to statewide assessments of student progress utilizing core academic indicators, and including effective date provisions.

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

Section 1. Section 256.7, subsection 21, paragraph b, subparagraph (1), Code 2017, is amended to read as follows:

(1) Annually, the department shall report state data for each indicator in the condition of education report. Rules adopted pursuant to this subsection shall specify that the approved district-wide assessment of student progress administered for purposes of the core academic indicators shall be the assessment utilized by school districts statewide in the school year beginning July 1, 2011, or a successor assessment ~~administered by the same assessment provider~~ approved by the state board for school years beginning on or after July 1, 2018. The rules shall also require that all students enrolled in school districts in grades three through eleven be administered an assessment in mathematics and reading during the last quarter of the school year and all students enrolled in school districts in grades five, eight, and ten be administered an assessment in science during the last quarter of the school year.

Sec. 2. Section 256.7, subsection 21, paragraph b, subparagraphs (2), (3), and (4), Code 2017, are amended by striking the subparagraphs.

Sec. 3. DEPARTMENT OF EDUCATION — STATEWIDE ASSESSMENT REQUEST FOR PROPOSALS.

1. The department of education shall issue a request for proposals for the selection of a statewide assessment of student progress to be administered in the school year beginning July 1, 2018, and each succeeding school year. The assessment shall measure individual student growth and be aligned to the Iowa core academic standards for grades three through eight and at least one high school grade. The assessment shall be capable of measuring student performance in English language arts, including reading and writing; mathematics; and science. The assessment shall be available in both paper-and-pencil and computer-based formats. Proposals incapable of assessing performance in English language arts, including reading and writing, mathematics, and science shall not be considered. Potential vendors or providers may collaborate to meet the requirements of this subsection.

2. In evaluating the proposals, the department shall only consider the feasibility of implementation by school districts; the costs to school districts and the state in providing and administering the statewide assessment and the technical support necessary to administer the statewide assessment; the costs of acquiring the infrastructure necessary for implementing technology readiness in all of Iowa's school districts, including technology required for accommodations; the degree to which the submission is aligned with the Iowa core academic standards; the ability of the assessment to measure student growth and student proficiency; the ability of the assessment to meet the requirements of the federal Every Student Succeeds Act, Pub. L. No. 114-95; and the instructional time required to conduct the statewide assessment.

3. The department of education shall issue the request for proposals by July 1, 2017, and shall select the assessment that best meets the criteria established under this section in time for the assessment to be administered as provided in this section. The state board of education shall adopt rules establishing that the assessment selected by the department shall be administered in accordance with section 256.7, subsection 21, paragraph "b", subparagraph (1). An accredited nonpublic school may administer the assessment to students enrolled in the accredited nonpublic school.

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

Approved May 11, 2017

CHAPTER 129

DUTY OF CARE OWED BY POSSESSORS AND OCCUPANTS OF LAND TO TRESPASSERS

S.F. 260

AN ACT relating to the liability of possessors and occupants of land for injury to trespassers and including applicability provisions.

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

Section 1. NEW SECTION. **462.1 Liability of possessors and occupants of land to trespassers.**

1. A possessor of any fee, reversionary, or easement interest in real property, including but not limited to an owner, lessee, or other lawful occupant, owes no duty of care to a trespasser except to refrain from willfully or wantonly injuring the trespasser and to use reasonable care to avoid injuring the trespasser after that trespasser's presence becomes known.

2. This section shall not be construed to affect the common law doctrine of attractive nuisance.

3. This section does not create or increase the civil liability of any possessor or occupant of real property and does not affect any immunities from or defenses to civil liability established by another section of the Code or available at common law to which a possessor or occupant of real property may be entitled.

Sec. 2. **APPLICABILITY.** This Act applies to all causes of action accrued on or after the effective date of this Act.

Approved May 11, 2017

CHAPTER 130

EXPERIMENTAL TREATMENTS FOR TERMINALLY ILL PERSONS

S.F. 404

AN ACT relating to the use of experimental treatments for patients with a terminal illness.

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

Section 1. NEW SECTION. **144E.1 Title.**

This chapter shall be known and may be cited as the "Right to Try Act".

Sec. 2. NEW SECTION. **144E.2 Definitions.**

As used in this chapter:

1. "Eligible patient" means an individual who meets all of the following conditions:

a. Has a terminal illness, attested to by the patient's treating physician.

b. Has considered and rejected or has tried and failed to respond to all other treatment options approved by the United States food and drug administration.

c. Has received a recommendation from the individual's physician for an investigational drug, biological product, or device.

d. Has given written informed consent for the use of the investigational drug, biological product, or device.

e. Has documentation from the individual's physician that the individual meets the requirements of this subsection.

2. "*Investigational drug, biological product, or device*" means a drug, biological product, or device that has successfully completed phase 1 of a United States food and drug administration-approved clinical trial but has not yet been approved for general use by the United States food and drug administration and remains under investigation in a United States food and drug administration-approved clinical trial.

3. "*Terminal illness*" means a progressive disease or medical or surgical condition that entails significant functional impairment, that is not considered by a treating physician to be reversible even with administration of treatments approved by the United States food and drug administration, and that, without life-sustaining procedures, will result in death.

4. "*Written informed consent*" means a written document that is signed by the patient, a parent of a minor patient, or a legal guardian or other legal representative of the patient and attested to by the patient's treating physician and a witness and that includes all of the following:

a. An explanation of the products and treatments approved by the United States food and drug administration for the disease or condition from which the patient suffers.

b. An attestation that the patient concurs with the patient's treating physician in believing that all products and treatments approved by the United States food and drug administration are unlikely to prolong the patient's life.

c. Clear identification of the specific proposed investigational drug, biological product, or device that the patient is seeking to use.

d. A description of the best and worst potential outcomes of using the investigational drug, biological product, or device and a realistic description of the most likely outcome. The description shall include the possibility that new, unanticipated, different, or worse symptoms might result and that death could be hastened by use of the proposed investigational drug, biological product, or device. The description shall be based on the treating physician's knowledge of the proposed investigational drug, biological product, or device in conjunction with an awareness of the patient's condition.

e. A statement that the patient's health plan or third-party administrator and provider are not obligated to pay for any care or treatments consequent to the use of the investigational drug, biological product, or device, unless they are specifically required to do so by law or contract.

f. A statement that the patient's eligibility for hospice care may be withdrawn if the patient begins curative treatment with the investigational drug, biological product, or device and that care may be reinstated if this treatment ends and the patient meets hospice eligibility requirements.

g. A statement that the patient understands that the patient is liable for all expenses consequent to the use of the investigational drug, biological product, or device and that this liability extends to the patient's estate unless a contract between the patient and the manufacturer of the investigational drug, biological product, or device states otherwise.

Sec. 3. NEW SECTION. 144E.3 **Manufacturer rights.**

1. A manufacturer of an investigational drug, biological product, or device may make available and an eligible patient may request the manufacturer's investigational drug, biological product, or device under this chapter. This chapter does not require a manufacturer of an investigational drug, biological product, or device to provide or otherwise make available the investigational drug, biological product, or device to an eligible patient.

2. A manufacturer described in subsection 1 may do any of the following:

a. Provide an investigational drug, biological product, or device to an eligible patient without receiving compensation.

b. Require an eligible patient to pay the costs of, or the costs associated with, the manufacture of the investigational drug, biological product, or device.

Sec. 4. NEW SECTION. **144E.4 Treatment coverage.**

1. This chapter does not expand the coverage required of an insurer under Title XIII, subtitle 1.

2. A health plan, third-party administrator, or governmental agency may provide coverage for the cost of an investigational drug, biological product, or device, or the cost of services related to the use of an investigational drug, biological product, or device under this chapter.

3. This chapter does not require any governmental agency to pay costs associated with the use, care, or treatment of a patient with an investigational drug, biological product, or device.

4. This chapter does not require a hospital licensed under chapter 135B or other health care facility to provide new or additional services.

Sec. 5. NEW SECTION. **144E.5 Heirs not liable for treatment debts.**

If a patient dies while being treated by an investigational drug, biological product, or device, the patient's heirs are not liable for any outstanding debt related to the treatment or lack of insurance due to the treatment, unless otherwise required by law.

Sec. 6. NEW SECTION. **144E.6 Provider recourse.**

1. To the extent consistent with state law, the board of medicine created under chapter 147 shall not revoke, fail to renew, suspend, or take any action against a physician's license based solely on the physician's recommendations to an eligible patient regarding access to or treatment with an investigational drug, biological product, or device.

2. To the extent consistent with federal law, an entity responsible for Medicare certification shall not take action against a physician's Medicare certification based solely on the physician's recommendation that a patient have access to an investigational drug, biological product, or device.

Sec. 7. NEW SECTION. **144E.7 State interference.**

An official, employee, or agent of this state shall not block or attempt to block an eligible patient's access to an investigational drug, biological product, or device. Counseling, advice, or a recommendation consistent with medical standards of care from a licensed physician is not a violation of this section.

Sec. 8. NEW SECTION. **144E.8 Private cause of action.**

1. This chapter shall not create a private cause of action against a manufacturer of an investigational drug, biological product, or device or against any other person or entity involved in the care of an eligible patient using the investigational drug, biological product, or device for any harm done to the eligible patient resulting from the investigational drug, biological product, or device, if the manufacturer or other person or entity is complying in good faith with the terms of this chapter and has exercised reasonable care.

2. This chapter shall not affect any mandatory health care coverage for participation in clinical trials under Title XIII, subtitle 1.

Sec. 9. NEW SECTION. **144E.9 Assisting suicide.**

This chapter shall not be construed to allow a patient's treating physician to assist the patient in committing or attempting to commit suicide as prohibited in section 707A.2.

Approved May 11, 2017

CHAPTER 131

LICENSURE OF ARCHITECTS

S.F. 408

AN ACT requiring licensure rather than registration of architects practicing in this state.

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

Section 1. Section 100C.10, subsection 2, paragraph e, Code 2017, is amended to read as follows:

e. One professional engineer or architect licensed ~~or registered~~ in the state.

Sec. 2. Section 499B.6, Code 2017, is amended to read as follows:

499B.6 Copy of the floor plans to be filed.

There shall be attached to the declaration, at the time it is filed, a full and an exact copy of the plans of the building, which copy shall be entered of record along with the declaration. The plans shall show graphically all particulars of the building including but not limited to the dimensions, area, and location of common elements affording access to each apartment. Other common elements, both limited and general, shall be shown graphically insofar as possible and shall be certified to by an engineer, architect, or land surveyor, who is ~~registered~~ ~~or~~ licensed to practice that profession in this state.

Sec. 3. Section 544A.16, Code 2017, is amended by adding the following new subsection: NEW SUBSECTION. 6A. “License” means the license issued to an architect by the board.

Sec. 4. Section 544A.16, subsection 12, Code 2017, is amended by striking the subsection.

Sec. 5. Section 544A.17, subsection 2, Code 2017, is amended to read as follows:

2. Persons acting under the instruction, control or supervision of, and those executing the plans of, a ~~registered~~ licensed architect or a professional engineer licensed under chapter 542B, provided that such ~~unregistered~~ ~~or~~ unlicensed persons shall not be placed in responsible charge of architectural or professional engineering work.

Sec. 6. NEW SECTION. **544A.30 Registered architects.**

Any person who is registered as an architect pursuant to this chapter on July 1, 2017, shall be deemed to be licensed to practice as an architect.

Sec. 7. **CODE EDITOR DIRECTIVES.**

1. Sections 544A.1, 544A.3, 544A.9, 544A.10, 544A.18, and 544B.12, Code 2017, are amended by striking the word “registered” and inserting in lieu thereof the word “licensed”.

2. Sections 26.3, subsection 2; 35A.10, subsection 2; 103.22, subsection 1; 103A.19, subsection 3; 105.11, subsection 1; 218.58, subsection 2; 358.16, subsection 2, paragraph “c”; 384.103, subsection 2, paragraph “a”; 441.31, subsection 1; 544A.15, subsection 1 and subsection 3, paragraph “a”, unnumbered paragraph 1, and subsection 3, paragraph “a”, subparagraphs (2) and (5), and subsection 3, paragraph “d”; 544A.25, subsection 2, paragraph “d”; 544A.28, subsection 3; 544B.20, subsections 2 and 3; and 669.2, subsection 4, paragraph “c”, Code 2017, are amended by striking the word “registered” and inserting in lieu thereof the word “licensed”.

3. Sections 544A.1, 544A.3, 544A.5, and 544A.9, Code 2017, are amended by striking the words “certificate of registration” and inserting in lieu thereof the word “license”.

4. Sections 544A.8, subsection 1; 544A.11, subsection 1; 544A.15, subsection 3, paragraph “a”, subparagraphs (3), (4), and (6); and 544A.16, subsection 10, Code 2017, are amended by striking the words “certificate of registration” and inserting in lieu thereof the word “license”.

5. Section 544A.9, Code 2017, is amended by striking the word “certificate” and inserting in lieu thereof the word “license”.

6. Sections 544A.11, subsection 1; and 544A.13, subsections 2 and 3, Code 2017, are amended by striking the word “certificate” and inserting in lieu thereof the word “license”.

7. Section 544A.10, Code 2017, is amended by striking the word “certificate’s” and inserting in lieu thereof the word “license’s”.

8. Sections 544A.3 and 544A.10, Code 2017, are amended by striking the words “certificates of registration” and inserting in lieu thereof the word “licenses”.

9. Section 544A.8, subsection 1, Code 2017, is amended by striking the word “certification” and inserting in lieu thereof the word “licensure”.

10. Section 544A.5, Code 2017, is amended by striking the word “registration” and inserting in lieu thereof the word “licensure”.

11. Sections 544A.8, subsections 3 and 4; 544A.15, subsection 1; and 544A.25, subsection 1 and subsection 2, paragraphs “b” and “d”, Code 2017, are amended by striking the word “registration” and inserting in lieu thereof the word “licensure”.

12. Section 544A.16, subsection 1, Code 2017, is amended by striking the word “registration” and inserting in lieu thereof the word “license”.

13. Section 544A.25, subsection 3, Code 2017, is amended by striking the word “register” and inserting in lieu thereof the word “license”.

14. Section 544A.15, subsection 3, paragraph “a”, subparagraph (7), Code 2017, is amended by striking the word “unregistered” and inserting in lieu thereof the word “unlicensed”.

Approved May 11, 2017

CHAPTER 132

VOLUNTARY EXCLUSION FROM GAMBLING FACILITIES — PROCESS

S.F. 442

AN ACT concerning persons voluntarily excluded from gambling facilities.

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

Section 1. Section 99D.7, subsection 23, Code 2017, is amended to read as follows:

23. To require licensees to establish a process to allow a person to be voluntarily excluded ~~for life from the wagering area of a racetrack enclosure and from the gaming floor, as defined in section 99F.1, of all other licensed facilities under this chapter and chapter 99F as provided in this subsection.~~ The process shall provide that an initial request by a person to be voluntarily excluded shall be for a period of five years or life and any subsequent request following any five-year period shall be for a period of five years or life. The process established shall require that a person requesting to be voluntarily excluded be provided information compiled by the Iowa department of public health on gambling treatment options and shall also require that a licensee disseminate information regarding persons voluntarily excluded to all licensees under this chapter and chapter 99F. The state and any licensee under this chapter or chapter 99F shall not be liable to any person for any claim which may arise from this process. In addition to any other penalty provided by law, any money or thing of value that has been obtained by, or is owed to, a voluntarily excluded person by a licensee as a result of wagers made by the person after the person has been voluntarily excluded shall not be paid to the person but shall be credited to the general fund of the state.

Sec. 2. Section 99F.4, subsection 22, Code 2017, is amended to read as follows:

22. To require licensees to establish a process to allow a person to be voluntarily excluded ~~for life from the gaming floor of an excursion gambling boat and from the wagering area, as defined in section 99D.2, and the gaming floor of all other licensed facilities under this chapter and chapter 99D as provided in this subsection.~~ The process shall provide that an initial request by a person to be voluntarily excluded shall be for a period of five years or life and any subsequent request following any five-year period shall be for a period of five

years or life. The process established shall require that a person requesting to be voluntarily excluded be provided information compiled by the Iowa department of public health on gambling treatment options and shall also require that a licensee disseminate information regarding persons voluntarily excluded to all licensees under this chapter and chapter 99D. The state and any licensee under this chapter or chapter 99D shall not be liable to any person for any claim which may arise from this process. In addition to any other penalty provided by law, any money or thing of value that has been obtained by, or is owed to, a voluntarily excluded person by a licensee as a result of wagers made by the person after the person has been voluntarily excluded shall not be paid to the person but shall be credited to the general fund of the state.

Sec. 3. GAMBLING SELF-EXCLUSION — REVOCATION. A person who has been voluntarily excluded for life from a racetrack enclosure, an excursion gambling boat, and all other licensed facilities under Code chapters 99D and 99F pursuant to the process established in Code sections 99D.7 and 99F.4 prior to the effective date of this Act may revoke the exclusion by filing a form with the racing and gaming commission in a manner as prescribed by the racing and gaming commission. A person may revoke the voluntary exclusion only if the person has been voluntarily excluded for a period of at least five years.

Approved May 11, 2017

CHAPTER 133

JUDICIAL ADMINISTRATION — JUROR IDENTIFICATION AND SELECTION — SHORTHAND REPORTERS

S.F. 466

AN ACT relating to judicial administration by requiring the master list for juror service to be updated annually using an electronic data processing system, eliminating jury commissions, placing shorthand reporters in exempt status, and requiring the supreme court to supervise the board of examiners of shorthand reporters.

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

Section 1. Section 331.322, subsection 16, Code 2017, is amended by striking the subsection.

Sec. 2. Section 331.502, subsections 34 and 36, Code 2017, are amended by striking the subsections.

Sec. 3. Section 331.653, subsection 43, Code 2017, is amended by striking the subsection.

Sec. 4. Section 602.1209, Code 2017, is amended by adding the following new subsection: **NEW SUBSECTION.** 17A. Carry out duties relating to the identification and service of jurors as provided in chapter 607A.

Sec. 5. Section 602.1303, subsection 3, Code 2017, is amended by striking the subsection.

Sec. 6. Section 602.3101, Code 2017, is amended by adding the following new subsection: **NEW SUBSECTION.** 3. The supreme court shall supervise the board and may review, approve, modify, or reject any board action, procedure, or decision. The supreme court may adopt rules to implement this subsection.

Sec. 7. **NEW SECTION.** 602.3206 Exempt status.

If a person's certification as a shorthand reporter is placed in exempt status, the person may transcribe or certify a proceeding the person reported while certified as an active shorthand reporter. A person transcribing or certifying a proceeding pursuant to this section shall remain subject to the jurisdiction of the board of examiners of shorthand reporters.

Sec. 8. Section 602.8102, subsection 91, Code 2017, is amended by striking the subsection.

Sec. 9. Section 602.8102, subsection 92, Code 2017, is amended to read as follows:

92. Carry out duties relating to the ~~selection~~ identification and service of jurors as provided in chapter 607A.

Sec. 10. Section 607A.3, Code 2017, is amended by adding the following new subsections:
NEW SUBSECTION. 2A. "Electronic data processing system" means an electronic jury management system as designated by the state court administrator.

NEW SUBSECTION. 3A. "Jury pool" means the sum total of prospective jurors reporting for service.

Sec. 11. Section 607A.3, subsections 3, 5, 6, 10, 11, and 13, Code 2017, are amended to read as follows:

3. "Juror" means any person ~~selected~~ identified for service on either the grand or petit jury who attends court when originally instructed to report or is deferred to a future date uncertain, or is on-call and available to report to court when so needed and so requested by the court.

5. "Master jury list" means the list of names taken from the source lists for possible jury service.

6. "Motor vehicle operators list and nonoperators identification list" means the official records maintained by the state of the names and addresses of those individuals in the respective counties retaining valid motor vehicle ~~operator's driver's licenses on or before March 15 of each odd-numbered year~~ or nonoperator's identification cards.

10. "~~Random selection~~" "Identification" means the ~~selection~~ random drawing of names in a manner immune to any subjective bias so that no recognizable class of the population from which names are being ~~selected~~ randomly drawn can be purposefully included or excluded.

11. "Source lists" means the voter registration list, the motor vehicle operators list, the nonoperators identification list, and other comprehensive lists of persons residing in a county as identified pursuant to section 607A.22.

13. "Voter registration list" means the official records maintained by the state of names and addresses of persons registered to vote ~~on or before March 15 of each odd-numbered year.~~

Sec. 12. Section 607A.3, subsection 9, Code 2017, is amended by striking the subsection.

Sec. 13. Section 607A.20, Code 2017, is amended to read as follows:

607A.20 Jury manager.

~~If the chief judge of the judicial district uses electronic data processing techniques and equipment for the drawing of jurors in lieu of a jury commission, the~~ The chief judge of the judicial district shall, after consultation with the clerk, district court administrator and county auditor, appoint an individual to serve as the jury manager for the each county in that district. The A jury manager shall be responsible for the implementation of this chapter for the jury manager's county and shall assist the state court administrator in implementing this chapter. The A jury manager shall update the master list from the source lists at least once every two years beginning January 1 after the general election is held retain proper records to document, as directed by the chief judge or state court administrator, that the procedures used to randomly identify prospective jurors meet the requirements of this chapter.

Sec. 14. Section 607A.21, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

607A.21 Master jury list.

The electronic data processing system shall create a master jury list by merging all of the names from the source lists and removing duplicative entries. The state court administrator shall ensure the electronic data processing system updates the master jury lists from the source list at least once every year. The names entered in the master jury lists constitute the grand and petit master jury lists, from which grand and petit jurors shall be identified.

Sec. 15. Section 607A.22, Code 2017, is amended to read as follows:

607A.22 Use of source lists — information provided.

1. ~~The appointive jury commission or the jury manager~~ state court administrator shall use ~~both of~~ ensure the following source lists ~~in are merged in the electronic data processing system when preparing grand and petit master jury lists:~~

a. The current voter registration list.

b. The current motor vehicle operators list and nonoperators identification list.

2. ~~The appointive jury commission or the A~~ jury manager may use any other current comprehensive list of persons residing in the county, including but not limited to the lists of public utility customers, which the ~~appointive jury commission or~~ state court administrator or the jury manager determines are useable for the purpose of a juror source list.

3. The applicable state and local government officials shall furnish, upon request, the ~~appointive jury commission or state court administrator or the jury manager~~ with copies of lists necessary for the formulation of source lists at no cost to the ~~commission, manager, or county.~~

4. ~~The jury manager or jury commission may request a consolidated source list. A consolidated source list contains all the names and addresses found in either the voter registration list or the motor vehicle operators list, but does not duplicate an individual's name within the consolidated list. State officials shall cooperate with one another to prepare consolidated lists. The jury manager or jury commission may further request that only a randomly chosen portion of the consolidated list be prepared which may consist of either a certain number of names or a certain percentage of all the names in the consolidated list, as specified by the jury manager or jury commission.~~

Sec. 16. Section 607A.25, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

607A.25 Storing and security of master jury lists.

The master jury lists shall be stored in the electronic data processing system, and shall be accessible to only the state court administrator or state court administrator's designee, or the jury manager or jury manager's designee.

Sec. 17. Section 607A.26, Code 2017, is amended to read as follows:

607A.26 Preservation of records.

The clerk or jury manager shall preserve all records and lists compiled and maintained in connection with the ~~selection~~ identification and service of jurors for four years, or for any longer period ordered by the ~~state court administrator or~~ chief judge of the judicial district.

Sec. 18. Section 607A.30, Code 2017, is amended to read as follows:

607A.30 Time of drawing Drawing of jury pools.

~~In counties using an ex officio jury commission, the required number of jurors shall be drawn by the commission, or a majority of its members, at the office of the clerk at a time agreed to by the commissioners.~~

1. ~~In counties using a jury manager, the~~ At times necessary for the identification of grand and petit jurors, the jury manager shall arrange for the ~~selection of the required~~ electronic data processing system to draw the necessary number of grand and petit jurors at a time and place chosen by the ~~manager from the master jury list.~~

2. The chief judge of the judicial district may by order prescribe the time for the drawing by the ~~ex officio commission or the jury manager.~~

3. The jurors ~~thus selected~~ identified constitute the jury pool and shall be notified by the clerk or jury manager by regular mail when called.

Sec. 19. Section 607A.33, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

607A.33 Electronic data processing system — identifying jurors.

The designated electronic data processing system shall be used for the identification of jurors.

Sec. 20. Section 607A.35, Code 2017, is amended to read as follows:

607A.35 Filing list — ~~notice~~ Notice to report.

After the list or lists have been drawn in the manner provided in section 607A.33, ~~the list or lists shall be filed in the office of the clerk or jury manager~~ and immediately upon the request of the court, ~~the clerk or manager~~ shall issue a notice to report, by regular mail, to the persons ~~so drawn~~ identified to appear at the courthouse at times as the court prescribes, for service as petit or grand jurors.

Sec. 21. Section 607A.37, Code 2017, is amended to read as follows:

607A.37 Cancellation for illegality.

If the court determines that the petit or grand jurors have been illegally ~~selected, drawn, identified~~ or notified to report, the court may set aside the order under which the jurors were ~~identified~~ or notified and direct that a new ~~drawing, selection identification~~ and notification of a sufficient number of replacement jurors take place. ~~In that case, the ex officio jury commission shall meet at the office of the clerk, at the time the court directs, and proceed in the manner provided for the drawing of the original panel, to draw the required number of replacement jurors.~~

Sec. 22. Section 607A.39, Code 2017, is amended to read as follows:

607A.39 Additional jurors.

The court may order as many additional jurors ~~drawn~~ identified for a jury pool or panel as the court deems necessary.

Sec. 23. Section 607A.41, Code 2017, is amended to read as follows:

607A.41 Method of subsequent drawing.

The names of the jurors ~~drawn~~ identified under sections 607A.39 and 607A.40 shall be drawn by the ~~ex officio commission or the jury manager in the manner provided for the drawing of an original pool or panel~~ electronic data processing system that was used to draw the original jury pool or panel.

Sec. 24. Section 607A.43, Code 2017, is amended to read as follows:

607A.43 Correcting illegality in original lists.

If the court for any reason determines that there has been such substantial failure to comply with the law relative to ~~selection jury identification~~, preparation, or return of grand or petit lists that lawful grand or petit jurors cannot be drawn, or that the lists are exhausted or insufficient for the needs of the court, the court shall order ~~the ex officio jury commission or the jury manager~~ or state court administrator to ~~convene at a fixed time and place~~ use electronic data processing techniques to prepare lists in lieu of the lists which have been found to be illegal, or an additional list or lists as the court deems necessary.

Sec. 25. REPEAL. Sections 607A.9, 607A.10, 607A.11, 607A.12, 607A.13, 607A.14, 607A.15, 607A.16, 607A.17, 607A.18, 607A.19, 607A.24, 607A.27, 607A.28, 607A.31, 607A.32, 607A.34, 607A.42, and 607A.44, Code 2017, are repealed.

Approved May 11, 2017

CHAPTER 134**WORKFORCE HOUSING TAX INCENTIVES PROGRAM CHANGES**

S.F. 488

AN ACT relating to the workforce housing tax incentives program by requiring allocations to certain housing projects and by increasing the allowable average dwelling unit cost and the percentage of investment for tax incentives for certain housing projects.

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

Section 1. Section 15.119, subsection 2, paragraph g, Code 2017, is amended to read as follows:

g. The workforce housing tax incentives program administered pursuant to sections 15.351 through 15.356. In allocating tax credits pursuant to this subsection, the authority shall not allocate more than twenty million dollars for purposes of this paragraph. Of the moneys allocated under this paragraph, five million dollars shall be reserved for allocation to qualified housing projects in small cities, as defined in section 15.352, that are registered on or after July 1, 2017.

Sec. 2. Section 15.352, Code 2017, is amended by adding the following new subsections:
NEW SUBSECTION. 3A. "Greenfield site" means a site that does not meet the definition of a brownfield site or grayfield site. A project proposed at a site located on previously undeveloped land or agricultural land shall be presumed to be a greenfield site.

NEW SUBSECTION. 9. "Small city" means any city or township located in this state, except those located within the eleven most populous counties in the state, as determined by the most recent federal decennial census. For the purposes of this part, a small city that is located in more than one county shall be considered to be located in the county having the greatest taxable base within the small city.

Sec. 3. Section 15.353, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. Four or more single-family dwelling units, except for a project located in a small city, then two or more single-family dwelling units.

Sec. 4. Section 15.353, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0d. For a housing project located in a small city that meets program requirements under subsection 1, paragraph "a", development at a greenfield site.

Sec. 5. Section 15.353, subsection 2, paragraph d, subparagraph (2), subparagraph division (c), Code 2017, 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 "e" "0d".

Sec. 6. Section 15.353, subsection 3, paragraph b, Code 2017, is amended to read as follows:

b. (1) The average dwelling unit cost does not exceed two hundred fifty thousand dollars per dwelling unit if the project involves the rehabilitation, repair, redevelopment, or preservation of property described in section 404A.1, subsection 8, paragraph "a".

(2) The average dwelling unit cost for the project does not exceed two hundred fifteen thousand dollars per dwelling unit if the project is located in a small city.

Sec. 7. Section 15.354, subsection 4, paragraph c, Code 2017, is amended to read as follows:

c. (1) The authority shall issue tax incentives under the program on a first-come, first-served basis until the maximum amount of tax incentives allocated pursuant to section 15.119, subsection 2, is reached. The authority shall maintain a list of registered housing projects under the program so that if the maximum aggregate amount of tax incentives

is reached in a given fiscal year, registered housing projects that were completed but for which tax incentives were not issued shall be placed on a wait list in the order the registered housing projects were registered and shall be given priority for receiving tax incentives in succeeding fiscal years.

(2) The authority shall administer allocations reserved for qualified housing projects in small cities separately from the general allocation in subparagraph (1). The authority shall issue tax incentives for small cities under the program on a first-come, first-served basis until the maximum amount of the allocation reserved for small cities under section 15.119, subsection 2, paragraph “g”, is reached. The authority shall maintain a list of registered housing projects in small cities under the program so that if the maximum aggregate amount of tax incentives reserved for small cities is reached in a given fiscal year, such registered housing projects that were completed but for which tax incentives were not issued shall be placed on a wait list in the order the registered housing projects were registered and shall be given priority for receiving tax incentives in succeeding fiscal years. If the maximum aggregate amount of tax incentives reserved for small cities is not reached in a given fiscal year, the authority may issue tax incentives reserved under this subparagraph (2) to other housing projects registered under subsection 2.

Sec. 8. Section 15.355, subsection 3, paragraph a, Code 2017, is amended to read as follows:

a. A housing business may claim a tax credit in an amount not to exceed the following:

(1) For a housing project not located in a small city, ten percent of the qualifying new investment of a housing project.

(2) For a housing project located in a small city, twenty percent of the qualifying new investment of a housing project.

Approved May 11, 2017

CHAPTER 135

USE OF MONITORING DEVICES BY GOVERNMENTAL ENTITIES WITHIN PUBLIC FACILITIES

S.F. 499

AN ACT prohibiting the use of certain monitoring devices in certain locations open to the public, and including effective date provisions.

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

Section 1. NEW SECTION. 27.1 Definitions.

1. For purposes of this section:

a. “*Monitoring device*” means a digital video or audio streaming or recording device that is part of a system of monitoring activity in an area or building using a system in which signals are transmitted from a video camera or microphone to the receivers by cables or wirelessly, forming a closed circuit.

b. “*Public hospital*” means a hospital licensed pursuant to chapter 135B and governed pursuant to chapter 145A, 263, 347, 347A, or 392.

c. “*Public library*” means a library district as described in chapter 336.

d. “*Public school*” means a school district as described in chapter 274.

e. “*Reasonable expectation of privacy*” means a person’s reasonable belief, under the circumstances, that the person can disrobe or partially disrobe in privacy without being concerned that the person is being viewed, photographed, or filmed when doing so.¹

¹ See chapter 170, §31 herein

Sec. 2. **NEW SECTION. 27.2 Monitoring devices prohibited.**

The state or a political subdivision of the state, including but not limited to a public library, public school, or other government office open to the public, shall not use a monitoring device in a toilet, bath, or shower facility; locker room; common area within such a facility or room, including an area where a sink or changing table is located; or other space open to the public where a person has a reasonable expectation of privacy.

Sec. 3. **NEW SECTION. 27.3 Removal of monitoring devices.**

On or before July 1, 2017, the state or a political subdivision of the state, including but not limited to a public library, public school, or other government office open to the public, using a monitoring device in a toilet, bath, or shower facility; locker room; common area within such a facility or room, including an area where a sink or changing table is located; or other space open to the public where a person has a reasonable expectation of privacy shall cease use of and remove the monitoring device.

Sec. 4. **NEW SECTION. 27.4 Limitation on political subdivisions.**

On July 1, 2017, any ordinance, resolution, rule, or other measure adopted or enforced by a political subdivision of the state permitting the use of a monitoring device in a toilet, bath, or shower facility; locker room; common area within such a facility or room, including an area where a sink or changing table is located; or other space open to the public where a person has a reasonable expectation of privacy is void.

Sec. 5. **NEW SECTION. 27.5 Public hospital exception.**

This chapter does not apply to a public hospital where use of a monitoring device is necessary to protect the health or safety of a patient during a patient's course of treatment.

Sec. 6. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 11, 2017

CHAPTER 136

911 EMERGENCY COMMUNICATION SYSTEMS

S.F. 500

AN ACT relating to 911 emergency telephone and internet communication systems and making appropriations.

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

Section 1. Section 29C.2, subsection 6, Code 2017, is amended to read as follows:

6. "Local emergency management agency" means a countywide joint county-municipal public safety agency organized to administer this chapter under the authority of a commission.

Sec. 2. Section 34A.1, Code 2017, is amended to read as follows:

34A.1 Purpose.

The general assembly finds that ~~enhanced~~ 911 emergency telephone communication systems and other emergency 911 notification devices further the public interest and protect the health, safety, and welfare of the people of Iowa. The purpose of this chapter is to enable the orderly development, installation, and operation of ~~enhanced~~ 911 emergency telephone communication systems and other emergency 911 notification devices statewide. These

systems are to be operated under governmental management and control for the public benefit.

Sec. 3. Section 34A.2, Code 2017, is amended to read as follows:

34A.2 Definitions.

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

1. "911 service area" means the geographic area encompassing at least one entire county, and which may encompass a geographical area outside the one entire county not restricted to county boundaries, serviced or to be serviced under a 911 service plan.

2. "911 service plan" means a plan that includes the following information:

a. A description of the 911 service area.

b. A list of all public and private safety agencies within the 911 service area.

c. The number of public safety answering points within the 911 service area.

d. Identification of the agency responsible for management and supervision of the 911 emergency communication system.

e. (1) A statement of estimated costs to be incurred by the joint 911 service board or the department of public safety, including separate estimates of the following:

(a) Nonrecurring costs, including but not limited to public safety answering points, network equipment, software, database, addressing, training, and other capital expenditures, including the purchase or lease of subscriber names, addresses, and telephone information from the local exchange service provider.

(b) Recurring costs, including but not limited to network access fees and other telephone charges, software, equipment, and database management, and maintenance, including the purchase or lease of subscriber names, addresses, and telephone information from the local exchange service provider. Recurring costs shall not include personnel costs for a public safety answering point.

(2) Funds deposited in a 911 service fund are appropriated and shall be used for the payment of costs that are limited to nonrecurring and recurring costs directly attributable to the receipt and disposition of the 911 call. Costs do not include expenditures for any other purpose, and specifically exclude costs attributable to other emergency services or expenditures for buildings or personnel, except for the costs of personnel for database management and personnel directly associated with addressing.

f. Current equipment operated by affected local exchange service providers, and central office equipment and technology upgrades necessary for the provider to implement 911 service within the 911 service area.

g. A schedule for implementation of the plan throughout the 911 service area. The schedule may provide for phased implementation.

h. The number of telephone access lines and voice over internet protocol service connections capable of access to 911 in the 911 service area.

i. The total property valuation in the 911 service area.

j. A plan to migrate to a next generation 911 network.

~~1.~~ 3. "Access line" means an exchange access line that has the ability to access dial tone and reach a public safety answering point.

~~2.~~ 4. "Communications service" means a service capable of accessing, connecting with, or interfacing with a 911 system by dialing, initializing, or otherwise activating the system exclusively through the digits 911 by means of a local telephone device, or wireless communications device, or any other device capable of interfacing with the 911 system.

~~3.~~ "Communications service provider" means a service provider, public or private, that transports information electronically via landline, wireless, internet, cable, or satellite.

~~4.~~ 5. "Competitive local exchange service provider" means the same as defined in section 476.96.

~~5.~~ 6. "Director" means the director of the department of homeland security and emergency management.

~~6.~~ 7. "Emergency communications service surcharge" means a charge established by the program manager in accordance with section 34A.7A.

~~8.~~ "Emergency services internet protocol network" or "ESInet" means a system using broadband packet-switched technology that is capable of supporting the transmission of

varying types of data to be shared by all public or private safety agencies that are involved in an emergency.

7. 9. “Enhanced 911” or “E911” means a service that provides the user of a communications service with the ability to reach a public safety answering point by using the digits 911, and that has the following additional features:

a. Routes an incoming 911 call to the appropriate public safety answering point.

b. Automatically provides voice, displays the name, address or location, and telephone number of an incoming 911 call and public safety agency servicing the location.

8. ~~“Enhanced 911 service area” means the geographic area to be serviced, or currently serviced under an enhanced 911 service plan, provided that an enhanced 911 service area must at minimum encompass one entire county. The enhanced 911 service area may encompass more than one county, and need not be restricted to county boundaries.~~

9. ~~“Enhanced 911 service plan” means a plan that includes the following information:~~

a. A description of the enhanced 911 service area.

b. A list of all public and private safety agencies within the enhanced 911 service area.

c. The number of public safety answering points within the enhanced 911 service area.

d. Identification of the agency responsible for management and supervision of the enhanced 911 emergency communication system.

e. (1) A statement of estimated costs to be incurred by the joint E911 service board or the department of public safety, including separate estimates of the following:

(a) Nonrecurring costs, including but not limited to public safety answering points, network equipment, software, database, addressing, training, and other capital expenditures, including the purchase or lease of subscriber names, addresses, and telephone information from the local exchange service provider.

(b) Recurring costs, including but not limited to network access fees and other telephone charges, software, equipment, and database management, and maintenance, including the purchase or lease of subscriber names, addresses, and telephone information from the local exchange service provider. Recurring costs shall not include personnel costs for a public safety answering point.

(2) Funds deposited in an E911 service fund are appropriated and shall be used for the payment of costs that are limited to nonrecurring and recurring costs directly attributable to the receipt and disposition of the 911 call. Costs do not include expenditures for any other purpose, and specifically exclude costs attributable to other emergency services or expenditures for buildings or personnel, except for the costs of personnel for database management and personnel directly associated with addressing.

f. Current equipment operated by affected local exchange service providers, and central office equipment and technology upgrades necessary for the provider to implement enhanced 911 service within the enhanced 911 service area.

g. A schedule for implementation of the plan throughout the E911 service area. The schedule may provide for phased implementation.

h. The number of telephone access lines capable of access to 911 in the enhanced 911 service area.

i. The total property valuation in the enhanced 911 service area.

j. A plan to migrate to an internet protocol-enabled next generation network.

10. “Geographic information system” or “GIS” means a system designed to capture, store, manipulate, analyze, manage, and present spatial or geographical data.

11. “Local exchange carrier” means the same as defined in section 476.96.

12. “Local exchange service provider” means a vendor engaged in providing telecommunications service between points within an exchange and includes but is not limited to a competitive local exchange service provider and a local exchange carrier.

13. “Next generation 911 network” means an internet protocol-enabled system that enables the public to transmit digital information to public safety answering points and replaces enhanced 911, and that includes E911, GIS, cybersecurity, and other system components.

14. “Originating service provider” means a communications provider that allows its users or subscribers to originate 911 voice or non-voice messages from the public to public safety answering points, including but not limited to wireline, wireless, and voice over internet protocol services.

~~15.~~ 15. “*Prepaid wireless telecommunications service*” means a wireless communications service that provides the right to utilize mobile wireless service as well as other nontelecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance and that is sold in predetermined units or dollars of which the amount declines with use in a known amount.

~~16.~~ 16. “*Program manager*” means the ~~E911~~ 911 program manager appointed pursuant to section 34A.2A.

~~17.~~ 17. “*Provider*” means a vendor who provides, or offers to provide, ~~E911~~ 911 equipment, installation, maintenance, or exchange access services within the ~~enhanced~~ 911 service area.

~~18.~~ 18. “*Public or private safety agency*” means a unit of state or local government, a local emergency management agency as defined in section 29C.2, a special purpose district, or a private firm which provides or has the authority to provide fire fighting, police, ambulance, or emergency medical services, or hazardous materials response.

~~19.~~ 19. “*Public safety answering point*” means a twenty-four-hour public safety communications facility that receives ~~enhanced~~ 911 service calls and directly dispatches emergency response services or relays calls to the appropriate public or private safety agency.

20. “*Voice over internet protocol service*” means a service to which all of the following apply:
a. The service provides real-time two-way voice communications transmitted using internet protocol, and a successor protocol.

b. The service is offered to the public, or such classes of users as to be effectively available to the public.

c. The service has the capability to originate traffic to, and terminate traffic from, the public switched telephone network or a successor network.

~~21.~~ 21. “*Wireless communications service*” means commercial mobile radio service. “*Wireless communications service*” includes any wireless two-way communications used in cellular telephone service, personal communications service, or the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communications service, or a network access line. “*Wireless communications service*” does not include a service whose customers do not have access to 911 or 911-like service, a communications channel utilized only for data transmission, or a private telecommunications system.

~~22.~~ 22. “*Wireless communications service provider*” means a company that offers wireless communications service to users of wireless devices including but not limited to cellular, personal communications services, mobile satellite services, and enhanced specialized mobile radio.

~~23.~~ 23. “*Wireless E911 phase 1*” means a 911 call made from a wireless device in which the wireless communications service provider delivers the call-back number and address of the tower that received the call to the appropriate public safety answering point.

~~24.~~ 24. “*Wireless E911 phase 2*” means a 911 call made from a wireless device in which the wireless communications service provider delivers the call-back number and the latitude and longitude coordinates of the wireless device to the appropriate public safety answering point.

~~25.~~ 25. “*Wire-line ~~E911~~ 911 service surcharge*” means a charge set by the ~~E911~~ 911 service area operating authority and assessed on each wire-line access line which physically terminates within the ~~E911~~ 911 service area in accordance with section 34A.7.

Sec. 4. Section 34A.2A, subsections 1 and 2, Code 2017, are amended to read as follows:

1. The director of the department of homeland security and emergency management shall appoint ~~an E911~~ a 911 program manager to administer this chapter.

2. The ~~E911~~ 911 program manager shall act under the supervisory control of the director of the department of homeland security and emergency management, and in consultation with the ~~E911~~ 911 communications council, and shall perform the duties specifically set forth in this chapter and as assigned by the director.

Sec. 5. Section 34A.3, Code 2017, is amended to read as follows:

34A.3 Joint ~~E911~~ 911 service board — 911 service plan — implementation — waivers.

1. *Joint ~~E911~~ 911 service boards — plans.*

a. The board of supervisors of each county shall maintain a joint ~~E911~~ 911 service board.

(1) Each political subdivision of the state having a public safety agency serving territory within the county and each local emergency management agency as defined in section 29C.2 operating within the area is entitled to voting membership on the joint ~~E911~~ 911 service board. For the purposes of this section, a township that operates a volunteer fire department providing fire protection services to the township, or a city which provides fire protection services through the operation of a volunteer fire department not financed through city government, shall be considered a political subdivision of the state having a public safety agency serving territory within the county. Each private safety agency operating within the area is entitled to nonvoting membership on the board.

(2) A township that does not operate its own public safety agency, but contracts for the provision of public safety services, is not entitled to membership on the joint ~~E911~~ 911 service board, but its contractor is entitled to membership according to the contractor's status as a public or private safety agency.

b. The joint ~~E911~~ 911 service board shall maintain ~~an enhanced~~ a 911 service plan encompassing at minimum the entire county, unless an exemption is granted by the program manager permitting a smaller ~~E911~~ 911 service area.

(1) The program manager may grant a discretionary exemption from the single county minimum service area requirement based upon a joint ~~E911~~ 911 service board's or other ~~E911~~ 911 service plan operating authority's presentation of evidence which supports the requested exemption if the program manager finds that local conditions make adherence to the minimum standard unreasonable or technically infeasible and that the purposes of this chapter would be furthered by granting an exemption. The minimum size requirement is intended to prevent unnecessary duplication of public safety answering points and minimize other administrative, personnel, and equipment expenses.

(2) The program manager may order the inclusion of a specific territory in an adjoining ~~E911~~ 911 service plan area to avoid the creation by exclusion of a territory smaller than a single county not serviced by surrounding ~~E911~~ 911 service plan areas upon request of the joint ~~E911~~ 911 service board representing the territory.

c. The ~~E911~~ 911 service plan operating authority shall submit proposed changes to the plan to all of the following:

(1) The program manager.

(2) Public and private safety agencies in the ~~enhanced~~ 911 service area.

(3) Local exchange service providers affected by the ~~enhanced~~ 911 service plan.

2. *Compliance waivers available in limited circumstances.*

a. The program manager may extend the time period for plan implementation by issuing a compliance waiver.

b. The compliance waiver shall be based upon a joint ~~E911~~ 911 service board's presentation of evidence which supports an extension if the program manager finds that local conditions make implementation financially unreasonable or technically infeasible by the originally scheduled plan of implementation.

c. The compliance waiver shall be for a set period of time, and subject to review and renewal or denial of renewal upon its expiration.

d. The waiver may cover all or a portion of a 911 service plan's ~~enhanced~~ 911 service area to facilitate phased implementation when possible.

e. The granting of a compliance waiver does not create a presumption that the identical or similar waiver will be extended in the future.

f. Consideration of compliance waivers shall be on a case-by-case basis.

3. *Chapter 28E agreement — alternative to joint ~~E911~~ 911 service board.*

a. A legal entity created pursuant to chapter 28E by a county or counties, other political divisions, and public or private agencies to jointly plan, implement, and operate a countywide, or larger, ~~enhanced~~ 911 service system may be substituted for the joint ~~E911~~ 911 service board required under subsection 1. An alternative legal entity created pursuant to chapter 28E as a substitute for a joint ~~E911~~ 911 service board, as permitted by this subsection, may be created by either:

(1) Agreement of the parties entitled to voting membership on a joint ~~E911~~ 911 service board.

(2) Agreement of the members of a joint ~~E911~~ 911 service board.

b. An alternative chapter 28E entity has all of the powers of a joint ~~E911~~ 911 service board and any additional powers granted by the agreement. As used in this chapter, "*joint ~~E911~~ 911 service board*" includes an alternative chapter 28E entity created for that purpose, except as specifically limited by the chapter 28E agreement or unless clearly provided otherwise in this chapter. A chapter 28E agreement related to ~~E911~~ 911 service shall permit the participation of a private safety agency or other persons allowed to participate in a joint ~~E911~~ 911 service board, but the terms, scope, and conditions of participation are subject to the chapter 28E agreement.

4. *Participation in joint ~~E911~~ 911 service board required.* A political subdivision having a public or private safety agency within its territory or jurisdiction shall participate in a joint ~~E911~~ 911 service board and cooperate in maintaining the ~~E911~~ 911 service plan.

Sec. 6. Section 34A.4, Code 2017, is amended to read as follows:

34A.4 Requirements of pay telephones and other telecommunications devices to allow 911 calls without depositing coins or other charge.

In an ~~enhanced~~ a 911 service area, a person shall not install or offer for use within the ~~enhanced~~ 911 service area a pay station telephone or other fixed device unless the telephone or device is capable of making a 911 call without prior insertion of a coin or payment of any other charge, and unless the telephone or device displays notice of free 911 service.

Sec. 7. Section 34A.5, Code 2017, is amended to read as follows:

34A.5 Private listing subscribers and 911 service.

Private listing subscribers in an ~~enhanced~~ a 911 service area waive the privacy afforded by nonlisted or nonpublished numbers to the extent that the name and address associated with the telephone number may be furnished to the ~~enhanced~~ 911 service system, for all routing, for automatic retrieval of location information, and for associated emergency services.

Sec. 8. Section 34A.7, Code 2017, is amended to read as follows:

34A.7 Funding — wire-line ~~E911~~ 911 service surcharge.

When an ~~E911~~ a 911 service plan is implemented, the costs of providing ~~E911~~ 911 service within an ~~E911~~ a 911 service area are the responsibility of the joint ~~E911~~ 911 service board and the member political subdivisions. Costs in excess of the amount raised by imposition of the ~~E911~~ 911 service surcharge provided for under subsection 1 shall be paid by the joint ~~E911~~ 911 service board from such revenue sources allocated among the member political subdivisions as determined by the joint ~~E911~~ 911 service board. Funding is not limited to the surcharge, and surcharge revenues may be supplemented by other permissible local and state revenue sources. A joint ~~E911~~ 911 service board shall not commit a political subdivision to appropriate property tax revenues to fund an ~~E911~~ a 911 service plan without the consent of the political subdivision. A joint ~~E911~~ 911 service board may approve an ~~E911~~ a 911 service plan, including a funding formula requiring appropriations by participating political subdivisions, subject to the approval of the funding formula by each political subdivision. However, a political subdivision may agree in advance to appropriate property tax revenues or other moneys according to a formula or plan developed by an alternative chapter 28E entity.

1. *Local wire-line ~~E911~~ 911 service surcharge imposition.*

a. To encourage local implementation of ~~E911~~ 911 service, one source of funding for ~~E911~~ 911 emergency communication systems shall come from a surcharge per month, per access line on each access line subscriber, of one dollar.

b. The surcharge shall be imposed by order of the program manager as follows:

(1) The program manager shall notify a local exchange service provider scheduled to provide exchange access line service to an ~~E911~~ a 911 service area that implementation of an ~~E911~~ a 911 service plan has been approved by the joint ~~E911~~ 911 service board and that collection of the surcharge is to begin within sixty days.

(2) The program manager shall also provide notice to all affected public safety answering points.

2. *Surcharge collected by local exchange service providers.*

a. The surcharge shall be collected as part of the access line service provider's periodic billing to a subscriber. In compensation for the costs of billing and collection, the local exchange service provider may retain one percent of the gross surcharges collected. If the compensation is insufficient to fully recover a local exchange service provider's costs for billing and collection of the surcharge, the deficiency shall be included in the local exchange service provider's costs for ratemaking purposes to the extent it is reasonable and just under section 476.6. The surcharge shall be remitted to the ~~E911~~ 911 service operating authority for deposit into the ~~E911~~ 911 service fund quarterly by the local exchange service provider. The total amount for multiple exchanges may be combined.

b. A local exchange service provider is not liable for an uncollected surcharge for which the local exchange service provider has billed a subscriber but not been paid. The surcharge shall appear as a single line item on a subscriber's periodic billing entitled, "~~E911~~ 911 emergency communications service surcharge".

c. The joint ~~E911~~ 911 service board may request, not more than once each quarter, the following information from the local exchange service provider:

- (1) The identity of the exchange from which the surcharge is collected.
- (2) The number of lines to which the surcharge was applied for the quarter.
- (3) The number of refusals to pay per exchange if applicable.
- (4) Write-offs applied per exchange if applicable.
- (5) The number of lines exempt per exchange.

(6) The amount retained by the local exchange service provider generated from the one percent administration fee.

d. Access line counts and surcharge remittances are confidential public records as provided in section 34A.8.

3. *Maximum limit per subscriber billing for surcharge.* An individual subscriber shall not be required to pay on a single periodic billing the surcharge on more than one hundred access lines, or their equivalent, in an ~~E911~~ 911 service area. A subscriber shall pay the surcharge in each ~~E911~~ 911 service area in which the subscriber receives access line service.

4. *~~E911~~ 911 service fund.* Each joint ~~E911~~ 911 service board shall establish and maintain as a separate account an ~~E911~~ 911 service fund. Any funds remaining in the account at the end of each fiscal year shall not revert to the general funds of the member political subdivisions, except as provided in subsection 5, but shall remain in the ~~E911~~ 911 service fund. Moneys in an ~~E911~~ 911 service fund may only be used for nonrecurring and recurring costs of the ~~E911~~ 911 service plan as approved by the program manager, as those terms are defined by section 34A.2.

5. *Use of moneys in fund — priority and limitations on expenditure.*

a. Moneys deposited in the ~~E911~~ 911 service fund shall be used for the repayment of any bonds issued for the benefit of or loan made to the joint ~~E911~~ 911 service board pursuant to sections 34A.20 through 34A.22, and as long as any such bond or loan remains unpaid the surcharge shall not be reduced or eliminated. Moneys deposited in the fund shall be subject to such terms and conditions as may be contained in the relevant bond documents, trust indenture, resolution, loan agreement, or other instrument pursuant to which bonds are issued or a loan is made, without regard to any limitation otherwise provided by law.

b. Moneys deposited in the ~~E911~~ 911 service fund shall be used for the following, in order of priority if paragraph "a" does not apply:

(1) Money shall first be spent for actual recurring costs of operating the ~~E911~~ 911 service plan.

(2) If money remains in the fund after fully paying for recurring costs incurred in the preceding year, the remainder may be spent to pay for nonrecurring costs, not to exceed actual nonrecurring costs as approved by the program manager.

(3) If money remains in the fund after fully paying obligations under subparagraphs (1) and (2), the remainder may be accumulated in the fund as a carryover operating surplus.

6. *Limitation of actions — provider not liable on cause of action related to provision of 911 services.* A claim or cause of action does not exist based upon or arising out of an act or omission in connection with a land-line or wireless provider's participation in an ~~E911~~ 911 service plan or provision of 911 or local exchange access service, unless the act or omission is determined to be willful and wanton negligence.

Sec. 9. Section 34A.7A, Code 2017, is amended to read as follows:

34A.7A Emergency communications service surcharge — fund established — distribution and permissible expenditures.

1. *a.* The director shall adopt by rule a monthly surcharge of one dollar to be imposed on each ~~communications~~ originating service number provided in this state. The surcharge shall be imposed uniformly on a statewide basis and simultaneously on all ~~communications~~ originating service numbers as provided by rule of the director. The surcharge shall not be imposed on wire-line-based communications or prepaid wireless telecommunications service.

b. The program manager shall provide no less than sixty days' notice of the surcharge to be imposed to each ~~communications~~ originating service provider.

c. (1) The surcharge shall be collected as part of the ~~communications~~ originating service provider's periodic billing to a subscriber. The surcharge shall appear as a single line item on a subscriber's periodic billing indicating that the surcharge is for ~~E911~~ 911 emergency communications service.

(2) In compensation for the costs of billing and collection, the ~~communications~~ originating service provider may retain one percent of the gross surcharges collected.

(3) The surcharges shall be remitted quarterly by the ~~communications~~ originating service provider to the program manager for deposit into the fund established in subsection 2.

(4) ~~A communications~~ An originating service provider is not liable for an uncollected surcharge for which the ~~communications~~ originating service provider has billed a subscriber but which has not been paid.

2. Moneys collected pursuant to subsection 1 and section 34A.7B, subsection 2, shall be deposited in a separate ~~E911~~ 911 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~~ 911 emergency communications fund.

b. (1) The program manager shall allocate to each joint ~~E911~~ 911 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~~ 911 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~~ 911 calls taken at the public safety answering point in the service area to the total number of wireless ~~E911~~ 911 calls originating in this state.

(c) Notwithstanding subparagraph divisions *(a)* and *(b)*, the minimum amount allocated to each joint ~~E911~~ 911 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~~ 911 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.

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.

d. (1) The program manager shall reimburse ~~communications originating~~ 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~~ the next generation 911 network.

(2) The program manager may also provide grants to joint 911 service boards and the department of public safety for the purpose of developing and maintaining GIS data to be used in support of the next generation 911 network.

e. The program manager shall reimburse wire-line carriers and third-party ~~E911 911~~ automatic location ~~information identification~~ database providers on a calendar quarterly basis for the costs of maintaining and upgrading the ~~E911 911~~ components and functionalities beyond the input to the ~~E911 911~~ selective router, including the ~~E911 911~~ selective router and the automatic location ~~information identification~~ database.

f. The department of homeland security and emergency management may, in a reserve account established within the ~~E911 911~~ emergency communications fund, credit each fiscal year an amount of up to twelve and one-half percent of the annual 911 emergency communications service surcharge collected pursuant to subsection 1 and the prepaid wireless ~~E911 911~~ 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.

~~g. 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.~~

~~h. g.~~ (1) If moneys remain in the fund after fully paying all obligations under paragraphs "a", "b", "c", "d", "e", and "f", and "g", an amount of up to ~~four seven million four hundred thousand~~ four million seven hundred thousand dollars shall, for the fiscal year beginning July 1, ~~2016~~ 2017, and ending June 30, ~~2017~~ 2018, be expended and distributed in the following priority order:

(a) (i) The director, in consultation with the program manager and the ~~E911 911~~ 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 911~~ communications council, shall adopt rules governing the eligibility for and the ~~E911 911~~ 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 911~~ 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 911~~ systems, and the expenses of members of the ~~E911 911~~

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 program manager shall allocate an equal amount of moneys to each public safety answering point for ~~the following costs:~~ related to the receipt and disposition of 911 calls, including hardware and software for the next generation 911 network and local costs related to accessing the state's interoperable communications system.

~~(i) Costs related to the receipt and disposition of 911 calls, including hardware and software for an internet protocol-enabled next generation 911 network.~~

~~(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.

i. The director, in consultation with the program manager and the ~~E911~~ 911 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~~ 911 service boards and the department of public safety which answer or service wireless ~~E911~~ 911 calls are eligible to receive an equitable portion of the receipts.

3. a. The program manager shall submit an annual report by January 15 of each year to the general assembly's standing committees on government oversight advising the general assembly of the status of ~~E911~~ 911 implementation and operations, including both wire-line and wireless services, the distribution of surcharge receipts, and an accounting of the revenues and expenses of the ~~E911~~ 911 program.

b. The program manager shall submit a calendar quarter report of the revenues and expenses of the ~~E911~~ 911 program to the fiscal services division of the legislative services agency.

c. The general assembly's standing committees on government oversight shall review the priorities of distribution of funds under this chapter at least every two years.

4. The amount collected from ~~a communications~~ an originating service provider and deposited in the fund, pursuant to section 22.7, subsection 6, information provided by a ~~communications~~ an originating service provider to the program manager consisting of trade secrets, pursuant to section 22.7, subsection 3, and other financial or commercial operations information provided by a ~~communications~~ an originating service provider to the program manager, shall be kept confidential as provided under section 22.7. This subsection does not prohibit the inclusion of information in any report providing aggregate amounts and information which does not identify numbers of accounts or customers, revenues, or expenses attributable to an individual ~~communications~~ originating service provider.

5. a. The program manager, in consultation with the ~~E911~~ 911 communications council and the auditor of state, shall establish a methodology for determining and collecting comprehensive public safety answering point cost and expense data through the county joint ~~E911~~ 911 service boards. The methodology shall include the collection of data for all costs and expenses related to the operation of a public safety answering point and account for the extent to which identified costs and expenses are compensated for or addressed through ~~E911~~ 911 surcharges versus other sources of funding.

b. Data collection pursuant to paragraph "a" shall commence no later than January 1, 2014, and shall be subject to an audit by the auditor of state beginning July 1, 2014. The program manager shall prepare a report detailing the methodology developed and the data collected after such data has been collected for a two-year period. The report and the results of the initial audit shall be submitted to the general assembly by March 1, 2016. A new report regarding data collection and the results of an ongoing audit for each successive two-year period shall be submitted by March 1 every two years thereafter. Expenses associated with the audit shall be paid to the auditor of state by the program manager from the ~~E911~~ 911 emergency communications fund established in subsection 2.

c. A county joint ~~E911~~ 911 service board which fails to submit expenses and costs pursuant to the methodology developed pursuant to paragraph "a" by March 31 of each year shall be allocated sixty-five cents out of the one dollar 911 emergency communications service surcharge until March 31 of the following year. Remaining funds shall be held in the carryover

operating surplus fund until the expenses and cost report is submitted by the county joint ~~E911~~ 911 service board. If the county joint ~~E911~~ 911 service board submits the expense and cost report before March 30 of the following year, the set aside funds shall be provided to the county joint ~~E911~~ 911 service board. If the county joint ~~E911~~ 911 service board fails to submit the expense and cost report within one year, funds shall revert to the carryover operating surplus fund and be used in accordance with subsection 2, paragraph “~~h~~” “g”.

Sec. 10. Section 34A.7B, Code 2017, is amended to read as follows:

34A.7B Prepaid wireless ~~E911~~ 911 surcharge.

1. As used in this section, unless the context otherwise requires:

a. “*Consumer*” means a person who purchases prepaid wireless telecommunications service in a retail transaction.

b. “*Department*” means the department of revenue.

c. “*Prepaid wireless ~~E911~~ 911 surcharge*” means the surcharge that is required to be collected by a seller from a consumer in the amount established under this section.

d. “*Provider*” means a person who provides prepaid wireless telecommunications service pursuant to a license issued by the federal communications commission.

e. “*Retail transaction*” means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.

f. “*Seller*” means a person who sells prepaid wireless telecommunications service to another person.

2. There is imposed a prepaid wireless ~~E911~~ 911 surcharge of thirty-three cents on each retail transaction or, on or after the determination of an adjusted rate as determined pursuant to subsection 7, the adjusted rate.

3. The prepaid wireless ~~E911~~ 911 surcharge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless ~~E911~~ 911 surcharge shall be either separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller, or otherwise disclosed to the consumer.

4. For purposes of subsection 3, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state for purposes of section 423.20 as that section applies to sourcing of a prepaid wireless calling service.

5. The prepaid wireless ~~E911~~ 911 surcharge is the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless ~~E911~~ 911 surcharges that the seller collects from consumers as provided in subsection 3, including all such surcharges that the seller is deemed to collect where the amount of the surcharge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

6. The amount of the prepaid wireless ~~E911~~ 911 surcharge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, other surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.

7. The prepaid wireless ~~E911~~ 911 surcharge shall be increased or reduced, as applicable, in an amount proportionate to any change to the surcharge imposed under section 34A.7A, subsection 1. The proportional increase or reduction shall be effective on the first day of the calendar month after the effective date of the change to the surcharge imposed under section 34A.7A, subsection 1. The department shall provide not less than thirty days’ advance notice of such increase or reduction on the department’s internet site.

8. If a minimal amount of prepaid wireless telecommunications service is sold with a prepaid wireless device for a single, nonitemized price, the seller may elect not to apply the prepaid wireless ~~E911~~ 911 surcharge to the retail transaction. For purposes of this subsection, an amount of service denominated as ten minutes or less, or five dollars or less, shall be regarded as a minimal amount of service.

9. Prepaid wireless ~~E911~~ 911 surcharges collected by sellers shall be remitted to the department at the times and in the manner provided by chapter 423 with respect to the sales and use tax. The department shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply to sellers under chapter 423.

10. A seller may deduct and retain three percent of prepaid wireless ~~E911~~ 911 surcharges that are collected by the seller from consumers.

11. The audit, appeal, collection, and enforcement procedures and other pertinent provisions applicable to the sales and use tax imposed under chapter 423 shall apply to prepaid wireless ~~E911~~ 911 surcharges.

12. The department shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions under chapter 423.

13. The department shall transfer all remitted prepaid wireless ~~E911~~ 911 surcharges to the treasurer of state for deposit in the ~~E911~~ 911 emergency communications fund created under section 34A.7A, subsection 2, within thirty days of receipt after deducting an amount, not to exceed two percent of collected surcharges, that shall be retained by the department to reimburse its direct costs of administering the collection and remittance of prepaid wireless ~~E911~~ 911 surcharges.

14. The limitation of actions provisions under section 34A.7, subsection 6, shall apply to providers and sellers of prepaid wireless telecommunications service. In addition, a provider or seller of prepaid wireless telecommunications service shall not be liable for damages to any person resulting from or incurred in connection with the provision of any lawful assistance to any investigative or law enforcement officer of the United States, this or any other state, or any political subdivision of this or any other state, in connection with any lawful investigation or other law enforcement activity by such investigative or law enforcement officer.

15. The prepaid wireless ~~E911~~ 911 surcharge imposed pursuant to this section shall be the only ~~E911~~ 911 funding obligation imposed with respect to prepaid wireless telecommunications service in this state, and no tax, fee, surcharge, or other charge shall be imposed by this state, any political subdivision of this state, or any intergovernmental agency, for ~~E911~~ 911 funding purposes, upon any provider, seller, or consumer with respect to the sale, purchase, use, or provision of prepaid wireless telecommunications service.

Sec. 11. Section 34A.8, Code 2017, is amended to read as follows:

34A.8 Local exchange service information — penalty.

1. A local exchange service provider shall furnish to the ~~E911~~ 911 service provider, designated by the joint ~~E911~~ 911 service board, all names, addresses, and telephone number information concerning its subscribers which will be served by the ~~E911~~ 911 system and shall periodically update the local exchange service information. The ~~E911~~ 911 service provider shall furnish the addresses and telephone number information received from the local exchange service provider to the director for use in the mass notification and emergency messaging system as defined in section 29C.2. The local exchange service provider shall receive as compensation for the provision of local exchange service information charges according to its tariffs on file with and approved by the Iowa utilities board. The tariff charges shall be the same whether or not the local exchange service provider is designated as the ~~E911~~ 911 service provider by the joint ~~E911~~ 911 service board.

2. a. Subscriber information remains the property of the local exchange service provider.

b. The director, program manager, joint ~~E911~~ 911 service board, local emergency management commission established pursuant to section 29C.9, the designated ~~E911~~ 911 service provider, and the public safety answering point, their agents, employees, and assigns shall use local exchange service information provided by the local exchange service provider solely for the purposes of providing ~~E911~~ 911 emergency telephone service or providing related mass notification and emergency messaging services as described in section 29C.17A utilizing only the subscriber's information, and it shall otherwise be kept confidential. A person who violates this section is guilty of a simple misdemeanor.

c. This chapter does not require a local exchange service provider to sell or provide its subscriber names, addresses, or telephone number information to any person other than the ~~E911~~ 911 service provider designated by the joint ~~E911~~ 911 service board.

Sec. 12. Section 34A.10, Code 2017, is amended to read as follows:

34A.10 ~~E911 selective router~~ Next generation 911 network access.

On and after July 1, 2004 2017, only the program manager shall approve access to the ~~E911 selective router~~ next generation 911 network.

Sec. 13. Section 34A.11, Code 2017, is amended to read as follows:

34A.11 Communications — single point-of-contact.

1. The joint ~~E911~~ 911 service board in each ~~enhanced~~ 911 service area shall designate a person to serve as a single point-of-contact to facilitate the communication of needs, issues, or concerns regarding emergency communications, interoperability, and other matters applicable to emergency ~~E911~~ 911 communications and migration to an ~~internet protocol-enabled~~ the next generation 911 network. The person designated as the single point-of-contact shall be responsible for facilitating the communication of such needs, issues, or concerns between public or private safety agencies within the service area, the ~~E911~~ 911 program manager, the ~~E911~~ 911 communications council, the statewide interoperable communications system board established in section 80.28, and any other person, entity, or agency the person deems necessary or appropriate. The person designated shall also be responsible for responding to surveys or requests for information applicable to the service area received from a federal, state, or local agency, entity, or board.

2. In the event a joint ~~E911~~ 911 service board fails to designate a single point-of-contact by November 1, 2013, the chairperson of the joint ~~E911~~ 911 service board shall serve in that capacity. The ~~E911~~ 911 service board shall submit the name and contact information for the person designated as the single point-of-contact to the ~~E911~~ 911 program manager by January 1 annually.

3. The provisions of this section shall be equally applicable to an alternative legal entity created pursuant to chapter 28E if such an entity is established as an alternative to a joint ~~E911~~ 911 service board as provided in section 34A.3. If such an entity is established, the governing body of that entity shall designate the single point-of-contact for the entity, and the chairperson or representative official of the governing body shall serve in the event a single point-of-contact is not designated.

Sec. 14. Section 34A.15, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

~~An E911~~ A 911 communications council is established. The council consists of the following ~~thirteen~~ fourteen members:

Sec. 15. Section 34A.15, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. 1. One person appointed by the Iowa geographic information council established by executive order of the governor.

Sec. 16. Section 34A.20, Code 2017, is amended to read as follows:

34A.20 ~~E911 911~~ financing program — definitions — funding — bonds and notes.

1. As used in this subchapter, unless the context otherwise requires, “*authority*” means the Iowa finance authority.

2. The authority shall cooperate with the director in the creation, administration, and funding of the ~~E911~~ 911 program established in subchapter I.

3. The authority may issue its bonds and notes for the purpose of funding ~~E911~~ 911 nonrecurring and recurring costs of one or more ~~E911~~ 911 service areas.

4. The authority may issue its bonds and notes for the purposes of this chapter and may enter into one or more lending agreements or purchase agreements with one or more bondholders or noteholders containing the terms and conditions of the repayment of and the security for the bonds or notes. The authority and the bondholders or noteholders or a

trustee agent designated by the authority may enter into agreements to provide for any of the following:

a. That the proceeds of the bonds and notes and the investments of the proceeds may be received, held, and disbursed by the authority or by a trustee or agent designated by the authority.

b. That the bondholders or noteholders or a trustee or agent designated by the authority may collect, invest, and apply the amount payable under the loan agreements or any other instruments securing the debt obligations under the loan agreements.

c. That the bondholders or noteholders may enforce the remedies provided in the loan agreements or other instruments on their own behalf without the appointment or designation of a trustee. If there is a default in the principal of or interest on the bonds or notes or in the performance of any agreement contained in the loan agreements or other instruments, the payment or performance may be enforced in accordance with the loan agreement or other instrument.

d. Other terms and conditions as deemed necessary or appropriate by the authority.

5. The powers granted the authority under this section are in addition to other powers contained in chapter 16. All other provisions of chapter 16, except section 16.28, subsection 4, apply to bonds or notes issued and powers granted to the authority under this section, except to the extent they are inconsistent with this section.

6. All bonds or notes issued by the authority in connection with the program are exempt from taxation by this state and the interest on the bonds or notes is exempt from state income tax, both personal and corporate.

Sec. 17. Section 34A.21, subsection 1, paragraph c, Code 2017, is amended to read as follows:

c. The amounts on deposit in the ~~E911 911~~ service fund of a joint ~~E911 911~~ service board, including, but not limited to revenues from a local option ~~E911 911~~ service surcharge.

Sec. 18. PLAN FOR CONSOLIDATION OF NEXT GENERATION 911 NETWORK. The department of homeland security and emergency management shall develop a plan that identifies the process required to combine the wireline 911 network with the next generation 911 network. The plan shall describe anticipated costs associated with the development, deployment, operation, and maintenance of the combined next generation 911 network, and how the surcharges provided in chapter 34A may support implementation of such plan. The plan shall provide for the combined next generation 911 system to utilize shared services technology for the virtual consolidation of public safety answering point call processing equipment. The plan shall include suggested amendments to chapter 34A that may be needed to allow the implementation of the plan. The department shall submit the plan to the general assembly no later than January 15, 2018.

Approved May 11, 2017

CHAPTER 137

FEES COLLECTED BY COUNTY SHERIFFS

S.F. 501

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, subsection 1, paragraphs a, b, c, e, f, g, h, k, l, m, and n, Code 2017, are amended to read as follows:

a. For serving a notice and returning it, for the first person served, ~~fifteen~~ thirty dollars, and each additional person, ~~fifteen~~ thirty dollars except the fee for serving additional persons in the same household shall be ~~ten~~ twenty dollars for each additional service, or if the service of notice cannot be made or several attempts are necessary, the repayment of all necessary expenses actually incurred by the sheriff while attempting in good faith to serve the notice.

b. For each warrant served, ~~twenty~~ thirty-five dollars, and the repayment of necessary expenses incurred in executing the warrant, as sworn to by the sheriff, or if service of the warrant cannot be made, the repayment of all necessary expenses actually incurred by the sheriff while attempting in good faith to serve the warrant.

c. For serving and returning a subpoena, for each person served, ~~twenty~~ thirty-five dollars, and the necessary expenses incurred while serving subpoenas in criminal cases or cases relating to hospitalization of persons with mental illness.

e. For summoning a jury to assess the damages to the owners of lands taken for works of internal improvement, ~~and attending them, one two~~ hundred dollars per day, and necessary expenses incurred. This subsection does not allow a sheriff to make separate charges for different assessments which can be made by the same jury and completed in one day of ten hours.

f. For serving an execution, attachment, order for the delivery of personal property, injunction, or any order of court, and returning it, ~~fifteen~~ thirty dollars.

g. For making and executing a certificate or deed for lands sold on execution, fifty dollars, or ~~for making and executing~~ a bill of sale for personal property sold, thirty dollars.

h. For the time necessarily employed in making an inventory of personal property attached or levied upon, ~~ten~~ twenty dollars per hour.

k. For ~~attending~~ setting a sale of property, fifty ~~seventy-five~~ dollars.

l. For conveying one or more persons to a state, county, or private institution by order of court or commission, necessary expenses for the sheriff and the person conveyed and ~~fifteen~~ twenty-five dollars per hour for the time necessarily employed in going to and from the institution, the expenses and hourly rate to be charged and accounted for as fees. If the sheriff needs assistance in taking a person to an institution, the assistance shall be furnished at the expense of the county.

m. For serving a warrant for the seizure of intoxicating liquors, ~~five~~ ten dollars; for the removal and custody of the liquor, actual expenses; for the destruction of the liquor under the order of the court, ~~five~~ ten dollars and actual expenses; for posting and leaving notices in these cases, ~~five~~ ten dollars and actual expenses.

n. For posting a notice or advertisement, ~~five~~ ten dollars.

Sec. 2. Section 331.655, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. p. For the necessary time employed in attending the service of a writ, twenty-five dollars per hour.

Approved May 11, 2017

CHAPTER 138**REGULATION OF BANKING, CREDIT UNIONS, AND CONSUMER CREDIT
TRANSACTIONS****S.F. 502**

AN ACT relating to banks, credit unions, and certain consumer credit transactions.

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

Section 1. Section 524.213, Code 2017, is amended to read as follows:

524.213 Duties and powers of superintendent.

The superintendent shall have general control, supervision and regulation of all state banks and shall be charged with the administration, interpretation, and execution of the laws, rules, and regulations of this state and any other state or federal law or regulation relating to banks and banking and with such other duties and responsibilities as are imposed upon the superintendent by the laws of this state. The superintendent shall have power to adopt and promulgate such rules and regulations as necessary to carry out and enforce, properly and effectively, the provisions of this chapter and chapter 12C applicable to banks.

Sec. 2. Section 524.612, subsections 1, 2, and 5, Code 2017, are amended by striking the subsections.

Sec. 3. Section 524.612, subsection 3, Code 2017, is amended to read as follows:

3. A director shall not receive terms or be paid a rate of interest on deposits, by a state bank of which the person is a director, which are more favorable than that provided to any other customer under similar circumstances. Any waiver of ordinary or customary charges related to deposit accounts shall not violate this subsection.

Sec. 4. Section 524.613, subsection 2, Code 2017, is amended by striking the subsection.

Sec. 5. Section 524.706, subsection 1, Code 2017, is amended by striking the subsection.

Sec. 6. Section 524.706, subsection 2, Code 2017, is amended to read as follows:

2. Section 524.612, ~~subsection 2,~~ applies to executive officers, ~~and section 524.612, subsections 3 and 4, apply to all officers and employees.~~

Sec. 7. Section 524.710, subsection 2, Code 2017, is amended by striking the subsection.

Sec. 8. Section 524.1601, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. The amount by which the director's, or executive officer's, ~~or employee's~~ deposit account in the state bank or bank holding company is overdrawn, ~~upon conviction of a in violation of section 524.613, subsection 2, or of section 524.710, subsection 2 12 C.F.R. §215.4(e).~~

Sec. 9. Section 524.1601, subsection 2, Code 2017, is amended to read as follows:

2. A director or officer who willfully makes or receives a loan in violation of ~~section 524.612, subsection 1, or section 524.706, subsection 1~~ 12 C.F.R. §215.4 or 215.5, shall be guilty of a serious misdemeanor and shall be subject to an additional fine equal to that amount of the loan in excess of the limitation imposed by such ~~subsections~~ regulations, and shall be forever disqualified from acting as a director or officer of any state bank or bank holding company. ~~For the purpose of this subsection, amounts which are treated as obligations of an officer or director pursuant to section 524.612, subsection 5, shall be considered in determining whether the loan or extension of credit is in violation of section 524.612, subsection 1, and section 524.706, subsection 1.~~

Sec. 10. Section 524.1806, Code 2017, is amended to read as follows:

524.1806 Banks owned or controlled — officers and directors.

An individual who is a director or an officer of a bank holding company, as specified by section 524.1801, is deemed to be a director or an officer, or both, as the case may be, of each bank so owned or controlled by that bank holding company, for the purposes of sections 524.612, 524.613 and 524.706, and for the purposes of 12 C.F.R. pt. 215.

Sec. 11. Section 533.205, subsection 7, Code 2017, is amended to read as follows:

7. A state credit union ~~shall not~~ may pay an overdraft of a director, officer, or employee of the state credit union on an account at the state credit union, ~~unless subject to the rules of the superintendent, when~~ the payment of funds is made in accordance with ~~either~~ any of the following:

a. A written, preauthorized, interest-bearing extension of credit plan that specifies a method of repayment.

b. A written, preauthorized transfer of collected funds from another account of the account holder at the state credit union.

c. The overdraft is paid pursuant to an overdraft protection plan or courtesy pay program.

Sec. 12. Section 537.2301, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. A supervised loan made by a person in violation of subsection 2 shall be void and the consumer is not obligated to pay either the amount financed or the finance charge. If the consumer has paid any part of the amount financed or the finance charge, the consumer has a right to recover the payment from the person in violation of subsection 2 or from an assignee of that person's rights who undertakes direct collection of payments or enforcement of rights arising from the debt. With respect to violations arising from loans made pursuant to open-end credit, no action pursuant to this subsection may be brought more than two years after the violation occurred. With respect to violations arising from other loans, no action pursuant to this subsection may be brought more than one year after the due date of the last scheduled payment of the agreement pursuant to which the charge was paid.

Sec. 13. Section 537.2501, subsection 1, paragraph f, subparagraph (1), Code 2017, is amended to read as follows:

(1) With respect to open-end credit pursuant to a credit card issued by the creditor which entitles the cardholder to purchase or lease goods or services from at least one hundred persons not related to the card issuer, the parties may contract for an over-limit charge ~~up to fifteen dollars~~ in accordance with 12 C.F.R. §1026.52(b) if the balance of the account exceeds the credit limit established pursuant to the agreement. The over-limit charge under this paragraph shall not be assessed again in a subsequent billing cycle unless in a subsequent billing cycle the account balance has been reduced below the credit limit.

Sec. 14. Section 537.2501, subsection 1, paragraph g, Code 2017, is amended to read as follows:

~~g. A surcharge of not more than five percent of the amount of the face value of the payment instrument or twenty dollars, whichever is greater, for each dishonored payment instrument provided that the fee is clearly and conspicuously disclosed in the cardholder agreement. However, the amount of the surcharge shall not exceed twenty dollars unless the check, draft, or order was presented twice or the maker does not have an account with the drawee. If the check, draft, or order was presented twice or the maker does not have an account with the drawee, the amount of the surcharge shall not exceed fifty dollars as provided for in section 554.3512 for a dishonored check, draft, or order that was accepted as payment for a consumer credit transaction payment. The surcharge shall not be assessed against the maker if the reason for the dishonor of the instrument is that the maker has stopped payment pursuant to section 554.4403.~~

Sec. 15. Section 537.2501, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. Credit reporting charges.

Sec. 16. Section 537.2502, subsection 1, paragraph a, subparagraph (1), Code 2017, is amended to read as follows:

(1) Five percent of the unpaid amount of the installment, or a maximum of ~~twenty~~ thirty dollars.

Sec. 17. Section 537.2502, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. For an interest-bearing transaction, an amount not exceeding five percent of the unpaid amount of the installment, or a maximum of ~~fifteen~~ thirty dollars.

Sec. 18. Section 537.2502, subsection 4, Code 2017, is amended to read as follows:

4. With respect to open-end credit, the parties may contract for a delinquency charge on any payment not paid in full when due, as originally scheduled or as deferred, in an amount up to ~~fifteen~~ thirty dollars.

Sec. 19. Section 537.2510, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 8. This section does not apply to a financial institution as defined in section 537.1301.

Sec. 20. Section 537.5201, subsection 3, Code 2017, is amended to read as follows:

3. If a creditor has contracted for or received a charge in excess of that allowed by this chapter, or if a consumer is entitled to a refund and a person liable to the consumer refuses to make a refund within a reasonable time after demand, the consumer may recover from the creditor or the person liable, in an action other than a class action, the excess charge or refund and a penalty in an amount determined by the court not less than ~~one~~ two hundred dollars or more than ~~one~~ two thousand dollars. With respect to excess charges arising from sales or loans made pursuant to open-end credit, no action pursuant to this subsection may be brought more than two years after the time the excess charge was made. With respect to excess charges arising from other consumer credit transactions no action pursuant to this subsection may be brought more than one year after the due date of the last scheduled payment of the agreement pursuant to which the charge was made. For purposes of this subsection, a reasonable time is presumed to be thirty days.

Sec. 21. Section 537.5203, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. Twice the amount of the finance charge in connection with the transaction, but the liability pursuant to this paragraph shall be not less than ~~one~~ two hundred dollars or more than ~~one~~ two thousand dollars.

Sec. 22. Section 537.6113, subsection 2, Code 2017, is amended to read as follows:

2. The administrator may bring a civil action against a person to recover a civil penalty of no more than ~~five~~ ten thousand dollars for repeatedly and intentionally violating this chapter. No civil penalty pursuant to this subsection may be imposed for violations of this chapter occurring more than two years before the action is brought or for making unconscionable agreements or engaging in a course of fraudulent or unconscionable conduct.

Sec. 23. Section 537.6203, subsections 1 and 4, Code 2017, are amended to read as follows:

1. A person required to file notification shall pay to the administrator an annual fee of ~~ten~~ fifty dollars. The fee shall be paid with the filing of the first notification and on or before January 31 of each succeeding year.

4. In addition to the penalties provided by section 537.6113, subsection 3, the administrator may collect a charge, established by rule, not exceeding ~~twenty-five~~ seventy-five dollars from

each person required to pay fees under this section who fails to pay the fees in full within thirty days after they are due.

Approved May 11, 2017

CHAPTER 139

CONSUMER CREDIT TRANSACTIONS — UNPAID INSTALLMENTS — DEFERRAL AGREEMENTS

S.F. 503

AN ACT providing for the deferral of unpaid installments and deferral charges for certain interest-bearing consumer credit transactions.

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

Section 1. Section 537.2503, subsection 1, Code 2017, is amended to read as follows:

1. a. Before or after default in payment of a scheduled installment of a precomputed consumer credit transaction, the parties to the transaction may agree in writing to a deferral of all or part of one or more unpaid installments and the creditor may make at the time of deferral and receive at that time or at any time thereafter a deferral charge which is not in excess of one and one-half percent per month for the period of time for which it is deferred, but not to exceed the rate of finance charge which was required to be disclosed in the transaction to the consumer pursuant to section 537.3201 applied to each amount deferred for the period for which it is deferred. In computing a deferral charge for one or more months, any month may be counted as one-twelfth of a year and in computing a deferral charge for part of a month, a day shall be counted as one three hundred sixty-fifth of a year.

b. With respect to an interest-bearing consumer credit transaction not pursuant to an open-end credit arrangement and other than a consumer lease or consumer rental purchase agreement, the parties to the transaction may agree in writing to a deferral of all or part of one or more unpaid installments in addition to any interest accrued pursuant to the terms of the consumer credit transaction. The creditor may make at the time of deferral and receive at that time or at any time thereafter a deferral charge which shall not exceed thirty dollars per deferred installment.

Approved May 11, 2017

CHAPTER 140

CRIMINAL TRESPASS

H.F. 69

AN ACT relating to criminal trespass and modifying penalties.

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

Section 1. Section 716.7, subsection 2, paragraph a, subparagraph (2), Code 2017, is amended to read as follows:

(2) Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee,

or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property. A person has received notice to abstain from entering or remaining upon or in property within the meaning of this subparagraph (2) if any of the following is applicable:

(a) The person has been notified to abstain from entering or remaining upon or in property personally, either orally or in writing, including by a valid court order under chapter 236.

(b) A printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to the property or the forbidden part of the property.

Sec. 2. Section 716.8, subsections 1 and 5, Code 2017, are 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 punishable as a scheduled violation under section 805.8C, subsection 11. A peace officer shall consider arresting and may arrest the person under section 805.9, subsection 3, paragraph "c", if the person refuses to leave the property after receiving a citation or immediately returns to the property after receiving a citation, or may arrest the person as otherwise provided under law.

5. A person who commits a trespass while hunting deer, other than a farm deer as defined in section 170.1 or preserve whitetail as defined in section 484C.1, commits a simple misdemeanor punishable as a scheduled violation under section 805.8C, subsection 11. A peace officer shall consider arresting and may arrest the person under section 805.9, subsection 3, paragraph "c", if the person refuses to leave the property after receiving a citation or immediately returns to the property after receiving a citation, or may arrest the person as otherwise provided under law. The person shall also be subject to civil penalties as provided in sections 481A.130 and 481A.131. A deer taken by a person while committing such a trespass shall be subject to seizure as provided in section 481A.12.

Sec. 3. Section 716.8, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Any person who intentionally trespasses as defined in section 716.7, subsection 2, paragraph "a", subparagraph (7), commits a serious misdemeanor.

Sec. 4. Section 805.8C, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 11. *Trespassing violations.* For trespasses punishable under section 716.8, subsection 1 or 5, the scheduled fine is two hundred dollars for a first violation, five hundred dollars for a second violation, and one thousand dollars for a third or subsequent violation.

Approved May 11, 2017

CHAPTER 141

SCHOOL DISTRICT EMPLOYEE RETIREMENT SYSTEM MERGERS

H.F. 89

AN ACT authorizing a retirement system merger relating to an alternative retirement system for certain school district employees.

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

Section 1. Section 97B.42C, Code 2017, is amended to read as follows:

97B.42C Retirement system merger — ~~municipal utility retirement system.~~

A municipal water utility or waterworks that has established a pension and annuity retirement system for its employees pursuant to chapter 412, or a school district that has

established a pension and annuity retirement system for its employees pursuant to chapter ~~294~~, may adopt a resolution to authorize the merger of its pension and annuity retirement system with and into the Iowa public employees' retirement system. The system is authorized, but is not required, to accept such a proposal. The governing body of the municipal water utility or waterworks or school district and the Iowa public employees' retirement system shall, acting in their fiduciary capacities, mutually determine the terms and conditions of such a merger, including any additional funds necessary to fund the service credits being transferred to the Iowa public employees' retirement system, and either party may decline the merger if they cannot agree on such terms and conditions. The system shall adopt such rules as it deems necessary and prudent to effectuate mergers as provided by this section.

Approved May 11, 2017

CHAPTER 142

PETITIONS FOR ADMINISTRATION OF SMALL ESTATES

H.F. 184

AN ACT relating to information required to be contained in petitions for administration of small estates and including applicability provisions.

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

Section 1. Section 635.2, subsection 2, Code 2017, is amended to read as follows:

2. The name and address of the surviving spouse, ~~and the name and relationship of each beneficiary in a testate estate or known heirs in an intestate estate.~~

Sec. 2. Section 635.2, Code 2017, is amended by adding the following new subsection: NEW SUBSECTION. 2A. The name and relationship of each heir so far as known to the petitioner in an intestate estate.

Sec. 3. **APPLICABILITY.** This Act applies to petitions filed on or after the effective date of this Act.

Approved May 11, 2017

CHAPTER 143

REQUESTS FOR NOTICE OF PROBATE PROCEEDINGS

H.F. 195

AN ACT relating to requests for notice of probate proceedings.

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

Section 1. Section 633.42, Code 2017, is amended to read as follows:

633.42 Requests for notice.

1. At any time after the issuance of letters ~~testamentary or of administration upon a decedent's estate~~ of appointment, any interested person ~~interested in the estate proceeding~~ may file with the clerk a written request, ~~in triplicate~~, for notice of the time and place of all hearings in such estate proceeding for which notice is required by law, by rule of court, or by

an order in such estate proceeding. The request for notice shall state the name, electronic mail address, and post office address of such person the requester and of the requester's and the name and post office address of the attorney, if any, for the party requesting the notice and the reason the requester is an interested person in the proceeding. The clerk shall docket the request, and transmit the duplicates to the personal representative of the estate of the decedent and to the personal representative's attorney of record, if any. Thereafter, the personal representative shall, unless otherwise ordered by the court, the fiduciary shall serve, by ordinary or electronic mail, a notice of each hearing upon such person, or requester and the person's requestor's attorney, if any, a notice of each hearing.

2. A person does not gain standing by filing a request for notice under this section.

Approved May 11, 2017

CHAPTER 144

IOWA ELECTION CAMPAIGN FUND AND CHECKOFF

H.F. 242

AN ACT relating to the individual income tax checkoff for the Iowa election campaign fund by providing for the future repeal of the tax checkoff and the Iowa election campaign fund, and including effective date provisions.

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

DIVISION I

IOWA ELECTION CAMPAIGN FUND TAX CHECKOFF

Section 1. Section 68A.601, Code 2017, is amended to read as follows:

68A.601 Checkoff — income tax.

A For tax years beginning before January 1, 2017, a person whose state income tax liability for any taxable year is one dollar and fifty cents or more may direct that one dollar and fifty cents of that liability be paid over to the Iowa election campaign fund when submitting the person's state income tax return to the department of revenue. In the case of a joint return of husband and wife having a state income tax liability of three dollars or more, each spouse may direct that one dollar and fifty cents be paid to the fund. The For tax years beginning before January 1, 2017, the director of revenue shall draft the income tax form to provide spaces on the tax return which the taxpayer may use to designate that contributions made under this section be credited to a specified political party as defined by section 43.2, or to the Iowa election campaign fund as a contribution to be shared by all such political parties in the manner prescribed by section 68A.602. The form shall inform the taxpayer of the consequences of the choices provided under this section, but this information may be contained in a footnote or other suitable form if the director of revenue finds it is not feasible to place the information immediately above the signature line. The action taken by a person for the checkoff is irrevocable.

Sec. 2. Section 422.12J, Code 2017, is amended to read as follows:

422.12J Income tax checkoff for Iowa election campaign fund.

A For tax years beginning before January 1, 2017, a person who files an individual or a joint income tax return with the department of revenue under section 422.13 may designate a contribution to the Iowa election campaign fund authorized pursuant to section 68A.601.

DIVISION II
FUTURE REPEAL OF IOWA ELECTION CAMPAIGN FUND TAX CHECKOFF

Sec. 3. Section 68A.103, subsection 2, Code 2017, is amended by striking the subsection.

Sec. 4. Section 97B.3, subsection 2, Code 2017, is amended to read as follows:

2. The qualifications for appointment as the chief executive officer shall include management-level pension fund administration experience. The qualifications for appointment as the chief executive officer shall also include a demonstrated knowledge of all aspects of pension fund administration, including financial management, investment asset management, benefit design and delivery, legal administration, and operations administration. The chief executive officer shall not be selected on the basis of political affiliation, and while employed as the chief executive officer, shall not be a member of a political committee, participate in a political campaign, or be a candidate for a partisan elective office, and shall not contribute to a political campaign fund, except that the chief executive officer may designate on the checkoff portion of the state or federal income tax return, or both, a party or parties to which a contribution is made pursuant to the checkoff. The chief executive officer shall not hold any other office under the laws of the United States or of this or any state and shall devote full time to the duties of office.

Sec. 5. Section 422.12D, subsection 2, Code 2017, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the foundation fund on the tax return. The department, on or before January 31, shall transfer the total amount designated on the tax form due in the preceding year to the foundation fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504 and the political contribution allowed under section 68A.601 shall be satisfied.

Sec. 6. Section 422.12E, subsection 1, Code 2017, is amended to read as follows:

1. For tax years beginning on or after January 1, 2019, there shall be allowed no more than four income tax return checkoffs on each income tax return. 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. 7. Section 422.12K, subsection 2, Code 2017, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the child abuse prevention program fund on the tax return. The department of revenue, on or before January 31, shall transfer the total amount designated on the tax return forms due in the preceding calendar year to the child abuse prevention program fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504 and the political contribution allowed under section 68A.601 shall be satisfied.

Sec. 8. Section 422.12L, subsection 2, Code 2017, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the veterans trust fund and to the volunteer fire fighter preparedness fund as one checkoff on the tax return. The department of revenue, on or before January 31, shall transfer one-half of the total amount designated on the tax return forms due in the preceding calendar year to the veterans trust fund and the remaining one-half to the volunteer fire fighter preparedness fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504 and the political contribution allowed under section 68A.601 shall be satisfied.

Sec. 9. Section 456A.16, subsection 7, Code 2017, is amended to read as follows:

7. The department shall adopt rules pursuant to chapter 17A to implement this section. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504 ~~and the political contribution allowed under section 68A.601~~ shall be satisfied.

Sec. 10. Section 474.10, Code 2017, is amended to read as follows:

474.10 General counsel.

The board shall employ a competent attorney to serve as its general counsel, and assistants to the general counsel as it finds necessary for the full and efficient discharge of its duties. The general counsel is the attorney for, and legal advisor of, the board and is exempt from the merit system provisions of chapter 8A, subchapter IV. Assistants to the general counsel are subject to the merit system provisions of chapter 8A, subchapter IV. The general counsel or an assistant to the general counsel shall provide the necessary legal advice to the board in all matters and represent the board in all actions instituted in a state or federal court challenging the validity of a rule or order of the board. The existence of a fact which disqualifies a person from election or from acting as a utilities board member disqualifies the person from employment as general counsel or assistant general counsel. The general counsel shall devote full time to the duties of the office. During employment the counsel shall not be a member of a political committee, contribute to a political campaign fund other than through the income tax checkoff for contributions to ~~the Iowa election campaign fund and the presidential election campaign fund~~, participate in a political campaign, or be a candidate for a political office.

Sec. 11. Section 475A.1, subsection 4, Code 2017, is amended to read as follows:

4. *Political activity prohibited.* The consumer advocate shall devote the advocate's entire time to the duties of the office; ~~and during.~~ During the advocate's term of office the advocate shall not be a member of a political committee or contribute to a political campaign fund other than through the income tax checkoff for contributions to ~~the Iowa election campaign fund and the presidential election campaign fund~~ or take part in political campaigns or be a candidate for a political office.

Sec. 12. Section 904.107, Code 2017, is amended to read as follows:

904.107 Director — appointment and qualifications.

The chief administrative officer for the department is the director. The director shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. The director shall be qualified in reformatory and prison management, knowledgeable in community-based corrections, and shall possess administrative ability. The director shall also have experience in the field of criminology and discipline and in the supervision of inmates in corrective penal institutions. The director shall not be selected on the basis of political affiliation, and while employed as the director, shall not be a member of a political committee, participate in a political campaign, be a candidate for a partisan elective office, and shall not contribute to a political campaign fund, except that the director may designate on the checkoff portion of the ~~state or~~ federal income tax return, ~~or both,~~ a party or parties to which a contribution is made pursuant to the checkoff. The director shall not hold any other office under the laws of the United States or of this or any state or hold any position for profit and shall devote full time to the duties of office.

Sec. 13. REPEAL. Sections 68A.601, 68A.602, 68A.603, 68A.604, 68A.605, 68A.606, 68A.607, 68A.608, 68A.609, and 422.12J, Code 2017, are repealed.

Sec. 14. EFFECTIVE DATE. This division of this Act takes effect July 1, 2018.

CHAPTER 145**CONTROLLED AND IMITATION CONTROLLED SUBSTANCES — MISCELLANEOUS CHANGES***H.F. 296*

AN ACT relating to controlled substances, including by temporarily designating substances as controlled substances, modifying the penalties for imitation controlled substances and certain controlled substances, modifying the controlled substances listed in schedules I, III, and IV, modifying requirements for electronic prescriptions, and providing penalties.

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

**DIVISION I
TEMPORARY CONTROLLED SUBSTANCES**

Section 1. Section 124.201, subsection 4, Code 2017, is amended to read as follows:

4. If any new substance is designated as a controlled substance under federal law and notice of the designation is given to the board, the board shall similarly designate as controlled the new substance under this chapter after the expiration of thirty days from publication in the federal register of a final order designating a new substance as a controlled substance, unless within that thirty-day period the board objects to the new designation. In that case the board shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing the board shall announce its decision. Upon publication of objection to a new substance being designated as a controlled substance under this chapter by the board, control under this chapter is stayed until the board publishes its decision. If a substance is designated as controlled by the board under this subsection the control shall be considered a temporary and if, within sixty days after the next regular session of the general assembly convenes, the general assembly has not made the corresponding changes in this chapter, the temporary designation of control of the substance by the board shall be nullified amendment to the schedules of controlled substances in this chapter. If the board so designates a substance as controlled, which is considered a temporary amendment to the schedules of controlled substances in this chapter, and if the general assembly does not amend this chapter to enact the temporary amendment and make the enactment effective within two years from the date the temporary amendment first became effective, the temporary amendment is repealed by operation of law two years from the effective date of the temporary amendment. A temporary amendment repealed by operation of law is subject to section 4.13 relating to the construction of statutes and the application of a general savings provision.

**DIVISION II
IMITATION CONTROLLED SUBSTANCES**

Sec. 2. Section 124.101, Code 2017, is amended by adding the following new subsection:
NEW SUBSECTION. 15A. “Imitation controlled substance” means a substance which is not a controlled substance but which by color, shape, size, markings, and other aspects of dosage unit appearance, and packaging or other factors, appears to be or resembles a controlled substance. The board may designate a substance as an imitation controlled substance pursuant to the board’s rulemaking authority and in accordance with chapter 17A. “*Imitation controlled substance*” also means any substance determined to be an imitation controlled substance pursuant to section 124.101B.

Sec. 3. **NEW SECTION. 124.101B Factors indicating an imitation controlled substance.**

If a substance has not been designated as an imitation controlled substance by the board and if dosage unit appearance alone does not establish that a substance is an imitation controlled substance, the following factors may be considered in determining whether the substance is an imitation controlled substance:

1. The person in control of the substance expressly or impliedly represents that the substance has the effect of a controlled substance.

2. The person in control of the substance expressly or impliedly represents that the substance because of its nature or appearance can be sold or delivered as a controlled substance or as a substitute for a controlled substance.

3. The person in control of the substance either demands or receives money or other property having a value substantially greater than the actual value of the substance as consideration for delivery of the substance.

Sec. 4. Section 124.401, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with the intent to manufacture or deliver, a controlled substance, a counterfeit substance, ~~or a simulated controlled substance, or an imitation controlled substance,~~ or to act with, enter into a common scheme or design with, or conspire with one or more other persons to manufacture, deliver, or possess with the intent to manufacture or deliver a controlled substance, a counterfeit substance, ~~or a simulated controlled substance, or an imitation controlled substance.~~

Sec. 5. Section 124.401, subsection 1, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Violation of this subsection, with respect to the following controlled substances, counterfeit substances, ~~or simulated controlled substances, or imitation controlled substances,~~ is a class "B" felony, and notwithstanding section 902.9, subsection 1, paragraph "b", shall be punished by confinement for no more than fifty years and a fine of not more than one million dollars:

Sec. 6. Section 124.401, subsection 1, paragraph b, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Violation of this subsection with respect to the following controlled substances, counterfeit substances, ~~or simulated controlled substances, or imitation controlled substances~~ is a class "B" felony, and in addition to the provisions of section 902.9, subsection 1, paragraph "b", shall be punished by a fine of not less than five thousand dollars nor more than one hundred thousand dollars:

Sec. 7. Section 124.401, subsection 1, paragraph c, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Violation of this subsection with respect to the following controlled substances, counterfeit substances, ~~or simulated controlled substances, or imitation controlled substances~~ is a class "C" felony, and in addition to the provisions of section 902.9, subsection 1, paragraph "d", shall be punished by a fine of not less than one thousand dollars nor more than fifty thousand dollars:

Sec. 8. Section 124.401, subsection 1, paragraph c, subparagraph (8), Code 2017, is amended to read as follows:

(8) Any other controlled substance, counterfeit substance, ~~or simulated controlled substance, or imitation controlled substance~~ classified in schedule I, II, or III, except as provided in paragraph "d".

Sec. 9. Section 124.401, subsection 2, Code 2017, is amended to read as follows:

2. If the same person commits two or more acts which are in violation of subsection 1 and the acts occur in approximately the same location or time period so that the acts can be attributed to a single scheme, plan, or conspiracy, the acts may be considered a single violation and the weight of the controlled substances, counterfeit substances, ~~or simulated controlled substances, or imitation controlled substances~~ involved may be combined for purposes of charging the offender.

Sec. 10. Section 124.401, subsection 5, unnumbered paragraph 1, Code 2017, is amended to read as follows:

It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a serious misdemeanor for a first offense. A person who commits a violation of this subsection and who has previously been convicted of violating this chapter or chapter ~~124A~~, ~~124B~~, or ~~453B~~, or chapter 124A as it existed prior to July 1, 2017, is guilty of an aggravated misdemeanor. A person who commits a violation of this subsection and has previously been convicted two or more times of violating this chapter or chapter ~~124A~~, ~~124B~~, or ~~453B~~, or chapter 124A as it existed prior to July 1, 2017, is guilty of a class "D" felony.

Sec. 11. Section 124.401A, Code 2017, is amended to read as follows:

124.401A Enhanced penalty for manufacture or distribution to persons on certain real property.

In addition to any other penalties provided in this chapter, a person who is eighteen years of age or older who unlawfully manufactures with intent to distribute, distributes, or possesses with intent to distribute a substance or counterfeit substance listed in schedule I, II, or III, or a simulated or imitation controlled substance represented to be a controlled substance classified in schedule I, II, or III, to another person who is eighteen years of age or older in or on, or within one thousand feet of the real property comprising a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, may be sentenced up to an additional term of confinement of five years.

Sec. 12. Section 124.401B, Code 2017, is amended to read as follows:

124.401B Possession of controlled substances on certain real property — additional penalty.

In addition to any other penalties provided in this chapter or another chapter, a person who unlawfully possesses a substance listed in schedule I, II, or III, or a simulated or imitation controlled substance represented to be a controlled substance classified in schedule I, II, or III, in or on, or within one thousand feet of the real property comprising a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, may be sentenced to one hundred hours of community service work for a public agency or a nonprofit charitable organization. The court shall provide the offender with a written statement of the terms and monitoring provisions of the community service.

Sec. 13. Section 124.406, subsection 2, Code 2017, is amended to read as follows:

2. A person who is eighteen years of age or older who:

a. Unlawfully distributes or possesses with the intent to distribute a counterfeit substance listed in schedule I or II, or a simulated or imitation controlled substance represented to be a substance classified in schedule I or II, to a person under eighteen years of age commits a class "B" felony. ~~However, if the substance was distributed in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, the person shall serve a minimum term of confinement of ten years.~~

b. Unlawfully distributes or possesses with intent to distribute a counterfeit substance listed in schedule III, or a simulated or imitation controlled substance represented to be any substance listed in schedule III, to a person under eighteen years of age who is at least three years younger than the violator commits a class "C" felony.

c. Unlawfully distributes a counterfeit substance listed in schedule IV or V, or a simulated or imitation controlled substance represented to be a substance listed in schedule IV or V, to a person under eighteen years of age who is at least three years younger than the violator commits an aggravated misdemeanor.

Sec. 14. Section 124.415, Code 2017, is amended to read as follows:

124.415 Parental and school notification — persons under eighteen years of age.

A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered to be in possession of a controlled substance, counterfeit substance, ~~or simulated controlled substance,~~ or imitation controlled substance in violation of this chapter, and if the person is not referred to juvenile court, the law enforcement agency of which the peace officer is an employee shall make a reasonable attempt to notify the person's custodial parent or legal guardian of such possession, whether or not the person is arrested, unless the officer has reasonable grounds to believe that such notification is not in the best interests of the person or will endanger that person. If the person is taken into custody, the peace officer shall notify a juvenile court officer who shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district, the superintendent's designee, or the authorities in charge of the nonpublic school of the taking into custody. A reasonable attempt to notify the person includes but is not limited to a telephone call or notice by first-class mail.

Sec. 15. NEW SECTION. 124.417 Imitation controlled substances — exceptions.

It is not unlawful under this chapter for a person registered under section 124.302, to manufacture, deliver, or possess with the intent to manufacture or deliver, or to act with, one or more other persons to manufacture, deliver, or possess with the intent to manufacture or deliver an imitation controlled substance for use as a placebo by a registered practitioner in the course of professional practice or research.

Sec. 16. Section 124.502, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. A district judge or district associate judge, within the court's jurisdiction, and upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting administrative inspections under this chapter or a related rule ~~or under chapter 124A~~. The warrant may also permit seizures of property appropriate to the inspections. For purposes of the issuance of administrative inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of the statute or related rules, sufficient to justify administrative inspection of the area, premises, building, or conveyance in the circumstances specified in the application for the warrant.

Sec. 17. Section 155A.6, subsection 3, Code 2017, is amended to read as follows:

3. The board shall establish standards for pharmacist-intern registration and may deny, suspend, or revoke a pharmacist-intern registration for failure to meet the standards or for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of this chapter or chapter 124, ~~124A~~, 124B, 126, 147, or 205, or any rule of the board.

Sec. 18. Section 155A.6A, subsection 5, Code 2017, is amended to read as follows:

5. The board may deny, suspend, or revoke the registration of, or otherwise discipline, a registered pharmacy technician for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of this chapter or chapter 124, ~~124A~~, 124B, 126, 147, 205, or 272C, or any rule of the board.

Sec. 19. Section 155A.6B, subsection 5, Code 2017, is amended to read as follows:

5. The board may deny, suspend, or revoke the registration of a pharmacy support person or otherwise discipline the pharmacy support person for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of this chapter or chapter 124, ~~124A~~, 124B, 126, 147, 205, or 272C, or any rule of the board.

Sec. 20. Section 155A.13A, subsection 5, paragraph d, Code 2017, is amended to read as follows:

d. Any violation of this chapter or chapter 124, ~~124A~~, 124B, 126, or 205, or rule of the board.

Sec. 21. Section 155A.17, subsection 2, Code 2017, is amended to read as follows:

2. The board shall establish standards for drug wholesaler licensure and may define specific types of wholesaler licenses. The board may deny, suspend, or revoke a drug wholesale license for failure to meet the applicable standards or for a violation of the laws of this state, another state, or the United States relating to prescription drugs, devices, or controlled substances, or for a violation of this chapter, chapter 124, ~~124A~~, 124B, 126, or 205, or a rule of the board.

Sec. 22. Section 155A.42, subsection 4, Code 2017, is amended to read as follows:

4. The board may deny, suspend, or revoke a limited drug and device distributor's license for failure to meet the applicable standards or for a violation of the laws of this state, another state, or the United States relating to prescription drugs or controlled substances, or for a violation of this chapter, chapter 124, ~~124A~~, 124B, 126, 205, or 272C, or a rule of the board.

Sec. 23. REPEAL. Chapter 124A, Code 2017, is repealed.

DIVISION III CONTROLLED SUBSTANCES — PENALTIES

Sec. 24. Section 124.401, subsection 1, paragraph a, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) More than ten kilograms of a mixture or substance containing any detectable amount of those substances identified in section 124.204, subsection 9.

Sec. 25. Section 124.401, subsection 1, paragraph b, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) More than five kilograms but not more than ten kilograms of a mixture or substance containing any detectable amount of those substances identified in section 124.204, subsection 9.

Sec. 26. Section 124.401, subsection 1, paragraph c, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7A) Five kilograms or less of a mixture or substance containing any detectable amount of those substances identified in section 124.204, subsection 9.

Sec. 27. Section 124.401, subsection 1, paragraph d, Code 2017, is amended to read as follows:

d. Violation of this subsection, with respect to any other controlled substances, counterfeit substances, ~~or simulated controlled substances classified in section 124.204, subsection 4, paragraph "ai", or section 124.204, subsection 6, paragraph "i", or, or imitation controlled substances~~ classified in schedule IV or V is an aggravated misdemeanor. However, violation of this subsection involving fifty kilograms or less of marijuana or involving flunitrazepam is a class "D" felony.

DIVISION IV ADDITIONAL CONTROLLED SUBSTANCES

Sec. 28. Section 124.204, subsection 9, Code 2017, is amended by adding the following new paragraphs:

NEW PARAGRAPH. p. N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other names: Furanyl fentanyl.

NEW PARAGRAPH. q. N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other names: Butyryl fentanyl.

NEW PARAGRAPH. r. N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other names: beta-hydroxythiofentanyl.

NEW PARAGRAPH. s. 3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other names: U-47700.

DIVISION V
ELECTRONIC PRESCRIPTIONS

Sec. 29. Section 155A.27, subsection 1, paragraph b, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) Notwithstanding paragraph “a”, subparagraph (5), for prescriptions for drugs that are not controlled substances, if transmitted by an authorized agent, the electronic prescription shall not require the written or electronic signature of the practitioner issuing the prescription.

Approved May 11, 2017

CHAPTER 146

TRAFFIC ACCIDENTS — REMOVAL OF VEHICLES AND REMAINING AT SCENE

H.F. 313

AN ACT requiring the removal of motor vehicles involved in certain accidents from the roadway, and providing a penalty.

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

Section 1. Section 321.262, Code 2017, is amended to read as follows:

321.262 Leaving scene of traffic accident prohibited — vehicle damage only — removal of vehicles.

1. a. The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately ~~stop such~~ remove the driver’s vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event from the traveled portion of the roadway if the vehicle is operable and the removal can be achieved in a safe manner. The driver shall remove the vehicle to the shoulder, emergency lane, or median nearest to the scene of the accident such that the vehicle is completely off the traveled portion of the roadway, and shall then stop the vehicle. The driver shall remove the vehicle without obstructing traffic more than is necessary.

b. Another person at the scene of the accident may remove a vehicle involved in the accident in accordance with this subsection to reduce the risk of a subsequent accident or to ensure the safety of persons at the scene of the accident.

2. The driver shall remain at the scene of ~~such~~ the accident until the driver has fulfilled the requirements of section 321.263. ~~Every such stop shall be made without obstructing traffic more than is necessary.~~ Any person failing to ~~stop or comply with said~~ remain at the scene of the accident or fulfill the requirements of section 321.263 under such circumstances shall be guilty of a misdemeanor and punished as provided in section 321.482.

Approved May 11, 2017

CHAPTER 147**QUIET TITLE ACTIONS — QUITCLAIM DEED REQUESTS — FEES AND COSTS***H.F. 371*

AN ACT relating to attorney fees and court costs in an action to quiet title after a request for a quitclaim deed.

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

Section 1. Section 649.5, Code 2017, is amended to read as follows:

649.5 Demand for quitclaim — attorney fees.

1. If a party, twenty days or more before ~~Before~~ bringing suit to quiet a title to real estate, requests of a party may make a written request to the person holding an apparent adverse interest or right ~~therein the execution of a~~ in the property asking that such person, and that person's spouse if any, execute, have acknowledged, and deliver a quitclaim deed thereto, and also tenders to the person one dollar and twenty-five cents to the property to such requesting party.

2. The written request described in subsection 1 shall include a draft quitclaim deed to the property, the street address of the property, a brief explanation of how the apparent adverse interest or right arose, if known, and why the party believes the interest or right is not a valid claim against title, a copy of this section, a self-addressed stamped envelope, and fifty dollars to cover the expense of the execution, acknowledgment, and delivery of the deed, and if,

3. If the person refuses or neglects holding an apparent adverse interest or right in the property fails to comply within twenty days of receiving the written request, the filing of a disclaimer of interest or right shall not avoid the costs in an action afterwards brought, and the court may, in its discretion, if the plaintiff succeeds, assess, in addition to the ordinary costs of court, an a reasonable attorney fee for plaintiff's the requesting party's attorney, not exceeding twenty-five dollars if there is but a single tract not exceeding forty acres in extent, or a single lot in a city, involved, and forty dollars, if but a single tract exceeding forty acres and not more than eighty acres. In cases in which two or more tracts are included that may not be embraced in one description, or single tracts covering more than eighty acres, or two or more city lots, a reasonable fee may be assessed, not exceeding, proportionately, those provided for in this section.

Approved May 11, 2017

CHAPTER 148**PUBLIC HEALTH — MISCELLANEOUS CHANGES***H.F. 393*

AN ACT relating to programs and activities under the purview of the department of public health, including effective date provisions and providing for a repeal.

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

DIVISION I**PROGRAM FLEXIBILITY AND EFFICIENCIES**

Section 1. Section 125.59, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. If the transferred amount for this subsection exceeds grant requests funded to the ten thousand dollar maximum, the Iowa department of public health may use the remainder for

activities and public information resources that align with best practices for substance-related disorder prevention or to increase grants pursuant to subsection 2.

Sec. 2. Section 135.11, subsection 31, Code 2017, is amended by striking the subsection.

Sec. 3. Section 135.150, subsection 2, Code 2017, is amended to read as follows:

2. The department shall report ~~semiannually~~ annually to the general assembly's standing committees on government oversight regarding the operation of the gambling treatment program. The report shall include but is not limited to information on the moneys expended and grants awarded for operation of the gambling treatment program.

DIVISION II

MEDICAL HOME AND PATIENT-CENTERED HEALTH ADVISORY COUNCIL

Sec. 4. Section 135.15, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 6. For the purposes of this section, "*dental home*" means a network of individualized care based on risk assessment, which includes oral health education, dental screenings, preventive services, diagnostic services, treatment services, and emergency services.

Sec. 5. Section 135.159, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

135.159 Patient-centered health advisory council.

1. The department shall establish a patient-centered health advisory council which shall include but is not limited to all of the following members, selected by their respective organizations, and any other members the department determines necessary:

- a. The director of human services, or the director's designee.
- b. The commissioner of insurance, or the commissioner's designee.
- c. A representative of the federation of Iowa insurers.
- d. A representative of the Iowa dental association.
- e. A representative of the Iowa nurses association.
- f. A physician and an osteopathic physician licensed pursuant to chapter 148 who are family physicians and members of the Iowa academy of family physicians.
- g. A health care consumer.
- h. A representative of the Iowa collaborative safety net provider network established pursuant to section 135.153.
- i. A representative of the Iowa developmental disabilities council.
- j. A representative of the Iowa chapter of the American academy of pediatrics.
- k. A representative of the child and family policy center.
- l. A representative of the Iowa pharmacy association.
- m. A representative of the Iowa chiropractic society.
- n. A representative of the university of Iowa college of public health.
- o. A certified palliative care physician.

2. The patient-centered health advisory council may utilize the assistance of other relevant public health and health care expertise when necessary to carry out the council's purposes and responsibilities.

3. A public member of the patient-centered health advisory council shall receive reimbursement for actual expenses incurred while serving in the member's official capacity only if the member is not eligible for reimbursement by the organization the member represents.

4. The purposes of the patient-centered health advisory council shall include all of the following:

- a. To serve as a resource on emerging health care transformation initiatives in Iowa.
- b. To convene stakeholders in Iowa to streamline efforts that support state-level and community-level integration and focus on reducing fragmentation of the health care system.
- c. To encourage partnerships and synergy between community health care partners in the state who are working on new system-level models to provide better health care at lower costs by focusing on shifting from volume-based to value-based health care.

d. To lead discussions on the transformation of the health care system to a patient-centered infrastructure that integrates and coordinates services and supports to address social determinants of health and to meet population health goals.

e. To provide a venue for education and information gathering for stakeholders and interested parties to learn about emerging health care initiatives across the state.

f. To develop recommendations for submission to the department related to health care transformation issues.

Sec. 6. Section 249N.2, subsections 15 and 19, Code 2017, are amended to read as follows:

15. "Medical home" means medical home as defined in section 135.157. a team approach to providing health care that originates in a primary care setting; fosters a partnership among the patient, the personal provider, and other health care professionals, and where appropriate, the patient's family; utilizes the partnership to access and integrate all medical and nonmedical health-related services across all elements of the health care system and the patient's community as needed by the patient and the patient's family to achieve maximum health potential; maintains a centralized, comprehensive record of all health-related services to promote continuity of care; and has all of the following characteristics:

a. A personal provider.

b. A provider-directed team-based medical practice.

c. Whole person orientation.

d. Coordination and integration of care.

e. Quality and safety.

f. Enhanced access to health care.

g. A payment system that appropriately recognizes the added value provided to patients who have a patient-centered medical home.

19. "Primary medical provider" means the personal provider as defined in section 135.157 trained to provide first contact and continuous and comprehensive care to a member, chosen by a member or to whom a member is assigned under the Iowa health and wellness plan.

Sec. 7. Section 249N.2, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 17A. "Personal provider" means the patient's first point of contact in the health care system with a primary care provider who identifies the patient's health-related needs and, working with a team of health care professionals and providers of medical and nonmedical health-related services, provides for and coordinates appropriate care to address the health-related needs identified.

NEW SUBSECTION. 18A. "Primary care provider" includes but is not limited to any of the following licensed or certified health care professionals who provide primary care:

a. A physician who is a family or general practitioner, a pediatrician, an internist, an obstetrician, or a gynecologist.

b. An advanced registered nurse practitioner.

c. A physician assistant.

d. A chiropractor.

Sec. 8. Section 249N.6, subsection 2, paragraph c, Code 2017, is amended to read as follows:

c. The department shall develop a mechanism for primary medical providers, medical homes, and participating accountable care organizations to jointly facilitate member care coordination. The Iowa health and wellness plan shall provide for reimbursement of care coordination services provided under the plan consistent with the reimbursement methodology developed pursuant to section 135.159.

Sec. 9. Section 249N.6, subsection 3, paragraph a, Code 2017, is amended to read as follows:

a. The department shall provide procedures for accountable care organizations that emerge through local markets to participate in the Iowa health and wellness plan provider network. Such accountable care organizations shall incorporate the medical home as defined and specified in chapter 135, division XXII, as a foundation and shall emphasize whole-person orientation and coordination and integration of both clinical services and

nonclinical community and social supports that address social determinants of health. A participating accountable care organization shall enter into a contract with the department to ensure the coordination and management of the health of attributed members, to produce quality health care outcomes, and to control overall cost.

Sec. 10. PALLIATIVE CARE REVIEW — PATIENT-CENTERED HEALTH ADVISORY COUNCIL. The patient-centered health advisory council shall review the current level of public awareness regarding and the availability of palliative care services in the state and shall submit a report to the governor and the general assembly by December 31, 2017, including the council's findings and providing recommendations to increase public awareness and reduce barriers to access to palliative care services throughout the state.

Sec. 11. REPEAL. Sections 135.157 and 135.158, Code 2017, are repealed.

DIVISION III WORKFORCE PROGRAMMING

Sec. 12. Section 84A.11, subsection 4, Code 2017, is amended to read as follows:

4. The nursing workforce data clearinghouse shall be established and maintained in a manner consistent with the health care delivery infrastructure and health care workforce resources strategic plan developed pursuant to section ~~135.164~~ 135.163.

Sec. 13. Section 135.107, subsection 3, Code 2017, is amended to read as follows:

3. The center for rural health and primary care shall establish a primary care provider recruitment and retention endeavor, to be known as PRIMECARRE. The endeavor shall include a health care workforce and community support grant program, and a primary care provider loan repayment program, ~~and a primary care provider community scholarship program~~. The endeavor shall be developed and implemented in a manner to promote and accommodate local creativity in efforts to recruit and retain health care professionals to provide services in the locality. The focus of the endeavor shall be to promote and assist local efforts in developing health care provider recruitment and retention programs. The center for rural health and primary care may enter into an agreement with the college student aid commission for the administration of the center's grant and loan repayment programs.

a. Community Health care workforce and community support grant program.

(1) The center for rural health and primary care shall adopt rules establishing ~~an flexible application process~~ processes based upon the department's strategic plan to be used by the center to establish a grant assistance program as provided in this paragraph "*a*", and establishing the criteria to be used in evaluating the applications. Selection criteria shall include a method for prioritizing grant applications based on illustrated efforts to meet the health care provider needs of the locality and surrounding area. Such assistance may be in the form of a forgivable loan, grant, or other nonfinancial assistance as deemed appropriate by the center. An application submitted ~~shall~~ may contain a commitment of ~~at least a dollar-for-dollar match of~~ matching funds for the grant assistance. Application may be made for assistance by a single community or group of communities or in response to programs recommended in the strategic plan to address health workforce shortages.

(2) Grants awarded under the program shall be ~~subject to the following limitations:~~

~~(a) Ten thousand dollars for a single community or region with a population of ten thousand or less. An award shall not be made under this program to a community with a population of more than ten thousand.~~

~~(b) An amount not to exceed one dollar per capita for a region in which the population exceeds ten thousand. For purposes of determining the amount of a grant for a region, the population of the region shall not include the population of any community with a population of more than ten thousand located in the region awarded to rural, underserved areas or special populations as identified by the department's strategic plan or evidence-based documentation.~~

b. Primary care provider loan repayment program.

(1) A primary care provider loan repayment program is established to increase the number of health professionals practicing primary care in federally designated health

professional shortage areas of the state. Under the program, loan repayment may be made to a recipient for educational expenses incurred while completing an accredited health education program directly related to obtaining credentials necessary to practice the recipient's health profession.

(2) The center for rural health and primary care shall adopt rules relating to the establishment and administration of the primary care provider loan repayment program. Rules adopted pursuant to this paragraph shall provide, at a minimum, for all of the following:

(a) Determination of eligibility requirements and qualifications of an applicant to receive loan repayment under the program, including but not limited to years of obligated service, clinical practice requirements, and residency requirements. One year of obligated service shall be provided by the applicant in exchange for each year of loan repayment, unless federal requirements otherwise require. Loan repayment under the program shall not be approved for a health provider whose license or certification is restricted by a medical regulatory authority of any jurisdiction of the United States, other nations, or territories.

(b) Identification of federally designated health professional shortage areas of the state and prioritization of such areas according to need.

(c) Determination of the amount and duration of the loan repayment an applicant may receive, giving consideration to the availability of funds under the program, and the applicant's outstanding educational loans and professional credentials.

(d) Determination of the conditions of loan repayment applicable to an applicant.

(e) Enforcement of the state's rights under a loan repayment program contract, including the commencement of any court action.

(f) Cancellation of a loan repayment program contract for reasonable cause unless federal requirements otherwise require.

(g) Participation in federal programs supporting repayment of loans of health care providers and acceptance of gifts, grants, and other aid or amounts from any person, association, foundation, trust, corporation, governmental agency, or other entity for the purposes of the program.

(h) Upon availability of state funds, determination of eligibility criteria and qualifications for participating communities and applicants not located in federally designated shortage areas.

(i) Other rules as necessary.

~~(3) The center for rural health and primary care may enter into an agreement under chapter 28E with the college student aid commission for the administration of this program.~~

~~e. Primary care provider community scholarship program.~~

~~(1) A primary care provider community scholarship program is established to recruit and to provide scholarships to train primary health care practitioners in federally designated health professional shortage areas of the state. Under the program, scholarships may be awarded to a recipient for educational expenses incurred while completing an accredited health education program directly related to obtaining the credentials necessary to practice the recipient's health profession.~~

~~(2) The department shall adopt rules relating to the establishment and administration of the primary care provider community scholarship program. Rules adopted pursuant to this paragraph shall provide, at a minimum, for all of the following:~~

~~(a) Determination of eligibility requirements and qualifications of an applicant to receive scholarships under the program, including but not limited to years of obligated service, clinical practice requirements, and residency requirements. One year of obligated service shall be provided by the applicant in exchange for each year of scholarship receipt, unless federal requirements otherwise require.~~

~~(b) Identification of federally designated health professional shortage areas of the state and prioritization of such areas according to need.~~

~~(c) Determination of the amount of the scholarship an applicant may receive.~~

~~(d) Determination of the conditions of scholarship to be awarded to an applicant.~~

~~(e) Enforcement of the state's rights under a scholarship contract, including the commencement of any court action.~~

~~(f) Cancellation of a scholarship contract for reasonable cause.~~

~~(g) Participation in federal programs supporting scholarships for health care providers and acceptance of gifts, grants, and other aid or amounts from any person, association, foundation, trust, corporation, governmental agency, or other entity for the purposes of the program.~~

~~(h) Upon availability of state funds, determination of eligibility criteria and qualifications for participating communities and applicants not located in federally designated shortage areas.~~

~~(i) Other rules as necessary.~~

~~(3) The center for rural health and primary care may enter into an agreement under chapter 28E with the college student aid commission for the administration of this program.~~

Sec. 14. Section 135.107, subsection 4, paragraphs a, b, and c, Code 2017, are amended to read as follows:

a. Eligibility under any of the programs established under the primary care provider recruitment and retention endeavor shall be based upon a community health services assessment completed under subsection 2, paragraph "a". ~~A community or region, as applicable, shall submit a letter of intent to conduct a community health services assessment and to apply for assistance under this subsection. The letter shall be in a form and contain information as determined by the center. A letter of intent shall be submitted to the center by January 1 preceding the fiscal year for which an application for assistance is to be made. Participation in a community health services assessment process shall be documented by the community or region.~~

b. Assistance under this subsection shall not be granted until such time as the community or region making application has completed ~~the~~ a community health services assessment and adopted a long-term community health services assessment and developmental plan. In addition to any other requirements, ~~a developmental~~ an applicant's plan shall include, ~~to the extent possible,~~ a clear commitment to informing high school students of the health care opportunities which may be available to such students.

c. The center for rural health and primary care shall seek additional assistance and resources from other state departments and agencies, federal agencies and grant programs, private organizations, and any other person, as appropriate. The center is authorized and directed to accept on behalf of the state any grant or contribution, federal or otherwise, made to assist in meeting the cost of carrying out the purpose of this subsection. All federal grants to and the federal receipts of the center are appropriated for the purpose set forth in such federal grants or receipts. Funds appropriated by the general assembly to the center for implementation of this subsection shall first be used for securing any available federal funds requiring a state match, with remaining funds being used for the health care workforce and community support grant program.

Sec. 15. Section 135.107, subsection 5, paragraph a, Code 2017, is amended to read as follows:

a. There is established an advisory committee to the center for rural health and primary care consisting of one representative, approved by the respective agency, of each of the following agencies: the department of agriculture and land stewardship, the Iowa department of public health, the department of inspections and appeals, ~~the a national or regional institute for rural health policy, the rural health resource center,~~ the institute of agricultural medicine and occupational health, and the Iowa state association of counties. The governor shall appoint two representatives of consumer groups active in rural health issues and a representative of each of two farm organizations active within the state, a representative of an agricultural business in the state, a representative of a critical needs hospital, a practicing rural family physician, a practicing rural physician assistant, a practicing rural advanced registered nurse practitioner, and a rural health practitioner who is not a physician, physician assistant, or advanced registered nurse practitioner, as members of the advisory committee. The advisory committee shall also include as members two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.

Sec. 16. Section 135.163, Code 2017, is amended to read as follows:

135.163 Health and long-term care access.

The department shall coordinate public and private efforts to develop and maintain an appropriate health care delivery infrastructure and a stable, well-qualified, diverse, and sustainable health care workforce in this state. The health care delivery infrastructure and the health care workforce shall address the broad spectrum of health care needs of Iowans throughout their lifespan ~~including long-term care needs~~. The department shall, at a minimum, do all of the following:

1. Develop a strategic plan for health care delivery infrastructure and health care workforce resources in this state.
2. Provide for the continuous collection of data to provide a basis for health care strategic planning and health care policymaking.
3. Make recommendations regarding the health care delivery infrastructure and the health care workforce that assist in monitoring current needs, predicting future trends, and informing policymaking.

Sec. 17. Section 135.175, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. A health care workforce shortage fund is created in the state treasury as a separate fund under the control of the department, in cooperation with the entities identified in this section as having control over the accounts within the fund. The fund and the accounts within the fund shall be controlled and managed in a manner consistent with the principles specified and the strategic plan developed pursuant to ~~sections section~~ section 135.163 and ~~135.164~~.

Sec. 18. Section 135.175, subsections 6 and 7, Code 2017, are amended to read as follows:

6. 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 section~~ section 135.163 and ~~135.164~~ to support the medical residency training state matching grants program, the fulfilling Iowa's need for dentists matching grant program, and to provide funding for state health care workforce shortage programs as provided in this section.

b. State programs that may receive funding from the fund and the accounts in the fund, if specifically designated for the purpose of drawing down federal funding, are the primary care recruitment and retention endeavor (PRIMECARRE), the Iowa affiliate of the national rural recruitment and retention network, the oral and health delivery systems bureau of the department, the primary care office and shortage designation program, and the state office of rural health, and the Iowa health workforce center, administered through the oral and health delivery systems bureau of health care access of the department of public health; ~~the area health education centers programs at Des Moines university — osteopathic medical center and the university of Iowa; the Iowa collaborative safety net provider network established pursuant to section 135.153; any entity identified by the federal government entity through which federal funding for a specified health care workforce shortage initiative is received; and a program developed in accordance with the strategic plan developed by the department of public health in accordance with sections section~~ section 135.163 and ~~135.164~~.

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, the funds shall be used in accordance with the strategic plan developed by the department of public health in accordance with ~~sections section~~ section 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.

7. No more than five percent of the moneys in any of the accounts within the fund, ~~not to exceed one hundred thousand dollars in each account~~, shall be used for administrative purposes, unless otherwise provided by the appropriation, allocation, or source of the funds.

Sec. 19. REPEAL. Sections 135.164 and 135.180, Code 2017, are repealed.

DIVISION IV
UNFUNDED OR OUTDATED PROGRAM PROVISIONS

Sec. 20. Section 135.11, subsection 25, Code 2017, is amended by striking the subsection.

Sec. 21. Section 135.141, subsection 2, paragraph c, Code 2017, is amended by striking the paragraph.

Sec. 22. Section 135.141, subsection 2, paragraph e, Code 2017, is amended to read as follows:

e. For the purpose of paragraphs “e” and paragraph “d”, an employee or agent of the department may enter into and examine any premises containing potentially dangerous agents with the consent of the owner or person in charge of the premises or, if the owner or person in charge of the premises refuses admittance, with an administrative search warrant obtained under section 808.14. Based on findings of the risk assessment and examination of the premises, the director may order reasonable safeguards or take any other action reasonably necessary to protect the public health pursuant to rules adopted to administer this subsection.

Sec. 23. Section 901B.1, subsection 4, paragraph a, Code 2017, is amended to read as follows:

a. The district department of correctional services shall place an individual committed to it under section 907.3 to the sanction and level of supervision which is appropriate to the individual based upon a current risk assessment evaluation. Placements may be to levels two and three of the corrections continuum. ~~The district department may, with the approval of the Iowa department of public health and the department of corrections, place an individual in a level three substance abuse treatment facility established pursuant to section 135.130, to assist the individual in complying with a condition of probation.~~ The district department may, with the approval of the department of corrections, place an individual in a level four violator facility established pursuant to section 904.207 only as a penalty for a violation of a condition imposed under this section.

Sec. 24. REPEAL. Sections 135.26, 135.29, 135.130, and 135.152, Code 2017, are repealed.

DIVISION V
MISCELLANEOUS PROVISIONS

Sec. 25. Section 135A.2, subsection 6, Code 2017, is amended to read as follows:

6. “*Local board of health*” means ~~a county or district board of health~~ the same as defined in section 137.102.

Sec. 26. REPEAL. Section 135.132, Code 2017, is repealed.

DIVISION VI
IOWA HEALTH INFORMATION NETWORK

Sec. 27. Section 136.3, subsection 13, Code 2017, is amended by striking the subsection.

Sec. 28. 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 as defined in 2015 Iowa Acts, ch. 73, section 2. The department of public health shall notify the Code editor of the date of such assumption by the designated entity.

DIVISION VII
ORGANIZED DELIVERY SYSTEMS

Sec. 29. Section 135H.3, subsection 2, Code 2017, is amended to read as follows:

2. If a child is diagnosed with a biologically based mental illness as defined in section 514C.22 and meets the medical assistance program criteria for admission to a psychiatric medical institution for children, the child shall be deemed to meet the acuity criteria for medically necessary inpatient benefits under a group policy, contract, or plan providing for third-party payment or prepayment of health, medical, and surgical coverage benefits issued by a carrier, as defined in section 513B.2, ~~or by an organized delivery system authorized under 1993 Iowa Acts, ch. 158,~~ that is subject to section 514C.22. Such medically necessary benefits shall not be excluded or denied as care that is substantially custodial in nature under section 514C.22, subsection 8, paragraph “b”.

Sec. 30. Section 505.32, subsection 2, paragraph h, Code 2017, is amended by striking the paragraph.

Sec. 31. Section 505.32, subsection 4, paragraph b, subparagraphs (1) and (2), Code 2017, are amended to read as follows:

(1) The commissioner may establish methodologies to provide uniform and consistent side-by-side comparisons of the health care coverage options that are offered by carriers, ~~organized delivery systems,~~ and public programs in this state including but not limited to benefits covered and not covered, the amount of coverage for each service, including copays and deductibles, administrative costs, and any prior authorization requirements for coverage.

(2) The commissioner may require each carrier, ~~organized delivery system,~~ and public program in this state to describe each health care coverage option offered by that carrier, ~~organized delivery system,~~ or public program in a manner so that the various options can be compared as provided in subparagraph (1).

Sec. 32. Section 507B.4, subsection 1, Code 2017, is amended to read as follows:

1. For purposes of subsection 3, paragraph “p”, “insurer” means an entity providing a plan of health insurance, health care benefits, or health care services, or an entity subject to the jurisdiction of the commissioner performing utilization review, including an insurance company offering sickness and accident plans, a health maintenance organization, ~~an organized delivery system authorized under 1993 Iowa Acts, ch. 158, and licensed by the department of public health,~~ a nonprofit health service corporation, a plan established pursuant to chapter 509A for public employees, or any other entity providing a plan of health insurance, health care benefits, or health care services. However, “insurer” does not include an entity that sells disability income or long-term care insurance.

Sec. 33. Section 507B.4A, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. An insurer providing accident and sickness insurance under chapter 509, 514, or 514A; a health maintenance organization; ~~an organized delivery system authorized under 1993 Iowa Acts, ch. 158, and licensed by the department of public health;~~ or another entity providing health insurance or health benefits subject to state insurance regulation shall either accept and pay or deny a clean claim.

Sec. 34. Section 509.3A, subsection 11, Code 2017, is amended by striking the subsection.

Sec. 35. Section 509.19, subsection 2, paragraph d, Code 2017, is amended by striking the paragraph.

Sec. 36. Section 509A.6, Code 2017, is amended to read as follows:

509A.6 Contract with insurance carrier, or health maintenance organization, ~~or organized delivery system.~~

The governing body may contract with a nonprofit corporation operating under the provisions of this chapter or chapter 514 or with any insurance company having a certificate

of authority to transact an insurance business in this state with respect of a group insurance plan, which may include life, accident, health, hospitalization and disability insurance during period of active service of such employees, with the right of any employee to continue such life insurance in force after termination of active service at such employee's sole expense; may contract with a nonprofit corporation operating under and governed by the provisions of this chapter or chapter 514 with respect of any hospital or medical service plan; and may contract with a health maintenance organization ~~or an organized delivery system~~ authorized to operate in this state with respect to health maintenance organization ~~or organized delivery system~~ activities.

Sec. 37. Section 513B.2, subsection 8, paragraph k, Code 2017, is amended by striking the paragraph.

Sec. 38. Section 513B.5, Code 2017, is amended to read as follows:

513B.5 Provisions on renewability of coverage.

1. Health insurance coverage subject to this chapter is renewable with respect to all eligible employees or their dependents, at the option of the small employer, except for one or more of the following reasons:

a. The health insurance coverage sponsor fails to pay, or to make timely payment of, premiums or contributions pursuant to the terms of the health insurance coverage.

b. The health insurance coverage sponsor performs an act or practice constituting fraud or makes an intentional misrepresentation of a material fact under the terms of the coverage.

c. Noncompliance with the carrier's ~~or organized delivery system's~~ minimum participation requirements.

d. Noncompliance with the carrier's ~~or organized delivery system's~~ employer contribution requirements.

e. A decision by the carrier ~~or organized delivery system~~ to discontinue offering a particular type of health insurance coverage in the state's small employer market. Health insurance coverage may be discontinued by the carrier ~~or organized delivery system~~ in that market only if the carrier ~~or organized delivery system~~ does all of the following:

(1) Provides advance notice of its decision to discontinue such plan to the commissioner ~~or director of public health~~. Notice to the commissioner ~~or director~~, at a minimum, shall be no less than three days prior to the notice provided for in subparagraph (2) to affected small employers, participants, and beneficiaries.

(2) Provides notice of its decision not to renew such plan to all affected small employers, participants, and beneficiaries no less than ninety days prior to the nonrenewal of the plan.

(3) Offers to each plan sponsor of the discontinued coverage, the option to purchase any other coverage currently offered by the carrier ~~or organized delivery system~~ to other employers in this state.

(4) Acts uniformly, in opting to discontinue the coverage and in offering the option under subparagraph (3), without regard to the claims experience of the sponsors under the discontinued coverage or to a health status-related factor relating to any participants or beneficiaries covered or new participants or beneficiaries who may become eligible for the coverage.

f. A decision by the carrier ~~or organized delivery system~~ to discontinue offering and to cease to renew all of its health insurance coverage delivered or issued for delivery to small employers in this state. A carrier ~~or organized delivery system~~ making such decision shall do all of the following:

(1) Provide advance notice of its decision to discontinue such coverage to the commissioner ~~or director of public health~~. Notice to the commissioner ~~or director~~, at a minimum, shall be no less than three days prior to the notice provided for in subparagraph (2) to affected small employers, participants, and beneficiaries.

(2) Provide notice of its decision not to renew such coverage to all affected small employers, participants, and beneficiaries no less than one hundred eighty days prior to the nonrenewal of the coverage.

(3) Discontinue all health insurance coverage issued or delivered for issuance to small employers in this state and cease renewal of such coverage.

g. The membership of an employer in an association, which is the basis for the coverage which is provided through such association, ceases, but only if the termination of coverage under this paragraph occurs uniformly without regard to any health status-related factor relating to any covered individual.

h. The commissioner or director of public health finds that the continuation of the coverage is not in the best interests of the policyholders or certificate holders, or would impair the carrier's or organized delivery system's ability to meet its contractual obligations.

i. At the time of coverage renewal, a carrier or organized delivery system may modify the health insurance coverage for a product offered under group health insurance coverage in the small group market, for coverage that is available in such market other than only through one or more bona fide associations, if such modification is consistent with the laws of this state, and is effective on a uniform basis among group health insurance coverage with that product.

2. A carrier or organized delivery system that elects not to renew health insurance coverage under subsection 1, paragraph "f", shall not write any new business in the small employer market in this state for a period of five years after the date of notice to the commissioner or director of public health.

3. This section, with respect to a carrier or organized delivery system doing business in one established geographic service area of the state, applies only to such carrier's or organized delivery system's operations in that service area.

Sec. 39. Section 513B.6, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A small employer carrier or organized delivery system shall make reasonable disclosure in solicitation and sales materials provided to small employers of all of the following:

Sec. 40. Section 513B.6, subsection 2, Code 2017, is amended to read as follows:

2. The provisions concerning the small employer carrier's or organized delivery system's right to change premium rates and factors, including case characteristics, which affect changes in premium rates.

Sec. 41. Section 513B.7, Code 2017, is amended to read as follows:

513B.7 Maintenance of records.

1. A small employer carrier or organized delivery system shall maintain at its principal place of business a complete and detailed description of its rating practices and renewal underwriting practices, including information and documentation which demonstrate that its rating methods and practices are based upon commonly accepted actuarial assumptions and are in accordance with sound actuarial principles.

2. A small employer carrier or organized delivery system shall file each March 1 with the commissioner or the director of public health an actuarial certification that the small employer carrier or organized delivery system is in compliance with this section and that the rating methods of the small employer carrier or organized delivery system are actuarially sound. A copy of the certification shall be retained by the small employer carrier or organized delivery system at its principal place of business.

3. A small employer carrier or organized delivery system shall make the information and documentation described in subsection 1 available to the commissioner or the director of public health upon request. The information is not a public record or otherwise subject to disclosure under chapter 22, and is considered proprietary and trade secret information and is not subject to disclosure by the commissioner or the director of public health to persons outside of the division or department except as agreed to by the small employer carrier or organized delivery system or as ordered by a court of competent jurisdiction.

Sec. 42. Section 513B.9A, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A carrier or organized delivery system offering group health insurance coverage shall not establish rules for eligibility, including continued eligibility, of an individual to enroll under the terms of the coverage based on any of the following health status-related factors in relation to the individual or a dependent of the individual:

Sec. 43. Section 513B.9A, subsection 4, paragraph a, Code 2017, is amended to read as follows:

a. A carrier ~~or organized delivery system~~ offering health insurance coverage shall not require an individual, as a condition of enrollment or continued enrollment under the coverage, to pay a premium or contribution which is greater than a premium or contribution for a similarly situated individual enrolled in the coverage on the basis of a health status-related factor in relation to the individual or to a dependent of an individual enrolled under the coverage.

Sec. 44. Section 513B.9A, subsection 4, paragraph b, subparagraph (2), Code 2017, is amended to read as follows:

(2) Prevent a carrier ~~or organized delivery system~~ offering group health insurance coverage from establishing premium discounts or rebates or modifying otherwise applicable copayments or deductibles in return for adherence to programs of health promotion and disease prevention.

Sec. 45. Section 513B.10, Code 2017, is amended to read as follows:

513B.10 Availability of coverage.

1. a. A carrier ~~or an organized delivery system~~ that offers health insurance coverage in the small group market shall accept every small employer that applies for health insurance coverage and shall accept for enrollment under such coverage every eligible individual who applies for enrollment during the period in which the individual first becomes eligible to enroll under the terms of the health insurance coverage and shall not place any restriction which is inconsistent with eligibility rules established under this chapter.

b. A carrier ~~or organized delivery system~~ that offers health insurance coverage in the small group market through a network plan may do either of the following:

(1) Limit employers that may apply for such coverage to those with eligible individuals who live, work, or reside in the service area for such network plan.

(2) Deny such coverage to such employers within the service area of such plan if the carrier ~~or organized delivery system~~ has demonstrated to the applicable state authority both of the following:

(a) The carrier ~~or organized delivery system~~ will not have the capacity to deliver services adequately to enrollees of any additional groups because of its obligations to existing group contract holders and enrollees.

(b) The carrier ~~or organized delivery system~~ is applying this subparagraph uniformly to all employers without regard to the claims experience of those employers and their employees and their dependents, or any health status-related factor relating to such employees or dependents.

c. A carrier ~~or organized delivery system~~, upon denying health insurance coverage in any service area pursuant to paragraph "b", subparagraph (2), shall not offer coverage in the small group market within such service area for a period of one hundred eighty days after the date such coverage is denied.

d. A carrier ~~or organized delivery system~~ may deny health insurance coverage in the small group market if the issuer has demonstrated to the commissioner ~~or director of public health~~ both of the following:

(1) The carrier ~~or organized delivery system~~ does not have the financial reserves necessary to underwrite additional coverage.

(2) The carrier ~~or organized delivery system~~ is applying the provisions of this paragraph uniformly to all employers in the small group market in this state consistent with state law and without regard to the claims experience of those employers and the employees and dependents of such employers, or any health status-related factor relating to such employees and their dependents.

e. A carrier ~~or organized delivery system~~, upon denying health insurance coverage pursuant to paragraph "d", shall not offer coverage in connection with health insurance coverages in the small group market in this state for a period of one hundred eighty days after the date such coverage is denied or until the carrier ~~or organized delivery system~~ has demonstrated to the commissioner ~~or director of public health~~ that the carrier ~~or~~

~~organized delivery system~~ has sufficient financial reserves to underwrite additional coverage, whichever is later. The commissioner or ~~director~~ may provide for the application of this paragraph on a service area-specific basis.

f. Paragraph "a" shall not be construed to preclude a carrier or ~~organized delivery system~~ from establishing employer contribution rules or group participation rules for the offering of health insurance coverage in the small group market.

2. A carrier or ~~organized delivery system~~, subject to subsection 1, shall issue health insurance coverage to an eligible small employer that applies for the coverage and agrees to make the required premium payments and satisfy the other reasonable provisions of the health insurance coverage not inconsistent with this chapter. A carrier or ~~organized delivery system~~ is not required to issue health insurance coverage to a self-employed individual who is covered by, or is eligible for coverage under, health insurance coverage offered by an employer.

3. Health insurance coverage for small employers shall satisfy all of the following:

a. A carrier or ~~organized delivery system~~ offering group health insurance coverage, with respect to a participant or beneficiary, may impose a preexisting condition exclusion only as follows:

(1) The exclusion relates to a condition, whether physical or mental, regardless of the cause of the condition, for which medical advice, diagnosis, care, or treatment was recommended or received within the six-month period ending on the enrollment date. However, genetic information shall not be treated as a condition under this subparagraph in the absence of a diagnosis of the condition related to such information.

(2) The exclusion extends for a period of not more than twelve months, or eighteen months in the case of a late enrollee, after the enrollment date.

(3) The period of any such preexisting condition exclusion is reduced by the aggregate of the periods of creditable coverage applicable to the participant or beneficiary as of the enrollment date.

b. A carrier or ~~organized delivery system~~ offering group health insurance coverage shall not impose any preexisting condition exclusion as follows:

(1) In the case of a child who is adopted or placed for adoption before attaining eighteen years of age and who, as of the last day of the thirty-day period beginning on the date of the adoption or placement for adoption, is covered under creditable coverage. This subparagraph shall not apply to coverage before the date of such adoption or placement for adoption.

(2) In the case of an individual who, as of the last day of the thirty-day period beginning with the date of birth, is covered under creditable coverage.

(3) Relating to pregnancy as a preexisting condition.

c. A carrier or ~~organized delivery system~~ shall waive any waiting period applicable to a preexisting condition exclusion or limitation period with respect to particular services under health insurance coverage for the period of time an individual was covered by creditable coverage, provided that the creditable coverage was continuous to a date not more than sixty-three days prior to the effective date of the new coverage. Any period that an individual is in a waiting period for any coverage under group health insurance coverage, or is in an affiliation period, shall not be taken into account in determining the period of continuous coverage. A health maintenance organization that does not use preexisting condition limitations in any of its health insurance coverage may impose an affiliation period. For purposes of this section, "*affiliation period*" means a period of time not to exceed sixty days for new entrants and not to exceed ninety days for late enrollees during which no premium shall be collected and coverage issued is not effective, so long as the affiliation period is applied uniformly, without regard to any health status-related factors. This paragraph does not preclude application of a waiting period applicable to all new enrollees under the health insurance coverage, provided that any ~~carrier or organized delivery system imposed carrier-imposed~~ waiting period is no longer than sixty days and is used in lieu of a preexisting condition exclusion.

d. Health insurance coverage may exclude coverage for late enrollees for preexisting conditions for a period not to exceed eighteen months.

e. (1) Requirements used by a carrier or organized delivery system in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier or organized delivery system.

(2) In applying minimum participation requirements with respect to a small employer, a carrier or organized delivery system shall not consider employees or dependents who have other creditable coverage in determining whether the applicable percentage of participation is met.

(3) A carrier or organized delivery system shall not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

f. (1) If a carrier or organized delivery system offers coverage to a small employer, the carrier or organized delivery system shall offer coverage to all eligible employees of the small employer and the employees' dependents. A carrier or organized delivery system shall not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group.

(2) Except as provided under paragraphs "a" and "d", a carrier or organized delivery system shall not modify health insurance coverage with respect to a small employer or any eligible employee or dependent through riders, endorsements, or other means, to restrict or exclude coverage or benefits for certain diseases, medical conditions, or services otherwise covered by the health insurance coverage.

g. A carrier or organized delivery system offering coverage through a network plan shall not be required to offer coverage or accept applications pursuant to subsection 1 with respect to a small employer where any of the following apply applies:

(1) The small employer does not have eligible individuals who live, work, or reside in the service area for the network plan.

(2) The small employer does have eligible individuals who live, work, or reside in the service area for the network plan, but the carrier or organized delivery system, if required, has demonstrated to the commissioner or the director of public health that it will not have the capacity to deliver services adequately to enrollees of any additional groups because of its obligations to existing group contract holders and enrollees and that it is applying the requirements of this lettered paragraph uniformly to all employers without regard to the claims experience of those employers and their employees and the employees' dependents, or any health status-related factor relating to such employees and dependents.

(3) A carrier or organized delivery system, upon denying health insurance coverage in a service area pursuant to subparagraph (2), shall not offer coverage in the small employer market within such service area for a period of one hundred eighty days after the coverage is denied.

4. A carrier or organized delivery system shall not be required to offer coverage to small employers pursuant to subsection 1 for any period of time where the commissioner or director of public health determines that the acceptance of the offers by small employers in accordance with subsection 1 would place the carrier or organized delivery system in a financially impaired condition.

5. A carrier or organized delivery system shall not be required to provide coverage to small employers pursuant to subsection 1 if the carrier or organized delivery system elects not to offer new coverage to small employers in this state. However, a carrier or organized delivery system that elects not to offer new coverage to small employers under this subsection shall be allowed to maintain its existing policies in the state, subject to the requirements of section 513B.5.

6. A carrier or organized delivery system that elects not to offer new coverage to small employers pursuant to subsection 5 shall provide notice to the commissioner or director of public health and is prohibited from writing new business in the small employer market in this state for a period of five years from the date of notice to the commissioner or director.

Sec. 46. Section 513C.3, subsection 5, Code 2017, is amended to read as follows:

5. "Carrier" means any entity that provides individual health benefit plans in this state. For purposes of this chapter, carrier includes an insurance company, a group hospital or medical

service corporation, a fraternal benefit society, a health maintenance organization, and any other entity providing an individual plan of health insurance or health benefits subject to state insurance regulation. ~~“Carrier” does not include an organized delivery system.~~

Sec. 47. Section 513C.3, subsection 7, Code 2017, is amended by striking the subsection.

Sec. 48. Section 513C.3, subsection 9, Code 2017, is amended to read as follows:

9. *“Established service area”* means a geographic area, as approved by the commissioner and based upon the carrier’s certificate of authority to transact business in this state, within which the carrier is authorized to provide coverage ~~or a geographic area, as approved by the director and based upon the organized delivery system’s license to transact business in this state, within which the organized delivery system is authorized to provide coverage.~~

Sec. 49. Section 513C.3, subsection 12, Code 2017, is amended by striking the subsection.

Sec. 50. Section 513C.3, subsection 15, paragraph a, subparagraph (3), Code 2017, is amended by striking the subparagraph.

Sec. 51. Section 513C.3, subsection 18, Code 2017, is amended to read as follows:

18. *“Restricted network provision”* means a provision of an individual health benefit plan that conditions the payment of benefits, in whole or in part, on the use of health care providers that have entered into a contractual arrangement with the carrier ~~or the organized delivery system~~ to provide health care services to covered individuals.

Sec. 52. Section 513C.5, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Premium rates for any block of individual health benefit plan business issued on or after January 1, 1996, or the date rules are adopted by the commissioner of insurance ~~and the director of public health~~ and become effective, whichever date is later, by a carrier subject to this chapter shall be limited to the composite effect of allocating costs among the following:

Sec. 53. Section 513C.6, Code 2017, is amended to read as follows:

513C.6 Provisions on renewability of coverage.

1. An individual health benefit plan subject to this chapter is renewable with respect to an eligible individual or dependents, at the option of the individual, except for one or more of the following reasons:

a. The individual fails to pay, or to make timely payment of, premiums or contributions pursuant to the terms of the individual health benefit plan.

b. The individual performs an act or practice constituting fraud or makes an intentional misrepresentation of a material fact under the terms of the individual health benefit plan.

c. A decision by the individual carrier ~~or organized delivery system~~ to discontinue offering a particular type of individual health benefit plan in the state’s individual insurance market. An individual health benefit plan may be discontinued by the carrier ~~or organized delivery system~~ in that market with the approval of the commissioner ~~or the director~~ and only if the carrier ~~or organized delivery system~~ does all of the following:

(1) Provides advance notice of its decision to discontinue such plan to the commissioner ~~or director~~. Notice to the commissioner ~~or director~~, at a minimum, shall be no less than three days prior to the notice provided for in subparagraph (2) to affected individuals.

(2) Provides notice of its decision not to renew such plan to all affected individuals no less than ninety days prior to the nonrenewal date of any discontinued individual health benefit plans.

(3) Offers to each individual of the discontinued plan the option to purchase any other health plan currently offered by the carrier ~~or organized delivery system~~ to individuals in this state.

(4) Acts uniformly in opting to discontinue the plan and in offering the option under subparagraph (3), without regard to the claims experience of any affected eligible individual or beneficiary under the discontinued plan or to a health status-related factor relating to any covered individuals or beneficiaries who may become eligible for the coverage.

d. A decision by the carrier ~~or organized delivery system~~ to discontinue offering and to cease to renew all of its individual health benefit plans delivered or issued for delivery to individuals in this state. A carrier ~~or organized delivery system~~ making such decision shall do all of the following:

(1) Provide advance notice of its decision to discontinue such plan to the commissioner ~~or director~~. Notice to the commissioner ~~or director~~, at a minimum, shall be no less than three days prior to the notice provided for in subparagraph (2) to affected individuals.

(2) Provide notice of its decision not to renew such plan to all individuals and to the commissioner ~~or director~~ in each state in which an individual under the discontinued plan is known to reside, no less than one hundred eighty days prior to the nonrenewal of the plan.

e. The commissioner ~~or director~~ finds that the continuation of the coverage is not in the best interests of the individuals, or would impair the carrier's ~~or organized delivery system's~~ ability to meet its contractual obligations.

2. At the time of coverage renewal, a carrier ~~or organized delivery system~~ may modify the health insurance coverage for a policy form offered to individuals in the individual market so long as such modification is consistent with state law and effective on a uniform basis among all individuals with that policy form.

3. An individual carrier ~~or organized delivery system~~ that elects not to renew an individual health benefit plan under subsection 1, paragraph "d", shall not write any new business in the individual market in this state for a period of five years after the date of notice to the commissioner ~~or director~~.

4. This section, with respect to a carrier ~~or organized delivery system~~ doing business in one established geographic service area of the state, applies only to such carrier's ~~or organized delivery system's~~ operations in that service area.

5. A carrier ~~or organized delivery system~~ offering coverage through a network plan is not required to renew or continue in force coverage or to accept applications from an individual who no longer resides or lives in, or is no longer employed in, the service area of such carrier ~~or organized delivery system~~, or no longer resides or lives in, or is no longer employed in, a service area for which the carrier is authorized to do business, but only if coverage is not offered or terminated uniformly without regard to health status-related factors of a covered individual.

6. A carrier ~~or organized delivery system~~ offering coverage through a bona fide association is not required to renew or continue in force coverage or to accept applications from an individual through an association if the membership of the individual in the association on which the basis of coverage is provided ceases, but only if the coverage is not offered or terminated under this paragraph uniformly without regard to health status-related factors of a covered individual.

7. An individual who has coverage as a dependent under a basic or standard health benefit plan may, when that individual is no longer a dependent under such coverage, elect to continue coverage under the basic or standard health benefit plan if the individual so elects immediately upon termination of the coverage under which the individual was covered as a dependent.

Sec. 54. Section 513C.7, subsection 1, Code 2017, is amended to read as follows:

1. a. ~~(1)~~ A carrier shall file with the commissioner, in a form and manner prescribed by the commissioner, the basic or standard health benefit plan. A basic or standard health benefit plan filed pursuant to this paragraph may be used by a carrier beginning thirty days after it is filed unless the commissioner disapproves of its use.

~~(2)~~ b. The commissioner may at any time, after providing notice and an opportunity for a hearing to the carrier, disapprove the continued use by a carrier of a basic or standard health benefit plan on the grounds that the plan does not meet the requirements of this chapter.

b. ~~(1)~~ An organized delivery system shall file with the director, in a form and manner prescribed by the director, the basic or standard health benefit plan to be used by the organized delivery system. A basic or standard health benefit plan filed pursuant to this paragraph may be used by the organized delivery system beginning thirty days after it is filed unless the director disapproves of its use.

~~(2) The director may at any time, after providing notice and an opportunity for a hearing to the organized delivery system, disapprove the continued use by an organized delivery system of a basic or standard health benefit plan on the grounds that the plan does not meet the requirements of this chapter.~~

Sec. 55. Section 513C.7, subsection 3, Code 2017, is amended to read as follows:

3. A carrier ~~or an organized delivery system~~ shall not modify a basic or standard health benefit plan with respect to an individual or dependent through riders, endorsements, or other means to restrict or exclude coverage for certain diseases or medical conditions otherwise covered by the health benefit plan.

Sec. 56. Section 513C.9, subsections 1, 2, 3, 6, and 8, Code 2017, are amended to read as follows:

1. A carrier, ~~an organized delivery system,~~ or an agent shall not do either of the following:
a. Encourage or direct individuals to refrain from filing an application for coverage with the carrier ~~or the organized delivery system~~ because of the health status, claims experience, industry, occupation, or geographic location of the individuals.

b. Encourage or direct individuals to seek coverage from another carrier ~~or another organized delivery system~~ because of the health status, claims experience, industry, occupation, or geographic location of the individuals.

2. Subsection 1, paragraph "a", shall not apply with respect to information provided by a carrier ~~or an organized delivery system~~ or an agent to an individual regarding the established geographic service area of the carrier ~~or the organized delivery system,~~ or the restricted network provision of the carrier ~~or the organized delivery system.~~

3. A carrier ~~or an organized delivery system~~ shall not, directly or indirectly, enter into any contract, agreement, or arrangement with an agent that provides for, or results in, the compensation paid to an agent for a sale of a basic or standard health benefit plan to vary because of the health status or permitted rating characteristics of the individual or the individual's dependents.

6. Denial by a carrier ~~or an organized delivery system~~ of an application for coverage from an individual shall be in writing and shall state the reason or reasons for the denial.

8. If a carrier ~~or an organized delivery system~~ enters into a contract, agreement, or other arrangement with a third-party administrator to provide administrative, marketing, or other services related to the offering of individual health benefit plans in this state, the third-party administrator is subject to this section as if it were a carrier ~~or an organized delivery system.~~

Sec. 57. Section 513C.10, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. All persons that provide health benefit plans in this state including insurers providing accident and sickness insurance under chapter 509, 514, or 514A, whether on an individual or group basis; fraternal benefit societies providing hospital, medical, or nursing benefits under chapter 512B; and health maintenance organizations, ~~organized delivery systems,~~ other entities providing health insurance or health benefits subject to state insurance regulation, and all other insurers as designated by the board of directors of the Iowa comprehensive health insurance association with the approval of the commissioner shall be members of the association.

Sec. 58. Section 513C.10, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. Rates for basic and standard coverages as provided in this chapter shall be determined by each carrier ~~or organized delivery system~~ as the product of a basic and standard factor and the lowest rate available for issuance by that carrier ~~or organized delivery system~~ adjusted for rating characteristics and benefits. Basic and standard factors shall be established annually by the Iowa comprehensive health insurance association board with the approval of the commissioner. Multiple basic and standard factors for a distinct grouping of basic and standard policies may be established. A basic and standard factor is limited to a minimum value defined as the ratio of the average of the lowest rate available for issuance and the maximum rate allowable by law divided by the lowest rate available for issuance. A basic

and standard factor is limited to a maximum value defined as the ratio of the maximum rate allowable by law divided by the lowest rate available for issuance. The maximum rate allowable by law and the lowest rate available for issuance is determined based on the rate restrictions under this chapter. For policies written after January 1, 2002, rates for the basic and standard coverages as provided in this chapter shall be calculated using the basic and standard factors and shall be no lower than the maximum rate allowable by law. However, to maintain assessable loss assessments at or below one percent of total health insurance premiums or payments as determined in accordance with subsection 6, the Iowa comprehensive health insurance association board with the approval of the commissioner may increase the value for any basic and standard factor greater than the maximum value.

Sec. 59. Section 513C.10, subsections 3, 4, 7, 8, 9, and 10, Code 2017, are amended to read as follows:

3. Following the close of each calendar year, the association, in conjunction with the commissioner, shall require each carrier ~~or organized delivery system~~ to report the amount of earned premiums and the associated paid losses for all basic and standard plans issued by the carrier ~~or organized delivery system~~. The reporting of these amounts must be certified by an officer of the carrier ~~or organized delivery system~~.

4. The board shall develop procedures and assessment mechanisms and make assessments and distributions as required to equalize the individual carrier ~~and organized delivery system~~ gains or losses so that each carrier ~~or organized delivery system~~ receives the same ratio of paid claims to ninety percent of earned premiums as the aggregate of all basic and standard plans insured by all carriers ~~and organized delivery systems~~ in the state.

7. The board shall develop procedures for distributing the assessable loss assessments to each carrier ~~and organized delivery system~~ in proportion to the carrier's ~~and organized delivery system's~~ respective share of premium for basic and standard plans to the statewide total premium for all basic and standard plans.

8. The board shall ensure that procedures for collecting and distributing assessments are as efficient as possible for carriers ~~and organized delivery systems~~. The board may establish procedures which combine, or offset, the assessment from, and the distribution due to, a carrier ~~or organized delivery system~~.

9. A carrier ~~or an organized delivery system~~ may petition the association board to seek remedy from writing a significantly disproportionate share of basic and standard policies in relation to total premiums written in this state for health benefit plans. Upon a finding that a carrier ~~or organized delivery system~~ has written a disproportionate share, the board may agree to compensate the carrier ~~or organized delivery system~~ either by paying to the carrier ~~or organized delivery system~~ an additional fee not to exceed two percent of earned premiums from basic and standard policies for that carrier ~~or organized delivery system~~ or by petitioning the commissioner ~~or director, as appropriate~~, for remedy.

10. ~~a.~~ The commissioner, upon a finding that the acceptance of the offer of basic and standard coverage by individuals pursuant to this chapter would place the carrier in a financially impaired condition, shall not require the carrier to offer coverage or accept applications for any period of time the financial impairment is deemed to exist.

~~b.~~ The director, upon a finding that the acceptance of the offer of basic and standard coverage by individuals pursuant to this chapter would place the organized delivery system in a financially impaired condition, shall not require the organized delivery system to offer coverage or accept applications for any period of time the financial impairment is deemed to exist.

Sec. 60. Section 514A.3B, subsection 3, paragraph k, Code 2017, is amended by striking the paragraph.

Sec. 61. Section 514B.25A, Code 2017, is amended to read as follows:

514B.25A Insolvency protection — assessment.

1. Upon a health maintenance organization ~~or organized delivery system~~ authorized to do business in this state ~~and licensed by the director of public health~~ being declared insolvent by the district court, the commissioner may levy an assessment on each health maintenance

organization ~~or organized delivery system~~ doing business in this state and ~~licensed by the director of public health, as applicable,~~ to pay claims for uncovered expenditures for enrollees. The commissioner shall not assess an amount in any one calendar year which is more than two percent of the aggregate premium written by each health maintenance organization ~~or organized delivery system~~.

2. The commissioner may use funds obtained through an assessment under subsection 1 to pay claims for uncovered expenditures for enrollees of an insolvent health maintenance organization ~~or organized delivery system~~ and administrative costs. The commissioner, by rule, may prescribe the time, manner, and form for filing claims under this section. The commissioner may require claims to be allowed by an ancillary receiver or the domestic receiver or liquidator.

3. a. A receiver or liquidator of an insolvent health maintenance organization ~~or organized delivery system~~ shall allow a claim in the proceeding in an amount equal to uncovered expenditures and administrative costs paid under this section.

b. A person receiving benefits under this section for uncovered expenditures is deemed to have assigned the rights under the covered health care plan certificates to the commissioner to the extent of the benefits received. The commissioner may require an assignment of such rights by a payee, enrollee, or beneficiary, to the commissioner as a condition precedent to the receipt of such benefits. The commissioner is subrogated to these rights against the assets of the insolvent health maintenance organization ~~or organized delivery system~~ that are held by a receiver or liquidator of a foreign jurisdiction.

c. The assigned subrogation rights of the commissioner and allowed claims under this subsection have the same priority against the assets of the insolvent health maintenance organization ~~or organized delivery system~~ as those claims of persons entitled to receive benefits under this section or for similar expenses in the receivership or liquidation.

4. If funds assessed under subsection 1 are unused following the completion of the liquidation of an insolvent health maintenance organization ~~or organized delivery system~~, the commissioner shall distribute the remaining amounts, if such amounts are not de minimis, to the health maintenance organizations ~~or organized delivery systems~~ that were assessed.

5. The aggregate coverage of uncovered expenditures under this section shall not exceed three hundred thousand dollars with respect to one individual. Continuation of coverage shall cease after the lesser of one year after the health maintenance organization ~~or organized delivery system~~ is terminated by insolvency or the remaining term of the contract. The commissioner may provide continuation of coverage on a reasonable basis, including, but not limited to, continuation of the health maintenance organization ~~or organized delivery system~~ contract or substitution of indemnity coverage in a form as determined by the commissioner.

6. The commissioner may waive an assessment of a health maintenance organization ~~or organized delivery system~~ if such organization ~~or system~~ is impaired financially or would be impaired financially as a result of such assessment. A health maintenance organization ~~or organized delivery system~~ that fails to pay an assessment within thirty days after notice of the assessment is subject to a civil forfeiture of not more than one thousand dollars for each day the failure continues, and suspension or revocation of its certificate of authority. An action taken by the commissioner to enforce an assessment under this section may be appealed by the health maintenance organization ~~or organized delivery system~~ pursuant to chapter 17A.

Sec. 62. Section 514C.10, subsection 2, paragraph e, Code 2017, is amended by striking the paragraph.

Sec. 63. Section 514C.11, Code 2017, is amended to read as follows:

514C.11 Services provided by licensed physician assistants and licensed advanced registered nurse practitioners.

1. Notwithstanding section 514C.6, a policy or contract providing for third-party payment or prepayment of health or medical expenses shall include a provision for the payment of necessary medical or surgical care and treatment provided by a physician assistant licensed pursuant to chapter 148C, or provided by an advanced registered nurse practitioner licensed pursuant to chapter 152 and performed within the scope of the license of the licensed physician assistant or the licensed advanced registered nurse practitioner if the policy or

contract would pay for the care and treatment if the care and treatment were provided by a person engaged in the practice of medicine and surgery or osteopathic medicine and surgery under chapter 148. The policy or contract shall provide that policyholders and subscribers under the policy or contract may reject the coverage for services which may be provided by a licensed physician assistant or licensed advanced registered nurse practitioner if the coverage is rejected for all providers of similar services. A policy or contract subject to this section shall not impose a practice or supervision restriction which is inconsistent with or more restrictive than the restriction already imposed by law.

2. This section applies to services provided under a policy or contract delivered, issued for delivery, continued, or renewed in this state on or after July 1, 1996, and to an existing policy or contract, on the policy's or contract's anniversary or renewal date, or upon the expiration of the applicable collective bargaining contract, if any, whichever is later. This section does not apply to policyholders or subscribers eligible for coverage under Tit. XVIII of the federal Social Security Act or any similar coverage under a state or federal government plan.

3. For the purposes of this section, third-party payment or prepayment includes an individual or group policy of accident or health insurance or individual or group hospital or health care service contract issued pursuant to chapter 509, 514, or 514A, an individual or group health maintenance organization contract issued and regulated under chapter 514B, ~~an organized delivery system contract regulated under rules adopted by the director of public health,~~ or a preferred provider organization contract regulated pursuant to chapter 514F.

4. Nothing in this section shall be interpreted to require an individual or group health maintenance organization, ~~an organized delivery system,~~ or a preferred provider organization or arrangement to provide payment or prepayment for services provided by a licensed physician assistant or licensed advanced registered nurse practitioner unless the physician assistant's supervising physician, the physician-physician assistant team, the advanced registered nurse practitioner, or the advanced registered nurse practitioner's collaborating physician has entered into a contract or other agreement to provide services with the individual or group health maintenance organization, ~~the organized delivery system,~~ or the preferred provider organization or arrangement.

Sec. 64. Section 514C.13, subsection 1, paragraph h, Code 2017, is amended by striking the paragraph.

Sec. 65. Section 514C.13, subsection 2, Code 2017, is amended to read as follows:

2. A carrier ~~or organized delivery system~~ which offers to a small employer a limited provider network plan to provide health care services or benefits to the small employer's employees shall also offer to the small employer a point of service option to the limited provider network plan.

Sec. 66. Section 514C.13, subsection 3, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A carrier ~~or organized delivery system~~ which offers to a large employer a limited provider network plan to provide health care services or benefits to the large employer's employees shall also offer to the large employer one or more of the following:

Sec. 67. Section 514C.14, subsections 1 and 3, Code 2017, are amended to read as follows:

1. Except as provided under subsection 2 or 3, a carrier, as defined in section 513B.2, ~~an organized delivery system authorized under 1993 Iowa Acts, ch. 158,~~ or a plan established pursuant to chapter 509A for public employees, which terminates its contract with a participating health care provider, shall continue to provide coverage under the contract to a covered person in the second or third trimester of pregnancy for continued care from such health care provider. Such persons may continue to receive such treatment or care through postpartum care related to the child birth and delivery. Payment for covered benefits and benefit levels shall be according to the terms and conditions of the contract.

3. A carrier, ~~organized delivery system,~~ or a plan established under chapter 509A, which terminates the contract of a participating health care provider for cause shall not be liable to pay for health care services provided by the health care provider to a covered person following the date of termination.

Sec. 68. Section 514C.15, Code 2017, is amended to read as follows:

514C.15 Treatment options.

A carrier, as defined in section 513B.2,~~; an organized delivery system authorized under 1993 Iowa Acts, ch. 158, and licensed by the director of public health;~~ or a plan established pursuant to chapter 509A for public employees, shall not prohibit a participating provider from, or penalize a participating provider for, doing either of the following:

1. Discussing treatment options with a covered individual, notwithstanding the carrier's, ~~organized delivery system's,~~ or plan's position on such treatment option.
2. Advocating on behalf of a covered individual within a review or grievance process established by the carrier,~~organized delivery system,~~ or chapter 509A plan, or established by a person contracting with the carrier,~~organized delivery system,~~ or chapter 509A plan.

Sec. 69. Section 514C.16, subsection 1, Code 2017, is amended to read as follows:

1. A carrier, as defined in section 513B.2,~~; an organized delivery system authorized under 1993 Iowa Acts, ch. 158, and licensed by the director of public health;~~ or a plan established pursuant to chapter 509A for public employees, which provides coverage for emergency services, is responsible for charges for emergency services provided to a covered individual, including services furnished outside any contractual provider network or preferred provider network. Coverage for emergency services is subject to the terms and conditions of the health benefit plan or contract.

Sec. 70. Section 514C.17, subsections 1 and 3, Code 2017, are amended to read as follows:

1. Except as provided under subsection 2 or 3, if a carrier, as defined in section 513B.2, ~~an organized delivery system authorized under 1993 Iowa Acts, ch. 158,~~ or a plan established pursuant to chapter 509A for public employees, terminates its contract with a participating health care provider, a covered individual who is undergoing a specified course of treatment for a terminal illness or a related condition, with the recommendation of the covered individual's treating physician licensed under chapter 148 may continue to receive coverage for treatment received from the covered individual's physician for the terminal illness or a related condition, for a period of up to ninety days. Payment for covered benefits and benefit levels shall be according to the terms and conditions of the contract.

3. Notwithstanding subsections 1 and 2, a carrier,~~organized delivery system,~~ or a plan established under chapter 509A which terminates the contract of a participating health care provider for cause shall not be required to cover health care services provided by the health care provider to a covered person following the date of termination.

Sec. 71. Section 514C.18, subsection 2, paragraph a, subparagraph (6), Code 2017, is amended by striking the subparagraph.

Sec. 72. Section 514C.19, subsection 7, paragraph a, subparagraph (6), Code 2017, is amended by striking the subparagraph.

Sec. 73. Section 514C.20, subsection 3, paragraph f, Code 2017, is amended by striking the paragraph.

Sec. 74. Section 514C.21, subsection 2, paragraph d, Code 2017, is amended by striking the paragraph.

Sec. 75. Section 514C.22, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Notwithstanding the uniformity of treatment requirements of section 514C.6, a group policy, contract, or plan providing for third-party payment or prepayment of health, medical, and surgical coverage benefits issued by a carrier, as defined in section 513B.2, ~~or by an organized delivery system authorized under 1993 Iowa Acts, ch. 158,~~ shall provide coverage benefits for treatment of a biologically based mental illness if either of the following is satisfied:

Sec. 76. Section 514C.22, subsection 6, Code 2017, is amended to read as follows:

6. A carrier, ~~organized delivery system,~~ or plan established pursuant to chapter 509A may manage the benefits provided through common methods including, but not limited to, providing payment of benefits or providing care and treatment under a capitated payment system, prospective reimbursement rate system, utilization control system, incentive system for the use of least restrictive and least costly levels of care, a preferred provider contract limiting choice of specific providers, or any other system, method, or organization designed to assure services are medically necessary and clinically appropriate.

Sec. 77. Section 514C.25, subsection 2, paragraph a, subparagraph (5), Code 2017, is amended by striking the subparagraph.

Sec. 78. Section 514C.26, subsection 5, paragraph a, subparagraph (6), Code 2017, is amended by striking the subparagraph.

Sec. 79. Section 514C.27, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Notwithstanding the uniformity of treatment requirements of section 514C.6, a group policy or contract providing for third-party payment or prepayment of health or medical expenses issued by a carrier, as defined in section 513B.2, ~~or by an organized delivery system authorized under 1993 Iowa Acts, ch. 158,~~ shall provide coverage benefits to an insured who is a veteran for treatment of mental illness and substance abuse if either of the following is satisfied:

Sec. 80. Section 514C.27, subsection 6, Code 2017, is amended to read as follows:

6. A carrier, ~~organized delivery system,~~ or plan established pursuant to chapter 509A may manage the benefits provided through common methods including but not limited to providing payment of benefits or providing care and treatment under a capitated payment system, prospective reimbursement rate system, utilization control system, incentive system for the use of least restrictive and least costly levels of care, a preferred provider contract limiting choice of specific providers, or any other system, method, or organization designed to assure services are medically necessary and clinically appropriate.

Sec. 81. Section 514C.29, subsection 2, paragraph e, Code 2017, is amended by striking the paragraph.

Sec. 82. Section 514C.30, subsection 2, paragraph e, Code 2017, is amended by striking the paragraph.

Sec. 83. Section 514E.1, subsection 6, paragraph k, Code 2017, is amended by striking the paragraph.

Sec. 84. Section 514E.1, subsection 17, Code 2017, is amended by striking the subsection.

Sec. 85. Section 514E.2, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. All carriers ~~and all organized delivery systems licensed by the director of public health~~ providing health insurance or health care services in Iowa, whether on an individual or group basis, and all other insurers designated by the association's board of directors and approved by the commissioner shall be members of the association.

Sec. 86. Section 514E.2, subsection 2, paragraph a, subparagraph (3), Code 2017, is amended to read as follows:

(3) Two members selected by the members of the association, one of whom shall be a representative from a corporation operating pursuant to chapter 514 on July 1, 1989, or any successor in interest, and one of whom shall be a representative of ~~an organized delivery system~~ or an insurer providing coverage pursuant to chapter 509 or 514A.

Sec. 87. Section 514E.7, subsection 1, paragraph a, subparagraphs (1) and (2), Code 2017, are amended to read as follows:

(1) A notice of rejection or refusal to issue substantially similar insurance for health reasons by one carrier ~~or organized delivery system~~.

(2) A refusal by a carrier ~~or organized delivery system~~ to issue insurance except at a rate exceeding the plan rate.

Sec. 88. Section 514E.7, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. A rejection or refusal by a carrier ~~or organized delivery system~~ offering only stoploss, excess of loss, or reinsurance coverage with respect to an applicant under paragraph "a", subparagraphs (1) and (2), is not sufficient evidence for purposes of this subsection.

Sec. 89. Section 514E.9, Code 2017, is amended to read as follows:

514E.9 Rules.

Pursuant to chapter 17A, the commissioner ~~and the director of public health~~ shall adopt rules to provide for disclosure by carriers ~~and organized delivery systems~~ of the availability of insurance coverage from the association, and to otherwise implement this chapter.

Sec. 90. Section 514E.11, Code 2017, is amended to read as follows:

514E.11 Notice of association policy.

Every carrier, including a health maintenance organization subject to chapter 514B ~~and an organized delivery system~~, authorized to provide health care insurance or coverage for health care services in Iowa, shall provide a notice of the availability of coverage by the association to any person who receives a rejection of coverage for health insurance or health care services, or a rate for health insurance or coverage for health care services that will exceed the rate of an association policy, and that person is eligible to apply for health insurance provided by the association. Application for the health insurance shall be on forms prescribed by the association's board of directors and made available to the carriers ~~and organized delivery systems~~ and other entities providing health care insurance or coverage for health care services regulated by the commissioner.

Sec. 91. Section 514F.5, Code 2017, is amended to read as follows:

514F.5 Experimental treatment review.

1. A carrier, as defined in section 513B.2, ~~an organized delivery system authorized under 1993 Iowa Acts, ch. 158~~, or a plan established pursuant to chapter 509A for public employees, that limits coverage for experimental medical treatment, drugs, or devices, shall develop and implement a procedure to evaluate experimental medical treatments and shall submit a description of the procedure to the division of insurance. The procedure shall be in writing and must describe the process used to determine whether the carrier, ~~organized delivery system~~, or chapter 509A plan will provide coverage for new medical technologies and new uses of existing technologies. The procedure, at a minimum, shall require a review of information from appropriate government regulatory agencies and published scientific literature concerning new medical technologies, new uses of existing technologies, and the use of external experts in making decisions. A carrier, ~~organized delivery system~~, or chapter 509A plan shall include appropriately licensed or qualified professionals in the evaluation process. The procedure shall provide a process for a person covered under a plan or contract to request a review of a denial of coverage because the proposed treatment is experimental. A review of a particular treatment need not be reviewed more than once a year.

2. A carrier, ~~organized delivery system~~, or chapter 509A plan that limits coverage for experimental treatment, drugs, or devices shall clearly disclose such limitations in a contract, policy, or certificate of coverage.

Sec. 92. Section 514I.2, subsection 10, Code 2017, is amended to read as follows:

10. "*Participating insurer*" means any entity licensed by the division of insurance of the department of commerce to provide health insurance in Iowa ~~or an organized delivery system licensed by the director of public health~~ that has contracted with the department to provide health insurance coverage to eligible children under this chapter.

Sec. 93. Section 514J.102, subsection 24, Code 2017, is amended to read as follows:

24. “*Health carrier*” means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner, including an insurance company offering sickness and accident plans, a health maintenance organization, a nonprofit health service corporation, a plan established pursuant to chapter 509A for public employees, or any other entity providing a plan of health insurance, health care benefits, or health care services. ~~“Health carrier” includes, for purposes of this chapter, an organized delivery system.~~

Sec. 94. Section 514J.102, subsection 29, Code 2017, is amended by striking the subsection.

Sec. 95. Section 514K.1, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A health maintenance organization, ~~an organized delivery system~~, or an insurer using a preferred provider arrangement shall provide to each of its enrollees at the time of enrollment, and shall make available to each prospective enrollee upon request, written information as required by rules adopted by the commissioner ~~and the director of public health~~. The information required by rule shall include, but not be limited to, all of the following:

Sec. 96. Section 514K.1, subsection 2, Code 2017, is amended to read as follows:

2. The commissioner ~~and the director~~ shall annually publish a consumer guide providing a comparison by plan on performance measures, network composition, and other key information to enable consumers to better understand plan differences.

Sec. 97. Section 514L.1, subsection 3, Code 2017, is amended to read as follows:

3. “*Provider of third-party payment or prepayment of prescription drug expenses*” or “*provider*” means a provider of an individual or group policy of accident or health insurance or an individual or group hospital or health care service contract issued pursuant to chapter 509, 514, or 514A, a provider of a plan established pursuant to chapter 509A for public employees, a provider of an individual or group health maintenance organization contract issued and regulated under chapter 514B, ~~a provider of an organized delivery system contract regulated under rules adopted by the director of public health~~, a provider of a preferred provider contract issued pursuant to chapter 514F, a provider of a self-insured multiple employer welfare arrangement, and any other entity providing health insurance or health benefits which provide for payment or prepayment of prescription drug expenses coverage subject to state insurance regulation.

Sec. 98. Section 514L.2, subsection 1, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A provider of third-party payment or prepayment of prescription drug expenses, including the provider’s agents or contractors and pharmacy benefits managers, that issues a card or other technology for claims processing and an administrator of the payor, excluding administrators of self-funded employer sponsored health benefit plans qualified under the federal Employee Retirement Income Security Act of 1974, shall issue to its insureds a card or other technology containing uniform prescription drug information. The commissioner of insurance shall adopt rules for the uniform prescription drug information card or technology applicable to those entities subject to regulation by the commissioner of insurance. ~~The director of public health shall adopt rules for the uniform prescription drug information card or technology applicable to organized delivery systems.~~ The rules shall require at least both of the following regarding the card or technology:

Sec. 99. Section 521F.2, subsection 7, Code 2017, is amended to read as follows:

7. “*Health organization*” means a health maintenance organization, limited service organization, dental or vision plan, hospital, medical and dental indemnity or service corporation or other managed care organization licensed under chapter 514, or 514B, ~~or 1993 Iowa Acts, ch. 158~~, or any other entity engaged in the business of insurance, risk transfer, or risk retention, that is subject to the jurisdiction of the commissioner of insurance ~~or the~~

~~director of public health.~~ “Health organization” does not include an insurance company licensed to transact the business of insurance under chapter 508, 515, or 520, and which is otherwise subject to chapter 521E.

Sec. 100. 1993 Iowa Acts, chapter 158, section 4, is amended to read as follows:

SEC. 4. EMERGENCY RULES. Pursuant to sections 1, and 2, ~~and 3~~ of this Act, the commissioner of insurance ~~or the director of public health~~ shall adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph “b”, to implement the provisions of this Act and the rules shall become effective immediately upon filing, unless a later effective date is specified in the rules. Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

Sec. 101. REPEAL. Section 135.120, Code 2017, is repealed.

Sec. 102. REPEAL. 1993 Iowa Acts, chapter 158, section 3, is repealed.

Sec. 103. CODE EDITOR'S DIRECTIVE. The Code editor shall correct and eliminate any references to the term “organized delivery system” or other forms of the term anywhere else in the Iowa Code or Iowa Code Supplement, in any bills awaiting codification, in this Act, and in any bills enacted by the Eighty-seventh General Assembly, 2017 Regular Session, or any extraordinary session.

DIVISION VIII HEALTH DATA

Sec. 104. Section 135.166, Code 2017, is amended to read as follows:

135.166 Health care data — collection and use — collection from hospitals.

1. a. The department of public health shall enter into a memorandum of understanding to utilize the Iowa hospital association to act as the department's intermediary in collecting, maintaining, and disseminating hospital inpatient, outpatient, and ambulatory ~~information data~~, as initially authorized in 1996 Iowa Acts, ch. 1212, §5, subsection 1, paragraph “a”, subparagraph (4), and 641 IAC 177.3.

~~2. b.~~ The memorandum of understanding shall include but is not limited to provisions that address the duties of the department and the Iowa hospital association regarding the collection, reporting, disclosure, storage, and confidentiality of the data.

2. Unless otherwise authorized or required by state or federal law, data collected under this section shall not include the social security number of the individual subject of the data.

DIVISION IX BIRTH CERTIFICATES

Sec. 105. Section 144.13A, subsections 1 and 2, Code 2017, are amended to read as follows:

1. The state registrar shall charge the parent a fee of twenty dollars for the registration of a certificate of birth ~~as follows:~~

~~a. Beginning July 1, 2003, and ending June 30, 2005, a fee of fifteen dollars.~~

~~b. Beginning July 1, 2005, a fee of twenty dollars.~~

2. The state registrar shall charge the parent a separate fee established under section 144.46 for a certified copy of the certificate. The certified copy shall include all of the information included in the original certificate of birth and shall be letter-sized. The certified copy shall be mailed to the parent by the state registrar. The mailing of a certified copy of the certificate to a biological parent shall not be precluded by the execution of a release of custody under chapter 600A, and, upon request, a biological parent shall be provided with a certified copy of the certificate unless the parental rights of the biological parent are terminated.

Sec. 106. Section 144.13A, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. *a.* If, during the period between May 1993 and October 2009, a parent was issued a smaller than letter-sized certified copy of the certificate of birth under this section, which did not include all of the information included in the original certificate of birth, upon request of a parent, the state registrar shall issue to the parent a single letter-sized certified copy replacement that includes all of the information provided in the original certificate of birth. A parent shall not be required to exchange the smaller certified copy for the larger certified copy replacement, but may retain the smaller certified copy.

b. Notwithstanding the amount of the fee charged under subsection 2, the state registrar shall not charge a fee for the issuance of a single letter-sized certified copy of the certificate of birth requested by a parent under this subsection.

c. This subsection shall not apply if a new certificate of birth was substituted for the original certificate of birth pursuant to section 144.24.

d. The department shall post the application form and instructions for requesting a letter-sized certified copy replacement as specified in this subsection on the department's internet site. This paragraph is repealed June 30, 2022.

Approved May 11, 2017

CHAPTER 149

MOTOR VEHICLE REGULATION AND ENFORCEMENT

H.F. 463

AN ACT relating to the enforcement of motor vehicle laws and the regulation of commercial motor vehicles and certain operators by the department of transportation, and including effective date provisions.

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

Section 1. Section 321.180, subsection 2, paragraph c, Code 2017, is amended to read as follows:

c. A commercial learner's permit shall be valid for a period not to exceed ~~one hundred eighty days~~ the period provided in 49 C.F.R. §383.25(c) and 49 C.F.R. §383.73(a)(2)(iii). A commercial learner's permit may be renewed for an additional one hundred eighty days without retaking the general and endorsement knowledge tests required by section 321.188.

Sec. 2. Section 321.463, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. *a.* Notwithstanding any provision of law to the contrary, a motor vehicle equipped with an engine fueled primarily by natural gas may exceed any applicable maximum gross weight limit under this chapter, up to a maximum gross weight of eighty-two thousand pounds, by an amount equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system installed in the vehicle and the weight of a comparable diesel fuel tank and fueling system.

b. Notwithstanding any provision of law to the contrary, a motor vehicle described in paragraph "a" equipped with an auxiliary power or idle reduction technology unit that reduces fuel use and emissions during engine idling may exceed any applicable maximum gross weight limit under this chapter by five hundred fifty pounds or the weight of the auxiliary power or idle reduction technology unit, whichever is less. This paragraph "b" shall not apply unless the operator of the vehicle provides to the department a written certification of the weight of the auxiliary power or idle reduction technology unit, demonstrates or certifies to the department that the idle reduction technology unit is fully functional at all times, and carries with the operator the written certification of the weight

of the auxiliary power or idle reduction technology unit in the vehicle at all times to present to law enforcement in the event the vehicle is suspected of violating any applicable weight restrictions.

Sec. 3. Section 321.477, Code 2017, is amended to read as follows:

321.477 Employees as peace officers — maximum age.

1. The department may designate by resolution certain of its employees upon each of whom there is hereby conferred the authority of a peace officer to control and direct traffic and weigh vehicles, and to make arrests for violations of enforce all laws of the state including but not limited to the rules and regulations of the department. Employees designated as peace officers pursuant to this section shall have the same powers conferred by law on peace officers for the enforcement of all laws of this state and the apprehension of violators.

2. Employees designated as peace officers pursuant to this section who are assigned to the supervision of the highways of this state shall spend the preponderance of their time conducting enforcement activities that assure the safe and lawful movement and operation of commercial motor vehicles and vehicles transporting loads, including but not limited to the enforcement of motor vehicle laws relating to the operating authority, registration, size, weight, and load of motor vehicles and trailers, and registration of a motor carrier's interstate transportation service with the department.

3. Employees designated as peace officers pursuant to this section shall not exercise the general powers of a peace officer within the limits of any city, except as follows:

a. When so ordered by the direction of the governor.

b. When request is made by the mayor of any city, with the approval of the director.

c. When request is made by the sheriff or county attorney of any county, with the approval of the director.

d. While in the pursuit of law violators or in investigating law violations.

e. While making any inspection provided by this chapter, or any additional inspection ordered by the director.

f. When engaged in the investigation and enforcement of laws relating to narcotic, counterfeit, stimulant, and depressant drugs.

4. The limitations specified in subsection 3 shall in no way be construed as a limitation on the power of employees designated as peace officers pursuant to this section when a public offense is being committed in their presence.

5. The department shall submit a report to the general assembly on or before December 1 of each year that details the nature and scope of enforcement activities conducted in the previous fiscal year by employees designated as peace officers pursuant to this section who are assigned to the supervision of the highways of this state. The report shall include a comparison of commercial and noncommercial motor vehicle enforcement activities conducted by such employees.

6. The maximum age for a person employed as a peace officer pursuant to this section is sixty-five years of age.

Sec. 4. REPEAL. The section of this Act amending section 321.477 is repealed July 1, 2018.

Sec. 5. EFFECTIVE UPON ENACTMENT. The section of this Act amending section 321.477, being deemed of immediate importance, takes effect upon enactment.

Approved May 11, 2017

CHAPTER 150**COLLEGE STUDENT AID — GRANT AND LOAN FORGIVENESS PROGRAMS FOR
TEACHERS — ELIGIBILITY***H.F. 472*

AN ACT relating to eligibility requirements for grant and loan forgiveness programs administered by the college student aid commission that provide assistance to elementary and secondary school teachers in this state, and including effective date and applicability provisions.

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

Section 1. Section 261.110, subsection 2, Code 2017, is amended to read as follows:

2. An Iowa resident or nonresident applicant shall be eligible for a teach Iowa scholar grant if the applicant meets all of the criteria specified under, or established in accordance with, subsection 3. Priority shall be given to applicants who are residents of Iowa. A person is ineligible for this program if the person receives a forgivable loan under section 261.111 or loan forgiveness under section 261.112.

Sec. 2. Section 261.112, subsection 1, Code 2017, is amended to read as follows:

1. A teacher shortage loan forgiveness program is established to be administered by the commission. A teacher is eligible for the program if the teacher is practicing in a teacher shortage area as designated by the department of education pursuant to subsection 2. A person is ineligible for this program if the person receives a grant under section 261.110 or a forgivable loan under section 261.111. For purposes of this section, “teacher” means an individual holding a practitioner’s license issued under chapter 272, who is employed in a nonadministrative position in a designated shortage area by a school district or area education agency pursuant to a contract issued by a board of directors under section 279.13.

Sec. 3. **INELIGIBILITY PROVISIONS OF ACT INAPPLICABLE TO CERTAIN RECIPIENTS.** The provisions of section 261.110, subsection 2, as amended by this Act, and section 261.112, subsection 1, as amended by this Act, making an individual ineligible to concurrently receive a grant and loan forgiveness under sections 261.110 and 261.112, shall not apply to an individual who is receiving both a teach Iowa scholar grant under section 261.110 and teacher shortage loan forgiveness under section 261.112 on the effective date of this Act.

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

Approved May 11, 2017

CHAPTER 151**PROPERTY TAX ASSESSMENT AND ASSESSORS***H.F. 478*

AN ACT relating to property tax assessments by modifying requirements for the determination of value, modifying provisions related to the property assessment appeal board by striking the future repeal of provisions relating to the board, modifying procedures and requirements for appeals to the board, modifying requirements for assessors and deputy assessors, and including effective date, applicability, and retroactive applicability provisions.

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

Section 1. Section 331.559, subsection 20, Code 2017, is amended to read as follows:

20. Apportion and collect the costs assessed by the district court against the board of review or any taxing body district resulting from an appeal of property assessments as provided in section 441.40.

Sec. 2. Section 428.4, subsection 1, Code 2017, is amended to read as follows:

1. Property shall be assessed for taxation each year. Real estate shall be listed and assessed in 1981 and every two years thereafter. The assessment of real estate shall be the value of the real estate as of January 1 of the year of the assessment. The year 1981 and each odd-numbered year thereafter shall be a reassessment year. In any year, after the year in which an assessment has been made of all the real estate in an assessing jurisdiction, the assessor shall value and assess or revalue and reassess, as the case may require, any real estate that the assessor finds was incorrectly valued or assessed, or was not listed, valued, and assessed, in the assessment year immediately preceding, also any real estate the assessor finds has changed in value subsequent to January 1 of the preceding real estate assessment year. However, a percentage increase on a class of property shall not be made in a year not subject to an equalization order unless ordered by the department of revenue. The assessor shall determine the actual value and compute the taxable value thereof as of January 1 of the year of the revaluation and reassessment. The assessment shall be completed as specified in section 441.28, but no reduction or increase in actual value shall be made for prior years. If an assessor makes a change in the valuation of the real estate as provided for, sections 441.23, 441.37, 441.37A, 441.37B, and 441.38, ~~and 441.39~~ apply.

Sec. 3. Section 441.5, subsection 3, Code 2017, is amended to read as follows:

3. Only individuals who possess a high school diploma or its equivalent and who have completed the preliminary education requirements established under subsection 3A are eligible to take the examination. A person desiring to take the examination shall complete an application prior to the administration of the examination. Evidence of successful completion of the preliminary education requirements under subsection 3A shall be included with the application.

Sec. 4. Section 441.5, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. The director of revenue shall prescribe by rule preliminary education requirements, including a preliminary course of study, that each individual must successfully complete in order to be eligible to take the examination. The course of study prescribed by the director of revenue may include those subjects covered by the examination and listed under subsection 2 and any other subjects or courses the director of revenue deems relevant, including those courses offered and standards established by the international association of assessing officers.

Sec. 5. Section 441.9, Code 2017, is amended to read as follows:

441.9 Removal of assessor.

The assessor may be removed by a majority vote of the conference board, after charges of misconduct, nonfeasance, malfeasance, or misfeasance in office shall have been substantiated at a public hearing, if same is demanded by the assessor by written

notice served upon the chairperson of the conference board. For purposes of this section, "misconduct" includes but is not limited to knowingly engaging in assessment methods, practices, or conduct that contravene any applicable law, administrative rule, or order of any court or other government authority.

Sec. 6. Section 441.10, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The director of revenue shall prescribe by rule deputy assessor preliminary education requirements, including a preliminary course of study, that each individual must successfully complete in order to be eligible to take the deputy assessor examination. The course of study prescribed by the director of revenue may include those subjects covered by the examination and any other subjects or courses the director of revenue deems relevant, including those courses offered and standards established by the international association of assessing officers. Evidence of successful completion of the deputy assessor preliminary education requirements shall be included with the application to take the deputy assessor examination.

Sec. 7. Section 441.19, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. Supplemental and optional to the procedure for the assessment of property by the assessor as provided in this chapter, the assessor may require from all persons required to list their property for taxation as provided by sections 428.1 and 428.2, a supplemental return to be prescribed by the director of revenue upon which the person shall list the person's property. The supplemental return shall be in substantially the same form as now prescribed by law for the assessment rolls used in the listing of property by the assessors. However, for assessment years beginning on or after January 1, 2018, and unless otherwise required for property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438, a supplemental return shall not request, and a person shall not be otherwise required to provide to the assessor for property assessment purposes, sales or receipts data, expense data, balance sheets, bank account information, or other data related to the financial condition of a business operating in whole or in part on the property if the property is both classified as commercial or industrial property and owned and used by the owner of the business. Every person required to list property for taxation shall make a complete listing of the property upon supplemental forms and return the listing to the assessor as promptly as possible. The return shall be verified over the signature of the person making the return and section 441.25 applies to any person making such a return. The assessor shall make supplemental return forms available as soon as practicable after the first day of January of each year. The assessor shall make supplemental return forms available to the taxpayer by mail, or at a designated place within the taxing district.

Sec. 8. Section 441.21, subsection 2, Code 2017, is amended to read as follows:

2. In the event market value of the property being assessed cannot be readily established in the foregoing manner, then the assessor may determine the value of the property using the other uniform and recognized appraisal methods including its productive and earning capacity, if any, industrial conditions, its cost, physical and functional depreciation and obsolescence and replacement cost, and all other factors which would assist in determining the fair and reasonable market value of the property but the actual value shall not be determined by use of only one such factor. The following shall not be taken into consideration: Special value or use value of the property to its present owner, and the goodwill or value of a business which uses the property as distinguished from the value of the property as property. In addition, for assessment years beginning on or after January 1, 2018, and unless otherwise required for property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438, the assessor shall not take into consideration and shall not request from any person sales or receipts data, expense data, balance sheets, bank account information, or other data related to the financial condition of a business operating in whole or in part on the property if the property is both classified as commercial or industrial property and owned and used by the owner of the business. However, in assessing property that is rented or leased to low-income individuals and families as authorized by section 42

of the Internal Revenue Code, as amended, and which section limits the amount that the individual or family pays for the rental or lease of units in the property, the assessor shall, unless the owner elects to withdraw the property from the assessment procedures for section 42 property, use the productive and earning capacity from the actual rents received as a method of appraisal and shall take into account the extent to which that use and limitation reduces the market value of the property. The assessor shall not consider any tax credit equity or other subsidized financing as income provided to the property in determining the assessed value. The property owner shall notify the assessor when property is withdrawn from section 42 eligibility under the Internal Revenue Code or if the owner elects to withdraw the property from the assessment procedures for section 42 property under this subsection. The property shall not be subject to section 42 assessment procedures for the assessment year for which section 42 eligibility is withdrawn or an election is made. This notification must be provided to the assessor no later than March 1 of the assessment year or the owner will be subject to a penalty of five hundred dollars for that assessment year. The penalty shall be collected at the same time and in the same manner as regular property taxes. An election to withdraw from the assessment procedures for section 42 property is irrevocable. Property that is withdrawn from the assessment procedures for section 42 property shall be classified and assessed as multiresidential property unless the property otherwise fails to meet the requirements of section 441.21, subsection 13. Upon adoption of uniform rules by the department of revenue or succeeding authority covering assessments and valuations of such properties, the valuation on such properties shall be determined in accordance with such rules and in accordance with forms and guidelines contained in the real property appraisal manual prepared by the department as updated from time to time for assessment purposes to assure uniformity, but such rules, forms, and guidelines shall not be inconsistent with or change the foregoing means of determining the actual, market, taxable and assessed values.

Sec. 9. Section 441.21, subsection 3, paragraph b, Code 2017, is amended to read as follows:

b. (1) The For assessment years beginning before January 1, 2018, the burden of proof shall be upon any complainant attacking such valuation as excessive, inadequate, inequitable, or capricious; ~~however~~ . However, in protest or appeal proceedings when the complainant offers competent evidence by at least two disinterested witnesses that the market value of the property is less than the market value determined by the assessor, the burden of proof thereafter shall be upon the officials or persons seeking to uphold such valuation to be assessed.

(2) For assessment years beginning on or after January 1, 2018, the burden of proof shall be upon any complainant attacking such valuation as excessive, inadequate, inequitable, or capricious. However, in protest or appeal proceedings when the complainant offers competent evidence that the market value of the property is different than the market value determined by the assessor, the burden of proof thereafter shall be upon the officials or persons seeking to uphold such valuation to be assessed.

(3) If the classification of a property has been previously adjudicated by the property assessment appeal board or a court as part of an appeal under this chapter, there is a presumption that the classification of the property has not changed for each of the four subsequent assessment years, unless a subsequent such adjudication of the classification of the property has occurred, and the burden of demonstrating a change in use shall be upon the person asserting a change to the property's classification.

Sec. 10. Section 441.30, subsections 1 and 2, Code 2017, are amended to read as follows:

1. Any property owner or aggrieved taxpayer who is dissatisfied with the owner's or taxpayer's assessment may contact the assessor by telephone or in writing by paper or electronic medium on or after April 2, to and including April 25, of the year of the assessment to inquire about the specifics and accuracy of the assessment. Such an inquiry may also include a request for an informal review of the assessment by the assessor under one or more of the grounds for protest authorized under section 441.37 ~~for the same assessment year~~.

2. In response to an inquiry under subsection 1, if the assessor, following an informal review, determines that the assessment was incorrect under one or more of the grounds for

protest authorized under section 441.37 ~~for the same assessment year~~, the assessor may, on or before April 25, recommend that the property owner or aggrieved taxpayer file a protest with the local board of review and may file a recommendation with the local board of review related to the informal review, or may enter into a signed written agreement with the property owner or aggrieved taxpayer authorizing the assessor to correct or modify the assessment according to the agreement of the parties.

Sec. 11. Section 441.37, subsection 1, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Any property owner or aggrieved taxpayer who is dissatisfied with the owner's or taxpayer's assessment may file a protest against such assessment with the board of review on or after April 2, and including April 30, of the year of the assessment. In any county which has been declared to be a disaster area by proper federal authorities after March 1 and prior to May 20 of said year of assessment, the board of review shall be authorized to remain in session until June 15 and the time for filing a protest shall be extended to and include the period from May 25 to June 5 of such year. The protest shall be in writing on forms prescribed by the director of revenue and, except as provided in subsection 3, signed by the one protesting or by the protester's duly authorized agent. The taxpayer may have an oral hearing on the protest if the request for the oral hearing is made in writing at the time of filing the protest. The protest must be confined to one or more of the following grounds:

Sec. 12. Section 441.37, subsection 1, paragraph a, subparagraph (1), Code 2017, is amended to read as follows:

~~(1) For odd-numbered assessment years and for even-numbered assessment years for property that was reassessed in such even-numbered assessment year:~~

~~(a) (1) That said assessment is not equitable as compared with assessments of other like property in the taxing district. When this ground is relied upon as the basis of a protest the legal description and assessments of a representative number of comparable properties, as described by the aggrieved taxpayer shall be listed on the protest, otherwise said protest shall not be considered on this ground.~~

~~(b) (2) That the property is assessed for more than the value authorized by law. When this ground is relied upon, the protesting party shall state the specific amount which the protesting party believes the property to be overassessed, and the amount which the party considers to be its actual value and fair assessment.~~

~~(c) (3) That the property is not assessable, is exempt from taxes, or is misclassified and stating the reasons for the protest.~~

~~(d) (4) That there is an error in the assessment and state the specific alleged error. When this ground is relied upon, the error may include but is not limited to listing errors, clerical or mathematical errors, or other errors that result in an error in the assessment.~~

~~(e) (5) That there is fraud or misconduct in the assessment which shall be specifically stated. For purposes of this section, "misconduct" means the same as defined in section 441.9. If the local board of review, property assessment appeal board, or district court decides in favor of the property owner or aggrieved taxpayer and finds that there was fraud or misconduct in the assessment, the property owner's or aggrieved taxpayer's reasonable costs incurred in bringing the protest or appeal shall be paid from the assessment expense fund under section 441.16. For purposes of this section, costs include but are not limited to legal fees, appraisal fees, and witness fees.~~

Sec. 13. Section 441.37, subsection 1, paragraph a, subparagraph (2), Code 2017, is amended by striking the subparagraph.

Sec. 14. Section 441.37A, subsection 1, Code 2017, is amended to read as follows:

1. a. ~~For the assessment year beginning January 1, 2007, and all subsequent assessment years beginning before January 1, 2021, appeals~~ Appeals may be taken from the action of the board of review with reference to protests of assessment, valuation, or application of an equalization order to the property assessment appeal board created in section 421.1A. However, a property owner or aggrieved taxpayer or an appellant described in section 441.42

may bypass the property assessment appeal board and appeal the decision of the local board of review to the district court pursuant to section 441.38.

~~b. For an appeal to the property assessment appeal board to be valid, written notice must be filed by the party appealing the decision with the secretary of the property assessment appeal board~~ a party must file an appeal with the board within twenty days after the date of adjournment of the local board of review or May 31, whichever is later. The ~~written notice of appeal shall include a petition setting forth the basis of the appeal and the relief sought. No new~~ New grounds in addition to those set out in the protest to the local board of review, as provided in section 441.37 ~~can~~, may be pleaded, ~~but~~ and additional evidence to sustain those grounds set out in the protest to the local board of review may be introduced. The assessor shall have the same right to appeal to the assessment appeal board as an individual taxpayer, public body, or other public officer as provided in section 441.42. An appeal to the board is a contested case under chapter 17A.

~~c. Filing of the written notice of appeal and petition with the secretary of the property assessment appeal board shall preserve all rights of appeal of the appellant, except as otherwise provided in subsection 2. A copy of the appellant's written notice of appeal and petition shall be mailed by the secretary of the property assessment appeal board to the local board of review whose decision is being appealed.~~

~~d. In all cases where a change in assessed valuation of one hundred thousand dollars or more is petitioned for, the local board of review shall mail a copy of the written notice of appeal and petition to all affected taxing districts as shown on the last available tax list. A copy of the appellant's appeal shall be sent by the property assessment appeal board to the local board of review whose decision is being appealed.~~

~~e. The property assessment appeal board may, by rule, provide for the filing of a notice of appeal and petition with the secretary of the board~~ an appeal by electronic means. All requirements of this section for an appeal to the board shall apply to an appeal filed electronically.

Sec. 15. Section 441.37A, subsection 2, paragraph b, Code 2017, is amended to read as follows:

b. Each appeal may be considered by one or more members of the board, and the chairperson of the board may assign members to consider appeals. If a hearing is requested, it shall be open to the public and shall be conducted in accordance with the rules of practice and procedure adopted by the board. The board may provide by rule for participation in such hearings by telephone or other means of electronic communication. However, any deliberation of the board or of board members considering the appeal in reaching a decision on any appeal shall be confidential. Any deliberation of the board or of board members to rule on procedural motions in a pending appeal or to deliberate on the decision to be reached in an appeal is exempt from the provisions of chapter 21. The property assessment appeal board or any member of the board considering the appeal may require the production of any books, records, papers, or documents as evidence in any matter pending before the board that may be material, relevant, or necessary for the making of a just decision. Any books, records, papers, or documents produced as evidence shall become part of the record of the appeal. Any testimony given relating to the appeal shall be ~~transcribed~~ electronically recorded and made a part of the record of the appeal.

Sec. 16. Section 441.37A, subsection 3, Code 2017, is amended to read as follows:

3. a. The burden of proof for all appeals before the board shall be as stated in section 441.21, subsection 3. The board members considering the appeal shall determine anew all questions arising before the local board of review ~~which~~ that relate to the liability of the property to assessment or the amount ~~thereof of the assessment~~. All of the evidence shall be considered and there shall be no presumption as to the correctness of the valuation of assessment appealed from. ~~The property assessment appeal board shall issue a decision in each appeal filed with the board.~~ If the appeal is considered by less than the full membership of the board, the determination made by such members shall be forwarded to the full board for approval, rejection, or modification. If the initial determination is rejected by the board, it

shall be returned for reconsideration to the board members making the initial determination. ~~Any deliberation of the board regarding an initial determination shall be confidential.~~

~~b. The decision of the board shall be considered the final agency action for purposes of further appeal, and is subject to judicial review as provided in section 441.37B, except as otherwise provided in section 441.49. The decision shall be final unless appealed to district court as provided in section 441.38. A decision of the board modifying an assessment shall be sent to the county auditor and the assessor, who shall correct the assessment books accordingly. An appeal of the board's decision under section 441.37B shall not itself stay execution or enforcement of the board's decision.~~

~~c. The levy of taxes on any assessment appealed to the board shall not be delayed by any proceeding before the board, and if the assessment appealed from is reduced by the decision of the board, any taxes levied upon that portion of the assessment reduced shall be abated or, if already paid, shall, by order of the board, be refunded or credited against future property taxes levied against the property at the option of the property owner or aggrieved taxpayer.~~

~~d. If the subject of an appeal is the application of an equalization order, the property assessment appeal board shall not order a reduction in assessment greater than the amount that the assessment was increased due to application of the equalization order.~~

~~e. Each party to the appeal shall be responsible for the costs of the appeal incurred by that party.~~

Sec. 17. NEW SECTION. 441.37B Appeal to district court from property assessment appeal board.

1. A party who is aggrieved or adversely affected by a final action of the property assessment appeal board may seek judicial review of the action as provided in chapter 17A. Notwithstanding section 17A.19, subsection 2, a petition for judicial review of the action of the property assessment appeal board shall be filed in the district court of the county where the property that is subject to the appeal is located.

2. Notwithstanding any provision of chapter 17A to the contrary, for appeals taken from the property assessment appeal board to district court, new grounds in addition to those set out in the appeal to the property assessment appeal board shall not be pleaded.

3. Notwithstanding any provision of chapter 17A to the contrary, additional evidence to sustain those grounds set out in the appeal to the property assessment appeal board may not be introduced in an appeal to the district court.

4. A decision of the district court modifying an assessment shall be sent to the county auditor and the assessor, who shall correct the assessment books accordingly.

Sec. 18. Section 441.38, Code 2017, is amended to read as follows:

441.38 Appeal to district court from local board of review.

~~1. Appeals may be taken from the action of the local board of review with reference to protests of assessment, to the district court of the county in which the board holds its sessions within twenty days after its the board's adjournment or May 31, whichever date is later. Appeals may be taken from the action of the property assessment appeal board to the district court of the county where the property which is the subject of the appeal is located within twenty days after the letter of disposition of the appeal by the property assessment appeal board is postmarked to the appellant. No new grounds in addition to those set out in the protest to the local board of review as provided in section 441.37, or in addition to those set out in the appeal to the property assessment appeal board, if applicable, can be pleaded.~~

For appeals taken from the local board of review directly to district court, new grounds in addition to those set out in the protest to the local board of review, as provided in section 441.37, may be pleaded. Additional For appeals taken from the local board of review directly to district court, additional evidence to sustain those grounds set out in the protest to the local board of review may be introduced in an appeal from the local board of review to the district court. However, no new evidence to sustain those grounds may be introduced in an appeal from the property assessment appeal board to the district court. The assessor shall have the same right to appeal and in the same manner as an individual taxpayer, public body, or other public officer as provided in section 441.42. Appeals shall be taken by filing a written notice

of appeal with the clerk of district court. Filing of the written notice of appeal shall preserve all rights of appeal of the appellant.

~~2. If the appeal to district court is taken from the action of the local board of review, notice of appeal shall be served as an original notice on the chairperson, presiding officer, or clerk of the board of review after the filing of notice under subsection 1 with the clerk of district court. If the appeal to district court is taken from the action of the property assessment appeal board, notice of appeal shall be served as an original notice on the secretary of the property assessment appeal board after the filing of notice under subsection 1 with the clerk of district court.~~

~~3. The court shall hear the appeal in equity and determine anew all questions arising before the board of review that relate to the liability of the property to assessment or the amount of the assessment. The court shall consider all of the evidence and there shall be no presumption as to the correctness of the valuation or assessment appealed from. The court's decision shall be certified by the clerk of the court to the county auditor and the assessor, who shall correct the assessment books accordingly.~~

Sec. 19. Section 441.39, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

441.39 Notice of assessment protests and appeals to taxing districts.

1. If a property owner or aggrieved taxpayer appeals a decision of the board of review to the property assessment appeal board or to district court and requests an adjustment in valuation of one hundred thousand dollars or more, the assessor shall notify all affected taxing districts as shown on the last available tax list.

2. In addition to any other requirement for providing of notice, if a property owner or aggrieved taxpayer files a protest against the assessment of property valued by the assessor at five million dollars or more or files an appeal to the property assessment appeal board or the district court with regard to such property, the assessor shall provide notice to the school district in which such property is located within ten days of the filing of the protest or the appeal, as applicable.

Sec. 20. Section 441.40, Code 2017, is amended to read as follows:

441.40 Costs, fees, and expenses apportioned.

~~The clerk of the court shall likewise certify to the county treasurer the costs assessed by the court on any appeal from a board of review to the district court, in all cases where said the costs are taxed against the board of review or any taxing body district. Thereupon the county treasurer shall compute and apportion the said costs between the various taxing bodies districts participating in the proceeds of the collection of the taxes involved in any such appeal, and said the treasurer shall so compute and apportion the various amounts which said the taxing bodies districts are required to pay in proportion to the amount of taxes each of said the taxing bodies districts is entitled to receive from the whole amount of taxes involved in each of such appeals. The said county treasurer shall deduct from the proceeds of all general taxes collected the amount of costs so computed and apportioned by the treasurer from the moneys due to each taxing body district from general taxes collected. The amount so deducted shall be certified to each taxing body district in lieu of moneys collected. Said The county treasurer shall pay to the clerk of the district court the amount of said the costs so computed, apportioned, and collected by the treasurer in all cases now on file or hereafter filed in which said the costs have not been paid.~~

Sec. 21. Section 441.41, Code 2017, is amended to read as follows:

441.41 Legal counsel.

In the case of cities having an assessor, the city legal department shall represent the assessor and board of review in all litigation dealing with assessments. In the case of counties, the county attorney shall represent the assessor and board of review in all litigation dealing with assessments. Any taxing body district interested in the taxes received from such assessments may be represented by an attorney and shall be required to appear by attorney upon written request of the assessor to the presiding officer of any such taxing

~~body district.~~ The conference board may employ special counsel to assist the city legal department or county attorney as the case may be.

Sec. 22. Section 441.44, Code 2017, is amended to read as follows:

441.44 Notice of voluntary settlement.

1. The property assessment appeal board may adopt rules establishing requirements for notices of voluntary settlements in appeals before the board to be served upon affected taxing districts.

2. ~~No~~ A voluntary court settlement of an assessment appeal shall not be valid unless written notice ~~thereof of the settlement~~ shall first be served upon each of the affected taxing ~~bodies~~ interested in the taxes derived from such assessment districts.

Sec. 23. Section 443.11, Code 2017, is amended to read as follows:

443.11 Procedure on appeal.

The appeal provided for in section 443.8 shall be taken within ten days from the time of the final action of the assessor or auditor, by a written notice to that effect to the assessor or auditor, and served as an original notice. The court on appeal shall hear and determine the rights of the parties in the same manner as appeals from the board of review, as prescribed in sections ~~441.39~~ 441.38 and 441.43.

Sec. 24. Section 602.8102, subsection 61, Code 2017, is amended to read as follows:

61. Certify the final decision of the district court in an appeal of the tax assessments as provided in section ~~441.39~~ 441.37B or 441.38. Costs of the appeal to be assessed against the board of review or a taxing ~~body~~ district shall be certified to the treasurer as provided in section 441.40.

Sec. 25. REPEAL. 2005 Iowa Acts, chapter 150, section 134, as amended by 2013 Iowa Acts, chapter 123, section 62, and 2015 Iowa Acts, chapter 109, section 1, is repealed.

Sec. 26. REPEAL. Sections 441.38A and 441.38B, Code 2017, are repealed.

Sec. 27. ASSESSOR CONTINUING EDUCATION STUDY — REPORT.

1. The department of revenue shall study the current system of continuing education for assessors and deputy assessors under chapter 441 and make recommendations for changes.

2. The department of revenue shall prepare and file a report detailing recommendations for changes to the current system of assessor and deputy assessor continuing education requirements. The report shall be filed by the department of revenue with the chairpersons and ranking members of the ways and means committees of the senate and the house of representatives and with the legislative services agency by December 15, 2017.

Sec. 28. EFFECTIVE UPON ENACTMENT. The following provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 441.9.

2. The section of this Act amending section 441.21, subsection 3, paragraph “b”.

Sec. 29. APPLICABILITY. Except as otherwise provided in this Act, this Act applies to assessment years beginning on or after January 1, 2018.

Sec. 30. APPLICABILITY. The following provisions of this Act apply beginning January 1, 2018, for the appointment of assessors and deputy assessors that are not reappointments occurring on or after that date:

1. The section of this Act amending section 441.5, subsection 3.

2. The section of this Act enacting section 441.5, subsection 3A.

3. The section of this Act enacting section 441.10, subsection 1A.

Sec. 31. RETROACTIVE APPLICABILITY. The following provision of this Act applies retroactively to January 1, 2017, for assessment years beginning on or after that date:

1. The portion of the section of this Act enacting section 441.21, subsection 3, paragraph “b”, subparagraph (3).

Approved May 11, 2017

CHAPTER 152

DRUG PRESCRIBING AND DISPENSING INFORMATION PROGRAM — MEDICAL EXAMINER ACCESS TO INFORMATION

H.F. 523

AN ACT providing medical examiners access to information in the drug prescribing and dispensing information program.

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

Section 1. Section 124.553, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* The state medical examiner or a county medical examiner as appointed pursuant to section 331.801 or 691.5 or a medical examiner investigator recognized by the office of the state medical examiner when the information requested by the examiner or investigator relates to an investigation being conducted by the examiner or investigator.

Approved May 11, 2017

CHAPTER 153

SCHOOL DISTRICT FUNDING AND AUTHORIZED EXPENDITURES AND TRANSFERS

H.F. 564

AN ACT relating to school district funding and authorized expenditures and transfers and including effective date, applicability, and retroactive applicability provisions.

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

DIVISION I PROFESSIONAL DEVELOPMENT

Section 1. Section 284.6, subsections 8 and 9, Code 2017, are amended to read as follows:

8. For each year in which a school district receives funds calculated and paid to school districts for professional development pursuant to section 257.10, subsection 10, or section 257.37A, subsection 2, the school district shall create quality professional development opportunities. Not less than thirty-six hours in the school calendar, held outside of the minimum school day, shall be set aside during nonpreparation time or designated professional development time to allow practitioners to collaborate with each other to deliver educational programs and assess student learning, or to engage in peer review pursuant to section 284.8, subsection 1. The funds may be used to implement the professional development provisions of the teacher career paths and leadership roles specified in section 284.15, including but not limited to providing professional development to teachers, including additional salaries for time beyond the normal negotiated agreement; pay for substitute

teachers, professional development materials, speakers, and professional development content; textbooks and curriculum materials used for classroom purposes if such textbooks and curriculum materials include professional development; administering assessments pursuant to section 256.7, subsection 21, paragraph "b", subparagraphs (1) and (2), if such assessments include professional development; and costs associated with implementing the individual professional development plans. The use of the funds shall be balanced between school district, attendance center, and individual professional development plans, making every reasonable effort to provide equal access to all teachers.

9. Moneys received pursuant to section 257.10, subsection 10, or section 257.37A, subsection 2, shall be maintained as a separate listing within a school district's or area education agency's budget for funds received and expenditures made pursuant to this subsection. The department shall not require a school district or area education agency to allocate a specific amount or percentage of moneys received pursuant to section 257.10, subsection 10, or section 257.37A, subsection 2, for professional development related to implementation of the core curriculum under section 256.7, subsection 26. A school district shall certify to the department of education how the school district allocated the funds and that moneys received under this subsection were used to supplement, not supplant, the professional development opportunities the school district would otherwise make available.

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

Sec. 3. APPLICABILITY. This division of this Act applies to school budget years beginning on or after July 1, 2017.

DIVISION II AT-RISK AND DROPOUT PREVENTION

Sec. 4. Section 257.11, subsection 4, paragraph d, Code 2017, is amended to read as follows:

d. ~~Up to five percent of the total amount~~ Amounts that a school district receives as supplementary weighting pursuant to this subsection or as a modified supplemental amount received under section 257.41 may be used in the budget year for purposes of providing district-wide, ~~or building-wide,~~ or grade-specific at-risk and dropout prevention programming targeted to pupils who are not deemed at risk.

Sec. 5. Section 257.41, subsection 2, paragraphs a and b, Code 2017, are amended to read as follows:

a. Salary and benefits for instructional staff, instructional support staff, guidance counselors, and school-based youth services staff who are working with students who are participating in at-risk or dropout prevention programs, alternative programs, and alternative schools, in a traditional or alternative setting, if the staff person's or counselor's time is dedicated to working with such students in order to provide services beyond those which are provided by the school district to students who are not participating in such programs or alternative schools. However, if the staff person or counselor works part-time with students who are participating in a program or alternative school and the staff person or counselor has another unrelated staff assignment, only the portion of the staff person's or counselor's time that is related to the program or alternative school may be charged to the program or school. For each such staff person or counselor who works part time with students who are participating in a program or alternative school, the school district shall have the authority to designate the portion of the staff person's or counselor's time and the corresponding amount of salary and benefits that is related to the program or alternative school and shall include such designation as part of the program plan under section 257.38, if applicable. For purposes of this paragraph, if an alternative setting is necessary to provide for a program which is offered at a location off school grounds and which is intended to serve student needs by improving relationships and connections to school, decreasing truancy and tardiness, providing opportunities for course credit recovery, or helping students identified as at risk to accelerate through multiple grade levels of achievement within a shortened time

frame, the tuition costs for a student identified as at risk shall be considered an appropriate use of the program funding under this section.

b. Professional development for all teachers, counselors, and staff working with at-risk students under a program or an alternative school setting.

Sec. 6. Section 257.41, subsection 2, Code 2017, is amended by adding the following new paragraphs:

NEW PARAGRAPH. d. Costs incurred for a program intended to address high rates of absenteeism, truancy, or frequent tardiness.

NEW PARAGRAPH. e. Costs incurred for programs authorized under section 257.11, subsection 4, paragraph “d”.

Sec. 7. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 8. APPLICABILITY. This division of this Act applies to school budget years beginning on or after July 1, 2017.

DIVISION III SCHOOL DISTRICT FLEXIBILITY

Sec. 9. Section 257.10, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Deference to school districts.

a. When exercising authority to carry out an agency action, as defined in section 17A.2, or to perform an activity or make a decision specified in section 17A.2, subsection 11, paragraphs “a” through “l”, if applicable, related to the provisions of subsections 9, 10, and 11, including the expenditure of funds received by school districts under subsections 9, 10, and 11, the department of education, the director of the department of education, and the state board of education shall carry out, perform, or make such agency action, activity, or decision in a manner that gives deference to decisions of school districts’ boards of directors, promotes flexibility for school districts, and minimizes intrusions into school district operations and decision making by boards of directors.

b. (1) In addition to paragraph “a”, the department of education, the director of the department of education, and the state board of education shall not issue guidance related to the provisions of subsections 9, 10, and 11, including the expenditure of funds received by a school district under subsections 9, 10, and 11, that is inconsistent with any statute, rule, or other legal authority or that imposes any legally binding obligations or duties upon any person unless such legally binding obligations or duties are required or reasonably implied by any statute, rule, or other legal authority. Guidance issued in violation of this paragraph “b” shall not be deemed to be legally binding.

(2) For the purposes of this paragraph “b”, “guidance” means a document or statement issued by the department of education, the director of the department of education, or the state board of education that purports to interpret a law, a rule, or other legal authority and is designed to provide advice or direction to a person regarding the implementation of or compliance with the law, the rule, or the other legal authority being interpreted. “Guidance” does not include any action, activity, or decision governed by paragraph “a”, a document or statement required by federal law or a court, or a document or statement issued in the course of a contested case proceeding, an administrative proceeding, or a judicial proceeding to which the department, the state board, or the director is a party.

Sec. 10. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 11. APPLICABILITY. This division of this Act applies to school budget years beginning on or after July 1, 2017.

DIVISION IV
PRESCHOOL PROGRAM

Sec. 12. Section 256C.3, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. If space and funding are available, including funding from another school district account or fund from which preschool program expenditures are authorized by law, a school district approved to participate in the preschool program may enroll and pay the cost of attendance for a younger or older child in the preschool program; however, the child shall not be counted for state funding purposes.

Sec. 13. Section 256C.4, subsection 1, paragraph e, Code 2017, 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 any purpose determined by the board of directors of the school district to meet standards for high-quality preschool instruction and for purposes that directly or indirectly benefit students enrolled in the approved local program, including but not limited to professional development for preschool teachers, for instructional equipment and supplies, for material and equipment designed to develop pupils' large and small motor skills, translation services, playground equipment and repair costs, food and beverages used by children in the approved local program, safety equipment, facility rental fees, and for other direct costs that enhance the approved local program, including by contracting with community partners for any such services. 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. 14. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 15. APPLICABILITY. This division of this Act applies to school budget years beginning on or after July 1, 2017.

DIVISION V
STUDENT ACTIVITY FUND

Sec. 16. Section 298A.8, Code 2017, is amended to read as follows:

298A.8 Student activity fund.

1. The student activity fund is a special revenue fund. A student activity fund must be established in any school corporation receiving money from student-related activities such as admissions, activity fees, student dues, student fund-raising events, or other student-related cocurricular or extracurricular activities. Moneys in this fund shall be used to support only the cocurricular program defined in department of education administrative rules.

2. For school budget years beginning on or after July 1, 2016, the board of directors of a school corporation may, by board resolution, transfer from the school corporation's general fund to the student activity fund an amount necessary to purchase protective and safety equipment required for any extracurricular interscholastic athletic contest or competition that is sponsored or administered by an organization as defined in section 280.13.

Sec. 17. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 18. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2016, for school budget years beginning on or after that date.

Approved May 11, 2017

CHAPTER 154

PUBLIC SCHOOL FUNDING — TRANSFER AND EXPENDITURE OF FUNDS — FLEXIBILITY ACCOUNTS

H.F. 565

AN ACT relating to public school funding by authorizing the establishment of school district flexibility accounts and authorizing the transfer and expenditure of certain unexpended and unobligated funds.

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

Section 1. Section 256C.4, subsection 1, paragraph e, Code 2017, 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~~ remains unexpended ~~or~~ and unobligated at the end of a fiscal year beginning on or after July 1, 2017, shall be used to build the approved local program's preschool program capacity in the next succeeding fiscal year excluding that portion of such unexpended and unobligated funding that the school district authorizes for transfer for deposit in the school district's flexibility account established under section 298A.2, subsection 2, if the statutory requirements for the use of such funding are met. For purposes of determining whether a school district has authority to transfer preschool foundation aid funding for deposit in the school district's flexibility account established under section 298A.2, subsection 2, the school district must have provided preschool programming during the fiscal year for which funding remains unexpended and unobligated to all eligible students for whom a timely application for enrollment was submitted.

Sec. 2. Section 257.10, subsection 10, paragraph d, Code 2017, is amended to read as follows:

d. The use of the funds calculated under this subsection and any amount designated for professional development purposes from the school district's flexibility account under section 298A.2, subsection 2, shall comply with the requirements of chapter 284. If all professional development requirements of chapter 284 are met and funds received under this subsection remain unexpended and unobligated at the end of a fiscal year beginning on or after July 1, 2017, the school district may transfer all or a portion of such unexpended and unobligated funds for deposit in the school district's flexibility account established under section 298A.2, subsection 2.

Sec. 3. Section 257.41, subsection 1, Code 2017, is amended to read as follows:

1. *Budget.* The budget of an approved program for at-risk students, secondary students who attend alternative programs or alternative schools, or returning dropouts and dropout prevention for a school district, after subtracting funds received under section 257.11, subsection 4, paragraphs “a” through “c”, and from other sources for that purpose, including any previous carryover or amount designated from the school district’s flexibility account under section 298A.2, subsection 2, shall be funded annually on a basis of one-fourth or more from the district cost of the school district and up to three-fourths through establishment of a modified supplemental amount. Annually, the department of management shall establish a modified supplemental amount for each such school district equal to the difference between the approved budget for the program for that district and the sum of the amount funded from the district cost of the school district plus funds received under section 257.11, subsection 4, and from other sources for that purpose, including any previous carryover or amount designated from the school district’s flexibility account under section 298A.2, subsection 2.

Sec. 4. Section 257.46, subsection 1, Code 2017, is amended to read as follows:

1. The budget of an approved gifted and talented children program for a school district, after subtracting funds received from other sources for that purpose, including any amount designated from the school district’s flexibility account under section 298A.2, subsection 2, shall be funded annually on a basis of one-fourth or more from the district cost of the school district.

Sec. 5. Section 284.6, subsection 9, Code 2017, is amended to read as follows:

9. Moneys received pursuant to section 257.10, subsection 10, or section 257.37A, subsection 2, shall be maintained as a separate listing within a school district’s or area education agency’s budget for funds received and expenditures made pursuant to this subsection. A school district shall certify to the department of education how the school district allocated the funds and that moneys received under this subsection were used to supplement, not supplant, the professional development opportunities the school district would otherwise make available. For budget years beginning on or after July 1, 2017, all or a portion of the moneys received pursuant to section 257.10, subsection 10, that remain unexpended and unobligated at the end of a fiscal year may, pursuant to section 257.10, subsection 10, paragraph “d”, be transferred for deposit in the school district’s flexibility account established under section 298A.2, subsection 2.

Sec. 6. Section 298A.2, Code 2017, is amended to read as follows:

298A.2 General fund — flexibility account.

1. All moneys received by a school corporation from taxes and other sources must be accounted for in the general fund, except moneys required by law to be accounted for in another fund.

2. *a.* A flexibility account shall be established in the general fund of each school corporation if the school corporation has authorized the transfer of all or a portion of the unexpended and unobligated funds from any of the following sources following a determination that the statutory requirements for such funds are met:

(1) An approved local program under the statewide preschool program for four-year-old children under chapter 256C.

(2) Professional development funds received under section 257.10, subsection 10.

(3) The home school assistance program under section 299A.12.

b. In addition to the transfers to the flexibility account authorized by law, a school district may transfer to the flexibility account all or a portion of any unexpended and unobligated moneys in any other school district fund or school district general fund account if the program, purpose, or requirements for the expenditure of such moneys have been repealed or are no longer in effect.

c. Moneys deposited in the flexibility account may be used by the school district during a budget year beginning in or after the calendar year in which the moneys were transferred to the flexibility account for any of the following:

(1) Start-up costs for an approved local program under the statewide preschool program for four-year-old children under chapter 256C.

(2) Professional development requirements under chapter 284.

(3) The home school assistance program under section 299A.12.

(4) At-risk pupils programs, alternative programs and alternative school programs, and returning dropout and dropout prevention programs under section 257.40.

(5) Gifted and talented children programs under section 257.46.

(6) Any school district general fund purpose.

d. Expenditures from the flexibility account shall be approved by resolution of the board of directors of the school corporation and shall be included in the budget certified in accordance with chapter 24. Before the board of directors may adopt the resolution approving expenditures from the flexibility account, the board shall hold a public hearing on the proposed resolution. The proposed resolution must state the original source and purpose of the funds, the proposed use of such funds, the amount of the proposed expenditure, and the fiscal year from which the transfer of such funds to the flexibility account occurred. The proposed resolution must also include a certification that the statutory requirements for each original source of the money proposed to be used have been met, have been repealed, or are no longer in effect. The board shall publish notice of the time and the place of the public hearing in the same manner as required in section 24.9. The department of education shall prescribe the form for public hearing notices. A copy of the resolution shall be provided by the board to the department of education and shall be made available by the board for any audit performed under chapter 11.

e. (1) When exercising authority to carry out an agency action, as defined in section 17A.2, or to perform an activity or make a decision specified in section 17A.2, subsection 11, paragraphs "a" through "l", if applicable, related to the provisions of this subsection, the department of education, the director of the department of education, and the state board of education shall carry out, perform, or make such agency action, activity, or decision in a manner that gives deference to decisions of school districts' boards of directors, promotes flexibility for school districts, and minimizes intrusions into school district operations and decision making by boards of directors.

(2) (a) In addition to subparagraph (1), the department of education, the director of the department of education, and the state board of education shall not issue guidance related to the provisions of this subsection, that is inconsistent with any statute, rule, or other legal authority or that imposes any legally binding obligations or duties upon any person unless such legally binding obligations or duties are required or reasonably implied by any statute, rule, or other legal authority. Guidance issued in violation of this subparagraph (2) shall not be deemed to be legally binding.

(b) For the purposes of this subparagraph (2), "guidance" means a document or statement issued by the department of education, the director of the department of education, or the state board of education that purports to interpret a law, a rule, or other legal authority and is designed to provide advice or direction to a person regarding the implementation of or compliance with the law, the rule, or the other legal authority being interpreted. "Guidance" does not include any action, activity, or decision governed by subparagraph (1), a document or statement required by federal law or a court, or a document or statement issued in the course of a contested case proceeding, an administrative proceeding, or a judicial proceeding to which the department, the state board, or the director is a party.

Sec. 7. Section 299A.12, subsection 1, Code 2017, is amended to read as follows:

1. The board of directors of a school district shall expend moneys received pursuant to section 257.6, subsection 1, paragraph "a", subparagraph (5), and amounts designated from the school district's flexibility account under section 298A.2, subsection 2, for purposes of providing a home school assistance program.

Sec. 8. Section 299A.12, subsection 2, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Purposes for which a school district may expend funds received pursuant to section 257.6, subsection 1, paragraph "a", subparagraph (5), or amounts designated from the school

district's flexibility account under section 298A.2, subsection 2, shall include but not be limited to the following:

Sec. 9. Section 299A.12, subsection 2, paragraphs c and d, Code 2017, are amended to read as follows:

c. Salary and benefits for the supervising teacher of the home school assistance program students. If the teacher is a part-time home school assistance program teacher and a part-time regular classroom teacher, funds received pursuant to section 257.6, subsection 1, paragraph "a", subparagraph (5), or amounts designated from the school district's flexibility account under section 298A.2, subsection 2, may be used only for the portion of time in which the teacher is a home school assistance program teacher.

d. Salary and benefits for clerical and office staff of the home school assistance program. If the staff members are shared with other programs or functions within the district, funds received pursuant to section 257.6, subsection 1, paragraph "a", subparagraph (5), or amounts designated from the school district's flexibility account under section 298A.2, subsection 2, shall only be expended for the portion of time spent providing the home school assistance program services.

Sec. 10. Section 299A.12, subsection 3, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Purposes for which a school district shall not expend funds received pursuant to section 257.6, subsection 1, paragraph "a", subparagraph (5), or amounts designated from the school district's flexibility account under section 298A.2, subsection 2, include but are not limited to the following:

Sec. 11. Section 299A.12, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Unless otherwise prohibited by law, and if the statutory requirements for use of home school assistance program funding have been met, including funding all purposes listed in subsection 2 and funding all requests for services and materials from parents or guardians of students eligible to access the program, all or a portion of the moneys received by a school district pursuant to section 257.6, subsection 1, paragraph "a", subparagraph (5), that remain unexpended and unobligated at the end of a budget year beginning on or after July 1, 2017, may be transferred for deposit in the school district's flexibility account established under section 298A.2, subsection 2.

Approved May 11, 2017

CHAPTER 155

POLITICAL SUBDIVISION ELECTIONS

H.F. 566

AN ACT relating to political subdivision elections by changing the date of the election of directors of local school districts, merged areas, and area education agency boards, by providing for the combined administration of regular and special school and city elections, making changes to the administration of elections for political subdivisions located in more than one county, establishing requirements for ballot arrangement and placement for political subdivision offices, and including effective date and applicability and transition provisions.

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

DIVISION I
ELECTION DAY FOR REGULAR SCHOOL ELECTIONS

Section 1. Section 39.2, subsection 4, paragraph c, Code 2017, is amended to read as follows:

c. For a school district or merged area, in the odd-numbered year, the first Tuesday in ~~February~~ March, the first Tuesday in ~~April~~ May, the ~~last first~~ second first Tuesday in ~~June~~ August, or the ~~second first~~ second first Tuesday after the first Monday in ~~September~~ November. For a school district or merged area, in the even-numbered year, the first Tuesday in ~~February~~ March, the first Tuesday in ~~April~~ May, the ~~second first~~ second first Tuesday in ~~September~~ August, or the first Tuesday in December.

Sec. 2. Section 260C.12, subsection 1, Code 2017, is amended to read as follows:

1. The board of directors of the merged area shall organize at the first regular meeting ~~in~~ in ~~October~~ following the regular school election or at a special meeting called by the secretary of the board to organize the board in advance of the first regular meeting following the regular school election. Organization of the board shall be effected by the election of a president and other officers from the board membership as board members determine. The board of directors shall appoint a secretary and a treasurer who shall each give bond as prescribed in section 291.2 and who shall each receive the salary determined by the board. The secretary and treasurer shall perform duties under chapter 291 and additional duties the board of directors deems necessary. However, the board may appoint one person to serve as the secretary and treasurer. If one person serves as the secretary and treasurer, only one bond is necessary for that person. The frequency of meetings other than organizational meetings shall be as determined by the board of directors but the president or a majority of the members may call a special meeting at any time.

Sec. 3. Section 260C.13, subsection 1, Code 2017, is amended to read as follows:

1. The board of a merged area may change the number of directors on the board and shall make corresponding changes in the boundaries of director districts. Changes shall be completed not later than ~~June~~ June ~~August~~ August 1 of the year of the regular school election. As soon as possible after adoption of the boundary changes, notice of changes in the director district boundaries shall be submitted by the merged area to the county commissioner of elections in all counties included in whole or in part in the merged area.

Sec. 4. Section 260C.15, subsection 5, Code 2017, is amended to read as follows:

5. The votes cast in the election shall be canvassed and abstracts of the votes cast shall be certified as required by section 277.20. In each county whose commissioner of elections is responsible under section 47.2 for conducting elections held for a merged area, the county board of supervisors shall convene on the last Monday in ~~September~~ November or at the last regular board meeting in ~~September~~ November, canvass the abstracts of votes cast and declare the results of the voting. The commissioner shall at once issue certificates of election to each person declared elected, and shall certify to the merged area board in substantially the manner prescribed by section 50.27 the result of the voting on any public question submitted to the voters of the merged area. Members elected to the board of directors of a merged area shall qualify by taking the oath of office prescribed in section 277.28.

Sec. 5. Section 273.8, subsection 2, paragraphs a and b, Code 2017, are amended to read as follows:

a. Notice of the election shall be published by the area education agency administrator not later than ~~July~~ September 15 of the odd-numbered year in at least one newspaper of general circulation in the director district. The cost of publication shall be paid by the area education agency.

b. A candidate for election to the area education agency board shall file a statement of candidacy with the area education agency secretary not later than ~~August~~ October 15 of the odd-numbered year, on forms prescribed by the department of education. The statement of candidacy shall include the candidate's name, address, and school district. The list of candidates shall be sent by the secretary of the area education agency in ballot form by

certified mail to the presidents of the boards of directors of all school districts within the director district not later than ~~September~~ November 1. In order for the ballot to be counted, the ballot must be received in the secretary's office by the end of the normal business day on ~~September~~ November 30 or be clearly postmarked by an officially authorized postal service not later than ~~September~~ November 29 and received by the secretary not later than noon on the first Monday following ~~September~~ November 30.

Sec. 6. Section 273.8, subsection 4, paragraph a, Code 2017, is amended to read as follows:

a. The board of directors of each area education agency shall meet and organize at the first regular meeting in ~~October~~ December following the regular school election at a suitable place designated by the president. Directors whose terms commence at the organizational meeting shall qualify by taking the oath of office required by section 277.28 at or before the organizational meeting.

Sec. 7. Section 273.8, subsection 6, Code 2017, is amended to read as follows:

6. *Change in directors.* The board of an area education agency may change the number of directors on the board and shall make corresponding changes in the boundaries of director districts. Changes shall be completed not later than ~~July~~ September 1 of a ~~fiscal~~ the odd-numbered year for the director district conventions to be held the following ~~September~~ November.

Sec. 8. Section 277.1, Code 2017, is amended to read as follows:

277.1 Regular election.

The regular election shall be held biennially on the ~~second~~ first Tuesday after the first Monday in ~~September~~ November of each odd-numbered year in each school district for the election of officers of the district and merged area and for the purpose of submitting to the voters any matter authorized by law.

Sec. 9. EFFECTIVE DATE. This division of this Act takes effect July 1, 2019.

Sec. 10. APPLICABILITY.

1. This division of this Act applies to regular school elections held on or after November 5, 2019, and to the terms of office of directors of local school districts, merged areas, and area education agencies commencing on or after that date.

2. Under this division of this Act, the regular school elections previously scheduled to be held in September 2019 shall be held in November 2019.

DIVISION II

COMBINED ADMINISTRATION OF CITY AND SCHOOL ELECTIONS

Sec. 11. Section 39.2, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. A special election shall not be held in conjunction with the primary election. ~~A special election shall not be held in conjunction with a school election unless the special election is for a school district or community college.~~ A special election shall not be held in conjunction with a regularly scheduled or special city primary or city runoff election.

Sec. 12. Section 39.2, subsection 2, Code 2017, is amended to read as follows:

2. Except as otherwise provided in subsection 1, a special election may be held on the same day as a regularly scheduled election if the two elections are not in conflict within the meaning of section 47.6, subsection 2. A special election may be held on the same day as a regularly scheduled election with which it does so conflict if the commissioner who is responsible for conducting the elections concludes that to do so will cause no undue difficulties, except that a special election for a city, school district, or merged area shall not be scheduled to coincide with the general election.

Sec. 13. Section 39.2, subsection 4, paragraph b, Code 2017, is amended to read as follows:

~~b. For a city, on the day of the general election, on the day of the regular city election, on the date of a special election held to fill a vacancy in the same city, or on in the odd-numbered year, the first Tuesday in March, the first Tuesday in May, or the first Tuesday in August of each year, or the first Tuesday after the first Monday in November. For a city, in the even-numbered year, the first Tuesday in March, the first Tuesday in May, the first Tuesday in August, or the first Tuesday in December.~~

Sec. 14. Section 44.11, Code 2017, is amended to read as follows:

44.11 Vacancies filled.

If a candidate named under this chapter withdraws before the deadline established in section 44.9, declines a nomination, or dies before election day, or if a certificate of nomination is held insufficient or inoperative by the officer with whom it is required to be filed, or in case any objection made to a certificate of nomination, or to the eligibility of any candidate named in the certificate, is sustained by the board appointed to determine such questions, the vacancy or vacancies may be filled by the convention, or caucus, or in such manner as such convention or caucus has previously provided. The vacancy or vacancies shall be filled not less than seventy-four days before the election in the case of nominations required to be filed with the state commissioner, not less than sixty-four days before the election in the case of nominations required to be filed with the commissioner, not less than ~~thirty-five~~ forty-two days before the election in the case of nominations required to be filed in the office of the school board secretary, and not less than forty-two days before the election in the case of nominations required to be filed with the commissioner for city elections.

Sec. 15. Section 47.2, subsection 2, Code 2017, is amended to read as follows:

2. When an election is to be held as required by law or is called by a political subdivision of the state and the political subdivision is located in more than one county, the county commissioner of elections of each of those counties shall conduct that election within the commissioner's county. However, the commissioner for the county having the greatest taxable base within the political subdivision shall conduct that election serve as the controlling commissioner for the election. The controlling commissioner shall receive all nomination papers and public measures for the political subdivision. By the forty-first day prior to the election, the controlling commissioner shall certify the names of candidates and the text and summary of any public measure being submitted to the electorate to all county commissioners of elections required to conduct elections for the political subdivision. The county commissioners of elections of the other counties in which the political subdivision is located shall cooperate with the county controlling commissioner of elections who is conducting the election.

Sec. 16. Section 47.6, subsection 2, Code 2017, is amended to read as follows:

2. For the purpose of this section, a conflict between two elections exists only when ~~one of the elections would require use of precinct boundaries which differ from those to be used for the other election, or when~~ some but not all of the registered voters of any precinct would be entitled to vote in one of the elections and all of the registered voters of the same precinct would be entitled to vote in the other election. Nothing in this subsection shall deny a commissioner discretionary authority to approve holding a special election on the same date as another election, even though the two elections may be defined as being in conflict, if the commissioner concludes that to do so will cause no undue difficulties.

Sec. 17. Section 49.9, Code 2017, is amended to read as follows:

49.9 Proper place of voting.

Except as provided in section 49.11, subsection 3, paragraph "b", and as required by the designation of a commissioner pursuant to section 49.21, subsection 1, a person shall not vote in any precinct but that of the person's residence.

Sec. 18. Section 49.21, subsection 1, Code 2017, is amended to read as follows:

1. a. It is the responsibility of the commissioner to designate a polling place for each precinct in the county. Notwithstanding any provision of law to the contrary, for city and school elections the commissioner shall, whenever practicable, designate polling places so that an eligible elector will be assigned to vote at the same polling place at which the eligible elector would be assigned to vote at the general election. However, if a city does not have a polling place designated for the general election precinct, the commissioner may designate an additional polling place for the precinct in that city.

b. Each polling place designated shall be accessible to persons with disabilities. However, if the commissioner is unable to provide an accessible polling place for a precinct, the commissioner shall apply for a temporary waiver of the accessibility requirement. The state commissioner shall adopt rules in accordance with chapter 17A prescribing standards for determining whether a polling place is accessible and the process for applying for a temporary waiver of accessibility.

Sec. 19. Section 49.30, Code 2017, is amended to read as follows:

49.30 All candidates and issues on one ballot — exceptions.

1. All constitutional amendments, all public measures, and the names of all candidates, other than presidential electors, to be voted for in each election precinct, shall be printed on one ballot, except that separate ballots are authorized when it is not possible to include all offices and public measures on a single ballot. In the event that it is not possible to include all offices and public measures on a single ballot, separate ballots may be provided for nonpartisan offices, judges, or public measures.

2. If printed on the same ballot, the offices of political subdivisions shall, if applicable, be printed in the following order:

a. Those of a county.

b. Those of a city.

c. Those of a school district.

d. Those of a merged area.

e. Those of any other political subdivision.

3. If printed on the same ballot, the public measures of political subdivisions shall be printed in the same order as provided for offices of the political subdivisions.

Sec. 20. Section 49.31, subsection 2, paragraph b, Code 2017, is amended to read as follows:

b. The commissioner shall then arrange the surnames of each political party's candidates for each office to which two or more persons are to be elected at large alphabetically for the respective offices for the first precinct on the list; thereafter, for each political party and for each succeeding precinct, the names appearing first for the respective offices in the last preceding precinct shall be placed last, so that the names that were second before the change shall be first after the change. The commissioner may also rotate the names of candidates of a political party in the reverse order of that provided in this subsection or alternate the rotation so that the candidates of different parties shall not be paired as they proceed through the rotation. The procedure for arrangement of names on ballots provided in this section shall likewise be substantially followed in elections in political subdivisions of less than a county.

Sec. 21. Section 49.31, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. On the regular and special city election and school election ballots the names of candidates for city, school district, and merged area offices shall be arranged by drawing lots for position. The commissioner shall hold the drawing on the second business day following the deadline for filing of nomination papers or petitions under sections 260C.15, 277.4, and 376.4. If a candidate withdraws, dies, or is removed from the ballot after the ballot position of names has been determined, such candidate's name shall be removed from the ballot, and the order of the remaining names shall not be changed.

Sec. 22. Section 49.31, subsection 3, Code 2017, is amended to read as follows:

3. ~~The~~ Except as otherwise provided in subsection 2, paragraph "d", the ballots for any city elections, school elections, special election, or any other election at which any office is to be filled on a nonpartisan basis and the statutes governing the office to be filled are silent as to the arrangement of names on the ballot, shall contain the names of all nominees or candidates arranged in alphabetical order by surname under the heading of the office to be filled. ~~When~~ Except as otherwise provided in subsection 2, paragraph "d", when a city election, school election, special election, or any other election at which an office is to be filled on a nonpartisan basis, is held in more than one precinct, the candidates' names shall be rotated on the ballot from precinct to precinct in the manner prescribed by subsection 2 unless there are no more candidates for an office than the number of persons to be elected to that office.

Sec. 23. Section 49.41, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. A person shall not be a candidate for more than one office to be filled at the same election, except that a person may be a candidate for a city office and school board office at the same election. A person who has been nominated for more than one office and is prohibited from being a candidate for more than one office shall file a written notice declaring the office for which the person wishes to appear on the ballot.

Sec. 24. Section 49.51, Code 2017, is amended to read as follows:

49.51 Commissioner to control printing.

~~The commissioner shall have charge of the printing of the ballots to be used for any election held in the county, unless the commissioner delegates that authority as permitted by this section. The commissioner may delegate this authority only to another commissioner who is responsible under section 47.2 for conducting the elections held for a political subdivision which lies in more than one county, and only with respect to printing of ballots containing only public questions or the names of candidates to be voted upon by the registered voters of that political subdivision. Only one facsimile signature, that of the commissioner under whose direction the ballot is printed, shall appear on the ballot. It is the duty of the commissioner to insure that the arrangement of any ballots printed under the commissioner's direction conforms to all applicable requirements of this chapter.~~

Sec. 25. Section 49.73, subsection 1, paragraphs a and b, Code 2017, are amended by striking the paragraphs.

Sec. 26. Section 49.73, subsection 2, Code 2017, is amended to read as follows:

2. ~~The commissioner shall not shorten voting hours for any election if there is filed in the commissioner's office, at least twenty-five days before the election, a petition signed by at least fifty eligible electors of the school district or city, as the case may be, requesting that the polls be opened not later than 7:00 a.m. All polling places where the candidates of or any public question submitted by any one political subdivision are being voted upon shall be opened at the same hour, except that this requirement shall not apply to merged areas established under chapter 260C. The hours at which the respective precinct polling places are to open shall not be changed after publication of the notice required by section 49.53. The polling places shall be closed at 9:00 p.m. for state primary and general elections and other partisan elections, and for any other election held concurrently therewith, and at 8:00 p.m. for all other elections.~~

Sec. 27. Section 50.11, Code 2017, is amended to read as follows:

50.11 Proclamation of result.

1. When the canvass is completed one of the precinct election officials shall publicly announce the total number of votes received by each of the persons voted for, the office for which the person is designated, as announced by the designated tally keepers, and the number of votes for, and the number of votes against, any proposition which shall have been submitted to a vote of the people. A precinct election official shall communicate the election

results by telephone or in person to the commissioner who is conducting the election immediately upon completion of the canvass.

2. Election results may be transmitted electronically from voting equipment to the commissioner's office only after the precinct election officials have produced a written report of the election results. The devices used for the electronic transmission of election results shall be approved for use by the board of examiners pursuant to section 52.41. The state commissioner of elections shall adopt rules establishing procedures for the electronic transmission of election results.

3. The commissioner shall remain on duty until such information is communicated to the commissioner from each polling place in the commissioner's county. For an election for a political subdivision that is located in more than one county, the commissioner shall, if applicable, communicate that county's election results for the political subdivision to the controlling commissioner for that political subdivision under section 47.2, and the controlling commissioner shall remain on duty until such information is communicated to the controlling commissioner from each commissioner for the political subdivision.

Sec. 28. Section 50.24, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. For a regular or special city election or a city runoff election, if the city is located in more than one county, the controlling commissioner for that city under section 47.2 shall conduct a second canvass on the second Monday or Tuesday after the day of the election. However, if a recount is requested pursuant to section 50.48, the controlling commissioner shall conduct the second canvass within two business days after the conclusion of the recount proceedings. Each commissioner conducting a canvass for the city pursuant to subsection 1 shall transmit abstracts for the offices and public measures of that city to the controlling commissioner for that city, along with individual tallies for each write-in candidate. At the second canvass, the county board of supervisors of the county of the controlling commissioner shall canvass the abstracts received pursuant to this subsection and shall prepare a combined city abstract stating the number of votes cast in the city for each office and on each question on the ballot for the city election. The combined city abstract shall further indicate the name of each person who received votes for each office on the ballot, the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election. The votes of all write-in candidates who each received less than five percent of the total votes cast in the city for an office shall be reported collectively under the heading "scattering".

NEW SUBSECTION. 3B. a. For a regular or special school election, if the school district is located in more than one county, the controlling commissioner for that school district under section 47.2 shall conduct a second canvass on the second Monday or Tuesday after the day of election. However, if a recount is requested pursuant to section 50.48, the controlling commissioner shall conduct the second canvass within two business days after the conclusion of the recount proceedings. Each commissioner conducting a canvass for the school district pursuant to subsection 1 shall transmit abstracts for the offices and public measures of that school district to the controlling commissioner for that school district, along with individual tallies for each write-in candidate. At the second canvass the county board of supervisors of the controlling county shall canvass the abstracts received pursuant to this subsection and shall prepare a combined school district abstract stating the number of votes cast in the school district for each office and on each question on the ballot for the school election. The combined school district abstract shall further indicate the name of each person who received votes for each office on the ballot, the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election. The votes of all write-in candidates who each received less than five percent of the total votes cast in the school district for an office shall be reported collectively under the heading "scattering".

b. The second canvass of votes for a merged area shall be conducted pursuant to section 260C.15, subsection 5, and each commissioner conducting a canvass for the merged area pursuant to subsection 1 shall transmit abstracts for the offices and public measures of that school district to the controlling commissioner for that merged area, along with individual tallies for each write-in candidate.

Sec. 29. Section 50.48, subsection 1, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The county board of canvassers shall order a recount of the votes cast for a particular office or nomination in one or more specified election precincts in that county if a written request ~~therefor~~ for a recount is made not later than 5:00 p.m. on the third day following the county board's canvass of the election in question. For a city runoff election held pursuant to section 376.9, the written request must be made not later than 5:00 p.m. on the day following the county board's canvass of the city runoff election. The request shall be filed with the commissioner of that county, ~~or with the commissioner responsible for conducting the election if section 47.2, subsection 2, is applicable,~~ and shall be signed by either of the following:

Sec. 30. Section 52.25, subsection 2, paragraph b, Code 2017, is amended to read as follows:

b. In the case of a public question to be voted on in a political subdivision lying in more than one county, the summary shall be worded by the controlling commissioner ~~responsible~~ under section 47.2 for ~~conducting~~ that election.

Sec. 31. Section 53.40, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. A request in writing for a ballot may be made by any member of the armed forces of the United States who is or will be a qualified voter on the day of the election at which the ballot is to be cast, at any time before the election. Any member of the armed forces of the United States may request ballots for all elections to be held during a calendar year. The request may be made by using the federal postcard application form and indicating that the applicant wishes to receive ballots for all elections as permitted by state law. If the applicant does not specify which elections the request is for, the county commissioner shall send the applicant a ballot for each federal election held after the application is received until the end of the calendar year in which the request is received. ~~If the applicant requests ballots for all elections to be held in a calendar year, the commissioner, if necessary, shall forward a copy of the absentee ballot request to other commissioners who are responsible under section 47.2, subsection 2, for conducting elections in which the applicant is eligible to vote.~~

Sec. 32. Section 260C.15, subsection 3, Code 2017, is amended to read as follows:

3. Nomination papers on behalf of candidates for member of the board of directors of a merged area shall be filed with the secretary of the board not earlier than ~~sixty-four~~ seventy-one days nor later than 5:00 p.m. on the ~~fortieth~~ forty-seventh day prior to the election at which members of the board are to be elected. On the day following the last day on which nomination petitions can be filed, and no later than 5:00 p.m. on that day, the secretary shall deliver all nomination petitions so filed, together with the text of any public measure being submitted by the board of directors to the electorate, to the merged area's controlling county commissioner of elections ~~who is responsible~~ under section 47.2 ~~for conducting elections held for the merged area.~~ That controlling commissioner shall certify the names of candidates, and the text and summary of any public measure being submitted to the electorate, to all county commissioners of elections in the merged area by the ~~thirty-fifth~~ forty-second day prior to the election.

Sec. 33. Section 260C.15, subsection 4, paragraph b, Code 2017, is amended to read as follows:

b. The objection must be filed with the secretary of the board at least ~~thirty-five~~ forty-two days before the day of the election at which members of the board are elected. When objections are filed, notice shall immediately be given to the candidate affected, addressed to the candidate's place of residence as given on the candidate's affidavit, stating that objections have been made to the legal sufficiency of the petition or to the eligibility of the candidate, and also stating the time and place the objections will be considered. The board secretary shall also attempt to notify the candidate by telephone if the candidate provided a telephone number on the candidate's affidavit.

Sec. 34. Section 260C.15, subsection 5, Code 2017, is amended to read as follows:

5. The votes cast in the election shall be canvassed and abstracts of the votes cast shall be certified as required by section 277.20. In each county whose commissioner of elections is responsible ~~the~~ the controlling commissioner for a merged area under section 47.2 for conducting elections held for a merged area, the county board of supervisors shall convene on the last Monday in September or at the last regular board meeting in September, canvass the abstracts of votes cast from each county in the merged area, and declare the results of the voting. The commissioner shall at once issue certificates of election to each person declared elected, and shall certify to the merged area board in substantially the manner prescribed by section 50.27 the result of the voting on any public question submitted to the voters of the merged area. Members elected to the board of directors of a merged area shall qualify by taking the oath of office prescribed in section 277.28.

Sec. 35. Section 260C.22, subsection 3, Code 2017, is amended to read as follows:

3. A voted tax imposed under this section may be discontinued, or its maximum rate increased, by petition and election. Upon receipt of a petition containing the required number of signatures, the board of directors of a merged area shall direct ~~the~~ each county commissioner of elections responsible under section 47.2 for conducting elections in the merged area to submit to the voters of the merged area the question of whether to discontinue the authority of the board of directors to impose the voted tax under this section or to increase the maximum rate of the voted tax, whichever is applicable. The petition must be signed by eligible electors equal in number to not less than twenty-five percent of the votes cast at the last preceding election in the merged area where the question of the imposition of the tax appeared on the ballot and received by the board of directors by June 1 of the year in which the election is to be held. The question shall be submitted at an election held on a date authorized for an election under subsection 1, paragraph "a". If a majority of those voting on the question of discontinuance of the board of directors' authority to impose the tax favors discontinuance, the board shall not impose the tax for any fiscal year beginning after expiration of the period of time for imposing the tax approved at the last election under subsection 1 or the period of time for imposing the tax established by resolution of the board under subsection 2 that is in effect on the date the petition for the election is filed with the board, whichever is applicable, unless following discontinuance the voted tax is again authorized at election under subsection 1. If the question of whether to discontinue the authority of the board of directors to impose the tax fails to gain approval at election, the question shall not be submitted to the voters of the merged area for a period of ten years following the date of the election. If a majority of those voting on the question to increase the maximum rate of the voted tax favors the proposed increase, the new maximum rate shall apply to fiscal years beginning after the date of the election.

Sec. 36. Section 260C.28, subsection 3, paragraph c, Code 2017, is amended to read as follows:

c. The additional tax authorized under subsection 2 may be discontinued by petition and election. Upon receipt of a petition containing the required number of signatures, the board of directors of a merged area shall direct ~~the~~ each county commissioner of elections responsible under section 47.2 for conducting elections in the merged area to submit to the voters of the merged area the question of whether to discontinue the authority of the board of directors to impose the additional tax under subsection 2. The petition must be signed by eligible electors equal in number to not less than twenty-five percent of the votes cast at the last preceding election in the merged area where the question of the imposition of the additional tax appeared on the ballot. The question shall be submitted at an election held on a date specified in section 39.2, subsection 4, paragraph "c". If a majority of those voting on the question of discontinuance of the board of directors' authority to impose the additional tax favors discontinuance, the board shall not impose the additional tax for any fiscal year beginning after the expiration of the period of time for imposing the tax approved at the last election under paragraph "a" or the period of time for imposing the additional tax established by resolution of the board under paragraph "b" that is in effect on the date the petition for the election is filed with the board, whichever is applicable, unless following

discontinuance the additional tax is again authorized at election under paragraph "a". If the question of whether to discontinue the authority of the board of directors to impose the additional tax fails to gain approval at election, the question shall not be submitted to the voters of the merged area for a period of ten years following the date of the election.

Sec. 37. Section 275.22, Code 2017, is amended to read as follows:

275.22 Canvass and return.

~~The precinct election officials shall count the ballots, and make return to and deposit the ballots with the county commissioner of elections, who shall enter the return of record in the commissioner's office. The election tally lists, including absentee ballots, shall be listed by individual school district.~~ The canvass shall be conducted pursuant to section 50.24. The county commissioner of elections or controlling commissioner shall certify the results of the election to the area education agency administrator. If the majority of the votes cast by the registered voters is in favor of the proposition, as provided in section 275.20, a new school corporation shall be organized. If the majority of votes cast is opposed to the proposition, a new petition describing the identical or similar boundaries shall not be filed for at least six months from the date of the election. If territory is excluded from the reorganized district, action pursuant to section 274.37 shall be taken prior to the effective date of reorganization. The secretary of the new school corporation shall file a written description of the boundaries as provided in section 274.4.

Sec. 38. Section 277.4, subsection 1, Code 2017, is amended to read as follows:

1. Nomination papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than ~~sixty-four~~ seventy-one days, nor less than ~~forty~~ forty-seven days before the election. Nomination petitions shall be filed not later than 5:00 p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers under this section. On the final date for filing nomination papers the office of the school secretary shall remain open until 5:00 p.m.

Sec. 39. Section 277.5, Code 2017, is amended to read as follows:

277.5 Objections to nominations.

1. Objections to the legal sufficiency of a nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question. The objection must be filed with the secretary of the school board at least ~~thirty-five~~ forty-two days before the day of the school election. When objections are filed notice shall forthwith be given to the candidate affected, addressed to the candidate's place of residence as given on the candidate's affidavit, stating that objections have been made to the legal sufficiency of the petition or to the eligibility of the candidate, and also stating the time and place the objections will be considered.

2. Objections shall be considered not later than two working days following the receipt of the objections by the president of the school board, the secretary of the school board, and one additional member of the school board chosen by ballot. If objections have been filed to the nominations of either of those school officials, that official shall not pass on the objection. The official's place shall be filled by a member of the school board against whom no objection exists. The replacement shall be chosen by ballot.

Sec. 40. Section 277.20, Code 2017, is amended to read as follows:

277.20 Canvassing returns.

1. ~~On the next Friday after the regular school election, the county board of supervisors shall~~ The canvass the of returns made to the county commissioner of elections from the several precinct polling places and the absentee ballot counting board, ascertain the result of the voting with regard to every matter voted upon and cause a record to be made thereof as required by ~~shall be conducted pursuant to section 50.24.~~ Special elections held in school districts shall be canvassed at the time and in the manner required by ~~that section 50.24.~~ The appropriate board of supervisors shall declare the results of the voting for members of boards of directors of school corporations nominated pursuant to section 277.4, and the

commissioner of elections or controlling commissioner for the district shall at once issue a certificate of election to each person declared elected. The appropriate board shall also declare the results of the voting on any public question submitted to the voters of a single school district, and the commissioner or controlling commissioner shall certify the result as required by section 50.27.

2. The abstracts of the votes cast for members of the board of directors of any merged area, and of the votes cast on any public question submitted to the voters of any merged area, shall be promptly certified by the county commissioner of elections to the merged area's controlling county commissioner of elections who is responsible under section 47.2 for conducting the elections held for that merged area.

Sec. 41. Section 376.6, subsection 2, Code 2017, is amended to read as follows:

2. Each city clerk shall certify to the city's controlling commissioner of elections responsible under section 47.2 for conducting elections for that city the type of nomination process to be used for the city no later than ninety days before the date of the regular city election. If the city has by ordinance chosen a runoff election or has chosen to have nominations made in the manner provided by chapter 44 or 45, or has repealed nomination provisions under those sections in preference for the primary election method, a copy of the city ordinance shall be attached. No changes in the method of nomination to be used in a city shall be made after the clerk has filed the certification with the commissioner, unless the change will not take effect until after the next regular city election.

Sec. 42. Section 376.9, subsection 2, Code 2017, is amended to read as follows:

2. a. Runoff elections shall be held four weeks after the date of the regular city election and shall be conducted in the same manner as regular city elections, except that the county board of supervisors required to canvass the vote of the runoff election pursuant to section 50.24 shall meet to canvass the vote on the Thursday following the runoff election.

b. For a city that is located in more than one county, the county board of supervisors conducting the canvass under paragraph "a" shall transmit abstracts for the offices and public measures of that city, along with individual tallies for each write-in candidate, to the city's controlling commissioner under section 47.2 within twenty-four hours of completing the canvass. The county board of supervisors of the county of the controlling commissioner shall canvass the abstracts received pursuant to this subsection on the first Monday or the first Tuesday after the day of the runoff election and shall proceed as provided in section 50.24, subsection 3A.

Sec. 43. REPEAL. Section 277.6, Code 2017, is repealed.

Sec. 44. EFFECTIVE DATE. This division of this Act takes effect July 1, 2019.

DIVISION III TRANSITION PROVISIONS

Sec. 45. TERM OF OFFICE — TRANSITION PROVISIONS.

1. Notwithstanding the provisions of section 260C.11 designating a term of four years for members of a board of directors of a merged area, the term of office for a seat on a board of directors filled at the regular school election held on:

a. September 8, 2015, shall expire November 5, 2019.

b. September 12, 2017, shall expire November 2, 2021.

2. Notwithstanding the provisions of section 273.8, subsection 1, designating a term of four years for members of a board of directors of an area education agency, the term of office for a seat on a board of directors filled by election in:

a. September 2015 shall expire November 30, 2019.

b. September 2017 shall expire November 30, 2021.

3. Notwithstanding the provisions of section 274.7 designating a term of four years for members of a board of directors of a school district, the term of office for a seat on a board of directors filled at the regular school election held on:

a. September 8, 2015, shall expire November 5, 2019.

b. September 12, 2017, shall expire November 2, 2021.

Approved May 11, 2017

CHAPTER 156

CONFIDENTIALITY OF CRITICAL AND PHYSICAL INFRASTRUCTURE AND CYBER SECURITY INFORMATION

H.F. 601

AN ACT relating to the confidentiality of certain physical infrastructure, cyber security, and critical infrastructure information and records developed, maintained, or held by a government body.

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

Section 1. Section 22.7, subsection 50, Code 2017, is amended to read as follows:

50. Information and records concerning physical infrastructure, cyber security, critical infrastructure, security procedures, or emergency preparedness information developed, and maintained, or held by a government body for the protection of governmental employees, visitors to the government body, persons in the care, custody, or under the control of the government body, or property under the jurisdiction of the government body life or property, if disclosure could reasonably be expected to jeopardize such employees, visitors, persons, life or property.

a. Such information includes and records include but is are not limited to information directly related to vulnerability assessments; information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures; emergency response protocols; and information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures of a government body to attack.

b. This subsection shall only apply to information held by a government body that has adopted a rule or policy identifying the specific records or class of records to which this subsection applies and which is contained in such a record.

b. For purposes of this subsection, "cyber security information and records" include but are not limited to information and records relating to cyber security defenses, threats, attacks, or general attempts to attack cyber system operations.

Approved May 11, 2017

CHAPTER 157

TAXATION AND TAX LAW ADMINISTRATION — MISCELLANEOUS CHANGES

H.F. 608

AN ACT relating to the technical administration of the tax laws by the department of revenue, including administration of the research activities credit, income taxes, and the flood mitigation program, and including effective date and retroactive applicability provisions.

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

Section 1. Section 15.335, subsection 7, paragraph b, Code 2017, is amended to read as follows:

b. 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 and in effect on January 1, 2015 2016. This definition shall not be construed to include any amendment to the Internal Revenue Code enacted after the date specified in the preceding sentence, including any amendment with retroactive applicability or effectiveness.

Sec. 2. Section 418.15, subsection 1, paragraph a, Code 2017, is amended to read as follows:

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~~ 423.2 occurring before the expiration of the twenty-year period or expiration of the additional period of years if approved under paragraph “b”.

Sec. 3. Section 422.3, subsection 5, Code 2017, is amended to read as follows:

5. “*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~~ and in effect on January 1, 2015. This definition shall not be construed to include any amendment to the Internal Revenue Code enacted after the date specified in the preceding sentence, including any amendment with retroactive applicability or effectiveness.

Sec. 4. Section 422.5, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. There is imposed upon every resident and nonresident of this state, including estates and trusts, the greater of the tax determined in subsection 1, paragraphs “a” through “j”, or the state alternative minimum tax equal to seventy-five percent of the maximum state individual income tax rate for the tax year, rounded to the nearest one-tenth of one percent, ~~of times~~ the state alternative minimum taxable income of the taxpayer as computed under this subsection.

Sec. 5. Section 422.10, subsection 3, paragraph b, Code 2017, is amended to read as follows:

b. 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 and in effect on January 1, 2015 2016. This definition shall not be construed to include any amendment to the Internal Revenue Code enacted after the date specified in the preceding sentence, including any amendment with retroactive applicability or effectiveness.

Sec. 6. Section 422.11L, subsection 6, Code 2017, is amended to read as follows:

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~~ and in effect on January 1, 2016. This definition shall not be construed to include any amendment to the Internal Revenue Code enacted after the date specified in the preceding sentence, including any amendment with retroactive applicability or effectiveness.

Sec. 7. Section 422.13, subsection 1, paragraph d, Code 2017, is amended to read as follows:

d. The total net income, as determined under section 422.5, subsection 3 or 3B, of a resident ~~or nonresident~~ of this state is more than the appropriate dollar amount listed in section 422.5, subsection 3 or 3B, upon which tax is not imposed.

Sec. 8. Section 422.32, subsection 1, paragraph h, Code 2017, is amended to read as follows:

h. “*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~~ and in effect on January 1, 2015. This definition shall not be construed to include any amendment to the Internal Revenue Code enacted after the date specified in the preceding sentence, including any amendment with retroactive applicability or effectiveness.

Sec. 9. Section 422.33, subsection 2, paragraph a, subparagraph (1), subparagraph division (c), Code 2017, is amended to read as follows:

(c) Nonbusiness rents and royalties received from tangible personal property are allocable to this state to the extent that the property is utilized in this state; or in their entirety if the taxpayer’s commercial domicile is in this state and the taxpayer is not taxable in the state in which the property is utilized. The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown, or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payor obtained possession.

Sec. 10. Section 422.33, subsection 5, paragraph e, subparagraph (2), Code 2017, is amended to read as follows:

(2) For purposes of this subsection, “*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 and in effect on January 1, 2015 2016. This definition shall not be construed to include any amendment to the Internal Revenue Code enacted after the date specified in the preceding sentence, including any amendment with retroactive applicability or effectiveness.

Sec. 11. 2016 Iowa Acts, chapter 1007, section 3, subsection 1, is amended to read as follows:

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.

Sec. 12. 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 2016 Iowa Acts, chapter 1007, section 3, subsection 1.
2. The provisions amending the date reference from “January 1, 2015” to “January 1, 2016” in the sections of this Act amending section 15.335, subsection 7, paragraph “b”, section 422.10, subsection 3, paragraph “b”, and section 422.33, subsection 5, paragraph “e”, subparagraph (2), relating to the definition of “Internal Revenue Code” for purposes of the Iowa research activities credits.

Sec. 13. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to January 1, 2015:

1. The section of this Act amending 2016 Iowa Acts, chapter 1007, section 3, subsection 1.

Sec. 14. 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 provisions amending the date reference from “January 1, 2015” to “January 1, 2016” in the sections of this Act amending section 15.335, subsection 7, paragraph “b”, section 422.10, subsection 3, paragraph “b”, and section 422.33, subsection 5, paragraph “e”, subparagraph (2), relating to the definition of “Internal Revenue Code” for purposes of the Iowa research activities credits.

Approved May 11, 2017

CHAPTER 158

LOCAL HOTEL AND MOTEL TAX — IMPOSITION BY LAND USE DISTRICTS

H.F. 609

AN ACT providing for the imposition of the local hotel and motel tax by a land use district.

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

Section 1. Section 303.52, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. The board of trustees may by ordinance impose a hotel and motel tax in accordance with chapter 423A.

b. All revenues derived from imposition of the hotel and motel tax shall be spent exclusively on the acquisition of sites for, or constructing, improving, enlarging, equipping, repairing, operating, or maintaining of recreation, convention, cultural, or entertainment facilities including but not limited to memorial buildings, halls and monuments, civic center convention buildings, auditoriums, coliseums, and parking areas or facilities located at those recreation, convention, cultural, or entertainment facilities, or for the promotion and encouragement of tourist and convention business in the land use district and surrounding areas.

Sec. 2. Section 423A.4, Code 2017, is amended to read as follows:

423A.4 Locally imposed hotel and motel tax.

1. A city ~~or~~, a county, or a land use district created under chapter 303, subchapter IV, may impose, by ordinance of the city council or by resolution of the board of supervisors or by ordinance of the board of trustees, a hotel and motel tax, at a rate not to exceed seven percent, which shall be imposed in increments of one or more full percentage points upon the sales price from the renting of lodging. The tax when imposed by a city shall apply only within the corporate boundaries of that city, and when imposed by a county shall apply only outside incorporated areas within that county, and when imposed by a land use district shall apply only within the corporate boundaries of that district. A hotel and motel tax imposed by a city or county shall not be imposed within the corporate boundaries of a land use district during any period of time that the land use district is imposing a hotel and motel tax.

2. Within ten days of the election at which a majority of those voting on the question favors the imposition, repeal, or change in the rate of the hotel and motel tax, the county auditor shall give written notice by sending a copy of the abstract of votes from the favorable election to the director of revenue.

3. A local hotel and motel tax shall be imposed on January 1 or July 1, following the notification of the director of revenue. Once imposed, the tax shall remain in effect at the rate imposed for a minimum of one year. A local hotel and motel tax shall terminate only on June 30 or December 31. At least forty-five days prior to the tax being effective or prior to a revision in the tax rate or prior to the repeal of the tax, a city, or county, or land use district

shall provide notice by mail of such action to the director of revenue. The director shall have the authority to waive the notice requirement.

4. *a.* A city, ~~or county,~~ or land use district shall impose or repeal a hotel and motel tax or increase or reduce the tax rate only after an election at which a majority of those voting on the question favors imposition, repeal, or change in rate. However, a hotel and motel tax of a city or county shall not be repealed or reduced in rate if obligations are outstanding which are payable as provided in section 423A.7, unless funds sufficient to pay the principal, interest, and premium, if any, on the outstanding obligations at and prior to maturity have been properly set aside and pledged for that purpose.

b. If the tax applies only within the corporate boundaries of a city, only the registered voters of the city shall be permitted to vote. The election shall be held at the time of the regular city election or at a special election called for that purpose. If the tax applies only in the unincorporated areas of a county or only within the corporate boundaries of a land use district, only the registered voters of the unincorporated areas of the county or the registered voters of the land use district, as applicable, shall be permitted to vote. The election shall be held at the time of the general election or at a special election called for that purpose.

Sec. 3. Section 423A.6, subsection 1, Code 2017, is amended to read as follows:

1. The director of revenue shall administer the state and local hotel and motel tax as nearly as possible in conjunction with the administration of the state sales tax law, except that portion of the law which implements the streamlined sales and use tax agreement. The director shall provide appropriate forms, or provide on the regular state tax forms, for reporting state and local hotel and motel tax liability. All moneys received or refunded one hundred eighty days after the date on which a city, ~~or county,~~ or land use district terminates its local hotel and motel tax and all moneys received from the state hotel and motel tax shall be deposited in or withdrawn from the general fund of the state.

Sec. 4. Section 423A.7, subsection 2, Code 2017, is amended to read as follows:

2. All moneys in the local transient guest tax fund shall be remitted at least quarterly by the department, pursuant to rules of the director of revenue, to each city in the amount collected from businesses in that city, ~~and~~ to each county in the amount collected from businesses in the unincorporated areas of the county, and to each land use district in the amount collected from businesses in that land use district.

Sec. 5. Section 423A.7, subsection 4, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The revenue derived by a city or county from any local hotel and motel tax authorized by section 423A.4 shall be used by a city or county as follows:

Sec. 6. Section 423A.7, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The revenue derived by a land use district from any local hotel and motel tax authorized by section 423A.4 shall be expended exclusively for the purposes set forth in section 303.52, subsection 3A, paragraph "b".

Approved May 11, 2017

CHAPTER 159**AGRICULTURE, LAND USE, AND ACTIVITIES REGULATED BY THE DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP***H.F. 617*

AN ACT providing for the department of agriculture and land stewardship's administration of certain functions, relating to forest and fruit tree reservation requirements, the name of the state soil conservation committee, financing of soil conservation and water quality practices, the health of agricultural animals, issuance of two-year licenses and the collection of related fees imposed upon persons engaged in the marketing of agricultural animals and mining operations, license fees imposed upon pesticide dealers, tickets for delivering commodities in bulk, labeling of motor fuel pumps dispensing certain ethanol blended gasoline, the use of scales, providing for penalties, making penalties applicable, and including effective date provisions.

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

Section 1. Section 159.5, subsection 12, Code 2017, is amended to read as follows:

12. Create and maintain a division of soil conservation and water quality as provided in chapter 161A. The division's director shall be appointed by the secretary from a list of names of persons recommended by the soil conservation and water quality committee, pursuant to section 161A.4, and shall serve at the pleasure of the secretary. The director shall be the administrator responsible for carrying out the provisions of chapters 207 and 208.

Sec. 2. Section 159.6, subsection 1, Code 2017, is amended by striking the subsection.

Sec. 3. Section 161A.3, subsection 4, Code 2017, is amended to read as follows:

4. "~~Committee~~" or "~~state soil conservation committee~~" means the state soil conservation and water quality committee established by in section 161A.4.

Sec. 4. Section 161A.4, subsection 1, Code 2017, is amended to read as follows:

1. The division of soil conservation and water quality created within the department pursuant to section 159.5 shall perform the functions conferred upon it in this chapter and chapters 161C, 161E, 161F, 207, and 208. The division shall be administered in accordance with the policies of the ~~state soil conservation~~ committee, which shall advise the division and which shall approve administrative rules proposed by the division for the administration of this chapter and chapters 161C, 161E, 161F, 207, and 208 before the rules are adopted pursuant to section 17A.5. If a difference exists between the committee and secretary regarding the content of a proposed rule, the secretary shall notify the chairperson of the committee of the difference within thirty days from the committee's action on the rule. The secretary and the committee shall meet to resolve the difference within thirty days after the secretary provides the committee with notice of the difference.

Sec. 5. Section 161A.4, subsection 4, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A state soil conservation and water quality committee is established within the department.

Sec. 6. Section 161A.4, subsection 6, paragraph c, Code 2017, is amended to read as follows:

c. The committee shall recommend three persons to the secretary of agriculture who shall appear from the persons recommended a director to head the division and serve at the pleasure of the secretary. After reviewing the names submitted, the secretary may request that the ~~soil conservation~~ committee submit additional names for consideration.

Sec. 7. Section 161A.5, subsections 1 and 2, Code 2017, are amended to read as follows:

1. The one hundred soil and water conservation districts established in the manner which was prescribed by law prior to July 1, 1975 shall continue in existence with the boundaries and the names in effect on July 1, 1975. If the existence of a district so established is discontinued

pursuant to section 161A.10, a petition for reestablishment of the district or for annexation of the former district's territory to any other abutting district may be submitted to, and shall be acted upon by, the ~~state soil conservation~~ committee in substantially the manner provided by section 467A.5, Code 1975.

2. The governing body of each district shall consist of five commissioners elected on a nonpartisan basis for staggered four-year terms commencing on the first day of January that is not a Sunday or holiday following their election. Any eligible elector residing in the district is eligible to the office of commissioner, except that no more than one commissioner shall at any one time be a resident of any one township. A vacancy is created in the office of any commissioner who changes residence into a township where another commissioner then resides. If a commissioner is absent for sixty or more percent of monthly meetings during any twelve-month period, the other commissioners by their unanimous vote may declare the member's office vacant. A vacancy in the office of commissioner shall be filled by appointment of the ~~state soil conservation~~ committee until the next succeeding general election, at which time the balance of the unexpired term shall be filled as provided by section 69.12.

Sec. 8. Section 161A.7, subsection 1, paragraph k, Code 2017, is amended to read as follows:

k. Subject to the approval of the ~~state soil conservation~~ committee, to change the name of the soil and water conservation district.

Sec. 9. Section 161A.7, subsection 3, Code 2017, is amended to read as follows:

3. The commissioners, as a condition for the receipt of any state cost-sharing funds for permanent soil conservation practices, shall require the owner of the land on which the practices are to be established to covenant and file, in the office of the ~~soil and water conservation~~ district of the county in which the land is located, an agreement identifying the particular lands upon which the practices for which state cost-sharing funds are to be received will be established, and providing that the project will not be removed, altered, or modified so as to lessen its effectiveness without the consent of the commissioners, obtained in advance and based on guidelines drawn up by the ~~state soil conservation~~ committee, for a period not to exceed twenty years after the date of receiving payment. The commissioners shall assist the division in the enforcement of this subsection. The agreement does not create a lien on the land, but is a charge personally against the owner of the land at the time of removal, alteration, or modification if an administrative order is made under section 161A.61, subsection 3.

Sec. 10. Section 161A.22, Code 2017, is amended to read as follows:

161A.22 General powers applicable — warrants or bonds.

1. A subdistrict organized under this chapter has all of the powers of a ~~soil and water conservation~~ district in addition to other powers granted to the subdistrict in other sections of this chapter.

2. The governing body of the subdistrict, upon determination that benefits from works of improvement as set forth in the watershed work plan to be installed will exceed costs thereof, and that funds needed for purposes of the subdistrict require levy of a special benefit assessment as provided in section 161A.23, in lieu of the special annual tax as provided in section 161A.20, shall record its decision to use its taxing authority and, upon majority vote of the governing body and with the approval of the ~~state soil conservation~~ committee, may issue warrants or bonds payable in not more than forty semiannual installments in connection with the special benefit assessment, and pledge and assign the proceeds of the special benefit assessment and other revenues of the subdistrict as security for the warrants or bonds. The warrants and bonds of indebtedness are general obligations of the subdistrict, exempt from all taxes, state and local, and are not indebtedness of the ~~soil and water conservation~~ district or the state of Iowa.

Sec. 11. Section 161A.44, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The commissioners of each ~~soil and water conservation~~ district shall, with approval of and within time limits set by administrative order of the ~~state soil conservation~~ committee, adopt reasonable regulations as are deemed necessary to establish a soil loss limit or limits for the district and provide for the implementation of the limit or limits, ~~and~~. A district may subsequently amend or repeal ~~their~~ its regulations as ~~they deem it deems~~ necessary. The committee shall review the soil loss limit regulations adopted by the ~~soil and water conservation~~ districts at least once every five years, and shall recommend changes in the regulations of a ~~soil and water conservation~~ district which the committee deems necessary to assure that the district's soil loss limits are reasonable and attainable. The commissioners may:

Sec. 12. Section 161A.44, subsection 2, Code 2017, is amended to read as follows:

2. Establish different soil loss limits for different classes of land in the district if in their judgment and that of the ~~state soil conservation~~ committee a lower soil loss limit should be applied to some land than can reasonably be applied to other land in the district, it being the intent of the general assembly that no land in the state be assigned a soil loss limit that cannot reasonably be applied to such land.

Sec. 13. Section 161A.44, subsection 3, paragraph c, subparagraph (3), Code 2017, is amended to read as follows:

(3) That any owner or operator of agricultural land refrain from fall plowing of land on which the owner or operator intends to raise a crop during the next succeeding growing season, however on those lands which are prone to excessive wind erosion the commissioners may require that reasonable temporary measures be taken to minimize the likelihood of wind erosion so long as such measures do not unduly increase the cost of operation of the farm on which the land is located. ~~However, fall plowing of soil which is commonly known as gumbo shall always be permitted.~~

Sec. 14. Section 161A.71, subsection 4, Code 2017, is amended to read as follows:

4. This section does not negate the provisions of section 161A.48 that an owner or occupant of land in this state shall not be required to establish any new soil and water conservation practice unless public cost-sharing funds have been approved and are available for the land affected. However, the owner of land with respect to which an administrative order to establish soil and water conservation practices has been issued under section 161A.47 but not complied with for lack of public cost-sharing funds, may waive the right to await availability of such funds and instead apply for a loan under this section to establish any permanent soil and water conservation practices necessary to comply with the order. If a landowner does so, that loan application shall be given reasonable preference by the ~~state soil conservation~~ committee if there are applications for more loans under this section than can be made from the money available in the conservation practices revolving loan fund. If it is found necessary to deny an application for a soil and water conservation practices loan to a landowner who has waived the right to availability of public cost-sharing funds before complying with an administrative order issued under section 161A.47, the landowner's waiver is void.

Sec. 15. Section 161A.73, subsection 1, paragraphs a and b, Code 2017, are amended to read as follows:

a. The allocation of cost-share moneys as financial incentives provided for the purpose of establishing permanent soil and water conservation practices, including but not limited to terraces, diversions, grade stabilization structures, grassed waterways, and critical area planting. The Except for edge-of-field practices, financial incentives shall not exceed fifty percent of the estimated cost of establishing the practices, or fifty percent of the actual cost, whichever is less.

b. The allocation of moneys as financial incentives provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to cover crops, no-till planting, ridge-till planting, contouring, and contour

strip-cropping. The division shall by rule establish limits on the amount of incentives which shall be authorized for payment to landowners upon establishment of the practice.

Sec. 16. Section 161C.1, subsection 1, Code 2017, is amended to read as follows:

1. ~~“Committee” or “state soil conservation committee”~~ means the state soil conservation and water quality committee established by in section 161A.4.

Sec. 17. Section 161C.4, subsection 1, Code 2017, is amended to read as follows:

1. A water protection fund is created within the division. The fund is composed of money appropriated by the general assembly for that purpose, and moneys available to and obtained or accepted by the ~~state soil conservation~~ committee from the United States or private sources for placement in the fund. The fund shall be a revolving fund from which moneys may be used for loans, grants, administrative costs, and cost-sharing.

Sec. 18. Section 163.30, subsection 3, paragraphs a and c, Code 2017, are amended to read as follows:

a. The fee for a dealer’s license is ~~five ten~~ dollars ~~each year~~. A dealer’s license expires on the first day of ~~the second~~ July following the date of issue. ~~A An initial~~ license shall be numbered and ~~the dealer any subsequent or renewed license issued to that dealer~~ shall retain the same license number from year to year.

c. Each employee or agent doing business by buying for resale, selling, or exchanging feeder swine in the name of a licensed dealer ~~shall be required to secure~~ must obtain a permit issued by the department showing the person is employed by or represents a licensed dealer. ~~All such permits~~ A permit shall be issued upon the department’s approval of a completed application. An application forms form shall be furnished by the department at a cost of three. The fee for a permit is six dollars per annum, and. A permit shall expire on the first day of the second July following the date of issue.

Sec. 19. Section 163.30, subsection 5, paragraph b, Code 2017, is amended to read as follows:

b. Registered swine for exhibition or breeding purposes which can be individually identified by ~~an ear notch or tattoo or other~~ a method approved by the department are excepted from the identification requirement.

Sec. 20. Section 163.41, Code 2017, is amended to read as follows:

163.41 License required.

1. A person shall not engage in the business of leasing a breeding bull without having obtained a license ~~from issued by the department and registering each breeding bull with the department~~ as provided in this subchapter section 163.42. An annual The license may be obtained ~~from the department upon completing an application and payment of a ten-dollar for approval by the department. The license fee is twenty dollars. Each~~ The license shall expire on the first day of the second July following the date of issue.

2. An application for a license shall be made on a form provided by the department and shall contain the name of the person engaged in the business of leasing breeding bulls as lessor, the address of such business, the registration number of each breeding bull, and a description as to breed, color and other distinguishing marks, leased as lessor, and such other information as the secretary of agriculture may specify by rule ~~promulgated~~ adopted pursuant to chapter 17A.

3. For the purposes of this section, a person is engaged in the business of leasing a breeding bull within this state as lessor if the person leases any breeding bull to an Iowa resident more than once in any calendar year for a fee.

Sec. 21. Section 164.1, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. “Department” means the department of agriculture and land stewardship.

Sec. 22. Section 164.3, Code 2017, is amended to read as follows:

164.3 Female designated animals vaccinated.

Native female bovine animals of any breed between the ages of four months and ~~ten~~ twelve months may be officially vaccinated for brucellosis according to procedures approved by the United States department of agriculture. Native female designated animals other than bovine animals may be vaccinated as provided by rules adopted by the department. The expense of the vaccination shall be borne in the same manner as provided in section 164.6.

Sec. 23. Section 166.1, Code 2017, is amended by adding the following new subsections:
NEW SUBSECTION. 2A. “*Department*” means the department of agriculture and land stewardship.

NEW SUBSECTION. 5. “*Secretary*” means the secretary of agriculture.

Sec. 24. Section 166.42, subsection 2, Code 2017, is amended to read as follows:

2. The secretary is authorized to sell or otherwise dispose of classical-swine-fever vaccine ~~and or serum at such time as the state is declared a classical swine fever free state by the United States department of agriculture, or if the potency of such vaccine and or serum is in doubt.~~ Money received under provisions of this section shall be paid into the state treasury.

Sec. 25. Section 166A.1, Code 2017, is amended by adding the following new subsection:
NEW SUBSECTION. 6A. “*Department*” means the department of agriculture and land stewardship.

Sec. 26. Section 166A.2, Code 2017, is amended to read as follows:

166A.2 Sheep dealer’s license.

1. ~~Any person engaged~~ A person shall not act as a dealer shall be required to obtain unless the person obtains a license from issued by the department. The fee for such license shall be five ~~fee is ten dollars per year and all licenses shall expire. A license expires on the first day of the second July following date of issue. Licenses~~ An initial license shall be numbered and the dealer any subsequent or renewed license issued to the dealer shall retain the same number from year to year. An application for a license must be prepared on a form furnished by the department.

~~Applications for licenses shall be made upon blanks furnished by the department.~~

2. For good and sufficient grounds the department may refuse to grant a license to any applicant, and it may also revoke a license ~~to any applicant~~ obtained by a dealer for a violation of any provision of this chapter, or for the refusal or failure of any licensee a dealer to obey the lawful directions of the department.

3. Any person who is licensed as a sheep dealer under chapter 172A shall be exempt from this section.

Sec. 27. Section 168.3, Code 2017, is amended to read as follows:

168.3 Term and License fee and expiration.

The fee for obtaining a license ~~fee~~ issued under section 168.2 shall be ten ~~twenty~~ dollars per annum, and each such license shall expire on the second July 1 after the date of issue.

Sec. 28. Section 172A.1, Code 2017, is amended by adding the following new subsections:
NEW SUBSECTION. 3A. “*Department*” means the department of agriculture and land stewardship.

NEW SUBSECTION. 5. “*Secretary*” means the secretary of agriculture.

Sec. 29. Section 172A.2, Code 2017, is amended to read as follows:

172A.2 License required.

1. ~~No~~ A person shall not act as a dealer or broker without ~~first being licensed~~ obtaining a license issued by the secretary. ~~No~~ A person shall not act for any dealer or broker as an agent unless such dealer or broker is licensed, has designated such agent to act in the dealer’s or broker’s behalf, and has notified the secretary of the designation in the dealer’s or broker’s application for license or has given official notice in writing of the appointment of the agent and the secretary has issued to the agent an agent’s license. A dealer or broker shall be accountable and responsible for contracts made by an agent in the course of the

agent’s employment. The license of an agent whose employment by the dealer or broker is terminated shall be void on the date written notice of termination is received by the secretary.

2. The license of a dealer, broker, or agent, unless revoked, shall expire on the last day of the second June following the date of issue. The annual fee for the obtaining a license of as a dealer or broker is fifty one hundred dollars. The annual fee for an agent’s obtaining a license as an agent is ten twenty dollars.

3. No A person may shall not be issued a license if that person previously has had a license revoked, or previously was issued a license and the secretary suspended that license, unless the order of suspension or revocation is thereafter terminated by the secretary.

Sec. 30. Section 189A.18, Code 2017, is amended to read as follows:

189A.18 Humane slaughter practices.

Every establishment subject to the provisions of this chapter engaged in the slaughter of bovine, porcine, caprine, or ovine animals or farm deer shall slaughter all such animals in an approved humane slaughtering method. For purposes of this section, an approved humane slaughtering method shall include and be limited to slaughter by shooting, electrical shock, captive bolt, or use of carbon dioxide gas prior to the animal being shackle hoisted, thrown, cast, or cut; however, the slaughtering, handling, or other preparation of livestock in accordance with the ritual requirements of the Jewish or any other faith that prescribes and requires a method whereby slaughter becomes effected by severance of the carotid arteries with a sharp instrument is hereby designated and approved as a humane method of slaughter under the law.

Sec. 31. Section 196.3, Code 2017, is amended to read as follows:

196.3 Egg handler’s license and — fee and expiration.

1. Every egg handler shall obtain an annual a license from issued by the department. The license fee for the license shall be determined on the basis of the total number of eggs purchased or handled during the preceding month of April in each calendar year as follows:

a. Less than one hundred twenty-five cases	\$20.20	\$40.40
b. One hundred twenty-five cases or more but less than two hundred fifty cases	\$47.25	\$94.50
c. Two hundred fifty cases or more but less than one thousand cases.....	\$67.50	\$135.00
d. One thousand cases or more but less than five thousand cases	\$135.00	\$270.00
e. Five thousand cases or more but less than ten thousand cases	\$236.25	\$472.50
f. Ten thousand cases or more	\$337.50	\$675.00

2. The license shall expire one year two years after its the license’s date of issue.

3. For the purpose of determining fees the license fee, a case shall be thirty dozen eggs.

4. All license fees collected under this section shall be remitted to the treasurer of state for deposit in the general fund of the state.

3. 5. If an egg handler is not operating during the month of April preceding the date that the license is to be issued, the department shall estimate the volume of eggs purchased or handled, or both, and may revise the license fee based on three months of operation.

Sec. 32. Section 197.1, Code 2017, is amended to read as follows:

197.1 License.

1. Every person, partnership, or corporation engaged in the business of buying poultry or domestic fowls fowl for the market from the a producer, shall obtain a poultry dealer’s license from the department for each establishment at which business is conducted.

2. The word “producer” as used in this chapter shall include anyone not a licensed dealer who has acquired such poultry or domestic fowls other than through a licensed dealer.

Sec. 33. NEW SECTION. **197.1A Definitions.**

1. “Department” means the department of agriculture and land stewardship.

2. “*Producer*” means a person, not a licensed dealer under section 197.1, who acquires poultry or domestic fowl other than through a licensed dealer.

Sec. 34. Section 197.2, Code 2017, is amended to read as follows:

197.2 Fee License — fee and expiration.

The license fee shall be ~~three~~ six dollars per annum, ~~and each.~~ A license shall expire on the first day of the second March ~~↓ after~~ following the date of issue.

Sec. 35. Section 198.2, Code 2017, is amended to read as follows:

198.2 Enforcing official.

This chapter shall be administered by the secretary of ~~agriculture.~~

Sec. 36. Section 198.3, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. “*Department*” means the department of agriculture and land stewardship.

NEW SUBSECTION. 19A. “*Secretary*” means the secretary of agriculture.

Sec. 37. Section 198.4, subsections 2 and 4, Code 2017, are amended to read as follows:

2. A person shall obtain a license issued by the secretary, for each facility which distributes in or into the state, authorizing the person to manufacture or distribute commercial feed before the person engages in such activity. Any person who makes only retail sales of commercial feed which bears labeling or other approved indication that the commercial feed is from a licensed manufacturer, guarantor, or distributor who has assumed full responsibility for the tonnage inspection fee due under section 198.9 is not required to obtain a license.

4. A person obtaining a license under this section shall pay to the secretary a license fee of ~~ten~~ twenty dollars. ~~Fees relating to the issuance of licenses~~ The fee shall be paid by July 1 of each year and the license shall expire two years after that date.

Sec. 38. Section 199.1, subsection 16, paragraph a, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) Palmer amaranth — *Amaranthus palmeri*.

Sec. 39. Section 200.3, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. “*Department*” means the department of agriculture and land stewardship.

NEW SUBSECTION. 23A. “*Secretary*” means the secretary of agriculture.

Sec. 40. Section 200.4, Code 2017, is amended to read as follows:

200.4 Licenses License — fee and expiration.

1. Any person who manufactures, mixes, blends, mixes to customer’s order, offers for sale, sells, or distributes any fertilizer or soil conditioner in ~~Iowa~~ this state must first obtain a license ~~from~~ issued by the secretary of ~~agriculture~~ and shall pay a ~~ten-dollar~~ twenty dollar license fee for each place of manufacture or distribution from which fertilizer or soil conditioner products are sold or distributed in ~~Iowa~~ this state. ~~Such~~ The license fee shall be ~~paid annually~~ expire on the first day of the second July ~~↓ of each year~~ following the date of issue.

2. ~~Said~~ The licensee shall at all times produce an intimate and uniform mixture of fertilizers or soil conditioners. When two or more fertilizer materials are delivered in the same load, they shall be thoroughly and uniformly mixed unless they are in separate compartments.

Sec. 41. Section 200.5, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. The secretary shall establish minimum requirements for the registration of fertilizers and soil conditioners by efficacy testing or the substantiation of data relevant to Iowa crops and soils.

Sec. 42. Section 200A.13, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The department may assess a civil penalty for a violation of this chapter which shall not exceed five hundred dollars. Each day that a violation continues shall constitute a separate violation. Moneys collected in civil penalties shall be deposited in the general fund of the state.

Sec. 43. Section 206.2, Code 2017, is amended by adding the following new subsection:
NEW SUBSECTION. 26A. “Secretary” means the secretary of agriculture.

Sec. 44. Section 206.8, subsection 2, Code 2017, is amended to read as follows:

2. The annual license fee for a pesticide dealer is due and payable by June 30 of each year to the department. The annual license fee is based on the gross retail sales of all pesticides sold for use in this state by the dealer in the previous year. The license fee shall be set as follows:

a. (1) A pesticide dealer with less than one hundred thousand dollars in gross retail pesticide sales shall ~~have the option to pay a license fee based on one-tenth of one percent of the gross retail pesticide sales in the previous year or to pay a license fee according to the following schedule:~~

(a) ~~Ten dollars, if the annual gross retail pesticide sales are less than ten thousand dollars.~~

(b) ~~Twenty-five dollars, if the annual gross retail pesticide sales are ten thousand dollars or more but less than twenty-five thousand dollars.~~

(b) ~~(c) Fifty dollars, if the annual gross retail pesticide sales are twenty-five thousand dollars or more but less than fifty thousand dollars.~~

(c) ~~(d) Seventy-five dollars, if the annual gross retail pesticide sales are fifty thousand dollars or more but less than seventy-five thousand dollars.~~

(d) ~~(e) One hundred dollars, if the annual gross retail pesticide sales are seventy-five thousand dollars or more but less than one hundred thousand dollars.~~

(2) ~~The secretary shall provide for a three-month grace period for licensure and shall impose a late fee of ten dollars upon the licensure of a dealer applying for licensure during the month of October, a late fee of fifteen dollars upon the licensure of a dealer applying for licensure during the month of November, a late fee of twenty-five dollars upon the licensure of a dealer applying for licensure during the month of December, and a late fee of twenty-five dollars upon the licensure of a dealer applying for licensure for each month after the month of December.~~

b. (1) A pesticide dealer with one hundred thousand dollars or more in gross retail pesticide sales shall pay a license fee based on one-tenth of one percent of the gross retail pesticide sales in the previous year.

(2) ~~The secretary shall provide for a three-month grace period for licensure and shall impose a late fee of two percent of the license fee upon the licensure of a dealer applying for licensure during the month of October, a late fee of four percent of the license fee upon the licensure of a dealer applying for licensure during the month of November, a late fee of five percent of the license fee upon the licensure of a dealer applying for licensure during the month of December, and a late fee of five percent upon the licensure of a dealer applying for licensure for each month after the month of December of the license fee calculated in subparagraph (1).~~

Sec. 45. Section 207.2, subsection 2, Code 2017, is amended to read as follows:

2. “Committee” means the state soil conservation and water quality committee established in section 161A.4.

Sec. 46. Section 208.2, subsection 3, Code 2017, is amended to read as follows:

3. “Committee” means the state soil conservation and water quality committee established in section 161A.4.

Sec. 47. Section 208.7, Code 2017, is amended to read as follows:

208.7 Mining license — fees and expirations.

An operator shall not engage in mining as defined by section 208.2 without first obtaining a license from the division. ~~Licenses~~ A license shall be issued and renewed upon approval by the division following the submission of a completed application by the operator. ~~Applications~~ An application shall be submitted on a form provided by the division and shall

be accompanied by a license fee of fifty dollars. Each applicant shall be required to furnish on the form information necessary to identify the applicant. ~~Licenses~~ The initial license shall expire on December 31 of each the year and of issue. An initial license shall be renewed by the division as required by the division. The renewed license shall expire the last day of the second December following the date of issue. The division shall renew a license upon approving an application submitted within thirty days prior to the expiration date and. The application for a renewed license must be accompanied by a fee of ten twenty dollars. However, a political subdivision shall not be required to pay a license ~~application or renewal~~ fee.

Sec. 48. NEW SECTION. 212.1A Definitions.

As used in this chapter, unless the context otherwise requires, “*department*” means the department of agriculture and land stewardship.

Sec. 49. Section 212.2, Code 2017, is amended to read as follows:

212.2 Delivery tickets required.

No A person shall not deliver any bulk commodities, other than liquids, by vehicle unless otherwise provided for, without each ~~such~~ delivery being accompanied by two duplicate delivery tickets, ~~on each of which.~~ Each delivery ticket shall be written in ink or other indelible substance and include all of the following:

1. The actual weight distinctly expressed in pounds or kilograms of the gross weight of the load, the.

2. The tare of the delivery vehicle, and the net amount in weight of the commodity or, if the commodity is weighed by hopper scale or belt conveyor, the net weight of the commodity expressed in pounds or kilograms without expression of the tare of the delivery vehicle or the gross weight of the load.

3. The ~~delivery ticket shall display~~ the names of the purchaser and the dealer from whom the commodity was purchased.

4. The date delivered and the type of commodity being delivered.

Sec. 50. Section 212.3, Code 2017, is amended to read as follows:

212.3 Disposition of delivery tickets.

~~One of said duplicate tickets~~ delivery ticket described in section 212.3 shall be delivered to the vendee and the other one duplicative delivery ticket shall be returned to the vendor or retained electronically by the vendor if approval from the department has previously been granted. Upon demand of the department the person in charge of the load shall surrender one of ~~said~~ the duplicate delivery tickets to the person making such demand. ~~If said the duplicative delivery ticket is retained,~~ an official weight slip shall be delivered by said the department to the vendee or the vendee’s agent.

Sec. 51. Section 214A.16, subsection 1, paragraph c, Code 2017, is amended to read as follows:

c. If the motor fuel pump dispenses ethanol blended gasoline classified as higher than standard ethanol blended gasoline pursuant to section 214A.2, the decal shall contain ~~the following notice: language that the ethanol blended gasoline is for use in flexible fuel vehicles.~~
FOR FLEXIBLE FUEL VEHICLES ONLY.

Sec. 52. Section 215.19, Code 2017, is amended to read as follows:

215.19 Automatic recorders on scales.

Except for scales used by packers slaughtering fewer than one hundred twenty head of livestock per day, all scales with a capacity over five hundred pounds, which are used for commercial purposes in ~~the this state of Iowa,~~ and installed after January 1, 1981, shall be equipped with ~~either~~ a type-registering weigh beam, a dial with a mechanical ticket printer, an automatic weight recorder, or some similar device which shall be used for printing or stamping the weight values on scale tickets. A scale equipped with a malfunctioning automatic weight recorder may be used for not more than seven days if the device is unable to print or stamp the ticket so long as a repair to the automatic recorder is immediately

initiated and the user dates, signs, and accurately handwrites the required information on the ticket until the device is operational.

Sec. 53. Section 266.39, subsection 3, paragraph a, subparagraph (7), Code 2017, is amended to read as follows:

(7) One man and one woman, actively engaged in agricultural production, appointed by the state soil conservation and water quality committee established in section 161A.4.

Sec. 54. Section 308.1, Code 2017, is amended to read as follows:

308.1 Planning commission.

The Mississippi parkway planning commission shall be composed of ten members appointed by the governor, five members to be appointed for two-year terms beginning July 1, 1959, and five members to be appointed for four-year terms beginning July 1, 1959. In addition to the above members there shall be seven advisory ex officio members who shall be as follows: One member from the state transportation commission, one member from the natural resource commission, one member from the state soil conservation and water quality committee, one member from the state historical society of Iowa, one member from the faculty of the landscape architectural division of the Iowa state university of science and technology, one member from the economic development authority, and one member from the environmental protection commission. Members and ex officio members shall serve without pay, but the actual and necessary expenses of members and ex officio members may be paid if the commission so orders and if the commission has funds available for that purpose.

Sec. 55. Section 460.303, subsection 1, Code 2017, is amended to read as follows:

1. An agricultural drainage well water quality assistance fund is created in the state treasury under the control of the division. The fund is composed of moneys appropriated by the general assembly, and moneys available to and obtained or accepted by the division or the state soil conservation and water quality committee established pursuant to in section 161A.4, from the United States or private sources for placement in the fund.

Sec. 56. EFFECTIVE DATE. The sections of this Act amending sections 163.30, 163.41, 166A.2, 168.3, and 198.4 take effect June 1, 2017.

Sec. 57. EFFECTIVE DATE. The section of this Act amending section 200.4 takes effect June 1, 2018.

Approved May 11, 2017

CHAPTER 160

ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS

H.F. 621

AN ACT relating to programs and projects administered by the economic development authority.

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

DIVISION I
SPORTS TOURISM PROGRAM — TECHNICAL CHANGES

Section 1. Section 15F.401, subsections 2 and 6, Code 2017, are amended to read as follows:

2. a. A city or county in the state or a public ~~organization~~ entity, 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~~ entity.

b. A city, county, or public ~~organization~~ entity may apply for and receive financial assistance for more than one project.

c. A city, county, or public ~~organization~~ entity 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.

6. a. A city, county, or public ~~organization~~ entity 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~~ entity shall not use financial assistance received under the program as reimbursement for completed projects.

Sec. 2. Section 15F.403, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. Moneys in the fund are appropriated to the authority for purposes of providing financial assistance to cities, counties, and public ~~organizations~~ entities under the sports tourism program established and administered pursuant to this subchapter.

DIVISION II
TARGETED SMALL BUSINESS CERTIFICATION

Sec. 3. Section 8A.111, subsection 7, Code 2017, is amended to read as follows:

7. An annual report regarding the Iowa targeted small business procurement Act activities of the department as required under section 15.108, subsection 7, paragraph "c", and quarterly reports regarding the total dollar amount of certified purchases for certified targeted small businesses during the previous quarter as required in section 73.16, subsection 2. The department shall keep any vendor identification information received from the ~~department of inspections and appeals~~ economic development authority as provided in section ~~10A.104, subsection 8~~ 15.108, subsection 7, paragraph "0d", and necessary for the quarterly reports, confidential to the same extent as the ~~department of inspection and appeals~~ economic development authority is required to keep such information. Confidential information received by the department from the ~~department of inspections and appeals~~ economic development authority shall not be disclosed except pursuant to court order or with the approval of the ~~department of inspections and appeals~~ economic development authority.

Sec. 4. Section 10A.104, subsection 8, Code 2017, is amended by striking the subsection.

Sec. 5. Section 12.44, Code 2017, is amended to read as follows:

12.44 Iowa satisfaction and performance bond program.

Agencies of state government shall be required to waive the requirement of satisfaction, performance, surety, or bid bonds for targeted small businesses which are able to demonstrate the inability of securing such a bond because of a lack of experience, lack of net worth, or lack of capital. This waiver shall not apply to businesses with a record of repeated failure of substantial performance or material breach of contract in prior circumstances. The waiver shall be applied only to a project or individual transaction amounting to fifty thousand dollars or less, notwithstanding section 573.2. In order to qualify, the targeted small business shall provide written evidence to the ~~department of inspections and appeals~~ economic development authority that the bond would otherwise be denied the business. The granting of the waiver shall in no way relieve the business from its contractual obligations and shall not preclude the state agency from pursuing any remedies under law upon default or breach of contract.

The ~~department of inspections and appeals~~ economic development authority shall certify targeted small businesses for eligibility and participation in this program and shall make this information available to other state agencies.

Subdivisions of state government may also grant such a waiver under similar circumstances.

Sec. 6. Section 15.107B, subsection 2, paragraph b, Code 2017, is amended to read as follows:

~~b. A summary of the report filed by December 1 of each year by the department of inspections and appeals with the authority regarding~~ certifications of targeted small businesses. At a minimum, the summary shall include the number of certified targeted small businesses for the previous year, the increase or decrease in that number during the previous fiscal year compared to the prior fiscal year, and the number of targeted small businesses that have been decertified in the previous fiscal year.

Sec. 7. Section 15.108, subsection 7, paragraph c, subparagraph (1), subparagraph division (b), Code 2017, is amended by striking the subparagraph division.

Sec. 8. Section 15.108, subsection 7, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0d. (1) Establish standards and procedures, by rule, for certifying that targeted small businesses are eligible to participate in the procurement program established in sections 73.15 through 73.21 and are eligible for financial and technical assistance provided for under this subsection. The rules for certifying eligibility adopted pursuant to this paragraph shall not recognize self-certification by a business. The authority may also establish, by rule, the appropriate level of public access to differing classes of electronic records and other records under the procurement program to ensure the confidentiality of any records that are required by law to be confidential.

(2) Maintain a current directory of targeted small businesses certified pursuant to this paragraph. The authority shall also provide information to the department of administrative services necessary for the identification of targeted small businesses under section 8A.111, subsection 7.

Sec. 9. Section 15.108, subsection 7, paragraph g, subparagraph (1), Code 2017, is amended to read as follows:

(1) Developing a uniform small business vendor application form which can be adopted by all agencies and departments of state government to identify small businesses and targeted small businesses which desire to sell goods and services to the state. This form shall also contain information which can be used to determine certification as a targeted small business pursuant to ~~section 10A.104, subsection 8~~ paragraph "0d".

Sec. 10. Section 73.16, subsection 2, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Prior to the commencement of a fiscal year, the director of each agency or department of state government having purchasing authority, in cooperation with the targeted small business ~~marketing and compliance~~ project manager of the economic development authority,

shall establish for that fiscal year a procurement goal from certified targeted small businesses identified pursuant to section ~~10A.104, subsection 8~~ 15.108, subsection 7, paragraph "Od".

Sec. 11. Section 73.16, subsection 2, paragraph c, subparagraph (3), Code 2017, is amended to read as follows:

(3) A community college, area education agency, or school district shall establish a procurement goal from certified targeted small businesses, identified pursuant to section ~~10A.104, subsection 8~~ 15.108, subsection 7, paragraph "Od", of at least ten percent of the value of anticipated procurements of goods and services including construction, but not including utility services, each fiscal year.

DIVISION III TECHNICAL CHANGES

Sec. 12. Section 403.19A, subsection 2, paragraph b, Code 2017, is amended to read as follows:

b. (1) ~~The department of economic development authority~~ shall approve four eligible cities as pilot project cities, one pursuant to paragraph "a", subparagraph (1), one pursuant to paragraph "a", subparagraph (2), and two pursuant to paragraph "a", subparagraph (3). If two eligible cities are approved which are located in the same county and the county has a population of less than forty-five thousand, the two approved eligible cities shall be considered one pilot project city. If more than two cities meeting the requirements of paragraph "a", subparagraph (3), apply to be designated as a pilot project city, ~~the department of economic development authority~~ shall determine which two cities hold the most potential to create new jobs or generate the greatest capital within their areas. Applications from eligible cities filed on or after October 1, 2006, shall not be considered.

(2) If a pilot project city does not enter into a withholding agreement within one year of its approval as a pilot project city, the city shall lose its status as a pilot project city. If two pilot project cities are located in the same county, the loss of status by one pilot project city shall not cause the second pilot project city in the county to lose its status as a pilot project city. Upon such occurrence, ~~the department of economic development authority~~ shall take applications from other eligible cities to replace that city. Another city shall be designated within six months.

~~(3) On July 1, 2011, the economic development authority shall assume responsibility for the administration of this subsection.~~

Approved May 11, 2017

CHAPTER 161

INCOME TAX RETURN INFORMATION — DEPENDENT CHILD HEALTH CARE COVERAGE

H.F. 625

AN ACT eliminating a requirement that taxpayers indicate on their tax returns the presence or absence of health care coverage for their dependent children and apply for certain public health care coverage, and including effective date and retroactive applicability provisions.

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

Section 1. REPEAL. Section 422.12M, Code 2017, is repealed.

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 January 1, 2017, for tax years beginning on or after that date.

Approved May 11, 2017

CHAPTER 162
MEDICAL CANNABIDIOL
H.F. 524

AN ACT relating to medical cannabidiol and prescription drugs, including the establishment of the medical cannabidiol Act, the federal scheduling of a cannabidiol investigational product, and the exchange of prescription drug information, providing for civil and criminal penalties and fees, and including effective date provisions.

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

Section 1. NEW SECTION. **124.201A Cannabidiol investigational product — rules.**

1. If a cannabidiol investigational product approved as a prescription drug medication by the United States food and drug administration is eliminated from or revised in the federal schedule of controlled substances by the federal drug enforcement agency and notice of the elimination or revision is given to the board, the board shall similarly eliminate or revise the prescription drug medication in the schedule of controlled substances under this chapter. Such action by the board shall be immediately effective upon the date of publication of the final regulation containing the elimination or revision in the federal register.

2. The board shall adopt rules pursuant to chapter 17A to administer this section. The board may adopt rules on an emergency basis as provided in section 17A.4, subsection 3, and section 17A.5, subsection 2, to administer this section, and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any emergency rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4, subsection 1.

Sec. 2. Section 124.401, subsection 5, unnumbered paragraph 3, Code 2017, is amended to read as follows:

A person may knowingly or intentionally recommend, possess, use, dispense, deliver, transport, or administer cannabidiol if the recommendation, possession, use, dispensing, delivery, transporting, or administering is in accordance with the provisions of chapter ~~124D~~ 124E. For purposes of this paragraph, “cannabidiol” means the same as defined in section ~~124D.2~~ 124E.2.

Sec. 3. Section 124.553, subsection 8, Code 2017, is amended to read as follows:

8. The board may enter into an agreement with a prescription database or monitoring program operated in ~~a state bordering this state or in the state of Kansas~~ any state for the mutual exchange of information. Any agreement entered into pursuant to this subsection shall specify that all the information exchanged pursuant to the agreement shall be used and disseminated in accordance with the laws of this state.

Sec. 4. NEW SECTION. **124E.1 Short title.**

This chapter shall be known and may be cited as the “*Medical Cannabidiol Act*”.

Sec. 5. NEW SECTION. **124E.2 Definitions.**

As used in this chapter:

1. “*Bordering state*” means the same as defined in section 331.910.
2. “*Debilitating medical condition*” means any of the following:
 - a. Cancer, if the underlying condition or treatment produces one or more of the following:
 - (1) Severe or chronic pain.
 - (2) Nausea or severe vomiting.
 - (3) Cachexia or severe wasting.
 - b. Multiple sclerosis with severe and persistent muscle spasms.
 - c. Seizures, including those characteristic of epilepsy.
 - d. AIDS or HIV as defined in section 141A.1.
 - e. Crohn’s disease.
 - f. Amyotrophic lateral sclerosis.
 - g. Any terminal illness, with a probable life expectancy of under one year, if the illness or its treatment produces one or more of the following:
 - (1) Severe or chronic pain.
 - (2) Nausea or severe vomiting.
 - (3) Cachexia or severe wasting.
 - h. Parkinson’s disease.
 - i. Untreatable pain.
3. “*Department*” means the department of public health.
4. “*Disqualifying felony offense*” means a violation under federal or state law of a felony under federal or state law, which has as an element the possession, use, or distribution of a controlled substance, as defined in 21 U.S.C. §802(6).
5. “*Health care practitioner*” means an individual licensed under chapter 148 to practice medicine and surgery or osteopathic medicine and surgery who is a patient’s primary care provider. “*Health care practitioner*” shall not include a physician assistant licensed under chapter 148C or an advanced registered nurse practitioner licensed pursuant to chapter 152 or 152E.
6. “*Medical cannabidiol*” means any pharmaceutical grade cannabinoid found in the plant *Cannabis sativa L.* or *Cannabis indica* or any other preparation thereof that has a tetrahydrocannabinol level of no more than three percent and that is delivered in a form recommended by the medical cannabidiol board, approved by the board of medicine, and adopted by the department pursuant to rule.
7. “*Primary caregiver*” means a person who is a resident of this state or a bordering state as defined in section 331.910, including but not limited to a parent or legal guardian, at least eighteen years of age, who has been designated by a patient’s health care practitioner as a necessary caretaker taking responsibility for managing the well-being of the patient with respect to the use of medical cannabidiol pursuant to the provisions of this chapter.
8. “*Untreatable pain*” means any pain whose cause cannot be removed and, according to generally accepted medical practice, the full range of pain management modalities appropriate for the patient has been used without adequate result or with intolerable side effects.
9. “*Written certification*” means a document signed by a health care practitioner, with whom the patient has established a patient-provider relationship, which states that the patient has a debilitating medical condition and identifies that condition and provides any other relevant information.

Sec. 6. NEW SECTION. 124E.3 Health care practitioner certification — duties.

1. Prior to a patient’s submission of an application for a medical cannabidiol registration card pursuant to section 124E.4, a health care practitioner shall do all of the following:
 - a. Determine, in the health care practitioner’s medical judgment, whether the patient whom the health care practitioner has examined and treated suffers from a debilitating medical condition that qualifies for the use of medical cannabidiol under this chapter, and if so determined, provide the patient with a written certification of that diagnosis.
 - b. Provide explanatory information as provided by the department to the patient about the therapeutic use of medical cannabidiol and the possible risks, benefits, and side effects of the proposed treatment.

2. Subsequently, the health care practitioner shall do the following:
 - a. Determine, on an annual basis, if the patient continues to suffer from a debilitating medical condition and, if so, issue the patient a new certification of that diagnosis.
 - b. Otherwise comply with all requirements established by the department pursuant to rule.
3. A health care practitioner may provide, but has no duty to provide, a written certification pursuant to this section.

Sec. 7. **NEW SECTION. 124E.4 Medical cannabidiol registration card.**

1. *Issuance to patient.* Subject to subsection 7, the department may approve the issuance of a medical cannabidiol registration card by the department of transportation to a patient who:

- a. Is at least eighteen years of age.
- b. Is a permanent resident of this state.
- c. Submits a written certification to the department signed by the patient's health care practitioner that the patient is suffering from a debilitating medical condition.
- d. Submits an application to the department, on a form created by the department, in consultation with the department of transportation, that contains all of the following:
 - (1) The patient's full name, Iowa residence address, date of birth, and telephone number.
 - (2) A copy of the patient's valid photograph identification.
 - (3) Full name, address, and telephone number of the patient's health care practitioner.
 - (4) Full name, residence address, date of birth, and telephone number of each primary caregiver of the patient, if any.
 - (5) Any other information required by rule.
- e. Submits a medical cannabidiol registration card fee of one hundred dollars to the department. If the patient attests to receiving social security disability benefits, supplemental security insurance payments, or being enrolled in the medical assistance program, the fee shall be twenty-five dollars.
- f. Has not been convicted of a disqualifying felony offense.

2. *Patient card contents.* A medical cannabidiol registration card issued to a patient by the department of transportation pursuant to subsection 1 shall contain, at a minimum, all of the following:

- a. The patient's full name, Iowa residence address, and date of birth.
- b. The patient's photograph.
- c. The date of issuance and expiration date of the medical cannabidiol registration card.
- d. Any other information required by rule.

3. *Issuance to primary caregiver.* For a patient in a primary caregiver's care, subject to subsection 7, the department may approve the issuance of a medical cannabidiol registration card by the department of transportation to the primary caregiver who:

a. Submits a written certification to the department signed by the patient's health care practitioner that the patient in the primary caregiver's care is suffering from a debilitating medical condition.

b. Submits an application to the department, on a form created by the department, in consultation with the department of transportation, that contains all of the following:

- (1) The primary caregiver's full name, residence address, date of birth, and telephone number.
 - (2) The patient's full name.
 - (3) A copy of the primary caregiver's valid photograph identification.
 - (4) Full name, address, and telephone number of the patient's health care practitioner.
 - (5) Any other information required by rule.
- c. Has not been convicted of a disqualifying felony offense.

d. Submits a medical cannabidiol registration card fee of twenty-five dollars to the department.

4. *Primary caregiver card contents.* A medical cannabidiol registration card issued by the department of transportation to a primary caregiver pursuant to subsection 3 shall contain, at a minimum, all of the following:

- a. The primary caregiver's full name, residence address, and date of birth.
- b. The primary caregiver's photograph.

- c. The date of issuance and expiration date of the registration card.
 - d. The medical cannabidiol registration card number of each patient in the primary caregiver's care. If the patient in the primary caregiver's care is under the age of eighteen, the full name of the patient's parent or legal guardian.
 - e. Any other information required by rule.
5. *Expiration date of card.* A medical cannabidiol registration card issued pursuant to this section shall expire one year after the date of issuance and may be renewed.
6. *Card issuance — department of transportation.* The department may enter into a chapter 28E agreement with the department of transportation to facilitate the issuance of medical cannabidiol registration cards pursuant to subsections 1 and 3.
7. *Federally approved clinical trials.* The department shall not approve the issuance of a medical cannabidiol registration card pursuant to this section for a patient who is enrolled in a federally approved clinical trial for the treatment of a debilitating medical condition with medical cannabidiol.

Sec. 8. NEW SECTION. 124E.4A Medical cannabidiol board — duties.

1. a. A medical cannabidiol board is created consisting of eight practitioners representing the fields of neurology, pain management, gastroenterology, oncology, psychiatry, pediatrics, family medicine, and pharmacy, and one representative from law enforcement.
- b. The practitioners shall be licensed in this state and nationally board-certified in their area of specialty and knowledgeable about the use of medical cannabidiol.
- c. Applicants for membership on the board shall submit a membership application to the department and the governor shall appoint members from the applicant pool.
- d. For purposes of this subsection, "*representative from law enforcement*" means a regularly employed member of a police force of a city or county, including a sheriff, or of the state patrol, in this state, who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state.
2. The medical cannabidiol board shall convene at least twice but no more than four times per year.
3. The duties of the medical cannabidiol board shall include but not be limited to the following:
- a. Accepting and reviewing petitions to add medical conditions, medical treatments, or debilitating diseases to the list of debilitating medical conditions for which the medical use of cannabidiol would be medically beneficial under this chapter.
 - b. Making recommendations relating to the removal or addition of debilitating medical conditions to the list of allowable debilitating medical conditions for which the medical use of cannabidiol under this chapter would be medically beneficial.
 - c. Working with the department regarding the requirements for the licensure of medical cannabidiol manufacturers and medical cannabidiol dispensaries, including licensure procedures.
 - d. Advising the department regarding the location of medical cannabidiol manufacturers and medical cannabidiol dispensaries throughout the state.
 - e. Making recommendations relating to the form and quantity of allowable medical uses of cannabidiol.
4. Recommendations made by the medical cannabidiol board pursuant to section 3, paragraphs "b" and "e", shall be made to the board of medicine for consideration, and if approved, shall be adopted by the board of medicine by rule.
5. On or before January 1 of each year, beginning January 1, 2018, the medical cannabidiol board shall submit a report detailing the activities of the board.
6. The medical cannabidiol board may recommend a statutory revision to the definition of medical cannabidiol contained in this chapter that increases the tetrahydrocannabinol level to more than three percent, however, any such recommendation shall be submitted to the general assembly during the regular session of the general assembly following such submission. The general assembly shall have the sole authority to revise the definition of medical cannabidiol for purposes of this chapter.

Sec. 9. NEW SECTION. 124E.5 Medical cannabidiol manufacturer licensure.

1. *a.* The department shall issue a request for proposals to select and license by December 1, 2017, up to two medical cannabidiol manufacturers to manufacture and to possess, cultivate, harvest, transport, package, process, or supply medical cannabidiol within this state consistent with the provisions of this chapter. The department shall license new medical cannabidiol manufacturers or relicense the existing medical cannabidiol manufacturers by December 1 of each year.

b. Information submitted during the application process shall be confidential until a medical cannabidiol manufacturer is licensed by the department unless otherwise protected from disclosure under state or federal law.

2. As a condition for licensure, a medical cannabidiol manufacturer must agree to begin supplying medical cannabidiol to medical cannabidiol dispensaries in this state no later than December 1, 2018.

3. The department shall consider the following factors in determining whether to select and license a medical cannabidiol manufacturer:

a. The technical expertise of the medical cannabidiol manufacturer regarding medical cannabidiol.

b. The qualifications of the medical cannabidiol manufacturer's employees.

c. The long-term financial stability of the medical cannabidiol manufacturer.

d. The ability to provide appropriate security measures on the premises of the medical cannabidiol manufacturer.

e. Whether the medical cannabidiol manufacturer has demonstrated an ability to meet certain medical cannabidiol production needs for medical use regarding the range of recommended dosages for each debilitating medical condition, the range of chemical compositions of any plant of the genus *cannabis* that will likely be medically beneficial for each of the debilitating medical conditions, and the form of the medical cannabidiol in the manner determined by the department pursuant to rule.

f. The medical cannabidiol manufacturer's projection of and ongoing assessment of fees on patients with debilitating medical conditions.

4. The department shall require each medical cannabidiol manufacturer to contract with the state hygienic laboratory at the university of Iowa in Iowa City or an independent medical cannabidiol testing laboratory to perform spot-check testing of the medical cannabidiol produced by the manufacturer as provided in section 124E.6. The department shall require that the laboratory report testing results to the manufacturer in a manner determined by the department pursuant to rule.

5. Each entity submitting an application for licensure as a medical cannabidiol manufacturer shall pay a nonrefundable application fee of seven thousand five hundred dollars to the department.

Sec. 10. NEW SECTION. 124E.6 Medical cannabidiol manufacturers.

1. A medical cannabidiol manufacturer shall contract with the state hygienic laboratory at the university of Iowa in Iowa City or an independent medical cannabidiol testing laboratory to perform spot-check testing of the medical cannabidiol manufactured by the medical cannabidiol manufacturer as to content, contamination, and consistency. The cost of all laboratory testing shall be paid by the medical cannabidiol manufacturer.

2. The operating documents of a medical cannabidiol manufacturer shall include all of the following:

a. Procedures for the oversight of the medical cannabidiol manufacturer and procedures to ensure accurate recordkeeping.

b. Procedures for the implementation of appropriate security measures to deter and prevent the theft of medical cannabidiol and unauthorized entrance into areas containing medical cannabidiol.

3. A medical cannabidiol manufacturer shall implement security requirements, including requirements for protection of each location by a fully operational security alarm system, facility access controls, perimeter intrusion detection systems, and a personnel identification system.

4. A medical cannabidiol manufacturer shall not share office space with, refer patients to, or have any financial relationship with a health care practitioner.

5. A medical cannabidiol manufacturer shall not permit any person to consume medical cannabidiol on the property of the medical cannabidiol manufacturer.

6. A medical cannabidiol manufacturer is subject to reasonable inspection by the department.

7. A medical cannabidiol manufacturer shall not employ a person who is under eighteen years of age or who has been convicted of a disqualifying felony offense. An employee of a medical cannabidiol manufacturer shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check.

8. A medical cannabidiol manufacturer owner shall not have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check.

9. A medical cannabidiol manufacturer shall not operate at the same physical location as a medical cannabidiol dispensary.

10. A medical cannabidiol manufacturer shall not operate in any location, whether for manufacturing, possessing, cultivating, harvesting, transporting, packaging, processing, or supplying, within one thousand feet of a public or private school existing before the date of the medical cannabidiol manufacturer's licensure by the department.

11. A medical cannabidiol manufacturer shall comply with reasonable restrictions set by the department relating to signage, marketing, display, and advertising of medical cannabidiol.

12. *a.* A medical cannabidiol manufacturer shall provide a reliable and ongoing supply of medical cannabidiol to medical cannabidiol dispensaries pursuant to this chapter.

b. All manufacturing, cultivating, harvesting, packaging, and processing of medical cannabidiol shall take place in an enclosed, locked facility at a physical address provided to the department during the licensure process.

c. A medical cannabidiol manufacturer shall not manufacture edible medical cannabidiol products.

Sec. 11. NEW SECTION. 124E.7 Medical cannabidiol dispensary licensure.

1. *a.* The department shall issue a request for proposals to select and license by April 1, 2018, up to five medical cannabidiol dispensaries to dispense medical cannabidiol within this state consistent with the provisions of this chapter. The department shall license new medical cannabidiol dispensaries or relicense the existing medical cannabidiol dispensaries by December 1 of each year.

b. Information submitted during the application process shall be confidential until a medical cannabidiol dispensary is licensed by the department unless otherwise protected from disclosure under state or federal law.

2. As a condition for licensure, a medical cannabidiol dispensary must agree to begin supplying medical cannabidiol to patients by December 1, 2018.

3. The department shall consider the following factors in determining whether to select and license a medical cannabidiol dispensary:

a. The technical expertise of the medical cannabidiol dispensary regarding medical cannabidiol.

b. The qualifications of the medical cannabidiol dispensary's employees.

c. The long-term financial stability of the medical cannabidiol dispensary.

d. The ability to provide appropriate security measures on the premises of the medical cannabidiol dispensary.

e. The medical cannabidiol dispensary's projection and ongoing assessment of fees for the purchase of medical cannabidiol on patients with debilitating medical conditions.

4. Each entity submitting an application for licensure as a medical cannabidiol dispensary shall pay a nonrefundable application fee of five thousand dollars to the department.

Sec. 12. NEW SECTION. 124E.8 Medical cannabidiol dispensaries.

1. *a.* The medical cannabidiol dispensaries shall be located based on geographical need throughout the state to improve patient access.

b. A medical cannabidiol dispensary may dispense medical cannabidiol pursuant to the provisions of this chapter but shall not dispense any medical cannabidiol in a form or quantity other than the form or quantity allowed by the department pursuant to rule.

2. The operating documents of a medical cannabidiol dispensary shall include all of the following:

a. Procedures for the oversight of the medical cannabidiol dispensary and procedures to ensure accurate recordkeeping.

b. Procedures for the implementation of appropriate security measures to deter and prevent the theft of medical cannabidiol and unauthorized entrance into areas containing medical cannabidiol.

3. A medical cannabidiol dispensary shall implement security requirements, including requirements for protection by a fully operational security alarm system, facility access controls, perimeter intrusion detection systems, and a personnel identification system.

4. A medical cannabidiol dispensary shall not share office space with, refer patients to, or have any financial relationship with a health care practitioner.

5. A medical cannabidiol dispensary shall not permit any person to consume medical cannabidiol on the property of the medical cannabidiol dispensary.

6. A medical cannabidiol dispensary is subject to reasonable inspection by the department.

7. A medical cannabidiol dispensary shall not employ a person who is under eighteen years of age or who has been convicted of a disqualifying felony offense. An employee of a medical cannabidiol dispensary shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check.

8. A medical cannabidiol dispensary owner shall not have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check.

9. A medical cannabidiol dispensary shall not operate at the same physical location as a medical cannabidiol manufacturer.

10. A medical cannabidiol dispensary shall not operate in any location within one thousand feet of a public or private school existing before the date of the medical cannabidiol dispensary's licensure by the department.

11. A medical cannabidiol dispensary shall comply with reasonable restrictions set by the department relating to signage, marketing, display, and advertising of medical cannabidiol.

12. Prior to dispensing of any medical cannabidiol, a medical cannabidiol dispensary shall do all of the following:

a. Verify that the medical cannabidiol dispensary has received a valid medical cannabidiol registration card from a patient or a patient's primary caregiver, if applicable.

b. Assign a tracking number to any medical cannabidiol dispensed from the medical cannabidiol dispensary.

c. Properly package medical cannabidiol in compliance with federal law regarding child resistant packaging and exemptions for packaging for elderly patients, and label medical cannabidiol with a list of all active ingredients and individually identifying information.

Sec. 13. NEW SECTION. **124E.9 Fees.**

Medical cannabidiol registration card fees and medical cannabidiol manufacturer and medical cannabidiol dispensary application and annual fees collected by the department pursuant to this chapter shall be retained by the department, shall be considered repayment receipts as defined in section 8.2, and shall be used for the purpose of regulating medical cannabidiol manufacturers and medical cannabidiol dispensaries, for the cost of salaries for two agents of the division of criminal investigation of the department of public safety to inspect medical cannabidiol manufacturers and medical cannabidiol dispensaries, and for other expenses necessary for the administration of this chapter.

Sec. 14. NEW SECTION. **124E.10 Department duties — rules.**

1. a. The department shall maintain a confidential file of the names of each patient to or for whom the department issues a medical cannabidiol registration card and the name of

each primary caregiver to whom the department issues a medical cannabidiol registration card under section 124E.4.

b. Individual names contained in the file shall be confidential and shall not be subject to disclosure, except as provided in subparagraph (1).

(1) Information in the confidential file maintained pursuant to paragraph “a” may be released on an individual basis to the following persons under the following circumstances:

(a) To authorized employees or agents of the department and the department of transportation as necessary to perform the duties of the department and the department of transportation pursuant to this chapter.

(b) To authorized employees of law enforcement agencies of a state or political subdivision thereof, but only for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to this chapter.

(c) To authorized employees of a medical cannabidiol dispensary, but only for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to this chapter.

(d) To any other authorized persons recognized by the department by rule, but only for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to this chapter.

(2) Release of information pursuant to subparagraph (1) shall be consistent with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.

2. The department shall adopt rules pursuant to chapter 17A to administer this chapter which shall include but not be limited to rules to do all of the following:

a. Govern the manner in which the department shall consider applications for new and renewal medical cannabidiol registration cards.

b. Ensure that the medical cannabidiol registration card program operates on a self-sustaining basis.

c. Establish the form and quantity of medical cannabidiol allowed to be dispensed to a patient or primary caregiver pursuant to this chapter as appropriate to serve the medical needs of patients with debilitating medical conditions, subject to recommendation by the medical cannabidiol board and approval by the board of medicine.

d. Establish requirements for the licensure of medical cannabidiol manufacturers and medical cannabidiol dispensaries and set forth procedures for medical cannabidiol manufacturers and medical cannabidiol dispensaries to obtain licenses.

e. Develop a dispensing system for medical cannabidiol within this state that provides for all of the following:

(1) Medical cannabidiol dispensaries within this state housed on secured grounds and operated by licensed medical cannabidiol dispensaries.

(2) The dispensing of medical cannabidiol to patients and their primary caregivers to occur at locations designated by the department.

f. Establish and collect annual fees from medical cannabidiol manufacturers and medical cannabidiol dispensaries to cover the costs associated with regulating and inspecting medical cannabidiol manufacturers and medical cannabidiol dispensaries.

g. Specify and implement procedures that address public safety including security procedures and product quality including measures to ensure contaminant-free cultivation of medical cannabidiol, safety, and labeling.

h. Establish and implement a real-time, statewide medical cannabidiol registry management sale tracking system that is available to medical cannabidiol dispensaries on a twenty-four-hour-a-day, seven-day-a-week basis for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to this chapter and for tracking the date of the sale and quantity of medical cannabidiol purchased by a patient or a primary caregiver.

i. Establish and implement a medical cannabidiol inventory and delivery tracking system to track medical cannabidiol from production by a medical cannabidiol manufacturer through dispensing at a medical cannabidiol dispensary.

Sec. 15. NEW SECTION. 124E.11 Use of medical cannabidiol — affirmative defenses.

1. A health care practitioner, including any authorized agent or employee thereof, shall not be subject to prosecution for the unlawful certification, possession, or administration of marijuana under the laws of this state for activities arising directly out of or directly related to the certification or use of medical cannabidiol in the treatment of a patient diagnosed with a debilitating medical condition as authorized by this chapter.

2. A medical cannabidiol manufacturer, including any authorized agent or employee thereof, shall not be subject to prosecution for manufacturing, possessing, cultivating, harvesting, transporting, packaging, processing, or supplying medical cannabidiol pursuant to this chapter.

3. A medical cannabidiol dispensary, including any authorized agent or employee thereof, shall not be subject to prosecution for dispensing medical cannabidiol pursuant to this chapter.

4. *a.* In a prosecution for the unlawful possession of marijuana under the laws of this state for the possession of medical cannabidiol, including but not limited to chapters 124 and 453B, it is an affirmative and complete defense to the prosecution that the patient has been diagnosed with a debilitating medical condition, used or possessed medical cannabidiol pursuant to a certification by a health care practitioner as authorized under this chapter, and, for a patient eighteen years of age or older, is in possession of a valid medical cannabidiol registration card issued pursuant to this chapter.

b. In a prosecution for the unlawful possession of marijuana under the laws of this state for the possession of medical cannabidiol, including but not limited to chapters 124 and 453B, it is an affirmative and complete defense to the prosecution that the person possessed medical cannabidiol because the person is a primary caregiver of a patient who has been diagnosed with a debilitating medical condition and is in possession of a valid medical cannabidiol registration card issued pursuant to this chapter, and where the primary caregiver's possession of the medical cannabidiol is on behalf of the patient and for the patient's use only as authorized under this chapter.

c. If a patient or primary caregiver is charged with the unlawful possession of marijuana under the laws of this state for the possession of medical cannabidiol, including but not limited to chapters 124 and 453B, and is not in possession of the person's medical cannabidiol registration card, any charge or charges filed against the person for the possession of medical cannabidiol shall be dismissed by the court if the person produces to the court prior to or at the person's trial a medical cannabidiol registration card issued to that person and valid at the time the person was charged.

5. An agency of this state or a political subdivision thereof, including any law enforcement agency, shall not remove or initiate proceedings to remove a patient under the age of eighteen from the home of a parent based solely upon the parent's or patient's possession or use of medical cannabidiol as authorized under this chapter.

6. The department, the department of transportation, and any health care practitioner, including any authorized agent or employee thereof, are not subject to any civil or disciplinary penalties by the board of medicine or any business, occupational, or professional licensing board or entity, solely for activities conducted relating to a patient's possession or use of medical cannabidiol as authorized under this chapter. Nothing in this section affects a professional licensing board from taking action in response to violations of any other section of law.

7. Notwithstanding any law to the contrary, the department, the department of transportation, the governor, or any employee of any state agency shall not be held civilly or criminally liable for any injury, loss of property, personal injury, or death caused by any act or omission while acting within the scope of office or employment as authorized under this chapter.

8. An attorney shall not be subject to disciplinary action by the Iowa supreme court or attorney disciplinary board for providing legal assistance to a patient, primary caregiver, or others based upon a patient's or primary caregiver's possession or use of medical cannabidiol as authorized under this chapter.

9. Possession of a medical cannabidiol registration card or an application for a medical cannabidiol registration card by a person entitled to possess or apply for a medical cannabidiol registration card shall not constitute probable cause or reasonable suspicion,

and shall not be used to support a search of the person or property of the person possessing or applying for the medical cannabidiol registration card, or otherwise subject the person or property of the person to inspection by any governmental agency.

Sec. 16. NEW SECTION. **124E.12 Medical cannabidiol source.**

Medical cannabidiol provided exclusively pursuant to a written certification of a health care practitioner, if not legally available in this state or from any other bordering state, shall be obtained from an out-of-state source.

Sec. 17. NEW SECTION. **124E.13 Out-of-state medical cannabidiol dispensaries.**

The department of public health shall utilize a request for proposals process to select and license by December 1, 2017, up to two out-of-state medical cannabidiol dispensaries from a bordering state to sell and dispense medical cannabidiol to a patient or primary caregiver in possession of a valid medical cannabidiol registration card issued under this chapter.

Sec. 18. NEW SECTION. **124E.14 Iowa patients and primary caregivers registering in the state of Minnesota.**

A patient or a primary caregiver with a valid medical cannabidiol registration card issued pursuant to this chapter may register in the state of Minnesota as a visiting qualified patient or primary caregiver and may register with one or more medical cannabis manufacturers registered under the laws of Minnesota.

Sec. 19. NEW SECTION. **124E.15 Penalties.**

1. A person who knowingly or intentionally possesses or uses medical cannabidiol in violation of the requirements of this chapter is subject to the penalties provided under chapters 124 and 453B.

2. A medical cannabidiol manufacturer or a medical cannabidiol dispensary shall be assessed a civil penalty of up to one thousand dollars per violation for any violation of this chapter in addition to any other applicable penalties.

Sec. 20. NEW SECTION. **124E.16 Use of medical cannabidiol — smoking prohibited.**

A patient shall not consume medical cannabidiol possessed or used as authorized under this chapter by smoking medical cannabidiol.

Sec. 21. NEW SECTION. **124E.17 Reciprocity.**

A valid medical cannabidiol registration card, or its equivalent, issued under the laws of another state that allows an out-of-state patient to possess or use medical cannabidiol in the jurisdiction of issuance shall have the same force and effect as a valid medical cannabidiol registration card issued pursuant to this chapter, except that an out-of-state patient in this state shall not obtain medical cannabidiol from a medical cannabidiol dispensary in this state.

Sec. 22. Section 730.5, subsection 11, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* Testing or taking action against an individual with a confirmed positive test result due to the individual's use of medical cannabidiol as authorized under chapter 124E.

Sec. 23. REPEAL. Chapter 124D, Code 2017, is repealed.

Sec. 24. TRANSITION PROVISIONS. A medical cannabidiol registration card issued under chapter 124D prior to the effective date of this Act, remains effective and continues in effect as issued for the twelve-month period following its issuance. This Act does not preclude the medical cannabidiol registration cardholder from seeking to renew the holder's medical cannabidiol registration card under this Act prior to the expiration of the twelve-month period.

Sec. 25. EFFECTIVE UPON ENACTMENT. This Act, being of immediate importance, takes effect upon enactment.

Approved May 12, 2017

CHAPTER 163

APPROPRIATION REDUCTIONS, TRANSFERS, AND SUPPLEMENTALS

S.F. 130

AN ACT relating to public funding and regulatory matters and making, reducing, transferring, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2016, and including effective date provisions.

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

DIVISION I APPROPRIATION REDUCTIONS

Section 1. EXECUTIVE BRANCH APPROPRIATION REDUCTIONS.

1. For the period beginning on the effective date of this section and ending on June 30, 2017, the following departments, agencies, and entities, and the judicial branch are subject to a reduction in expenditures made from appropriations from the general fund in the following amounts:

a. Department of administrative services	\$	262,226
.....		
b. Department of human rights	\$	87,571
.....		
c. Department of inspections and appeals	\$	300,000
.....		
In identifying and implementing the reduction pursuant to this paragraph, the director of the department shall be authorized to make allocations between department divisions in the manner and to the extent as the director determines appropriate, in consultation with the department of management.		
d. Public information board	\$	75,000
.....		
e. Department of revenue	\$	1,200,000
.....		
f. Department of agriculture and land stewardship	\$	400,000
.....		
g. Department of natural resources	\$	1,300,000
.....		
h. Department of cultural affairs	\$	210,958
.....		
i. Iowa economic development authority	\$	700,000
.....		
j. Iowa workforce development	\$	500,000
.....		
k. College student aid commission	\$	390,984
.....		
l. Department of education	\$	4,527,270
.....		
m. Iowa public television	\$	200,000
.....		

n. Community colleges	\$	3,000,000
o. State university of Iowa	\$	8,000,000
p. Iowa state university of science and technology	\$	8,000,000
q. University of northern Iowa	\$	2,000,000
r. Department on aging	\$	400,000
s. Department of public health	\$	2,000,000
t. Department of human services	\$	3,826,536
u. Iowa veterans home	\$	200,000
v. Department of justice	\$	598,425
w. Department of corrections	\$	5,500,000
x. Judicial branch	\$	3,000,000
y. Department of public safety	\$	1,000,000
z. State public defender	\$	457,481
aa. Department of public defense	\$	241,096

2. The department of management, in consultation with the departments, agencies, and entities, and the judicial branch listed in subsection 1, shall identify and implement the reductions in subsection 1 with respect to the appropriate general fund appropriations. Within fifteen days of the effective date of this section, the department of management shall transmit a report to the general assembly and legislative services agency listing the appropriation reductions applied.

3. Notwithstanding section 8.62, the departments, agencies, and entities, and the judicial branch reducing expenditures pursuant to subsection 1 may use moneys received for training and technology for the fiscal year beginning July 1, 2016, to implement such reductions.

4. In order to implement the reductions in subsection 1, the departments, agencies, and entities, and the judicial branch may adjust allocations made from appropriations that are being reduced.

5. In order to implement the reductions in subsection 1, the department of management may reduce a standing appropriation to a department, agency, or entity required to reduce expenditures pursuant to subsection 1.

DIVISION II SUPPLEMENTAL APPROPRIATION

Sec. 2. INDIGENT DEFENSE. 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 amount, or so much thereof as is necessary to supplement appropriations made for the following designated purpose:

For payments on behalf of eligible adults and juveniles from the indigent defense fund in accordance with section 815.11:	\$	4,300,000
---	----	-----------

DIVISION III
MISCELLANEOUS TRANSFERS AND ALLOCATIONS

Sec. 3. TRANSFERS.

1. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amounts shall be transferred from the identified funds to the general fund of the state:

- a. From the Iowa cultural trust fund established in section 303A.4, notwithstanding section 303A.4, subsection 4, paragraph “a”:
..... \$ 6,135,000
- b. From the strategic investment fund established in section 15.313:
..... \$ 1,000,000
- c. From the innovation and commercialization development fund established in section 15.412:
..... \$ 2,000,000
- d. From the economic development energy projects fund established under section 15.106A, subsection 1, paragraph “o”:
..... \$ 2,000,000
- e. From the grow Iowa values fund established under section 15.106A, subsection 1, paragraph “o”:
..... \$ 12,000,000
- f. From the federal economic stimulus and jobs holding fund created by 2004 Iowa Acts, First Extraordinary Session, chapter 1002, section 2:
..... \$ 2,000,000

2. The transfers required by this section shall be made on the effective date of this section.

Sec. 4. OPEN SPACES ACCOUNT — PARK MAINTENANCE. Of the Iowa resources enhancement and protection fund moneys allocated to the open spaces account pursuant to section 455A.19, subsection 1, paragraph a, subparagraph (1), \$1,000,000 shall be used for state park maintenance from the effective date of this section through the close of the fiscal year ending June 30, 2017.

Sec. 5. IOWA VETERANS HOME CARRYOVER SURPLUS — TRANSFER. Notwithstanding section 35D.18, subsection 5, from any moneys that remain unencumbered or unobligated from amounts appropriated for the fiscal year beginning July 1, 2015, and ending June 30, 2016, \$350,195 is transferred to the college student aid commission for purposes of the national guard educational assistance program established in section 261.86.

DIVISION IV
MISCELLANEOUS REDUCTIONS, REALLOCATIONS, AND ADJUSTMENTS TO HEALTH AND HUMAN SERVICES-RELATED APPROPRIATIONS

Sec. 6. 2015 Iowa Acts, chapter 137, section 126, subsections 1, 4, 6, and 12, as amended by 2016 Iowa Acts, chapter 1139, section 6, are amended to read as follows:

- 1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:
..... \$ 5,112,462
..... 15,112,462
- 4. For field operations:
..... \$ 35,774,331
..... 38,774,331
- 6. For state child care assistance:
..... \$ 46,866,826
..... 49,866,826

a. Of the funds appropriated in this subsection, \$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, \$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.

12. For the family investment program share of the costs to continue to develop and maintain a new, integrated eligibility determination system:

..... \$ 5,654,880
0

Sec. 7. 2015 Iowa Acts, chapter 137, section 128, unnumbered paragraphs 1 and 2, as amended by 2016 Iowa Acts, chapter 1139, section 8, are amended to read as follows:

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:

..... \$ 48,673,875
36,600,196

Sec. 8. 2015 Iowa Acts, chapter 137, section 132, unnumbered paragraph 2, as amended by 2016 Iowa Acts, chapter 1139, section 10, 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, 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:

..... \$ 1,318,246,446
1,304,390,737

Sec. 9. 2015 Iowa Acts, chapter 137, section 132, subsection 12, paragraph a, unnumbered paragraph 1, as amended by 2016 Iowa Acts, chapter 1139, section 10, is amended to read as follows:

Of the funds appropriated in this section, \$3,000,000 is allocated for the state match for a disproportionate share hospital payment of \$6,861,848 to The 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 \$19,771,582~~ \$26,633,430. The hospitals that meet the conditions specified shall receive and retain 100 percent of the total disproportionate share hospital payment of \$26,633,430.

Sec. 10. 2015 Iowa Acts, chapter 137, section 132, subsection 21, as amended by 2016 Iowa Acts, chapter 1139, section 10, is amended to read as follows:

21. Of the funds appropriated in this section, ~~\$250,000~~ \$100,000 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.

Sec. 11. 2015 Iowa Acts, chapter 137, section 134, subsection 1, as amended by 2016 Iowa Acts, chapter 1139, section 12, is amended to read as follows:

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:

.....	\$	11,611,442
		<u>10,722,135</u>

Sec. 12. 2015 Iowa Acts, chapter 137, section 135, subsection 1, as amended by 2016 Iowa Acts, chapter 1139, section 13, is amended to read as follows:

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:

.....	\$	9,176,652
		<u>9,435,831</u>

Sec. 13. 2015 Iowa Acts, chapter 137, section 136, unnumbered paragraph 2, as amended by 2016 Iowa Acts, chapter 1139, section 14, is amended to read as follows:

For child care programs:

.....	\$	36,389,561
		<u>33,389,561</u>

Sec. 14. 2015 Iowa Acts, chapter 137, section 143, as amended by 2016 Iowa Acts, chapter 1139, section 20, 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:

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:

.....	\$	14,644,041
		<u>14,658,594</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:

.....	\$	18,552,103
		<u>18,589,015</u>
.....	FTEs	233.00

Sec. 15. 2015 Iowa Acts, chapter 137, section 145, subsection 1, as amended by 2016 Iowa Acts, chapter 1139, section 22, is amended to read as follows:

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:

.....	\$	10,193,079
		<u>10,671,957</u>
.....	FTEs	132.50

Sec. 16. 2015 Iowa Acts, chapter 137, section 146, subsection 1, unnumbered paragraph 2, as amended by 2016 Iowa Acts, chapter 1139, section 23, is amended to read as follows:

For field operations, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	54,442,877
		<u>51,442,877</u>
.....	FTEs	1,837.00

Sec. 17. AUTISM SUPPORT FUND — TRANSFER. Notwithstanding section 225D.2, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, of the \$2,000,000 credited to the autism support fund, \$1,100,000 is transferred to the department of human services to supplement the appropriation in 2015 Iowa Acts, chapter 137, section 143, as amended by 2016 Iowa Acts, chapter 1139, section 20, for the state mental health institute at Independence, for the fiscal year beginning July 1, 2016, and ending June 30, 2017.

DIVISION V
MISCELLANEOUS REDUCTIONS

Sec. 18. OPERATIONAL EXPENDITURE REDUCTIONS. The amounts appropriated from the general fund of the state to the departments and establishments of the executive branch, as defined in section 8.2, for operational purposes in enactments made for the fiscal year beginning July 1, 2016, and ending June 30, 2017, are reduced by \$11,500,000 for the period beginning on the effective date of this section and ending on June 30, 2017. For purposes of this section, “operational purposes” include but are not limited to state agency office supplies, outside services purchases, equipment purchases, printing and binding, information technology, marketing, and state employee travel. Operational expenses may also include a moratorium on filling vacant or newly created positions of employment for the period beginning March 1, 2017, and ending June 30, 2017. The reductions to operational appropriations required by this section shall be applied by the department of management in consultation with each department. The department shall submit a report to the general assembly and the legislative services agency regarding anticipated reductions for operational purposes within thirty days of the effective date of this section.

Sec. 19. LEGISLATORS’ PER DIEM FOR THE 2017 REGULAR SESSION. Notwithstanding section 2.10, subsection 1, to the contrary, members of the Eighty-seventh General Assembly shall be limited to the receipt of a per diem for expenses of office for the First Regular Session convening in 2017 for a maximum of one hundred calendar days rather than one hundred ten calendar days.

Sec. 20. GENERAL ASSEMBLY AND LEGISLATIVE STAFF TRAVEL. For the period beginning on the effective date of this section through the close of the fiscal year ending on June 30, 2017, costs for out-of-state travel and per diems for out-of-state travel for members of the general assembly, and costs for out-of-state travel for general assembly staff members, shall not be paid from moneys appropriated pursuant to section 2.12.

Sec. 21. 2015 Iowa Acts, chapter 138, section 5A, subsection 1, as enacted by 2016 Iowa Acts, chapter 1138, section 2, is amended to read as follows:

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
		<u>6,000,000</u>

DIVISION VI
EFFECTIVE DATE PROVISIONS

Sec. 22. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 1, 2017

CHAPTER 164
APPROPRIATIONS — TRANSPORTATION
S.F. 497

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 and the primary road fund.

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

DIVISION I
FY 2017-2018

Section 1. 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, 2017, and ending June 30, 2018, 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:

..... \$ 3,876,000

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:

..... \$ 6,700,146

b. Planning:

..... \$ 449,539

c. Motor vehicles:

..... \$ 36,010,205

d. Performance and technology:

..... \$ 525,340

3. For payments to the department of administrative services for utility services:

..... \$ 259,560

4. For unemployment compensation:

..... \$ 7,000

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:

..... \$ 175,480

6. For payment to the general fund of the state for indirect cost recoveries:

..... \$ 90,000

7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:

..... \$ 84,882

8. For automation, telecommunications, and related costs associated with the county issuance of driver's licenses and vehicle registrations and titles:

..... \$ 1,406,000

9. For costs associated with the participation in the Mississippi river parkway commission:

..... \$ 40,000

10. For costs associated with the traffic and criminal software program and the mobile architecture and communications handling program:

..... \$ 300,000

11. For motor vehicle division field facility maintenance projects at various locations:

..... \$ 300,000

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.

12. For the replacement of the Dubuque maintenance garage:

..... \$ 600,000

Sec. 2. 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, 2017, and ending June 30, 2018, 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:
 \$ 41,158,042
 FTEs 259.00

b. Planning:
 \$ 8,541,231
 FTEs 97.00

c. Highways:
 \$ 245,060,911
 FTEs 1,962.00

d. Motor vehicles:
 \$ 1,500,425
 FTEs 395.00

e. Performance and technology:
 \$ 3,223,650
 FTEs 35.00

2. For payments to the department of administrative services for utility services:
 \$ 1,594,440

3. For unemployment compensation:
 \$ 138,000

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:
 \$ 4,211,524

5. For disposal of hazardous wastes from field locations and the central complex:
 \$ 800,000

6. For payment to the general fund of the state for indirect cost recoveries:
 \$ 660,000

7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:
 \$ 521,418

8. For inventory and equipment replacement:
 \$ 10,535,000

9. For utility improvements at various locations:	\$	400,000
10. For roofing projects at various locations:	\$	500,000
11. For heating, cooling, and exhaust system improvements at various locations:	\$	700,000
12. For deferred maintenance projects at field facilities throughout the state:	\$	1,700,000
13. For maintenance projects at rest area facilities throughout the state:	\$	250,000
14. For improvements related to compliance with the federal Americans with Disabilities Act to facilities throughout the state:	\$	150,000
15. For the replacement of the Dubuque maintenance garage:	\$	10,200,000
16. For renovations to the Adair maintenance garage:	\$	1,478,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 9 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.

DIVISION II
FY 2018-2019

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, 2018, and ending June 30, 2019, 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
-------	----	-----------

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:

.....	\$	3,350,073
-------	----	-----------

b. Planning:

.....	\$	224,770
-------	----	---------

c. Motor vehicles:

.....	\$	18,005,103
-------	----	------------

d. Performance and technology:

.....	\$	262,670
-------	----	---------

3. For payments to the department of administrative services for utility services:

.....	\$	129,780
-------	----	---------

4. For unemployment compensation:

.....	\$	3,500
-------	----	-------

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:

.....	\$	87,740
-------	----	--------

6. For payment to the general fund of the state for indirect cost recoveries:

.....	\$	45,000
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:		
.....	\$	43,659
8. For automation, telecommunications, and related costs associated with the county issuance of driver's licenses and vehicle registrations and titles:		
.....	\$	703,000
9. For costs associated with the participation in the Mississippi river parkway commission:		
.....	\$	20,000
10. For costs associated with the traffic and criminal software program and the mobile architecture and communications handling program:		
.....	\$	150,000
11. For motor vehicle division field facility maintenance projects at various locations:		
.....	\$	150,000

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. 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, 2018, and ending June 30, 2019, 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:

.....	\$	20,579,021
.....	FTEs	259.00

b. Planning:

.....	\$	4,270,616
.....	FTEs	97.00

c. Highways:

.....	\$	122,985,456
.....	FTEs	1,962.00

d. Motor vehicles:

.....	\$	750,213
.....	FTEs	395.00

e. Performance and technology:

.....	\$	1,611,825
.....	FTEs	35.00

2. For payments to the department of administrative services for utility services:

.....	\$	797,220
-------	----	---------

3. For unemployment compensation:

.....	\$	69,000
-------	----	--------

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:

.....	\$	2,105,762
-------	----	-----------

5. For disposal of hazardous wastes from field locations and the central complex:

.....	\$	400,000
-------	----	---------

6. For payment to the general fund of the state for indirect cost recoveries:

.....	\$	330,000
-------	----	---------

7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:

.....	\$	268,191
-------	----	---------

8. For costs associated with producing transportation maps:

.....	\$	121,000
9. For inventory and equipment replacement:		
.....	\$	5,232,500
10. For utility improvements at various locations:		
.....	\$	200,000
11. For roofing projects at various locations:		
.....	\$	250,000
12. For heating, cooling, and exhaust system improvements at various locations:		
.....	\$	350,000
13. For deferred maintenance projects at field facilities throughout the state:		
.....	\$	850,000
14. For maintenance projects at rest area facilities throughout the state:		
.....	\$	125,000
15. For improvements related to compliance with the federal Americans with Disabilities Act to facilities throughout the state:		
.....	\$	75,000
16. For renovations to the Waterloo maintenance garage:		
.....	\$	895,000

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.

Approved April 21, 2017

CHAPTER 165

FEDERAL BLOCK GRANT APPROPRIATIONS AND OTHER FEDERAL FUNDING

S.F. 498

AN ACT appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective date and retroactive applicability provisions.

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

Section 1. SUBSTANCE ABUSE APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the department of public health for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2017-2018:	\$	13,093,348
FFY 2018-2019:	\$	13,093,348

a. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 6A, subch. XVII, part B, subpart ii, which provides for the prevention and treatment of substance abuse block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

b. Of the funds appropriated for each federal fiscal year in this subsection, an amount not exceeding 5 percent shall be used by the department for administrative expenses.

c. (1) For the state fiscal year beginning July 1, 2017, the department shall expend no less than an amount equal to the amount expended for treatment services in the state fiscal year beginning July 1, 2016, for pregnant women and women with dependent children.

(2) For the state fiscal year beginning July 1, 2018, the department shall expend no less than an amount equal to the amount expended for treatment services in the state fiscal year beginning July 1, 2017, for pregnant women and women with dependent children.

2. At least 20 percent of the funds remaining from the appropriation made in subsection 1 for each federal fiscal year shall be allocated for prevention programs.

3. In implementing the federal prevention and treatment of substance abuse block grant under 42 U.S.C., ch. 6A, subch. XVII, and any other applicable provisions of the federal Public Health Service Act under 42 U.S.C., ch. 6A, the department shall apply the provisions of Pub. L. No. 106-310, §3305, as codified in 42 U.S.C. §300x-65, relating to services under such federal law being provided by religious and other nongovernmental organizations.

Sec. 2. COMMUNITY MENTAL HEALTH SERVICES APPROPRIATION.

1. a. There is appropriated from the fund created by section 8.41 to the department of human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2017-2018:	\$	4,067,863
FFY 2018-2019:	\$	4,067,863

b. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 6A, subch. XVII, part B, subpart i, which provides for the community mental health services block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

c. The department shall allocate not less than 95 percent of the amount of the block grant each federal fiscal year for eligible community mental health services for carrying out the plan submitted to and approved by the federal substance abuse and mental health services administration for the fiscal year involved.

d. Of the amount allocated to eligible services providers in paragraph “c”, 70 percent of the amount each federal fiscal year shall be distributed to the state’s accredited community mental health centers established in accordance with chapter 230A or applicable administrative rule. If a mental health services provider was designated as authorized in section 230A.107, subsection 2, the provider remains eligible to receive funding distributed pursuant to this paragraph as a community mental health center. The funding distributed shall be used by recipients of the funding for the purpose of staff training or services to adults with a serious mental illness and children with a serious emotional disturbance. The distribution amounts shall be announced at the beginning of the federal fiscal year and distributed on a quarterly basis. Recipients shall submit quarterly reports containing data consistent with the performance measures approved by the federal substance abuse and mental health services administration.

2. An amount not exceeding 5 percent of the funds appropriated in subsection 1 for each federal fiscal year shall be used by the department of human services for administrative expenses. From the funds set aside by this subsection for administrative expenses, the department shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the funds appropriated in subsection 1. The auditor of state shall bill the department for the costs of the audits.

Sec. 3. MATERNAL AND CHILD HEALTH SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of public health for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2017-2018:	\$	6,495,727
FFY 2018-2019:	\$	6,495,727

a. The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 7, subch. V, which provides for the maternal and child health services block grant. The

department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

b. Funds appropriated in this subsection shall not be used by the university of Iowa hospitals and clinics for indirect costs.

2. An amount not exceeding 10 percent of the funds appropriated in subsection 1 for each federal fiscal year shall be used by the department of public health for administrative expenses.

3. The departments of public health, human services, and education and the university of Iowa’s mobile and regional child health specialty clinics shall continue to pursue to the maximum extent feasible the coordination and integration of services to women and children.

4. a. Sixty-three percent of the amount remaining after the allocation made in subsection 2 for each federal fiscal year shall be allocated to supplement appropriations for maternal and child health programs within the department of public health. Of these funds, the following amounts shall be set aside for the statewide perinatal care program for the following federal fiscal years:

FFY 2017-2018:	\$	300,291
FFY 2018-2019:	\$	300,291

b. Thirty-seven percent of the amount remaining after the allocation made in subsection 2 for each federal fiscal year shall be allocated to the university of Iowa hospitals and clinics under the control of the state board of regents for mobile and regional child health specialty clinics. The university of Iowa hospitals and clinics shall not receive an allocation for indirect costs from the funds for this program. Priority shall be given to establishment and maintenance of a statewide system of mobile and regional child health specialty clinics.

5. The department of public health shall administer the statewide maternal and child health program and the disabled children’s program by conducting mobile and regional child health specialty clinics and conducting other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential handicapping conditions and chronic illnesses in accordance with the requirements of Tit. V of the federal Social Security Act.

Sec. 4. PREVENTIVE HEALTH AND HEALTH SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of public health for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2017-2018:	\$	1,702,233
FFY 2018-2019:	\$	1,702,233

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 6A, subch. XVII, part A, which provides for the preventive health and health services block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Of the funds appropriated in subsection 1 for each federal fiscal year, an amount not exceeding 10 percent shall be used by the department for administrative expenses.

3. Of the funds appropriated in subsection 1 for each federal fiscal year, the specific amount of funds stipulated by the notice of the block grant award shall be allocated for services to victims of sex offenses and for rape prevention education.

4. After deducting the funds allocated in subsections 2 and 3, the remaining funds appropriated in subsection 1 for each federal fiscal year may be used by the department for healthy people 2020 and Iowa’s health improvement plan 2012-2016 program objectives, preventive health advisory committee, and risk reduction services, including nutrition programs, health incentive programs, chronic disease services, emergency medical services, monitoring of the fluoridation program and start-up fluoridation grants, and acquired immune deficiency syndrome services. The moneys specified in this subsection shall not be used by the university of Iowa hospitals and clinics or by the state hygienic laboratory for the funding of indirect costs.

Sec. 5. STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the department of justice for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2017-2018:	\$	1,760,043
FFY 2018-2019:	\$	1,760,043

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated fiscal years under 42 U.S.C., ch. 46, subch. XII-H which provides for grants to combat violent crimes against women. The department of justice shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding 10 percent of the funds appropriated in subsection 1 shall be used by the department of justice for administrative expenses. From the funds set aside by this subsection for administrative expenses, the department shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1.

Sec. 6. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS FORMULA GRANT PROGRAM. There is appropriated from the fund created by section 8.41 to the governor's office of drug control policy for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2017-2018:	\$	94,916
FFY 2018-2019:	\$	94,916

The appropriations made in this section are the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 46, subch. XII-G, which provides grants for substance abuse treatment programs in state and local correctional facilities. The drug policy coordinator shall expend the funds appropriated in this section as provided in federal law making the funds available and in conformance with chapter 17A.

Sec. 7. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM APPROPRIATION. There is appropriated from the fund created by section 8.41 to the governor's office of drug control policy for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2017-2018:	\$	1,823,729
FFY 2018-2019:	\$	1,823,729

The appropriations made in this section are in the amounts anticipated to be received from the federal government for the designated fiscal years under 42 U.S.C., ch. 46, subch. V, which provides for the Edward Byrne memorial justice assistance grant program. The drug policy coordinator shall expend the funds appropriated in this section as provided in the federal law making the funds available and in conformance with chapter 17A.

Sec. 8. COMMUNITY SERVICES APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the division of community action agencies of the department of human rights for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2017-2018:	\$	7,702,858
FFY 2018-2019:	\$	7,702,858

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 106, which provides for the community services block grant. The division of community action agencies of the department of human rights shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

b. Each federal fiscal year, the administrator of the division of community action agencies of the department of human rights shall allocate not less than 96 percent of the amount of the block grants to eligible community action agencies for programs benefiting low-income persons. Each eligible agency shall receive a minimum allocation of not less than \$100,000.

The minimum allocation shall be achieved by redistributing increased funds from agencies experiencing a greater share of available funds. The funds shall be distributed on the basis of the poverty-level population in the area represented by the community action areas compared to the size of the poverty-level population in the state.

2. An amount not exceeding 4 percent of the funds appropriated in subsection 1 for each federal fiscal year shall be used by the division of community action agencies of the department of human rights for administrative expenses. From the funds set aside by this subsection for administrative expenses, the division of community action agencies of the department of human rights shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the funds appropriated in subsection 1. The auditor of state shall bill the division of community action agencies for the costs of the audits.

Sec. 9. COMMUNITY DEVELOPMENT APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the economic development authority for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2017-2018:	\$	22,500,000
FFY 2018-2019:	\$	22,500,000

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 69, which provides for community development block grants. The economic development authority shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. a. An amount not exceeding \$1,000,000 for the federal fiscal year beginning October 1, 2017, shall be used by the economic development authority for administrative expenses for the community development block grant. The total amount used for administrative expenses includes \$550,000 for the federal fiscal year beginning October 1, 2017, of funds appropriated in subsection 1 and a matching contribution from the state equal to \$450,000 from the appropriation of state funds for the community development block grant and state appropriations for related activities of the economic development authority. From the funds set aside for administrative expenses by this subsection, the economic development authority shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the funds appropriated in subsection 1. The auditor of state shall bill the authority for the costs of the audit.

b. An amount not exceeding \$1,000,000 for the federal fiscal year beginning October 1, 2018, shall be used by the economic development authority for administrative expenses for the community development block grant. The total amount used for administrative expenses includes \$550,000 for the federal fiscal year beginning October 1, 2018, of funds appropriated in subsection 1 and a matching contribution from the state equal to \$450,000 from the appropriation of state funds for the community development block grant and state appropriations for related activities of the economic development authority. From the funds set aside for administrative expenses by this subsection, the economic development authority shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the funds appropriated in subsection 1. The auditor of state shall bill the authority for the costs of the audit.

Sec. 10. COMMUNITY DEVELOPMENT APPROPRIATION — DISASTER RELIEF.

1. There is appropriated from the fund created by section 8.41 to the economic development authority for the federal fiscal year beginning October 1, 2017, and ending September 30, 2018, the following amount:

.....	\$	96,887,177
-------	----	------------

The appropriation made in this subsection is in the amount anticipated to be received from the federal government for the designated federal fiscal year under Pub. L. No. 113-2, Disaster Relief Appropriations Act of 2013.

2. The economic development authority shall expend the funds appropriated in this section to make Iowa communities more resilient to flooding and improve Iowa's water quality as provided in the federal law making the funds available and in conformance with chapter 17A.

3. An amount not exceeding 3 percent of the funds appropriated in subsection 1 shall be used by the authority for administrative expenses. From the funds set aside by this subsection for administrative expenses, the authority shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1.

Sec. 11. 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 years beginning October 1, and ending September 30, the following amounts:

FFY 2017-2018:	\$	152,500,000
FFY 2018-2019:	\$	155,200,000

The appropriations made in this section are the amounts anticipated to be received from the federal government for the designated fiscal years under 23 U.S.C., ch. 23, sec. 133,¹ 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.

Sec. 12. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the division of community action agencies of the department of human rights for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2017-2018:	\$	52,905,010
FFY 2018-2019:	\$	52,905,010

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 94, subch. II, which provides for the low-income home energy assistance block grants. The division of community action agencies of the department of human rights shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Up to 15 percent, or up to 25 percent if a waiver is approved by the United States department of health and human services, of the amount appropriated in this section that is actually received for each federal fiscal year shall be used for residential weatherization or other related home repairs for low-income households. Of this allocation amount, not more than 10 percent may be used for administrative expenses.

3. After subtracting the allocation in subsection 2, up to 10 percent of the remaining moneys for each federal fiscal year are allocated for administrative expenses of the low-income home energy assistance program of which \$377,000 is allocated each federal fiscal year for administrative expenses of the division. The costs of auditing the use and administration of the portion of the appropriation in this section that is retained by the state shall be paid from the amount allocated in this subsection each federal fiscal year to the division. The auditor of state shall bill the division for the audit costs.

4. The remaining moneys of the appropriation made in this section for each federal fiscal year following the allocations made in subsections 2 and 3, shall be used to help eligible households as defined in 42 U.S.C., ch. 94, subch. II, to meet home energy costs.

5. Not more than 10 percent of the amount appropriated in this section each federal fiscal year that is actually received may be carried forward for use in the succeeding federal fiscal year.

6. Expenditures for assessment and resolution of energy problems shall be limited to not more than 5 percent of the amount appropriated in this section for each federal fiscal year that is actually received.

¹ According to Act; the phrase "23 U.S.C. §133" probably intended

Sec. 13. SOCIAL SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2017-2018:	\$	15,270,606
FFY 2018-2019:	\$	15,270,606

The appropriations made in this subsection are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 7, subch. XX, which provides for the social services block grant. The department of human services shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Not more than the following amounts of the funds appropriated in subsection 1 for the following federal fiscal years shall be used by the department of human services for general administration:

a. FFY 2017-2018:	\$	910,649
b. FFY 2018-2019:	\$	910,649

From the funds set aside in this subsection for general administration for each federal fiscal year, the department of human services shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1.

3. In addition to the allocation for general administration in subsection 2, the remaining funds appropriated in subsection 1 for each federal fiscal year shall be allocated in the following amounts to supplement appropriations for the following federal fiscal years for the following programs within the department of human services:

a. Field operations:		
(1) FFY 2017-2018:	\$	5,446,690
(2) FFY 2018-2019:	\$	5,446,690
b. Child and family services:		
(1) FFY 2017-2018:	\$	7,672,390
(2) FFY 2018-2019:	\$	7,672,390
c. Local administrative costs and other local services:		
(1) FFY 2017-2018:	\$	577,636
(2) FFY 2018-2019:	\$	577,636
d. Volunteers:		
(1) FFY 2017-2018:	\$	63,241
(2) FFY 2018-2019:	\$	63,241
e. For distribution to counties for state case services provided for persons with mental illness, intellectual disability, or a developmental disability in accordance with section 331.440, Code 2013, or in accordance with a dispute resolution process implemented in accordance with section 331.394, subsections 5 or 6:		
(1) FFY 2017-2018:	\$	600,000
(2) FFY 2018-2019:	\$	600,000

Moneys appropriated in this lettered paragraph "e" that remain unencumbered or unallocated at the close of a federal fiscal year shall not revert but shall be retained by the

department and used to supplement amounts otherwise appropriated for child and family services under paragraph “b”.

Sec. 14. SOCIAL SERVICES BLOCK GRANT PLAN. The department of human services during each state fiscal year shall develop a plan for the use of federal social services block grant funds for the subsequent state fiscal year.

The proposed plan shall include all programs and services at the state level which the department proposes to fund with federal social services block grant funds, and shall identify state and other funds which the department proposes to use to fund the state programs and services.

The proposed plan shall also include all local programs and services which are eligible to be funded with federal social services block grant funds, the total amount of federal social services block grant funds available for the local programs and services, and the manner of distribution of the federal social services block grant funds to the counties. The proposed plan shall identify state and local funds which will be used to fund the local programs and services.

The proposed plan shall be submitted with the department’s budget requests to the governor and the general assembly.

Sec. 15. PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS.

1. Upon receipt of the minimum formula grant from the federal substance abuse and mental health services administration to provide mental health services for the homeless, for the federal fiscal years beginning October 1, 2017, and October 1, 2018, the department of human services shall assure that a project which receives funds under the formula grant shall do all of the following:

a. Provide outreach and engagement to homeless individuals and individuals at risk of homelessness and assesses those individuals for serious mental illness.

b. Enroll those individuals with serious mental illness who are willing to accept services through the project.

c. Provide case management to homeless persons.

d. Provide appropriate training to persons who provide services to persons targeted by the grant.

e. Assure a local match share of 25 percent.

f. Refer homeless individuals and individuals at risk of homelessness to primary health care, job training, educational services, and relevant housing services.

2. A project may expend funds for community mental health services, diagnostic services, crisis intervention services, habilitation and rehabilitation services, substance-related disorder services, supportive and supervisory services to homeless persons living in residential settings that are not otherwise supported, and housing services including minor renovation, expansion, and repair of housing, security deposits, planning of housing, technical assistance in applying for housing, improving the coordination of housing services, the costs associated with matching eligible homeless individuals with appropriate housing, and one-time rental payments to prevent eviction.

Sec. 16. CHILD CARE AND DEVELOPMENT APPROPRIATION. There is appropriated from the fund created by section 8.41 to the department of human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2017-2018:	\$	49,505,620
FFY 2018-2019:	\$	49,891,277

The appropriations made in this section are in the amounts anticipated to be received from the federal government for the designated federal fiscal years under 42 U.S.C., ch. 105, subch. II-B, which provides for the child care and development block grant. The department shall expend the funds appropriated in this section as provided in the federal law making the funds available and in conformance with chapter 17A.

Moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall revert to be available for appropriation for purposes of the child care and development block grant in the succeeding fiscal year.

Sec. 17. PROCEDURE FOR REDUCED FEDERAL FUNDS.

1. If the funds received from the federal government for the block grants specified in this Act are less than the amounts appropriated, the funds actually received shall be prorated by the governor for the various programs, other than for the services to victims of sex offenses and for rape prevention education under section 4, subsection 3, of this Act, for which each block grant is available according to the percentages that each program is to receive as specified in this Act. However, if the governor determines that the funds allocated by the percentages will not be sufficient to accomplish the purposes of a particular program, or if the appropriation is not allocated by percentage, the governor may allocate the funds in a manner which will accomplish to the greatest extent possible the purposes of the various programs for which the block grants are available.

2. Before the governor implements the actions provided for in subsection 1, the following procedures shall be taken:

a. The chairpersons and ranking members of the senate and house standing committees on appropriations, the appropriate chairpersons and ranking members of subcommittees of those committees, and the director of the legislative services agency shall be notified of the proposed action.

b. The notice shall include the proposed allocations, and information on the reasons why particular percentages or amounts of funds are allocated to the individual programs, the departments and programs affected, and other information deemed useful. Chairpersons and ranking members notified shall be allowed at least two weeks to review and comment on the proposed action before the action is taken.

Sec. 18. PROCEDURE FOR INCREASED FEDERAL FUNDS.

1. If funds received from the federal government in the form of block grants exceed the amounts appropriated in sections 1, 2, 3, 4, 7, 9, and 13 of this Act, the excess shall be prorated to the appropriate programs according to the percentages specified in those sections, except additional funds shall not be prorated for administrative expenses.

2. If actual funds received from the federal government from block grants exceed the amount appropriated in section 12 of this Act for the low-income home energy assistance program, not more than 15 percent of the excess may be allocated to the low-income residential weatherization program and not more than 10 percent of the excess may be used for administrative costs.

3. If funds received from the federal government from community services block grants exceed the amount appropriated in section 8 of this Act, 100 percent of the excess is allocated to the community services block grant program.

Sec. 19. PROCEDURE FOR EXPENDITURE OF ADDITIONAL FEDERAL FUNDS. If other federal grants, receipts, and funds and other nonstate grants, receipts, and funds become available or are awarded which are not available or awarded during the period in which the general assembly is in session, but which require expenditure by the applicable department or agency prior to March 15 of the fiscal years beginning July 1, 2017, and July 1, 2018, these grants, receipts, and funds are appropriated to the extent necessary, provided that the fiscal committee of the legislative council is notified within 30 days of receipt of the grants, receipts, or funds and the fiscal committee of the legislative council has an opportunity to comment on the expenditure of the grants, receipts, or funds.

Sec. 20. OTHER GRANTS, RECEIPTS, AND FUNDS. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part of the state fiscal years beginning July 1, 2017, and July 1, 2018, are appropriated to the following departments and agencies that are designated by and for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law:

1. Department of administrative services.
2. Department on aging.
3. Department of agriculture and land stewardship.
4. Office of auditor of state.
5. Department for the blind.
6. Iowa state civil rights commission.

7. College student aid commission.
8. Department of commerce.
9. Department of corrections.
10. Department of cultural affairs.
11. Economic development authority.
12. Department of education.
13. Iowa ethics and campaign disclosure board.
14. Iowa finance authority.
15. Offices of the governor and lieutenant governor.
16. Governor's office of drug control policy.
17. Department of human rights.
18. Department of human services.
19. Department of inspections and appeals.
20. Judicial branch.
21. Department of justice.
22. Iowa law enforcement academy.
23. Department of management.
24. Department of natural resources.
25. Board of parole.
26. Department of public defense.
27. Public employment relations board.
28. Department of public health.
29. Department of public safety.
30. State board of regents.
31. Department of revenue.
32. Office of secretary of state.
33. Iowa state fair authority.
34. Office for state-federal relations.
35. Iowa telecommunications and technology commission.
36. Office of treasurer of state.
37. Department of transportation.
38. Department of veterans affairs.
39. Department of workforce development.

Sec. 21. EFFECTIVE UPON ENACTMENT. The section of this Act making an appropriation to the economic development authority in the amount anticipated to be received from the federal government under Pub. L. No. 113-2, being deemed of immediate importance, takes effect upon enactment.

Sec. 22. RETROACTIVE APPLICABILITY. The section of this Act making an appropriation to the economic development authority in the amount anticipated to be received from the federal government under Pub. L. No. 113-2 applies retroactively to October 1, 2014.

Approved May 11, 2017

CHAPTER 166

APPROPRIATIONS — JUDICIAL BRANCH

S.F. 508

AN ACT relating to appropriations to the judicial branch.

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

DIVISION I
FY 2017-2018

Section 1. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2017, and ending June 30, 2018, 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, 2017; and maintenance, equipment, and miscellaneous purposes:

..... \$ 175,686,612

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:

..... \$ 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, 2018, 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 9, during the fiscal year beginning July 1, 2016, and ending June 30, 2017, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2017, and ending June 30, 2018. A copy of the report shall be provided to the legislative services agency.

Sec. 2. 2013 Iowa Acts, chapter 140, section 40, subsection 3, is amended to read as follows:

3. Notwithstanding subsections 1 and 2, in the fiscal year beginning July 1, 2017, and ending June 30, 2018, the supreme court may increase the annual salary rates specified in subsection 2, by an amount not to exceed two and one-half percent of the salary rate established for each judicial position in subsection 2. Persons receiving the salary rates established under this section shall not receive any additional salary adjustments provided by this Act other than those provided by this subsection.

Sec. 3. CIVIL TRIALS — LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2017, and ending June 30, 2018, if all parties in a case agree, a civil trial including a jury trial may take place in a county contiguous to the county with proper jurisdiction, even if the contiguous county is located in an adjacent judicial district or judicial election district. If the trial is moved pursuant to this section, court personnel shall treat the case as if a change of venue occurred. However, if a trial is moved to an adjacent judicial district or judicial election district, the judicial officers serving in the judicial district or judicial election district receiving the case shall preside over the case.

Sec. 4. TRAVEL REIMBURSEMENT. Notwithstanding section 602.1509, for the fiscal year beginning July 1, 2017, and ending June 30, 2018, a judicial officer may waive travel reimbursement for any travel outside the judicial officer's county of residence to conduct official judicial business.

Sec. 5. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding the annual salary rates for judicial officers established by 2013 Iowa Acts, chapter 140, section 40, for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the supreme court may by order place all judicial officers on unpaid leave status on any day employees of the judicial branch are placed on temporary layoff status. The biweekly pay of the judicial officers shall be reduced accordingly for the pay period in which the unpaid leave date occurred in the same manner as for noncontract employees of the judicial branch. Through the course of the fiscal year, the judicial branch may use an amount equal to the aggregate amount of salary reductions due to the judicial officer unpaid leave days for any purpose other than for judicial salaries.

Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the intent of the general assembly that the judicial branch utilize the Iowa communications network or other secure electronic communications in lieu of traveling for the fiscal year beginning July 1, 2017, and ending June 30, 2018.

Sec. 7. 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, 2017, and ending June 30, 2018, 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.

Sec. 8. TOTAL EXPENDITURE REQUIREMENTS OF JUDICIAL BRANCH — DEPARTMENT OF MANAGEMENT. When the supreme court submits to the director of the department of management an estimate of the total expenditure requirements of the judicial branch pursuant to section 602.1301, subsection 2, paragraph "b", before December 1, 2017, for the succeeding fiscal year, the director of the department of management shall submit the estimate received from the supreme court for inclusion without change in the governor's proposed budget for the succeeding fiscal year, except that portion of the total expenditure requirements that includes any increase of the salary rate for a judicial position established in 2013 Iowa Acts, chapter 140, section 40, which shall not be included in the governor's proposed budget for the succeeding fiscal year.

DIVISION II
FY 2018-2019

Sec. 9. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2018, and ending June 30, 2019, 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, 2018; and maintenance, equipment, and miscellaneous purposes:

..... \$ 87,843,306

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

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, 2019, 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 9, during the fiscal year beginning July 1, 2017, and ending June 30, 2018, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2018, and ending June 30, 2019. A copy of the report shall be provided to the legislative services agency.

Sec. 10. CIVIL TRIALS — LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2018, and ending June 30, 2019, if all parties in a case agree, a civil trial including a jury trial may take place in a county contiguous to the county with proper jurisdiction, even if the contiguous county is located in an adjacent judicial district or judicial election district. If the trial is moved pursuant to this section, court personnel shall treat the case as if a change of venue occurred. However, if a trial is moved to an adjacent judicial district or judicial election district, the judicial officers serving in the judicial district or judicial election district receiving the case shall preside over the case.

Sec. 11. TRAVEL REIMBURSEMENT. Notwithstanding section 602.1509, for the fiscal year beginning July 1, 2018, and ending June 30, 2019, a judicial officer may waive travel reimbursement for any travel outside the judicial officer's county of residence to conduct official judicial business.

Sec. 12. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding the annual salary rates for judicial officers established by 2013 Iowa Acts, chapter 140, section 40, for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the supreme court may by order place all judicial officers on unpaid leave status on any day employees of the judicial branch are placed on temporary layoff status. The biweekly pay of the judicial officers shall be reduced accordingly for the pay period in which the unpaid leave date occurred in the same manner as for noncontract employees of the judicial branch. Through the course of the fiscal year, the judicial branch may use an amount equal to the aggregate amount of salary reductions due to the judicial officer unpaid leave days for any purpose other than for judicial salaries.

Sec. 13. IOWA COMMUNICATIONS NETWORK. It is the intent of the general assembly that the judicial branch utilize the Iowa communications network or other secure electronic communications in lieu of traveling for the fiscal year beginning July 1, 2018, and ending June 30, 2019.

DIVISION III COURT ADMINISTRATION

Sec. 14. COURT ADMINISTRATION. Notwithstanding other provisions of this Act and section 602.1215, subsection 1, sections 602.2301, 602.6113, 602.6201, subsections 5, 6, 7, and 10, sections 602.6301, 602.6401, subsection 1, and section 602.6603, subsections 1, 2, 3, 4, and 7, for the fiscal years beginning July 1, 2017, and July 1, 2018, the supreme court may implement policies and procedures that may be contrary to the requirements of this Act and the Code provisions referenced in this section in order to efficiently and effectively administer justice throughout the state. The state court administrator shall submit a report to the chairpersons of the joint appropriations subcommittee on the justice system and the legislative services agency, fiscal services division, by October 2, 2017, and October 1, 2018, respectively, detailing the establishment of any new policies and procedures implemented pursuant to this section that efficiently and effectively administer justice throughout the state.

Approved May 12, 2017

CHAPTER 167

APPROPRIATIONS — JUSTICE SYSTEM

S.F. 509

AN ACT relating to appropriations to the justice system.

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

DIVISION I
FY 2017-2018
APPROPRIATIONS

Section 1. 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, 2017, and ending June 30, 2018, 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:

.....	\$	6,672,307
.....	FTEs	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:

.....	\$	5,016,708
-------	----	-----------

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 24.00 full-time equivalent positions and to provide maintenance for the victim compensation functions of the department of justice. In addition to the full-time equivalent positions authorized pursuant to this paragraph, 5.00 full-time equivalent positions are authorized and shall be used by the department of justice to employ one accountant and four program planners. The department of justice may employ the additional 5.00 full-time equivalent positions authorized pursuant to this paragraph that are in excess of the number of full-time equivalent positions authorized only if the department of justice receives sufficient federal moneys to maintain employment for the additional full-time equivalent positions during the current fiscal year. The department of justice shall only employ the additional 5.00 full-time equivalent positions 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:

.....	\$	2,304,601
-------	----	-----------

2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2018, 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, 2017, and actual and expected reimbursements for the fiscal year commencing July 1, 2018.

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, 2018.

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, chapter 138, section 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, 2017, and ending June 30, 2018, 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. 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, 2017, and ending June 30, 2018, 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:
..... \$ 3,137,588
..... FTEs 22.00

Sec. 4. 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, 2017, and ending June 30, 2018, 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:
..... \$ 42,719,050

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... \$ 32,827,163

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... \$ 59,491,533

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... \$ 27,661,220

e. For the operation of the Mount Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... \$ 24,676,413

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... \$ 9,720,458

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:
..... \$ 25,085,406

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:

..... \$ 22,394,090

i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 29,766,995

j. For reimbursement of counties for temporary confinement of prisoners, as provided in sections 901.7, 904.908, and 906.17, and for offenders confined pursuant to section 904.513:

..... \$ 1,575,092

k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

..... \$ 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. 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, 2017, and ending June 30, 2018, 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:

..... \$ 5,153,905

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:

..... \$ 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:

..... \$ 2,000,000

4. For offender mental health and substance abuse treatment:

..... \$ 28,065

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

..... \$ 1,297,894

Sec. 6. 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, 2017, and ending June 30, 2018, 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:

..... \$ 14,636,766

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:

..... \$ 11,383,739

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:

..... \$ 7,167,957

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

..... \$ 5,579,922

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:

..... \$ 20,857,940

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:

..... \$ 14,713,165

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:

..... \$ 7,777,341

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:

..... \$ 8,084,521

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. DEPARTMENT OF CORRECTIONS — REALLOCATION OF APPROPRIATIONS. Notwithstanding section 8.39, within the moneys appropriated in this division of this Act to the department of corrections, the department may reallocate the moneys appropriated and allocated as necessary to best fulfill the needs of the correctional institutions, administration of the department, and the judicial district departments of correctional services. However, in addition to complying with the requirements of sections 904.116 and 905.8 and providing notice to the legislative services agency, the department of corrections shall also provide notice to the department of management, prior to the effective date of the revision or reallocation of an appropriation made pursuant to this section. The

department of corrections shall not reallocate an appropriation or allocation for the purpose of eliminating any program.

Sec. 8. INTENT — REPORTS.

1. The department of corrections in cooperation with townships, the Iowa cemetery associations, and other nonprofit or governmental entities may use inmate labor during the fiscal year beginning July 1, 2017, to restore or preserve rural cemeteries and historical landmarks. The department in cooperation with the counties may also use inmate labor to clean up roads, major water sources, and other water sources around the state.

2. On a quarterly basis the department shall provide a status report regarding private-sector employment to the legislative services agency beginning on July 1, 2017. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, the total amount of allowances, and the distribution of allowances pursuant to section 904.702, including any moneys deposited in the general fund of the state.

Sec. 9. ELECTRONIC MONITORING REPORT. The department of corrections shall submit a report on electronic monitoring to the general assembly, to the co-chairpersons and the ranking members of the joint appropriations subcommittee on the justice system, and to the legislative services agency by January 15, 2018. The report shall specifically address the number of persons being electronically monitored and break down the number of persons being electronically monitored by offense committed. The report shall also include a comparison of any data from the prior fiscal year with the current year.

Sec. 10. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

1. As used in this section, unless the context otherwise requires, “state agency” means the government of the state of Iowa, including but not limited to all executive branch departments, agencies, boards, bureaus, and commissions, the judicial branch, the general assembly and all legislative agencies, institutions within the purview of the state board of regents, and any corporation whose primary function is to act as an instrumentality of the state.

2. State agencies are encouraged to purchase products from Iowa state industries, as defined in section 904.802, when purchases are required and the products are available from Iowa state industries. State agencies shall obtain bids from Iowa state industries for purchases of office furniture during the fiscal year beginning July 1, 2017, exceeding \$5,000 or in accordance with applicable administrative rules related to purchases for the agency.

Sec. 11. 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, 2017, and ending June 30, 2018, 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:	\$	954,756
.....	FTEs	25.00

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. 12. 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, 2017, and ending June 30, 2018, 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:

.....	\$	26,182,243
.....	FTEs	223.00

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

.....	\$	33,444,448
-------	----	------------

Sec. 13. 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, 2017, and ending June 30, 2018, 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:

.....	\$	1,191,731
.....	FTEs	10.75

Sec. 14. 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, 2017, and ending June 30, 2018, 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:

.....	\$	6,223,324
.....	FTEs	248.00

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. 15. 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, 2017, and ending June 30, 2018, 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:

.....	\$	2,121,927
.....	FTEs	33.87

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.

Sec. 16. 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, 2017, and ending June 30, 2018, 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:

.....	\$	4,143,131
.....	FTEs	37.00

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:

.....	\$	13,590,544
.....	FTEs	160.00

The division of criminal investigation may employ two of the three additional full-time equivalent positions authorized pursuant to this subsection that are in excess of the number of full-time equivalent positions authorized for the previous fiscal year only if the division of criminal investigation receives sufficient federal moneys to maintain employment for the additional 2.00 full-time equivalent positions during the current fiscal year. The division of criminal investigation shall only employ the additional 2.00 full-time equivalent positions 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:

.....	\$	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:

.....	\$	7,453,300
.....	FTEs	66.50

The division of narcotics enforcement may employ an additional 1.00 full-time equivalent position authorized pursuant to this lettered paragraph that is in excess of the number of full-time equivalent positions authorized for the previous fiscal year only if the division of narcotics enforcement receives sufficient federal moneys to maintain employment for the additional full-time equivalent position during the current fiscal year. The division of narcotics enforcement shall only employ the additional full-time equivalent position 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:

.....	\$	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:

.....	\$	4,686,714
.....	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:

.....	\$	61,366,340
.....	FTEs	511.40

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:

..... \$ 279,517

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

..... \$ 825,520

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:

..... \$ 115,661

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

..... \$ 150,000

..... FTEs 2.00

11. For department-wide duties, including operations, costs, and miscellaneous purposes:

..... \$ 1,834,973

Sec. 17. 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, 2017, and ending June 30, 2018, 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:

..... \$ 10,841,272

..... FTEs 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, 2017, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2017, and ending June 30, 2018, an additional amount of not more than \$300,000 to be used for not more than 3.00 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, 2017, and three special agents for each racing facility which becomes operational during the fiscal year which begins July 1, 2017. Positions authorized in this subsection are in addition to the full-time equivalent positions otherwise authorized in this section.

Sec. 18. 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, 2017, and ending June 30, 2018, 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:

.....	\$	1,157,062
.....	FTEs	30.00

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. 19. 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, 2017, and ending June 30, 2018, 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:

.....	\$	1,187,833
.....	FTEs	9.56

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. 20. 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, 2017, and ending June 30, 2018, 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:

.....	\$	250,000
-------	----	---------

DIVISION II
MISCELLANEOUS CHANGES

Sec. 21. Section 35A.13, subsection 6, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *n.* Expenses related to survivor outreach activities supported by the department of public defense established in section 29.1.

Sec. 22. NEW SECTION. **80B.19 Academy internal training fund clearing account.**

1. Activities of the academy shall be accounted for within the general fund of the state, except the academy may establish and maintain an internal training clearing fund in accordance with generally accepted accounting principles, as defined in section 8.57, subsection 4, for activities of the academy which are primarily from billings to governmental entities for services rendered by the academy.

2. Internal training funds in the internal training clearing fund shall be administered by the academy and shall consist of moneys collected by the academy from billings issued in accordance with chapter 80B, and any other moneys obtained or accepted by the academy, including but not limited to gifts, loans, donations, grants, and contributions, which are obtained or designated to support the activities of the academy.¹

3. The proceeds of an internal training clearing fund established pursuant to this section shall be used by the academy and expended through the appropriated account of the academy for the operations of the academy consistent with this chapter. However, this usage requirement shall not limit or restrict the academy from using proceeds from gifts, loans, donations, grants, and contributions in conformance with any conditions, directions, limitations, or instructions attached or related thereto.

¹ See chapter 170, §33 herein

4. Section 8.33 does not apply to any moneys in the internal training clearing fund established pursuant to this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

Sec. 23. Section 805.6, subsection 4, paragraphs a, b, and c, Code 2017, are amended to read as follows:

a. If the offense is one to which an assessment of a minimum fine is applicable and the entry is otherwise not prohibited by this section, an amount equal to one and one-half times the minimum fine and applicable surcharge assessed pursuant to chapter 911, plus court costs.

b. If the offense is one to which a scheduled fine is applicable, an amount equal to one and one-half times the scheduled fine and applicable surcharge assessed pursuant to chapter 911, plus court costs.

c. If the violation is for any offense for which a court appearance is mandatory, and an assessment of a minimum fine is not applicable, the amount of one hundred dollars and applicable surcharge assessed pursuant to chapter 911, plus court costs.

Sec. 24. 2014 Iowa Acts, chapter 1138, section 21, as amended by 2016 Iowa Acts, chapter 1137, section 18, 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, 2018 2019, 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. 25. CONSUMER EDUCATION AND LITIGATION FUND — CRIMINAL PROSECUTION, CRIMINAL APPEALS, AND STATE TORT CLAIMS. Notwithstanding section 714.16C, for the fiscal year beginning July 1, 2017, and ending June 30, 2018, not more than one million dollars is appropriated from the consumer education and litigation fund established in section 714.16C, to the department of justice to be used for salaries, support, maintenance, and miscellaneous purposes for criminal prosecutions, criminal appeals, and performing duties pursuant to Code chapter 669.

Sec. 26. REPEAL. Sections 904.203, 904.204, 904.205, and 904.206, Code 2017, are repealed.

DIVISION III
FY 2018-2019
APPROPRIATIONS

Sec. 27. 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, 2018, and ending June 30, 2019, 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:

.....	\$	3,336,154
.....	FTEs	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:

.....	\$	2,508,354
-------	----	-----------

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 24.00 full-time equivalent positions and to provide maintenance for the victim compensation functions of the department of justice. In addition to the full-time equivalent positions authorized pursuant to this paragraph, 5.00 full-time equivalent positions are authorized and shall be used by the department of justice to employ one accountant and four program planners. The department of justice may employ the additional 5.00 full-time equivalent positions authorized pursuant to this paragraph that are in excess of the number of full-time equivalent positions authorized only if the department of justice receives sufficient federal moneys to maintain employment for the additional full-time equivalent positions during the current fiscal year. The department of justice shall only employ the additional 5.00 full-time equivalent positions 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:

..... \$ 1,152,301

2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2019, 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, 2017, and actual and expected reimbursements for the fiscal year commencing July 1, 2018.

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, 2019.

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, chapter 138, section 141.

Sec. 28. 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, 2018, and ending June 30, 2019, 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
 FTEs 22.00

Sec. 29. 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, 2018, and ending June 30, 2019, 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:

..... \$ 21,359,525

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

..... \$ 16,413,582

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

..... \$ 29,745,767

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

..... \$ 13,830,610

e. For the operation of the Mount Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 12,338,207

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 4,860,229

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 12,542,703

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:

..... \$ 11,197,045

i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 14,883,498

j. For reimbursement of counties for temporary confinement of prisoners, as provided in sections 901.7, 904.908, and 906.17, and for offenders confined pursuant to section 904.513:

..... \$ 787,546

k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

..... \$ 242,206

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. 30. 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, 2018, and ending June 30, 2019, 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:

..... \$ 2,576,953

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

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

4. For offender mental health and substance abuse treatment:

..... \$ 14,033

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

..... \$ 648,947

Sec. 31. 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, 2018, and ending June 30, 2019, 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:

..... \$ 7,318,383

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:

..... \$ 5,691,870

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:

..... \$ 3,583,979

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

..... \$ 2,789,961

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:

..... \$ 10,428,970

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:

..... \$ 7,356,583

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:

..... \$ 3,888,671

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:

..... \$ 4,042,261

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. 32. DEPARTMENT OF CORRECTIONS — REALLOCATION OF APPROPRIATIONS. Notwithstanding section 8.39, within the moneys appropriated in this division of this Act to the department of corrections, the department may reallocate the moneys appropriated and allocated as necessary to best fulfill the needs of the correctional institutions, administration of the department, and the judicial district departments of correctional services. However, in addition to complying with the requirements of sections 904.116 and 905.8 and providing notice to the legislative services agency, the department of corrections shall also provide notice to the department of management, prior to the effective date of the revision or reallocation of an appropriation made pursuant to this section. The department of corrections shall not reallocate an appropriation or allocation for the purpose of eliminating any program.

Sec. 33. INTENT — REPORTS.

1. The department of corrections in cooperation with townships, the Iowa cemetery associations, and other nonprofit or governmental entities may use inmate labor during the fiscal year beginning July 1, 2018, to restore or preserve rural cemeteries and historical landmarks. The department in cooperation with the counties may also use inmate labor to clean up roads, major water sources, and other water sources around the state.

2. On a quarterly basis the department shall provide a status report regarding private-sector employment to the legislative services agency beginning on July 1, 2018. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, the total amount of allowances, and the distribution of allowances pursuant to section 904.702, including any moneys deposited in the general fund of the state.

Sec. 34. ELECTRONIC MONITORING REPORT. The department of corrections shall submit a report on electronic monitoring to the general assembly, to the co-chairpersons and the ranking members of the joint appropriations subcommittee on the justice system, and to the legislative services agency by January 15, 2019. The report shall specifically address the number of persons being electronically monitored and break down the number of persons being electronically monitored by offense committed. The report shall also include a comparison of any data from the prior fiscal year with the current year.

Sec. 35. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

1. As used in this section, unless the context otherwise requires, “state agency” means the government of the state of Iowa, including but not limited to all executive branch departments, agencies, boards, bureaus, and commissions, the judicial branch, the general assembly and all legislative agencies, institutions within the purview of the state board of

regents, and any corporation whose primary function is to act as an instrumentality of the state.

2. State agencies are encouraged to purchase products from Iowa state industries, as defined in section 904.802, when purchases are required and the products are available from Iowa state industries. State agencies shall obtain bids from Iowa state industries for purchases of office furniture during the fiscal year beginning July 1, 2018, exceeding \$5,000 or in accordance with applicable administrative rules related to purchases for the agency.

Sec. 36. 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, 2018, and ending June 30, 2019, 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:

.....	\$	477,378
.....	FTEs	25.00

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. 37. 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, 2018, and ending June 30, 2019, 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:

.....	\$	13,091,122
.....	FTEs	223.00

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

.....	\$	16,722,224
-------	----	------------

Sec. 38. 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, 2018, and ending June 30, 2019, 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:

.....	\$	595,866
.....	FTEs	10.75

Sec. 39. 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, 2018, and ending June 30, 2019, 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:

.....	\$	3,111,662
.....	FTEs	248.00

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. 40. 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, 2018, and ending June 30, 2019, 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:

.....	\$	1,060,964
.....	FTEs	33.87

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.

Sec. 41. 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, 2018, and ending June 30, 2019, 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:

.....	\$	2,071,566
.....	FTEs	37.00

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:

.....	\$	6,795,272
.....	FTEs	160.00

The division of criminal investigation may employ two of the three additional full-time equivalent positions authorized pursuant to this subsection that are in excess of the number of full-time equivalent positions authorized for the previous fiscal year only if the division of criminal investigation receives sufficient federal moneys to maintain employment for the additional 2.00 full-time equivalent positions during the current fiscal year. The division of criminal investigation shall only employ the additional 2.00 full-time equivalent positions 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
-------	----	---------

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:

.....	\$	3,726,650
.....	FTEs	66.50

The division of narcotics enforcement may employ an additional 1.00 full-time equivalent position authorized pursuant to this lettered paragraph that is in excess of the number of full-time equivalent positions authorized for the previous fiscal year only if the division of narcotics enforcement receives sufficient federal moneys to maintain employment for the additional full-time equivalent position during the current fiscal year. The division of narcotics enforcement shall only employ the additional full-time equivalent position 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

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:

..... \$ 2,343,357
..... 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:

..... \$ 30,683,170
..... FTEs 511.40

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

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

..... \$ 412,760

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:

..... \$ 57,831

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

..... \$ 75,000
..... FTEs 2.00

11. For department-wide duties, including operations, costs, and miscellaneous purposes:

..... \$ 917,487

Sec. 42. 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, 2018, and ending June 30, 2019, 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:

.....	\$	4,872,636
.....	FTEs	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, 2018, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2018, and ending June 30, 2019, an additional amount of not more than \$300,000 to be used for not more than 3.00 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, 2018, and three special agents for each racing facility which becomes operational during the fiscal year which begins July 1, 2018. Positions authorized in this subsection are in addition to the full-time equivalent positions otherwise authorized in this section.

Sec. 43. 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, 2018, and ending June 30, 2019, 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:

.....	\$	578,531
.....	FTEs	30.00

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. 44. 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, 2018, and ending June 30, 2019, 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:

.....	\$	593,917
.....	FTEs	9.56

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. 45. 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, 2018, and ending June 30, 2019, 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

Approved May 12, 2017

CHAPTER 168

APPROPRIATIONS — AGRICULTURE AND NATURAL RESOURCES

S.F. 510

AN ACT relating to and making appropriations and related statutory changes 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 APPROPRIATION FOR FY 2017-2018

Section 1. 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, 2017, and ending June 30, 2018, 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:

..... \$ 17,640,576
..... 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:

..... \$ 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. 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, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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:

..... \$ 295,516

Sec. 3. 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, 2017, and ending June 30, 2018, 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:

..... \$ 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. 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, 2017, and ending June 30, 2018, 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:

..... \$ 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. 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, 2017, and ending June 30, 2018, 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:

..... \$ 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. 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, 2017, and ending June 30, 2018, 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:

..... \$ 25,000

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. 7. 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, 2017, and ending June 30, 2018, 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:

..... \$ 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 2017-2018

Sec. 8. 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, 2017, and ending June 30, 2018, 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:

..... \$ 3,000,000

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, except for edge-of-field practices, 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 2017-2018

Sec. 9. 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, 2017, and ending June 30, 2018, 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:

.....	\$	11,299,811
.....	FTEs	1,145.95

2. Of the number of full-time equivalent positions authorized to the department pursuant to subsection 1, 50 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. 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, 2017, and ending June 30, 2018, 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:

..... \$ 43,147,993

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, 2017, and ending June 30, 2018, 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. 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, 2017, and ending June 30, 2018, 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:

..... \$ 3,455,832

DESIGNATED APPROPRIATIONS
MISCELLANEOUS FUNDS

Sec. 12. 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, 2017, and ending June 30, 2018, 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:

..... \$ 100,000

Sec. 13. 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, 2017, and ending June 30, 2018, 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:

..... \$ 200,000

SPECIAL APPROPRIATIONS
GENERAL FUND

Sec. 14. 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, 2017, and ending June 30, 2018, 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:

..... \$ 1,885,000

2. Of the amount appropriated in subsection 1, up to \$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. 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, 2017, and ending June 30, 2018, 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:

..... \$ 500,000

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 2017-2018
VETERINARY DIAGNOSTIC LABORATORY

Sec. 16. 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, 2017, and ending June 30, 2018, 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:

..... \$ 4,000,000

..... 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, 2018, 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.

DIVISION V
ENVIRONMENT FIRST FUND
GENERAL APPROPRIATIONS FOR FY 2017-2018

Sec. 17. 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, 2017, and ending June 30, 2018, 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:

..... \$ 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:

..... \$ 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:

..... \$ 375,000

b. The amount appropriated in paragraph “a”, shall be allocated to an organization representing soybean growers to provide for an agriculture and environment performance program.

4. SOIL AND WATER CONSERVATION — ADMINISTRATION

a. For use by the department for costs of administration and implementation of soil and water conservation practices:

..... \$ 3,800,000

b. Of the moneys appropriated in paragraph “a”, \$150,000 is allocated to support field staff providing technical assistance.

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:

..... \$ 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.

6. SOIL AND WATER CONSERVATION

a. For use by the department in providing for soil and water conservation:

..... \$ 8,325,000

b. (1) Of the amount appropriated in paragraph “a”, for transfer to the loess hills development and conservation fund created in section 161D.2:

..... \$ 490,000

(2) (a) Of the amount transferred to the loess hills development and conservation fund in subparagraph (1), \$450,000 shall be allocated to the fund’s hungry canyons account.

(b) Not more than 10 percent of the moneys allocated to the fund’s hungry canyons account as provided in subparagraph division (a) may be used for administrative costs.

(3) (a) Of the amount transferred to the loess hills development and conservation fund in subparagraph (1), \$40,000 shall be allocated to the fund’s loess hills alliance account.

(b) Not more than 10 percent of the moneys allocated to the fund’s loess hills alliance account as provided in subparagraph division (a) may be used for administrative costs.

c. Of the remaining amount appropriated in paragraph “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:

..... \$ 7,835,000

d. Of the amount appropriated in paragraph “c” that the department allocates to a soil and water conservation district, the first \$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.

e. Not more than 5 percent of the moneys appropriated in paragraph “c” may be allocated for cost sharing to address complaints filed under section 161A.47.

f. Of the moneys appropriated in paragraph “c”, 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.

g. The state soil conservation committee established by section 161A.4 may allocate moneys appropriated in paragraph “c” to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

h. 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.

i. Not more than 15 percent of the moneys appropriated in paragraph “c” may be used for costs of administration and implementation of soil and water conservation practices.

j. In lieu of moneys appropriated in section 466A.5, not more than \$25,000 of the moneys appropriated in paragraph “c” 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.

Sec. 18. 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, 2017, and ending June 30, 2018, 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:

..... \$ 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:

..... \$ 195,000

3. WATER QUALITY MONITORING

For continuing the establishment and operation of water quality monitoring stations:

..... \$ 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:

..... \$ 500,000

5. REGULATION OF ANIMAL FEEDING OPERATIONS

For the regulation of animal feeding operations, including as provided for in chapters 459 through 459B:

..... \$ 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:

..... \$ 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:

..... \$ 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:

..... \$ 200,000

Sec. 19. REVERSION.

1. a. Except as provided in paragraph “b”, and notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2017, 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.

b. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2017, 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, 2020.

2. Subsection 1 does not apply to moneys transferred pursuant to this division to the loess hills development and conservation fund created in section 161D.2 which shall not revert as provided in that section.

DIVISION VI
ENVIRONMENT FIRST FUND
SPECIAL APPROPRIATIONS FOR FY 2017-2018

Sec. 20. WATER QUALITY INITIATIVE — DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.

1. 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, 2017, and ending June 30, 2018, 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:

..... \$ 2,375,000

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, except for edge-of-field practices, 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.

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, 2017, and ending June 30, 2018, the following amount, to be allocated as provided in section 455A.19:
..... \$ 12,000,000

DIVISION VII
ELIMINATION OF WATERSHED IMPROVEMENT REVIEW BOARD
SPECIAL APPROPRIATION FOR FY 2017-2018
RELATED STATUTORY CHANGES

Sec. 22. MANAGEMENT OF MONEYS IN THE WATERSHED IMPROVEMENT FUND — APPROPRIATION.

1. Notwithstanding section 466A.2, and the repeal of chapter 466A as provided in this division of this Act, on and after December 31, 2017, the department of agriculture and land stewardship shall manage ¹ the watershed improvement fund in the same manner as required in 2016 Acts, chapter 1134, section 35, including by making necessary payments to satisfy any outstanding obligations incurred by the watershed improvement review board prior to December 31, 2017.

2. Any unobligated and unencumbered moneys remaining in the watershed improvement fund on December 31, 2017, are appropriated to the department for use by the department

¹ See chapter 170, §42 herein

in providing for soil and water conservation administration, the conservation of soil and water resources, or the support of soil and water conservation districts in the same manner as provided in the section of this Act appropriating moneys to the department from the environment first fund created in section 8.57A.

Sec. 23. Section 461.33, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. Soil conservation and watershed protection, including by supporting the division of soil conservation and water quality within the department of agriculture and land stewardship and soil and water conservation district commissioners. The department may provide for the installation of conservation practices and watershed protection improvements as provided in chapters 161A, 161C, 461A, and 466, ~~and 466A~~.

Sec. 24. REPEAL. Chapter 466A, Code 2017, is repealed.

Sec. 25. EFFECTIVE DATES.

1. The section of this division of this Act repealing chapter 466A takes effect January 1, 2018.

2. The remainder of the provisions in this division of this Act take effect July 1, 2017.

DIVISION VIII

IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND SPECIAL USE OF MONEYS FOR FY 2017-2018

Sec. 26. OPEN SPACES ACCOUNT — PARK MAINTENANCE AND REPAIR. Notwithstanding section 455A.19, subsection 1, paragraph “a”, subparagraph (1), of the moneys allocated to the open spaces account of the Iowa resources enhancement and protection fund, \$288,000 shall be used by the department of natural resources for state park maintenance and repair for the fiscal year beginning July 1, 2017, and ending on June 30, 2018.

DIVISION IX

LIVESTOCK HEALTH SPECIAL APPROPRIATION FOR FY 2017-2018 GENERAL FUND — RELATED STATUTORY CHANGES

Sec. 27. FOREIGN ANIMAL DISEASES AFFLICTING LIVESTOCK — APPROPRIATION. 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, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For deposit in the foreign animal disease preparedness and response fund created in section 163.3B as enacted in this division of this Act:

..... \$ 100,000

2. In developing a foreign animal disease preparedness and response strategy as required in section 163.3C as enacted in this division of this Act, the department shall prepare an interim report to be submitted to the joint appropriations subcommittee on agriculture and natural resources not later than January 10, 2018. The interim report shall include preliminary findings and recommendations together with plans for completing the strategy. The department shall prepare a final report to be submitted to the joint appropriations subcommittee on agriculture and natural resources not later than January 10, 2019. The report shall include final findings and recommendations for establishing the strategy, and may include any proposed notice of intended action for consideration by the department or proposed legislation for consideration by the general assembly.

Sec. 28. NEW SECTION. **163.3B Foreign animal disease preparedness and response fund.**

1. A foreign animal disease preparedness and response fund is created in the state treasury under the control and management of the department.

2. The fund shall include moneys appropriated by the general assembly credited to the fund. The fund may include other moneys available to and obtained or accepted by the department as provided in section 159.6A, including but not limited to the federal government, other public sources, or private sources.

3. Moneys in the fund are appropriated to the department and shall be used exclusively to develop, establish, and implement a foreign animal disease preparedness and response strategy as described in section 163.3C, and shall not require further special authorization by the general assembly.

4. a. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

b. Notwithstanding section 8.33, moneys credited to the fund that remain unexpended or unobligated at the end of a fiscal year shall not revert to any other fund.

Sec. 29. NEW SECTION. 163.3C Foreign animal disease preparedness and response strategy.

1. As used in this section, unless the context otherwise requires:

a. “*Foreign animal disease*” means a disease introduced into this state that negatively affects the health of livestock and is transmittable between the same or different species of livestock.

b. “*Livestock*” means an animal belonging to the bovine, caprine, equine, ovine, or porcine species, ostriches, rheas, emus; farm deer as defined in section 170.1; or turkeys, chickens, or other poultry.

2. The department shall develop and establish a foreign animal disease preparedness and response strategy for use by the department in order to prevent, control, or eradicate the transmission of foreign animal diseases among populations of livestock. The strategy may be part of the department’s veterinary emergency preparedness and response services as provided in section 163.3A. The strategy shall provide additional expertise and resources to increase biosecurity efforts that assist in the prevention of a foreign animal disease outbreak in this state. In developing and establishing the strategy, the department shall consult with interested persons including but not limited to the following:

- a. The Iowa cattlemen’s association.
- b. The Iowa state dairy association.
- c. The Iowa pork producers association.
- d. The Iowa sheep producers industry association.
- e. The Iowa turkey federation.
- f. The Iowa poultry association.
- g. The college of veterinary medicine at Iowa state university.
- h. The livestock health advisory council created in section 267.2.

3. The department shall implement the foreign animal disease preparedness and response strategy if necessary to prevent, control, or eradicate the transmission and incidence of foreign animal diseases that may threaten or actually threaten livestock in this state. In implementing the strategy, the department may utilize emergency response measures as otherwise required under section 163.3A. The department may but is not required to consult with interested persons when implementing the strategy.

DIVISION X
APPROPRIATION AND STATUTORY CHANGES — ELIMINATION
OF LEOPOLD CENTER FOR SUSTAINABLE AGRICULTURE

Sec. 30. Section 266.39A, Code 2017, is amended to read as follows:

266.39A Agricultural research.

Iowa state university of science and technology shall conduct continuing agricultural research to provide information about environmental and social impacts of agricultural research on the small or family farm and information about population trends and impact of the trends on Iowa agriculture, ~~in addition to research that may include the categories specified in section 266.39B, subsection 2.~~ The research shall include an agricultural land tenure study conducted every five years to determine the ownership of farmland, and to

analyze ownership trends, using the categories of land ownership defined in chapter 9H. The study shall be conducted on the basis of regions established by the university. A region shall be composed of not more than twenty-three contiguous counties.

Sec. 31. Section 455E.11, subsection 2, paragraph b, subparagraph (3), subparagraph division (a), Code 2017, is amended to read as follows:

(a) Thirty-five percent is appropriated annually ~~for the Leopold center for sustainable agriculture at Iowa state university of science and technology~~ to the Iowa nutrient research fund created in section 466B.46.

Sec. 32. Section 466B.46, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0b.* Moneys appropriated from the agriculture management account of the groundwater protection fund pursuant to section 455E.11, subsection 2, paragraph “b”, subparagraph (3), subparagraph division (a).

Sec. 33. ONGOING ACTIVITIES AND EXPENSES.

1. Until July 1, 2017, the Leopold center for sustainable agriculture established in section 266.39 shall not initiate any new activity that otherwise could be conducted under section 266.39 or 266.39B, including but not limited to research grants and projects. The Leopold center for sustainable agriculture shall not incur any obligation or expense unless approved by the college of agriculture and life sciences at Iowa state university of science and technology. The Leopold center for sustainable agriculture shall cancel any existing grant or project that is not in the process of being immediately completed. However, the Leopold center for sustainable agriculture shall not cancel a grant or project that would result in a default of a legal or equitable obligation, including breach of contract.

2. On and after July 1, 2017, the college of agriculture and life sciences at Iowa state university of science and technology shall administer any ongoing activity that the Leopold center for sustainable agriculture had administered under section 266.39 or 266.39B prior to that date. The college may expend moneys appropriated from the Iowa nutrient research fund created in section 466B.46 in order to pay for any necessary expenses associated with the Leopold center for sustainable agriculture and for completing any ongoing activity. The college shall cancel any existing grant or project that is not in the process of being completed. However, the college shall not cancel a grant or project that would result in a default of a legal or equitable obligation, including breach of contract. The college shall submit a report to the general assembly by January 10, 2018, which shall include a summary of the ongoing activities and expenses described in this section and the expected completion date of those activities and expenses.

Sec. 34. REPEAL. Sections 266.39 and 266.39B, Code 2017, are repealed.

Sec. 35. EFFECTIVE DATES.

1. The section of this division of this Act providing for ongoing activities and expenses, being deemed of immediate importance, takes effect upon enactment.

2. The remaining sections of this division of this Act, including the section of this division of this Act repealing sections 266.39 and 266.39B take effect on July 1, 2017.

DIVISION XI
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
GENERAL APPROPRIATION FOR FY 2018-2019

Sec. 36. 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, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

* Item veto; see message at end of the Act

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:

..... \$ 8,820,288
..... 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

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. 37. 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, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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:

..... \$ 147,758

Sec. 38. 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, 2018, and ending June 30, 2019, 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

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. 39. 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, 2018, and ending June 30, 2019, 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

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. 40. 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, 2018, and ending June 30, 2019, 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

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. 41. 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, 2018, and ending June 30, 2019, 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

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. 42. 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, 2018, and ending June 30, 2019, 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

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 XII
GENERAL FUND
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
WATER QUALITY INITIATIVE
APPROPRIATIONS FOR FY 2018-2019

Sec. 43. 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, 2018, and ending June 30, 2019, 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:

..... \$ 1,500,000

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, except for edge-of-field practices, 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 XIII
DEPARTMENT OF NATURAL RESOURCES
GENERAL APPROPRIATIONS FOR FY 2018-2019

Sec. 44. 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, 2018, and ending June 30, 2019, 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:

.....	\$	5,649,905.50
.....	FTEs	1,145.95

2. Of the number of full-time equivalent positions authorized to the department pursuant to subsection 1, 50 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. 45. 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, 2018, and ending June 30, 2019, 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:

.....	\$	21,573,996.50
-------	----	---------------

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, 2018, and ending June 30, 2019, 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. 46. 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, 2018, and ending June 30, 2019, 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
-------	----	-----------

DESIGNATED APPROPRIATIONS
MISCELLANEOUS FUNDS

Sec. 47. 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, 2018, and ending June 30, 2019, 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

Sec. 48. 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, 2018, and ending June 30, 2019, 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

SPECIAL APPROPRIATIONS
GENERAL FUND

Sec. 49. 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, 2018, and ending June 30, 2019, 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:
..... \$ 942,500

2. Of the amount appropriated in subsection 1, up to \$200,000 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. 50. 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, 2018, and ending June 30, 2019, 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

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 XIV
IOWA STATE UNIVERSITY
SPECIAL GENERAL FUND APPROPRIATIONS FOR FY 2018-2019
VETERINARY DIAGNOSTIC LABORATORY

Sec. 51. 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, 2018, and ending June 30, 2019, 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
.....	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, 2019, 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.

DIVISION XV
ENVIRONMENT FIRST FUND
GENERAL APPROPRIATIONS FOR FY 2018-2019

Sec. 52. 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, 2018, and ending June 30, 2019, 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
-------	----	---------

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
-------	----	---------

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:

.....	\$	187,500
-------	----	---------

b. The amount appropriated in paragraph “a” shall be allocated to an organization representing soybean growers to provide for an agriculture and environment performance program.

4. SOIL AND WATER CONSERVATION — ADMINISTRATION

a. For use by the department for costs of administration and implementation of soil and water conservation practices:

.....	\$	1,900,000
-------	----	-----------

b. Of the moneys appropriated in paragraph “a”, \$75,000 is allocated to support field staff providing technical assistance.

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:

..... \$ 450,000

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:

..... \$ 4,162,500

b. (1) Of the amount appropriated in paragraph "a", for transfer to the loess hills development and conservation fund created in section 161D.2:

..... \$ 245,000

(2) (a) Of the amount transferred to the loess hills development and conservation fund in subparagraph (1), \$225,000 shall be allocated to the fund's hungry canyons account.

(b) Not more than 10 percent of the moneys allocated to the fund's hungry canyons account as provided in subparagraph division (a) may be used for administrative costs.

(3) (a) Of the amount transferred to the loess hills development and conservation fund in subparagraph (1), \$20,000 shall be allocated to the fund's loess hills alliance account.

(b) Not more than 10 percent of the moneys allocated to the fund's loess hills alliance account as provided in subparagraph division (a) may be used for administrative costs.

c. Of the remaining amount appropriated in paragraph "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:

..... \$ 3,917,500

d. Of the amount appropriated in paragraph "c" that the department allocates to a soil and water conservation district, the first \$7,500 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.

e. Not more than 5 percent of the moneys appropriated in paragraph "c" may be allocated for cost sharing to address complaints filed under section 161A.47.

f. Of the moneys appropriated in paragraph "c", 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.

g. The state soil conservation committee established by section 161A.4 may allocate moneys appropriated in paragraph "c" to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

h. 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.

i. Not more than 15 percent of the moneys appropriated in paragraph "c" may be used for costs of administration and implementation of soil and water conservation practices.

Sec. 53. 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, 2018, and ending June 30, 2019, 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:

..... \$ 3,117,500

b. Of the amount appropriated in paragraph "a", up to \$50,000 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

3. WATER QUALITY MONITORING
 For continuing the establishment and operation of water quality monitoring stations:
 \$ 1,477,500

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

5. REGULATION OF ANIMAL FEEDING OPERATIONS
 For the regulation of animal feeding operations, including as provided for in chapters 459 through 459B:
 \$ 660,000

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

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

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

Sec. 54. REVERSION.

1. a. Except as provided in paragraph “b”, and notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2018, 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.

b. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2018, 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, 2021.

2. Subsection 1 does not apply to moneys transferred pursuant to this division to the loess hills development and conservation fund created in section 161D.2 which shall not revert as provided in that section.

DIVISION XVI
 ENVIRONMENT FIRST FUND
 SPECIAL APPROPRIATION FOR FY 2018-2019

Sec. 55. WATER QUALITY INITIATIVE — DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.

1. 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, 2018,

and ending June 30, 2019, 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:

..... \$ 1,187,500

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, except for edge-of-field practices, 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.

Approved May 12, 2017, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 510, an Act relating to and making appropriations and related statutory changes involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

Senate File 510 is approved on this date with the following exceptions, of which I hereby disapprove.

I am unable to approve the items designated as Section 34, and Subsection 2 of Section 35, in their entirety. The veto of these particularly specified items will preserve the existence of the Leopold Center for Sustainable Agriculture while also maintaining the sections transferring funding to Iowa State University’s College of Agriculture and Life Sciences to continue valuable research into environmental and water quality issues.

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 510 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 169

APPROPRIATIONS — ECONOMIC DEVELOPMENT

S.F. 513

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 2017-2018

Section 1. 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, 2017, and ending June 30, 2018, 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:

.....	\$	168,637
.....	FTEs	56.50

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 and paragraphs “c” through “g”.

b. COMMUNITY CULTURAL GRANTS

For planning and programming for the community cultural grants program established under section 303.3:

..... \$ 172,090

c. HISTORICAL DIVISION

For the support of the historical division:

..... \$ 2,977,797

d. HISTORIC SITES

For the administration and support of historic sites:

..... \$ 426,398

e. ARTS DIVISION

For the support of the arts division:

..... \$ 1,192,188

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:

..... \$ 150,000

g. RECORDS CENTER RENT

For payment of rent for the state records center:

..... \$ 227,243

h. CULTURAL TRUST GRANTS

For grant programs administered by the Iowa arts council including but not limited to those programs supporting the long-term financial stability and sustainability of nonprofit cultural organizations:

..... \$ 25,000

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. GOALS AND ACCOUNTABILITY — ECONOMIC DEVELOPMENT.

1. For the fiscal year beginning July 1, 2017, the goals for the economic development authority shall be to expand and stimulate the state economy, increase the wealth of Iowans, and increase the population of the state.

2. To achieve the goals in subsection 1, the economic development authority shall do all of the following for the fiscal year beginning July 1, 2017:

a. Concentrate its efforts on programs and activities that result in commercially viable products and services.

b. Adopt practices and services consistent with free market, private sector philosophies.

c. Ensure economic growth and development throughout the state.

d. Work with businesses and communities to continually improve the economic development climate along with the economic well-being and quality of life for Iowans.

e. Coordinate with other state agencies to ensure that they are attentive to the needs of an entrepreneurial culture.

f. Establish a strong and aggressive marketing image to showcase Iowa’s workforce, existing industry, and potential. A priority shall be placed on recruiting new businesses, business expansion, and retaining existing Iowa businesses. Emphasis shall be placed on entrepreneurial development through helping entrepreneurs secure capital, and developing networks and a business climate conducive to entrepreneurs and small businesses.

g. Encourage the development of communities and quality of life to foster economic growth.

h. Prepare communities for future growth and development through development, expansion, and modernization of infrastructure.

i. Develop public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts.

j. Develop, to the fullest extent possible, cooperative efforts for advertising with contributions from other sources.

Sec. 3. 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, 2017, and ending June 30, 2018, 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:

.....	\$	13,400,000
.....	FTEs	147.45

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, 2017, and ending June 30, 2018, the following amount for the world food prize and in lieu of the standing appropriation in section 15.368:

..... \$ 400,000

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, 2017, and ending June 30, 2018, 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:

..... \$ 168,201
..... FTEs 7.00

Of the moneys appropriated in this subsection, the authority shall allocate \$75,000 for purposes of the Iowa state commission grant program and \$93,201 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, 2017, and ending June 30, 2018, the following amount to be used for the purposes of providing financial assistance to Iowa’s councils of governments:

..... \$ 175,000

7. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INTERNSHIPS

a. There is appropriated from the 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, 2017, and ending June 30, 2018, 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”:

..... \$ 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. 4. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2017-2018. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the amounts appropriated from the general fund of the state pursuant to these sections for the following purposes shall not exceed the following amounts:

1. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph “d”, subparagraph (1):

..... \$ 416,702

2. For the purposes of regional tourism marketing under section 99F.11, subsection 3, paragraph “d”, subparagraph (2):

..... \$ 900,000

Sec. 5. INSURANCE ECONOMIC DEVELOPMENT. From the moneys collected by the division of insurance in excess of the anticipated gross revenues under section 505.7, subsection 3, during the fiscal year beginning July 1, 2017, \$100,000 shall be transferred to the economic development authority for insurance economic development and international insurance economic development.

Sec. 6. 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, 2017, and ending June 30, 2018, 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:

..... \$ 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, 2017, 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. 7. IOWA FINANCE AUTHORITY AUDIT. The auditor of state is requested to review the audit of the Iowa finance authority performed by the auditor hired by the authority.

Sec. 8. 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, 2017, and ending June 30, 2018, 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:

..... \$ 1,342,452

..... 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. 9. 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, 2017, and ending June 30, 2018, 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:

..... \$ 3,491,252

..... FTEs 61.12

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

* Item veto; see message at end of the Act

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:

.....	\$	3,259,044
.....	FTEs	27.20

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:

.....	\$	7,945,650
.....	FTEs	187.75

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.

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:

.....	\$	287,158
.....	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.

5. 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:

.....	\$	228,822
-------	----	---------

6. 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. 10. 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, 2017, and ending June 30, 2018, 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:

.....	\$	429,631
.....	FTEs	5.00

Sec. 11. 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, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for field offices:

.....	\$	1,766,084
-------	----	-----------

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, 2017, and ending June 30, 2018, to accomplish the mission of the department.

Sec. 12. 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, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, for the purposes designated:

For the operation of field offices:

..... \$ 1,060,000

Sec. 13. VIRTUAL ACCESS WORKFORCE DEVELOPMENT OFFICES. The department of workforce development shall require a unique identification login for all users of workforce development centers operated through electronic means.

Sec. 14. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding section 96.9, subsection 4, paragraph “a”, moneys credited to the state by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act are appropriated to the department of workforce development and shall be used by the department for the administration of the unemployment compensation program only. This appropriation shall not apply to any fiscal year beginning after December 31, 2017.

Sec. 15. UNEMPLOYMENT INSURANCE SYSTEMS MODERNIZATION — USE OF FUNDS AUTHORIZATION. Incentive payment moneys transferred by the secretary of labor of the United States to the state as a special transfer pursuant to section 2003 of the Assistance for Unemployed Workers and Struggling Families Act, enacted pursuant to Pub. L. No. 111-5, and credited to the unemployment compensation fund established pursuant to section 96.9, are appropriated to the department of workforce development for the fiscal year beginning July 1, 2017, for the purpose of unemployment insurance systems modernization and for the acquisition of programming, software, and equipment required to provide an administrative system for the Iowa unemployment insurance program, in an amount not to exceed the following amount:

..... \$ 9,600,000

Sec. 16. UNEMPLOYMENT COMPENSATION AND EMPLOYMENT SERVICES PROGRAMS — USE OF FUNDS AUTHORIZATION. Incentive payment moneys transferred by the secretary of labor of the United States to the state as a special transfer pursuant to section 2003 of the Assistance for Unemployed Workers and Struggling Families Act, enacted pursuant to Pub. L. No. 111-5, and credited to the unemployment compensation fund established pursuant to section 96.9, are appropriated to the department of workforce development for the fiscal year beginning July 1, 2017, for the administration of the Iowa employment security law and public employment offices, in an amount not to exceed the following amount:

..... \$ 597,000

Sec. 17. 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, 2017, and ending June 30, 2018, 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:

..... \$ 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:

..... \$ 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 state 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:

..... \$ 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:

..... \$ 209,279

..... 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:

.....	\$	2,000,000
.....	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:

.....	\$	1,066,419
.....	FTEs	8.12

(a) Of the moneys appropriated pursuant to this subparagraph (5), the university of northern Iowa shall allocate at least \$617,639 for purposes of support of entrepreneurs through the university’s center for business growth and innovation and 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:

.....	\$	100,000
-------	----	---------

(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, 2017.

(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
FY 2018-2019

Sec. 18. 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, 2018, and ending June 30, 2019, 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:

.....	\$	84,318
.....	FTEs	56.50

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 and paragraphs “c” through “g”.

b. COMMUNITY CULTURAL GRANTS

For planning and programming for the community cultural grants program established under section 303.3:

.....	\$	86,045
c. HISTORICAL DIVISION		
For the support of the historical division:		
.....	\$	1,488,898
d. HISTORIC SITES		
For the administration and support of historic sites:		
.....	\$	213,199
e. ARTS DIVISION		
For the support of the arts division:		
.....	\$	596,094
Of the moneys appropriated in this paragraph, the department shall allocate \$150,000 for purposes of the film office.		
f. IOWA GREAT PLACES		
For the Iowa great places program established under section 303.3C:		
.....	\$	75,000
g. RECORDS CENTER RENT		
For payment of rent for the state records center:		
.....	\$	113,621
h. CULTURAL TRUST GRANTS		
For grant programs administered by the Iowa arts council including but not limited to those programs supporting the long-term financial stability and sustainability of nonprofit cultural organizations:		
.....	\$	12,500
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 unavailable for expenditure for the purposes designated until the close of the succeeding fiscal year.		

Sec. 19. GOALS AND ACCOUNTABILITY — ECONOMIC DEVELOPMENT.

1. For the fiscal year beginning July 1, 2018, the goals for the economic development authority shall be to expand and stimulate the state economy, increase the wealth of Iowans, and increase the population of the state.

2. To achieve the goals in subsection 1, the economic development authority shall do all of the following for the fiscal year beginning July 1, 2018:

a. Concentrate its efforts on programs and activities that result in commercially viable products and services.

b. Adopt practices and services consistent with free market, private sector philosophies.

c. Ensure economic growth and development throughout the state.

d. Work with businesses and communities to continually improve the economic development climate along with the economic well-being and quality of life for Iowans.

e. Coordinate with other state agencies to ensure that they are attentive to the needs of an entrepreneurial culture.

f. Establish a strong and aggressive marketing image to showcase Iowa's workforce, existing industry, and potential. A priority shall be placed on recruiting new businesses, business expansion, and retaining existing Iowa businesses. Emphasis shall be placed on entrepreneurial development through helping entrepreneurs secure capital, and developing networks and a business climate conducive to entrepreneurs and small businesses.

g. Encourage the development of communities and quality of life to foster economic growth.

h. Prepare communities for future growth and development through development, expansion, and modernization of infrastructure.

i. Develop public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts.

j. Develop, to the fullest extent possible, cooperative efforts for advertising with contributions from other sources.

Sec. 20. 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, 2018, and ending June 30, 2019, 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:

.....	\$	6,700,000
.....	FTEs	147.45

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, 2018, and ending June 30, 2019, the following amount for the world food prize and in lieu of the standing appropriation in section 15.368:

..... \$ 200,000

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, 2018, and ending June 30, 2019, 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:

..... \$ 84,100

..... FTEs 7.00

Of the moneys appropriated in this subsection, the authority shall allocate \$37,500 for purposes of the Iowa state commission grant program and \$46,600 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, 2018, and ending June 30, 2019, the following amount to be used for the purposes of providing financial assistance to Iowa’s councils of governments:

..... \$ 87,500

7. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INTERNSHIPS

a. There is appropriated from the 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, 2018, and ending June 30, 2019, 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

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. 21. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2018-2019. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the amounts appropriated from the general fund of the state pursuant to these sections for the following purposes shall not exceed the following amounts:

1. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph “d”, subparagraph (1):

..... \$ 208,351

2. For the purposes of regional tourism marketing under section 99F.11, subsection 3, paragraph “d”, subparagraph (2):

..... \$ 450,000

Sec. 22. INSURANCE ECONOMIC DEVELOPMENT. From the moneys collected by the division of insurance in excess of the anticipated gross revenues under section 505.7, subsection 3, during the fiscal year beginning July 1, 2018, \$50,000 shall be transferred to the economic development authority for insurance economic development and international insurance economic development.

Sec. 23. 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, 2018, and ending June 30, 2019, 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

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, 2018, 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 \$17,500 may be used for administrative costs.

Sec. 24. IOWA FINANCE AUTHORITY AUDIT. The auditor of state is requested to review the audit of the Iowa finance authority performed by the auditor hired by the authority.

Sec. 25. 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, 2018, and ending June 30, 2019, 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

..... FTEs 10.00

2. Of the moneys appropriated in this section, the board shall allocate \$7,500 for maintaining an internet site that allows searchable access to a database of collective bargaining information.

Sec. 26. 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, 2018, and ending June 30, 2019, 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:

..... \$ 1,745,626

..... FTEs 61.12

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

..... FTEs 27.20

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,

* Item veto; see message at end of the Act

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:

.....	\$	3,972,825
.....	FTEs	187.75

b. Of the moneys appropriated in paragraph "a" of this subsection, the department shall allocate \$75,000 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.

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:

.....	\$	143,579
.....	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.

5. 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:

.....	\$	114,411
-------	----	---------

6. 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. 27. 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, 2018, and ending June 30, 2019, 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:

.....	\$	214,815
.....	FTEs	5.00

Sec. 28. 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, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for field offices:

.....	\$	883,042
-------	----	---------

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, 2018, and ending June 30, 2019, to accomplish the mission of the department.

Sec. 29. 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, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, for the purposes designated:

For the operation of field offices:

..... \$ 530,000

Sec. 30. VIRTUAL ACCESS WORKFORCE DEVELOPMENT OFFICES. The department of workforce development shall require a unique identification login for all users of workforce development centers operated through electronic means.

Sec. 31. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding section 96.9, subsection 4, paragraph "a", moneys credited to the state by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act are appropriated to the department of workforce development and shall be used by the department for the administration of the unemployment compensation program only. This appropriation shall not apply to any fiscal year beginning after December 31, 2018.

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, 2018, and ending June 30, 2019, 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:

..... \$ 7,950,000

(2) From the moneys appropriated in this lettered paragraph "a", the economic development authority may use not more than \$500,000 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

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 state 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

..... FTEs 56.63

(a) Of the moneys appropriated in this subparagraph (2), Iowa state university of science and technology shall allocate at least \$367,864 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:

.....	\$	104,639
.....	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
.....	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:

.....	\$	533,209
.....	FTEs	8.12

(a) Of the moneys appropriated pursuant to this subparagraph (5), the university of northern Iowa shall allocate at least \$308,819 for purposes of support of entrepreneurs through the university's center for business growth and innovation and 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
-------	----	--------

(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, 2018.

(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 III PUBLIC EMPLOYMENT RELATIONS BOARD — COSTS AND FEES

Sec. 33. NEW SECTION. **20.33 Retention of costs and fees.**

1. All moneys paid in advance by the board and subsequently taxed as a cost to a party or parties pursuant to section 20.6, subsection 6, and section 20.11, subsection 3, shall, when reimbursed by the party or parties taxed under those sections, be retained by the board as repayment receipts and used exclusively to offset the cost of the certified shorthand reporter reporting the proceeding and of any transcript requested by the board.

2. All fees established and collected by the board pursuant to section 20.6, subsection 7, shall be retained by the board as repayment receipts and used exclusively for the purpose of covering the cost of elections required pursuant to section 20.15, including payment for the services of any vendor retained by the board to conduct or assist in the conduct of such an election.

DIVISION IV IOWA ENERGY CENTER

Sec. 34. Section 15.108, subsection 9, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Administer the Iowa energy center established in section 15.120. This paragraph “g” is repealed July 1, 2022.

Sec. 35. NEW SECTION. **15.120 The Iowa energy center.**

1. The Iowa energy center is established within the authority with the following purposes:

a. To expand workforce and career opportunities for workers in the energy sector to ensure that the state is able to attract and train professionals to meet the state’s future energy needs.

b. To support technology-based development by encouraging public-private partnerships and innovative manufacturers to develop and bring to market new energy technologies.

c. To support rural and underserved areas and vulnerable populations by creating opportunities for greater access to energy efficiency expertise, training, programs, and cyber security preparedness for small utilities.

d. To support the expansion of natural gas infrastructure to rural and underserved areas of the state where the absence is a limiting factor to economic development.

e. To promote and fund research, development, and commercialization of biomass technology to benefit the state economically and environmentally by further realizing the value-added attributes of biomass in the development of bioenergy, biofuels, and biochemicals.

f. To encourage growth of the alternative fuel vehicle market, particularly for electric vehicles, and the infrastructure necessary to support the market.

g. To support efforts to modernize the electric grid infrastructure of the state to support increased capacity and new technologies.

2. a. A governing board is established consisting of the following members appointed by the governor:

(1) One member representing Iowa state university of science and technology, in consultation with the president of that university.

(2) One member representing the university of Iowa, in consultation with the president of that university.

(3) One member representing the university of northern Iowa, in consultation with the president of that university.

(4) One member representing private colleges and universities within the state, in consultation with the Iowa association of independent colleges and universities.

(5) One member representing community colleges, in consultation with the Iowa association of community college trustees.

(6) One member representing the economic development authority, in consultation with the director of the economic development authority.

(7) One member representing the state department of transportation, in consultation with the director of the department of transportation.

(8) One member representing the office of consumer advocate, in consultation with the consumer advocate.

(9) One member representing the utilities board, in consultation with the chair of the utilities board.

(10) One member representing rural electric cooperatives, in consultation with the Iowa association of electric cooperatives.

(11) One member representing municipal utilities, in consultation with the Iowa association of municipal utilities.

(12) Two members representing investor-owned utilities, one representing gas utilities, and one representing electric utilities, in consultation with the Iowa utility association.

b. The terms of the members shall begin and end as provided in section 69.19 and any vacancy shall be filled by the governor as provided for in this subsection. The terms shall be for four years and shall be staggered as determined by the director of the economic development authority.

c. The board shall oversee, approve, and provide direction concerning the programs established by the center and shall coordinate with the center and the director of the authority for the implementation of such programs. In overseeing the center and its programs, the board shall ensure that all ratepayer moneys remitted by the utilities board pursuant to section 476.10A are expended on programs and projects designed to provide benefits to gas and electric utility ratepayers.

d. The deliberations or meetings of the governing board shall be conducted in accordance with chapter 21.

e. The board, in consultation with center staff, shall adopt rules for the administration of the center and its programs pursuant to chapter 17A.

3. a. The center shall employ necessary support staff. The center staff shall be employees of the authority. Moneys appropriated to the center shall be used to sponsor grants and projects submitted on a competitive basis by Iowa businesses, colleges and universities, and private nonprofit agencies and foundations, and for the salaries and benefits of the employees of the center. The center may also solicit additional grants and funding from public and private nonprofit agencies and foundations.

b. The center shall prepare an annual report in coordination with the authority. The center shall submit the report to the general assembly and the legislative services agency by January 15 of each year.

4. The governing board shall oversee the center in the development of a budget, on the policies and procedures of the center, in the funding of grant proposals, and in matters relating to program planning and review. The center's annual budget shall be approved by the board.

5. This section is repealed July 1, 2022.

Sec. 36. Section 476.1A, subsection 1, paragraph e, Code 2017, is amended to read as follows:

e. Assessment of fees for the support of the Iowa energy center created in section ~~266.39C~~ 15.120 and the center for global and regional environmental research established by the state board of regents. This paragraph "e" is repealed July 1, 2022.

Sec. 37. Section 476.1B, subsection 1, paragraph k, Code 2017, is amended to read as follows:

k. Assessment of fees for the support of the Iowa energy center created in section ~~266.39C~~ 15.120 and the center for global and regional environmental research created by the state board of regents. This paragraph “k” is repealed July 1, 2022.

Sec. 38. Section 476.1C, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. Shall be subject to the assessment of fees for the support of the Iowa energy center created in section ~~266.39C~~ 15.120 and the center for global and regional environmental research created by the state board of regents ~~and shall file energy efficiency plans and energy efficiency results with the board. The energy efficiency plans as a whole shall be cost-effective. The board may waive all or part of the energy efficiency filing requirements if the gas utility demonstrates superior results with existing energy efficiency efforts.~~ This paragraph “b” is repealed July 1, 2022.

Sec. 39. Section 476.1C, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0c.* Shall file energy efficiency plans and energy efficiency results with the board. The energy efficiency plans as a whole shall be cost-effective. The board may waive all or part of the energy efficiency filing requirements if the gas utility demonstrates superior results with existing energy efficiency efforts.

Sec. 40. Section 476.10A, subsection 1, paragraph c, subparagraph (1), Code 2017, is amended to read as follows:

(1) Eighty-five percent of the remittances collected pursuant to this section is appropriated to the Iowa energy center created in section ~~266.39C~~ 15.120.

Sec. 41. Section 476.10A, Code 2017, is amended by adding the following new subsection: NEW SUBSECTION. 4. This section is repealed July 1, 2022.

Sec. 42. Section 476.46, subsection 1, Code 2017, is amended to read as follows:

1. The Iowa energy center created under section ~~266.39C~~ 15.120 shall establish and administer an alternate energy revolving loan program to encourage the development of alternate energy production facilities and small hydro facilities within the state.

Sec. 43. Section 476.46, subsection 3, Code 2017, is amended by striking the subsection.

Sec. 44. Section 478.29, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A person who violates a provision of this chapter is subject to a civil penalty, which may be levied by the board, of not more than one hundred dollars per violation or one thousand dollars per day of a continuing violation, whichever is greater. Civil penalties collected pursuant to this section shall be forwarded by the executive secretary of the board to the treasurer of state to be credited to ~~the Iowa energy center created in section 266.39C~~ the general fund of the state and appropriated to the division of community action agencies of the department of human rights for purposes of the low income home energy assistance program and the weatherization assistance program.

Sec. 45. Section 479.31, subsection 1, Code 2017, is amended to read as follows:

1. A person who violates this chapter or any rule or order issued pursuant to this chapter shall be subject to a civil penalty levied by the board not to exceed one hundred thousand dollars for each violation. Each day that the violation continues shall constitute a separate offense. However, the maximum civil penalty shall not exceed one million dollars for any related series of violations. Civil penalties collected pursuant to this section shall be ~~credited to and are appropriated for the Iowa energy center created in section 266.39C~~ forwarded by the executive secretary of the board to the treasurer of state to be credited to the general fund of the state and appropriated to the division of community action agencies of the department

of human rights for purposes of the low income home energy assistance program and the weatherization assistance program.

Sec. 46. Section 479B.21, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A person who violates this chapter or any rule or order issued pursuant to this chapter shall be subject to a civil penalty levied by the board in an amount not to exceed one thousand dollars for each violation. Each day that the violation continues shall constitute a separate offense. However, the maximum civil penalty shall not exceed two hundred thousand dollars for any related series of violations. Civil penalties collected pursuant to this section shall be credited to and are appropriated for the use of the Iowa energy center created in section 266.39C forwarded by the executive secretary of the board to the treasurer of state to be credited to the general fund of the state and appropriated to the division of community action agencies of the department of human rights for purposes of the low income home energy assistance program and the weatherization assistance program.

Sec. 47. REPEAL. Section 266.39C, Code 2017, is repealed.

Sec. 48. TRANSITION PROVISIONS.

1. Any moneys remaining in any account or fund under the control of Iowa state university of science and technology on the effective date of this division of this Act that were appropriated to the Iowa energy center, including moneys appropriated pursuant to section 476.10A, section 476.46, section 478.29, section 479.31, or section 479B.21, shall, as directed by the economic development authority, be transferred to a comparable fund or account under the control of the economic development authority for such purposes. Notwithstanding section 8.33, the moneys transferred in accordance with this subsection shall not revert to the account or fund from which appropriated or transferred and shall be retained for the designated purposes.

2. Grants, loans, scholarships, and other financial commitments pledged or awarded by the Iowa energy center or by Iowa state university of science and technology on behalf of the Iowa energy center prior to the effective date of this division of this Act shall continue as provided by the terms of the grants, loans, scholarships, or other financial commitments and shall be administered by the Iowa economic development authority. Moneys received from any future repayments or recaptures, or other moneys derived from these commitments, after the effective date of this division of this Act shall be credited to a fund or account under the control of the economic development authority as directed by the economic development authority. Contracts for the procurement of goods and services, leases, and facility use agreements entered into by the Iowa energy center or by Iowa state university of science and technology on behalf of the Iowa energy center shall not be transferred to the economic development authority and shall be assumed by Iowa state university of science and technology.

3. Title to real and personal property procured by the Iowa energy center or by the Iowa state university of science and technology on behalf of the Iowa energy center prior to the effective date of this division of this Act shall remain with or be assumed by Iowa state university of science and technology, except that ownership of real or personal property pledged as collateral on existing loans shall be transferred to the economic development authority.

4. Staff of the Iowa energy center employed by Iowa state university of science and technology shall not become employees of the economic development authority upon the effective date of this division of this Act.

5. The economic development authority and the Iowa state university of science and technology shall collaborate their efforts in transitioning the Iowa energy center to the economic development authority.

Sec. 49. EFFECTIVE DATE. This division of this Act takes effect October 1, 2017.

Approved May 12, 2017, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 513, 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.

Senate File 513 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 Division I, Section 6, numbered paragraph 2. House File 586 designates the Department of Human Services as the entity that determines who is eligible for the rent subsidy program. This item is unnecessary and contradicts the language set out in House File 586.

I am unable to approve the designated portion of the item designated as Division II, Section 23, numbered paragraph 2. House File 586 designates the Department of Human Services as the entity that determines who is eligible for the rent subsidy program. This item is unnecessary and contradicts the language set out in House File 586.

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 513 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 170

STATE AND LOCAL GOVERNMENT FINANCIAL AND REGULATORY MATTERS — APPROPRIATIONS AND MISCELLANEOUS CHANGES

S.F. 516

AN ACT relating to state and local finances by making appropriations, providing for legal and regulatory responsibilities, concerning taxation, and providing for 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 STANDING APPROPRIATIONS AND RELATED MATTERS

Section 1. BUDGET PROCESS FOR FISCAL YEAR 2018-2019.

1. For the budget process applicable to the fiscal year beginning July 1, 2018, on or before October 1, 2017, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and section 8.23, subsection 1, 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. 2. BUDGET PROCESS FOR FISCAL YEAR 2019-2020.

1. For the budget process applicable to the fiscal year beginning July 1, 2019, on or before October 1, 2018, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and section 8.23, subsection 1, 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. 3. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2017-2018. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

- 1. For payment of claims for nonpublic school transportation under section 285.2:
..... \$ 8,197,091

If total approved claims for reimbursement for nonpublic school pupil transportation exceed the amount appropriated in accordance with this subsection, the department of education shall prorate the amount of each approved claim.

- 2. For distribution for the tribal council of the Sac and Fox Indian settlement for educating American Indian children under section 256.30:
..... \$ 95,750

Sec. 4. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2018-2019. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

- 1. For payment of claims for nonpublic school transportation under section 285.2:
..... \$ 8,197,091

If total approved claims for reimbursement for nonpublic school pupil transportation exceed the amount appropriated in accordance with this subsection, the department of education shall prorate the amount of each approved claim.

- 2. For distribution for the tribal council of the Sac and Fox Indian settlement for educating American Indian children under section 256.30:
..... \$ 95,750

Sec. 5. 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, 2017, and ending June 30, 2018, are reduced by the following amount:

- \$ 400,000

2. The budgeted amounts for the general assembly and legislative agencies for the fiscal year beginning July 1, 2017, may be adjusted to reflect the unexpended budgeted amounts from the previous fiscal year.

3. Annual membership dues for organizations, associations, and conferences shall not be paid from moneys appropriated pursuant to section 2.12.

4. Costs for out-of-state travel and per diems for out-of-state travel shall not be paid from moneys appropriated pursuant to section 2.12.

Sec. 6. INSTRUCTIONAL SUPPORT STATE AID — FY 2017-2018. In lieu of the appropriation provided in section 257.20, subsection 2, the appropriation for the fiscal year beginning July 1, 2017, and ending June 30, 2018, for paying instructional support state aid under section 257.20 for such fiscal years is zero.

Sec. 7. SPECIAL FUNDS — SALARY ADJUSTMENTS — FY 2017-2018 — FY 2018-2019. For the fiscal year beginning July 1, 2017, and ending June 30, 2018, and for the fiscal year beginning July 1, 2018, and ending June 30, 2019, salary adjustments may be funded using departmental revolving, trust, or special funds for which the general assembly has established an operating budget, provided that doing so does not exceed the operating budget established by the general assembly.

Sec. 8. OPERATIONAL APPROPRIATIONS — REVERSION — FY 2016-2017. Notwithstanding section 8.62, at the close of the fiscal year beginning July 1, 2016, and ending June 30, 2017, any balance of an operational appropriation that remains unexpended or unencumbered shall not be encumbered or deposited in the cash reserve fund as provided in section 8.62, but shall instead revert to the general fund of the state at the close of the fiscal year as provided in section 8.33.

Sec. 9. SPECIAL FUNDS — SALARY ADJUSTMENTS — UNAPPROPRIATED MONEYS — FY 2017-2018 — FY 2018-2019. For the fiscal year beginning July 1, 2017, and ending June 30, 2018, and for the fiscal year beginning July 1, 2018, and ending June 30, 2019, salary adjustments otherwise provided may be funded as determined by the department of management using unappropriated moneys remaining in the department of commerce revolving fund, the gaming enforcement revolving fund, the gaming regulatory revolving fund, the primary road fund, the road use tax fund, the fish and game protection fund, the Iowa public employees' retirement fund, and in other departmental revolving, trust, or special funds for which the general assembly has not made an operating budget appropriation.

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 257.35, Code 2017, is amended by adding the following new subsection:
NEW SUBSECTION. 11A. 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, 2017, and ending June 30, 2018, shall be reduced by the department of management by

fifteen million 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. 12. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act reverting to the general fund any unexpended or unencumbered moneys from operational appropriations.

DIVISION II
MISCELLANEOUS APPROPRIATIONS

Sec. 13. TRANSFER FROM CASH RESERVE FUND. Notwithstanding section 8.56, subsection 3 and subsection 4, paragraph “a”, there is transferred from the cash reserve fund created in section 8.56 to the general fund of the state for the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following amount:

..... \$ 131,100,000

Sec. 14. CASH RESERVE FUND APPROPRIATION — FY 2017-2018. There is appropriated from the general fund of the state to the cash reserve fund created in section 8.56 for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the following amount:

..... \$ 20,000,000

Sec. 15. CASH RESERVE FUND APPROPRIATION — FY 2018-2019. There is appropriated from the general fund of the state to the cash reserve fund for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount:

..... \$ 111,100,000

Sec. 16. SEXUAL ABUSE EVIDENCE COLLECTION KITS. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For expediting the processing of sexual abuse evidence collection kits, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 200,000

..... FTEs 2.00

Sec. 17. DEPARTMENT OF EDUCATION — VOCATIONAL REHABILITATION SERVICES DIVISION.

1. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of meeting federal maintenance of effort requirements:

..... \$ 106,705

2. Moneys appropriated in this section shall supplement, not supplant, moneys appropriated for the same purposes in 2017 Iowa Acts, House File 642, ¹ section 5, subsection 3, paragraph “a”.

Sec. 18. GUBERNATORIAL TRANSITION. 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, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For expenses incurred during the gubernatorial transition:

..... \$ 150,000

¹ Chapter 172 herein

Sec. 19. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act transferring moneys from the cash reserve fund to the general fund of the state for the fiscal year beginning July 1, 2016.

DIVISION III
MISCELLANEOUS PROVISIONS

Sec. 20. Section 2.43, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The legislative council in cooperation with the officers of the senate and house shall have the duty and responsibility for preparing for each session of the general assembly. Pursuant to such duty and responsibility, the legislative council shall assign the use of areas in the state capitol except for the areas used by the governor as of January 1, 1986, ~~and by the courts as of July 1, 2003,~~ and, in consultation with the director of the department of administrative services and the capitol planning commission, may assign areas in other state office buildings, except for the judicial branch building, for use of the general assembly or legislative agencies. The legislative council shall provide the courts with use of space in the state capitol for ceremonial purposes. The legislative council may authorize the renovation, remodeling and preparation of the physical facilities used or to be used by the general assembly or legislative agencies subject to the jurisdiction of the legislative council and award contracts pursuant to such authority to carry out such preparation. The legislative council may purchase supplies and equipment deemed necessary for the proper functioning of the legislative branch of government.

Sec. 21. Section 8A.322, subsection 2, Code 2017, is amended to read as follows:

2. Except for buildings and grounds described in section 216B.3, subsection 6; section 2.43, unnumbered paragraph 1; and any buildings under the custody and control of the Iowa public employees' retirement system, the director shall assign office space at the capitol, other state buildings, and elsewhere in the city of Des Moines, and the state laboratories facility in Ankeny, for all executive and judicial state agencies. Assignments may be changed at any time. The various officers to whom rooms have been so assigned may control the same while the assignment to them is in force. Official apartments shall be used only for the purpose of conducting the business of the state. The term "*capitol*" or "*capitol building*" as used in the Code shall be descriptive of all buildings upon the capitol grounds. The capitol building itself is reserved for the operations of the general assembly; and the governor, and, for ceremonial purposes, for the courts and the. The assignment and use of physical facilities for the general assembly shall be pursuant to section 2.43.

Sec. 22. Section 8C.7A, subsection 3, paragraph b, unnumbered paragraph 1, if enacted by 2017 Iowa Acts, Senate File 431,² is amended to read as follows:

An authority shall not require a person to apply for or enter into an individual license, franchise, or other agreement with the authority or any other entity for the siting of a small wireless facility on a utility pole located in a public right-of-way. However, an authority may, through the conditions set forth in a ~~building~~ permit obtained pursuant to this subsection, do any of the following:

Sec. 23. NEW SECTION. 9.4A Technology modernization fund.

1. A technology modernization fund is created in the state treasury under the control of the secretary of state. Moneys in the fund are appropriated to the secretary of state for purposes of modernizing technology used by the secretary of state to fulfill the duties of office.

2. On and after July 1, 2017, any increased fee amount collected by the secretary of state shall be credited to the technology modernization fund. From each fee collected, the amount credited to the fund equals the difference between the fee amount collected and the amount assessed for the same fee on June 30, 2017.

3. Each fiscal year, not more than two million dollars shall be credited to the fund.

² Chapter 112 herein

4. This section is repealed July 1, 2022.

Sec. 24. Section 270.10, Code 2017, is amended to read as follows:

270.10 Merger requirements.

1. The state board of regents shall not merge the school for the deaf at Council Bluffs with the Iowa braille and sight saving school at Vinton or close either of those institutions until all of the following requirements have been met:

1. a. The department of management has presented to the general assembly a comprehensive plan, program, and fiscal analysis of the existing circumstances and the circumstances which would prevail upon the proposed merger or closing, together with data which would support the contention that the merger or closing will be more efficient and effective than continuation of the existing facilities. The analysis shall include a detailed study of the educational implications of the merger or closing, the impact on the students, and the opinions and research of nationally recognized experts in the field of the education of visually impaired and deaf students. The comprehensive plan shall further include a study relating to the programming, fiscal consequences, and political implications which would result if either a merger or an agreement under chapter 28E should be implemented between the school for the deaf in Council Bluffs and comparable state programs in the state of Nebraska.

2. b. The general assembly has studied the plans, programs, and fiscal analysis and has reviewed their impact on the programs.

3. c. The general assembly has enacted legislation authorizing either the closing or the merger to take effect not sooner than two years after the enactment of the legislation.

2. This section shall not apply to an agreement related to the sale or transfer of the property of the Iowa braille and sight saving school at Vinton entered into between the state of Iowa and the city of Vinton.

Sec. 25. Section 321N.4, subsection 6, Code 2017, is amended to read as follows:

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.~~

Sec. 26. EFFECTIVENESS AND IMPLEMENTATION. The general assembly declares that the appropriation from the general fund of the state to the secretary of state, serving as the state commissioner of elections, made pursuant to 2017 Iowa Acts, House File 640,³ section 21, subsection 1, is sufficient for the implementation of section 48A.10A contained in 2017 Iowa Acts, House File 516.⁴

Sec. 27. ALCOHOLIC BEVERAGE CONTROL — STUDY.

1. It is the intent of the general assembly that the three-tiered system of regulating the alcohol beverage industry is critical to maintaining a fair and competitive marketplace. The study required by this section does not preclude the alcoholic beverages division from applying regulatory discretion that aligns with the performance of the powers and duties granted to the administrator in chapter 123.

2. The alcoholic beverages division of the department of commerce, in conjunction with other stakeholders the division deems necessary, shall conduct a study concerning enforcement issues related to alcoholic beverage control, including consideration of the manner of properly balancing appropriate regulation of the manufacturing, distribution, and sale of alcoholic liquor, wine, and beer in this state with emerging trends in the industry.

3. In conducting the study, the division shall consider any other relevant issues the division identifies for study, issues relating to the three-tiered system and section 123.45, as it impacts the ability of manufacturers, wholesalers, and retailers to meet changing marketplace conditions and business opportunities.

³ Chapter 171 herein

⁴ Chapter 110 herein

4. By July 1, 2018, the division shall submit a final report to the general assembly. The report shall provide the results of the study including any findings and recommendations.

5. During the time period of the study and consideration of the issue by the general assembly during the 2019 legislative session, if an applicant has a conflict with section 123.45, subsection 1, paragraphs “c” or “d”, the administrator may elect to defer on a final determination regarding the eligibility and issue a temporary license or permit with conditions, if applicable. In making a determination of whether to defer on a final determination, the administrator shall balance regulatory principles and practices that ensure a fair and competitive marketplace with the protections of the public interests as provided in chapter 123.

6. This section is repealed July 1, 2019.

Sec. 28. SEXUAL ABUSE EVIDENCE COLLECTION KITS. Any sexual abuse evidence collection kit identified by a jurisdictional law enforcement agency through the inventory required pursuant to 2016 Iowa Acts, chapter 1042, shall be maintained by the law enforcement agency indefinitely. A law enforcement agency in possession of any sexual abuse evidence kit identified through the inventory shall submit for analysis any kit at the request of the department of justice.

Sec. 29. REPEAL. Chapter 304A, Code 2017, is repealed.

DIVISION IV CORRECTIVE PROVISIONS

Sec. 30. Section 22.13A, subsection 5, paragraph b, as enacted by 2017 Iowa Acts, House File 291,⁵ section 51, is amended to read as follows:

b. If paragraph “a”, subparagraph (1) or (2) is not consistent with the provision of a collective bargaining agreement, a state agency shall provide the individuals referenced in this subsection, as applicable, with regular reports regarding any personnel settlement agreements entered into with state employees by the state agency.

Sec. 31. Section 27.1, as enacted by 2017 Iowa Acts, Senate File 499,⁶ section 1, is amended to read as follows:

27.1 Definitions.

~~1.~~ For purposes of this ~~section~~ chapter:

~~a.~~ 1. “Monitoring device” means a digital video or audio streaming or recording device that is part of a system of monitoring activity in an area or building using a system in which signals are transmitted from a video camera or microphone to the receivers by cables or wirelessly, forming a closed circuit.

~~b.~~ 2. “Public hospital” means a hospital licensed pursuant to chapter 135B and governed pursuant to chapter 145A, 263, 347, 347A, or 392.

~~c.~~ 3. “Public library” means a library district as described in chapter 336.

~~d.~~ 4. “Public school” means a school district as described in chapter 274.

~~e.~~ 5. “Reasonable expectation of privacy” means a person’s reasonable belief, under the circumstances, that the person can disrobe or partially disrobe in privacy without being concerned that the person is being viewed, photographed, or filmed when doing so.

Sec. 32. Section 73A.26, as enacted by 2017 Iowa Acts, Senate File 438,⁷ section 6, is amended to read as follows:

73A.26 Purpose.

The purpose of this ~~chapter~~ subchapter is to provide for more economical, nondiscriminatory, neutral, and efficient procurement of construction-related goods and services by this state and political subdivisions of this state.

⁵ Chapter 2 herein

⁶ Chapter 135 herein

⁷ Chapter 65 herein

Sec. 33. Section 80B.19, subsection 2, if enacted by 2017 Iowa Acts, Senate File 509,⁸ section 22, is amended to read as follows:

2. Internal training funds in the internal training clearing fund shall be administered by the academy and shall consist of moneys collected by the academy from billings issued in accordance with this chapter 80B, and any other moneys obtained or accepted by the academy, including but not limited to gifts, loans, donations, grants, and contributions, which are obtained or designated to support the activities of the academy.

Sec. 34. Section 84A.1A, subsection 1, paragraph a, subparagraph (8), subparagraph division (b), subparagraph subdivision (iii), as enacted by 2017 Iowa Acts, House File 572,⁹ section 1, is amended to read as follows:

(iii) Two representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §3(24), including but not limited to organizations that serve veterans, or that provide or support competitive, integrated employment for individuals with disabilities; or that serve eligible youth, as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §3(18), including representatives of organizations that serve out-of-school youth, as defined in the federal Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §129(a)(1)(B).

Sec. 35. Section 225D.1, subsection 8, Code 2017, as amended by 2017 Iowa Acts, House File 215,¹⁰ section 1, is amended to read as follows:

8. “*Eligible individual*” means a child less than 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 or applied behavior analysis treatment under the medical assistance program, section 514C.28, 514C.31, or other private insurance coverage, and whose household income does not exceed five hundred percent of the federal poverty level.

Sec. 36. Section 261.9, subsection 2A, paragraph b, if enacted by 2017 Iowa Acts, House File 642,¹¹ section 15, is amended to read as follows:

b. Is a barber school licensed under section 158.7 or a school of cosmetology arts and sciences licensed under chapter 157 and is accredited by a national accrediting agency recognized by the United States department of education. For the fiscal year beginning July 1, 2017, an eligible institution under this paragraph shall provide a matching aggregate amount of institutional financial aid equal to at least seventy-five percent of the amount received by the institution’s students for Iowa tuition grant assistance under section 261.16A. For the fiscal year beginning July 1, 2018, the institution shall provide a matching aggregate amount of institutional financial aid equal to at least eighty-five percent of the amount received in that fiscal year. Commencing with the fiscal year beginning July 1, 2019, and each succeeding fiscal year, the matching aggregate amount of institutional financial aid shall be at least equal to the match provided by eligible institutions under ~~section 261.16A, subsection 2~~ paragraph “a”.

Sec. 37. Section 422.7, subsection 41, paragraph a, subparagraph (1), subparagraph division (b), as enacted by 2017 Iowa Acts, Senate File 505,¹² section 1, is amended to read as follows:

(b) For the tax year beginning in the 2018 calendar year and for each subsequent tax year, the director shall multiply each dollar amount set forth in subparagraph division (a), subparagraph subdivisions (i) and (ii) by the latest cumulative inflation factor, shall round off the resulting product to the nearest one dollar, and shall incorporate the result into the income tax forms and instructions for each tax year. For purposes of this subparagraph

⁸ Chapter 167 herein

⁹ Chapter 74 herein

¹⁰ Chapter 18 herein

¹¹ Chapter 172 herein

¹² Chapter 116 herein

division, “cumulative inflation factor” means the product of the annual inflation factor for the 2018 calendar year and all annual inflation factors for subsequent calendar years as determined by section 422.4, subsection 1, paragraph “a”. The cumulative inflation factor applies to all tax years beginning on or after January 1 of the calendar year for which the latest annual inflation factor has been determined. Notwithstanding any other provision, the annual inflation factor for the 2018 calendar year is one hundred percent.

Sec. 38. 2017 Iowa Acts, House File 488,¹³ section 57, as enacted, is amended by striking the section and inserting in lieu thereof the following:

SEC. 57. Section 455B.474, subsection 2, paragraph a, subparagraph (1), Code 2017, is amended to read as follows:

(1) (a) Financial responsibility required by this subsection may be established in accordance with rules adopted by the commission by any one, or any combination, of the following methods: ~~insurance, guarantee, surety bond, letter~~

(i) Insurance.

(ii) Guarantee.

(iii) Surety bond.

(iv) Letter of credit, or qualification.

(v) Qualification as a self-insurer.

(b) In adopting requirements under this subsection, the commission may specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing the evidence of financial responsibility.

Sec. 39. 2017 Iowa Acts, House File 642,¹⁴ section 44, subsection 1, paragraph f, unnumbered paragraph 2, if enacted, is amended to read as follows:

From the moneys appropriated in this lettered paragraph “f”, not more than \$50,000 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.

Sec. 40. 2017 Iowa Acts, House File 642,¹⁵ section 52, subsection 4, paragraph c, subparagraph (4), is amended to read as follows:

(4) Notwithstanding section 8.33, of the moneys appropriated in this paragraph “c” that remain unencumbered or unobligated at the close of the fiscal year, an amount equivalent to not more than 5 percent of the amount appropriated in this paragraph “c” shall not revert ~~by~~ but shall remain available for expenditure for summer programs for students until the close of the succeeding fiscal year.

Sec. 41. 2017 Iowa Acts, House File 642,¹⁶ section 55, subsection 1, paragraph f, unnumbered paragraph 2, if enacted, is amended to read as follows:

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.

Sec. 42. 2017 Iowa Acts, Senate File 510,¹⁷ section 22, subsection 1, if enacted, is amended to read as follows:

1. Notwithstanding section 466A.2, and the repeal of chapter 466A as provided in this division of this Act, on and after December 31, 2017, the department of agriculture and land stewardship shall manage moneys credited to the watershed improvement fund in the same manner as required in 2016 Acts, chapter 1134, section 35, including by making necessary payments to satisfy any outstanding obligations incurred by the watershed improvement review board prior to December 31, 2017.

¹³ Chapter 54 herein

¹⁴ Chapter 172 herein

¹⁵ Chapter 172 herein

¹⁶ Chapter 172 herein

¹⁷ Chapter 168 herein

Sec. 43. EFFECTIVE UPON ENACTMENT. The following sections of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act amending section 22.13A, subsection 5, paragraph “b”.
2. The section of this division of this Act amending section 73A.26.
3. The section of this division of this Act amending section 84A.1A, subsection 1, paragraph “a”, subparagraph (8), subparagraph division (b), subparagraph subdivision (iii).

Sec. 44. EFFECTIVE DATE. The section of this division of this Act amending section 225D.1, subsection 8, takes effect January 1, 2018.

Sec. 45. APPLICABILITY. The section of this division of this Act amending section 422.7, subsection 41, paragraph a, subparagraph (1), subparagraph division (b), applies to tax years beginning on or after January 1, 2018.

DIVISION V WEAPONS

Sec. 46. Section 724.2A, as enacted by 2017 Iowa Acts, House File 517,¹⁸ section 5, is amended to read as follows:

724.2A Peace officer and reserve peace officer — defined.

As used in sections 724.4, 724.6, and 724.11, “*peace officer*” means a certified “*peace officer*” and includes a reserve peace officer as defined in section 80D.1A.

Sec. 47. Section 724.4C, subsection 1, unnumbered paragraph 1, as enacted by 2017 Iowa Acts, House File 517,¹⁹ section 8, is amended to read as follows:

Except as provided in subsection 2, a person commits a serious misdemeanor if the person is intoxicated as provided under the conditions set out in section 321J.2, subsection 1, paragraph “a”, “b”, or “c”, and the person does any of the following:

Sec. 48. Section 724.17, subsection 1, as enacted by 2017 Iowa Acts, House File 517,²⁰ section 22, is amended to read as follows:

1. The application for a 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, and whether the applicant meets the criteria specified in section 724.15. 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 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. 49. Section 724.22, subsection 9, as enacted by 2017 Iowa Acts, House File 517,²¹ section 29, is amended to read as follows:

9. A parent, guardian, spouse, or instructor, who knowingly provides direct supervision under subsection 5, of a person while intoxicated as provided under the conditions set out in

¹⁸ Chapter 69 herein

¹⁹ Chapter 69 herein

²⁰ Chapter 69 herein

²¹ Chapter 69 herein

section 321J.2, subsection 1, ~~or under the influence of an illegal drug paragraph “a”, “b”, or “c”~~, commits child endangerment in violation of section 726.6, subsection 1, paragraph “i”.

Sec. 50. Section 726.6, subsection 1, paragraph i, as enacted by 2017 Iowa Acts, House File 517,²² section 30, is amended to read as follows:

i. Knowingly provides direct supervision of a person under section 724.22, subsection 5, while intoxicated as provided under the conditions set out in section 321J.2, subsection 1, ~~or under the influence of an illegal drug paragraph “a”, “b”, or “c”~~.

Sec. 51. 2017 Iowa Acts, House File 517,²³ section 50, subsection 1, as enacted, is amended to read as follows:

1. The ~~section~~ sections of this Act amending ~~section~~ sections 724.22 and 726.6.

Sec. 52. REPEAL. 2017 Iowa Acts, House File 517,²⁴ section 16, as enacted, is repealed.

Sec. 53. EFFECTIVE UPON ENACTMENT. The section of this division of this Act amending 2017 Iowa Acts, House File 517,²⁵ section 50, subsection 1, being deemed of immediate importance, takes effect upon enactment.

Sec. 54. RETROACTIVE APPLICABILITY. The section of this division of this Act amending 2017 Iowa Acts, House File 517,²⁶ section 50, subsection 1, applies retroactively to April 13, 2017.

DIVISION VI MERCHANT LINES

Sec. 55. Section 6A.21, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0a. “Aboveground merchant line” means “merchant line” as defined in section 478.6A, subsection 1, excluding those merchant lines that are underground.

Sec. 56. Section 6A.21, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. “Private development purposes” means the construction of, or improvement related to, recreational trails, recreational development paid for primarily with private funds, aboveground merchant lines, housing and residential development, or commercial or industrial enterprise development.

Sec. 57. Section 6A.21, subsection 2, Code 2017, is amended to read as follows:

2. The limitation on the definition of public use, public purpose, or public improvement does not apply to the establishment, relocation, or improvement of a road pursuant to chapter 306, or to the establishment of a railway under the supervision of the department of transportation as provided in section 327C.2, or to an airport as defined in section 328.1, or to land acquired in order to replace or mitigate land used in a road project when federal law requires replacement or mitigation. This limitation also does not apply to utilities, persons, companies, or corporations under the jurisdiction of the Iowa utilities board in the department of commerce or to any other utility conferred the right by statute to condemn private property or to otherwise exercise the power of eminent domain, except to the extent such purpose includes construction of aboveground merchant lines.

²² Chapter 69 herein

²³ Chapter 69 herein

²⁴ Chapter 69 herein

²⁵ Chapter 69 herein

²⁶ Chapter 69 herein

Sec. 58. Section 6A.22, subsection 2, paragraph a, subparagraph (2), Code 2017, is amended to read as follows:

(2) The acquisition of any interest in property necessary to the function of a public or private utility to the extent such purpose does not include construction of aboveground merchant lines, common carrier, or airport or airport system.

Sec. 59. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 60. APPLICABILITY. This division of this Act applies to projects or condemnation proceedings commenced on or after the effective date of this division of this Act.

DIVISION VII VAPOR AND ALTERNATIVE NICOTINE PRODUCTS — TAX

Sec. 61. Section 453A.1, Code 2017, is amended by adding the following new subsection:
NEW SUBSECTION. 7A. “Delivery sale” means any sale of an alternative nicotine product or a vapor product to a purchaser in this state where the purchaser submits the order for such sale by means of a telephonic or other method of voice transmission, mail or any other delivery service, or the internet or other online service and the alternative nicotine product or vapor product is delivered by use of mail or a delivery service. The sale of an alternative nicotine product or vapor product shall constitute a delivery sale regardless of whether the seller is located in this state. “Delivery sale” does not include a sale to a distributor or retailer of any alternative nicotine product or vapor product not for personal consumption.

Sec. 62. Section 453A.1, subsection 20, Code 2017, is amended to read as follows:

20. “Place of business” is construed to mean and include any place where cigarettes are sold or where cigarettes are stored within or without the state of Iowa by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business; or for a business within or without the state that conducts delivery sales, any place where alternative nicotine products or vapor products are sold or where alternative nicotine products or vapor products are kept for the purpose of sale.

Sec. 63. Section 453A.13, subsection 1, Code 2017, is amended to read as follows:

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

Sec. 64. Section 453A.13, subsection 2, paragraph a, Code 2017, is amended to read as follows:

a. The department shall issue state permits to distributors, wholesalers, and cigarette vendors and retailers that make delivery sales of alternative nicotine products and vapor products subject to the conditions provided in this division. If an out-of-state retailer makes delivery sales of alternative nicotine products or vapor products, an application shall be filed with the department and a permit shall be issued for the out-of-state retailer’s principal place of business. Cities may issue retail permits to dealers retailers with a place of business located within their respective limits. County boards of supervisors may issue retail permits to dealers retailers with a place of business in their respective counties, outside of the corporate limits of cities.

Sec. 65. Section 453A.42, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. “Delivery sale” means any sale of an alternative nicotine product or a vapor product to a purchaser in this state where the purchaser submits the order for such sale by means of a telephonic or other method of voice transmission, mail or any other

delivery service, or the internet or other online service and the alternative nicotine product or vapor product is delivered by use of mail or a delivery service. The sale of an alternative nicotine product or vapor product shall constitute a delivery sale regardless of whether the seller is located in this state. “*Delivery sale*” does not include a sale to a distributor or retailer of any alternative nicotine product or vapor product not for personal consumption.

Sec. 66. Section 453A.42, subsection 8, Code 2017, is amended to read as follows:

8. “*Place of business*” means any place where tobacco products are sold or where tobacco products are manufactured, stored, or kept for the purpose of sale or consumption, including any vessel, vehicle, airplane, train, or vending machine; or for a business within or without the state that conducts delivery sales, any place where alternative nicotine products or vapor products are sold or where alternative nicotine products or vapor products are kept for the purpose of sale, including delivery sales.

Sec. 67. Section 453A.47A, subsections 1, 3, and 6, Code 2017, are amended to read as follows:

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

3. *Number of permits.* An application shall be filed and a permit obtained for each place of business owned or operated by a retailer located in the state. If an out-of-state retailer makes delivery sales of alternative nicotine products or vapor products, an application shall be filed with the department and a permit shall be issued for the out-of-state retailer’s principal place of business.

6. *Issuance.* Cities ~~shall~~ may issue retail permits to retailers located within their respective limits. County boards of supervisors ~~shall~~ may issue retail permits to retailers located in their respective counties, outside of the corporate limits of cities. The city or county shall submit a duplicate of any application for a retail permit and any retail permit issued by the entity under this section to the alcoholic beverages division of the department of commerce within thirty days of issuance. The alcoholic beverages division of the department of commerce shall submit the current list of all retail permits issued to the Iowa department of public health by the first day of each quarter of a state fiscal year.

Sec. 68. **NEW SECTION. 453A.47B Requirements for mailing or shipping — alternative nicotine products or vapor products.**

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

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

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

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

2. The retailer uses a method of mailing, shipping, or delivery that requires the signature of a person who is at least eighteen years of age before the shipping package is released to the purchaser.

Sec. 69. **NEW SECTION. 453A.47C Sales and use tax on delivery sales — alternative nicotine products or vapor products.**

1. A delivery sale of alternative nicotine products or vapor products within this state shall be subject to the sales tax provided in chapter 423, subchapter II.

2. The use in this state of alternative nicotine products or vapor products purchased for use in this state through a delivery sale shall be subject to the use tax provided in chapter 423, subchapter III.

3. A retailer required to possess or possessing a permit under section 453A.13 or 453A.47A to make delivery sales of alternative nicotine products or vapor products within this state shall be deemed to have waived all claims that such retailer lacks physical presence within this state for purposes of collecting and remitting sales and use tax.

4. A retailer making taxable delivery sales of alternative nicotine products or vapor products within this state shall remit to the department all sales and use tax due on such sales at the times and in the manner provided by chapter 423.

5. The director shall adopt rules pursuant to chapter 17A to administer this section.

DIVISION VIII
NATIONAL JUNIOR ANGUS SHOW

Sec. 70. 2015 Iowa Acts, chapter 132, section 25, as amended by 2016 Iowa Acts, chapter 1134, section 2, 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:

..... \$ 295,516

2. a. For allocation to the Iowa junior angus association in connection with the 2016 2017 national junior angus show:

..... \$ 10,000

b. 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 to be used to support the purpose designated in paragraph “a” until the close of the succeeding fiscal year.

Sec. 71. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 12, 2017

CHAPTER 171
APPROPRIATIONS — ADMINISTRATION AND REGULATION

H.F. 640

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 provisions.

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

DIVISION I
FY 2017-2018

Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.

1. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2017, and ending June 30, 2018, 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:

..... \$ 3,629,496

..... FTEs 51.13
 b. For the payment of utility costs, and for not more than the following full-time equivalent positions:

..... \$ 2,447,360
 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:

..... \$ 386,660
 FTEs 5.07

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. REVOLVING FUNDS. There is appropriated to the department of administrative services for the fiscal year beginning July 1, 2017, and ending June 30, 2018, from the revolving funds designated in chapter 8A and from internal service funds created by the department such amounts as the department deems necessary for the operation of the department consistent with the requirements of chapter 8A.

Sec. 3. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION CHARGE. For the fiscal year beginning July 1, 2017, and ending June 30, 2018, the monthly per contract administrative charge which may be assessed by the department of administrative services shall be \$2 per contract on all health insurance plans administered by the department.

Sec. 4. 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, 2017, and ending June 30, 2018, 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:

..... \$ 894,255
 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 audits which are 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. 5. 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, 2017, and ending June 30, 2018, 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:

..... \$ 547,501

..... FTEs 6.00

Sec. 6. 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, 2017, and ending June 30, 2018, 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, 2017, and ending June 30, 2018, the first \$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 IowAccess 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 IowAccess shall be deposited in the IowAccess revolving fund created under section 8B.33 and shall be used only for the support of IowAccess projects.

Sec. 7. 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, 2017, and ending June 30, 2018, 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:

..... \$ 1,005,461
..... FTEs 16.90

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

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

..... \$ 373,626
..... FTEs 10.00

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, 2017, and ending June 30, 2018, 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:

..... \$ 10,819,790
..... FTEs 80.00

b. CREDIT UNION DIVISION

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

..... \$ 1,869,256
..... FTEs 14.00

c. INSURANCE DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,485,889
..... FTEs 115.75

(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:

.....	\$	9,040,405
.....	FTEs	67.75

(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. 8. 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, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	62,317
-------	----	--------

Sec. 9. 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, 2017, and ending June 30, 2018, 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:

.....	\$	2,074,842
.....	FTEs	22.00

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:

.....	\$	92,070
.....	FTEs	1.93

Sec. 10. 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, 2017, and ending June 30, 2018, 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:

.....	\$	228,305
-------	----	---------

..... FTEs 4.00

Sec. 11. 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, 2017, and ending June 30, 2018, 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:

..... \$ 201,233
..... 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:

..... \$ 965,584
..... FTEs 7.81

Sec. 12. 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, 2017, and ending June 30, 2018, 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:

..... \$ 516,234
..... 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:

..... \$ 642,820
..... 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:

..... \$ 2,436,192
..... FTEs 53.50

b. By December 1, 2017, 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, 2016, and ending June 30, 2017. 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:

..... \$ 4,821,119
..... FTEs 117.00

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:

.....	\$	39,969
.....	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:

.....	\$	2,537,689
.....	FTEs	32.25

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 fund-raising 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.

7. FOOD AND CONSUMER SAFETY

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

.....	\$	564,748
.....	FTEs	28.50

8. APPROPRIATION REDUCTION — REALLOCATION. The department of inspections and appeals shall reduce appropriations made in this section by \$203,181. Notwithstanding section 8.39, the department of inspections and appeals, in consultation with the department of management, may reallocate moneys appropriated in this section as necessary to best fulfill the needs of the department provided for in the appropriation. However, the department of inspections and appeals shall not reallocate moneys appropriated to the department in this section unless notice of the reallocation is given to the legislative services agency prior to the effective date of the reallocation. The notice shall include information regarding the rationale for reallocating the moneys. The department of inspections and appeals shall not reallocate moneys appropriated in this section for the purpose of eliminating any program.

Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS — LICENSE OR REGISTRATION FEES.

1. For the fiscal year beginning July 1, 2017, and ending June 30, 2018, the department of inspections and appeals shall collect any license or registration fees or electronic transaction fees generated during the fiscal year as a result of licensing and registration activities under chapters 99B, 137C, 137D, and 137F.

2. 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.

3. From the fees collected by the department under this section, other than those fees described in subsection 2, the department shall deposit the amount of \$800,000 into the general fund of the state prior to June 30, 2018.

4. From the fees collected by the department under this section, other than those fees described in subsections 2 and 3, 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. 14. 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, 2017, and ending June 30, 2018, 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:
..... \$ 6,194,499
..... FTEs 62.10

Sec. 15. 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, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:
..... \$ 1,623,897

Sec. 16. 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, 2017, and ending June 30, 2018, 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:
..... \$ 2,510,018
..... FTEs 21.00

Sec. 17. 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, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:
..... \$ 56,000

Sec. 18. 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, 2017, and ending June 30, 2018, 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:

.....	\$	323,198
.....	FTEs	3.00

Sec. 19. 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, 2017, and ending June 30, 2018, 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:

.....	\$	15,692,753
.....	FTEs	194.92

2. From the moneys appropriated in this section, the department shall use \$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. 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, 2017, and ending June 30, 2018, 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:

.....	\$	1,305,775
-------	----	-----------

Sec. 21. 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, 2017, and ending June 30, 2018, 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:

.....	\$	2,125,518
.....	FTEs	15.60

The state department or agency that 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:

.....	\$	1,371,292
.....	FTEs	15.60

Sec. 22. 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, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	120,400
-------	----	---------

Sec. 23. SECRETARY OF STATE FILING FEES REFUND. Notwithstanding the obligation to collect fees pursuant to the provisions of section 489.117, subsection 1, paragraphs “a” and “o”, section 490.122, subsection 1, paragraphs “a” and “s”, and section 504.113, subsection 1, paragraphs “a”, “c”, “d”, “j”, “k”, “l”, and “m”, for the fiscal year beginning July 1, 2017, the secretary of state may refund these fees to the filer pursuant to rules established by the secretary of state. The decision of the secretary of state not to issue a refund under rules established by the secretary of state is final and not subject to review pursuant to chapter 17A.

Sec. 24. 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, 2017, and ending June 30, 2018, 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:

.....	\$	1,026,698
.....	FTEs	28.80

2. The office of treasurer of state shall supply administrative support for the executive council.

Sec. 25. 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, 2017, and ending June 30, 2018, 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:

.....	\$	93,148
-------	----	--------

Sec. 26. IPERS — GENERAL OFFICE. There is appropriated from the Iowa public employees’ retirement fund created in section 97B.7 to the Iowa public employees’ retirement system for the fiscal year beginning July 1, 2017, and ending June 30, 2018, 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:

.....	\$	17,686,968
.....	FTEs	88.13

Sec. 27. IOWA PRODUCTS. As a condition of receiving an appropriation, any agency appropriated moneys pursuant to this 2017 Act shall give first preference when purchasing a product to an Iowa product or a product produced by an Iowa-based business. Second preference shall be given to a United States product or a product produced by a business based in the United States.

DIVISION II
FY 2018-2019

Sec. 28. DEPARTMENT OF ADMINISTRATIVE SERVICES.

1. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, 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:

.....	\$	1,814,748
.....	FTEs	51.13

b. For the payment of utility costs, and for not more than the following full-time equivalent positions:

.....	\$	1,223,680
-------	----	-----------

..... 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:

..... \$ 193,330
 FTEs 5.07

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. 29. REVOLVING FUNDS. There is appropriated to the department of administrative services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, from the revolving funds designated in chapter 8A and from internal service funds created by the department such amounts as the department deems necessary for the operation of the department consistent with the requirements of chapter 8A.

Sec. 30. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION CHARGE. For the fiscal year beginning July 1, 2018, and ending June 30, 2019, the monthly per contract administrative charge which may be assessed by the department of administrative services shall be \$2 per contract on all health insurance plans administered by the department.

Sec. 31. 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, 2018, and ending June 30, 2019, 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:

..... \$ 447,128
 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. 32. 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, 2018, and ending June 30, 2019, 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:

..... \$ 273,751
 FTEs 6.00

Sec. 33. 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, 2018, and ending June 30, 2019, 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, 2018, and ending June 30, 2019, the first \$375,000 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 created under section 8B.33 and shall be used only for the support of lowAccess projects.

Sec. 34. 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, 2018, and ending June 30, 2019, 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:

.....	\$	502,731
.....	FTEs	16.90

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

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

.....	\$	186,813
.....	FTEs	10.00

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, 2018, and ending June 30, 2019, 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:

.....	\$	5,409,895
.....	FTEs	80.00

b. CREDIT UNION DIVISION

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

.....	\$	934,628
.....	FTEs	14.00

c. INSURANCE DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,742,945
.....	FTEs	115.75

(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:

.....	\$	4,520,203
.....	FTEs	67.75

(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. 35. 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, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	31,159
-------	----	--------

Sec. 36. 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, 2018, and ending June 30, 2019, 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:

.....	\$	1,037,421
.....	FTEs	22.00

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:

.....	\$	46,035
.....	FTEs	1.93

Sec. 37. 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, 2018, and ending June 30, 2019, 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:

.....	\$	114,153
.....	FTEs	4.00

Sec. 38. 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, 2018, and ending June 30, 2019, 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:

.....	\$	100,617
.....	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:

.....	\$	482,792
.....	FTEs	7.81

Sec. 39. 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, 2018, and ending June 30, 2019, 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:

.....	\$	258,117
.....	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:

.....	\$	321,410
.....	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:

.....	\$	1,218,096
.....	FTEs	53.50

b. By December 1, 2018, 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, 2017, and ending June 30, 2018. 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:

.....	\$	2,410,560
.....	FTEs	117.00

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:

.....	\$	19,985
.....	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:

.....	\$	1,268,845
.....	FTEs	32.25

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 fund-raising 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.

7. FOOD AND CONSUMER SAFETY

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

.....	\$	282,374
.....	FTEs	28.50

8. APPROPRIATION REDUCTION — REALLOCATION. The department of inspections and appeals shall reduce appropriations made in this section by \$101,591. Notwithstanding section 8.39, the department of inspections and appeals, in consultation with the department of management, may reallocate moneys appropriated in this section as necessary to best fulfill the needs of the department provided for in the appropriation. However, the department of inspections and appeals shall not reallocate moneys appropriated to the department in this section unless notice of the reallocation is given to the legislative services agency prior to the effective date of the reallocation. The notice shall include information regarding the rationale for reallocating the moneys. The department of inspections and appeals shall not reallocate moneys appropriated in this section for the purpose of eliminating any program.

Sec. 40. DEPARTMENT OF INSPECTIONS AND APPEALS — LICENSE OR REGISTRATION FEES.

1. For the fiscal year beginning July 1, 2018, and ending June 30, 2019, the department of inspections and appeals shall collect any license or registration fees or electronic transaction fees generated during the fiscal year as a result of licensing and registration activities under chapters 99B, 137C, 137D, and 137F.

2. 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.

3. From the fees collected by the department under this section, other than those fees described in subsection 2, the department shall deposit the amount of \$400,000 into the general fund of the state prior to June 30, 2019.

4. From the fees collected by the department under this section, other than those fees described in subsections 2 and 3, 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. 41. 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, 2018, and ending June 30, 2019, 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
..... FTEs 62.10

Sec. 42. 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, 2018, and ending June 30, 2019, 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

Sec. 43. 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, 2018, and ending June 30, 2019, 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:
..... \$ 1,255,009
..... FTEs 21.00

Sec. 44. 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, 2018, and ending June 30, 2019, 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

Sec. 45. 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, 2018, and ending June 30, 2019, 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:

.....	\$	161,599
.....	FTEs	3.00

Sec. 46. 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, 2018, and ending June 30, 2019, 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:

.....	\$	7,846,377
.....	FTEs	194.92

2. From the moneys appropriated in this section, the department shall use \$200,000 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. 47. 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, 2018, and ending June 30, 2019, 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
-------	----	---------

Sec. 48. 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, 2018, and ending June 30, 2019, 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:

.....	\$	1,062,759
.....	FTEs	15.60

The state department or agency that 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:

.....	\$	685,646
.....	FTEs	15.60

Sec. 49. 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, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	60,200
-------	----	--------

Sec. 50. SECRETARY OF STATE FILING FEES REFUND. Notwithstanding the obligation to collect fees pursuant to the provisions of section 489.117, subsection 1, paragraphs “a” and “o”, section 490.122, subsection 1, paragraphs “a” and “s”, and section 504.113, subsection 1, paragraphs “a”, “c”, “d”, “j”, “k”, “l”, and “m”, for the fiscal year beginning July 1, 2017,¹ the secretary of state may refund these fees to the filer pursuant to rules established by the secretary of state. The decision of the secretary of state not to issue a refund under rules established by the secretary of state is final and not subject to review pursuant to chapter 17A.

Sec. 51. 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, 2018, and ending June 30, 2019, 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:

.....	\$	513,349
.....	FTEs	28.80

2. The office of treasurer of state shall supply administrative support for the executive council.

Sec. 52. 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, 2018, and ending June 30, 2019, 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
-------	----	--------

Sec. 53. IPERS — GENERAL OFFICE. There is appropriated from the Iowa public employees’ retirement fund created in section 97B.7 to the Iowa public employees’ retirement system for the fiscal year beginning July 1, 2018, and ending June 30, 2019, 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
.....	FTEs	88.13

Sec. 54. IOWA PRODUCTS. As a condition of receiving an appropriation, any agency appropriated moneys pursuant to this 2017 Act shall give first preference when purchasing a product to an Iowa product or a product produced by an Iowa-based business. Second preference shall be given to a United States product or a product produced by a business based in the United States.

DIVISION III
STANDING APPROPRIATIONS — LIMITATIONS

Sec. 55. LIMITATION OF STANDING APPROPRIATION — FY 2017-2018. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the amount appropriated from the general fund of the state pursuant to this section for the following designated purpose shall not exceed the following amount:

For the enforcement of chapter 453D relating to tobacco product manufacturers under section 453D.8:

.....	\$	17,525
-------	----	--------

¹ According to Act, the year “2018” probably intended

Sec. 56. LIMITATION OF STANDING APPROPRIATION — FY 2018-2019. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the amount appropriated from the general fund of the state pursuant to this section for the following designated purpose shall not exceed the following amount:

For the enforcement of chapter 453D relating to tobacco product manufacturers under section 453D.8:

..... \$ 8,763

DIVISION IV
MISCELLANEOUS STATUTORY CHANGES

DEPARTMENT OF INSPECTIONS AND APPEALS — ADMINISTRATIVE LAW JUDGES

Sec. 57. Section 10A.801, subsection 2, Code 2017, is amended to read as follows:

2. The administrator shall coordinate the division’s conduct of appeals and administrative hearings as provided by law, shall serve as chief administrative law judge of the division, and may conduct any proceeding for which the division provides an administrative law judge.

Sec. 58. Section 10A.801, subsection 3, paragraph a, Code 2017, is amended to read as follows:

a. The department shall employ a sufficient number of administrative law judges to conduct proceedings for which agencies are required, by section 17A.11 or any other provision of law, to use an administrative law judge employed by the division. An administrative law judge employed by the division shall not perform duties inconsistent with the judge’s duties and responsibilities as an administrative law judge and shall be located in an office that is separated from the offices of the agencies for which that person acts as a presiding officer. Administrative law judges, except the chief administrative law judge, shall be covered by the merit system provisions of chapter 8A, subchapter IV.

Sec. 59. Section 10A.801, subsection 6, Code 2017, is amended to read as follows:

6. ~~After July 1, 1999, a~~ A person shall not be newly employed by the division as the administrator or as an administrative law judge to preside over contested case proceedings unless that person has a license to practice law in this state.

CIGARETTES, CIGARS, OTHER TOBACCO PRODUCTS, AND ALTERNATIVE NICOTINE PRODUCTS AND VAPOR PRODUCTS — PERMITS

Sec. 60. Section 453A.13, subsection 2, paragraph c, Code 2017, is amended to read as follows:

c. The department, or a city or county, shall submit a duplicate of any application for a retail permit ~~and any retail permit issued by the entity under this subsection~~ to the alcoholic beverages division of the department of commerce within thirty days of the issuance. The alcoholic beverages division of the department of commerce shall submit the current list of all retail permits issued to the Iowa department of public health by the ~~first~~ last day of each quarter of a state fiscal year.

Sec. 61. Section 453A.47A, subsection 6, Code 2017, is amended to read as follows:

6. *Issuance.* Cities shall issue retail permits to retailers within their respective limits. County boards of supervisors shall issue retail permits to retailers in their respective counties, outside of the corporate limits of cities. The city or county shall submit a duplicate of any application for a retail permit ~~and any retail permit issued by the entity under this section~~ to the alcoholic beverages division of the department of commerce within thirty days of issuance. The alcoholic beverages division of the department of commerce shall submit the current list of all retail permits issued to the Iowa department of public health by the ~~first~~ last day of each quarter of a state fiscal year.

DIVISION V
EFFECTIVE DATE PROVISIONS

Sec. 62. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

- 1. The sections of this Act amending section 10A.801.

Approved May 12, 2017

CHAPTER 172
APPROPRIATIONS — EDUCATION
H.F. 642

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, and providing for related matters.

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

DIVISION I
FY 2017-2018 APPROPRIATIONS
DEPARTMENT FOR THE BLIND

Section 1. ADMINISTRATION. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2017, and ending June 30, 2018, 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:

.....	\$	2,187,342
.....	FTEs	88.00

COLLEGE STUDENT AID COMMISSION

Sec. 2. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2017, and ending June 30, 2018, 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:

.....	\$	429,279
.....	FTEs	3.95

2. HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

For the loan repayment program for health care professionals established pursuant to section 261.115:

.....	\$	400,973
-------	----	---------

3. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

For purposes of providing national guard educational assistance under the program established in section 261.86:

.....	\$	3,100,000
-------	----	-----------

4. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM

- a. For the teacher shortage loan forgiveness program established in section 261.112:

..... \$ 200,000

b. The commission shall not provide loan forgiveness under the program to any new applicant, but may renew loan forgiveness for an applicant who continues to meet the eligibility requirements of section 261.112.

5. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

a. For purposes of the all Iowa opportunity scholarship program established pursuant to section 261.87:

..... \$ 2,840,854

b. For the fiscal year beginning July 1, 2017, 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, 2017, include accredited private institutions as defined in section 261.9.

c. A person who received an all Iowa opportunity foster care grant under section 261.6 during the fiscal year ending June 30, 2017, is exempt from the provision requiring that enrollment begin within two years of graduation or receipt of a high school equivalency diploma pursuant to section 261.87, subsection 2, paragraph "g", as amended by this Act.

6. TEACH IOWA SCHOLAR PROGRAM

For purposes of the teach Iowa scholar program established pursuant to section 261.110:

..... \$ 400,000

7. RURAL IOWA PRIMARY CARE LOAN REPAYMENT PROGRAM

For purposes of the rural Iowa primary care loan repayment program established pursuant to section 261.113:

..... \$ 1,124,502

8. HEALTH CARE-RELATED LOAN PROGRAM

For purposes of the health care-related loan program established pursuant to section 261.116:

..... \$ 200,000

Sec. 3. CHIROPRACTIC LOAN FUNDS. Notwithstanding section 261.72, the moneys deposited in the chiropractic loan revolving fund created pursuant to section 261.72, for the fiscal year beginning July 1, 2017, and ending June 30, 2018, may be used for purposes of the chiropractic loan forgiveness program established in section 261.73.

Sec. 4. WORK-STUDY APPROPRIATION. Notwithstanding section 261.85, for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the amount appropriated from the general fund of the state to the college student aid commission for the work-study program under section 261.85 shall be zero.

DEPARTMENT OF EDUCATION

Sec. 5. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

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

..... \$ 5,964,047

..... FTEs 81.67

b. By January 15, 2018, 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, 2017.

2. CAREER AND TECHNICAL EDUCATION ADMINISTRATION

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

..... \$ 598,197

..... 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:

.....	\$	5,625,675
.....	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, 2018, 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:

.....	\$	84,823
.....	FTEs	1.00

c. For the entrepreneurs with disabilities program established pursuant to section 259.4, subsection 9:

.....	\$	138,506
-------	----	---------

d. For costs associated with centers for independent living:

.....	\$	86,457
-------	----	--------

4. STATE LIBRARY

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

.....	\$	2,530,063
.....	FTEs	29.00

b. For the enrich Iowa program established under section 256.57:

.....	\$	2,464,823
-------	----	-----------

5. PUBLIC BROADCASTING DIVISION

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

.....	\$	7,589,415
.....	FTEs	86.00

6. CAREER AND TECHNICAL EDUCATION TO SECONDARY SCHOOLS

For reimbursement for career and technical education expenditures made by secondary schools:

.....	\$	2,630,134
-------	----	-----------

Moneys appropriated in this subsection shall be used to reimburse school districts for career and technical education expenditures made by secondary schools to meet the standards set in sections 256.11, 258.4, and 260C.14.

7. 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:

.....	\$	2,176,797
.....	FTEs	20.58

8. 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:

.....	\$	22,162,799
-------	----	------------

a. From the moneys deposited in the school ready children grants account for the fiscal year beginning July 1, 2017, and ending June 30, 2018, not more than \$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, \$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 \$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, \$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.

9. 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, 2017, birth through age three services due to increased numbers of children qualifying for those services:

..... \$ 1,721,400

b. From the moneys appropriated in this subsection, \$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.

10. EARLY HEAD START PROJECTS

a. For early head start projects:

..... \$ 574,500

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.

11. 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:

..... \$ 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.

12. 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:

..... \$ 3,395,667

..... FTEs 2.00

13. 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:

..... \$ 666,188

14. ATTENDANCE CENTER PERFORMANCE/GENERAL INTERNET SITE AND DATA SYSTEM SUPPORT

For 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:

.....	\$	250,000
.....	FTEs	2.00

15. ONLINE STATE JOB POSTING SYSTEM

For purposes of administering the online state job posting system in accordance with section 256.27:

.....	\$	230,000
-------	----	---------

16. SUCCESSFUL PROGRESSION FOR EARLY READERS

For distribution to school districts for implementation of section 279.68, subsection 2, relating to successful progression for early readers:

.....	\$	7,824,782
-------	----	-----------

17. 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:

.....	\$	1,915,000
-------	----	-----------

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.

18. 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 49, paragraph “c”:

.....	\$	957,500
-------	----	---------

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.

19. MIDWESTERN HIGHER EDUCATION COMPACT

a. For distribution to the midwestern higher education compact to pay Iowa’s member state annual obligation:

.....	\$	115,000
-------	----	---------

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.

20. COMMUNITY COLLEGES

For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C:

.....	\$	201,190,889
-------	----	-------------

Notwithstanding the allocation formula in section 260C.18C, the moneys appropriated in this subsection shall be allocated as follows:

a. Merged Area I

.....	\$	9,926,071
-------	----	-----------

b. Merged Area II

.....	\$	10,071,276
-------	----	------------

c. Merged Area III

.....	\$	9,321,594
-------	----	-----------

d. Merged Area IV	\$	4,585,357
e. Merged Area V	\$	11,384,625
f. Merged Area VI	\$	8,934,038
g. Merged Area VII	\$	13,567,088
h. Merged Area IX	\$	17,184,384
i. Merged Area X	\$	31,457,331
j. Merged Area XI	\$	33,665,985
k. Merged Area XII	\$	11,159,456
l. Merged Area XIII	\$	12,113,693
m. Merged Area XIV	\$	4,674,061
n. Merged Area XV	\$	14,666,976
o. Merged Area XVI	\$	8,478,954

Sec. 6. LIMITATION OF STANDING APPROPRIATIONS FOR AT-RISK CHILDREN. Notwithstanding the standing appropriation in section 279.51 for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the amount appropriated from the general fund of the state to the department of education for programs for at-risk children under section 279.51 shall be not more than \$10,730,000. The amount of any reduction in this section shall be prorated among the programs specified in section 279.51, subsection 1, paragraphs “a”, “b”, and “c”.

STATE BOARD OF REGENTS

Sec. 7. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2017, and ending June 30, 2018, 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:

	\$	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 2017 shall include the five-year graduation rates for the regents universities.

b. For moneys to be allocated between the southwest Iowa regents resource center in Council Bluffs, the northwest Iowa regents resource center in Sioux City, and the quad-cities graduate studies center as determined by the board:

	\$	278,848
c. For moneys to be distributed to Iowa public radio for public radio operations:	\$	359,264

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:

	\$	216,759,067
--	----	-------------

.....	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:		
.....	\$	2,186,558
.....	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:		
.....	\$	4,402,615
.....	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:		
.....	\$	1,788,265
.....	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:		
.....	\$	659,456
.....	FTEs	57.97
f. Statewide cancer registry		
For the statewide cancer registry, and for not more than the following full-time equivalent positions:		
.....	\$	149,051
.....	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:		
.....	\$	55,529
.....	FTEs	1.00
h. Center for biocatalysis		
For the center for biocatalysis, and for not more than the following full-time equivalent positions:		
.....	\$	723,727
.....	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:		
.....	\$	648,930
.....	FTEs	5.89
From the moneys appropriated in this lettered paragraph, \$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:		
.....	\$	38,288
.....	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:		
.....	\$	162,539

.....	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:		
.....	\$	481,849
m. Iowa flood center		
For the Iowa flood center for use by the university's college of engineering pursuant to section 466C.1:		
.....	\$	1,200,000
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:		
.....	\$	172,874,861
.....	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:		
.....	\$	29,886,877
.....	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:		
.....	\$	18,266,722
.....	FTEs	383.34
d. Livestock disease research		
For deposit in and the use of the livestock disease research fund under section 267.8:		
.....	\$	172,844
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:		
.....	\$	93,712,362
.....	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:		
.....	\$	175,256
.....	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:		
.....	\$	5,446,375
.....	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 \$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.

(4) Notwithstanding section 8.33, of the moneys appropriated in this paragraph “c” that remain unencumbered or unobligated at the close of the fiscal year, an amount equivalent to not more than 5 percent of the amount appropriated in this paragraph “c” shall not revert but shall remain available for expenditure for summer programs for students until the close of the succeeding fiscal year.

d. Real estate education program

For purposes of the real estate education program, and for not more than the following full-time equivalent position:

.....	\$	125,302
.....	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:

.....	\$	9,897,351
.....	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:

.....	\$	4,126,495
.....	FTEs	62.87

Sec. 8. ENERGY COST-SAVINGS PROJECTS — FINANCING. For the fiscal year beginning July 1, 2017, and ending June 30, 2018, the state board of regents may use notes, bonds, or other evidences of indebtedness issued under section 262.48 to finance projects that will result in energy cost savings in an amount that will cause the state board to recover the cost of the projects within an average of six years.

Sec. 9. PRESCRIPTION DRUG COSTS. Notwithstanding section 270.7, the department of administrative services shall pay the state school for the deaf and the Iowa braille and sight saving school the moneys collected from the counties during the fiscal year beginning July 1, 2017, for expenses relating to prescription drug costs for students attending the state school for the deaf and the Iowa braille and sight saving school.

Sec. 10. Section 256.9, subsection 59, Code 2017, is amended by striking the subsection.

Sec. 11. Section 261.1, subsection 2, paragraphs a and d, Code 2017, are amended to read as follows:

a. A member of the state board of regents to be named by the board, or the executive director of the board if so appointed by the board, who shall serve for a four-year term or until the expiration of the member’s term of office. ~~Such member shall convene the organizational meeting of the commission.~~

d. ~~Eight~~ Nine additional members to be appointed by the governor. as follows:

(1) ~~One of the members~~ member shall be selected to represent private colleges and universities located in the state of Iowa. When appointing this member, the governor shall give careful consideration to any person ~~or persons~~ nominated or recommended by any organization or association of some or all private colleges and universities located in the state of Iowa.

~~(2) One of the members~~ member shall be selected to represent Iowa's community colleges located in the state of Iowa. When appointing this member, the governor shall give careful consideration to any person or persons nominated or recommended by any organization or association of Iowa community colleges.

~~(3) One member shall be enrolled as a student at a an institution of higher learning governed by the board of regents institution, a community college, or an accredited private institution.~~

~~(4) One member shall be a representative of a lending institution located in this state. One member shall be an individual who is repaying or has repaid a student loan guaranteed by the commission parent of a student enrolled at an institution of higher learning governed by the board of regents, a community college, or an accredited private institution.~~

~~(5) One member shall represent practitioners licensed under chapter 272. When appointing this member, the governor shall give careful consideration to any person nominated by an Iowa teacher association or other education stakeholder organization.~~

~~(6) The other three Four members shall represent the general public, none of whom shall be official officers, board members, or trustees of an institution of higher learning or of an association of institutions of higher learning, shall be selected to represent the general public.~~

Sec. 12. Section 261.1, subsection 3, Code 2017, is amended to read as follows:

3. The members of the commission appointed by the governor shall serve for a term of four years. The voting members of the commission shall elect a chairperson and vice chairperson. Meetings may be called by the chairperson or a majority of the voting members.

Sec. 13. Section 261.1, subsection 4, paragraph b, Code 2017, is amended to read as follows:

b. A vacancy shall exist on the commission when a legislative member of the commission ceases to be a member of the general assembly, when a parent member no longer has a child enrolled in postsecondary education, or when a student member ceases to be enrolled as a student. Such vacancy shall be filled within thirty days.

Sec. 14. Section 261.2, subsections 6 and 8, Code 2017, are amended to read as follows:

6. Develop and implement, in cooperation with the department of human services and the judicial branch, a program to assist juveniles who are sixteen years of age or older and who have a case permanency plan under chapter 232 or 237 or are otherwise under the jurisdiction of chapter 232 in applying for federal and state aid available for higher education. The commission shall also develop and implement the all Iowa opportunity foster care grant program in accordance with section 261.6.

8. Submit by January 15 annually a report to the general assembly which provides, by program, the number of individuals who received loan forgiveness or loan repayment in the previous fiscal year, the amount amounts paid to or on behalf of individuals under sections 261.73, 261.112, and 261.116, and the institutions from which individuals graduated, and that includes any proposed statutory changes and the commission's findings and recommendations.

Sec. 15. Section 261.9, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. "Eligible institution" means an institution of higher learning located in Iowa which is operated privately and not controlled or administered by any state agency or any subdivision of the state, which is not exempt from taxation under section 501(c)(3) of the Internal Revenue Code, and which meets all of the criteria in subsection 1, paragraphs "d" through "i", and the criteria in paragraphs "a" or "b" as follows:

a. Is accredited by the higher learning commission and which, effective January 8, 2010, purchased an accredited private institution that was exempt from taxation under section 501(c) of the Internal Revenue Code, or whose students were eligible to receive tuition grants in the fiscal year beginning July 1, 2003. The eligible institution shall annually provide a matching aggregate amount of institutional financial aid which shall increase by the percentage of increase each fiscal year of funds appropriated for Iowa tuition grants under section 261.25, subsection 2, to a maximum match of one hundred percent as initiated under section 261.9, subsection 1, paragraph "b", Code 2005.

b. Is a barber school licensed under section 158.7 or a school of cosmetology arts and sciences licensed under chapter 157 and is accredited by a national accrediting agency recognized by the United States department of education. For the fiscal year beginning July 1, 2017, an eligible institution under this paragraph shall provide a matching aggregate amount of institutional financial aid equal to at least seventy-five percent of the amount received by the institution's students for Iowa tuition grant assistance under section 261.16A. For the fiscal year beginning July 1, 2018, the institution shall provide a matching aggregate amount of institutional financial aid equal to at least eighty-five percent of the amount received in that fiscal year. Commencing with the fiscal year beginning July 1, 2019, and each succeeding fiscal year, the matching aggregate amount of institutional financial aid shall be at least equal to the match provided by eligible institutions under section 261.16A, subsection 2.¹

Sec. 16. Section 261.12, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. For the fiscal year beginning July 1, 2015 2017, and for each succeeding fiscal year, six thousand dollars an amount equivalent to the average resident tuition and mandatory fees for two semesters or the equivalent of undergraduate study at the institutions of higher learning governed by the state board of regents.

Sec. 17. **NEW SECTION. 261.16A Iowa tuition grants — for-profit institutions.**

1. *Students qualified.* A tuition grant from moneys appropriated under section 261.25, subsection 2, may be awarded to a resident of Iowa who is admitted and in attendance as a full-time or part-time resident student at an eligible institution and who establishes financial need.

2. *Extent of grant.*

a. A qualified full-time resident student enrolled in an eligible institution that meets the criteria of section 261.9, subsection 2A, paragraph "a", may receive tuition grants for not more than eight semesters of undergraduate study or the equivalent; a qualified part-time resident student enrolled in the eligible institution may receive tuition grants for not more than sixteen semesters of undergraduate study or the equivalent.

b. A qualified full-time resident student enrolled in an eligible institution that meets the criteria of section 261.9, subsection 2A, paragraph "b", may receive tuition grants for not more than four semesters or the equivalent of two full years of study. However, if a student resumes study after at least a two-year absence, the student may again be eligible for the specified amount of time, except that the student shall not receive assistance for courses for which credit was previously received.

3. *Amount of grant.*

a. The amount of a tuition grant to a qualified full-time student for the fall and spring semesters, or the equivalent, shall be the amount of the student's financial need for that period. However, a tuition grant shall not exceed six thousand dollars.

b. The amount of a tuition grant to a qualified full-time student for the summer semester or equivalent shall be one-half the amount of the tuition grant the student receives under paragraph "a".

c. The amount of a tuition grant to a qualified part-time student enrolled in a course of study including at least three semester hours but fewer than twelve semester hours for the fall, spring, and summer semesters, or the equivalent, shall be equal to the amount of a tuition grant that would be paid to a full-time student times a number which represents the number of hours in which the part-time student is actually enrolled divided by twelve semester hours, or the equivalent.

d. If a qualified student receives financial aid under any other program, the full amount of such financial aid shall be considered part of the student's financial resources available in determining the amount of the student's financial need for that period. In no case may the state's total financial contribution to the student's education, including financial aid under any other state or federal program, exceed the tuition and mandatory fees at the eligible institution the student attends.

¹ See chapter 170, §36 herein

4. *Grant payments — attendance discontinued.*

a. Payments under the tuition grant shall be allocated equally among the semesters or the equivalent and shall be paid at the beginning of each semester or equivalent upon certification by the eligible institution that the student is admitted and in full-time or part-time attendance in a course of study.

b. If the student discontinues attendance before the end of any semester, or the equivalent, after receiving payment under the grant, the entire amount of any refund due that student, up to the amount of any payments made under the annual grant, shall be paid by the eligible institution to the state.

5. *Commission responsibilities.* The commission's responsibilities for administering tuition grants under this section shall be the same as provided under section 261.15. The commission may require an eligible institution to promptly furnish any information which the commission may request in connection with the tuition grant program.

6. *Grant applications.* Each applicant for a tuition grant under this section shall meet the requirements of section 261.16.

7. *Reports to commission.* An eligible institution shall file annual reports with the commission, as required by the commission and under section 261.9, prior to receipt of tuition grant moneys under this chapter.

Sec. 18. Section 261.25, subsections 1, 2, and 3, Code 2017, are amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~forty-five~~ forty-six million ~~five~~ six hundred ~~thirteen~~ thirty thousand ~~four~~ nine hundred ~~forty-eight~~ fifty-one dollars for tuition grants to qualified students who are enrolled in accredited private institutions.

2. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~two~~ one million ~~five hundred thousand~~ dollars for tuition grants for qualified students ~~attending for-profit accredited private~~ who are enrolled in eligible institutions located in Iowa. ~~A for-profit institution which, effective March 9, 2005, or effective January 8, 2010, purchased an accredited private institution that was exempt from taxation under section 501(e) of the Internal Revenue Code, shall be an eligible institution under the tuition grant program. For purposes of the tuition grant program, "for-profit accredited private institution" means an accredited private institution which is not exempt from taxation under section 501(e)(3) of the Internal Revenue Code but which otherwise meets the requirements of section 261.9, subsection 1, paragraph "b", and whose students were eligible to receive tuition grants in the fiscal year beginning July 1, 2003.~~

3. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~two~~ one million ~~two seven~~ hundred fifty thousand ~~one hundred eighty-five~~ dollars for vocational-technical tuition grants.

Sec. 19. Section 261.25, subsection 5, Code 2017, is amended by striking the subsection.

Sec. 20. Section 261.87, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0b. "Eligible foster care student"* means a person who has a high school diploma or a high school equivalency diploma under chapter 259A and is described by any of the following:

(1) Is age seventeen and is in a court-ordered placement under chapter 232 under the care and custody of the department of human services or juvenile court services.

(2) Is age seventeen and has been placed in a state juvenile institution pursuant to a court order entered under chapter 232 under the care and custody of the department of human services.

(3) Is age eighteen through twenty-three and is described by any of the following:

(a) On the date the person reached age eighteen or during the thirty calendar days preceding or succeeding that date, the person was in a licensed foster care placement pursuant to a court order entered under chapter 232 under the care and custody of the department of human services or juvenile court services.

(b) On the date the person reached age eighteen or during the thirty calendar days preceding or succeeding that date, the person was under a court order under chapter 232 to live with a relative or other suitable person.

(c) The person was in a licensed foster care placement pursuant to an order entered under chapter 232 prior to being legally adopted after reaching age sixteen.

(d) On the date the person reached age eighteen or during the thirty calendar days preceding or succeeding that date, the person was placed in a state juvenile institution pursuant to a court order entered under chapter 232 under the care and custody of the department of human services.

Sec. 21. Section 261.87, subsection 2, paragraph b, Code 2017, is amended by striking the paragraph.

Sec. 22. Section 261.87, subsection 2, paragraph g, Code 2017, is amended to read as follows:

g. Begins enrollment at an eligible institution within two academic years of graduation from high school or receipt of a high school equivalency diploma under chapter 259A and continuously receives awards as a full-time or part-time student to maintain eligibility. However, the student may defer participation in the program for up to two years in order to pursue obligations that meet conditions established by the commission by rule or to fulfill military obligations.

Sec. 23. Section 261.87, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Priority for scholarship awards. Priority for scholarships under this section shall be given to eligible foster care students who meet the eligibility criteria under subsection 2. Following distribution to students who meet the eligibility criteria under subsection 2, the commission may establish priority for awarding scholarships using any moneys that remain in the all Iowa opportunity scholarship fund.

Sec. 24. Section 261.87, subsection 3, Code 2017, 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 eight~~ eight full-time academic years semesters of undergraduate study, excluding summer semesters. ~~A qualified student attending part-time may receive scholarships for not more than the equivalent of sixteen part-time semesters of undergraduate study.~~ Scholarships awarded pursuant to this section ~~may, at the qualified student's request, be disbursed over a single academic year or two academic years,~~ and shall not exceed the least of the following amounts, as determined by the commission:

a. The student's financial need.

b. ~~The One-half of 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.~~

Sec. 25. Section 271.2, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

271.2 Purposes.

The Oakdale campus shall serve as an extension of the university of Iowa's main campus in Iowa City. The Oakdale campus shall serve the university's mission, including being the location for the state hygienic laboratory, the university of Iowa research park, and various other research and support facilities.

Sec. 26. Section 272.28, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

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 pursuant to section 284.5; or two years of successful teaching experience

in a school district with an approved career paths, leadership roles, and compensation framework or approved comparable system as provided in section 284.15; or evidence of not less than three years of successful teaching experience at any of the following:

Sec. 27. Section 279.68, subsection 1, paragraph a, Code 2017, is amended to read as follows:

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. 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 the student. 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, at grade levels beyond grade three if necessary, until the student is reading 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.

Sec. 28. Section 279.68, subsection 1, paragraph c, Code 2017, is amended by striking the paragraph.

Sec. 29. Section 279.68, subsection 2, paragraph e, Code 2017, is amended by striking the paragraph.

Sec. 30. Section 279.68, subsections 3 and 5, Code 2017, are amended by striking the subsections.

Sec. 31. Section 282.10, subsection 4, paragraph a, Code 2017, is amended by striking the paragraph.

Sec. 32. Section 284.1, subsection 1, Code 2017, is amended by striking the subsection.

Sec. 33. Section 284.4, subsection 1, paragraph b, Code 2017, is amended by striking the paragraph.

Sec. 34. Section 284.5, subsections 2 and 3, Code 2017, are amended to read as follows:

2. Each school district and area education agency ~~shall~~ may provide a beginning teacher mentoring and induction program for all teachers who are beginning teachers, ~~and notwithstanding section 284.4, subsection 1, a school district and an area education agency shall be eligible to receive moneys under section 284.13, subsection 1, paragraph "b", for purposes of implementing a beginning teacher mentoring and induction program in accordance with this section.~~

3. Each school district and area education agency that provides a beginning teacher mentoring and induction program under this chapter shall develop a plan for the program. A school district shall include its plan in the school district's comprehensive school improvement plan submitted pursuant to section 256.7, subsection 21. The plan shall, at a minimum, provide for a two-year sequence of induction program content and activities to support the Iowa teaching standards and beginning teacher professional and personal needs; mentor training that includes, at a minimum, skills of classroom demonstration and coaching, and district expectations for beginning teacher competence on Iowa teaching standards; placement of mentors and beginning teachers; the process for dissolving mentor and beginning teacher partnerships; district organizational support for release time for mentors and beginning teachers to plan, provide demonstration of classroom practices, observe teaching, and provide feedback; structure for mentor selection and assignment of mentors to beginning teachers; a district facilitator; and program evaluation.

Sec. 35. Section 284.6, subsection 8, Code 2017, is amended to read as follows:

8. For each year in which a school district receives funds calculated and paid to school districts for professional development pursuant to section 257.10, subsection 10, or section 257.37A, subsection 2, the school district shall create quality professional development opportunities. Not less than thirty-six hours in the school calendar, held outside of the minimum school day, shall be set aside during nonpreparation time or designated professional development time to allow practitioners to collaborate with each other to deliver educational programs and assess student learning, or to engage in peer review pursuant to section 284.8, subsection 1. The funds may be used to implement the professional development provisions of the teacher career paths and leadership roles specified in section 284.15, including but not limited to providing professional development to teachers, including additional salaries for time beyond the normal negotiated agreement; activities and pay to support a beginning teacher mentoring and induction program that meets the requirements of section 284.5; pay for substitute teachers, professional development materials, speakers, and professional development content; and costs associated with implementing the individual professional development plans. The use of the funds shall be balanced between school district, attendance center, and individual professional development plans, making every reasonable effort to provide equal access to all teachers.

Sec. 36. Section 284.13, subsection 1, paragraphs a, c, d, and f, Code 2017, are amended to read as follows:

a. For the fiscal year beginning July 1, ~~2016~~ 2017, and ending June 30, ~~2017~~ 2018, 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.

c. For the fiscal year beginning July 1, ~~2016~~ 2017, and ending June 30, ~~2017~~ 2018, up to seven hundred ~~eighty-six~~ seventy-four thousand ~~eight~~ three 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, ~~2016~~ 2017, and ending June 30, ~~2017~~ 2018, an amount up to one million one hundred ~~thirty-six~~ twenty-three thousand ~~four~~ nine 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.

f. For the fiscal year beginning July 1, ~~2017~~ 2018, 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. 37. Section 284.13, subsection 1, paragraph b, Code 2017, is amended by striking the paragraph.

Sec. 38. Section 284.13, subsection 1, Code 2017, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0f. For the fiscal year beginning July 1, 2017, and ending June 30, 2018, to the department an amount up to twenty-five thousand dollars for purposes of the fine arts beginning teacher mentoring program established under section 256.34.

NEW PARAGRAPH. 00f. For the fiscal year beginning July 1, 2017, and ending June 30, 2018, to the department an amount up to six hundred twenty-six thousand one hundred

ninety-one dollars shall be used by the department for a delivery system, in collaboration with area education agencies, to assist in implementing the career paths and leadership roles considered pursuant to sections 284.15, 284.16, and 284.17, including but not limited to planning grants to school districts and area education agencies, technical assistance for the department, technical assistance for districts and area education agencies, training and staff development, and the contracting of external expertise and services. In using moneys allocated for purposes of this paragraph, the department shall give priority to school districts with certified enrollments of fewer than six hundred students. A portion of the moneys allocated annually to the department for purposes of this paragraph may be used by the department for administrative purposes and for not more than five full-time equivalent positions.

Sec. 39. Section 284.15, subsection 2, paragraph a, subparagraph (1), Code 2017, is amended to read as follows:

(1) The salary for an initial teacher who has successfully completed an approved practitioner preparation program as defined in section 272.1 or holds an initial or intern teacher license issued under chapter 272, ~~and who participates in the beginning teacher mentoring and induction program as provided in this chapter,~~ shall be at least thirty-three thousand five hundred dollars, which shall also constitute the minimum salary for an Iowa teacher.

Sec. 40. Section 284.15, subsection 2, paragraph b, subparagraph (1), Code 2017, is amended by striking the subparagraph.

Sec. 41. Section 284.16, subsection 1, paragraph a, subparagraph (3), Code 2017, is amended by striking the subparagraph.

Sec. 42. Section 284.16, subsection 1, paragraph b, subparagraph (1), Code 2017, is amended to read as follows:

(1) Has successfully completed ~~the beginning teacher mentoring and induction program and has successfully completed~~ a comprehensive evaluation.

Sec. 43. REPEAL. Sections 261.6, 261.61, 261.129, 263.4, 263.5, and 263.6, Code 2017, are repealed.

DIVISION II
WORKFORCE TRAINING PROGRAMS — APPROPRIATIONS FY 2017-2018

Sec. 44. 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, 2017, and ending June 30, 2018, 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:

..... \$ 15,100,000

From the moneys appropriated in this lettered paragraph “a”, not more than \$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:

..... \$ 5,500,000

(1) From the moneys appropriated in this lettered paragraph “b”, \$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 \$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 \$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”, \$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 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”:

..... \$ 6,000,000

d. For deposit in the pathways for academic career and employment fund established pursuant to section 260H.2:

..... \$ 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:

..... \$ 2,000,000

f. For deposit in the statewide work-based learning intermediary network fund created pursuant to section 256.40:

..... \$ 1,500,000

From the moneys appropriated in this lettered paragraph “f”, not more than \$50,000 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. ²

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:

..... \$ 200,000

2. COLLEGE STUDENT AID COMMISSION

For purposes of providing skilled workforce shortage tuition grants in accordance with section 261.130:

..... \$ 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.

² See chapter 170, §39 herein

DIVISION III
FY 2018-2019 APPROPRIATIONS
DEPARTMENT FOR THE BLIND

Sec. 45. ADMINISTRATION. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2018, and ending June 30, 2019, 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:

Table with 2 columns: Description and Amount. Row 1: \$ 1,093,671. Row 2: FTEs 88.00

COLLEGE STUDENT AID COMMISSION

Sec. 46. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2018, and ending June 30, 2019, 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:

Table with 2 columns: Description and Amount. Row 1: \$ 214,640. Row 2: FTEs 3.95

2. HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

For the loan repayment program for health care professionals established pursuant to section 261.115:

Table with 2 columns: Description and Amount. Row 1: \$ 200,487

3. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

For purposes of providing national guard educational assistance under the program established in section 261.86:

Table with 2 columns: Description and Amount. Row 1: \$ 1,550,000

4. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM

a. For the teacher shortage loan forgiveness program established in section 261.112:

Table with 2 columns: Description and Amount. Row 1: \$ 100,000

b. For the fiscal year beginning July 1, 2018, and ending June 30, 2019, the commission shall not provide loan forgiveness under the program to any new applicant, but may renew loan forgiveness for an applicant who continues to meet the eligibility requirements of section 261.112.

5. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

a. For purposes of the all Iowa opportunity scholarship program established pursuant to section 261.87:

Table with 2 columns: Description and Amount. Row 1: \$ 1,420,427

b. For the fiscal year beginning July 1, 2018, if the moneys appropriated by the general assembly to the college student aid commission for purposes of the all Iowa opportunity scholarship program exceed \$250,000, "eligible institution" as defined in section 261.87 shall, during the fiscal year beginning July 1, 2018, include accredited private institutions as defined in section 261.9.

6. TEACH IOWA SCHOLAR PROGRAM

For purposes of the teach Iowa scholar program established pursuant to section 261.110:

Table with 2 columns: Description and Amount. Row 1: \$ 200,000

7. RURAL IOWA PRIMARY CARE LOAN REPAYMENT PROGRAM

For purposes of the rural Iowa primary care loan repayment program established pursuant to section 261.113:

Table with 2 columns: Description and Amount. Row 1: \$ 562,251

8. HEALTH CARE-RELATED LOAN PROGRAM

For purposes of the health care-related loan program established pursuant to section 261.116:

..... \$ 100,000

Sec. 47. IOWA TUITION GRANT APPROPRIATIONS.

Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2018, and ending June 30, 2019, 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:

..... \$ 23,315,476

2. For tuition grants for students attending for-profit accredited private institutions located in Iowa under section 261.25, subsection 2:

..... \$ 750,000

3. For vocational-technical tuition grants under section 261.25, subsection 3:

..... \$ 875,093

Sec. 48. CHIROPRACTIC LOAN FUNDS. Notwithstanding section 261.72, the moneys deposited in the chiropractic loan revolving fund created pursuant to section 261.72, for the fiscal year beginning July 1, 2018, and ending June 30, 2019, may be used for purposes of the chiropractic loan forgiveness program established in section 261.73.

Sec. 49. WORK-STUDY APPROPRIATION. Notwithstanding section 261.85, for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the amount appropriated from the general fund of the state to the college student aid commission for the work-study program under section 261.85 shall be zero.

DEPARTMENT OF EDUCATION

Sec. 50. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

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

..... \$ 2,982,024

..... FTEs 81.67

b. By January 15, 2019, 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, 2018.

2. CAREER AND TECHNICAL EDUCATION ADMINISTRATION

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

..... \$ 299,099

..... 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:

..... \$ 2,812,838

..... 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, 2019, 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:

..... \$ 42,412

..... FTEs 1.00
 c. For the entrepreneurs with disabilities program established pursuant to section 259.4, subsection 9:

..... \$ 69,253

d. For costs associated with centers for independent living:

..... \$ 43,229

4. STATE LIBRARY

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

..... \$ 1,265,032

..... FTEs 29.00

b. For the enrich Iowa program established under section 256.57:

..... \$ 1,232,412

5. PUBLIC BROADCASTING DIVISION

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

..... \$ 3,794,708

..... FTEs 86.00

6. CAREER AND TECHNICAL EDUCATION TO SECONDARY SCHOOLS

For reimbursement for career and technical education expenditures made by secondary schools:

..... \$ 1,315,067

Moneys appropriated in this subsection shall be used to reimburse school districts for career and technical education expenditures made by secondary schools to meet the standards set in sections 256.11, 258.4, and 260C.14.

7. 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

..... FTEs 20.58

8. 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:

..... \$ 11,081,400

a. From the moneys deposited in the school ready children grants account for the fiscal year beginning July 1, 2018, and ending June 30, 2019, not more than \$132,975 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 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, 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 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.

9. 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, 2018, birth through age three services due to increased numbers of children qualifying for those services:

..... \$ 860,700

b. From the moneys appropriated in this subsection, \$191,885 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.

10. EARLY HEAD START PROJECTS

a. For early head start projects:

..... \$ 287,250

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.

11. 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

b. Funding under this subsection is limited to \$20 per pupil and shall not exceed the comparable services offered to resident public school pupils.

12. 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:

..... \$ 1,697,834

..... 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, 2018, and ending June 30, 2019, 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.

13. 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:

..... \$ 333,094

14. ATTENDANCE CENTER PERFORMANCE/GENERAL INTERNET SITE AND DATA SYSTEM SUPPORT

For 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

..... FTEs 2.00

15. ONLINE STATE JOB POSTING SYSTEM

For purposes of administering the online state job posting system in accordance with section 256.27:

..... \$ 115,000

16. SUCCESSFUL PROGRESSION FOR EARLY READERS

For distribution to school districts for implementation of section 279.68, subsection 2, relating to successful progression for early readers:

..... \$ 3,912,391

17. 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:

..... \$ 957,500

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.

18. 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 49, paragraph “c”:

..... \$ 478,750

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.

19. COMPUTER SCIENCE PROFESSIONAL DEVELOPMENT INCENTIVE FUND

For deposit in the computer science professional development incentive fund established under section 284.6A, if enacted:

..... \$ 250,000

20. MIDWESTERN HIGHER EDUCATION COMPACT

a. For distribution to the midwestern higher education compact to pay Iowa’s member state annual obligation:

..... \$ 57,500

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.

21. COMMUNITY COLLEGES

For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C:

..... \$ 100,595,445

The moneys appropriated in this subsection shall be allocated pursuant to the formula established in section 260C.18C.

Sec. 51. LIMITATION OF STANDING APPROPRIATIONS FOR AT-RISK CHILDREN. Notwithstanding the standing appropriation in section 279.51 for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the amount appropriated from the general fund of the state to the department of education for programs for at-risk children under section 279.51 shall be not more than \$5,365,000. The amount of any reduction in this section shall be prorated among the programs specified in section 279.51, subsection 1, paragraphs “a”, “b”, and “c”.

STATE BOARD OF REGENTS

Sec. 52. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2018, and ending June 30, 2019, 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:

.....	\$	397,357
.....	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 2018 shall include the five-year graduation rates for the regents universities.

b. For moneys to be allocated between the southwest Iowa regents resource center in Council Bluffs, the northwest Iowa regents resource center in Sioux City, and the quad-cities graduate studies center as determined by the board:

.....	\$	139,424
.....	\$	179,632

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:

.....	\$	108,379,534
.....	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
.....	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
.....	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
.....	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
.....	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
.....	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
 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
 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
 FTEs 5.89

From the moneys appropriated in this lettered paragraph, \$127,445 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
 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
 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

m. Iowa flood center

For the Iowa flood center for use by the university's college of engineering pursuant to section 466C.1:

..... \$ 600,000

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:

..... \$ 86,437,431
 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
 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
 FTEs 383.34

d. Livestock disease research

For deposit in and the use of the livestock disease research fund under section 267.8:

..... \$ 86,422

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:

.....	\$	46,856,181
.....	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:

.....	\$	87,628
.....	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:

.....	\$	2,723,188
.....	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 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.

(4) Notwithstanding section 8.33, of the moneys appropriated in this paragraph "c" that remain unencumbered or unobligated at the close of the fiscal year, an amount equivalent to not more than 5 percent of the amount appropriated in this paragraph "c" shall not revert by³ shall remain available for expenditure for summer programs for students until the close of the succeeding fiscal year.

d. Real estate education program

For purposes of the real estate education program, and for not more than the following full-time equivalent position:

.....	\$	62,651
.....	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:

.....	\$	4,948,676
.....	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:

.....	\$	2,063,248
-------	----	-----------

³ See chapter 170, §40 herein

..... FTEs 62.87

Sec. 53. ENERGY COST-SAVINGS PROJECTS — FINANCING. For the fiscal year beginning July 1, 2018, and ending June 30, 2019, the state board of regents may use notes, bonds, or other evidences of indebtedness issued under section 262.48 to finance projects that will result in energy cost savings in an amount that will cause the state board to recover the cost of the projects within an average of six years.

Sec. 54. PRESCRIPTION DRUG COSTS. Notwithstanding section 270.7, the department of administrative services shall pay the state school for the deaf and the Iowa braille and sight saving school the moneys collected from the counties during the fiscal year beginning July 1, 2018, for expenses relating to prescription drug costs for students attending the state school for the deaf and the Iowa braille and sight saving school.

DIVISION IV
WORKFORCE TRAINING PROGRAMS — APPROPRIATIONS FY 2018-2019

Sec. 55. 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, 2018, and ending June 30, 2019, 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

From the moneys appropriated in this lettered paragraph “a”, not more than \$50,000 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

(1) From the moneys appropriated in this lettered paragraph “b”, \$1,941,500 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 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 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 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 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

d. For deposit in the pathways for academic career and employment fund established pursuant to section 260H.2:

..... \$ 2,500,000

From the moneys appropriated in this lettered paragraph “d”, not more than \$100,000 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

f. For deposit in the statewide work-based learning intermediary network fund created pursuant to section 256.40:

..... \$ 750,000

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. ⁴

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

2. COLLEGE STUDENT AID COMMISSION

For purposes of providing skilled workforce shortage tuition grants in accordance with section 261.130:

..... \$ 2,500,000

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 12, 2017

CHAPTER 173

APPROPRIATIONS — INFRASTRUCTURE AND CAPITAL PROJECTS

H.F. 643

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 revenue bonds capitals fund, providing for related matters, and including effective date 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 fiscal year beginning July 1, 2017, and ending June 30, 2018, 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:

..... \$ 11,510,000

⁴ See chapter 170, §41 herein

Of the moneys appropriated in this subsection, \$2,000,000 is allocated for the cost to modernize, upgrade, or replace elevator systems in facilities on the state capitol complex. The department shall give priority for projects modernizing elevator systems wherever possible.

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 division of soil conservation and water quality as provided in section 466B.42, including salaries, support, maintenance, and miscellaneous purposes, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 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.

(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.

(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, except for edge-of-field practices, 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":

..... \$ 1,875,000

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.

c. For deposit in the renewable fuels infrastructure fund created in section 159A.16 for renewable fuel infrastructure programs:

..... \$ 3,000,000

3. DEPARTMENT FOR THE BLIND

For elevator improvements:

..... \$ 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":

..... \$ 1,000,000

b. For costs associated with maintenance projects for the state historical building:

..... \$ 1,000,000

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:

..... \$ 250,000

5. ECONOMIC DEVELOPMENT AUTHORITY

a. For deposit in the community attraction and tourism fund created in section 15F.204:

..... \$ 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":

..... \$ 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":

..... \$ 300,000

d. For connection of communities to the Lewis and Clark regional water system:

..... \$ 2,250,000

The authority shall establish a plan for the repayment of moneys appropriated pursuant to this paragraph once federal moneys for the project have been received. The authority shall submit a report to the general assembly by February 1, 2018, on the status of any federal moneys being appropriated for the project.

e. For the renovation, expansion, and enhancements to a swimming pool at a year-round camp for persons with disabilities that is located in a city with a population of more than 200,000 as determined by the 2010 federal decennial census:

..... \$ 500,000

f. For costs associated with the relocation of utilities in a city with a population between 75,000 and 85,000 as determined by the 2010 federal decennial census:

..... \$ 1,500,000

*6. DEPARTMENT OF HUMAN RIGHTS

For grants to be awarded equally to local community action agencies and the largest statewide association representing local community action agencies for costs associated

* Item veto; see message at end of the Act

with infrastructure, technology, and other projects, notwithstanding section 8.57, subsection 5, paragraph “c”:

..... \$ 1,800,000*

7. DEPARTMENT OF HUMAN SERVICES

For the renovation and construction of certain nursing facilities, consistent with the provisions of chapter 249K:

..... \$ 500,000

8. 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”:

..... \$ 9,600,000

b. For state park infrastructure improvements:

..... \$ 2,000,000

9. DEPARTMENT OF PUBLIC DEFENSE

a. For major maintenance projects at national guard armories and facilities:

..... \$ 1,000,000

b. For improvement projects for Iowa national guard installations and readiness centers to support operations and training requirements:

..... \$ 1,000,000

c. For construction improvement projects at the Camp Dodge facility:

..... \$ 250,000

d. The department of public defense shall report to the general assembly by December 15, 2017, on what projects the department has funded, or intends to fund, from moneys appropriated to the department pursuant to this subsection.

10. BOARD OF REGENTS

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:

..... \$ 16,072,923

11. DEPARTMENT OF PUBLIC SAFETY

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, notwithstanding section 8.57, subsection 5, paragraph “c”:

..... \$ 4,143,687

12. DEPARTMENT OF TRANSPORTATION

a. For acquiring, constructing, and improving recreational trails within the state:

..... \$ 1,000,000

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”:

..... \$ 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”:

..... \$ 1,000,000

d. For infrastructure improvements at the commercial service airports within the state:

..... \$ 900,000

e. For infrastructure improvements at general aviation airports within the state:

..... \$ 500,000

13. TREASURER OF STATE

For distribution in accordance with chapter 174 to qualified fairs which belong to the association of Iowa fairs for county fair infrastructure improvements:

..... \$ 1,060,000

* Item veto; see message at end of the Act

Sec. 2. REBUILD IOWA INFRASTRUCTURE FUND — FY 2018-2019 APPROPRIATIONS. There is appropriated from the rebuild Iowa infrastructure fund to the economic development authority for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For connection of communities to the Lewis and Clark regional water systems:

..... \$ 4,750,000

The authority shall establish a plan for the repayment of moneys appropriated pursuant to this paragraph once federal moneys for the project have been received. The authority shall submit a report to the general assembly by February 1, 2019, on the status of any federal moneys being appropriated for the project.

Sec. 3. 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 TECHNOLOGY REINVESTMENT FUND

Sec. 4. TECHNOLOGY REINVESTMENT FUND. There is appropriated from the technology reinvestment fund created in section 8.57C to the following departments and agencies for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. OFFICE OF THE CHIEF INFORMATION OFFICER

For technology consolidation and technology improvement projects approved by the state chief information officer pursuant to chapter 8B:

..... \$ 1,000,000

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:

..... \$ 600,000

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:

..... \$ 2,727,000

c. To the public broadcasting division for the replacement of equipment and for tower and facility maintenance:

..... \$ 260,000

3. 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:

..... \$ 1,000,000

b. For the costs associated with the justice enterprise data warehouse:

..... \$ 157,980

4. DEPARTMENT OF HUMAN SERVICES

For technology upgrades necessary to support health program operations and the continued development of integrated systems for cash assistance, the federal supplemental nutrition assistance program (SNAP), and health program eligibility:

..... \$ 1,000,000

5. STATE PUBLIC DEFENDER

For technology projects:	\$	66,463
.....		
6. 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:	\$	45,000
.....		
b. For the continued development and implementation of the comprehensive electronic grant management system:	\$	50,000
.....		
c. For the upgrade of the local government budget and property tax system:	\$	600,000
.....		
7. DEPARTMENT OF PUBLIC HEALTH		
For replacement and upgrades of equipment for the office of the state medical examiner:	\$	1,037,000
.....		
8. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT		
For the implementation of a statewide mass notification and emergency messaging system:	\$	400,000
.....		
9. DEPARTMENT OF PUBLIC SAFETY		
For replacement radios for the investigative division:	\$	1,116,377
.....		

DIVISION III
MISCELLANEOUS APPROPRIATIONS

Sec. 5. REVENUE BONDS CAPITALS FUND. There is appropriated from the revenue bonds capitals fund created in section 12.88 to the department of administrative 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 major maintenance projects:	\$	760,000
.....		

Sec. 6. STATE BOND REPAYMENT FUND. There is appropriated from the state bond repayment fund created in section 8.57F to the state board of regents for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for the purposes designated, notwithstanding section 8.57F, subsection 1, paragraphs “a” and “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:	\$	12,200,000
.....		

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.

Sec. 8. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV
CHANGES TO PRIOR APPROPRIATIONS

Sec. 9. 2014 Iowa Acts, chapter 1136, section 1, subsection 7, paragraph b, as amended by 2016 Iowa Acts, chapter 1133, section 10, 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:	\$	23,000,000
.....		
FY 2017-2018:	\$	28,300,000
.....		<u>22,800,000</u>
<u>FY 2018-2019:</u>	\$	<u>5,500,000</u>
.....		

Sec. 10. 2014 Iowa Acts, chapter 1136, section 1, subsection 7, paragraph c, as amended by 2016 Iowa Acts, chapter 1133, section 11, 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:	\$	15,500,000
.....		
FY 2017-2018:	\$	23,500,000
.....		<u>19,500,000</u>
<u>FY 2018-2019:</u>	\$	<u>4,000,000</u>
.....		

Sec. 11. 2015 Iowa Acts, chapter 139, section 1, subsection 10, paragraph b, is amended to read as follows:

b. For construction of a student innovation center at Iowa state university of science and technology:

FY 2016-2017:	\$	1,000,000
.....		
FY 2017-2018:	\$	9,000,000
.....		<u>6,000,000</u>
FY 2018-2019:	\$	10,000,000
.....		
FY 2019-2020:	\$	10,000,000
.....		
FY 2020-2021:	\$	10,000,000
.....		
<u>FY 2021-2022:</u>	\$	<u>3,000,000</u>
.....		

Sec. 12. 2016 Iowa Acts, chapter 1133, section 1, subsection 1, is amended to read as follows:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

For major maintenance projects:

FY 2016-2017:	\$	9,489,237
.....		<u>8,729,237</u>

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.

Sec. 13. 2016 Iowa Acts, chapter 1133, section 1, subsection 10, as amended by 2016 Iowa Acts, chapter 1138, section 19, is amended to read as follows:

10. 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
.....		
FY 2017-2018:	\$	500,000
.....		<u>1,000,000</u>
FY 2018-2019:	\$	4,500,000
.....		<u>8,500,000</u>

Sec. 14. 2016 Iowa Acts, chapter 1133, section 6, subsection 1, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. From any moneys appropriated in this subsection and remaining upon completion of the repair and renovation of the dome of the Iowa state capitol, the department shall expend such amount as is necessary for maintenance projects for the Iowa state capitol and the Ola Babcock Miller building.

Sec. 15. 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 amending 2016 Iowa Acts, chapter 1133, section 1, subsection 1.
2. The section of this division of this Act amending 2016 Iowa Acts, chapter 1133, section 6, subsection 1.

DIVISION V
MISCELLANEOUS PROVISIONS

Sec. 16. Section 8.57, subsection 5, paragraph c, Code 2017, is amended to read as follows:

c. Moneys in the rebuild Iowa infrastructure fund in a fiscal year shall be used as directed by the general assembly for public vertical infrastructure projects. For the purposes of this subsection, “vertical infrastructure” includes only land acquisition and construction; major renovation and major repair of buildings; routine, recurring maintenance; all appurtenant structures; utilities; site development; recreational trails; renewable fuel infrastructure programs; and debt service payments on academic revenue bonds issued in accordance with chapter 262A for capital projects at board of regents institutions. “Vertical infrastructure” does not include operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

Sec. 17. Section 8.57C, subsection 3, paragraph a, subparagraph (2), Code 2017, is amended to read as follows:

(2) The fiscal year beginning July 1, 2017 2018, and for each subsequent fiscal year thereafter.

Sec. 18. Section 8.57C, subsection 3, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the sum of ten million dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 5, paragraph “c”.

Sec. 19. Section 12.88, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 6. For the fiscal year beginning July 1, 2017, any unobligated and unencumbered moneys in the fund from the previous fiscal year are appropriated to the department of administrative services for major maintenance projects.

Sec. 20. DEPARTMENT OF ADMINISTRATIVE SERVICES — VACANT BUILDING STUDY — APPROPRIATION. The department of administrative services shall conduct an inventory and study of vacant buildings owned by the state. The study shall include an assessment as to how much revenue could be realized by the sale of any buildings identified. If during the fiscal year beginning July 1, 2017, the department sells any vacant buildings identified by the study, fifty percent of any moneys realized from the sale of any vacant buildings are appropriated to the department of administrative services for major maintenance projects and fifty percent are appropriated to the department of cultural affairs for costs associated with maintenance projects for the state historical building.

Approved May 12, 2017, with exceptions noted.

TERRY E. BRANSTAD, Governor

Dear Mr. Secretary:

I hereby transmit House File 643, 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 revenue bonds capitals fund, providing for related matters, and including effective date provisions.

House File 643 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Division I, Section 1, subsection 6, in its entirety. This item provides \$1.8 million for Community Action Agencies facilities. Although I support the mission of Community Action Agencies, money should be directed to the low-income individuals the agencies serve and not to the agencies’ facilities.

I am unable to approve the item designated as Division V, Section 20, in its entirety. This item requires the Department of Administrative Services (DAS) to inventory and study vacant buildings owned by the state. It then directs half of the profits from potential sales of these buildings to the Department of Cultural Affairs and the other half of the profits to major maintenance projects at DAS. DAS already has the authority to conduct a survey of the state’s buildings. Current law provides that proceeds from the sale of any state buildings by DAS shall be returned to the original funding source and I see no reason to change this designation. Further, I have recommended appropriating funds for repairs and remodeling of Department of Cultural Affairs’ building. Funding should be done using a sustainable source of revenue and not on speculative earmarked funds.

* Item veto; see message at end of the Act

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 643 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, Governor

CHAPTER 174

APPROPRIATIONS — HEALTH AND HUMAN SERVICES

H.F. 653

AN ACT relating to appropriations for health and human services and veterans and including other related provisions and appropriations, providing penalties, and including effective date and retroactive and other applicability date provisions.

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

DIVISION I

DEPARTMENT ON AGING — FY 2017-2018

Section 1. 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, 2017, and ending June 30, 2018, 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:

.....	\$	11,042,476
.....	FTEs	27.00

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, \$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 \$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 \$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, \$812,537 shall be used for the purposes of chapter 231E and section 231.56A, of which \$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, \$750,000 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.

8. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2017, the department may transfer funds within or between the allocations made in this division of this Act for the same fiscal year in accordance with departmental priorities. The department shall report any such transfers to the individuals specified in this Act for submission of reports. This subsection shall not be construed to prohibit the use of existing state transfer authority for other purposes.

DIVISION II

OFFICE OF LONG-TERM CARE OMBUDSMAN — FY 2017-2018

Sec. 2. OFFICE OF LONG-TERM CARE OMBUDSMAN. 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, 2017, and ending June 30, 2018, 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:

.....	\$	1,160,281
.....	FTEs	16.00

DIVISION III

DEPARTMENT OF PUBLIC HEALTH — FY 2017-2018

Sec. 3. 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, 2017, and ending June 30, 2018, 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:

.....	\$	24,985,831
.....	FTEs	10.00

a. (1) Of the funds appropriated in this subsection, \$4,021,225 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) 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, 2017, and ending June 30, 2018, 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 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, \$20,964,606 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.

c. The requirement of section 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, 2017.

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:

.....	\$	5,325,632
.....	FTEs	12.00

a. Of the funds appropriated in this subsection, not more than \$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, 2017.

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, \$3,075,101 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 initiative 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, \$64,640 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, \$156,482 shall be used to provide audiological services and hearing aids for children. The department may enter into a contract to administer this paragraph.

f. Of the funds appropriated in this subsection, \$23,000 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.

g. Of the funds appropriated in this subsection, \$50,000 shall be used to address youth suicide prevention.

h. Of the funds appropriated in this subsection, \$40,511 shall be used to support the Iowa effort to address the survey of children who experience adverse childhood experiences known as ACEs.

i. 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:

.....	\$	4,170,750
.....	FTEs	5.00

a. Of the funds appropriated in this subsection, \$153,755 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, \$1,020,794 shall be used for the brain injury services program pursuant to section 135.22B, including for contracting with an existing nationally affiliated and statewide organization whose purpose is to educate, serve, and support Iowans with brain injury and their families for resource facilitator services in accordance with section 135.22B, subsection 9, and for contracting to enhance brain injury training and recruitment of service providers on a statewide basis. Of the amount allocated in this paragraph, \$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, \$144,097 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 \$100,000 shall be matched dollar-for-dollar by the organization specified.

d. Of the funds appropriated in this subsection, \$809,550 shall be used for child health specialty clinics.

e. Of the funds appropriated in this subsection, \$384,552 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.

f. Of the funds appropriated in this subsection, \$577,375 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 "f", \$150,000 shall be used to support a melanoma research symposium, a melanoma biorepository and registry, basic and translational melanoma research, and clinical trials.

g. Of the funds appropriated in this subsection, \$97,532 shall be used for cervical and colon cancer screening, and \$177,720 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.

h. Of the funds appropriated in this subsection, \$506,355 shall be used for the center for congenital and inherited disorders.

i. Of the funds appropriated in this subsection, \$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.

j. Of the funds appropriated in this subsection, \$22,100 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:

.....	\$	2,907,776
.....	FTEs	13.00

a. Of the funds appropriated in this subsection, \$95,575 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, \$105,656 is allocated for continuation of an initiative implemented at the university of Iowa to expand and improve the workforce engaged in mental health treatment and services. The initiative 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 initiative.

c. Of the funds appropriated in this section, \$83,315 shall be deposited in the governmental public health system fund created in section 135A.8 to be used for the purposes of the fund.

d. Of the funds appropriated in this subsection, \$48,069 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.

e. Of the funds appropriated in this subsection, the following amounts are allocated to be used as follows to support the Iowa collaborative safety net provider network goals of increased access, health system integration, and engagement:

(1) Not less than \$521,863 is allocated 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, and for the prescription drug donation repository program created in chapter 135M.

(2) Not less than \$334,870 is allocated 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.

(3) Not less than \$25,000 is allocated to the Iowa association of rural health clinics for necessary infrastructure and service delivery transformation.

(4) Not less than \$100,000 is allocated 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.

f. Of the funds appropriated in this subsection, \$76,231 shall be used by the department in implementing the recommendations in the final report submitted by the direct care worker 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.

g. Of the funds appropriated in this subsection, \$191,188 shall be 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.

h. Of the funds appropriated in this subsection, the department may use up to \$58,175 for up to one full-time equivalent position to administer the volunteer health care provider program pursuant to section 135.24.

i. Of the funds appropriated in this subsection, \$96,138 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.

j. Of the funds appropriated in this subsection, \$52,911 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.

k. Of the funds appropriated in this subsection, \$150,000 shall be used for the purposes of the Iowa donor registry as specified in section 142C.18.

l. Of the funds appropriated in this subsection, \$96,138 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 "l". 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.

5. ESSENTIAL PUBLIC HEALTH SERVICES

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:

..... \$ 8,197,878

6. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

..... \$ 1,646,426
..... 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:

..... \$ 4,195,139
..... FTEs 138.00

a. Of the funds appropriated in this subsection, not more than \$304,700 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, up to \$243,260 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, and for continuation of a training program for sexual assault response team (SART) members, including representatives of law enforcement, victim advocates, prosecutors, and certified medical personnel. 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, up to \$575,627 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, up to \$516,982 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:

.....	\$	971,215
.....	FTEs	4.00

9. MISCELLANEOUS PROVISIONS

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.

10. GENERAL REDUCTION

For the period beginning July 1, 2017, and ending June 30, 2018, the department of public health, in consultation with the department of management, shall identify and implement a reduction in expenditures made from appropriations from the general fund to the department of public health in the amount of \$1,281,367.

11. TRANSFERS

Notwithstanding section 8.39, for the fiscal year beginning July 1, 2017, the department may transfer funds within or between any of the allocations or appropriations made in this division of this Act for the same fiscal year, to be used in accordance with departmental priorities as specified in the department’s report to the general assembly submitted pursuant to 2016 Iowa Acts, chapter 1139, section 3. The department shall report any such transfers to the individuals specified in this Act for submission of reports. This subsection shall not be construed to prohibit the use of existing state transfer authority for other purposes.

DIVISION IV
DEPARTMENT OF VETERANS AFFAIRS — FY 2017-2018

Sec. 4. 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, 2017, and ending June 30, 2018, 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:

.....	\$	1,142,557
.....	FTEs	15.00

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 7,228,140

a. The Iowa veterans home billings involving the department of human services shall be submitted to the department on at least a monthly basis.

b. 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.

*c. *The Iowa veterans home expenditure report shall be submitted monthly to the legislative services agency.**

d. The Iowa veterans home shall continue to include in the annual discharge report applicant information 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:

..... \$ 2,000,000

Sec. 5. 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, 2017, and ending June 30, 2018, 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:

..... \$ 947,925

DIVISION V
DEPARTMENT OF HUMAN SERVICES — FY 2017-2018

Sec. 6. 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, 2017, and ending June 30, 2018, 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:

..... \$ 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:

..... \$ 5,575,693

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 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, 2018, the moneys shall revert.

* Item veto; see message at end of the Act

4. For field operations: \$ 31,296,232

5. For general administration: \$ 3,744,000

6. For state child care assistance: \$ 47,866,826

a. Of the funds appropriated in this subsection, \$26,328,097 is transferred to the child care and development block grant appropriation made by the Eighty-seventh General Assembly, 2017 session, for the federal fiscal year beginning October 1, 2017, and ending September 30, 2018. Of this amount, \$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 child and family services: \$ 32,380,654

8. For child abuse prevention grants: \$ 125,000

9. For pregnancy prevention grants on the condition that family planning services are funded: \$ 1,930,067

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2017, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2017, 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.

10. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements: \$ 1,037,186

11. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2016 or 2017 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, 2017, 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 assistance under the family investment program, in subsection 6 for child care assistance, or in subsection 10 for technology costs related to the family investment program, 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.

12. Of the amounts appropriated in this section, \$12,962,008 for the fiscal year beginning July 1, 2017, is transferred to the appropriation of the federal social services block grant made to the department of human services for that fiscal year.

13. 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 Act relating to the family investment program account:

..... \$ 25,000

14. 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.

15. With the exception of moneys allocated under this section for the family development and self-sufficiency grant program, to the extent moneys allocated in this section are deemed by the department not to be necessary to support the purposes for which they are allocated, such moneys may be credited to the family investment program account as specified under subsection 1 of this section and used for the purposes of assistance under the family investment program in accordance with chapter 239B in the same fiscal year.

Sec. 7. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2017, and ending June 30, 2018, 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, 2017, and ending June 30, 2018, 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:

..... \$ 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:

..... \$ 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 2017-2018.

(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:

..... \$ 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 deemed by the department not 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, or for the purposes of assistance under the family investment program in accordance with chapter 239B.

d. For the food assistance employment and training program:

..... \$ 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:

..... \$ 13,523,290

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. 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, 2017, and ending June 30, 2018, 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:

..... \$ 43,004,480

1. Of the funds appropriated in this section, \$7,947,597 is allocated for the JOBS program.

2. Of the funds appropriated in this section, \$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, 2017, 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.

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, \$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, \$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 according to the latest certified federal census. 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. 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, 2017, and ending June 30, 2018, 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:

.....	\$	12,586,635
.....	FTEs	459.00

1. The department shall expend up to \$24,329, including federal financial participation, for the fiscal year beginning July 1, 2017, 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, 2017, and ending June 30, 2018. Notwithstanding 441 IAC 100.8, providing for termination of rules relating to the pilot projects, the rules shall remain in effect until June 30, 2018.

Sec. 10. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE — FY 2017-2018. Any funds remaining in the health care trust fund created in section 453A.35A for the fiscal year beginning July 1, 2017, and ending June 30, 2018, are appropriated to the department of human services to supplement the medical assistance program appropriations made in this division of this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with program implementation.

Sec. 11. MEDICAID FRAUD FUND — MEDICAL ASSISTANCE — FY 2017-2018. Any funds remaining in the Medicaid fraud fund created in section 249A.50 for the fiscal year beginning July 1, 2017, and ending June 30, 2018, are appropriated to the department of human services to supplement the medical assistance appropriations made in this division of this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with program implementation.

Sec. 12. 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, 2017, and ending June 30, 2018, 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, 2017, 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:

..... \$ 1,284,405,740

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 \$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 \$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, \$950,000 for the fiscal year beginning July 1, 2017, is transferred to the department of human services for an integrated substance-related disorder managed care system. 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 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, \$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 \$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 \$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. a. Hospitals that meet the conditions specified in subparagraphs (1) and (2) 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 in an amount up to the hospital-specific limit as approved in the Medicaid state plan. The hospitals that meet the conditions specified shall receive and retain 100 percent of the total disproportionate share hospital payment in an amount up to the hospital-specific limit as approved in the Medicaid state plan.

(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.

12. 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.

13. 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.

14. Of the funds appropriated in this section, \$349,011 shall be used for the administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes.

15. a. The department shall implement all of the following cost containment strategies:

(1) An adjustment to the reimbursement policy in order to eliminate 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.

(2) A strategy to ensure that total reimbursement for Medicare Part A and Medicare Part B crossover claims is limited to the Medicaid reimbursement rate.

(3) An adjustment to Medicaid reimbursement rates for physician services by applying a site of service differential to reflect the difference between the cost of physician services when provided in a health facility setting and the cost of physician services when provided in a physician's office.

(4) An adjustment to the inpatient diagnostic related group (DRG) cost threshold formula to be the greater of two times the statewide average DRG payment for that case or the hospital's individual DRG payment for that case plus \$75,000.

(5) An adjustment to the Medicaid anesthesia conversion factor to be equal to the calendar year 2017 Medicare anesthesia conversion factor as adjusted for the state, and converted to a per minute amount. Each January 1, thereafter, the department shall apply the applicable Medicare anesthesia conversion factor adjusted for the state, and converted to a per minute amount.

(6) An alignment of billing and reimbursement for consultation services rendered in an office, other outpatient, or inpatient setting with Medicare billing and reimbursement.

(7) Elimination of the three-month retroactive Medicaid coverage benefit for Medicaid applicants effective October 1, 2017. The department shall seek a waiver from the centers for Medicare and Medicaid services of the United States department of health and human services to implement the strategy. If federal approval is received, an applicant's Medicaid coverage shall be effective on the first day of the month of application, as allowed under the Medicaid state plan.

b. The department shall implement the cost containment strategies specified in this subsection beginning July 1, 2017, or as otherwise specified. If federal approval is required, the strategy shall be implemented effective upon receipt of federal approval.

c. The department may adopt emergency rules to implement this subsection.

16. 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, 2017, 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.

17. For the fiscal year beginning July 1, 2017, and ending June 30, 2018, 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.

18. a. Of the funds appropriated in this section, up to \$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 \$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 \$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.

19. Of the funds appropriated in this section, \$150,000 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.

20. Of the funds appropriated in this section, up to \$3,383,880 shall be used for administration of the state family planning services program as enacted in this 2017 Act, and of this amount, the department may use up to \$200,000 for administrative expenses.

21. 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.

22. The department shall report the implementation of any process improvement changes and any related cost reductions to the individuals specified in this division of this Act for submission of reports upon implementation.

23. The Medicaid managed care organizations shall explore options provided by national human services nonprofit organizations that provide innovative services for persons with behavioral health challenges to incorporate assertive community treatment teams into the services provided to individuals with severe and persistent mental illness in order to minimize or prevent recurrent acute episodes and to enhance quality of life and functioning.

24. The department of human services shall include in the Medicaid managed care contracts beginning with the contract period effective July 1, 2017, per member per month capitation payments to managed care organizations that encourage the utilization of home and community-based services as an alternative to residential care for members.

25. The department of human services shall review the use of step therapy protocols and the application of step therapy override exceptions under the Medicaid program. In the review, the department may consider the use of step therapy protocols and the application of step therapy override exceptions as provided in chapter 514F.7, if enacted by 2017 Iowa Acts, House File 233,¹ and the potential for improving the quality of life of Medicaid members and increasing efficiencies in the Medicaid program. The department shall report findings of the review and recommendations to the individuals designated in this Act for submission of reports by November 15, 2017.

Sec. 13. 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, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:
..... \$ 17,626,464

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, \$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 \$200,000 may be transferred to the appropriation for general administration in this division of this Act to be used for additional

* Item veto; see message at end of the Act

¹ Chapter 124 herein

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, \$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, \$950,000 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 amount appropriated in this section, \$202,000 shall be used for the public purpose of providing a one-year grant to Drake university to establish a master's program in applied behavioral analysis, including the establishment of remote learning sites and a remote system to maximize outreach and enrollment in the program.

b. Of the funds allocated in this subsection, \$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, \$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, 2017.

Sec. 14. 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, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

..... \$ 10,372,658

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, 2017, 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.

* Item veto; see message at end of the Act

Sec. 15. 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, 2017, and ending June 30, 2018, 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:

..... \$ 8,518,452

2. Of the funds appropriated in this section, \$42,800 is allocated for continuation of the contract for outreach with the department of public health.

Sec. 16. 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, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

..... \$ 39,343,616

1. Of the funds appropriated in this section, \$33,493,616 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. 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, \$5,850,000 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.

5. 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.

6. 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.

7. 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.

8. 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. 17. 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, 2017, and ending June 30, 2018, 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:

.....	\$	11,350,443
.....	FTEs	189.00

Of the funds appropriated in this subsection, \$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, 2017.

Sec. 18. 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, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

.....	\$	87,279,375
-------	----	------------

2. 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.

3. a. Of the funds appropriated in this section, up to \$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, 2017, 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.

4. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative during fiscal year 2017-2018. Of the funds appropriated in this section, \$1,717,753 is allocated specifically for expenditure for fiscal year 2017-2018 through the decategorization services funding pools and governance boards established pursuant to section 232.188.

5. 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.

6. 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 \$8,096,158.

7. Federal funds received by the state during the fiscal year beginning July 1, 2017, 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.

8. a. Of the funds appropriated in this section, up to \$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 \$1,556,287 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than \$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 \$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, 2017.

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 \$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, \$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.

9. Of the funds appropriated in this section, \$12,253,227 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.

10. Of the funds appropriated in this section, \$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 \$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 latest certified federal census, and so that the remaining funds are awarded through a funding formula based upon the volume of children served.

11. 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.

12. Of the funds appropriated in this section, \$4,025,167 is allocated for the preparation for adult living program pursuant to section 234.46.

13. Of the funds appropriated in this section, \$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.

14. Of the funds appropriated in this section, \$300,620 is allocated for the foster care youth council approach of providing a support network to children placed in foster care.

15. Of the funds appropriated in this section, \$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.

16. Of the funds appropriated in this section, \$630,240 is allocated for the community partnership for child protection sites.

17. Of the funds appropriated in this section, \$371,250 is allocated for the department's minority youth and family projects under the redesign of the child welfare system.

18. Of the funds appropriated in this section, \$1,136,595 is allocated for funding of the community circle of care collaboration for children and youth in northeast Iowa.

19. Of the funds appropriated in this section, at least \$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.

20. Of the funds appropriated in this section, \$211,872 shall be used for continuation of the central Iowa system of care program grant through June 30, 2018.

21. Of the funds appropriated in this section, \$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.

22. Of the funds appropriated in this section, at least \$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.

23. Of the funds appropriated in this section, \$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 certified federal census, is licensed as a psychiatric medical institution for children, and was a system of care grantee prior to July 1, 2017.

Sec. 19. 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, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

a. For adoption subsidy payments and services:

..... \$ 40,777,910

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".

c. Notwithstanding section 8.33, moneys corresponding to the state savings resulting from implementation of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. No. 110-351, and successor legislation, as determined in accordance with 42 U.S.C. §673(a)(8), 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 in this subsection until expended. The amount of such savings and any corresponding funds remaining at the close of the fiscal year shall be determined separately and any changes in either amount between fiscal years shall not result in an unfunded need.

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, 2017, 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. 20. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2017, and ending June 30, 2018, are appropriated to the department of human services for the fiscal year beginning July 1, 2017, and ending June 30, 2018, for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2016. Moneys appropriated for distribution in accordance with this section shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2016. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2017, shall be limited to the amount appropriated for the purposes of this section.

Sec. 21. 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, 2017, and ending June 30, 2018, 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:

..... \$ 1,069,282

2. At least \$787,500 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 chapter 225C, subchapter V.

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. 22. 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, 2017, and ending June 30, 2018, 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):

..... \$ 33,632

Sec. 23. MENTAL HEALTH INSTITUTES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. 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:

..... \$ 13,870,254
..... FTEs 162.00

b. 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:

..... \$ 17,513,621
..... FTEs 204.00

2. Notwithstanding sections 218.78 and 249A.11, any revenue received from the state mental health institute at Cherokee or the state mental health institute at Independence pursuant to 42 C.F.R §438.6(e) may be retained and expended by the mental health institute.

3. Notwithstanding any provision of law to the contrary, a Medicaid member residing at the state mental health institute at Cherokee or the state mental health institute at Independence shall retain Medicaid eligibility during the period of the Medicaid member’s stay for which federal financial participation is available.

Sec. 24. 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, 2017, and ending June 30, 2018, 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:

..... \$ 17,887,781

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 12,077,034

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 2017-2018.

Sec. 25. 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, 2017, and ending June 30, 2018, 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:

.....	\$	9,464,747
.....	FTEs	112.00

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. 26. 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, 2017, and ending June 30, 2018, 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:

.....	\$	48,484,435
.....	FTEs	1,583.00

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. 27. 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, 2017, and ending June 30, 2018, 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:

.....	\$	14,033,040
.....	FTEs	294.00

1. The department shall report at least monthly to the legislative services agency concerning the department’s operational and program expenditures.

2. Of the funds appropriated in this section, \$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, \$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, \$200,000 shall be transferred to and deposited in the administrative fund of the Iowa ABLE savings plan trust created in section 12I.4, to be used for implementation and administration activities of the Iowa ABLE savings plan trust.

5. Of the funds appropriated in this section, \$200,000 is transferred to the economic development authority for the Iowa commission on volunteer services to continue to be used for RefugeeRISE AmeriCorps program established under section 15H.8 for 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.

6. Of the funds appropriated in this section, \$300,000 shall be used to contract for children’s well-being collaboratives grants for the development and implementation of children’s well-being collaboratives to establish and coordinate prevention and early intervention services to promote improved mental health and well-being for children and families, as enacted in this 2017 Act.

7. 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.

Sec. 28. 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, 2017, and ending June 30, 2018, 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. 29. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:
..... \$ 84,686

Sec. 30. GENERAL REDUCTION. For the period beginning July 1, 2017, and ending June 30, 2018, the department of human services, in consultation with the department of management, shall identify and implement a reduction in expenditures made from appropriations from the general fund to the department of human services in the amount of \$1,467,303.

Sec. 31. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. (1) (a) For the fiscal year beginning July 1, 2017, the department shall rebase case-mix nursing facility rates effective July 1, 2017, to the extent possible within the state funding, including the \$2,500,000, appropriated for this purpose.

* Item veto; see message at end of the Act

(b) For the fiscal year beginning July 1, 2017, non-case-mix and special population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30 of the prior fiscal year.

(c) 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 subparagraph division (a) and 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.

(d) For the fiscal year beginning July 1, 2017, Medicaid managed care long-term services and supports capitation rates shall be adjusted to reflect the rebasing pursuant to subparagraph division (a) for the patient populations residing in Medicaid-certified nursing facilities.

(2) For any open or unsettled nursing facility cost report for a fiscal year prior to and including the fiscal year beginning July 1, 2016, 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.

(3) Medicaid managed care organizations shall adjust facility-specific rates based upon payment rate listings issued by the department. The rate adjustments shall be applied retroactively based upon the effective date of the rate letter issued by the department. A Medicaid managed care organization shall honor all retroactive rate adjustments including when specific provider rates are delayed or amended.

b. (1) For the fiscal year beginning July 1, 2017, the department shall establish the pharmacy dispensing fee reimbursement at \$10.02 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.

c. (1) For the fiscal year beginning July 1, 2017, reimbursement rates for outpatient hospital services shall be rebased effective January 1, 2018, 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, 2017, reimbursement rates for inpatient hospital services shall remain at the rates in effect on June 30, 2017, 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, 2017, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2017, 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).

* Item veto; see message at end of the Act

d. For the fiscal year beginning July 1, 2017, reimbursement rates for 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, 2017, independent laboratories and rehabilitation agencies shall be reimbursed using the same methodology in effect on June 30, 2017.

f. (1) For the fiscal year beginning July 1, 2017, 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. The department shall continue to update the rates every two years to reflect the most recent Medicare LUPA rates to the extent possible within the state funding appropriated for this purpose.

(2) For the fiscal year beginning July 1, 2017, 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, 2017.

g. For the fiscal year beginning July 1, 2017, 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, 2017, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2017.

i. (1) For the fiscal year beginning July 1, 2017, reimbursement rates for non-state-owned psychiatric medical institutions for children shall be based on the reimbursement methodology in effect on June 30, 2017.

(2) 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, 2017, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2017, 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, 2017, the reimbursement rate for anesthesiologists shall be adjusted to implement the cost containment strategies authorized for the medical assistance program in this 2017 Act.

l. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2017, 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, 2017; however, this rate shall not exceed the maximum level authorized by the federal government.

m. For the fiscal year beginning July 1, 2017, 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, 2017, the reimbursement rates for inpatient mental health services provided at hospitals shall remain at the rates in effect on June 30, 2017, 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, 2017.

o. For the fiscal year beginning July 1, 2017, 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 approved by the department of human services in effect on June 30, 2017.

p. For the fiscal year beginning July 1, 2017, 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, 2017.

q. Unless otherwise subject to a tiered rate methodology, for the fiscal year beginning July 1, 2017, the upper limits and reimbursement rates for providers of home and community-based services waiver services shall be reimbursed using the reimbursement methodology in effect on June 30, 2017.

r. For the fiscal year beginning July 1, 2017, the reimbursement rates for emergency medical service providers shall remain at the rates in effect on June 30, 2017.

s. For the fiscal year beginning July 1, 2017, reimbursement rates for substance-related disorder treatment programs licensed under section 125.13 shall remain at the rates in effect on June 30, 2017.

2. For the fiscal year beginning July 1, 2017, 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. Notwithstanding section 234.38, for the fiscal year beginning July 1, 2017, 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, 2017, the maximum reimbursement rates for social services providers under contract shall remain at the rates in effect on June 30, 2017, 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, 2017, the initial reimbursement rate for the service or provider shall be based upon a weighted average of provider rates for similar services.

6. a. For the fiscal year beginning July 1, 2017, the reimbursement rates for resource family recruitment and retention contractors shall be established by contract.

b. For the fiscal year beginning July 1, 2017, the reimbursement rates for supervised apartment living foster care providers shall be established by contract.

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, 2017, 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, 2017, 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, 2017, 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, 2017, 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, 2017, 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, 2017, 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, 2016.

10. For the fiscal year beginning July 1, 2017, the department shall calculate reimbursement rates for intermediate care facilities for persons with an intellectual disability at the 80th percentile. Beginning July 1, 2017, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2017.

11. For the fiscal year beginning July 1, 2017, 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, 2017, the child care provider reimbursement rates shall remain at the rates in effect on June 30, 2017. 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.

12. For the fiscal year beginning July 1, 2017, affected providers or services shall be reimbursed as follows:

a. For fee-for-service claims, a rate or reimbursement shall be calculated based on the methodology otherwise specified in this section for the fiscal year beginning July 1, 2017, for the respective provider or service.

b. For claims subject to a managed care contract with the exception of any provider or service to which a rate or reimbursement increase is applicable for the fiscal year under this section, the rate or reimbursement shall be based on the methodology established by the managed care contract. However, any rate or reimbursement established under such contract shall not be lower than the rate or reimbursement floor established by the department of human services as the managed care organization rate or reimbursement floor for a respective provider or service in effect on April 1, 2016.

13. Notwithstanding any provision to the contrary, reimbursement rates and methodologies under this section may be adjusted as necessary to implement the cost containment strategies authorized for the medical assistance program in this 2017 Act.

14. The department may adopt emergency rules to implement this section.

Sec. 32. EMERGENCY RULES.

1. If specifically authorized by a provision of this division of this Act, the department of human services or the mental health and disability services commission may adopt administrative 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 become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date of the rules is delayed or the applicability of the rules is suspended by the administrative rules review committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 7, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this section, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance

* Item veto; see message at end of the Act

with the provisions of this section shall also be published as a notice of intended action as provided in section 17A.4.

2. If during a fiscal year, the department of human services is adopting rules in accordance with this section or as otherwise directed or authorized by state law, and the rules will result in an expenditure increase beyond the amount anticipated in the budget process or if the expenditure was not addressed in the budget process for the fiscal year, the department shall notify the persons designated by this division of this Act for submission of reports, the chairpersons and ranking members of the committees on appropriations, and the department of management concerning the rules and the expenditure increase. The notification shall be provided at least 30 calendar days prior to the date notice of the rules is submitted to the administrative rules coordinator and the administrative code editor.

Sec. 33. REPORTS. Any reports or other information required to be compiled and submitted under this Act during the fiscal year beginning July 1, 2017, shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs on or before the dates specified for submission of the reports or information.

Sec. 34. TRANSFER OF MEDICAID MODERNIZATION SAVINGS BETWEEN APPROPRIATIONS FY 2017-2018. Notwithstanding section 8.39, subsection 1, for the fiscal year beginning July 1, 2017, 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 management. The department of human services shall report any transfers made pursuant to this section to the legislative services agency.

Sec. 35. EFFECTIVE UPON ENACTMENT. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The provision relating to section 232.141 and directing the state court administrator and the division administrator of the department of human services division of child and family services to make the determination, by June 15, 2017, of the distribution of funds allocated for the payment of the expenses of court-ordered services provided to juveniles which are a charge upon the state.

DIVISION VI
HEALTH CARE ACCOUNTS AND FUNDS — FY 2017-2018

Sec. 36. 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, 2017, and ending June 30, 2018, 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, 2017, and ending June 30, 2018:

..... \$ 800,000

Sec. 37. 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, 2017, and ending June 30, 2018, 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:

..... \$ 36,705,208

Sec. 38. 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, 2017, and ending June 30, 2018, 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:
 \$ 33,920,554

Sec. 39. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2017-2018. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2017, and ending June 30, 2018, from the general fund of the state, the quality assurance trust fund and the hospital health care access trust fund, are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at the close of the fiscal year, the excess moneys shall not revert but shall remain available for expenditure for the purposes of the medical assistance program until the close of the succeeding fiscal year.

DIVISION VII
 DEPARTMENT ON AGING — FY 2018-2019

Sec. 40. 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, 2018, and ending June 30, 2019, 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:

..... \$ 5,521,238
 FTEs 27.00

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 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 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 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, \$406,268 shall be used for the purposes of chapter 231E and section 231.56A, of which \$175,000 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, \$375,000 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.

8. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2018, the department may transfer funds within or between the allocations made in this division of this Act for the same fiscal year in accordance with departmental priorities. The department shall report any such transfers to the individuals specified in this Act for submission of reports. This subsection shall not be construed to prohibit the use of existing state transfer authority for other purposes.

DIVISION VIII

OFFICE OF LONG-TERM CARE OMBUDSMAN — FY 2018-2019

Sec. 41. OFFICE OF LONG-TERM CARE OMBUDSMAN. 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, 2018, and ending June 30, 2019, 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:

.....	\$	580,140
.....	FTEs	16.00

DIVISION IX

DEPARTMENT OF PUBLIC HEALTH — FY 2018-2019

Sec. 42. 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, 2018, and ending June 30, 2019, 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:

.....	\$	12,492,915
.....	FTEs	10.00

a. (1) Of the funds appropriated in this subsection, \$2,010,612 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) 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, 2018, and ending June 30, 2019, 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 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, \$10,482,303 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.

c. The requirement of section 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, 2018.

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:

.....	\$	2,662,816
.....	FTEs	12.00

a. Of the funds appropriated in this subsection, not more than \$367,420 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, 2018.

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, \$1,537,550 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 initiative 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, \$32,320 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, \$78,241 shall be used to provide audiological services and hearing aids for children. The department may enter into a contract to administer this paragraph.

f. Of the funds appropriated in this subsection, \$11,500 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.

g. Of the funds appropriated in this subsection, \$25,000 shall be used to address youth suicide prevention.

h. Of the funds appropriated in this subsection, \$20,255 shall be used to support the Iowa effort to address the survey of children who experience adverse childhood experiences known as ACEs.

i. 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:

.....	\$	2,085,375
.....	FTEs	5.00

a. Of the funds appropriated in this subsection, \$76,877 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, \$510,397 shall be used for the brain injury services program pursuant to section 135.22B, including for contracting with an existing nationally affiliated and statewide organization whose purpose is to educate, serve, and support Iowans with brain injury and their families for resource facilitator services in accordance with section 135.22B, subsection 9, and for contracting to enhance brain injury training and recruitment of service providers on a statewide basis. Of the amount allocated in this paragraph, \$47,500 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, \$72,048 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 shall be matched dollar-for-dollar by the organization specified.

d. Of the funds appropriated in this subsection, \$404,775 shall be used for child health specialty clinics.

e. Of the funds appropriated in this subsection, \$192,276 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.

f. Of the funds appropriated in this subsection, \$288,687 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 “f”, \$75,000 shall be used to support a melanoma research symposium, a melanoma biorepository and registry, basic and translational melanoma research, and clinical trials.

g. Of the funds appropriated in this subsection, \$48,766 shall be used for cervical and colon cancer screening, and \$88,860 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.

h. Of the funds appropriated in this subsection, \$253,177 shall be used for the center for congenital and inherited disorders.

i. Of the funds appropriated in this subsection, \$107,631 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.

j. Of the funds appropriated in this subsection, \$11,050 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:

.....	\$	1,453,888
.....	FTEs	13.00

a. Of the funds appropriated in this subsection, \$47,787 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, \$52,828 is allocated for continuation of an initiative implemented at the university of Iowa to expand and improve the workforce engaged in mental health treatment and services. The initiative 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 initiative.

c. Of the funds appropriated in this section, \$41,657 shall be deposited in the governmental public health system fund created in section 135A.8 to be used for the purposes of the fund.

d. Of the funds appropriated in this subsection, \$24,034 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.

e. Of the funds appropriated in this subsection, the following amounts are allocated to be used as follows to support the Iowa collaborative safety net provider network goals of increased access, health system integration, and engagement.

(1) Not less than \$260,931 is allocated 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, and for the prescription drug donation repository program created in chapter 135M.

(2) Not less than \$167,435 is allocated 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.

(3) Not less than \$12,500 is allocated to the Iowa association of rural health clinics for necessary infrastructure and service delivery transformation.

(4) Not less than \$50,000 is allocated 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.

f. Of the funds appropriated in this subsection, \$38,115 shall be used by the department in implementing the recommendations in the final report submitted by the direct care worker 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.

g. Of the funds appropriated in this subsection, \$95,594 shall be 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.

h. Of the funds appropriated in this subsection, the department may use up to \$29,087 for up to one full-time equivalent position to administer the volunteer health care provider program pursuant to section 135.24.

i. Of the funds appropriated in this subsection, \$48,069 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.

j. Of the funds appropriated in this subsection, \$26,455 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.

k. Of the funds appropriated in this subsection, \$75,000 shall be used for the purposes of the Iowa donor registry as specified in section 142C.18.

l. Of the funds appropriated in this subsection, \$48,069 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 "l". 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.

m. Of the funds appropriated in this subsection, \$436,327 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.

5. ESSENTIAL PUBLIC HEALTH SERVICES

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:

..... \$ 4,098,939

6. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

..... \$ 823,213

..... 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:

.....	\$	2,097,569
.....	FTEs	138.00

a. Of the funds appropriated in this subsection, not more than \$152,350 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, up to \$121,630 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, and for continuation of a training program for sexual assault response team (SART) members, including representatives of law enforcement, victim advocates, prosecutors, and certified medical personnel. 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, up to \$287,813 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, up to \$258,491 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:

.....	\$	485,607
.....	FTEs	4.00

9. MISCELLANEOUS PROVISIONS

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.

10. GENERAL REDUCTION

For the period beginning July 1, 2018, and ending June 30, 2019, the department of public health, in consultation with the department of management, shall identify and implement a reduction in expenditures made from appropriations from the general fund of the state to the department of public health in the amount of \$640,683.

11. TRANSFERS

Notwithstanding section 8.39, for the fiscal year beginning July 1, 2018, the department may transfer funds within or between any of the allocations or appropriations made in this division of this Act for the same fiscal year, to be used in accordance with departmental priorities as specified in the department’s report to the general assembly submitted pursuant to 2016 Iowa Acts, chapter 1139, section 3. The department shall report any such transfers to the individuals specified in this Act for submission of reports. This subsection shall not be construed to prohibit the use of existing state transfer authority for other purposes.

DIVISION X
DEPARTMENT OF VETERANS AFFAIRS — FY 2018-2019

Sec. 43. 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, 2018, and ending June 30, 2019, 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:

.....	\$	571,278
.....	FTEs	15.00

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	3,614,070
-------	----	-----------

a. The Iowa veterans home billings involving the department of human services shall be submitted to the department on at least a monthly basis.

b. 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.

c. The Iowa veterans home expenditure report shall be submitted monthly to the legislative services agency.

d. The Iowa veterans home shall continue to include in the annual discharge report 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:

.....	\$	1,000,000
-------	----	-----------

Sec. 44. 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, 2018, and ending June 30, 2019, 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:

.....	\$	473,962
-------	----	---------

DIVISION XI
DEPARTMENT OF HUMAN SERVICES — FY 2018-2019

Sec. 45. 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, 2018, and ending June 30, 2019, 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:

.....	\$	2,556,231
-------	----	-----------

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:

.....	\$	2,787,846
-------	----	-----------

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

.....	\$	1,449,490
-------	----	-----------

* Item veto; see message at end of the Act

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, 2019, the moneys shall revert.

4. For field operations:

..... \$ 15,648,116

5. For general administration:

..... \$ 1,872,000

6. For state child care assistance:

..... \$ 23,933,413

a. Of the funds appropriated in this subsection, \$13,164,048 is transferred to the child care and development block grant appropriation made by the Eighty-seventh General Assembly, 2018 session, for the federal fiscal year beginning October 1, 2018, and ending September 30, 2019. Of this amount, \$100,000 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 child and family services:

..... \$ 16,190,327

8. For child abuse prevention grants:

..... \$ 62,500

9. For pregnancy prevention grants on the condition that family planning services are funded:

..... \$ 965,033

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2018, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2018, 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.

10. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements:

..... \$ 518,593

11. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2017 or 2018 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, 2018, 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 assistance under the family investment program, in subsection 6 for child care assistance, or in subsection 10 for technology costs related to the family investment program, 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.

12. Of the amounts appropriated in this section, \$6,481,004 for the fiscal year beginning July 1, 2018, is transferred to the appropriation of the federal social services block grant made to the department of human services for that fiscal year.

13. 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 Act relating to the family investment program account:

..... \$ 12,500

14. 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.

15. With the exception of moneys allocated under this section for the family development and self-sufficiency grant program, to the extent moneys allocated in this section are deemed by the department not to be necessary to support the purposes for which they are allocated, such moneys may be credited to the family investment program account as specified under subsection 1 of this section and used for the purposes of assistance under the family investment program under chapter 239B in the same fiscal year.

Sec. 46. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2018, and ending June 30, 2019, 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, 2018, and ending June 30, 2019, 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

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

(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 2018-2019.

(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

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 deemed by the department not 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, or for the purposes of assistance under the family investment program in accordance with chapter 239B.

d. For the food assistance employment and training program:

..... \$ 33,294

(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:

..... \$ 6,761,645

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. 47. 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, 2018, and ending June 30, 2019, 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:

..... \$ 21,502,240

1. Of the funds appropriated in this section, \$3,973,798 is allocated for the JOBS program.

2. Of the funds appropriated in this section, \$1,656,927 is allocated for the family development and self-sufficiency grant program.

3. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2018, 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.

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 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 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 according to the latest certified federal census. 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. 48. 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, 2018, and ending June 30, 2019, 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:

.....	\$	6,293,317
.....	FTEs	459.00

1. The department shall expend up to \$12,164, including federal financial participation, for the fiscal year beginning July 1, 2018, 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, 2018,

and ending June 30, 2019. Notwithstanding 441 IAC 100.8, providing for termination of rules relating to the pilot projects, the rules shall remain in effect until June 30, 2019.

Sec. 49. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE — FY 2018-2019. Any funds remaining in the health care trust fund created in section 453A.35A for the fiscal year beginning July 1, 2018, and ending June 30, 2019, are appropriated to the department of human services to supplement the medical assistance program appropriations made in this division of this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with program implementation.

Sec. 50. MEDICAID FRAUD FUND — MEDICAL ASSISTANCE — FY 2018-2019. Any funds remaining in the Medicaid fraud fund created in section 249A.50 for the fiscal year beginning July 1, 2018, and ending June 30, 2019, are appropriated to the department of human services to supplement the medical assistance appropriations made in this division of this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with program implementation.

Sec. 51. 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, 2018, and ending June 30, 2019, 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, 2018, 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:

..... \$ 642,202,870

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 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 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 for the fiscal year beginning July 1, 2018, is transferred to the department of human services for an integrated substance-related disorder managed care system. 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 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 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 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 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. a. Hospitals that meet the conditions specified in subparagraphs (1) and (2) 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 in an amount up to the hospital-specific limit as approved in the Medicaid state plan. The hospitals that meet the conditions specified shall receive and retain 100 percent of the total disproportionate share hospital payment in an amount up to the hospital-specific limit as approved in the Medicaid state plan.

(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.

12. 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.

13. 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.

14. Of the funds appropriated in this section, \$174,505 shall be used for the administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes.

15. 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, 2018, 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.

16. For the fiscal year beginning July 1, 2018, and ending June 30, 2019, 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.

17. a. Of the funds appropriated in this section, up to \$25,000 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 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 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.

18. Of the funds appropriated in this section, \$75,000 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.

19. Of the funds appropriated in this section, up to \$1,691,940 shall be used for administration of the state family planning services program as enacted in this 2017 Act, and of this amount the department may use to up \$100,000 for administrative expenses.

20. 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.

21. The department shall report the implementation of any process improvement changes and any related cost reductions to the individuals specified in this division of this Act for submission of reports upon implementation.

Sec. 52. 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, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

..... \$ 8,813,232

* Item veto; see message at end of the Act

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 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 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 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, \$475,000 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 shall be deposited in the board-certified behavior analyst and board-certified assistant behavior analyst grants program fund created in section 135.181, to be used for the purposes of the fund.

b. Of the funds allocated in this subsection, \$12,500 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 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, 2018.

Sec. 53. 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, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:
..... \$ 5,186,329

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, 2018, 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. 54. 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, 2018, and ending June 30, 2019, 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:

..... \$ 4,259,226

2. Of the funds appropriated in this section, \$21,400 is allocated for continuation of the contract for outreach with the department of public health.

Sec. 55. 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, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

..... \$ 19,671,808

1. Of the funds appropriated in this section, \$16,746,808 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. 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, \$2,925,000 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.

5. 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.

6. 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.

7. 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.

8. 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. 56. 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, 2018, and ending June 30, 2019, 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:

.....	\$	5,675,221
.....	FTEs	189.00

Of the funds appropriated in this subsection, \$45,575 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, 2018.

Sec. 57. 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, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

.....	\$	43,639,687
-------	----	------------

2. 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.

3. a. Of the funds appropriated in this section, up to \$17,868,324 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, 2018, 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.

4. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative during fiscal year 2018-2019. Of the funds appropriated in this section, \$858,876 is allocated specifically for expenditure for fiscal year 2018-2019 through the decategorization services funding pools and governance boards established pursuant to section 232.188.

5. 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.

6. 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 \$4,048,079.

7. Federal funds received by the state during the fiscal year beginning July 1, 2018, 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.

8. a. Of the funds appropriated in this section, up to \$1,645,000 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 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than \$7,500 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 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, 2018.

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 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 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.

9. Of the funds appropriated in this section, \$6,126,613 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.

10. Of the funds appropriated in this section, \$829,142 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, so that \$25,000 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 are awarded through a funding formula based upon the volume of children served.

11. 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.

12. Of the funds appropriated in this section, \$2,012,583 is allocated for the preparation for adult living program pursuant to section 234.46.

13. Of the funds appropriated in this section, \$113,668 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.

14. Of the funds appropriated in this section, \$150,310 is allocated for the foster care youth council approach of providing a support network to children placed in foster care.

15. Of the funds appropriated in this section, \$101,000 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.

16. Of the funds appropriated in this section, \$315,120 is allocated for the community partnership for child protection sites.

17. Of the funds appropriated in this section, \$185,625 is allocated for the department's minority youth and family projects under the redesign of the child welfare system.

18. Of the funds appropriated in this section, \$568,297 is allocated for funding of the community circle of care collaboration for children and youth in northeast Iowa.

19. Of the funds appropriated in this section, at least \$73,579 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.

20. Of the funds appropriated in this section, \$105,936 shall be used for continuation of the central Iowa system of care program grant through June 30, 2019.

21. Of the funds appropriated in this section, \$117,500 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.

22. Of the funds appropriated in this section, at least \$12,500 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.

23. Of the funds appropriated in this section, \$55,000 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 certified federal census, is licensed as a psychiatric medical institution for children, and was a system of care grantee prior to July 1, 2018.

Sec. 58. 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, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

a. For adoption subsidy payments and services:

..... \$ 20,388,955

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".

c. Notwithstanding section 8.33, moneys corresponding to the state savings resulting from implementation of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. No. 110-351, and successor legislation, as determined in accordance with 42 U.S.C. §673(a)(8), 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 in this subsection until expended. The amount of such savings and any corresponding funds remaining at the close of the fiscal year shall be determined separately and any changes in either amount between fiscal years shall not result in an unfunded need.

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, 2018, 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. 59. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2018, and ending June 30, 2019, are appropriated to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2017. Moneys appropriated for distribution in accordance with this section shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2017. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2018, shall be limited to the amount appropriated for the purposes of this section.

Sec. 60. 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, 2018, and ending June 30, 2019, 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:

..... \$ 534,641

2. At least \$393,750 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 chapter 225C, subchapter V.

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. 61. 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, 2018, and ending June 30, 2019, 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

Sec. 62. MENTAL HEALTH INSTITUTES.

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

a. 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:

..... \$ 6,935,127

..... FTEs 162.00

b. 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:

..... \$ 8,756,810

..... FTEs 204.00

2. Notwithstanding sections 218.78 and 249A.11, any revenue received from the state mental health institute at Cherokee or the state mental health institute at Independence pursuant to 42 C.F.R §438.6(e) may be retained and expended by the mental health institute.

3. Notwithstanding any provision of law to the contrary, a Medicaid member residing at the state mental health institute at Cherokee or the state mental health institute at Independence shall retain Medicaid eligibility during the period of the Medicaid member’s stay for which federal financial participation is available.

Sec. 63. 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, 2018, and ending June 30, 2019, 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:

..... \$ 8,943,890

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 6,038,517

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 2018-2019.

Sec. 64. 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, 2018, and ending June 30, 2019, 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:

.....	\$	4,732,373
.....	FTEs	112.00

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. 65. 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, 2018, and ending June 30, 2019, 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:

.....	\$	24,242,217
.....	FTEs	1,583.00

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. 66. 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, 2018, and ending June 30, 2019, 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:

.....	\$	7,016,520
.....	FTEs	294.00

1. The department shall report at least monthly to the legislative services agency concerning the department’s operational and program expenditures.

2. Of the funds appropriated in this section, \$75,000 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 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, \$100,000 shall be transferred to and deposited in the administrative fund of the Iowa ABLE savings plan trust created in section 12I.4, to be used for implementation and administration activities of the Iowa ABLE savings plan trust.

5. Of the funds appropriated in this section, \$100,000 is transferred to the economic development authority for the Iowa commission on volunteer services to continue to be used for RefugeeRISE AmeriCorps program established under section 15H.8 for 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.

6. Of the funds appropriated in this section, \$100,000 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.

Sec. 67. 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, 2018, and ending June 30, 2019, 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:

.....	\$	1,439,637
-------	----	-----------

Sec. 68. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2018, and ending June 30, 2019, 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
-------	----	--------

Sec. 69. GENERAL REDUCTION. For the period beginning July 1, 2018, and ending June 30, 2019, the department of human services, in consultation with the department of management, shall identify and implement a reduction in expenditures made from appropriations from the general fund to the department of human services in the amount of \$733,651.

Sec. 70. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. (1) (a) For the fiscal year beginning July 1, 2018, case-mix, non-case mix, and special population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30, 2018.

* Item veto; see message at end of the Act

(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.

(2) For any open or unsettled nursing facility cost report for a fiscal year prior to and including the fiscal year beginning July 1, 2017, 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, 2018, the department shall establish the pharmacy dispensing fee reimbursement at \$10.02 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.

c. (1) For the fiscal year beginning July 1, 2018, reimbursement rates for outpatient hospital services shall remain at the rates in effect on June 30, 2018, 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, 2018, reimbursement rates for inpatient hospital services shall be rebased effective October 1, 2018, 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, 2018, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2018, 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, 2018, reimbursement rates for 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, 2018, independent laboratories and rehabilitation agencies shall be reimbursed using the same methodology in effect on June 30, 2018.

f. (1) For the fiscal year beginning July 1, 2018, 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. The department shall continue to update the rates every two years to reflect the most recent Medicare LUPA rates to the extent possible within the state funding appropriated for this purpose.

(2) For the fiscal year beginning July 1, 2018, 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, 2018.

g. For the fiscal year beginning July 1, 2018, 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, 2018, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2018.

i. (1) For the fiscal year beginning July 1, 2018, reimbursement rates for the non-state-owned psychiatric medical institution for children shall be based on the methodology in effect on June 30, 2018.

(2) 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, 2018, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2018, 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, 2018, the reimbursement rate for anesthesiologists shall be adjusted to implement the cost containment strategies authorized for the medical assistance program in this 2017 Act.

l. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2018, 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, 2018; however, this rate shall not exceed the maximum level authorized by the federal government.

m. For the fiscal year beginning July 1, 2018, 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, 2018, the reimbursement rates for inpatient mental health services provided at hospitals shall be rebased effective October 1, 2018, 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, 2018.

o. For the fiscal year beginning July 1, 2018, 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 approved by the department of human services in effect on June 30, 2018.

p. For the fiscal year beginning July 1, 2018, 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, 2018.

q. Unless otherwise subject to a tiered rate methodology, for the fiscal year beginning July 1, 2018, the upper limits and reimbursement rates for providers of home and community-based services waiver services shall be reimbursed using the reimbursement methodology in effect on June 30, 2018.

r. For the fiscal year beginning July 1, 2018, the reimbursement rates for emergency medical service providers shall remain at the rates in effect on June 30, 2018.

s. For the fiscal year beginning July 1, 2018, reimbursement rates for substance-related disorder treatment programs licensed under section 125.13 shall remain at the rates in effect on June 30, 2018.

2. For the fiscal year beginning July 1, 2018, 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. Notwithstanding section 234.38, for the fiscal year beginning July 1, 2018, 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 \$17.43, 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, 2018, the maximum reimbursement rates for social services providers under contract shall remain at the rates in effect on June 30, 2018, 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, 2018, the initial reimbursement rate for the service or provider shall be based upon a weighted average of provider rates for similar services.

6. a. For the fiscal year beginning July 1, 2018, the reimbursement rates for resource family recruitment and retention contractors shall be established by contract.

b. For the fiscal year beginning July 1, 2018, the reimbursement rates for supervised apartment living foster care providers shall be established by contract.

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, 2018, 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, 2018, 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, 2018, 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, 2018, 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, 2018, 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, 2018, 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, 2017.

10. For the fiscal year beginning July 1, 2018, the department shall calculate reimbursement rates for intermediate care facilities for persons with an intellectual disability at the 80th percentile. Beginning July 1, 2018, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2018.

11. For the fiscal year beginning July 1, 2018, 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, 2018, the child care provider reimbursement rates shall remain at the rates in effect on June 30, 2018. 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.

12. For the fiscal year beginning July 1, 2018, 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, 2018, for the respective provider or service.

b. For claims subject to a managed care contract 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 rate or reimbursement established under such contract shall not be lower than the rate or reimbursement floor established by the department of human services as the managed care organization rate or reimbursement floor for a respective provider or service in effect on April 1, 2016.

13. Notwithstanding any provision to the contrary, reimbursement rates and methodologies under this section may be adjusted as necessary to implement the cost containment strategies authorized for the medical assistance program in this 2017 Act.

14. The department may adopt emergency rules to implement this section.

Sec. 71. EMERGENCY RULES.

1. If specifically authorized by a provision of this division of this Act, the department of human services or the mental health and disability services commission may adopt administrative 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 become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date of the rules is delayed or the applicability of the rules is suspended by the administrative rules review committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 7, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this section, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance with the provisions of this section shall also be published as a notice of intended action as provided in section 17A.4.

2. If during a fiscal year, the department of human services is adopting rules in accordance with this section or as otherwise directed or authorized by state law, and the rules will result in an expenditure increase beyond the amount anticipated in the budget process or if the expenditure was not addressed in the budget process for the fiscal year, the department shall notify the persons designated by this division of this Act for submission of reports, the chairpersons and ranking members of the committees on appropriations, and the department of management concerning the rules and the expenditure increase. The notification shall be provided at least 30 calendar days prior to the date notice of the rules is submitted to the administrative rules coordinator and the administrative code editor.

* Item veto; see message at end of the Act

Sec. 72. REPORTS. Any reports or other information required to be compiled and submitted under this Act during the fiscal year beginning July 1, 2018, shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs on or before the dates specified for submission of the reports or information.

Sec. 73. TRANSFER OF MEDICAID MODERNIZATION SAVINGS BETWEEN APPROPRIATIONS FY 2018-2019. Notwithstanding section 8.39, subsection 1, for the fiscal year beginning July 1, 2018, 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 management. The department of human services shall report any transfers made pursuant to this section to the legislative services agency.

Sec. 74. EFFECTIVE UPON ENACTMENT. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The provision relating to section 232.141 and directing the state court administrator and the division administrator of the department of human services division of child and family services to make the determination, by June 15, 2018, of the distribution of funds allocated for the payment of the expenses of court-ordered services provided to juveniles which are a charge upon the state.

DIVISION XII
HEALTH CARE ACCOUNTS AND FUNDS — FY 2018-2019

Sec. 75. 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, 2018, and ending June 30, 2019, 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, 2018, and ending June 30, 2019:
..... \$ 400,000

Sec. 76. 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, 2018, and ending June 30, 2019, 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:
..... \$ 18,352,604

Sec. 77. 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, 2018, and ending June 30, 2019, 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:
..... \$ 16,960,277

Sec. 78. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2018-2019. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2018, and ending June 30, 2019, from the general fund of the state, the quality assurance trust fund and the hospital health care access trust fund, are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at the close of the fiscal year, the excess moneys shall not revert but shall remain available for expenditure for the purposes of the medical assistance program until the close of the succeeding fiscal year.

DIVISION XIII
CHILD CARE FACILITY FUND — USE FOR FIELD OPERATIONS

Sec. 79. CHILD CARE FACILITY FUND — USE FOR FIELD OPERATIONS. Notwithstanding section 237A.4A, subsection 5, Code 2017, for the fiscal year beginning July 1, 2017, and ending June 30, 2018, in addition to the costs of dedicated staffing to perform the duties described in section 237A.4A, up to \$590,082 of the moneys in the child care facility fund may be used by the department of human services for additional expenditures of the child care regulatory unit within the department's field operations.

Sec. 80. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIV
BIOLOGICS AND GENETICALLY TARGETED DRUGS — MEDICAID

Sec. 81. Section 249A.20A, subsection 3, Code 2017, is amended to read as follows:

3. a. The pharmaceutical and therapeutics committee shall recommend a preferred drug list to the department.

b. The committee shall develop the preferred drug list by considering each drug's clinically meaningful therapeutic advantages in terms of safety, effectiveness, and clinical outcome.

c. The committee shall use evidence-based research methods in selecting the drugs to be included on the preferred drug list.

d. When making recommendations or determinations regarding beneficiary access to drugs and biological products for rare diseases, as defined in the federal Orphan Drug Act of 1983, Pub. L. No. 97-414, and drugs and biological products that are genetically targeted, the committee shall request and consider information from individuals who possess scientific or medical training with respect to the drug, biological product, or rare disease.

e. The committee shall periodically review all drug classes included on the preferred drug list and may amend the list to ensure that the list provides for medically appropriate drug therapies for medical assistance recipients and achieves cost savings to the medical assistance program.

f. The department may procure a sole source contract with an outside entity or contractor to provide professional administrative support to the pharmaceutical and therapeutics committee in researching and recommending drugs to be placed on the preferred drug list.

Sec. 82. Section 249A.24, Code 2017, is amended by adding the following new subsection:
NEW SUBSECTION. 2A. When making recommendations or determinations regarding beneficiary access to drugs and biological products for rare diseases, as defined in the federal Orphan Drug Act of 1983, Pub. L. No. 97-414, and drugs and biological products that are genetically targeted, the commission shall request and consider information from individuals who possess scientific or medical training with respect to the drug, biological product, or rare disease.

DIVISION XV
PUBLIC ASSISTANCE PROGRAMS OVERSIGHT

Sec. 83. 2017 Iowa Acts, House File 531,² section 2, subsection 1, as enacted, is amended to read as follows:

1. The department of human services shall review state efforts, including pilot programs related to data sharing between states and technology-based solutions designed to curb interstate dual participation, to address program integrity for public assistance programs including Medicaid, the family investment program (FIP), the supplemental nutrition assistance program (SNAP), and the child care assistance program. As part of the review, the department shall explore opportunities to join existing pilot efforts in collaboration with other states including the effort involving the national accuracy clearinghouse, or to develop a separate pilot effort in Iowa.

Sec. 84. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 85. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to March 30, 2017.

DIVISION XVI
BACKGROUND CHECK PRIVATE SECTOR ALTERNATIVES

Sec. 86. BACKGROUND CHECK — PRIVATE SECTOR ALTERNATIVES. The department of human services and the department of public safety shall jointly review private sector alternatives to the performance of state mandated criminal background checks currently performed solely by the department of public safety. The departments shall submit a report to the governor and the general assembly by December 15, 2017, including a description of the process used in reviewing private sector alternatives to perform criminal background checks, the findings from the review, and recommendations for utilizing private sector entities as an alternative to the department of public safety in performing criminal background checks.

DIVISION XVII
PSYCHIATRIC BED TRACKING SYSTEM

Sec. 87. DEPARTMENT OF HUMAN SERVICES PSYCHIATRIC BED TRACKING SYSTEM. The department of human services shall amend its administrative rules pursuant to chapter 17A to require the state mental health institutes and hospitals licensed to provide inpatient psychiatric treatment and services to participate in the psychiatric bed tracking system and to ensure updates are made, at a minimum, two times per day to the psychiatric bed tracking system. Updates shall include information on the availability of inpatient child, adult, and geriatric psychiatric beds staffed and available and information on the gender that can be accepted for each available bed.

DIVISION XVIII
CHILDREN'S WELL-BEING COLLABORATIVES AND ADVISORY COMMITTEE

Sec. 88. CHILDREN'S WELL-BEING COLLABORATIVES — GRANTS.

1. The department of human services shall establish a request for proposals process which shall be based upon recommendations for the development and implementation of children's well-being collaboratives described in the children's mental health study report submitted by the department to the general assembly on December 15, 2016.

2. A well-being collaborative shall consist of a broad-based group of entities in a defined geographical area represented by a lead agency. Entities in the well-being collaborative shall include a broad-based representation of key providers including but not limited to

² Chapter 24 herein

providers of prevention and early intervention services and mental health services to the target population.

3. A well-being collaborative shall be responsible for developing interagency coordination and collaboration for the provision of prevention and early intervention services within the designated geographic area and shall, at a minimum, demonstrate all of the following:

a. Experience and a strong understanding of how best to engage children and families to achieve positive mental health and well-being outcomes.

b. An ability to provide or administer prevention services for the improvement of children's mental health and well-being.

c. Experience and effectiveness in coordinating the collaborative efforts of multiple stakeholders working toward a common goal of improving the effectiveness of the group's efforts to achieve measurable improved outcomes.

4. A well-being collaborative shall build and maintain intentional collaboration among all entities with the goal of providing measurable improvements in outcomes for children and families.

5. A well-being collaborative shall build and improve coordination and effectiveness among entities to develop and provide primary, secondary, and tertiary prevention and early intervention services that are nonduplicative and that are aligned to meet the needs of children and families in the geographic area.

6. A well-being collaborative shall provide technical assistance to a diverse array of stakeholders, facilitate the distribution of public awareness materials that include information aimed at reducing the stigma of mental illness, and provide updates on changes in state and federal policy in relation to prevention and early intervention efforts concerning children's mental health and well-being.

7. A well-being collaborative shall establish or enhance collaborative efforts in all of the following areas:

a. The selection and implementation of evidence-based or promising prevention and early intervention models.

b. Understanding funding sources and how to utilize available funding most effectively.

c. The adoption or development, implementation, and analysis of community needs assessments.

d. The development, implementation, and analysis of a community work plan based on the results of the community needs assessment.

e. The adoption or development and implementation of a uniform family assessment.

f. The utilization of research and data analysis to guide the work of the well-being collaborative.

g. The provision of culturally competent services and the ability to address issues relating to the disproportionate representation of a population group.

h. The development of public awareness and training programs, including programs aimed at reducing the stigma of mental illness.

i. The recruitment and retention of members in the well-being collaborative with a focus on achieving the goals and outcomes of the collaborative and supporting all members in the collaborative.

8. Each grantee shall submit reports to the department of human services by December 15, 2017, and April 15, 2018, to include information relating to the accomplishments and future plans of each well-being collaborative.

Sec. 89. 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 efforts relating to improving children's mental health crisis services and children's well-being learning labs and supporting the children's well-being collaboratives.

DIVISION XIX
STATE FAMILY PLANNING SERVICES PROGRAM

Sec. 90. NEW SECTION. 217.41B State family planning services program — establishment — discontinuation of Medicaid family planning network waiver.

1. The department of human services shall discontinue the Medicaid family planning network waiver effective July 1, 2017, and shall instead establish a state family planning services program. The state program shall replicate the eligibility requirements and other provisions included in the Medicaid family planning network waiver as approved by the centers for Medicare and Medicaid services of the United States department of health and human services in effect on June 30, 2017.

2. Distribution of family planning services program funds under this section shall be made in a manner that continues access to family planning services.

3. Distribution of family planning services program funds shall not be made to any entity that performs abortions or that maintains or operates a facility where abortions are performed. For the purposes of this section, “*abortion*” does not include any of the following:

a. The treatment of a woman for a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death.

b. The treatment of a woman for a spontaneous abortion, commonly known as a miscarriage, when not all of the products of human conception are expelled.

4. Family planning services program funds distributed in accordance with this section shall not be used for direct or indirect costs, including but not limited to administrative costs or expenses, overhead, employee salaries, rent, and telephone and other utility costs, related to providing abortions as specified in subsection 3.

Sec. 91. EMERGENCY RULES. The department of human services 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. 92. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XX
MEDICAID HOME AND COMMUNITY-BASED SERVICES PROVIDERS — TIERED RATES
AND DOCUMENTATION CHANGES

Sec. 93. MEDICAID HOME AND COMMUNITY-BASED SERVICES PROVIDERS — TIERED RATES AND DOCUMENTATION CHANGES — EMERGENCY RULES.

1. Beginning July 1, 2017, the department of human services shall discontinue application of the retrospectively limited cost settlement methodology based on submission of required cost reports under 441 IAC 79.1, and shall implement tiered rates for providers of supported community living, day habilitation and adult day services for persons with an intellectual disability under the home and community-based services waiver program. The tiered rates shall be implemented in a phased-in approach to accommodate transition of providers to the revised reimbursement model. The department of human services and Medicaid managed care organizations may also establish tiered rates for other services.

2. The department of human services shall amend 441 IAC 24.4 relating to standards of service for providers of services to persons with mental illness, intellectual disabilities, or developmental disabilities pursuant to chapter 225C and 441 IAC 79.3(2) relating to medical clinical records for providers of services under the Medicaid program pursuant to chapter 249A, to provide, effective November 1, 2017, that in addition to allowing documentation of the provision of services or standards of service in a narrative format, the following providers may also provide documentation in a checkbox form format in accordance with the provider’s organizational policies and procedures and in compliance with procedures established by the

centers for Medicare and Medicaid services of the United States department of health and human services:

- a. Advanced registered nurse practitioners.
- b. Psychologists.
- c. Community mental health centers.
- d. Home and community-based habilitation services providers.
- e. Behavioral health intervention.
- f. Case management services including home and community-based services case management services.
- g. Home and community-based services waiver services.
- h. Behavioral health services.
- i. Community-based neurobehavioral rehabilitation residential services and intermittent services.

3. The department of human services 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. 94. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXI TELEHEALTH PARITY INTERIM COMMITTEE

Sec. 95. TELEHEALTH PARITY INTERIM COMMITTEE.

1. The legislative council is requested to establish a study committee for the 2017 interim to examine issues relating to telehealth parity for private insurance and state employee health plans. The study committee shall consult with stakeholders to evaluate the benefits of telehealth parity within the context of the needs of Iowans such as access to health care, review existing policies related to telehealth reimbursement and the impact on private insurance and state employee health plans, consider the costs associated with telehealth service utilization, consider telehealth’s potential impact to economic development opportunities for Iowa’s rural communities, and evaluate obstacles such as broadband accessibility.

2. The members of the committee shall include:

a. Ten members of the general assembly as voting members.

(1) Three members shall be appointed by the majority leader of the senate, two by the minority leader of the senate, three by the speaker of the house of representatives, and two by the minority leader of the house of representatives.

(2) The legislators appointed shall include:

(a) The chairpersons and ranking members of the general assembly’s committees on human resources or a member of the committee designated by the chairperson or ranking member.

(b) The co-chairpersons and ranking members of the joint appropriations subcommittee on health and human services, or a member of the subcommittee designated by the co-chairperson or ranking member.

b. One representative of each of the following organizations as nonvoting members:

- (1) The signal center for health innovation.
- (2) The Iowa hospital association.
- (3) An independent medical clinic.
- (4) The Iowa medical society.
- (5) The Iowa health care association.
- (6) The federation of Iowa insurers.
- (7) AARP Iowa.
- (8) The Iowa telecommunications association.
- (9) A mental health and disability services region.

- c. The following agency directors or commissioner as ex officio nonvoting members:
- (1) The director of public health, or the director's designee.
 - (2) The director of the department of administrative services, or the director's designee.
 - (3) The director of the department on aging, or the director's designee.
 - (4) The commissioner of insurance or the commissioner's designee.
3. The interim committee may request information and assistance from state agencies as applicable to the purpose of the interim committee, as needed to complete the work of the interim committee.
4. The interim committee shall submit its findings and recommendations to the general assembly by December 15, 2017, for consideration during the 2018 legislative session.

DIVISION XXII

ALZHEIMER'S AND OTHER FORMS OF DEMENTIA — HEALTH AND RESILIENCE OUTREACH (HERO) PROJECT — DEMENTIA-SPECIFIC CARE

Sec. 96. HERO PROJECT. The department of public health shall collaborate with stakeholders that support individuals with Alzheimer's disease to identify funding opportunities to support the health and resilience outreach (HERO) project for individuals caring for a family member with Alzheimer's or other forms of dementia.

Sec. 97. ACCESS TO DEMENTIA-SPECIFIC CARE. The department on aging, the department of public health, the department of inspections and appeals, and the department of human services shall jointly analyze and make recommendations regarding options for coordination between state agencies and private entities to promote increased access to dementia-specific care in both residential and home and community-based settings. The analyses and recommendations shall address barriers to, gaps in, and opportunities for increased access, the availability of services in home and community-based settings as an alternative to residential settings, and any changes in law necessary to better address the needs of individuals with dementia and their families. The departments shall submit a joint report of findings and recommendations to the governor and the general assembly by December 15, 2017.

DIVISION XXIII

OFFICE OF MINORITY AND MULTICULTURAL HEALTH — REPEAL

Sec. 98. Section 135.159, subsection 3, paragraph i, Code 2017, is amended to read as follows:

i. For children, coordinate with and integrate guidelines, data, and information from existing newborn and child health programs and entities, including but not limited to the healthy opportunities for parents to experience success – healthy families Iowa program, the early childhood Iowa initiative, the center for congenital and inherited disorders screening and health care programs, standards of care for pediatric health guidelines, ~~the office of minority and multicultural health established in section 135.12,~~ the oral health bureau established in section 135.15, and other similar programs and services.

Sec. 99. REPEAL. Section 135.12, Code 2017, is repealed.

DIVISION XXIV

PRIOR YEAR APPROPRIATIONS AND OTHER PRIOR PROVISIONS ADOPTION SUBSIDY PAYMENTS AND SERVICES

Sec. 100. 2015 Iowa Acts, chapter 137, section 139, subsection 1, as amended by 2016 Iowa Acts, chapter 1139, section 17, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notwithstanding section 8.33, moneys corresponding to the state savings resulting from implementation of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. No. 110-351, and successor legislation, as determined in accordance with 42 U.S.C. §673(a)(8), 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 in this subsection until expended. The amount of such savings and any corresponding funds remaining at the close of the fiscal year shall be determined separately and any changes in either amount between fiscal years shall not result in an unfunded need.

DECATEGORIZATION

Sec. 101. 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, 2014, 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, 2016, shall not revert but shall be transferred to the medical assistance program for the fiscal year beginning July 1, 2017.

Sec. 102. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 103. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2016.

DIVISION XXV

NONPARTICIPATING PROVIDER REIMBURSEMENT FUND AND IOWACARE ACCOUNT — BALANCES — REVERSIONS

Sec. 104. NONPARTICIPATING PROVIDER REIMBURSEMENT FUND AND IOWACARE ACCOUNT — AVAILABILITY — REVERSIONS. Notwithstanding any provision of law to the contrary, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, there is appropriated from the IowaCare account established in section 249J.24, Code 2013, and the nonparticipating provider reimbursement fund established in section 249J.24A, Code 2013, to the department of human services medical assistance appropriation in this 2017 Act any unencumbered or unobligated moneys from the account and fund to be used for the purposes of the IowaCare account as provided in section 249J.24, Code 2013. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated until expended.

Sec. 105. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXVI

HOSPITAL HEALTH CARE ACCESS ASSESSMENT PROGRAM — REPEAL

Sec. 106. Section 249M.5, Code 2017, is amended to read as follows:

249M.5 Future repeal.

This chapter is repealed July 1, ~~2017~~ 2019.

Sec. 107. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXVII CUSTODIAL CARE

Sec. 108. Section 249.12, Code 2017, is amended to read as follows:

249.12 Cost-related system.

1. In order to assure that the necessary data is available to aid the general assembly to determine appropriate funding for the custodial care program, the department of human services shall develop a cost-related system for financial supplementation to individuals who need custodial care and who have insufficient resources to purchase the care needed.

2. All privately operated licensed custodial facilities in Iowa shall cooperate with the department of human services to develop the cost-related plan. ~~After the plan is implemented, state supplemental funds shall not be used for the care of any individual in facilities that have not submitted cost statements to the department of human services.~~

3. Beginning July 1, 2017, privately operated licensed custodial facilities in Iowa shall be reimbursed based on the maximum per diem rates established by the general assembly through the appropriations process.

DIVISION XXVIII
JUVENILE BEDS CAP

Sec. 109. Section 232.142, subsection 5, Code 2017, is amended to read as follows:

5. The director shall approve annually all such homes established and maintained under the provisions of this chapter. A home shall not be approved unless it complies with minimal rules and standards adopted by the director and has been inspected by the department of inspections and appeals. The statewide number of beds in the homes approved by the director shall not exceed two hundred ~~sixty-two~~ seventy-two beds beginning July 1, 2017.

DIVISION XXIX
TRANSFERS OF FUNDS BETWEEN DHS INSTITUTIONS

Sec. 110. Section 218.6, Code 2017, is amended to read as follows:

218.6 Transfer of appropriations made to institutions.

Notwithstanding section 8.39, subsection 1, without the prior written consent and approval of the governor and the director of the department of management, the director of human services may transfer funds between the appropriations made for the ~~same type of institution~~ institutions, listed as follows:

1. The state resource centers.
2. The state mental health institutes.
3. The state ~~juvenile institutions consisting of the state training school and the Iowa juvenile home.~~
4. The civil commitment unit for sexual offenders.

DIVISION XXX
PELVIC EXAMS — PRIOR CONSENT

Sec. 111. NEW SECTION. 147.114 Prior informed consent relative to pelvic examinations — patient under anesthesia or unconscious — penalties.

1. A person licensed or certified to practice a profession, or a student undertaking a course of instruction or participating in a clinical training or residency program for a profession, shall not perform a pelvic examination on an anesthetized or unconscious patient unless one of the following conditions is met:

a. The patient or the patient's authorized representative provides prior written informed consent to the pelvic examination, and the pelvic examination is necessary for preventive, diagnostic, or treatment purposes.

b. The patient or the patient's authorized representative has provided prior written informed consent to a surgical procedure or diagnostic examination to be performed on the patient, and the performance of a pelvic examination is within the scope of care ordered for that surgical procedure or diagnostic examination.

c. The patient is unconscious and incapable of providing prior informed consent, and the pelvic examination is necessary for diagnostic or treatment purposes.

d. A court has ordered the performance of the pelvic examination for the purposes of collection of evidence.

2. A person who violates this section is subject to the penalty specified under section 147.86, and any professional disciplinary provisions, as applicable.

DIVISION XXXI
NON-STATE GOVERNMENT-OWNED NURSING FACILITY UPPER PAYMENT LIMIT
ALTERNATIVE PAYMENT PROGRAM

Sec. 112. 2016 Iowa Acts, chapter 1139, section 81, is amended by striking the section, and inserting in lieu thereof the following:

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 alternative payment program.

Sec. 113. 2016 Iowa Acts, chapter 1139, section 82, is amended to read as follows:

SEC. 82. NON-STATE GOVERNMENT-OWNED NURSING FACILITY UPPER PAYMENT LIMIT ~~SUPPLEMENTAL ALTERNATIVE~~ 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 no later than September 29, 2017, a Medicaid state plan amendment to allow qualifying non-state government-owned nursing facilities to receive a supplemental participate in an alternative payment program in accordance with the upper payment limit requirements pursuant to 42 C.F.R. §447.272. The supplemental alternative payment shall be in addition to the greater of the payment in accordance with the upper payment limit requirements pursuant to 42 C.F.R. §447.272 or 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 difference between the expected supplemental alternative payment and the Medicaid fee-for-service per diem reimbursement rate in the form of an intergovernmental transfer to the state.

b. The state shall claim federal matching funds and shall make supplemental alternative payments to eligible non-state governmental entities based on the supplemental alternative payment 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 alternative payment, but shall treat the supplemental difference between the expected alternative payment and the Medicaid fee-for-service per diem reimbursement rate as a pass through component of the capitated payment calculation to the eligible non-state governmental entity.

c. The supplemental alternative 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 alternative payments authorized under the program, the state may recoup an amount equivalent to the amount of supplemental alternative payments overpaid or disallowed. Supplemental Alternative 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 alternative 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 alternative 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 alternative~~ payment paid to a participating nursing facility shall only be used as specified in state and federal law. Supplemental Alternative 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 alternative~~ 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 difference between the expected alternative payment and the Medicaid fee-for-service per diem reimbursement rate 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. 114. 2016 Iowa Acts, chapter 1139, section 84, subsection 1, is amended to read as follows:

1. The section of this division of this Act directing the department of human services to submit a Medicaid state plan amendment to CMS no later than September 29, 2017, shall be implemented as soon as possible following enactment, consistent with all applicable federal requirements.

Sec. 115. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 116. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to May 27, 2016.

DIVISION XXXII LEGISLATIVE INTERIM — OPIOID EPIDEMIC EVALUATION

Sec. 117. LEGISLATIVE INTERIM STUDY COMMITTEE — OPIOID EPIDEMIC EVALUATION.

1. The legislative council is requested to establish an interim study committee to comprehensively evaluate the state’s response to the opioid epidemic in the state.

2. The committee shall receive input from agencies and entities including but not limited to all of the following:

a. Representatives of the professional licensing boards for professionals authorized to prescribe controlled substances.

b. Representatives of public safety and public health including but not limited to the office of the state medical examiner, the division of criminal investigation of the department of public safety, the department of corrections and community-based corrections, law enforcement agencies, the governor's office of drug control policy, and the department of public health.

c. Representatives of the medical community and health insurance payers including but not limited to the Iowa hospital association, the Iowa medical society, the Iowa osteopathic medical society, the Iowa pharmacy association, and America's health insurance plans.

d. Consumers and representatives of consumers including but not limited to the Iowa substance abuse information center, the Iowa prescription abuse reduction task force, and addiction treatment centers in the state.

3. The interim committee's evaluation shall include but is not limited to a review of the protocols and practices relating to the prescribing of opioid medications and the treatment options available including medication-assisted treatment.

4. The interim committee shall submit a report, including findings and recommendations, to the governor and the general assembly by November 15, 2017.

Approved May 12, 2017, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 653, 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 date provisions.

House File 653 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Division IV, Section 4, subsection 2, lettered paragraph c, in its entirety. This item creates a redundant, overly burdensome mandate requiring the Iowa Veterans Home to make expenditure reports monthly to the Legislative Services Agency for fiscal year 2018. 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 as Division V, Section 12, numbered paragraph 21, in its entirety. 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 at least on a quarterly 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 as Division V, Section 12, numbered paragraph 22, in its entirety. This item requires the Department of Human Services (DHS) to report on process improvement changes. DHS, the Department of Management and the Legislative Services Agency meet at least on a quarterly basis to determine projections for the Medical Assistance appropriation. Information relating to process improvement changes 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 designated portion of the item designated as Division V, Section 13, numbered paragraph 5, lettered paragraph a, in its entirety. This item provides \$202,000 to Drake University to establish remote learning sites and maximize outreach and enrollment in its master's program in applied behavioral analysis. The effect of this disapproval shall cause the \$202,000 contained in this item to revert to the General Fund. The Department of Education has already awarded public funding to Drake University, a private university, for the establishment of a master's program in applied behavioral analysis. In addition, the Iowa Department of Public Health already administers a board-certified behavior analyst and board-certified assistant behavior analyst grants program. Therefore, this item is redundant and unnecessary.

I am unable to approve the item designated as Division V, Section 27, numbered paragraph 1, in its entirety. This item requires the Department of Human Services to report operational and program expenditures at least monthly to the Legislative Services Agency. 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 designated portion of the item designated as Division V, Section 27, subsection 7, in its entirety. This item provides \$200,000 for DHS to expand internet training to additional providers. Provider associations already conduct training opportunities for providers and the department provides assistance as necessary. In addition, I did not recommend this item in my budget recommendations. Therefore, this item is redundant and unnecessary.

I am unable to approve the item designated as Division V, Section 31, subsection 1.a., numbered paragraph 1, lettered paragraph d, in its entirety. Iowa modernized its administration of Medicaid by partnering with specialized, patient-centered health plans. This bipartisan initiative was implemented on April 1, 2016. The provider reimbursement rate floors issued by DHS already include protections for providers and their reimbursement. This legislation already provides for additional appropriations for case-mix nursing facility rates effective July 1, 2017. This item is redundant and unnecessary.

I am unable to approve the item designated as Division V, Section 31, subsection 1.a., numbered paragraph 3, in its entirety. 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 Division V, Section 31, subsection 12, lettered paragraph b, in its entirety. 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 designated portion of the item designated as Division X, Section 43, subsection 2, lettered paragraph c, in its entirety. This item creates a redundant, overly burdensome mandate requiring the Iowa Veterans Home to make expenditure reports monthly to the Legislative Services Agency for fiscal year 2019. 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 designated portion of the item designated as Division XI, Section 51, numbered paragraph 20, in its entirety. 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 at least on a quarterly 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 designated portion of the item designated as Division XI, Section 51, numbered paragraph 21, in its entirety. This item requires the Department of Human Services (DHS) to report on process improvement changes. DHS, the Department of Management and the Legislative Services Agency meet at least on a quarterly basis to determine projections for the Medical Assistance appropriation. Information relating to process improvement changes 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 designated portion of the item designated as Division XI, Section 66, numbered paragraph 1, in its entirety. This item requires the Department of Human Services to report operational and program expenditures at least monthly to the Legislative Services Agency. 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 as Division XI, Section 66, subsection 6, in its entirety. This item provides \$100,000 for DHS to expand internet training to additional providers. Provider associations already conduct training opportunities for providers and the department provides assistance as necessary. In addition, I did not recommend this item in my budget recommendations. Therefore, this item is redundant and unnecessary.

I am unable to approve the item designated as Division XI, Section 70, subsection 12, lettered paragraph b, in its entirety. 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.

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 653 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

ANALYSIS OF TABLES

Conversion Tables of Senate and House Files to Chapters of the Acts of the General Assembly

2017 Code Chapters and Sections Amended or Repealed and New Code Sections Assigned,
2017 Regular Session

Session Laws Amended, Repealed, or Referred to in Acts of the Eighty-Seventh General
Assembly, 2017 Regular Session

Iowa Codes Referred to in Acts of the Eighty-Seventh General Assembly, 2017 Regular
Session

Iowa Administrative Code Referred to in Acts of the Eighty-Seventh General Assembly,
2017 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 TO
CHAPTERS OF THE ACTS OF THE GENERAL ASSEMBLY**

2017 REGULAR SESSION

SENATE FILES

File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
1	126	376	11	465	107
32	111	399	120	466	133
51	77	401	121	467	123
130	163	403	89	471	108
166	1	404	130	472	40
230	35	405	29	479	41
234	75	406	81	484	93
237	78	408	131	488	134
238	127	409	12	489	115
240	128	410	30	493	82
250	61	411	90	497	164
257	36	413	64	498	165
260	129	419	91	499	135
274	106	431	112	500	136
275	87	433	113	501	137
331	9	438	65	502	138
332	27	439	38	503	139
333	79	442	132	504	109
351	28	444	76	505	116
355	62	445	122	508	166
357	10	446	114	509	167
358	37	447	17	510	168
362	80	448	31	513	169
373	63	451	92	516	170
374	88	462	39		

HOUSE FILES

File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
52	42	311	7	541	71
69	140	312	8	542	72
89	141	313	146	543	86
133	43	314	84	544	25
134	94	371	147	545	104
146	95	372	15	547	57
183	44	393	148	548	26
184	142	396	100	564	153
195	143	410	101	565	154
202	45	441	66	566	155
203	13	445	21	568	73
215	18	462	22	569	118
217	6	463	149	572	74
218	46	464	32	573	125
231	3	467	52	576	58
232	96	469	53	577	16
233	124	471	67	584	59
234	97	472	150	586	33
241	47	473	85	591	60
242	144	475	68	593	34
253	98	478	151	601	156
254	48	485	102	607	119
263	83	488	54	608	157
289	19	511	55	609	158
291	2	516	110	617	159
293	4	517	69	621	160
295	20	518	23	625	161
296	145	523	152	626	105
303	14	524	162	640	171
305	5	526	117	642	172
306	49	529	56	643	173
307	50	531	24	653	174
308	99	533	70		
309	51	534	103		

**2017 CODE CHAPTERS AND SECTIONS AMENDED OR REPEALED
AND NEW CODE SECTIONS ASSIGNED,
2017 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)”.

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
1.4	54, §76	9E.3(3)	29, §10
1.5	54, §1	10A.104(8)	160, §4
1.7	54, §2	10A.701(1)	54, §8
1.9	54, §3	10A.801(2)	171, §57, 62
2	54, §76	10A.801(3)(a)	171, §58, 62
2.40(1)(a)(1, 2)	35, §1, 4, 5	10A.801(6)	171, §59, 62
2.40(1)(a)(4)	35, §2, 4, 5	11	54, §76
2.40(3)	35, §3 – 5	12.8(1)	29, §11
2.43(u1)	170, §20	12.44	54, §76; 160, §5
2.48(3)(d)(2)	29, §1	12.71(1)	29, §12
2.48(3)(h)	29, §2, 169	12.88(6)	173, §19
6A.21(1)(0a)	170, §55, 59, 60	12B.10(5)(a)(7)(a)(u1)	29, §13
6A.21(1)(b)	170, §56, 59, 60	12B.12	29, §14
6A.21(2)	170, §57, 59, 60	12B.13	29, §15
6A.22(2)(a)(2)	170, §58 – 60	12J.3(2)(a)	54, §9
7.14(1)	54, §4	12J.6	54, §10
7A.1	29, §3	13.31(3)	121, §1
7E.3(5)	29, §4	13B.4(1)	88, §1
7E.5(2)(a)	54, §5	13B.4(3)	88, §2
8	54, §76	13B.8(4)	88, §3
8.36	54, §6	15.106A(1A)	3, §1, 4, 5
8.39(5)	54, §7	15.107B(2)(b)	160, §6
8.57(5)(c)	173, §16	15.108(7)(c)(1)(b)	160, §7
8.57C(3)(a)(2)	173, §17	15.108(7)(0d)	160, §8
8.57C(3)(f)	173, §18	15.108(7)(g)(1)	160, §9
8A.111(7)	160, §3	15.108(9)(g)	169, §34, 49
8A.311(12A)	4, §1	15.119(2)(g)	134, §1
8A.322(2)	170, §21	15.120	169, §35, 49
8A.322(3)	69, §33	15.318(4)	54, §76
8A.373	54, §76	15.335(7)(b)	157, §1, 12, 14
8A.438(1)	118, §1	15.352(3A, 9)	134, §2
8B	54, §76	15.353(1)(a)	134, §3
8C.2(3, 14)	112, §1	15.353(2)(0d)	134, §4
8C.2(9A, 10A, 14A, 14B, 14C)	112, §2	15.353(2)(d)(2)(c)	134, §5
8C.7A	112, §3	15.353(3)(b)	134, §6
8C.7A(3)(b)(u1)	170, §22	15.354(4)(c)	134, §7
8C.7B	112, §4	15.354(5)	54, §76
8C.7C	112, §5	15.355(3)(a)	134, §8
8C.9	112, §6	15B.2(1)	3, §2, 4, 5
8D.2(6)	52, §1	15E	54, §76
9.4A	170, §23	15E.41	54, §76
9C.1	29, §5	15E.42	54, §76
9C.2	29, §6	15E.43(6)	54, §76
9C.3(u1)	29, §7	15E.46(1, 3)	54, §76
9C.4	29, §8	15E.61(2)(u1)	54, §76
9E.3(1)(b)(u1)	29, §9	15E.62(u1)	54, §76

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
15E.62(5)	54, §76	20.31(2)(u1)	2, §17, 26, 27
15E.63(1, 9)	54, §76	20.32	2, §18, 26, 27
15E.64(1, 3, 4, 7)	54, §76	20.33	169, §33
15E.66(2, 4, 6)	54, §76	22.1	29, §20
15E.67	54, §76	22.7(5)	122, §1
15E.69	54, §76	22.7(11)(a)(u1)	122, §2
15E.71	54, §76	22.7(11)(a)(5)	2, §50, 53, 54
15E.72(3)(a)	54, §76	22.7(45)	21, §1
15E.72(4)(a)	54, §76	22.7(50)	156, §1
15E.72(5)(a)	54, §76	22.7(52)(d)	54, §13
15E.72(7)	54, §76	22.7(69)	2, §19, 26, 27
15E.72(11)(u1)	54, §76	22.7(70)	2, §20, 26, 27; 21, §2
15E.201	54, §76	22.7(70, 71)	110, §1
15E.202(u1)	54, §76	22.13A	2, §51, 53
15E.202(11)	54, §76	22.13A(5)(b)	170, §30, 43
15E.203(2, 3)	54, §76	22.15	2, §52, 53
15E.204	54, §76	26.3(1)	54, §14
15E.206(3)(b)	54, §76	26.3(2)	131, §7
15E.207(u1)	54, §76	26.9	65, §1, 9, 10
15E.207(2)(b)(3)	54, §76	26.16	65, §2, 9, 10
15E.208(3)(u1)	54, §76	27.1	135, §1, 6; 170, §31
15E.208(3)(b)(2)(c, d, e)	54, §76	27.2	135, §2, 6
15E.208(5)(d)(u1)	54, §76	27.3	135, §3, 6
15E.208(6)(a)	54, §76	27.4	135, §4, 6
15E.211	54, §76	27.5	135, §5, 6
15E.301	54, §76	28E.39	54, §76
15E.302	54, §76	28F5	29, §21
15E.303(u1)	54, §76	28F.10	29, §22
15E.362(1)(u1)	54, §76	29A.1(6)	54, §15
15E.362(1)(d)	54, §76	29A.10	54, §76
15F.103(6)	29, §16	29A.18	54, §76
15F.401(2, 6)	160, §1	29A.34	54, §76
15F.403(2)(a)	160, §2	29A.43(4)	63, §1
16.26(7)	33, §1	29A.58	54, §76
16.28(2)(b)	29, §17	29A.79	54, §76
16.41(2)	33, §2	29B	54, §76
16.50(3)(b)(1)	29, §18	29B.1	63, §2
16.55	33, §3	29B.2	54, §76; 63, §3
17A.4B	126, §1	29B.27	54, §76
17A.6A(2)(c)	29, §19	29B.32	54, §76
17A.12(5)	54, §11	29B.33	54, §76
17A.19(7)	54, §12	29B.39	54, §76
20.3(10A, 12)	2, §1, 26, 27	29B.44	54, §76; 63, §4
20.6(1)	2, §2, 26, 27	29B.45	54, §76
20.6(6, 7)	2, §3, 26, 27	29B.59	54, §76
20.7(2)	2, §4, 26, 27	29B.67	54, §76
20.8(5)	2, §5, 26, 27	29B.68	54, §76
20.9	2, §6, 26, 27	29B.71	54, §76
20.10(3)(j)	2, §7, 26, 27	29B.77	54, §76
20.12(5)	2, §8, 26, 27	29B.120	54, §76
20.15	2, §9, 26, 27	29C.2(6)	136, §1
20.17(8)	2, §10, 26, 27	29C.3(3)	54, §76
20.17(9)	2, §11, 26, 27	29C.3(4)(e)	69, §34
20.22(2, 3, 7, 8, 9)	2, §12, 26, 27	29C.5	28, §1
20.22(7A)	2, §13, 26, 27	29C.6(1)	54, §76
20.26	54, §76	29C.6(16)	69, §35
20.26(u4)	2, §14, 26, 27	29C.24(2)(e)(1)(b, c)	29, §23
20.29	2, §15, 26, 27	29C.24(5)(a)(u1)	29, §24
20.30	2, §16, 26, 27	29C.24(5)(b, c)	29, §25

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
29C.25	69, §36	43.78(2)	110, §69
30.1(1)	28, §2	43.78(5)	120, §1
30.1(2)	28, §3	43.79	110, §70
30.1(2A)	28, §4	43.88	54, §76
30.2	28, §10	43.100	54, §76
30.3	28, §10	43.111	54, §76
30.4	28, §10	43.115	54, §76
30.5	28, §5, 11	44.4(1)	110, §71
30.6	28, §10	44.9(1)	110, §72
30.7	28, §6, 11	44.11	110, §73; 155, §14, 44
30.8	28, §7, 11	46.21(u1)	110, §74
30.9	28, §10	47.1(6)	110, §40
30.10	28, §8, 11	47.2(2)	155, §15, 44
30.11	28, §11	47.6(2)	155, §16, 44
30.12	28, §11	47.11	110, §37
30.12(1)(u1)	28, §9	48A.2(4A)	110, §12, 35, 36
34A.1	136, §2	48A.5(2)(c)	110, §55, 64
34A.2	136, §3	48A.7A(1)(b)(1)(u1)	29, §29
34A.2A(1, 2)	136, §4	48A.7A(1)(b)(1)(c)	110, §13, 35, 36
34A.3	136, §5	48A.7A(1)(b)(2)(u1)	110, §14, 35, 36
34A.4	136, §6	48A.7A(1)(c)	110, §15, 35, 36
34A.5	136, §7	48A.7A(5)	110, §16, 35, 36
34A.7	136, §8	48A.8(2)	110, §17, 35, 36
34A.7A	136, §9	48A.10A	110, §18, 35, 36
34A.7B	136, §10	48A.11(3)	110, §56, 64
34A.8	136, §11	48A.14(1)(b)	110, §57, 64
34A.10	136, §12	48A.23(1)	110, §58, 64
34A.11	136, §13	48A.24	110, §3
34A.15(1)(u1)	136, §14	48A.25	54, §17
34A.15(1)(l)	136, §15	48A.26(9)	110, §59, 64
34A.20	136, §16	48A.26A(1)	110, §19, 35, 36
34A.21(1)(c)	136, §17	48A.26A(3)	110, §44
35A.10(2)	131, §7	48A.26B	110, §20, 35, 36
35A.13(6)(n)	167, §21	48A.27(2)(a)(1)	120, §2
35B.6(2)(c)	47, §1	48A.27A	110, §45
35C.2	29, §26	48A.30(1)(of)	110, §4
35C.6	29, §27	48A.31	110, §5
36.1(3)	59, §1	48A.38(1)(f)	110, §21, 35, 36
36.2	59, §2	49.8(7)	67, §1
36.3	59, §2	49.9	155, §17, 44
36.4	59, §2	49.11(3)(u1)	67, §2
36.6	59, §2	49.11(3)(d)(u1)	67, §3
36.7	59, §2	49.16(5)	120, §3
36.8	59, §2	49.21(1)	155, §18, 44
36.9	59, §2	49.30	155, §19, 44
37.20	54, §76	49.31(2)(b)	155, §20, 44
39.2(1)(a)	110, §39	49.31(2)(d)	155, §21, 44
39.2(1)(b)	155, §11, 44	49.31(3)	155, §22, 44
39.2(2)	155, §12, 44	49.37(1)	110, §46
39.2(4)(b)	155, §13, 44	49.37(1A)	110, §47
39.2(4)(c)	155, §1, 9, 10	49.41(1)(a)	155, §23, 44
39A.5(1)(b)(3)	110, §2	49.51	155, §24, 44
43.2	29, §28	49.53(1)	110, §22, 35, 36
43.6(1)	110, §65	49.57(2)	110, §48
43.27	54, §16	49.67	54, §18
43.52	54, §76	49.73(1)(a, b)	155, §25, 44
43.73	110, §66	49.73(2)	155, §26, 44
43.76(1)	110, §67	49.75	54, §19
43.77(3, 4)	110, §68	49.77(1)(u1)	110, §23, 35, 36

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
49.77(1)(a)	110, §24, 35, 36	73A.1	65, §3, 9, 10
49.77(3)	110, §25, 35, 36	73A.15	54, §76
49.77(4)(a)	110, §26, 35, 36	73A.16	65, §4, 9, 10
49.78	110, §27, 35, 36	73A.25	65, §5, 9, 10
49.79(2)(b)	110, §60, 64	73A.26	65, §6, 9, 10; 170, §32, 43
49.81(1A)	110, §28, 35, 36	73A.27	65, §7, 9, 10
49.81(4)(a)	110, §61, 64	73A.28	65, §8 – 10
49.88(1)	110, §38	80.45(3)(a)	29, §30
49.94	110, §50	80A.13(1)	69, §11
49.95	110, §50	80B.15	54, §76
49.96	110, §50	80B.19	167, §22
49.97	110, §50	80B.19(2)	170, §33
49.98	110, §49	80G.1	122, §3
49.104(7)	120, §4	80G.2	122, §4
49.124(3)	110, §29, 35, 36	80G.3	122, §5
49.128	110, §41	80G.4	122, §6
50.11	54, §76; 155, §27, 44	84A.1A(1)	74, §1, 6
50.12	110, §42	84A.1A(1)(a)(8)(b)(iii)	170, §34, 43
50.22	54, §76	84A.1A(3, 4)	74, §2, 6
50.24(3A, 3B)	155, §28, 44	84A.1B(5, 6, 9)	74, §3, 6
50.48(1)(a)(u1)	155, §29, 44	84A.1B(17)	74, §4, 6
50.51	110, §43	84A.11(4)	148, §12
52.25(2)(b)	155, §30, 44	85.16(2)	23, §1, 24
53.2(1, 4, 8)	110, §6, 11	85.18	23, §2, 24
53.2(4A)	110, §30, 35, 36	85.23	23, §3, 24
53.8(1)(a)(u1)	110, §51, 54	85.26(1)	23, §4, 24
53.8(1)(c)	110, §7	85.33(3)	23, §5, 24
53.8(3)(a)	120, §5	85.34(2)(u1)	23, §6, 24
53.10(1)	110, §52, 54	85.34(2)(0n)	23, §7, 24
53.10(2A)	110, §8	85.34(2)(u)	23, §8, 24
53.11(1)(a)	110, §53, 54	85.34(2)(w, x)	23, §9, 24
53.18(3)	110, §31, 35, 36	85.34(3)	23, §10, 24
53.22	120, §6	85.34(3)(c, d)	23, §11, 24
53.22(7)	110, §32, 35, 36	85.34(4, 5)	23, §12, 24
53.23(3)(b)(1)	110, §9	85.34(7)(a)	23, §13, 24
53.23(4)	110, §10	85.34(7)(b, c)	23, §14, 24
53.25	110, §33, 35, 36	85.39	23, §15, 24
53.37(3)(e)	120, §7	85.43	54, §76
53.40(1)(a)	155, §31, 44	85.45(1)(u1)	23, §16, 24
59.1	54, §76	85.45(3)	23, §17, 24
65.10	54, §76	85.70	23, §18
68.9	54, §20	85.71(1)(a)	23, §19, 24
68A.103(2)	144, §3, 14	86.10	54, §76
68A.601	144, §1, 13, 14	86.12	54, §76
68A.602	144, §13, 14	86.13A	54, §76
68A.603	54, §21; 144, §13, 14	86.26	23, §20, 24
68A.604	144, §13, 14	86.39	23, §21, 24
68A.605	144, §13, 14	86.42	23, §22, 24
68A.606	54, §22; 144, §13, 14	88.14(1, 2, 3, 4, 9)	56, §1, 2
68A.607	144, §13, 14	88A.2	54, §76
68A.608	144, §13, 14	91C.1(3)	90, §1, 3
68A.609	144, §13, 14	91C.2(3)	90, §2, 3
68B.35(2)(e)	54, §23	92.3	29, §31
68B.35(5)	54, §24	92.6(1)(j)	66, §1
70A.17A(3)	2, §21, 26, 27	92.8(18)	66, §2
70A.19	2, §22, 26, 27	92.9(u1)	29, §32
70A.41	2, §65, 67	92.23	29, §33
73.16(2)(a)(u1)	160, §10	96.4(4)(c)	72, §1, 2
73.16(2)(c)(3)	160, §11	96.5(u1)	70, §1, 5

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
96.5(2)(a)	70, §2, 5	123.49(2)(b)	119, §10
96.5(11, 12)	70, §3, 5	123.49(2)(k)	119, §11
96.6(2)	70, §4, 5	123.51(1)	119, §12
96.19(41)	54, §25	123.56(5)	119, §46
96.29(2)(c)	29, §34	123.124	119, §20
97A.7(1)	29, §35	123.125	119, §21
97B.3(2)	144, §4, 14	123.127	119, §22
97B.4(5)	29, §36	123.128(1)(a)	119, §23
97B.42C	141, §1	123.128(2)	119, §24
97B.44	54, §26	123.129(2)(a, b)	119, §25
97B.66	54, §76	123.129(2)(d)	119, §26
99A.6	54, §76	123.130	119, §27
99D.7(23)	132, §1	123.131	119, §28
99D.8	54, §76	123.134(1)	119, §29
99D.19(3)	22, §1	123.134(2)	119, §30
99D.25(1)(b)	73, §1, 4	123.135	119, §31
99D.25A(2, 7)	73, §2, 4	123.136(1)	119, §32
99D.28(8)	73, §3	123.137(1)	119, §33
99F.4(22)	132, §2	123.138(1)	119, §34
99F.12(3)	22, §2	123.139	119, §35
99F.12(4)	22, §3	123.141	29, §40
100	54, §76	123.142	119, §36
100.1(4)(b)	115, §1, 12	123.143(3)	119, §37
100.1(8)	115, §2, 12	123.144(1)	119, §38
100.19	115, §3, 12	123.173A(4, 7)	119, §47
100.19A	115, §4, 12	123.175	119, §13
100.35	54, §76	123.177(3)	119, §14
100C.10(2)(e)	131, §1	123.178B(4)	119, §15
101.26(1)	29, §37	123.180(2)	119, §16
101A.1(3)	115, §5, 12	123.183(2)(a)	119, §17
103.1A	10, §1	123.187(2)(c)	119, §18
103.22(1)	131, §7	124	54, §76
103.22(7)	10, §2	124.101(5)	54, §76
103.22(15)	10, §3	124.101(15A)	145, §2
103A.12	54, §76	124.101B	145, §3
103A.13	54, §76	124.201(1)(h)	54, §76
103A.19(3)	131, §7	124.201(4)	145, §1
103A.23	54, §76	124.201A	162, §1, 25
103A.41	54, §27	124.204(2)(bd)	27, §1, 11
105.11(1)	131, §7	124.204(9)(p, q, r, s)	27, §2, 11; 145, §28
123.3(25)	119, §1	124.206(2)(a)(u1)	27, §3, 11
123.3(28, 29)	119, §39	124.206(2)(d)	27, §4, 11
123.22	119, §2	124.206(3)(ac)	27, §5, 11
123.23(2)	119, §3	124.208(5)(a)(3, 4)	27, §6, 11
123.28	119, §4	124.210(2)(c)	27, §7, 11
123.30(1)(c)	119, §5	124.210(3)(bb, bc)	27, §8, 11
123.30(3)(c)(2)	29, §38	124.210(7)(c)	27, §9, 11
123.30(3)(c)(3)	119, §40	124.212(5)(d)	27, §10, 11
123.30(3)(e)(1)	119, §19	124.302(2)	54, §76
123.30(3)(e)(2)	29, §39	124.303(3)	54, §76
123.31(6, 7)	119, §6	124.306	54, §28
123.32(1)	119, §41	124.401(1)(u1)	145, §4
123.32(6)(b)	119, §7	124.401(1)(a)(u1)	145, §5
123.33	119, §8	124.401(1)(a)(3)	122, §7
123.34(1)	119, §9	124.401(1)(a)(8)	145, §24
123.36(3A)	119, §42	124.401(1)(b)(u1)	145, §6
123.36(5)	119, §43	124.401(1)(b)(3)	122, §8
123.43	119, §44	124.401(1)(b)(9)	145, §25
123.43A	119, §45		

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
124.401(1)(c)(u1)	145, §7	125.86(3)(b)	34, §9
124.401(1)(c)(3)	122, §9	125.89(2)	54, §76
124.401(1)(c)(7A)	145, §26	125.90	54, §76
124.401(1)(c)(8)	145, §8	125.91(3)	34, §10
124.401(1)(d)	145, §27	125.92(u1)	54, §76
124.401(2)	145, §9	125.92(4)	34, §11
124.401(5)(u1)	145, §10	135.11(25)	148, §20
124.401(5)(u3)	162, §2, 25	135.11(31)	148, §2
124.401A	145, §11	135.12	174, §99
124.401B	145, §12	135.15(6)	148, §4
124.402(1)(a)	54, §76	135.26	148, §24
124.404	54, §76	135.29	148, §24
124.406(2)	145, §13	135.107(3)	148, §13
124.407	54, §29	135.107(4)(a, b, c)	148, §14
124.413(1)	122, §10	135.107(5)(a)	148, §15
124.413(3)	122, §11	135.120	148, §101
124.415	145, §14	135.130	148, §24
124.417	145, §15	135.131(8A)	77, §2
124.502(1)(a)	145, §16	135.132	148, §26
124.550	54, §76	135.141(2)(c)	148, §21
124.551(1)	54, §76	135.141(2)(e)	148, §22
124.553(1)(f)	152, §1	135.150(2)	148, §3
124.553(3, 5)	54, §76	135.152	148, §24
124.553(8)	162, §3, 25	135.157	148, §11
124.554(1)(u1)	54, §76	135.158	148, §11
124.557	54, §76	135.159	148, §5
124.558	54, §76	135.159(3)(i)	174, §98
124A	145, §23	135.163	148, §16
124D	162, §23, 25	135.164	148, §19
124E.1	162, §4, 25	135.166	148, §104
124E.2	162, §5, 25	135.175(1)(b)	148, §17
124E.3	162, §6, 25	135.175(6, 7)	148, §18
124E.4	162, §7, 25	135.180	148, §19
124E.4A	162, §8, 25	135.191	26, §1
124E.5	162, §9, 25	135A.2(6)	148, §25
124E.6	162, §10, 25	135B	54, §76
124E.7	162, §11, 25	135B.6	54, §76
124E.8	162, §12, 25	135B.19	54, §76
124E.9	162, §13, 25	135B.20(u1)	54, §76
124E.10	162, §14, 25	135B.21	54, §76
124E.11	162, §15, 25	135B.23	54, §76
124E.12	162, §16, 25	135B.24	54, §76
124E.13	162, §17, 25	135B.31	54, §76
124E.14	162, §18, 25	135C	54, §76
124E.15	162, §19, 25	135C.33(5A)	58, §1
124E.16	162, §20, 25	135H.3(2)	148, §29
124E.17	162, §21, 25	135P1(1, 2)	107, §1, 5
125	54, §76	136.3(13)	148, §27, 28
125.2(10A)	34, §1	136A.5B	77, §1
125.12(3)	34, §2	136C.3(10)	61, §1, 2
125.33(1, 3)	34, §3	137C.25E	54, §76
125.34(3, 7)	34, §4	137F.5	54, §76
125.59(1)(b)	148, §1	139A.8(2)(e)	29, §41
125.75(2)(c)(1)	34, §5	144.13(4)(c)	54, §76
125.75A	54, §76	144.13A(1, 2)	148, §105
125.77	54, §76	144.13A(2A)	148, §106
125.78(3)(b)	34, §6	144.15	54, §76
125.80	34, §7	144.18	29, §42
125.82(3)	34, §8	144.37	54, §76

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
144.45	54, §76	161A.7(3)	159, §9
144B.1(2)	30, §1, 4	161A.20(1, 3, 4)	29, §46
144C.2(8)	30, §2, 4	161A.22	159, §10
144C.6(2)(u1)	30, §3, 4	161A.44(u1)	159, §11
144E.1	130, §1	161A.44(2)	159, §12
144E.2	130, §2	161A.44(3)(c)(3)	159, §13
144E.3	130, §3	161A.71(4)	159, §14
144E.4	130, §4	161A.73(1)(a, b)	159, §15
144E.5	130, §5	161C.1(1)	159, §16
144E.6	130, §6	161C.4(1)	159, §17
144E.7	130, §7	163.3B	168, §28
144E.8	130, §8	163.3C	168, §29
144E.9	130, §9	163.30(3)(a, c)	159, §18, 56
146A.1	108, §1, 7	163.30(5)(b)	159, §19, 56
146B.1	108, §2, 7	163.41	159, §20, 56
146B.2	108, §3, 7	164.1(5A)	159, §21
146B.3	108, §4, 7	164.3	159, §22
147.56	16, §1, 2	164.21	54, §76
147.114	174, §111	166.1(2A, 5)	159, §23
147.136A	107, §2, 5	166.42(2)	159, §24
147.139	107, §3, 5	166A.1(6A)	159, §25
147.140	107, §4, 5	166A.2	54, §76; 159, §26, 56
148C.4(1)	96, §2	166D.14	54, §76
148C.5	60, §1, 5	168.3	159, §27, 56
152.1(7)(e)	96, §1	168.8	29, §47
152B.11	54, §76	169.9	54, §76
152C.6	122, §23	169.12	54, §76
152E.1	91, §1, 3	172A.1(3A, 5)	159, §28
152E.2	91, §2, 3	172A.2	159, §29
153.15	41, §1	174.2	54, §76
153.33(3)(g)	29, §43	177A.12(2)	29, §48
154B.1(2, 6)	29, §44	179.13	29, §49
155A.2A	93, §1	181.3(4)(b)	29, §50
155A.3(2A, 19A)	5, §1	183A.6	54, §76
155A.3(36)	93, §2	189A.18	159, §30
155A.6(3)	145, §17	191.3	54, §76
155A.6A(3)	29, §45	192	54, §76
155A.6A(5)	145, §18	192.103	54, §76
155A.6B(5)	145, §19	194.4	54, §76
155A.13A(5)(d)	145, §20	196.3	159, §31
155A.13B	93, §5	197.1	159, §32
155A.17(2)	145, §21	197.1A	159, §33
155A.27(1)(b)(3)	145, §29	197.2	159, §34
155A.28	5, §2	198.2	159, §35
155A.32	5, §3	198.3(6A, 19A)	159, §36
155A.39	93, §3	198.4(2, 4)	159, §37, 56
155A.42(4)	145, §22	198.7(1)(b, c, d, e, f)	29, §51
155A.43	93, §4	199.1(16)(a)(9)	101, §1; 159, §38
159.5(12)	159, §1	200.3(6A, 23A)	159, §39
159.6(1)	159, §2	200.4	159, §40, 57
159.27	54, §30	200.5(8A)	159, §41
161A.3(4)	159, §3	200A.13(3)	159, §42
161A.4(1)	159, §4	202B.402	54, §76
161A.4(4)(u1)	159, §5	202C.2(4)	54, §76
161A.4(6)(c)	159, §6	206.2(26A)	159, §43
161A.5(1, 2)	159, §7	206.8(2)	159, §44
161A.5(2)	53, §1	207.2(2)	159, §45
161A.5(3)(e)	53, §2	208.2(3)	159, §46
161A.7(1)(k)	159, §8	208.7	159, §47

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
208.19	54, §76	236A.5	121, §8
212.1A	159, §48	236A.6	121, §9
212.2	159, §49	236A.7	121, §10
212.3	159, §50	236A.8	121, §11
214A.16(1)(c)	159, §51	236A.9	121, §12
215.19	159, §52	236A.10	121, §13
216.3	54, §76	236A.11	121, §14
217.41B	174, §90, 92	236A.12	121, §15
217.45	57, §1	236A.13	121, §16
218.4	54, §76	236A.14	121, §17
218.6	174, §110	236A.15	121, §18
218.48	29, §52	236A.16	121, §19
218.58(2)	131, §7	236A.17	121, §20
222.73(2)(b)	109, §1, 20, 21	236A.18	121, §21
225D.1(8)	18, §1, 5; 170, §35, 44	236A.19	121, §22
225D.2(2)(l)	18, §2, 5	236A.20	121, §23
225D.2(3)	18, §3, 5	237.1(4)	100, §1
226	54, §76	237A.1(3)(a)(u1)	103, §1
229.6(2)(c)(1)	34, §12	237A.13(1)(a)	54, §35
229.8(3)(b)	34, §13	237A.25(1)	29, §57
229.10	34, §14	249.12	174, §108
229.11(1A)	109, §2, 20, 21	249A.20A(3)	174, §81
229.19(1)(d)(6)	97, §1	249A.24(2A)	174, §82
229.22(2)(a)(2, 3, 4, 5)	34, §15	249M.5	174, §106, 107
229.22(3)	34, §16	249N.2(15, 19)	148, §6
229.23(3)	34, §17	249N.2(17A, 18A)	148, §7
229.25(1)(a)(1)	34, §18	249N.6(2)(c)	148, §8
230.20(2)(b)	109, §3, 20, 21	249N.6(3)(a)	148, §9
231C.21	120, §8	252A.3A(6, 7, 8, 12)	54, §76
232.2(6)(p)	86, §1	256.7(21)(b)(1)	128, §1, 4
232.8(1)(d)(1)	121, §2	256.7(21)(b)(2, 3, 4)	128, §2, 4
232.8(1)(e)	117, §1	256.7(26)(a)(4)	106, §1
232.22(1)(g)	121, §3	256.9(59)	172, §10
232.52(2)(a)(4)(a)(viii)	69, §3	256.11(5)(h)(3)	29, §58
232.68(2)(a)(7)	86, §2	256.29	29, §164
232.77(2)	86, §3	256.39(6)	29, §59
232.102	54, §31	256.42(7)	29, §60
232.103(7)	54, §72	256.45	54, §76
232.104(1)(a)(2)	54, §73	256C.3(1)(b)	153, §12, 14, 15
232.114(4)	29, §53	256C.4(1)(e)	153, §13 - 15; 154, §1
232.142(5)	174, §109	256H.1(2)(a)	29, §61
232.182(5)(u1)	54, §74	256H.1(3)(a)(1)	29, §62
232.188(5)(e)	29, §54	256I.4(8)	29, §63
234.6(1)(u1)	29, §55	256I.9(3)(b)(1)	29, §64
234.6(1)(e)(3)	54, §75	257.8(1, 2)	1, §1, 5, 6
234.6(1)(f)	29, §56	257.10(10)(d)	154, §2
234.12	54, §76	257.10(13)	153, §9 - 11
235A.15(10)	104, §1	257.11(4)(d)	153, §4, 7, 8
235A.15(11)(b)	104, §2	257.16B(2)(d)(u1)	1, §2, 5, 6
235B.3A(3)	54, §32	257.16B(2)(d)(3)	1, §3, 5, 6
235B.19(3)(a)	44, §1	257.16B(2)(e)	1, §4 - 6
235E.1(5)(a)(3)	25, §1, 2	257.19	54, §76
235E.3(3)	54, §33	257.24	54, §36
236.11	54, §76	257.35(11A)	170, §11
236.12(1)(c)	54, §34	257.41(1)	154, §3
236A.1	121, §4	257.41(2)(a, b)	153, §5, 7, 8
236A.2	121, §5	257.41(2)(d, e)	153, §6 - 8
236A.3	121, §6	257.46(1)	154, §4
236A.4	121, §7	258.2	29, §65

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
258.3A(u1)	29, §66	261A.27	54, §37
258.4(1, 7, 8, 9)	29, §67	261A.32(3)	54, §76
258.6(1, 2, 3)	29, §68	261A.33	54, §76
258.6(4)	29, §69	261A.34(u1)	54, §76
258.6(9A)	29, §70	261A.34(1, 2)	54, §76
258.9(1)	29, §71	261A.35	54, §76
258.12	29, §72	261A.36	54, §76
258.14(3)(a, d)	29, §73	261A.39	54, §76
258.14(3)(f)(u1)	29, §74	261A.40	54, §76
258.14(4)(e)	29, §75	261A.41	54, §76
258.15(2)	29, §76	261A.42(2, 4)	54, §76
259A.1	85, §1, 5	261A.44	54, §76
259A.2	85, §2, 5	261A.45	54, §38
259A.3	85, §3, 5	261A.46	54, §76
259A.5	85, §4, 5	261A.47	54, §76
260C.5(1)	29, §77	261A.48	54, §76
260C.11(1)	120, §9, 11, 12	261A.49	54, §76
260C.12(1)	155, §2, 9, 10	261A.50	54, §76
260C.13(1)	155, §3, 9, 10	261E.6(3)	29, §80
260C.15(3)	155, §32, 44	262.14(u1)	29, §81
260C.15(4)(b)	155, §33, 44	262.69	54, §76
260C.15(5)	155, §4, 9, 10, 34, 44	262.82	54, §76
260C.22(3)	155, §35, 44	263.4	172, §43
260C.28(3)(c)	155, §36, 44	263.5	172, §43
260C.38	54, §76	263.6	172, §43
260C.47(1)(u1)	29, §78	266	54, §76
260C.47(1)(c)	29, §79	266.39(3)(a)(7)	159, §53
261	54, §76	266.39A	168, §30
261.1(2)(a, d)	172, §11	266.39C	169, §47, 49
261.1(3)	172, §12	266.39F	29, §164
261.1(4)(b)	172, §13	266.40(u1)	54, §76
261.2(6, 8)	172, §14	266.41	54, §76
261.3	54, §76	266.42	54, §76
261.6	172, §43	266.46	54, §76
261.9(2A)	172, §15	266.47(1)(a)(1)	54, §76
261.9(2A)(b)	170, §36	270.10	170, §24
261.9(7)	54, §76	271.2	172, §25
261.12(1)(b)	172, §16	272.2(20)	106, §2
261.15(2)	54, §76	272.7	54, §76
261.16A	172, §17	272.15(1)(a)(1)(d)	6, §1
261.25(1, 2, 3)	172, §18	272.28(1)(u1)	172, §26
261.25(5)	172, §19	273.8(2)(a, b)	155, §5, 9, 10
261.35(u1)	54, §76	273.8(4)(a)	155, §6, 9, 10
261.36(u1)	54, §76	273.8(6)	155, §7, 9, 10
261.37(u1)	54, §76	274.3	125, §1
261.37(5, 7)	54, §76	274.6	54, §39
261.42	54, §76	275	54, §76
261.61	172, §43	275.4	54, §40
261.87(1)(u1)	54, §76	275.22	155, §37, 44
261.87(1)(0b)	172, §20	275.26	54, §76
261.87(2)(b)	172, §21	275.31	54, §76
261.87(2)(g)	172, §22	275.51	54, §76
261.87(2A)	172, §23	277.1	155, §8 – 10
261.87(3)	172, §24	277.4(1)	155, §38, 44
261.102(7)	54, §76	277.5	155, §39, 44
261.110(2)	150, §1, 3, 4	277.6	155, §43, 44
261.112(1)	150, §2 – 4	277.20	155, §40, 44
261.129	172, §43	279.6(1)(b)(1, 2)	120, §10
261A	54, §76	279.8A	54, §76

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
279.12	54, §76	299A.12(4)	154, §11
279.13(2, 5)	2, §28, 48, 49	303.52(3A)	158, §1
279.13(4)(u1)	2, §29, 48, 49	303.66(2)	29, §85
279.14	2, §30, 48, 49	304A	170, §29
279.15(2)(c)	2, §31, 48, 49	306	54, §76
279.16(1, 2, 6, 7, 8, 9, 10)	2, §32, 48, 49	306.9	54, §45
279.16(3, 5)	2, §33, 48, 49	306.30	54, §76
279.17	2, §47 - 49	306.53	54, §76
279.18	2, §34, 48, 49	306A	54, §76
279.19	2, §35, 48, 49; 54, §41	308.1	159, §54
279.19A(1, 2, 7, 8)	2, §36, 48, 49	308A.1	54, §76
279.19B(2)	29, §82	312.3C	54, §76
279.21	54, §42	312.15	54, §76
279.23(1)(c)	2, §37, 48, 49	313.2(2)(b)	29, §86
279.23(5)	2, §38, 48, 49	313.4(1)(c)	13, §1
279.24(2, 4)	2, §39, 48, 49	313.5(2)	29, §87
279.24(5)(c, d, e, f, g, h)	2, §40, 48, 49	313.12	29, §88
279.27	2, §41, 48, 49	313A.12	54, §76
279.68(1)(a)	172, §27	313A.31	54, §76
279.68(1)(c)	172, §28	314.21(1)(b)	29, §89
279.68(2)(e)	172, §29	317.1A(1)(a)(12)	101, §2
279.68(3, 5)	172, §30	317.14A	101, §3
280.9A(3)	110, §62, 64	317.25(1)(a)(9)	101, §4
280.13A	54, §76	317.25(2)	29, §90
280.19A	54, §43	321.1(89A, 89B)	84, §1
282.7(2)	29, §83	321.34(13)(a)(1)	29, §91
282.10(4)(a)	172, §31	321.40(6)(a)	29, §92
282.18(11)	54, §44	321.40(7)(a)	29, §93
284.1(1)	172, §32	321.45(2)(a)(6)	31, §1
284.3(2)	2, §42, 48, 49	321.52(4)(0a)	31, §2
284.4(1)(b)	172, §33	321.67	31, §3
284.4(1)(c)(2, 5)	2, §43, 48, 49	321.104(4)	31, §4
284.5(2, 3)	172, §34	321.134(1)	92, §1
284.6(8, 9)	153, §1, 2, 3	321.180(2)(c)	149, §1
284.6(8)	172, §35	321.189(8)	29, §94
284.6(9)	154, §5	321.234A(1)(g)	32, §1
284.6A	106, §3	321.257(2)(a)	15, §1
284.8(2, 4)	2, §44, 48, 49	321.262	146, §1
284.8(3)	2, §45, 48, 49	321.276(1)(b, c, d)	75, §1
284.8(5)	2, §46, 48, 49	321.276(2)(u1)	75, §2
284.13(1)(a, c, d, f)	172, §36	321.276(2)(b)(u1)	75, §3
284.13(1)(b)	172, §37	321.276(3)	75, §4
284.13(1)(Of, 00f)	172, §38	321.276(5)	75, §5
284.15(2)(a)(1)	172, §39	321.285(7)	29, §95
284.15(2)(b)(1)	172, §40	321.323A(2)(u1)	84, §2
284.16(1)(a)(3)	172, §41	321.362	8, §1
284.16(1)(b)(1)	172, §42	321.423(2)(h)	84, §3
294.12	54, §76	321.453(3)	81, §1
294.14	29, §84	321.457(2)(a)(u1)	46, §1
298.11	54, §76	321.463(4A)	149, §2
298.14	54, §76	321.463(5)(a)(u1)	29, §96
298.22	54, §76	321.465	54, §76
298A.2	154, §6	321.477	149, §3 - 5
298A.8	153, §16 - 18	321A.1(11)	54, §46
299A.6	54, §76	321A.3(1)	39, §1
299A.12(1)	154, §7	321G.1(21)	40, §1
299A.12(2)(u1)	154, §8	321G.7(2)	40, §2
299A.12(2)(c, d)	154, §9	321G.7(3)	40, §3
299A.12(3)(u1)	154, §10	321G.8(3)	40, §4

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
321G.13(2)	69, §46	358.24	54, §76
321G.13(2)(b)(1)	29, §97	362.4	54, §76
321G.13(2)(b)(2)(u1)	29, §98	364.2(4)(a, b)	50, §1, 2
321I.10(5)	32, §2	364.2(4)(b)	29, §104
321I.14(2)	69, §47	364.2(6)	115, §8, 12
321I.14(2)(b)(1)	29, §99	364.3(3)(c)	20, §3, 5
321I.14(2)(b)(2)(u1)	29, §100	364.3(12)	20, §4, 5
321J.20(1)(a)(u1)	76, §13	364.5	54, §76
321J.20(2)(a)	76, §14	364.11	54, §76
321J.20(3)	76, §15	368	54, §76
321J.20(10)	76, §16	368.3	54, §76
321M.3	19, §1, 2	372	54, §76
321N.4(6)	170, §25	372.1(2, 3)	54, §76
322.8	54, §76	372.7	54, §76
322A.10	54, §76	372.13(10)	102, §1
325A.1(13)	29, §101	372.13(11)(a)	29, §105
327D.66	54, §76	373.8	54, §76
327G	54, §76	376.2(2)	29, §106
327G.1	54, §76	376.6(2)	155, §41, 44
327G.61	54, §76	376.9(2)	155, §42, 44
327G.78	54, §76	384.7	54, §76
327G.79	54, §47	384.31	29, §107
328.20	54, §76	384.44	29, §108
331.210A(2)(e)(1, 2)	54, §48	384.51	54, §76
331.301(6)(c)	20, §1, 5	384.65(4)(c)	92, §2
331.301(17)	115, §6, 12	384.66(4)	29, §109
331.304(8)	115, §7, 12	384.76	29, §110
331.304(12)	20, §2, 5	384.84(3)	62, §1
331.322(16)	133, §1	384.84(4)(b, e)	62, §2
331.391(4)	109, §4, 20, 21	384.84(8)(b, c)	62, §3
331.424(1)(a)(6)	121, §24	384.103(2)(a)	131, §7
331.424A(1)	109, §5, 20, 21	394.1	54, §76
331.424A(4)	109, §6, 20, 21	394.4	54, §76
331.424A(6, 7)	109, §7, 20, 21	400.4	54, §76
331.424A(8)	109, §8, 20, 21	400.12	2, §55, 64; 54, §76
331.424A(9)	109, §9, 20, 21	400.13	54, §76
331.432(3)	109, §10, 20, 21	400.15	54, §51
331.502(34, 36)	133, §2	400.17(4)	2, §56, 64
331.559(20)	151, §1, 29	400.18	2, §57, 64
331.608(6)(b)	99, §1	400.19	2, §58, 64
331.609(5, 6)	38, §1	400.20	2, §59, 64
331.653(43)	133, §3	400.21	2, §60, 64; 54, §52
331.655(1)(a, b, c, e, f, g, h, k, l, m, n)	137, §1	400.22	2, §61, 64
331.655(1)(a)	29, §102	400.27	54, §76
331.655(1)(p)	137, §2	400.27(u3)	2, §62, 64
331.756(15)	54, §49	400.28	2, §63, 64
331.910(4)(f)	29, §103	403.9(3)(a)	54, §53
347.7(1)(c)	109, §11, 20, 21	403.19A(2)(b)	160, §12
350.6	54, §76	403A.10	29, §111
351.37	54, §76	403A.11	54, §76
352.1	54, §76	403A.12	29, §112
354.23	54, §76	403A.18	29, §113
355.7A(14)	54, §50	404A.1(6)	29, §114
356.3	54, §76	404A.2(1)	29, §115
356.43	54, §76	404A.3(1)(a)	29, §116
357E.11A(2, 3)	82, §1	404A.5(2)	29, §117
358.16(2)(c)	131, §7	410.1	54, §76
358.18	54, §76	411.7(1)	29, §118
		412.2(1)	2, §23, 26, 27

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
414.1(1)	94, §1	441.37(1)(a)(2)	151, §13, 29
414.23	54, §76	441.37A(1)	151, §14, 29
414.24	54, §76	441.37A(2)(b)	151, §15, 29
414.25	54, §76	441.37A(3)	151, §16, 29
418.15(1)(a)	157, §2	441.37B	151, §17, 29
421.46	29, §168	441.38	151, §18, 29
422.3(5)	157, §3	441.38A	151, §26, 29
422.5(2)(a)	157, §4	441.38B	151, §26, 29
422.7(41)	116, §1, 10	441.39	151, §19, 29
422.7(41)(a)(1)(b)	170, §37, 45	441.40	151, §20, 29
422.9(2)(c)	113, §1	441.41	151, §21, 29
422.9(2)(k)	116, §2, 10	441.44	151, §22, 29
422.10(3)(b)	157, §5, 12, 14	441.48	29, §125
422.11D	29, §119	443.11	151, §23, 29
422.11L(6)	157, §6	445.37(2)(b)	92, §3
422.11M	29, §165	446.32	92, §4
422.12A(1)(a)	113, §2	447.1(u1)	92, §5
422.12D(2)	144, §5, 14	447.12	92, §6
422.12E(1)	144, §6, 14	452A.72	54, §76
422.12J	144, §2, 13, 14	453A.1(7A)	170, §61
422.12K(2)	144, §7, 14	453A.1(20)	170, §62
422.12L(2)	144, §8, 14	453A.13(1)	170, §63
422.12M	161, §1, 2, 3	453A.13(2)(a)	170, §64
422.13(1)(d)	157, §7	453A.13(2)(c)	171, §60
422.15(1)	29, §120	453A.42(2A)	170, §65
422.32(1)(h)	157, §8	453A.42(8)	170, §66
422.33(2)(a)(1)(c)	157, §9	453A.47A(1, 3, 6)	170, §67
422.33(5)(e)(2)	157, §10, 12, 14	453A.47A(6)	171, §61
422.33(10)	29, §121	453A.47B	170, §68
422.33(21)	29, §166	453A.47C	170, §69
422.60(4)	29, §122	455A.13(1)	55, §1
423A.4	158, §2	455B.183(2)(u1)	29, §126
423A.6(1)	158, §3	455B.302(2)	29, §127
423A.7(2)	158, §4	455B.381(u1)	54, §56
423A.7(4)(u1)	158, §5	455B.474(2)(a)(1)	54, §57; 170, §38
423A.7(5)	158, §6	455B.474(3)(c)	54, §58
426B.1(2)	109, §12, 20, 21	455B.474(2)(a)(1)	170, §38
426B.2	109, §13, 20, 21	455E.11(2)(a)(1)(a)	45, §1
426B.3	109, §14, 20, 21	455E.11(2)(a)(1)(e)	45, §2
427B	54, §76	455E.11(2)(b)(3)(a)	168, §31
427B.1	29, §123	455J.1(2)(a)	45, §3
427B.19A(1)	54, §76	455J.2(2)	45, §4
427B.20(1)(u1)	54, §76	455J.2(5)	45, §5
427B.22	54, §76	455J.3	45, §6
428.4(1)	151, §2, 29	455J.4(1)	45, §7
432.12A	29, §124	455J.5	45, §8
437.9	54, §54	455J.6	45, §10
437A.1	54, §55	455J.7	45, §9
441.5(3)	151, §3, 30	456A.16(7)	144, §9, 14
441.5(3A)	151, §4, 30	456A.33B(3)(c)(u1)	29, §128
441.9	151, §5, 28, 29	460.303(1)	159, §55
441.10(1A)	151, §6, 30	461.33(2)(a)	168, §23, 25
441.19(1)(a)	151, §7, 29	461A.25	54, §59
441.21(2)	151, §8, 29	461A.32	29, §129
441.21(3)(b)	151, §9, 28, 29, 31	461A.42(2)	115, §9, 12
441.30(1, 2)	151, §10, 29	461A.68	29, §130
441.31(1)	131, §7	461A.74	29, §131
441.37(1)(a)(u1)	151, §11, 29	462.1	129, §1, 2
441.37(1)(a)(1)	151, §12, 29	466A	168, §24, 25

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
466B.46(2)(0b)	168, §32	511.8(23)(c)	7, §2
468.13(1)	29, §132	511.8(24)(a)(2)	7, §3
468.40	29, §133	511.8(24)(b, c)	7, §4
468.69	29, §134	513B.2(8)(k)	148, §37
468.94	29, §135	513B.5	148, §38
474.10	144, §10, 14	513B.6(u1)	148, §39
475A.1(4)	144, §11, 14	513B.6(2)	148, §40
476.1A(1)(e)	169, §36, 49	513B.7	148, §41
476.1B(1)(e)	62, §4	513B.9A(1)(u1)	148, §42
476.1B(1)(k)	169, §37, 49	513B.9A(4)(a)	148, §43
476.1C(1)(b)	169, §38, 49	513B.9A(4)(b)(2)	148, §44
476.1C(1)(0c)	169, §39, 49	513B.10	148, §45
476.6(9)(a)	21, §3	513C.3(5)	148, §46
476.6(9)(b)	21, §4	513C.3(7)	148, §47
476.6(15)(c)(4)	9, §1	513C.3(9)	148, §48
476.6(15)(c)(5)	9, §2	513C.3(12)	148, §49
476.10A(1)(c)(1)	169, §40, 49	513C.3(15)(a)(3)	148, §50
476.10A(4)	169, §41, 49	513C.3(18)	148, §51
476.20(5)(a)(u1)	62, §5	513C.5(1)(u1)	148, §52
476.46(1)	169, §42, 49	513C.6	148, §53
476.46(3)	169, §43, 49	513C.7(1)	148, §54
478.2(2)(a)	21, §5	513C.7(3)	148, §55
478.6A(2)	29, §136	513C.9(1, 2, 3, 6, 8)	148, §56
478.29(u1)	169, §44, 49	513C.10(1)(a)	148, §57
479.31(1)	169, §45, 49	513C.10(2)(a)	148, §58
479B.21(u1)	169, §46, 49	513C.10(3, 4, 7, 8, 9, 10)	148, §59
481A.48(6)	68, §1	514.5	29, §146
481A.123(7)	69, §48	514.13	29, §147
483A.8(2)	48, §1	514.14	29, §148
483A.18	29, §137	514.15	29, §149
483A.39	36, §1	514.18	29, §150
484B.7(2)	29, §138	514.23(1)(u1)	29, §151
484B.10(2, 3)	29, §139	514.23(2)	29, §152
484B.13	29, §140	514A.3B(3)(k)	148, §60
488.1207	29, §164	514B.17A	54, §76
489.111(4)	54, §76	514B.25A	148, §61
490.732(3)	54, §76	514C.10(2)(e)	148, §62
491	54, §76	514C.11	148, §63
491.111(1)(b)(3)	54, §76	514C.13(1)(h)	148, §64
499B.6	131, §2	514C.13(2)	148, §65
502.202(19)	54, §76	514C.13(3)(u1)	148, §66
502.510	54, §76	514C.14(1, 3)	148, §67
502.603(2)(b)(3)	54, §76	514C.15	148, §68
505.27(5)	29, §141	514C.16(1)	148, §69
505.32(2)(h)	148, §30	514C.17(1, 3)	148, §70
505.32(4)(b)(1, 2)	148, §31	514C.18(2)(a)(6)	148, §71
507B.4(1)	148, §32	514C.19(7)(a)(6)	148, §72
507B.4(3)(g)(3)	121, §25	514C.20(3)(f)	148, §73
507B.4A(2)(a)	148, §33	514C.21(2)(d)	148, §74
507B.14	29, §142	514C.22(1)(u1)	148, §75
507C	54, §76	514C.22(6)	148, §76
507E.3A	29, §143	514C.25(2)(a)(5)	148, §77
508.37(7)(f)(u1)	29, §144	514C.26(5)(a)(6)	148, §78
508E.10(3)	54, §76	514C.27(1)(u1)	148, §79
509.1(6)(u1)	29, §145	514C.27(6)	148, §80
509.3A(11)	148, §34	514C.29(2)(e)	148, §81
509.19(2)(d)	148, §35	514C.30(2)(e)	148, §82
509A.6	148, §36	514C.31	18, §4
511.8(22)(b)(2)(b)	7, §1	514E.1(6)(k)	148, §83

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
514E.1(17)	148, §84	537.2501(1)(f)(1)	138, §13
514E.2(1)(a)	148, §85	537.2501(1)(g)	138, §14
514E.2(2)(a)(3)	148, §86	537.2501(1)(k)	138, §15
514E.7(1)(a)(1, 2)	148, §87	537.2502(1)(a)(1)	138, §16
514E.7(1)(b)	148, §88	537.2502(1)(b)	138, §17
514E.9	148, §89	537.2502(4)	138, §18
514E.11	148, §90	537.2503(1)	139, §1
514F.5	148, §91	537.2510(8)	138, §19
514F.7	124, §1, 2	537.5201(3)	138, §20
514G.110(2)	105, §1	537.5203(1)(a)	138, §21
514I.2(10)	148, §92	537.6113(2)	138, §22
514J.102(24)	148, §93	537.6203(1, 4)	138, §23
514J.102(29)	148, §94	541B.1	116, §3
514K.1(1)(u1)	148, §95	541B.2	116, §4
514K.1(2)	148, §96	541B.3	116, §5
514L.1(3)	148, §97	541B.4	116, §6
514L.2(1)(a)(u1)	148, §98	541B.5	116, §7
515.24	54, §60	541B.6	116, §8
515.48(1)(a)(1, 2, 3, 4, 5, 6, 7)	54, §61	541B.7	116, §9
515.115	51, §1 – 3	542.3(27)	78, §1
515F	54, §76	542.6(1)(b)	78, §2
515F.3(2)(u1)	54, §76	542.7(1)(a, c)	78, §3
515F.30	54, §76	542.8(12)(b)(2)	78, §4
515F.31(u1)	54, §76	542.8(12)(c, d)	78, §5
515F.33	54, §76	542.20(5)	78, §6
515F.37	54, §76	542.20(6)(c)	78, §7
515F.38	54, §76	542.20(6)(h)	78, §8
519A.4(1)(a, b)	29, §153	543B.15(3)	71, §1
519A.6(1)	29, §154	543B.16	71, §2
521B.102(u1)	7, §5	543B.25	71, §13
521B.103(1)	7, §6	543B.29(4)	71, §3
521B.105	7, §7, 8	543B.31	71, §4
521F.2(7)	148, §99	543B.32	71, §5
522B.11(7)(b)	54, §62	543B.33	71, §6
523A.602(1)(b)(u1)	54, §76	543B.34(1)(u1)	71, §7
523A.602(1)(c)	54, §76	543B.34(1)(i)(1)(b)	71, §8
523A.811(01)	14, §1	543B.34(1)(i)(2)(b)	71, §9
523I.212(01)	14, §2	543B.46	71, §10
523I.316(2)	54, §63	543B.53	71, §11
524	54, §76	543B.57	71, §12
524.213	138, §1	543E.20(2)(g)(6)	29, §156
524.528(1)	29, §167	544A.1	131, §7
524.529	29, §164	544A.3	131, §7
524.612(1, 2, 5)	138, §2	544A.5	131, §7
524.612(3)	138, §3	544A.8(1)	131, §7
524.613(2)	138, §4	544A.8(3, 4)	131, §7
524.706(1)	138, §5	544A.9	131, §7
524.706(2)	138, §6	544A.10	131, §7
524.710(2)	138, §7	544A.11(1)	131, §7
524.1601(1)(b)	138, §8	544A.13(2, 3)	131, §7
524.1601(2)	138, §9	544A.15(1)	131, §7
524.1806	138, §10	544A.15(3)(a)(u1)	131, §7
533.113	12, §1	544A.15(3)(a)(2, 5)	131, §7
533.113A	12, §2	544A.15(3)(a)(3, 4, 6)	131, §7
533.205(7)	138, §11	544A.15(3)(a)(7)	131, §7
535.3(1)	23, §23	544A.15(3)(d)	131, §7
535.13	29, §155	544A.16(1)	131, §7
535.17(5)(f)	54, §76	544A.16(6A)	131, §3
537.2301(2A)	138, §12	544A.16(10)	131, §7

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
544A.16(12)	131, §4	602.1303(3)	133, §5
544A.17(2)	131, §5	602.1401(3)(b)	2, §24, 26, 27
544A.18	131, §7	602.1614(3)(0m)	37, §1, 9
544A.25(1)	131, §7	602.3101(3)	133, §6
544A.25(2)(b, d)	131, §7	602.3206	133, §7
544A.25(2)(d)	131, §7	602.8102(15)	110, §63, 64
544A.25(3)	131, §7	602.8102(61)	151, §24, 29
544A.28(3)	131, §7	602.8102(91)	133, §8
544A.30	131, §6	602.8102(92)	133, §9
544B.12	131, §7	602.9111(1)	29, §159
544B.20(2, 3)	131, §7	607A.3(2A, 3A)	133, §10
551A.3(3)(c)(15)(b)	54, §76	607A.3(3, 5, 6, 10, 11, 13)	133, §11
551A.8(1)	54, §76	607A.3(9)	133, §12
554.7304(5)	54, §64	607A.9	133, §25
554.7503(3)	54, §65	607A.10	133, §25
554.8102(1)(q)	54, §66	607A.11	133, §25
554.8104(3)	54, §67	607A.12	133, §25
554.9805(5)	54, §68	607A.13	133, §25
554.9806(3)(a)	54, §69	607A.14	133, §25
554.13501(5)	54, §70	607A.15	133, §25
558.71(3)	54, §76	607A.16	133, §25
558A.1(01)	71, §14	607A.17	133, §25
558A.1(4)(e)	71, §15	607A.18	133, §25
558A.2(2)	71, §16	607A.19	133, §25
562B	54, §76	607A.20	133, §13
572.13A(1)(u1)	33, §4	607A.21	133, §14
587.12(1)	29, §157	607A.22	133, §15
598.10(1)(a)	43, §1	607A.24	133, §25
598.12	43, §2	607A.25	133, §16
598.12A	43, §3	607A.26	133, §17
598.12B	43, §4	607A.27	133, §25
598.16(2)	43, §5	607A.28	133, §25
600.2(1)	113, §3	607A.30	133, §18
600.5(13)	29, §158	607A.31	133, §25
600.8(1)(c)(1)	113, §4	607A.32	133, §25
600.8(2)(a)(1)	113, §5	607A.33	133, §19
600.8(3, 4, 8, 10)	113, §6	607A.34	133, §25
600.9	113, §7	607A.35	133, §20
600.9A	113, §8	607A.37	133, §21
600.13(5)	113, §9	607A.39	133, §22
600.16(1)(u1)	113, §10	607A.41	133, §23
600.16A(2)(a)	113, §11	607A.42	133, §25
600.16A(3)(a)(u1)	113, §12	607A.43	133, §24
600.16A(3)(c)	113, §13	607A.44	133, §25
600.20	113, §14	614.1(11)	64, §1, 2
600A.2(01, 3A)	113, §15	622.28(1, 2)	29, §160
600A.2(2)	113, §16	633.42	143, §1
600A.2(10)	113, §17	633.90	79, §1
600A.4(1)	113, §18	633.230(1)	29, §161
600A.4(2)(a, d)	113, §19	633.535(3)	123, §1
600A.4(2)(f)(1, 4)	113, §20	633.535(4)	123, §2
600A.4(3)	113, §21	633A.4402(33)	79, §2
600A.5	87, §1	633B.201(1)(i)	79, §3
600A.6C	113, §22	635.2(2)	142, §1, 3
600A.10	113, §23	635.2(2A)	142, §2, 3
600B.37	98, §1	638.1	79, §4
600B.37A	98, §2	638.2	79, §5
600B.40	98, §3	638.3	79, §6
602.1209(17A)	133, §4	638.4	79, §7

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
638.5	79, §8	704.3	69, §41
638.6	79, §9	704.7	69, §42
638.7	79, §10	704.13	69, §43
638.8	79, §11	707.6	69, §44
638.9	79, §12	707.6A(2)(a)	76, §1
638.10	79, §13	707.11(5)	122, §12
638.11	79, §14	708.2A(7)(b)	83, §1
638.12	79, §15	708.7	117, §2
638.13	79, §16	708.8	69, §4
638.14	79, §17	708.11(1)(b)	83, §2
638.15	79, §18	708.11(2)	83, §3
638.16	79, §19	708.11A	83, §4
638.17	79, §20	709.15(1)(f)	127, §1
638.18	79, §21	709.15(3)(c)	127, §2
648.5(4A)	95, §1	709.21(1)(a)	117, §3
649.5	147, §1	714.1(9)	89, §1
654.17	54, §76	714.6A	89, §2
657.11A	17, §1, 2	714.8(21)	113, §24
664A.1(2)	121, §26	714.11(1)(b)	113, §25
664A.2(2)	121, §27	714F4(1)	54, §76
664A.3(1)(u1)	121, §28	716.7(2)(a)(2)	140, §1
664A.3(2)	121, §29	716.8(1, 5)	140, §2
664A.4(2)	121, §30	716.8(7)	140, §3
664A.5	121, §31	719.1(1)(a)	42, §1
664A.7(1, 3, 5)	121, §32	724.1(1)(b)	69, §1
665.3(u1)	29, §162	724.1C	69, §2
669.2(4)(c)	131, §7	724.2A	69, §5; 170, §46
670.9	29, §163	724.4(4)(b)	69, §6
673.1(5A, 5B, 6A, 6B)	80, §1	724.4B(2)(c)	69, §7
673.4	80, §2	724.4C	69, §8
673.5	80, §3	724.4C(1)(u1)	170, §47
686A.1	11, §1	724.5	69, §9
686A.2	11, §2	724.6(1)	69, §10
686A.3	11, §3	724.9	69, §12
686A.4	11, §4	724.11(1, 3)	69, §13
686A.5	11, §5	724.11(5)	69, §14
686A.6	11, §6	724.11A	69, §17
686A.7	11, §7	724.14	69, §15
686A.8	11, §8	724.15(1)(u1)	69, §18
686A.9	11, §9	724.15(2)(u1)	69, §19
686B.1	11, §10	724.15(3)	69, §20
686B.2	11, §11	724.16	69, §21
686B.3	11, §12	724.17	69, §22
686B.4	11, §13	724.17(1)	170, §48
686B.5	11, §14	724.18	69, §23
686B.6	11, §15	724.19	69, §24
686B.7	11, §16	724.20	69, §25
686B.8	11, §17	724.21A(1, 7)	69, §26
686B.9	11, §18	724.21A(8)	69, §16, 27; 170, §52
686C.1	11, §19	724.22(5)	69, §28, 50
686C.2	11, §20	724.22(8, 9)	69, §29, 50
686C.3	11, §21	724.22(9)	170, §49
686C.4	11, §22	724.23	69, §31, 50, 51
686C.5	11, §23	724.28	69, §32
686C.6	11, §24	724.29A	69, §45
704.1	69, §37	724.21A(8)	170, §52
704.2(1A)	69, §38	726.6(1)(i)	69, §30; 170, §50
704.2A	69, §39	727.2	115, §10, 12
704.2B	69, §40	730.5(1)(b, k)	111, §1

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
730.5(7)(a, b)	111, §2	901D.3	76, §5
730.5(7)(0e)	111, §3	901D.4	76, §6
730.5(7)(f)(2, 3)	111, §4	901D.5	76, §7
730.5(8)(g)	111, §5	901D.6	76, §8
730.5(11)(f)	162, §22, 25	901D.7	76, §9
804.21(5)(b)(1)	69, §49	901D.8	76, §10
805.6(4)(a, b, c)	167, §23	901D.9	76, §11
805.8A(14)(l)	75, §6	901D.10	76, §12
805.8B(3)(h)(6)	68, §2	902.4	122, §16
805.8C(11)	140, §4	902.12(1)(b)	122, §17
808.1(2)	37, §2, 9	902.13	83, §5
808.1(3, 4)	37, §3, 9	903A.2(1)(u1)	122, §18
808.3	37, §4, 9	903A.2(1)(a)(1)(u1)	83, §6; 122, §19
808.4	37, §5, 9	903A.2(1)(b)	83, §7; 122, §20
808.4A(2)	37, §6, 9	903A.2(1)(c)	122, §21
808.8(2)	37, §7, 9	903A.7	122, §22
808.11	37, §8, 9	904	54, §76
809A.1(01, 001, 1A)	114, §1, 15	904.107	144, §12, 14
809A.5(2)(b)	114, §2, 15	904.203	167, §26
809A.8(1)(a)(2)	114, §3, 15	904.204	167, §26
809A.8(1)(d)(u1)	114, §4, 15	904.205	167, §26
809A.12(6, 7, 14)	114, §5, 15	904.206	167, §26
809A.12(7A)	114, §6, 15	904.704	54, §76
809A.12(10)(a)	114, §7, 15	904.706	54, §76
809A.12A	114, §8, 15	904.801(u1)	54, §76
809A.12B	114, §9, 15	904.802(u1)	54, §76
809A.13(7, 8)	114, §10, 15	904.806	54, §76
809A.14(7)(d)	114, §11, 15	904.812	54, §76
809A.15(1)(u1)	114, §12, 15	904.907	54, §76
809A.16(2)	114, §13, 15	904A.4(8)	83, §8
809A.18A	114, §14, 15	905.8	54, §76
815.9(4)(a)	88, §4	905.16	83, §9
815.10(1)(c)	88, §5	907.3(1)(a)(013)	83, §10
815.15	88, §6, 7	907.3(2)(a)(8)	83, §11
820.23	54, §71	907.3(3)(0a)	83, §12
901.11(1)	122, §13	915.22(5)	121, §33
901.12(1)	122, §14	915.50(u1)	121, §34
901.12(1A)	122, §15	915.50(1, 2)	121, §35
901B.1(4)(a)	148, §23	915.52	121, §36
901D.1	76, §3	915.94	121, §37
901D.2	76, §4		

**SESSION LAWS AMENDED, REPEALED, OR REFERRED TO
IN ACTS OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY,
2017 REGULAR SESSION**

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)”.

**ACTS OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY,
2017 REGULAR SESSION AMENDED, REPEALED, OR REFERRED TO**

File	Acts Chapter
Senate File 431 (ch 112)	170, §22
Senate File 438, §6 (ch 65)	170, §32, 43
Senate File 499, §1 (ch 135)	170, §31
Senate File 505, §1 (ch 116)	170, §37, 45
Senate File 509, §22 (ch 167)	170, §33
Senate File 510, §22(1) (ch 168)	170, §42
House File 215, §1 (ch 18)	170, §35, 44
House File 233 (ch 124)	174, §12
House File 291, §51 (ch 2)	170, §30, 43
House File 463, §3 (ch 149)	149, §4
House File 488, §57 (ch 54)	170, §38
House File 516 (ch 110)	170, §26
House File 517, §5 (ch 69)	170, §46
House File 517, §8 (ch 69)	170, §47
House File 517, §16 (ch 69)	170, §52
House File 517, §22 (ch 69)	170, §48
House File 517, §29 (ch 69)	170, §49
House File 517, §30 (ch 69)	170, §50
House File 517, §50(1) (ch 69)	170, §51, 53, 54
House File 531, §2(1) (ch 24)	174, §83 – 85
House File 572, §1 (ch 74)	170, §34, 43
House File 640, §21(1) (ch 171)	170, §26
House File 642, §5(3)(a) (ch 172)	170, §17
House File 642, §15 (ch 172)	170, §36
House File 642, §44(1)(f)(u2) (ch 172)	170, §39
House File 642, §52(4)(c)(4) (ch 172)	170, §40
House File 642, §55(1)(f)(u2) (ch 172)	170, §41

**ACTS OF PREVIOUS GENERAL ASSEMBLIES
AMENDED, REPEALED, OR REFERRED TO**

Prior Year and Chapter	2017 Acts Chapter
2016 Acts, ch 1007, §3(1)	157, §11 – 13
2016 Acts, ch 1042	170, §28
2016 Acts, ch 1077, §1	167, §16, 41
2016 Acts, ch 1118, §22	74, §7, 10
2016 Acts, ch 1118, §23(1, 2)	74, §8, 10
2016 Acts, ch 1118, §24	74, §9, 10
2016 Acts, ch 1133, §1(1)	173, §12, 15

Prior Year and Chapter	2017 Acts Chapter
2016 Acts, ch 1133, §1(10)	173, §13
2016 Acts, ch 1133, §6(1)(u1)	173, §14, 15
2016 Acts, ch 1133, §10	173, §9
2016 Acts, ch 1133, §11	173, §10
2016 Acts, ch 1134, §2	170, §70, 71
2016 Acts, ch 1134, §35	168, §22; 170, §42
2016 Acts, ch 1137, §18	167, §24
2016 Acts, ch 1138, §2	163, §21, 22
2016 Acts, ch 1138, §19	173, §13
2016 Acts, ch 1139, §3	174, §3, 42
2016 Acts, ch 1139, §6	163, §6, 22
2016 Acts, ch 1139, §8	163, §7, 22
2016 Acts, ch 1139, §10	163, §8 – 10, 22
2016 Acts, ch 1139, §12	163, §11, 22
2016 Acts, ch 1139, §13	163, §12, 22
2016 Acts, ch 1139, §14	163, §13, 22
2016 Acts, ch 1139, §17	174, §100, 102, 103
2016 Acts, ch 1139, §20	163, §14, 22, 17
2016 Acts, ch 1139, §22	163, §15, 22
2016 Acts, ch 1139, §23	163, §16, 22
2016 Acts, ch 1139, §81	174, §112, 115, 116
2016 Acts, ch 1139, §82	174, §113, 115, 116
2016 Acts, ch 1139, §84(1)	174, §114 – 116
2015 Acts, ch 73, §2	148, §28
2015 Acts, ch 109, §1	151, §25, 29
2015 Acts, ch 132, §25	170, §70, 71
2015 Acts, ch 137, §113	60, §2, 4, 5
2015 Acts, ch 137, §126(1, 4, 6, 12)	163, §6, 22
2015 Acts, ch 137, §128(u1, u2)	163, §7, 22
2015 Acts, ch 137, §132(u2)	163, §8, 22
2015 Acts, ch 137, §132(12)(a)(u1)	163, §9, 22
2015 Acts, ch 137, §132(21)	163, §10, 22
2015 Acts, ch 137, §134(1)	163, §11, 22
2015 Acts, ch 137, §135(1)	163, §12, 22
2015 Acts, ch 137, §136(u2)	163, §13, 22
2015 Acts, ch 137, §139(1)(c)	174, §100, 102, 103
2015 Acts, ch 137, §143	163, §14, 22, 17
2015 Acts, ch 137, §145(1)	163, §15, 22
2015 Acts, ch 137, §146(1)(u2)	163, §16, 22
2015 Acts, ch 138, §5A(1)	163, §21, 22
2015 Acts, ch 138, §141	167, §1, 27
2015 Acts, ch 139, §1(10)(b)	173, §11
2014 Acts, ch 1080, §118	29, §165
2014 Acts, ch 1080, §119	29, §166
2014 Acts, ch 1136, §1(7)(b)	173, §9
2014 Acts, ch 1136, §1(7)(c)	173, §10
2014 Acts, ch 1138, §21	167, §24
2014 Acts, ch 1140, §22(12)	174, §3, 42
2014 Acts, ch 1140, §102	174, §3, 42
2013 Acts, ch 123, §62	151, §25, 29
2013 Acts, ch 140, §40	166, §5, 8, 12
2013 Acts, ch 140, §40(3)	166, §2
2012 Acts, ch 1052	54, §68, 69
2012 Acts, ch 1133, §2(2)(0b)	174, §3, 42

Prior Year and Chapter	2017 Acts Chapter
2012 Acts, ch 1133, §33	174, §31, 70
2010 Acts, ch 1031, §408	174, §31, 70
2009 Acts, ch 175, §9	93, §4
2007 Acts, ch 218, §18(21)	174, §18, 57
2007 Acts, ch 218, §108	174, §3, 42
2007 Acts, ch 218, §109	174, §3, 42
2005 Acts, ch 150, §134	151, §25, 29
2004 Acts, First Extraordinary Session, ch 1002, §2	163, §3
2001 Acts, ch 191, §3(5)(c)(3)	174, §9, 48
1997 Acts, ch 208, §14(1, 2)	174, §6, 45
1996 Acts, ch 1212, §5(1)(a)(4)	148, §104
1993 Acts, ch 158	18, §4; 148, §29, 32, 33, 67 – 70, 75, 79, 91, 99
1993 Acts, ch 158, §3	148, §102
1993 Acts, ch 158, §4	148, §100
1992 Acts, Second Extraordinary Session, ch 1001, §409(6)	174, §12, 51
1989 Acts, ch 311, §16	55, §3
1983 Acts, ch 186	2, §24

**IOWA CODES REFERRED TO IN
ACTS OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY,
2017 REGULAR SESSION**

Code Chapter or Section	Acts Chapter
2017 Code, §84A.1A	74, §5
2017 Code, §237A.4A	174, §79
2017 Code, ch 20	2, §25
2016 Code, §15F.102	29, §12
2016 Code, §249L.2	174, §112
2016 Code, §422.7	157, §11
2016 Code, §422.35	157, §11
2013 Code, §249J.24	174, §104
2013 Code, §249J.24A	174, §104
2013 Code, §331.440	165, §13
2005 Code, §261.9	172, §15
1989 Code, ch 504	29, §146 – 149, 151, 152
1975 Code, §467A.5	159, §7

**IOWA ADMINISTRATIVE CODE REFERRED TO IN
ACTS OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY,
2017 REGULAR SESSION**

Rule	Acts Chapter
571 IAC 71.1 – 71.3	55, §2
441 IAC 24.4	174, §93
441 IAC 73.1	124, §1
441 IAC 79.1	174, §93
441 IAC 79.3(2)	174, §93
441 IAC 81.6	174, §31, 70
441 IAC 100.1	174, §8, 47
441 IAC 100.8	174, §9, 48
641 IAC 177.3	148, §104
645 IAC 326.1	60, §1
645 IAC 326.2(1)(f)	60, §1
645 IAC 326.4(6)	60, §1
645 IAC 326.8	60, §1
645 IAC 326.19(3)(b)(3)	60, §1
645 IAC 327.1(1)(s)(1)-(4)	60, §1
645 IAC 327.1(1)(u)	60, §1
645 IAC 327.1(1)(z)	60, §1
645 IAC 327.4(1)(b)(2)-(4)	60, §1
645 IAC 327.4(2)	60, §1
645 IAC 327.6(1)(d)	60, §1
653 IAC ch 21	60, §3
653 IAC 21.4	60, §3
653 IAC 21.5	60, §3
653 IAC 21.6	60, §3
653 IAC 21.7	60, §3
653 IAC 21.8	60, §3

**ACTS OF CONGRESS, UNITED STATES CODE,
AND CODE OF FEDERAL REGULATIONS REFERRED TO**

	Acts Chapter
Americans With Disabilities Act	112, §3; 164, §2, 4
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	74, §9
Assistance for Unemployed Workers and Struggling Families Act, §2003, enacted pursuant to Pub. L. No. 111-5	169, §15, 16
Bipartisan Budget Act of 2015, Pub. L. No. 114-74, §701	56, §1
Carl D. Perkins Career and Technical Education Improvement Act of 2006	29, §77
Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. §2301 et seq., as amended	29, §72, 76
Children’s Health Insurance Program Reauthorization Act	174, §3, 42
7 C.F.R. pt. 1410	101, §3
12 C.F.R. pt. 215	138, §10
12 C.F.R. §215.4	138, §9
12 C.F.R. §215.4(e)	138, §8
12 C.F.R. §215.5	138, §9

	Acts Chapter
12 C.F.R. 1026.38, as amended	116, §4
12 C.F.R. §1026.52(b)	138, §13
17 C.F.R. §270.2a-7	7, §3
28 C.F.R. §25.10	69, §26
29 C.F.R. pt. 1910	11, §2, 9
42 C.F.R. §37.51(b)	11, §11, 18
42 C.F.R. §438.6(e)	174, §23, 62
42 C.F.R. §447.272	174, §113, 116
47 C.F.R. §1.1401 et seq.	112, §3, 4
47 C.F.R. §1.1409(e)(2)	112, §3
49 C.F.R. §173.50	115, §5
49 C.F.R. §383.25(c)	149, §1
49 C.F.R. §383.73(a)(2)(iii)	149, §1
Dairy Production Stabilization Act of 1983, 7 U.S.C. §4501 et seq.	29, §49
Disaster Relief Appropriations Act of 2013, Pub. L. No. 113-2	165, §10
Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §7001 et seq.	79, §21
Electronic Signatures in Global and National Commerce Act, §101(c), 15 U.S.C. §7001(c)	79, §21
Electronic Signatures in Global and National Commerce Act, §103(b), 15 U.S.C. §7003(b)	79, §21
Emergency Planning and Community Right-to-know Act	28, §5, 8
Emergency Planning and Community Right-to-know Act, §303, 42 U.S.C. §11003	28, §5
Emergency Planning and Community Right-to-know Act, §304, 42 U.S.C. §11004	28, §7
Emergency Planning and Community Right-to-know Act, §311, 42 U.S.C. §11021	28, §6
Emergency Planning and Community Right-to-know Act, §311 and 312, 42 U.S.C. §11021 and 11022	28, §6
Emergency Planning and Community Right-to-know Act, §312, 42 U.S.C. §11022	28, §5, 6
Emergency Planning and Community Right-to-know Act, §312 and 324, 42 U.S.C. §11022 and 11044	28, §6
Emergency Planning and Community Right-to-know Act, §313, 42 U.S.C. §11023	28, §7
Emergency Planning and Community Right-to-know Act, §324, 42 U.S.C. §11044	28, §5, 7
Employee Retirement Income Security Act of 1974	148, §98
Every Student Succeeds Act, Pub. L. No. 114-95	128, §3
Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §360b	29, §51
Federal Food, Drug, and Cosmetic Act, §406, codified at 21 U.S.C. §346	29, §51
Federal Food, Drug, and Cosmetic Act, §408, codified at 21 U.S.C. §346a	29, §51
Federal Food, Drug, and Cosmetic Act, §408(a), codified at 21 U.S.C. §346a	29, §51
Federal Food, Drug, and Cosmetic Act, §409, codified at 21 U.S.C. §348	29, §51
Federal Food, Drug, and Cosmetic Act, §706, codified at 21 U.S.C. §379e	29, §51
Fixing America's Surface Transportation Act, Pub. L. No. 114-94, §1414	76, §16
Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. No. 110-351, 42 U.S.C. §673(a)(8)	174, §19, 58, 100
Health Care and Education Reconciliation Act of 2010, §1202, Pub. L. No. 111-152, 42 U.S.C. §1396a(a)(13)(C)	174, §12
Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191	79, §5; 162, §14
Improper Payments Information Act of 2002, Pub. L. No. 107-300	174, §12, 51
Indian Child Welfare Act	29, §53
Indian Child Welfare Act, Pub. L. No. 95-608	29, §53
Individuals with Disabilities Education Improvement Act of 2004, Pub. L. No. 108-446, as amended to January 1, 2017	172, §5
Individuals with Disabilities Education Improvement Act of 2004, Pub. L. No. 108-446, as amended to January 1, 2018	172, §50
Internal Revenue Code	157, §1, 3, 5, 6, 8, 10
Internal Revenue Code of 1954	157, §1, 3, 5, 6, 8, 10
Internal Revenue Code of 1986	157, §1, 3, 5, 6, 8, 10

	Acts Chapter
Internal Revenue Code of 1986 as amended and in effect on January 1, 2015	157, §3, 8
Internal Revenue Code of 1986 as amended and in effect on January 1, 2016	157, §1, 5, 6, 10
Internal Revenue Code, §42	151, §8
Internal Revenue Code, §42, as amended	151, §8
Internal Revenue Code, §168(k), as enacted by Pub. L. No. 114-113, §143	157, §11
Internal Revenue Code, §403(b)	118, §1
Internal Revenue Code, §501(c)	172, §15, 18
Internal Revenue Code, §501(c)(3)	39, §1; 115, §3; 172, §15, 18
Investment Company Act of 1940, 15 U.S.C. §80a-1 et seq.	7, §3
Mammography Quality Standards Act of 1992, Pub. L. No. 102-539, as amended	61, §1
Medicare Prescription Drug Improvement and Modernization Act of 2003, Part D, Pub. L. No. 108-173	174, §12, 51
National Housing Act	54, §38
National Labor Relations Act, 29 U.S.C. §151 et seq.	65, §8
National Labor Relations Act, 29 U.S.C. §151 et seq., as amended	11, §21
Occupational Safety and Health Act of 1970, Pub. L. No. 91-596, §17, codified at 29 U.S.C. §666, as amended	56, §1
Older Americans Act of 1965, 42 U.S.C. §3001 et seq., as amended	174, §1, 40
Omnibus Transportation Employee Testing Act of 1991	111, §4
Orphan Drug Act of 1983, Pub. L. No. 97-414	174, §81, 82
Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193	174, §6, 45
Plant Protection Act, 7 U.S.C. §7701 et seq.	29, §48
Public Health Service Act, 42 U.S.C. ch. 6A	165, §1
Pub. L. No. 91-596, §17, codified at 29 U.S.C. §666, as amended	56, §1
Pub. L. No. 95-608	29, §53
Pub. L. No. 97-414	174, §81, 82
Pub. L. No. 102-234	174, §12, 51
Pub. L. No. 102-539, as amended	61, §1
Pub. L. No. 103-66	174, §12, 51
Pub. L. No. 103-159, §103(f), (g) and 104	69, §26
Pub. L. No. 104-191	79, §5; 162, §14
Pub. L. No. 104-193	174, §6, 45
Pub. L. No. 106-310, §3305, as codified in 42 U.S.C. §300x-65	165, §1
Pub. L. No. 107-300	174, §12, 51
Pub. L. No. 108-173	174, §12, 51
Pub. L. No. 108-446, as amended to January 1, 2017	172, §5
Pub. L. No. 108-446, as amended to January 1, 2018	172, §50
Pub. L. No. 110-351, 42 U.S.C. §673(a)(8)	174, §19, 58, 100
Pub. L. No. 111-5	169, §15, 16
Pub. L. No. 111-5, Division B, Tit. II, §2003, as codified in 42 U.S.C. §1103	74, §9
Pub. L. No. 111-152, 42 U.S.C. §1396a(a)(13)(C)	174, §12
Pub. L. No. 113-2	165, §10, 21, 22
Pub. L. No. 113-128, §3(9)	74, §1
Pub. L. No. 113-128, §3(18)	74, §1; 170, §34
Pub. L. No. 113-128, §3(24)	74, §1; 170, §34
Pub. L. No. 113-128, §129(a)(1)(B)	74, §1; 170, §34
Pub. L. No. 114-74, §701	56, §1
Pub. L. No. 114-94, §1414	76, §16
Pub. L. No. 114-95	128, §3
Pub. L. No. 114-113, §143	157, §11
Social Security Act, Tit. IV-B	174, §19, 58
Social Security Act, Tit. IV-E	171, §12, 39; 174, §18, 19, 57, 58
Social Security Act, Tit. V	165, §3
Social Security Act, Tit. XVI, §1618, as codified in 42 U.S.C. §1382g	174, §14, 53
Social Security Act, Tit. XVIII	148, §63
Social Security Act, Tit. XIX	109, §18
Social Security Act, Tit. XXI	163, §12; 174, §3, 15, 42, 54

	Acts Chapter
Social Security Act, §903	169, §14, 31
Social Security Act, §903, as amended	74, §8
Social Security Act, §903(g)	74, §9
Tax Reform Act of 1986	157, §1, 3, 5, 6, 8, 10
Truth in Lending Act, §129E(a)–(i), 15 U.S.C. §1639e(a)–(i)	29, §156
7 U.S.C. §4501 et seq.	29, §49
7 U.S.C. §7701 et seq.	29, §48
10 U.S.C. ch. 1209	29, §61, 62
10 U.S.C. ch. 1211	29, §61, 62
11 U.S.C. §101 et seq.	116, §1
11 U.S.C. §524(g)	11, §2
11 U.S.C. §1121(a)	11, §2
15 U.S.C. §80a-1 et seq.	7, §3
15 U.S.C. §1639e(a)–(i)	29, §156
15 U.S.C. §7001 et seq.	79, §21
15 U.S.C. §7001(c)	79, §21
15 U.S.C. §7003(b)	79, §21
16 U.S.C. ch. 8	54, §1
18 U.S.C. §841	115, §5
18 U.S.C. §921	69, §2
18 U.S.C. §923	69, §45
18 U.S.C. §2510(12)	79, §5
18 U.S.C. §2510(14)	79, §5
18 U.S.C. §2701 et seq.	79, §10
18 U.S.C. §2702	79, §19
20 U.S.C. §2301 et seq., as amended	29, §72, 76, 77
21 U.S.C. §346	29, §51
21 U.S.C. §346a	29, §51
21 U.S.C. §348	29, §51
21 U.S.C. §360b	29, §51
21 U.S.C. §379e	29, §51
21 U.S.C. §802(6)	162, §5
23 U.S.C. ch. 23, §133	165, §11
23 U.S.C. §164	76, §16
23 U.S.C. §164(a), as amended by the federal Fixing America’s Surface Transportation Act, Pub. L. No. 114-94, §1414	76, §16
23 U.S.C. §164(b)	76, §16
29 U.S.C. §151 et seq.	65, §8
29 U.S.C. §151 et seq., as amended	11, §21
29 U.S.C. §666, as amended	56, §1
42 U.S.C. ch. 6A	165, §1
42 U.S.C. ch. 6A, subch. XVII	165, §1
42 U.S.C. ch. 6A, subch. XVII, part A	165, §4
42 U.S.C. ch. 6A, subch. XVII, part B, subpart i	165, §2
42 U.S.C. ch. 6A, subch. XVIII, part B, subpart ii	165, §1
42 U.S.C. ch. 7, subch. V	165, §3
42 U.S.C. ch. 7, subch. XX	165, §13
42 U.S.C. ch. 46, subch. V	165, §7
42 U.S.C. ch. 46, subch. XII-G	165, §6
42 U.S.C. ch. 46, subch. XII-H	165, §5
42 U.S.C. ch. 69	165, §9
42 U.S.C. ch. 94, subch. II	165, §12
42 U.S.C. ch. 105, subch. II-B	165, §16
42 U.S.C. ch. 106	165, §8
42 U.S.C. §262	5, §1
42 U.S.C. §262(k)(4)	5, §1
42 U.S.C. §300x-65	165, §1
42 U.S.C. §673(a)(8)	174, §19, 58, 100
42 U.S.C. §1103	74, §9

	Acts Chapter
42 U.S.C. §1382g	174, §14, 53
42 U.S.C. §1395x(v)(1)(N)	174, §31, 70
42 U.S.C. §1396a(a)(13)(C)	174, §12
42 U.S.C. §1396w	24, §1
42 U.S.C. §3001 et seq., as amended	174, §1, 40
42 U.S.C. §11003	28, §5
42 U.S.C. §11004	28, §7
42 U.S.C. §11021	28, §6
42 U.S.C. §11022	28, §5, 6
42 U.S.C. §11023	28, §7
42 U.S.C. §11044	28, §5, 6, 7
47 U.S.C. §222	79, §10
47 U.S.C. §224	112, §3
47 U.S.C. §230	117, §2
49 U.S.C. §5333(b)	2, §18
Upper Mississippi River National Wildlife and Fish Refuge Act	54, §2
Upper Mississippi River National Wildlife and Fish Refuge Act, 16 U.S.C. ch. 8	54, §1
Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §3(9)	74, §1
Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §3(18)	74, §1; 170, §34
Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §3(24)	74, §1; 170, §34
Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, §129(a)(1)(B)	74, §1; 170, §34

IOWA COURT RULE REFERRED TO

Rule	Acts Chapter
Civil procedure, rule 60 (3rd edition)	29, §157

ITEM VETOES

File	Acts Chapter
Senate File 510, §34; portion of §35	168
Senate File 513, portion of §6; portion of §23	169
House File 643, portion of §1; §20	173
House File 653, portion of §4; portions of §12; portion of §13; portions of §27; portions of §31; portion of §43; portions of §51; portions of §66; portion of §70	174

INDEX

2017 REGULAR SESSION INDEX

4WD VEHICLES

See *OFF-ROAD UTILITY VEHICLES*

911 SERVICE

See *EMERGENCY COMMUNICATIONS*

ABDUCTION

ch 173, §4

ABORTION DISEASE

See *BRUCELOSIS*

ABORTIONS

ch 108; ch 174, §12, 51, 90 – 92

ABSENTEE VOTING

ch 110; ch 120, §5 – 8; ch 155, §31, 44

ACADEMIC INSTITUTIONS

See *COLLEGES AND UNIVERSITIES;*
SCHOOLS

ACCELERATED CAREER EDUCATION PROGRAM

ch 172, §44, 55

ACCIDENTS

ch 146

ACCOUNTANCY

ch 78

ACE (ACCELERATED CAREER EDUCATION) PROGRAM

See *ACCELERATED CAREER EDUCATION PROGRAM*

ACQUIRED IMMUNE DEFICIENCY SYNDROME

See *HIV/AIDS*

ADAIR (CITY)

ch 164, §2

ADDICTIONS

ch 34, §1 – 11; ch 174, §3, 12, 42, 51

ADJUTANT GENERAL

See *PUBLIC DEFENSE DEPARTMENT*

ADMINISTRATION OF ESTATES

ch 79; ch 142; ch 143

ADMINISTRATIVE HEARINGS

DIVISION

See *INSPECTIONS AND APPEALS DEPARTMENT*

ADMINISTRATIVE PROCEDURE

ch 126; ch 171, §12, 39, 57 – 59, 62

ADMINISTRATIVE RULES

ch 126

ADMINISTRATIVE SERVICES

DEPARTMENT

ch 39; ch 163, §1, 22; ch 165, §20; ch 171, §1 – 3, 27 – 30, 54; ch 172, §9, 54; ch 173, §1, 3, 5 – 8, 12, 14, 15, 19

ADMINISTRATORS OF ESTATES

ch 79

ADOLESCENTS

See *CHILDREN; MINORS*

ADOPTIONS

ch 113; ch 174, §19, 58, 100, 102, 103

ADULT ABUSE

ch 25; ch 44; ch 174, §1, 40

ADULT DAY SERVICES

ch 174, §1, 40

ADVANCED PLACEMENT

ch 172, §7, 52

ADVANCED REGISTERED NURSE PRACTITIONERS

See *NURSING*

AEA (AREA EDUCATION AGENCIES)

See *AREA EDUCATION AGENCIES*

AERONAUTICS

See *AIRPORTS*

AGENT ORANGE

ch 59

AGING PERSONS

See *OLDER PERSONS*

AGING, DEPARTMENT ON

ch 163, §1, 22; ch 165, §20; ch 174, §1, 40

AGRICULTURAL DRAINAGE WELLS

ch 173, §1, 3

**AGRICULTURAL EXPERIMENT
STATION**

ch 172, §7, 52

AGRICULTURAL EXTENSION

See *COOPERATIVE EXTENSION
SERVICE IN AGRICULTURE AND
HOME ECONOMICS*

AGRICULTURAL LAND

ch 159, §15

AGRICULTURE

ch 10; ch 17; ch 81; ch 159; ch 167, §2; ch
168, §6, 17, 19, 41, 52, 54

**AGRICULTURE AND LAND
STEWARDSHIP DEPARTMENT**

ch 159; ch 163, §1, 22; ch 165, §20; ch 168,
§1 – 8, 17, 19, 20, 36 – 43, 52, 54, 55; ch
170, §70, 71; ch 173, §1, 3

**AIDS (ACQUIRED IMMUNE
DEFICIENCY SYNDROME)**

See *HIV/AIDS*

AIR CONDITIONING

See *HVAC SYSTEMS (HEATING,
VENTILATION, AIR CONDITIONING)*

AIR FORCES

See *MILITARY; MILITARY SERVICE
MEMBERS*

AIR NATIONAL GUARD

See *NATIONAL GUARD*

AIR POLLUTION

ch 168, §18, 19, 53, 54

AIR QUALITY

ch 168, §18, 19, 53, 54

AIRPORTS

ch 173, §1, 3

**ALASKAN NATIVE AMERICAN
PERSONS**

See *NATIVE AMERICANS*

ALCOHOL

ch 34, §1 – 11; ch 76, §2 – 16; ch 148, §1,
20, 23, 24

ALCOHOL ABUSE

See *SUBSTANCE ABUSE*

ALCOHOL FUELS

See *ALCOHOL; ALTERNATIVE FUELS;
ETHANOL*

ALCOHOL TESTING

ch 76, §2 – 16

ALCOHOLIC BEVERAGES

ch 6; ch 34, §1 – 11; ch 76, §2 – 16; ch 119;
ch 168, §1, 36; ch 170, §27; ch 171, §7,
34; ch 174, §3, 42

ALCOHOLIC BEVERAGES DIVISION

ch 170, §27; ch 171, §7, 27, 34, 54; ch 174,
§3, 42

ALCOHOLISM

See *SUBSTANCE ABUSE*

ALGEBRA

See *MATHEMATICS*

ALIENATION OF REAL PROPERTY

See *CONVEYANCES (REAL ESTATE)*

**ALL IOWA OPPORTUNITY FOSTER
CARE GRANT PROGRAM**

ch 172, §2, 14, 43, 46

**ALL IOWA OPPORTUNITY
SCHOLARSHIP PROGRAM**

ch 172, §2, 20 – 24, 46

ALL-TERRAIN VEHICLES

ch 32; ch 69, §47

**ALS (AMYOTROPHIC LATERAL
SCLEROSIS)**

See *AMYOTROPHIC LATERAL
SCLEROSIS*

ALTERNATIVE FUELS

ch 149, §2

ALZHEIMER'S DISEASE

ch 174, §96, 97

AMARANTHUS PALMERI

See *PALMER AMARANTH*

AMERICAN INDIANS

See *NATIVE AMERICANS*

AMMUNITION

See *FIREARMS*

AMYOTROPHIC LATERAL SCLEROSIS

ch 162

ANAMOSA STATE PENITENTIARY
ch 167, §4, 29

ANATOMICAL GIFTS
ch 174, §3, 42

ANESTHESIOLOGY
ch 174, §31, 70

ANGLING
See FISHING

ANIMAL DISEASES
ch 80; ch 159, §18 – 26, 56; ch 168, §27 – 29; ch 172, §7, 52

ANIMAL FEED
See COMMERCIAL FEED

ANIMAL FEEDING OPERATIONS
ch 17; ch 168, §18, 19, 53, 54

ANIMALS
ch 17; ch 80; ch 159, §18, 21 – 30, 33 – 37, 56; ch 168, §27 – 29

AP (ADVANCED PLACEMENT)
See ADVANCED PLACEMENT

APARTMENTS
See HOUSING

APPELLATE DEFENDERS
See PUBLIC DEFENDERS

APPRAISALS OF REAL ESTATE
ch 171, §19, 46

APPRENTICESHIPS
ch 3

APPROPRIATIONS
ch 163 – ch 174

AQUIFERS
See WATER

ARBITRATION
ch 2

ARCHITECTURAL EXAMINING BOARD
See ARCHITECTURE

ARCHITECTURE
ch 131; ch 170, §29

ARCHIVES (PUBLIC RECORDS)
See PUBLIC RECORDS

AREA AGENCIES ON AGING
ch 174, §1, 40

AREA EDUCATION AGENCIES
ch 155, §5 – 7, 9, 10, 45; ch 170, §11; ch 174, §12, 51

AREA SCHOOLS
See COMMUNITY COLLEGES

ARITHMETIC
See MATHEMATICS

ARMED FORCES
See MILITARY; MILITARY SERVICE MEMBERS

ARMORIES
ch 173, §1, 3

ARMS (WEAPONS)
See FIREARMS

ARMY NATIONAL GUARD
See NATIONAL GUARD

ARNP (ADVANCED REGISTERED NURSE PRACTITIONERS)
See NURSING

ARTERIAL DISEASE
See CARDIOVASCULAR DISEASES

ARTS
ch 169, §1, 18; ch 170, §29

ARTS DIVISION
ch 169, §1, 18

ASBESTOS
ch 11

ASIAN AND PACIFIC ISLANDER AFFAIRS, OFFICE OF
See HUMAN RIGHTS DEPARTMENT

ASPERGER'S SYNDROME
See AUTISM

ASSAULT
ch 83; ch 171, §22, 49

ASSESSMENTS (PROPERTY TAXES)
See PROPERTY TAXES

ASSESSORS
See COUNTY ASSESSORS

ASSISTED LIVING
ch 58; ch 120, §5, 6, 8; ch 171, §12, 39

ASSISTING SUICIDE

ch 130, §9

AT-RISK CHILDREN

See *CHILD ASSISTANCE*

ATHLETICS

ch 153, §16 – 18; ch 160, §1, 2; ch 173, §1, 3

ATOMIC ENERGY

See *NUCLEAR ENERGY*

ATTENDANCE ALLOWANCE

See *PER DIEM PAYMENTS*

ATTORNEY GENERAL

ch 163, §1, 22; ch 165, §5, 20; ch 167, §1, 3, 24, 25, 27, 28

ATTORNEYS

ch 43; ch 88; ch 163, §2, 22; ch 167, §12, 37

ATTORNEYS IN FACT

See *POWER OF ATTORNEY*

ATTRACTIONS

See *TOURISM*

ATV (ALL-TERRAIN VEHICLES)

See *ALL-TERRAIN VEHICLES*

AUDIO

ch 135; ch 170, §31

AUDIO COMMUNICATIONS

ch 172, §1, 45

AUDIOLOGY

ch 174, §3, 42

AUDITOR OF STATE

ch 165, §20; ch 166, §1, 9; ch 171, §4, 27, 31, 54

AUDITS

ch 169, §7, 24; ch 171, §4, 31

AUTISM

ch 18; ch 163, §17, 22; ch 170, §35, 44; ch 174, §3, 13, 42, 52

AUTOMOBILE INSURANCE

ch 31

AUTOMOBILES

See *MOTOR VEHICLES*

AVIATION

See *AIRPORTS*

BABIES

See *CHILDREN; NEWBORN CHILDREN*

BAC (BLOOD ALCOHOL CONCENTRATION)

See *ALCOHOL TESTING*

BAIL

ch 69, §49

BAILIFFS

See *COURT ATTENDANTS*

BAKERIES

ch 171, §13, 40

BAL (BLOOD ALCOHOL LEVEL)

See *ALCOHOL TESTING*

BALLOTS

ch 110

BANG'S DISEASE

See *BRUCELLOSIS*

BANKING DIVISION

ch 171, §7, 8, 27, 34, 35, 54

BANKRUPTCY

ch 11

BANKS

ch 138, §1 – 10; ch 171, §7, 34

BARBERING

ch 170, §36; ch 172, §15, 43

BARGAINING

ch 2

BASS

ch 36

BATHROOMS

ch 135; ch 170, §31

BEAUTICIANS

See *COSMETOLOGY*

BEEF CATTLE

See *BOVINE ANIMALS*

BEER

See *ALCOHOLIC BEVERAGES*

BEGINNING TEACHERS

See *TEACHERS*

BEHAVIOR ANALYSIS

ch 18; ch 170, §35, 44

BEHAVIORAL HEALTH

See ADDICTIONS; MENTAL HEALTH

BENEFICIARIES

ch 123

BENEFITED DISTRICTS

ch 82

BETTING

See GAMBLING

BEVERAGE CONTAINERS

ch 119

BEVERAGES

ch 119

BIDDING

ch 4; ch 65; ch 170, §32, 43

BINGO

See GAMBLING

**BIOCATALYSIS AND BIOPROCESSING,
CENTER FOR**

See CENTER FOR BIOCATALYSIS AND
BIOPROCESSING

BIOHAZARDS

See HAZARDOUS MATERIALS

BIOLOGICAL AGENTS

ch 80; ch 148, §21, 22

BIOLOGICAL PARENTS

See PARENTS

BIOLOGICAL PRODUCTS

ch 5; ch 174, §81, 82

BIOLOGY

See SCIENCE

BIRDS

ch 159, §27, 32 – 34, 56; ch 168, §27 – 29

BIRTH CERTIFICATES

ch 148, §105, 106

BIRTH CONTROL

See CONTRACEPTION

BIRTH DEFECTS

See CONGENITAL DISORDERS

BIRTHS

ch 148, §105, 106

BLACKJACK

See GAMBLING

BLIND SCHOOL

See BRAILLE AND SIGHT SAVING
SCHOOL

BLIND, DEPARTMENT FOR THE

ch 165, §20; ch 172, §1, 45; ch 173, §1, 3

BLINDNESS

ch 172, §1, 7, 9, 45, 52, 54; ch 174, §3, 42

BLOCK GRANTS

ch 165

BLOOD ALCOHOL TESTING

See ALCOHOL TESTING

BOARDING SCHOOLS

See PRIVATE EDUCATION

BOARS

See PORCINE ANIMALS

BOATS AND VESSELS

ch 22; ch 132; ch 167, §17, 42; ch 171, §14,
41

BODILY INJURIES

See INJURIES

BOGS

See WETLANDS

BONDS

ch 33, §1; ch 82; ch 172, §8, 53

BOOKMAKING

See GAMBLING

BOOKS

See LIBRARIES; TEXTBOOKS

BORROWING

See LOANS

BOTTLES

See BEVERAGE CONTAINERS

BOUNCERS

See PRIVATE SECURITY

BOVINE ANIMALS

ch 159, §20 – 22, 28, 29, 56; ch 168, §27 –
29; ch 170, §70, 71

BOXES

See CONTAINERS

BOYS

See CHILDREN

BRAILLE AND SIGHT SAVING SCHOOL

ch 170, §24; ch 172, §7, 9, 52, 54

BRAIN INJURIES

ch 165, §13, 14; ch 174, §3, 12, 42, 51

BREAST CANCER

ch 61

BREASTS

ch 61

BRIQUETTES

See CHARCOAL

BROADCASTING SYSTEMS

*See COMMUNICATIONS SERVICES;
RADIO; TELEVISION*

BRUCELLOSIS

ch 159, §21, 22

BUDGETS

ch 173, §4

BUILDING WORK

See CONSTRUCTION WORK

BULLETS

See FIREARMS

BULLS

See BOVINE ANIMALS

BURIAL VAULTS

See FUNERAL MERCHANDISE

BURNING

See FIRES AND FIRE PROTECTION

BUSHES

See PLANTS (VEGETATION)

BUSINESS AND COMMERCE

ch 78

BUSINESS ASSISTANCE

ch 169, §3, 17, 20, 32

BUSINESS CORPORATIONS

See CORPORATIONS

BUSINESS ENTITIES

ch 171, §21, 23, 48, 50

BUSINESS INCOME TAXES

See CORPORATE TAXES

BUTANOL

See ALCOHOL

BUTCHERIES

See SLAUGHTERHOUSES

BUTE

See PHENYLBUTAZONE

BUTTER

See DAIRYING

BUTTERMILK

See DAIRYING

BUTYL ALCOHOL

See ALCOHOL

CABLE SYSTEMS

ch 84, §1

CAFES

*See FOOD ESTABLISHMENTS; FOOD
SERVICE ESTABLISHMENTS*

CALCULUS

See MATHEMATICS

CALVES

See BOVINE ANIMALS

CAMERAS

ch 135; ch 170, §31

CAMP DODGE

ch 173, §1, 3

CAMPAIGN FINANCE

ch 144

**CAMPS (CORRECTIONAL
REHABILITATION)**

See CORRECTIONAL FACILITIES

CANCER

ch 61; ch 162; ch 163, §10, 22; ch 172, §7,
52; ch 174, §3, 42

CANDIDATES

ch 110

CANINE ANIMALS

ch 73

CANNABIDIOL

See MARIJUANA

CANS

See CONTAINERS

CAPITAL PROJECTS

ch 173

CAPITOL COMPLEX

ch 170, §20, 21; ch 173, §1, 3, 14, 15

CAPRINE ANIMALS

ch 159, §30; ch 168, §27 – 29

CAR CRASHES

See ACCIDENTS

CAR INSURANCE

See AUTOMOBILE INSURANCE

CAR SERVICES

See TRANSPORTATION NETWORK COMPANIES

CAR TITLES

See CERTIFICATES OF TITLE

CARD GAMES

See GAMBLING

CARDIOVASCULAR DISEASES

ch 26

CARE FACILITIES

See HEALTH CARE FACILITIES

CAREER AND TECHNICAL EDUCATION

ch 170, §39, 41; ch 172, §5, 50

CAREGIVERS

ch 25

CARS

See MOTOR VEHICLES

CARVER COLLEGE OF MEDICINE

ch 172, §7, 52

CASA (COURT APPOINTED SPECIAL ADVOCATE) PROGRAM

See COURT APPOINTED SPECIAL ADVOCATES

CASE MANAGEMENT

ch 174, §1, 40

CASH RESERVE FUND

ch 170, §13 – 15

CASINOS

See GAMBLING

CASKETS

See FUNERAL MERCHANDISE

CASUALTIES

See ACCIDENTS

CASUALTY INSURANCE

ch 51

CAT (COMMUNITY ATTRACTION AND TOURISM) PROGRAM

See COMMUNITY ATTRACTION AND TOURISM PROGRAM AND FUND

CATASTROPHES

See DISASTERS

CATTLE

See BOVINE ANIMALS

CATV (CABLE TELEVISION)

See CABLE SYSTEMS

CBD (CANNABIDIOL)

See MARIJUANA

CDL (COMMERCIAL DRIVER'S LICENSES)

See DRIVER'S LICENSES

CELLULAR PHONES

ch 112; ch 170, §22

CEMETERIES

ch 14; ch 30; ch 167, §8, 33

CEMETERY MERCHANDISE

See FUNERAL MERCHANDISE

CENTER FOR BIOCATALYSIS AND BIOPROCESSING

ch 172, §7, 52

CENTER FOR CONGENITAL AND INHERITED DISORDERS

ch 174, §3, 42

CENTER FOR INDUSTRIAL RESEARCH AND SERVICE

ch 169, §17, 32

CENTER FOR RURAL HEALTH AND PRIMARY CARE

ch 148, §13 – 15

CERTIFICATES OF BIRTH

See BIRTH CERTIFICATES

CERTIFICATES OF TITLE

ch 31; ch 164, §1, 3

CERTIFIED PUBLIC ACCOUNTANTS

See ACCOUNTANCY

CERVICAL CANCER

ch 174, §3, 42

CHAIN OF TITLE

See *TITLES (PROPERTY)*

CHARCOAL

ch 159, §48 – 50

CHARGE CARDS

See *CREDIT*

CHECKOFFS

ch 144

CHEESE

See *DAIRYING*

CHEMICALS

ch 28

**CHEROKEE STATE MENTAL HEALTH
INSTITUTE**

See *MENTAL HEALTH INSTITUTES*

CHEWING TOBACCO

See *TOBACCO*

CHIEF INFORMATION OFFICER

ch 39; ch 171, §6, 33; ch 173, §4

CHILD ABUSE

ch 86; ch 104; ch 174, §6, 18, 26, 45, 57, 65

CHILD ADVOCACY BOARD

ch 171, §12, 27, 39, 54

**CHILD AND FAMILY SERVICES
DIVISION**

See *HUMAN SERVICES DEPARTMENT*

CHILD ASSISTANCE

ch 86; ch 172, §6, 51; ch 174, §6, 8, 18, 27,
31, 45, 47, 57, 66, 70

**CHILD BEHAVIOR AND DEVELOPMENT
INSTITUTE**

See *INSTITUTE OF CHILD BEHAVIOR
AND DEVELOPMENT*

CHILD CARE

ch 24; ch 100; ch 103; ch 163, §6, 13, 22; ch
165, §16; ch 174, §6, 8, 15, 16, 18, 31,
45, 47, 54, 55, 57, 70, 79, 83 – 85

CHILD CUSTODY

ch 43; ch 98, §3

CHILD DEVELOPMENT

ch 165, §16; ch 172, §5, 6, 50, 51; ch 174,
§8, 47

CHILD ENDANGERMENT

ch 69, §29, 30, 50; ch 170, §49 – 51, 53, 54

CHILD IN NEED OF ASSISTANCE

See *CHILD ASSISTANCE*

CHILD LABOR

ch 66

CHILD MOLESTATION

See *CHILD ABUSE*

CHILD NEGLECT

See *CHILD ABUSE*

CHILD SERVICES

See *CHILD ASSISTANCE*

CHILD SUPPORT

ch 98; ch 166, §1, 9; ch 174, §9, 48

CHILD SUPPORT RECOVERY

ch 174, §9, 48

CHILD VISITATION

See *VISITATION RIGHTS*

CHILD-PLACING AGENCIES

ch 113

CHILDBIRTH

See *BIRTHS*

CHILDREN

ch 43; ch 66; ch 69, §28 – 30, 50; ch 77; ch
86; ch 87; ch 100; ch 103; ch 104; ch
113; ch 148, §24; ch 161; ch 163, §12,
22; ch 165, §1, 3, 16; ch 170, §49 – 51,
53, 54; ch 174, §3, 6, 8, 9, 13, 15, 16,
18, 19, 34, 42, 45, 47, 48, 52, 54, 55, 57,
58, 73, 88, 89, 100, 102, 103

**CHILDREN'S HEALTH INSURANCE
PROGRAM**

See *HEALTHY AND WELL KIDS IN IOWA
PROGRAM*

CHILLING EQUIPMENT

See *HVAC SYSTEMS (HEATING,
VENTILATION, AIR CONDITIONING)*

**CHIP (CHILDREN'S HEALTH
INSURANCE PROGRAM)**

See *HEALTHY AND WELL KIDS IN IOWA
PROGRAM*

CHIROPRACTIC

ch 107; ch 172, §3, 48

CHORE SERVICES

ch 174, §1, 40

CIGARETTES

ch 170, §61 – 69; ch 171, §55, 56, 60, 61

CIGARS

See *TOBACCO*

CINA (CHILD IN NEED OF ASSISTANCE)

See *CHILD ASSISTANCE*

CITY COUNCILS

ch 102

CITY GOVERNMENT

ch 2, §23, 26, 27, 55 – 64; ch 20, §3, 5; ch 50; ch 62; ch 94; ch 155, §41, 42, 44

CITY JAILS

See *JAILS*

CITY STREETS

See *HIGHWAYS*

CIVIL ACTIONS

See *CIVIL PROCEDURE*

CIVIL COMMITMENT

See *COMMITMENT PROCEEDINGS*

CIVIL ENGINEERING

See *ENGINEERING*

CIVIL LIABILITY

ch 11; ch 80; ch 129

CIVIL PROCEDURE

ch 166, §3, 10

CIVIL RIGHTS

ch 167, §18, 43

CIVIL RIGHTS COMMISSION

ch 165, §20; ch 167, §18, 43

CIVIL SERVICE

ch 2, §55 – 64

CLARINDA CORRECTIONAL FACILITY

ch 167, §4, 26, 29

CLARINDA STATE MENTAL HEALTH INSTITUTE

See *MENTAL HEALTH INSTITUTES*

CLASSICAL SWINE FEVER

ch 159, §23, 24

CLEANING SERVICES

See *HOME CARE SERVICES*

CLERKS (TOWNSHIP)

See *TOWNSHIPS*

CLERKS OF COURT

ch 166, §1, 3, 9, 10

CMV (CYTOMEGALOVIRUS)

See *CYTOMEGALOVIRUS*

COACHES (ATHLETICS AND SPORTS)

See *ATHLETICS*

COAL

ch 159, §48 – 50

COAST GUARD

See *MILITARY; MILITARY SERVICE MEMBERS*

COCKTAILS

See *ALCOHOLIC BEVERAGES*

CODE OF IOWA

See *IOWA CODE*

COERCION

See *FORCE*

COFFINS

See *FUNERAL MERCHANDISE*

COHABITATION

See *FAMILIES*

COIN LAUNDRIES

See *LAUNDROMATS*

COKE

ch 159, §48 – 50

COLLECTIVE BARGAINING

ch 2; ch 169, §8, 25, 33; ch 170, §10

COLLEGE ATHLETES

See *ATHLETICS*

COLLEGE LOANS

See *STUDENT LOANS*

COLLEGE OF AGRICULTURE AND LIFE SCIENCES

ch 168, §30 – 33

COLLEGE OF DENTISTRY

ch 174, §3, 42

COLLEGE OF ENGINEERING

ch 172, §7, 52

COLLEGE OF MEDICINE

See *CARVER COLLEGE OF MEDICINE*

COLLEGE OF VETERINARY MEDICINE

ch 168, §16, 51

COLLEGE STUDENT AID COMMISSION

ch 163, §1, 22; ch 165, §20; ch 172, §2 – 4, 11 – 14, 44, 46 – 49, 55; ch 174, §3, 42

COLLEGE TUITION

See *TUITION*

COLLEGES AND UNIVERSITIES

ch 120, §9, 11, 12; ch 150; ch 160, §1, 2; ch 168, §1, 16, 30 – 33, 36, 51; ch 170, §36; ch 172, §2, 4, 5, 7, 15 – 25, 44, 46, 47, 49, 50, 52, 55; ch 173, §1, 3, 6 – 8

COLLISIONS

See *ACCIDENTS*

COLON CANCER

ch 174, §3, 42

COMFORT SYSTEMS

See *HVAC SYSTEMS (HEATING, VENTILATION, AIR CONDITIONING)*

COMMERCE

See *BUSINESS AND COMMERCE*

COMMERCE DEPARTMENT

ch 165, §20; ch 171, §7, 8, 27, 34, 35, 54

COMMERCIAL DRIVER'S LICENSES

See *DRIVER'S LICENSES*

COMMERCIAL DRIVERS

See *COMMERCIAL VEHICLES*

COMMERCIAL FEED

ch 159, §35 – 37, 56

COMMERCIAL VEHICLES

ch 149, §1

COMMERCIALIZATION

ch 169, §17, 32

COMMISSARIES

See *FOOD ESTABLISHMENTS; FOOD SERVICE ESTABLISHMENTS*

COMMISSIONS (COMPENSATION)

See *SALARIES AND WAGES*

COMMITMENT PROCEEDINGS

ch 34, §12 – 18

COMMUNICABLE DISEASES

See *DISEASES*

COMMUNICATIONS SERVICES

ch 52; ch 75; ch 112; ch 136; ch 166, §6, 13; ch 167, §16, 41; ch 170, §22; ch 173, §1, 3, 4; ch 174, §95

COMMUNITY ACTION AGENCIES

ch 165, §8, 12

COMMUNITY ACTION AGENCIES DIVISION

ch 165, §8, 12; ch 169, §44 – 46, 49

COMMUNITY ADVOCACY AND SERVICES DIVISION

ch 171, §11, 27, 38, 54

COMMUNITY ATTRACTION AND TOURISM PROGRAM AND FUND

ch 173, §1, 3

COMMUNITY COLLEGES

ch 120, §9, 11, 12; ch 155, §1 – 4, 8 – 36, 44, 45; ch 163, §1, 22; ch 172, §5, 44, 50, 55

COMMUNITY DEVELOPMENT

ch 165, §9, 10

COMMUNITY DEVELOPMENT BLOCK GRANTS

ch 165, §9

COMMUNITY DEVELOPMENT DIVISION

ch 169, §4, 21

COMMUNITY EMPOWERMENT

See *EARLY CHILDHOOD IOWA INITIATIVE*

COMMUNITY MENTAL HEALTH CENTERS

ch 165, §2

COMMUNITY-BASED CORRECTIONAL PROGRAMS

ch 167, §6, 31

COMPACTS

ch 91

COMPANIES

See *BUSINESS AND COMMERCE*;
BUSINESS ENTITIES;
CORPORATIONS

COMPENSATION

See *SALARIES AND WAGES*

COMPETITIVE BIDDING

See *BIDDING*

COMPUTERS AND SOFTWARE

ch 21; ch 76, §1; ch 106; ch 156; ch 172, §50

CONCEPTION

See *PREGNANCY*

CONCUSSIONS

See *BRAIN INJURIES*; *HEAD INJURIES*

CONDEMNATION

See *EMINENT DOMAIN*

CONFIDENTIALITY

ch 2, §19, 20, 26, 27, 50 – 54; ch 21; ch 22;
ch 69, §31, 50, 51; ch 122, §1 – 6; ch
156; ch 170, §30, 43; ch 171, §22, 49

CONFINED PERSONS

See *INMATES*

CONFINEMENT

See *INCARCERATION*

**CONFINEMENT FEEDING OPERATIONS
(ANIMALS)**

See *ANIMAL FEEDING OPERATIONS*

**CONGENITAL AND INHERITED
DISORDERS, CENTER FOR**

See *CENTER FOR CONGENITAL AND
INHERITED DISORDERS*

CONGENITAL DISORDERS

ch 77; ch 172, §7, 52; ch 174, §3, 42

CONSENT

See *INFORMED CONSENT*

CONSERVATORSHIPS

ch 79

CONSTRUCTION WORK

ch 10; ch 13; ch 33, §4; ch 64; ch 65; ch
90; ch 169, §9, 26; ch 170, §32, 43; ch
171, §12, 39

CONSUMER ADVOCATE (UTILITIES)

ch 167, §3, 28; ch 171, §7, 27, 34, 54

CONSUMER AFFAIRS

ch 167, §3, 28

CONSUMER CREDIT

ch 138, §12 – 23; ch 139

CONSUMER CREDIT CODE

ch 138, §12 – 23; ch 139

CONSUMER FRAUDS

ch 167, §24, 25

CONSUMER LOANS

ch 138, §12 – 23

CONSUMER PROTECTION

ch 167, §3, 24, 25, 28; ch 171, §12, 39

CONTAGIOUS DISEASES

See *DISEASES*

CONTAINERS

ch 20, §1, 3, 5

CONTEMPT

ch 98

CONTESTS (COMPETITIONS)

ch 36

CONTRACEPTION

ch 174, §6, 12, 17, 31, 45, 51, 56, 70, 90 – 92

CONTRACTORS

ch 10; ch 65; ch 90; ch 169, §9, 26; ch 170,
§32, 43; ch 171, §12, 39

CONTROLLED SUBSTANCES

ch 27; ch 34, §1 – 11; ch 76, §2 – 16; ch 86;
ch 93; ch 111; ch 145; ch 148, §1, 20,
23, 24; ch 152; ch 165, §6; ch 174, §117

**CONVEYANCES (PASSENGER AND
FREIGHT)**

See *ELEVATORS (PASSENGERS AND
FREIGHT)*

CONVEYANCES (REAL ESTATE)

ch 147

COOLING

See *HVAC SYSTEMS (HEATING,
VENTILATION, AIR CONDITIONING)*

**COOPERATIVE EXTENSION SERVICE
IN AGRICULTURE AND HOME
ECONOMICS**

ch 168, §5, 40; ch 172, §7, 52

CORE CURRICULUM

ch 128

CORONERS*See MEDICAL EXAMINERS***CORPORATE TAXES**

ch 157, §3, 8 – 14

CORPORATIONS

ch 171, §23, 50

CORRECTIONAL FACILITIES

ch 96; ch 165, §6; ch 167, §4, 7, 26, 29, 32

**CORRECTIONAL SERVICES
DEPARTMENTS**

ch 167, §6, 7, 31, 32

CORRECTIONS DEPARTMENTch 163, §1, 22; ch 165, §20; ch 167, §4 – 10,
26, 29 – 35**COSMETOLOGY**

ch 170, §36; ch 172, §15, 43

COTTAGE CHEESE*See DAIRYING***COUNCILS OF GOVERNMENTS**

ch 169, §3, 20

COUNTY ASSESSORS

ch 151

COUNTY BUDGETS

ch 109

COUNTY FINANCE

ch 109

COUNTY GOVERNMENTch 19; ch 20, §1, 2, 4, 5; ch 47; ch 92; ch
109; ch 137; ch 174, §5, 44**COUNTY JAILS***See JAILS***COUNTY MEDICAL EXAMINERS***See MEDICAL EXAMINERS***COUNTY MENTAL HEALTH CENTERS***See COMMUNITY MENTAL HEALTH
CENTERS***COUNTY OFFICERS**

ch 137

COUNTY RECORDERS

ch 99

COUNTY ROADS*See SECONDARY ROADS***COUNTY SHERIFFS**

ch 137

COUNTY TREASURERS

ch 92

**COUNTY VETERAN AFFAIRS
COMMISSIONS**

ch 47; ch 174, §5, 44

COURT ADMINISTRATORS*See DISTRICT COURT
ADMINISTRATORS; STATE COURT
ADMINISTRATOR***COURT APPOINTED SPECIAL
ADVOCATES**

ch 171, §12, 39

COURT ATTENDANTS

ch 42

COURT CLERKS*See CLERKS OF COURT***COURT EMPLOYEES**

ch 42

COURT OF APPEALS

ch 166, §1, 2, 9

COURT OF APPEALS JUDGES

ch 166, §1, 2, 9

COURT RULES*See CIVIL PROCEDURE***COURT-APPOINTED ATTORNEYS***See PUBLIC DEFENDERS***COURTS**ch 2, §24, 26, 27; ch 37; ch 42; ch 133; ch
166**COURTS MARTIAL***See MILITARY JUSTICE***COURTS OF INQUIRY***See MILITARY JUSTICE***COWS***See BOVINE ANIMALS***CPA (CERTIFIED PUBLIC
ACCOUNTANTS)***See ACCOUNTANCY*

CRAFT DISTILLERIES

See *DISTILLERIES*

CRAPS

See *GAMBLING*

CRASHES

See *ACCIDENTS*

CREAM

See *DAIRYING*

CREDIT

ch 138, §12 – 23; ch 139

CREDIT UNION DIVISION

ch 171, §7, 27, 34, 54

CREDIT UNIONS

ch 12; ch 138, §11; ch 171, §7, 34

CREEKS

See *RIVERS AND STREAMS; WATER*

CREMATION

ch 30

CRIME VICTIMS

ch 121; ch 165, §5; ch 167, §1, 27; ch 174, §3, 42

CRIMES

See *CRIMINAL LAW*

CRIMINAL ACTIONS

See *CRIMINAL LAW*

**CRIMINAL AND JUVENILE JUSTICE
PLANNING ADVISORY COUNCIL**

ch 167, §19, 44

**CRIMINAL AND JUVENILE JUSTICE
PLANNING DIVISION**

ch 167, §19, 44

CRIMINAL HISTORY

ch 57; ch 58; ch 69, §22; ch 170, §48; ch 174, §86

CRIMINAL INVESTIGATION DIVISION

See *PUBLIC SAFETY DEPARTMENT*

CRIMINAL INVESTIGATIONS

ch 167, §16, 41

**CRIMINAL JUSTICE INFORMATION
SYSTEM**

ch 167, §16, 41; ch 173, §4

CRIMINAL LAW

ch 27; ch 37; ch 83; ch 88; ch 89; ch 113, §24, 25; ch 114; ch 117; ch 121; ch 122; ch 123; ch 127; ch 140; ch 145; ch 165, §5; ch 167, §23

CRIMINAL OFFENDERS

ch 83; ch 88; ch 89; ch 114; ch 117; ch 121; ch 122; ch 123; ch 127; ch 140; ch 145; ch 165, §5; ch 167, §6, 9, 23, 31, 34; ch 169, §9, 26; ch 174, §86, 110

CRIMINAL RECORDS

See *CRIMINAL HISTORY*

CRIMINALISTICS LABORATORY

ch 167, §16, 41

CRISTOBALITE

See *SILICON DIOXIDE*

CROPS

ch 159, §38

CULTURAL AFFAIRS DEPARTMENT

ch 163, §1, 22; ch 165, §20; ch 169, §1, 18; ch 173, §1, 3

CULTURAL TRUST

See *IOWA CULTURAL TRUST*

CULTURE

ch 169, §1, 4, 18, 21

CUSTODY OF CHILDREN

See *CHILD CUSTODY*

CUSTOMERS

See *CONSUMER AFFAIRS*

CYTOMEGALOVIRUS

ch 77

DADS

See *PARENTS; PATERNITY*

DAIRYING

ch 168, §4, 39

DAMS

ch 168, §14, 49

DANGEROUS MATERIALS

See *HAZARDOUS MATERIALS*

DANGEROUS WEAPONS

See *WEAPONS*

DATA PROCESSING

See *ELECTRONIC TRANSACTIONS*

DATA STORAGE DEVICES

See *COMPUTERS AND SOFTWARE*;
RECORDINGS

DATA TRANSMISSION

See *DIGITAL COMMUNICATIONS*

DAUGHTERS

See *CHILDREN*

DAY CARE SERVICES

ch 103; ch 174, §79

DAY SERVICES

See *ADULT DAY SERVICES*

DEADLY FORCE

ch 69, §37 – 44

DEAF SCHOOL

See *SCHOOL FOR THE DEAF*

DEAF SERVICES, OFFICE OF

See *HUMAN RIGHTS DEPARTMENT*

DEAFNESS

See *HEARING DISABILITIES*

DEATHS

See *DECEDENTS; MORTALITY*

DEBRIS DISPOSAL

See *WASTE MANAGEMENT*

DEBTS

ch 138, §12 – 23; ch 139; ch 167, §2

DECEDENTS

ch 30; ch 79; ch 123; ch 142

DECISION MAKING

ch 148, §24; ch 174, §1, 40

DECISION MAKING INSTITUTE

See *INSTITUTE OF DECISION MAKING*

DEEDS

See *CONVEYANCES (REAL ESTATE)*

DEEDS OF TRUST

See *CONVEYANCES (REAL ESTATE)*

DEER

ch 48; ch 68; ch 140, §2, 4

DEFERRED COMPENSATION

ch 118

DEFIBRILLATORS

ch 148, §24

DEFOLIANTS

See *PESTICIDES*

DEGREES AND DIPLOMAS

ch 85

DELINQUENT JUVENILES

See *JUVENILE JUSTICE*

DELINQUENT TAXES

ch 92, §3

DEMENTIA

ch 174, §96, 97

DEMOCRATIC PARTY

See *POLITICAL PARTIES*

DENATURED ALCOHOL

See *ETHANOL*

DENTAL CARE

ch 41; ch 107; ch 148, §4; ch 174, §3, 13,
15, 31, 42, 52, 54, 70

DENTAL COLLEGE

See *COLLEGE OF DENTISTRY*

DENTAL INSURANCE

See *HEALTH INSURANCE*

DEPARTMENT FOR THE BLIND

See *BLIND, DEPARTMENT FOR THE*

**DEPARTMENT OF ADMINISTRATIVE
SERVICES**

See *ADMINISTRATIVE SERVICES
DEPARTMENT*

**DEPARTMENT OF AGRICULTURE AND
LAND STEWARDSHIP**

See *AGRICULTURE AND LAND
STEWARDSHIP DEPARTMENT*

DEPARTMENT OF COMMERCE

See *COMMERCE DEPARTMENT*

DEPARTMENT OF CORRECTIONS

See *CORRECTIONS DEPARTMENT*

DEPARTMENT OF CULTURAL AFFAIRS

See *CULTURAL AFFAIRS DEPARTMENT*

DEPARTMENT OF EDUCATION
See EDUCATION DEPARTMENT

DEPARTMENT OF HEALTH
See PUBLIC HEALTH DEPARTMENT

**DEPARTMENT OF HOMELAND
SECURITY AND EMERGENCY
MANAGEMENT**
*See HOMELAND SECURITY AND
EMERGENCY MANAGEMENT
DEPARTMENT*

DEPARTMENT OF HUMAN RIGHTS
See HUMAN RIGHTS DEPARTMENT

DEPARTMENT OF HUMAN SERVICES
See HUMAN SERVICES DEPARTMENT

**DEPARTMENT OF INSPECTIONS AND
APPEALS**
*See INSPECTIONS AND APPEALS
DEPARTMENT*

DEPARTMENT OF JUSTICE
See ATTORNEY GENERAL

DEPARTMENT OF MANAGEMENT
See MANAGEMENT DEPARTMENT

**DEPARTMENT OF NATURAL
RESOURCES**
*See NATURAL RESOURCES
DEPARTMENT*

DEPARTMENT OF PUBLIC DEFENSE
See PUBLIC DEFENSE DEPARTMENT

DEPARTMENT OF PUBLIC HEALTH
See PUBLIC HEALTH DEPARTMENT

DEPARTMENT OF PUBLIC SAFETY
See PUBLIC SAFETY DEPARTMENT

DEPARTMENT OF REVENUE
See REVENUE DEPARTMENT

DEPARTMENT OF TRANSPORTATION
See TRANSPORTATION DEPARTMENT

DEPARTMENT OF VETERANS AFFAIRS
See VETERANS AFFAIRS DEPARTMENT

**DEPARTMENT OF WORKFORCE
DEVELOPMENT**
*See WORKFORCE DEVELOPMENT
DEPARTMENT*

DEPARTMENT ON AGING
See AGING, DEPARTMENT ON

**DEPARTMENTS OF CORRECTIONAL
SERVICES**
*See CORRECTIONAL SERVICES
DEPARTMENTS*

**DEPARTMENTS OF STATE
GOVERNMENT**
ch 4; ch 167, §10, 35; ch 170, §1, 2, 7 – 9;
ch 171, §3, 30

DEPENDENT ADULT ABUSE
See ADULT ABUSE

DEPENDENT ADULTS
ch 25; ch 44

DEPENDENT CHILDREN
ch 161

DEPENDENT PERSONS
ch 25; ch 44

DEPRECIATION
ch 157, §11 – 13

**DES MOINES UNIVERSITY
OSTEOPATHIC MEDICAL CENTER**
ch 172, §2, 46

DESCENT OF ESTATES
See ADMINISTRATION OF ESTATES

DESICCANTS
See PESTICIDES

DETECTIVES (LAW ENFORCEMENT)
See LAW ENFORCEMENT OFFICERS

DETECTIVES (PRIVATE)
See PRIVATE INVESTIGATION

DETENTION FACILITIES
See CORRECTIONAL FACILITIES

DETONATIONS
See EXPLOSIONS

DETOXIFICATION
See SUBSTANCE ABUSE

DEVELOPMENTAL DISABILITIES
ch 165, §13, 14; ch 174, §6, 12, 22, 24, 45,
51, 61, 63, 93, 94

DEVISEES
See HEIRS

DIGITAL COMMUNICATIONS
ch 79

DIGITAL EQUIPMENT

See *DIGITAL COMMUNICATIONS*

DIGITAL RECORDINGS

See *RECORDINGS*

DIGITAL TRANSACTIONS

See *ELECTRONIC TRANSACTIONS*

DIGITAL TRANSMISSION

See *DIGITAL COMMUNICATIONS*

DINING ESTABLISHMENTS

See *FOOD ESTABLISHMENTS; FOOD SERVICE ESTABLISHMENTS*

DIPLOMAS

See *DEGREES AND DIPLOMAS*

DIRECT CARE WORKERS

ch 174, §3, 42

DISABILITIES

ch 19; ch 23; ch 109; ch 164, §2, 4; ch 168, §7, 42; ch 170, §17; ch 172, §1, 5, 45, 50; ch 173, §1, 3; ch 174, §1, 6, 22, 24, 27, 40, 45, 61, 63, 66, 93, 94

DISASTER MANAGEMENT

See *EMERGENCY MANAGEMENT*

DISASTER RELIEF

ch 165, §10

DISASTERS

ch 165, §10

DISEASES

ch 11; ch 16; ch 26; ch 80; ch 130; ch 159, §18 – 26, 56; ch 165, §4; ch 168, §27 – 29; ch 174, §3, 42

DISPOSAL FACILITIES

See *WASTE MANAGEMENT*

DISPUTE RESOLUTION

ch 167, §2

DISSOLUTION OF MARRIAGE

ch 43

DISTILLED SPIRITS

See *ALCOHOLIC BEVERAGES*

DISTILLERIES

ch 119

DISTRICT ASSOCIATE JUDGES

ch 166, §1, 2, 9

DISTRICT COURT ADMINISTRATORS

ch 166, §1, 9

DISTRICT COURT JUDGES

ch 166, §1, 2, 9

DISTRICT COURTS

ch 133; ch 166, §1, 2, 9

DIVISIONS (STATE GOVERNMENT AGENCIES)

See *DEPARTMENTS OF STATE GOVERNMENT*

DIVORCE

See *DISSOLUTION OF MARRIAGE*

DOCTORS

See *MEDICAL CARE*

DOCUMENTS

See *RECORDS AND PUBLICATIONS*

DOCUMENTS OF TITLE

See *CERTIFICATES OF TITLE*

DOG RACING

ch 22; ch 73; ch 132; ch 167, §17, 42; ch 168, §2, 37; ch 170, §70, 71; ch 171, §14, 41

DOGS

See *CANINE ANIMALS*

DOMESTIC ABUSE

ch 83; ch 121; ch 167, §1, 11, 27, 36; ch 171, §22, 49

DRAINAGE

ch 168, §17, 19, 52, 54; ch 173, §1, 3

DRINKING WATER

See *WATER*

DRINKS

See *ALCOHOLIC BEVERAGES; BEVERAGES*

DRIVER'S LICENSES

ch 19; ch 149, §1; ch 164, §1, 3

DRIVING

ch 8; ch 15; ch 39; ch 75; ch 76; ch 84; ch 146; ch 149, §1

DRIVING WHILE INTOXICATED

See *OPERATING WHILE INTOXICATED*

DROPOUTS

ch 153, §4 – 8

DRUG ABUSE

See **SUBSTANCE ABUSE**

DRUG CONTROL POLICY OFFICE

See **GOVERNOR'S OFFICE OF DRUG CONTROL POLICY**

DRUG OVERDOSE

See **SUBSTANCE ABUSE**

DRUG POLICY ADMINISTRATION

ch 165, §7; ch 171, §10, 37

DRUG STORES

See **PHARMACY**

DRUG TESTING

ch 76, §2 – 16; ch 111; ch 162, §22, 25

DRUGGED PERSONS

See **INTOXICATION**

DRUGGISTS

See **PHARMACY**

DRUGS

ch 5; ch 6; ch 27; ch 34, §1 – 11; ch 76, §2 – 16; ch 86; ch 93; ch 111; ch 124; ch 130; ch 145; ch 148, §1, 20, 23, 24, 26; ch 152; ch 165, §6, 7; ch 167, §6, 16, 31, 41; ch 169, §17, 32; ch 171, §10, 37; ch 172, §9, 54; ch 174, §3, 12, 31, 42, 51, 70, 81, 82, 117

DRUNK BOATING

See **OPERATING WHILE INTOXICATED**

DRUNK DRIVING

See **OPERATING WHILE INTOXICATED**

DRUNKENNESS

See **INTOXICATION**

DUBUQUE (CITY)

ch 164, §1 – 3

DUMPING FACILITIES

See **WASTE MANAGEMENT**

DWELLINGS

See **HOUSING**

DWI (DRIVING WHILE INTOXICATED)

See **OPERATING WHILE INTOXICATED**

E-15 PLUS GASOLINE

See **FUELS**

E-85

See **ETHANOL**

E911

See **EMERGENCY COMMUNICATIONS**

EARLY CHILDHOOD IOWA INITIATIVE

ch 172, §5, 50; ch 174, §16, 55

EARNINGS

See **SALARIES AND WAGES**

EARTH SCIENCE

See **SCIENCE**

EATING ESTABLISHMENTS

See **FOOD ESTABLISHMENTS; FOOD SERVICE ESTABLISHMENTS**

EBT (ELECTRONIC BENEFITS TRANSFER)

See **FOOD ASSISTANCE**

ECONOMIC DEVELOPMENT

ch 3; ch 160; ch 163, §3, 22; ch 169

ECONOMIC DEVELOPMENT AUTHORITY

ch 160; ch 163, §1, 22; ch 165, §9, 10, 20; ch 169, §2 – 5, 17, 19 – 22, 32, 34 – 49; ch 173, §1 – 3; ch 174, §1, 27, 40, 66

EDUCATION

ch 1; ch 2, §28 – 49; ch 49; ch 85; ch 103; ch 106; ch 120, §9 – 12; ch 125; ch 127; ch 128; ch 141; ch 150; ch 153; ch 154; ch 155; ch 167, §5, 30; ch 168, §6, 41; ch 170, §6, 11, 36, 39 – 41; ch 172

EDUCATION DEPARTMENT

ch 163, §1, 22; ch 165, §20; ch 170, §17, 39, 41; ch 172, §5, 6, 44, 50, 51, 55; ch 173, §4

EDUCATIONAL INSTITUTIONS

See **COLLEGES AND UNIVERSITIES; SCHOOLS**

EDUCATORS

See **TEACHERS**

EGG HANDLERS

ch 159, §31

EGGS

ch 159, §31

ELDER ABUSE

ch 174, §1, 40

ELDER AFFAIRS DEPARTMENT

See **AGING, DEPARTMENT ON**

ELDERLY PERSONS

See *OLDER PERSONS*

ELDORA STATE TRAINING SCHOOL

See *TRAINING SCHOOL, STATE*

ELECTION PRECINCTS

ch 67

ELECTIONS AND POLITICS

ch 50; ch 53; ch 67; ch 82; ch 110; ch 120;
ch 144; ch 155; ch 170, §26; ch 171,
§21, 48

ELECTRIC LINES

See *TRANSMISSION LINES*

ELECTRIC UTILITIES

ch 9; ch 21; ch 62; ch 84, §1; ch 170, §55 – 60

ELECTRICITY

ch 9; ch 10; ch 62; ch 84, §1; ch 170, §55 – 60

ELECTROLOGY

See *COSMETOLOGY*

ELECTROLYSIS

See *COSMETOLOGY*

ELECTRONIC BENEFITS TRANSFER

See *FOOD ASSISTANCE*

ELECTRONIC CIGARETTES

ch 170, §61 – 69; ch 171, §60, 61

ELECTRONIC COMMERCE

See *ELECTRONIC TRANSACTIONS*

ELECTRONIC COMMUNICATIONS

See *TELECOMMUNICATIONS*

ELECTRONIC DEVICES

See *ELECTRONICS*

ELECTRONIC INFORMATION

See *ELECTRONIC TRANSACTIONS*

ELECTRONIC TRANSACTIONS

ch 79; ch 92; ch 93, §5; ch 166, §6, 13; ch
171, §6, 33

ELECTRONICS

ch 89

ELEMENTARY SCHOOLS

See *SCHOOLS*

**ELEVATORS (PASSENGERS AND
FREIGHT)**

ch 173, §1, 3

EMBEZZLEMENT

See *THEFT*

EMERGENCY COMMUNICATIONS

ch 136; ch 167, §20, 45; ch 173, §4

EMERGENCY MANAGEMENT

ch 28

EMERGENCY MEDICAL CARE

ch 26; ch 42; ch 165, §4; ch 174, §3, 31, 42,
70

EMERGENCY RESPONSE COMMISSION

ch 28

EMERGENCY WARNING SYSTEMS

See *EMERGENCY COMMUNICATIONS*;
EMERGENCY MANAGEMENT

EMINENT DOMAIN

ch 170, §55 – 60

EMPLOYEE BENEFITS

ch 2; ch 20, §2, 4, 5; ch 35; ch 118; ch 169,
§8, 25, 33

EMPLOYERS AND EMPLOYEES

See *LABOR AND EMPLOYMENT*

EMPLOYMENT AGENCIES

ch 58

EMPLOYMENT APPEAL BOARD

ch 171, §12, 27, 39, 54

**EMS (EMERGENCY MEDICAL
SERVICES)**

See *EMERGENCY MEDICAL CARE*

END OF LIFE CARE

See *HOSPICE SERVICES*

ENDANGERMENT OF CHILDREN

See *CHILD ENDANGERMENT*

ENERGY ASSISTANCE

See *HOME ENERGY ASSISTANCE*

ENERGY CENTER

ch 169, §34 – 49

ENERGY USE

ch 9; ch 62; ch 165, §12; ch 169, §34 – 49;
ch 172, §8, 53; ch 173, §16

ENGINEERING

ch 169, §3, 20; ch 172, §7, 52

ENGINEERING, COLLEGE OF
See COLLEGE OF ENGINEERING

ENGINES
ch 8

ENGLISH LANGUAGE
ch 128; ch 172, §10, 44, 55

ENTREPRENEURSHIP
ch 169, §17, 32

ENVIRONMENT FIRST FUND
ch 168, §17 – 21, 52 – 55

ENVIRONMENTAL PROTECTION
ch 17; ch 45; ch 168, §17 – 20, 52 – 55

EPIDEMICS
See DISEASES

EPILEPSY
ch 162; ch 174, §3, 42

EQUINE ANIMALS
ch 73; ch 168, §27 – 29

EQUITY OF REDEMPTION
See REDEMPTION OF PROPERTY

ESTATE ADMINISTRATION
See ADMINISTRATION OF ESTATES

ESTATES OF DECEDENTS
ch 79; ch 142; ch 143

ESTHETICS
See COSMETOLOGY

ETHANOL
ch 159, §51

ETHICS AND CAMPAIGN DISCLOSURE BOARD
ch 165, §20; ch 171, §5, 27, 32, 54

ETHNIC GROUPS
ch 174, §98, 99

EVIDENCE
ch 170, §16, 28

EXAMINING BOARDS
See PROFESSIONAL LICENSURE; PROFESSIONS

EXCISE TAXES
ch 158

EXCREMENT
See MANURE; SEWAGE

EXCURSION BOAT GAMBLING
See GAMBLING

EXECUTIVE BRANCH
ch 163, §1, 22

EXECUTIVE COUNCIL
ch 171, §24, 51

EXECUTIVE SEARCH AGENCIES
See EMPLOYMENT AGENCIES

EXECUTORS
ch 79

EXEMPTIONS FROM TAXATION
See TAX EXEMPTIONS

EXPLOSIONS
ch 115

EXPLOSIVES
ch 115

EXPRESSWAYS
See HIGHWAYS

EXTENSION SERVICE
See COOPERATIVE EXTENSION SERVICE IN AGRICULTURE AND HOME ECONOMICS

EXTINGUISHING SYSTEMS (FIRE PROTECTION)
See FIRES AND FIRE PROTECTION

EYE CARE
ch 174, §3, 42

EYEGASSES
See VISION

FAIR BOARD
See STATE FAIR

FAIRS AND FAIRGROUNDS
ch 80; ch 173, §1, 3, 13

FALLOW DEER
See FARM DEER

FALSE PRETENSES
See FRAUD

FAMILIES
ch 94; ch 100; ch 174, §3, 42

FAMILY ASSISTANCE

ch 165, §13, 14; ch 172, §5, 6, 50, 51; ch 174, §6 – 8, 18, 19, 21, 26, 27, 31, 45 – 47, 57, 58, 60, 65, 66, 70, 100, 102, 103

FAMILY DEVELOPMENT AND SELF-SUFFICIENCY PROGRAM

ch 174, §6 – 8, 45 – 47

FAMILY FARMS

ch 174, §18, 57

FAMILY INVESTMENT PROGRAM

ch 24; ch 163, §6, 7, 22; ch 174, §6 – 8, 18, 45 – 47, 57, 83 – 85

FAMILY PLANNING

ch 174, §6, 12, 31, 45, 51, 70, 90 – 92

FAMILY SERVICES

See *FAMILY ASSISTANCE*

FAMILY SUPPORT PROGRAMS

ch 174, §21, 60

FAMILY VIOLENCE

See *DOMESTIC ABUSE*

FARM ANIMALS

See *LIVESTOCK*

FARM DEER

ch 168, §27 – 29

FARM MEDIATION SERVICE

ch 167, §2

FARMING

ch 10; ch 81; ch 168, §5 – 7, 17, 19, 40 – 42, 52, 54

FARMLAND

See *AGRICULTURAL LAND*

FATALITIES

See *DECEDENTS; MORTALITY*

FATHERS

See *PARENTS; PATERNITY*

FEDERAL FUNDS

ch 148, §2; ch 165; ch 167, §14 – 16, 39 – 41

FEDERAL INCOME TAXES

See *INCOME TAXES*

FEED

ch 159, §35 – 37, 56

FEED FOR ANIMALS

See *COMMERCIAL FEED*

FEEDING OPERATIONS

See *ANIMAL FEEDING OPERATIONS*

FEMALE PERSONS

See *WOMEN*

FERTILIZERS

ch 159, §39 – 42, 57

FIDUCIARIES

ch 79

FIDUCIARY ACCESS TO DIGITAL ASSETS ACT

ch 79

FIELDS

See *AGRICULTURAL LAND*

FILLING STATIONS

See *FUELS*

FILM OFFICE

ch 169, §1, 18

FINANCE AUTHORITY

ch 33, §1, 3; ch 165, §20; ch 169, §6, 7, 23, 24; ch 174, §27, 66

FINANCE CHARGES

See *CONSUMER CREDIT CODE*

FINANCE COMPANIES

See *LOANS*

FINANCIAL INSTITUTIONS

ch 12; ch 138, §1 – 11

FINE ARTS

See *ARTS*

FIP (FAMILY INVESTMENT PROGRAM)

See *FAMILY INVESTMENT PROGRAM*

FIRE DEPARTMENTS

ch 42; ch 102

FIRE MARSHAL

See *PUBLIC SAFETY DEPARTMENT*

FIREARMS

ch 68; ch 69; ch 170, §46 – 54

FIRECRACKERS

See *FIREWORKS*

FIRES AND FIRE PROTECTION
ch 102; ch 115; ch 164, §2, 4; ch 167, §16, 41

FIREWORKS
ch 115

FIRMS
See BUSINESS AND COMMERCE

FIRST RESPONSE SERVICES
See EMERGENCY MEDICAL CARE

FISH
ch 168, §10, 45

FISH AND GAME PROTECTION FUND
ch 168, §10, 45

FISHING
ch 36; ch 168, §10, 45

FLOOD CENTER
ch 172, §7, 52

FLOODS
ch 157, §2; ch 165, §10; ch 168, §14, 49

FLOWERS
See PLANTS (VEGETATION)

FLUORIDATION
ch 165, §4

FLYING
See AIRPORTS

FODDER
See CROPS; FEED

FOLIAGE
See PLANTS (VEGETATION)

FOOD
ch 168, §5, 40; ch 172, §5, 50; ch 174, §7, 46

FOOD ASSISTANCE
ch 24; ch 173, §4; ch 174, §6, 7, 45, 46, 83
– 85

FOOD ESTABLISHMENTS
ch 171, §13, 40

FOOD SAFETY
ch 168, §4, 39; ch 171, §12, 13, 39, 40

FOOD SERVICE ESTABLISHMENTS
ch 171, §13, 40

FOOD STAMPS
See FOOD ASSISTANCE

FORAGE
See CROPS; FEED

FORCE
ch 69, §37 – 44

FORCIBLE ENTRY AND DETAINER
ch 95

FOREST RESERVATIONS
ch 159, §2

FORESTRY
ch 55; ch 168, §15, 50

FORFEITURE
ch 114

**FORT DODGE CORRECTIONAL
FACILITY**
ch 167, §4, 29

FORT MADISON STATE PENITENTIARY
ch 167, §4, 29

FOSSIL FUELS
See FUELS

FOSTER CARE
ch 100; ch 172, §2, 46; ch 174, §18, 31, 57,
70

FOUR-WHEEL DRIVE VEHICLES
See OFF-ROAD UTILITY VEHICLES

FRANCHISE TAXES
ch 157, §3

FRANCHISES
ch 50

FRAUD
ch 113, §24, 25; ch 174, §11, 50

FREEWAYS
See HIGHWAYS

FRINGE BENEFITS
See EMPLOYEE BENEFITS

FRUIT-TREE RESERVATIONS
ch 159, §2

FUEL TAXES
ch 171, §20, 47

FUELS
ch 149, §2; ch 159, §51; ch 168, §3, 38; ch
173, §16

FUNERAL MERCHANDISE

ch 14

FUNERALS

ch 14; ch 30

FUNGICIDES

See *PESTICIDES*

FURNACES

See *HVAC SYSTEMS (HEATING, VENTILATION, AIR CONDITIONING)*

FUROSEMIDE

ch 73, §2, 4

GAMBLING

ch 22; ch 73; ch 132; ch 148, §3; ch 167, §17, 42; ch 168, §2, 37; ch 169, §4, 21; ch 171, §13, 14, 40, 41; ch 174, §3, 42

GAMES (ATHLETICS AND SPORTS)

See *ATHLETICS*

GAMES OF CHANCE

See *GAMBLING*

GAMES OF SKILL

See *GAMBLING*

GARBAGE DISPOSAL

See *WASTE MANAGEMENT*

GAS UTILITIES

ch 9; ch 21; ch 62; ch 84, §1

GASOHOL

See *ETHANOL*

GASOLINE

ch 159, §51

GASOLINE TAXES

See *FUEL TAXES*

GED (GENERAL EDUCATIONAL DEVELOPMENT)

See *HIGH SCHOOL EQUIVALENCY DIPLOMAS*

GENERAL ASSEMBLY

ch 35; ch 163, §19 – 22; ch 170, §5, 20

GENERAL CONTRACTORS

See *CONSTRUCTION WORK*

GENERAL EDUCATIONAL DEVELOPMENT

See *HIGH SCHOOL EQUIVALENCY DIPLOMAS*

GENERAL FUNDS

See *PUBLIC FUNDS*

GENERATION OF ELECTRICITY

See *UTILITIES*

GENETIC DISORDERS

See *CONGENITAL DISORDERS*

GEOLOGY

ch 168, §18, 19, 53, 54

GEOMETRY

See *MATHEMATICS*

GERIATRIC PERSONS

See *OLDER PERSONS*

GIBRALTAR FEVER

See *BRUCELLOSIS*

GIFTED AND TALENTED EDUCATION

ch 154, §4

GIRLS

See *CHILDREN*

GLASSES

See *VISION*

GLENWOOD STATE RESOURCE CENTER

See *RESOURCE CENTERS*

GLOBAL POSITIONING DEVICES

ch 83, §4

GOATS

See *CAPRINE ANIMALS*

GOVERNMENT CONTRACTS

See *PUBLIC CONTRACTS*

GOVERNMENT EMPLOYEES

See *PUBLIC EMPLOYEES*

GOVERNMENT EXPENDITURES

See *PUBLIC FUNDS*

GOVERNMENT OF IOWA

See *DEPARTMENTS OF STATE GOVERNMENT*

GOVERNMENT RECORDS

See *PUBLIC RECORDS*

GOVERNOR

ch 165, §20; ch 170, §18; ch 171, §9, 27, 36, 54

**GOVERNOR'S OFFICE OF DRUG
CONTROL POLICY**

ch 165, §6, 7, 20; ch 171, §10, 27, 37, 54

GPS (GLOBAL POSITIONING SYSTEM)

See *GLOBAL POSITIONING DEVICES*

GRADE SCHOOLS

See *SCHOOLS*

GRADUATE SCHOOLS

See *COLLEGES AND UNIVERSITIES*

GRAND JURIES

See *JURIES*

GRANDPARENTS

ch 44

GRAPES

ch 168, §1, 36

GRAVE MARKERS

See *FUNERAL MERCHANDISE*

GRAVEYARDS

See *CEMETERIES*

GREAT PLACES PROGRAM

See *IOWA GREAT PLACES PROGRAM*

GREAT-GRANDPARENTS

See *GRANDPARENTS*

GREYHOUND RACING

See *DOG RACING*

GROCERIES

See *FOOD*

GROUND

See *REAL PROPERTY*

GROUNDWATER

See *WATER*

GROUP INSURANCE

ch 18; ch 35; ch 170, §35, 44

GUARD FORCES (MILITARY FORCES)

See *NATIONAL GUARD*

GUARDIANS AD LITEM

ch 43

GUARDIANSHIPS

ch 79

GUNS

See *FIREARMS*

HANDGUNS

See *FIREARMS*

HANDICAPS

See *DISABILITIES*

HARASSMENT

ch 117

HARD-OF-HEARING PERSONS

See *HEARING DISABILITIES*

HARDWARE (COMPUTERS)

See *COMPUTERS AND SOFTWARE*

HARMFUL MATERIALS

See *HAZARDOUS MATERIALS*

HARNESS RACING

See *HORSE RACING*

HATCHERIES (POULTRY)

ch 159, §27, 56

**HAWK-I (HEALTHY AND WELL KIDS IN
IOWA) PROGRAM**

See *HEALTHY AND WELL KIDS IN IOWA
PROGRAM*

HAZARDOUS MATERIALS

ch 28

HAZARDOUS WASTE

ch 164, §2, 4

HAZARDOUS WASTE DISPOSAL

See *WASTE MANAGEMENT*

HCMV (HUMAN CYTOMEGALOVIRUS)

See *CYTOMEGALOVIRUS*

HEAD INJURIES

ch 165, §13, 14

HEALTH

ch 26; ch 41; ch 61; ch 77; ch 86; ch 91; ch
107; ch 108; ch 124; ch 130; ch 148; ch
161; ch 165, §3, 4; ch 173, §4; ch 174

HEALTH AND WELLNESS PLAN

ch 148, §6 – 9; ch 174, §12, 51

HEALTH BENEFIT PLANS

See *HEALTH INSURANCE*

HEALTH BOARDS (LOCAL)

ch 148, §25

HEALTH CARE

See *HEALTH; MEDICAL CARE*

HEALTH CARE FACILITIES

ch 58

HEALTH CARE POWER OF ATTORNEY

See *POWER OF ATTORNEY*

HEALTH DEPARTMENT

See *PUBLIC HEALTH DEPARTMENT*

HEALTH FACILITIES DIVISION

See *INSPECTIONS AND APPEALS DEPARTMENT*

HEALTH INSURANCE

ch 2, §65 – 67; ch 18; ch 35; ch 124; ch 148, §29 – 103; ch 161; ch 163, §12, 22; ch 170, §35, 44; ch 171, §3, 30; ch 174, §12, 15, 34, 51, 54, 73, 95

HEALTH-RELATED FACILITIES

ch 171, §12, 39; ch 174, §31, 70

HEALTH-RELATED PROFESSIONS

ch 16; ch 41; ch 49; ch 60; ch 91; ch 93; ch 96; ch 107; ch 122, §23; ch 172, §2, 46

HEALTHY AND WELL KIDS IN IOWA PROGRAM

ch 161; ch 163, §12, 22; ch 174, §15, 54

HEALTHY OPPORTUNITIES FOR PARENTS TO EXPERIENCE SUCCESS (HOPES) PROGRAM

ch 174, §3, 42

HEARING (SENSE)

ch 77

HEARING AIDS

ch 174, §3, 42

HEARING DISABILITIES

ch 77; ch 172, §7, 9, 52, 54

HEART DISEASE

See *CARDIOVASCULAR DISEASES*

HEATING

See *HVAC SYSTEMS (HEATING, VENTILATION, AIR CONDITIONING)*

HEIGHT

See *WEIGHT AND MEASUREMENT*

HEIRS

ch 142

HERBICIDES

See *PESTICIDES*

HEROIN

See *NARCOTICS*

HFI (HEALTHY FAMILIES IOWA) PROGRAM

See *HEALTHY OPPORTUNITIES FOR PARENTS TO EXPERIENCE SUCCESS (HOPES) PROGRAM*

HIGH QUALITY JOBS PROGRAM

ch 157, §1, 12, 14; ch 169, §17, 32

HIGH SCHOOL EQUIVALENCY DIPLOMAS

ch 85

HIGH SCHOOLS

See *SCHOOLS*

HIGHER EDUCATION

See *COLLEGES AND UNIVERSITIES*

HIGHER EDUCATION COMPACT

See *MIDWESTERN HIGHER EDUCATION COMPACT*

HIGHWAY PATROL (STATE PATROL)

See *PUBLIC SAFETY DEPARTMENT*

HIGHWAYS

ch 8; ch 13; ch 15; ch 32; ch 40; ch 46; ch 76; ch 81; ch 165, §11; ch 167, §8, 33

HISTORIC PRESERVATION

ch 169, §1, 18

HISTORIC SITES

See *HISTORICAL RESOURCES*

HISTORICAL DIVISION

ch 169, §1, 18

HISTORICAL RESOURCES

ch 167, §8, 33; ch 169, §1, 18; ch 173, §1, 3

HISTORICAL SOCIETY OF IOWA

See *HISTORICAL DIVISION*

HIV/AIDS

ch 162; ch 165, §4; ch 174, §12, 51

HOGS

See *PORCINE ANIMALS*

HOLDING FACILITIES

See *JAILS*

HOME APPRAISALS

See *APPRAISALS OF REAL ESTATE*

HOME CARE SERVICES

ch 174, §1, 27, 31, 40, 66, 70, 93, 94

HOME ENERGY ASSISTANCE

ch 165, §12; ch 169, §44 – 46, 49

HOME INSURANCE

See INSURANCE

HOME OWNERSHIP

ch 116; ch 170, §37, 45; ch 174, §4, 43

HOME SCHOOLS

ch 154, §7 – 11

**HOMELAND SECURITY AND
EMERGENCY MANAGEMENT
DEPARTMENT**

ch 28; ch 167, §15, 20, 40, 45; ch 173, §4

HOMELESSNESS

ch 165, §15

HOMELESSNESS COUNCIL

ch 174, §27, 66

HOMEOPATHY

ch 172, §43

HOMEOWNERS INSURANCE

See INSURANCE

HOMES

See HOUSING

HOMICIDE

ch 76, §1

**HOPES (HEALTHY OPPORTUNITIES
FOR PARENTS TO EXPERIENCE
SUCCESS) PROGRAM**

*See HEALTHY OPPORTUNITIES
FOR PARENTS TO EXPERIENCE
SUCCESS (HOPES) PROGRAM*

HORSE RACING

ch 22; ch 73; ch 132; ch 167, §17, 42; ch 168,
§2, 37; ch 170, §70, 71; ch 171, §14, 41

HORSES

See EQUINE ANIMALS

HORTICULTURAL NURSERIES

See NURSERIES

HOSPICE SERVICES

ch 174, §31, 70

HOSPITAL-SCHOOLS

See RESOURCE CENTERS

HOSPITALIZATION PROCEEDINGS

See COMMITMENT PROCEEDINGS

HOSPITALS

ch 135; ch 148, §104; ch 170, §31; ch 174,
§12, 31, 51, 70, 106, 107

HOTEL SANITATION CODE

ch 171, §13, 40

HOTELS AND MOTELS

ch 158; ch 171, §13, 40

HOUSEHOLDS

See FAMILIES

HOUSING

ch 33, §2, 3; ch 94; ch 116; ch 134; ch 165,
§15; ch 170, §37, 45; ch 174, §4, 43

HOUSING ASSISTANCE

ch 33, §2, 3; ch 134; ch 169, §6, 23

HOUSING FINANCE AUTHORITY

See FINANCE AUTHORITY

HOUSING TRUST FUND

ch 171, §8, 35

HUMAN BODY

ch 30

HUMAN IMMUNODEFICIENCY VIRUS

See HIV/AIDS

HUMAN RIGHTS DEPARTMENT

ch 163, §1, 22; ch 165, §8, 12, 20; ch 171,
§11, 27, 38, 54; ch 173, §4; ch 174, §6,
7, 45, 46

HUMAN SERVICES

ch 174

HUMAN SERVICES DEPARTMENT

ch 24; ch 49; ch 57; ch 163, §1, 6 – 17, 22;
ch 165, §2, 13 – 16, 20; ch 167, §19, 44;
ch 172, §44, 55; ch 173, §1, 3, 4; ch 174,
§6 – 34, 36 – 39, 45 – 73, 75 – 79, 83 –
94, 100 – 103, 110

HUMAN TRAFFICKING

ch 167, §11, 16, 36, 41; ch 171, §22, 49

HUNTING

ch 48; ch 68; ch 140, §2, 4; ch 168, §10, 45

**HVAC SYSTEMS (HEATING,
VENTILATION, AIR
CONDITIONING)**

ch 164, §2, 4

HYGIENE

See *HEALTH*

HYGIENIC LABORATORY

ch 172, §7, 25, 52

I/3 (INTEGRATED INFORMATION FOR IOWA)

See *INTEGRATED INFORMATION FOR IOWA*

ICE CREAM

See *DAIRYING*

ICN (IOWA COMMUNICATIONS NETWORK)

See *IOWA COMMUNICATIONS NETWORK*

IDENTIFICATION

ch 19; ch 110

ILLICIT DRUG USE

See *SUBSTANCE ABUSE*

ILLITERACY

See *LITERACY*

ILLNESSES

See *DISEASES*

IMITATION CONTROLLED SUBSTANCES

ch 145

IMPAIRMENTS

See *DISABILITIES*

IMPOVERISHMENT

See *POVERTY*

IMPRISONED PERSONS

See *INMATES*

IMPRISONMENT

See *INCARCERATION*

IMPROVEMENTS

ch 64

INCARCERATION

ch 70, §3 – 5

INCINERATORS

See *WASTE MANAGEMENT*

INCOME TAXES

ch 113, §1, 2; ch 116; ch 118; ch 144; ch 157, §3 – 7, 11 – 14; ch 161; ch 170, §37, 45; ch 174, §8, 47

INCORPORATED ENTITIES

See *CORPORATIONS*

INDEBTEDNESS

See *DEBTS*

INDEPENDENCE STATE MENTAL HEALTH INSTITUTE

See *MENTAL HEALTH INSTITUTES*

INDIANS

See *NATIVE AMERICANS*

INDIGENOUS AMERICANS

See *NATIVE AMERICANS*

INDIGENT DEFENSE

ch 88; ch 163, §2, 22; ch 167, §12, 37

INDIGENT PERSONS

See *POVERTY*

INDIVIDUAL INCOME TAXES

See *INCOME TAXES*

INDUSTRIAL RESEARCH AND SERVICE, CENTER FOR

See *CENTER FOR INDUSTRIAL RESEARCH AND SERVICE*

INDUSTRY

See *BUSINESS AND COMMERCE*

INEBRIATION

See *INTOXICATION*

INFANT CHILDREN

See *CHILDREN; NEWBORN CHILDREN*

INFECTIOUS DISEASES

See *DISEASES*

INFORMATION TECHNOLOGY

ch 173, §4

INFORMED CONSENT

ch 174, §111

INFRASTRUCTURE

ch 156; ch 169, §17, 32; ch 173

INHERITED DISORDERS

See *CONGENITAL DISORDERS*

INJURIES

ch 11; ch 23; ch 64

INMATE LABOR

ch 167, §5, 8, 30, 33

INMATES

ch 165, §6; ch 167, §5, 6, 9, 30, 31, 34

INNOVATION

ch 173, §11

INNS

See *HOTELS AND MOTELS; LODGING*

INSECTICIDES

See *PESTICIDES*

INSPECTIONS AND APPEALS**DEPARTMENT**

ch 160, §3 – 11; ch 163, §1, 22; ch 165, §20;
ch 167, §12, 37; ch 171, §12 – 15, 27, 39
– 42, 54, 57 – 59, 62; ch 174, §13, 52

**INSTITUTE OF CHILD BEHAVIOR AND
DEVELOPMENT**

ch 172, §43

INSTITUTE OF DECISION MAKING

ch 169, §17, 32

**INSTRUMENTS (REAL ESTATE
CONVEYANCE)**

See *CONVEYANCES (REAL ESTATE)*

INSURANCE

ch 2, §65 – 67; ch 7; ch 18; ch 31; ch 35; ch
51; ch 105; ch 123; ch 124; ch 148, §29
– 103; ch 161; ch 169, §5, 22; ch 170,
§25, 35, 44; ch 171, §3, 7, 30, 34; ch
174, §34, 73, 95

INSURANCE DIVISION

ch 14; ch 171, §7, 27, 34, 54

**INTEGRATED INFORMATION FOR
IOWA**

ch 169, §9, 26

INTELLECTUAL DISABILITIES

ch 58; ch 109; ch 165, §13, 14; ch 174, §6,
12, 24, 31, 45, 51, 63, 70, 93, 94

**INTERAGENCY PHARMACEUTICALS
BULK PURCHASING COUNCIL**

ch 148, §26

**INTERFERENCE WITH JUDICIAL
PROCESS**

ch 42

INTERFERENCE WITH OFFICIAL ACTS

ch 42

INTERMEDIATE CARE FACILITIES

ch 58; ch 174, §12, 51

INTERNAL REVENUE CODE

ch 157, §1, 3, 5, 6, 8, 12, 14

INTERNET

ch 92; ch 93, §5; ch 136; ch 156; ch 173, §4

INTERNSHIPS

ch 169, §3, 20

INTERPRETING

ch 166, §1, 9

INTERSECTIONS

ch 15

INTERSTATE HIGHWAYS

See *HIGHWAYS*

INTIMATE PARTNER VIOLENCE

See *DOMESTIC ABUSE*

INTOXICATION

ch 23; ch 69, §8, 29, 30, 50; ch 76, §2 – 16;
ch 170, §47, 49 – 51, 53, 54

INVASION OF PRIVACY

See *PRIVACY*

INVASIVE SPECIES

ch 101

INVESTIGATION BUSINESSES

See *PRIVATE INVESTIGATION*

INVESTIGATIONS DIVISION

See *INSPECTIONS AND APPEALS
DEPARTMENT*

**INVESTIGATORS (LAW
ENFORCEMENT)**

See *LAW ENFORCEMENT OFFICERS*

INVESTIGATORS (PRIVATE)

See *PRIVATE INVESTIGATION*

INVESTMENTS

ch 118

INVOLUNTARY COMMITMENT

See *COMMITMENT PROCEEDINGS*

IOWA ABLE SAVINGS PLAN TRUST

ch 174, §27, 66

IOWA ADMINISTRATIVE RULES

See *ADMINISTRATIVE RULES*

IOWA CODE

ch 29; ch 54; ch 170, §38

IOWA COMMUNICATIONS NETWORK

ch 52; ch 166, §6, 13; ch 173, §4

IOWA CULTURAL TRUST

ch 169, §1, 18

IOWA GOVERNMENT

See *DEPARTMENTS OF STATE GOVERNMENT*

IOWA GREAT PLACES PROGRAM

ch 169, §1, 18; ch 173, §1, 3

IOWA HEALTH AND WELLNESS PLAN

See *HEALTH AND WELLNESS PLAN*

IOWA JUVENILE HOME

See *JUVENILE HOME, STATE*

IOWA PRISON INDUSTRIES

ch 4; ch 167, §10, 35

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

See *PUBLIC EMPLOYEES' RETIREMENT SYSTEM*

IOWA PUBLIC RADIO

ch 172, §7, 52

IOWA PUBLIC TELEVISION

ch 163, §1, 22; ch 172, §5, 50

IOWA RESOURCES ENHANCEMENT AND PROTECTION PROGRAM

ch 168, §21

IOWA STATE FAIR

See *STATE FAIR*

IOWA STATE INDUSTRIES

See *IOWA PRISON INDUSTRIES*

IOWA STATE PATROL

See *PUBLIC SAFETY DEPARTMENT*

IOWA STATE UNIVERSITY

ch 163, §1, 22; ch 168, §1, 5, 16, 30 – 33, 36, 40, 51; ch 169, §17, 32, 34 – 49; ch 172, §7, 52; ch 173, §1, 3, 6 – 8, 10, 11

IOWA STATE UNIVERSITY COLLEGE OF VETERINARY MEDICINE

See *COLLEGE OF VETERINARY MEDICINE*

IOWA SUPREME COURT

See *SUPREME COURT OF IOWA*

IOWA VETERANS HOME

See *VETERANS HOME*

IOWACCESS

ch 171, §6, 33

IPERS (IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM)

See *PUBLIC EMPLOYEES' RETIREMENT SYSTEM*

IPR (IOWA PUBLIC RADIO)

See *IOWA PUBLIC RADIO*

IPTV (IOWA PUBLIC TELEVISION)

See *IOWA PUBLIC TELEVISION*

IRREVERSIBLE DEMENTIA

See *DEMENTIA*

ISLAM

See *RELIGION*

ISOPROPANOL

See *ALCOHOL*

JAG (JUDGE ADVOCATE GENERAL)

See *MILITARY JUSTICE*

JAILS

ch 42

JOB CREATION

ch 126; ch 169, §17, 32; ch 172, §44, 55

JOB TRAINING

ch 3; ch 169, §17, 32; ch 172, §44, 55

JOBS

See *LABOR AND EMPLOYMENT*

JOINT CUSTODY

See *CHILD CUSTODY*

JOINT LIABILITY

See *CIVIL LIABILITY*

JUDGE ADVOCATES

See *MILITARY JUSTICE*

JUDGES AND COURT OFFICIALS

ch 42; ch 166, §1 – 5, 9 – 12; ch 171, §57, 58, 62

JUDICIAL BRANCH

ch 2, §24, 26, 27; ch 133; ch 163, §1, 22; ch 165, §20; ch 166; ch 170, §20, 21; ch 174, §18, 57

JUDICIAL DISTRICTS

ch 167, §6, 31

JUDICIAL HOSPITALIZATION

See *COMMITMENT PROCEEDINGS*

JUDICIAL MAGISTRATES

ch 166, §1, 2, 9

JUDICIAL OFFICERS

See *JUDGES AND COURT OFFICIALS*

JUDICIAL PROCESS, INTERFERENCE WITH

See *INTERFERENCE WITH JUDICIAL PROCESS*

JUDICIAL QUALIFICATIONS COMMISSION

ch 166, §1, 9

JUDICIARY

See *JUDICIAL BRANCH*

JUNIOR COLLEGES

See *COMMUNITY COLLEGES*

JUNIOR HIGH SCHOOLS

See *SCHOOLS*

JURIES

ch 133, §1 – 5, 8 – 25; ch 166, §1, 3, 9, 10

JUSTICE DEPARTMENT

See *ATTORNEY GENERAL*

JUSTICES

See *JUDGES AND COURT OFFICIALS*

JUVENILE COURTS

ch 117; ch 166, §1, 9; ch 174, §18, 57

JUVENILE DELINQUENCY

See *JUVENILE JUSTICE*

JUVENILE DETENTION HOMES

ch 174, §20, 59, 109

JUVENILE FACILITIES

ch 174, §17, 20, 56, 59, 109, 110

JUVENILE HOME, STATE

ch 174, §110

JUVENILE JUDGES

ch 166, §1, 9

JUVENILE JUSTICE

ch 87; ch 117; ch 167, §19, 44; ch 174, §18, 20, 57, 59, 109

JUVENILE JUSTICE ADVISORY COUNCIL

ch 167, §19, 44

JUVENILES INTERSTATE COMPACTS

ch 174, §18, 57

KENO

See *GAMBLING*

KIDS

See *CHILDREN*

KILLINGS

See *HOMICIDE*

KIN

See *RELATIVES*

KITCHENS

See *FOOD ESTABLISHMENTS*

LABOR (CHILDBIRTH)

See *BIRTHS*

LABOR AND EMPLOYMENT

ch 2; ch 3; ch 20, §2, 4, 5; ch 23; ch 56; ch 57; ch 58; ch 63, §1; ch 66; ch 70; ch 72; ch 74; ch 111; ch 126; ch 169, §9 – 12, 14 – 17, 26 – 29, 31, 32; ch 170, §34, 43; ch 172, §44, 55

LABOR BY INMATES

See *INMATE LABOR*

LABOR SERVICES DIVISION

ch 169, §9, 26

LABOR UNIONS

ch 2, §19 – 22, 26, 27

LABORATORIES

ch 174, §31, 70

LAKES

ch 82; ch 173, §1, 3

LAMBS

See *OVINE ANIMALS*

LAND

See *REAL PROPERTY*

LAND TITLES

See *TITLES (PROPERTY)*

LAND USE

ch 158

LANDFILLS

See *WASTE MANAGEMENT*

LANDING STRIPS

See *AIRPORTS*

LANDMARKS

See *HISTORICAL RESOURCES*

**LARNED A. WATERMAN IOWA
NONPROFIT RESOURCE CENTER**

ch 172, §7, 52

LASIX

See *FUROSEMIDE*

LATINO AFFAIRS, OFFICE OF

See *HUMAN RIGHTS DEPARTMENT*

LAUNDROMATS

ch 66

LAVATORIES

See *TOILETS*

LAW ENFORCEMENT

ch 42; ch 52; ch 122; ch 167, §16, 41; ch 170, §28

LAW ENFORCEMENT ACADEMY

ch 165, §20; ch 167, §1, 11, 22, 27, 36; ch 170, §33

LAW ENFORCEMENT OFFICERS

ch 42; ch 69, §5, 6, 10; ch 122, §1 – 6; ch 149, §3, 5; ch 167, §11, 22, 36; ch 170, §33, 46

LAW ENFORCEMENT VEHICLES

ch 167, §11, 36

LAW EXAMINERS BOARD

ch 166, §1, 9

LAWSUITS

See *CIVIL PROCEDURE*

LAWYERS

See *ATTORNEYS*

LEAD POISONING

ch 174, §3, 42

LEARNER'S PERMITS

See *DRIVER'S LICENSES*

LEARNING INSTITUTIONS

See *SCHOOLS*

LEAVES OF ABSENCE

ch 166, §5, 12

LEGAL ASSISTANCE

ch 43; ch 88; ch 163, §2, 22; ch 167, §1, 12, 18, 27, 37, 43

LEGAL COUNSEL

See *ATTORNEYS*

LEGAL PROCEDURE

See *CIVIL PROCEDURE*

LEGATEES

See *BENEFICIARIES*

LEGISLATIVE COUNCIL

ch 170, §20; ch 174, §95, 117

**LEGISLATIVE HEALTH POLICY
OVERSIGHT COMMITTEE**

See *LEGISLATIVE COUNCIL*

**LEGISLATIVE TAX EXPENDITURE
COMMITTEE**

See *LEGISLATIVE COUNCIL*

LEGISLATURE

See *GENERAL ASSEMBLY*

LENDING

See *LOANS*

LENGTH

See *WEIGHT AND MEASUREMENT*

**LEOPOLD CENTER FOR SUSTAINABLE
AGRICULTURE**

ch 168, §30 – 33

LIABILITY

See *CIVIL LIABILITY*

LIBRARIES

ch 135; ch 170, §31; ch 172, §5, 50

**LIBRARIES AND INFORMATION
SERVICES DIVISION**

See *LIBRARY SERVICES DIVISION*

LIBRARY SERVICES DIVISION

ch 169, §9, 26; ch 172, §5, 50

LICENSED PRACTICAL NURSES

See NURSING

LICENSED PROFESSIONS

See PROFESSIONAL LICENSURE

LICENSED PUBLIC ACCOUNTANTS

See ACCOUNTANCY

LIENS

ch 33, §1, 4; ch 38

LIEUTENANT GOVERNOR

ch 165, §20; ch 170, §18; ch 171, §9, 27, 36, 54

LIFE INSURANCE

ch 7, §1 – 4; ch 123

LIHEAP (LOW INCOME HOME ENERGY ASSISTANCE PROGRAM)

See HOME ENERGY ASSISTANCE

LIMITATIONS OF ACTIONS

ch 64

LIMITED LIABILITY COMPANIES

ch 171, §23, 50

LINEAL ASCENDANTS

See GRANDPARENTS; PARENTS

LINEAL DESCENDANTS

See CHILDREN

LINES (RAILROADS)

See RAILROADS

LINES (UTILITIES)

See WIRES

LIQUOR

See ALCOHOLIC BEVERAGES

LITERACY

ch 128; ch 172, §5, 27 – 30, 44, 50, 55

LIVE BIRTHS

See BIRTHS

LIVESTOCK

ch 17; ch 159, §18 – 24, 28 – 30, 35 – 37, 56; ch 168, §27 – 29; ch 172, §7, 52

LIVESTOCK FEEDING OPERATIONS

See ANIMAL FEEDING OPERATIONS

LOANS

ch 138, §12 – 23

LOCAL OPTION TAXES

ch 171, §19, 46

LODGING

ch 158

LODGING FACILITIES

See HOTELS AND MOTELS

LOESS HILLS

ch 168, §17, 19, 52, 54

LONG-TERM CARE

ch 105; ch 148, §16; ch 174, §2, 41

LONG-TERM CARE INSURANCE

ch 105

LONG-TERM CARE OMBUDSMEN

ch 174, §2, 41

LOW-INCOME ASSISTANCE

See PUBLIC ASSISTANCE

LOW-INCOME HEALTH CARE

ch 24; ch 148, §24; ch 161; ch 163, §8, 9, 22; ch 174, §10 – 13, 15, 18, 23, 27, 31, 34, 36 – 39, 49 – 52, 54, 57, 62, 66, 70, 73, 75 – 78, 81 – 85, 93, 94, 101 – 105, 112 – 116

LOW-INCOME HOME ENERGY ASSISTANCE

See HOME ENERGY ASSISTANCE

LOW-INCOME PERSONS

See POVERTY

LOW-INCOME WEATHERIZATION ASSISTANCE

See WEATHERIZATION ASSISTANCE

LPN (LICENSED PRACTICAL NURSES)

See NURSING

LUNGS

ch 11

LYME DISEASE

ch 16

LYMPHOMA

See CANCER

MACHINE GUNS

See FIREARMS

MACHINERY

ch 81

MAGAZINES (EXPLOSIVES STORAGE)

See *EXPLOSIVES*

MAGAZINES (WEAPONS)

See *WEAPONS*

MAGISTRATES

ch 166, §1, 9

MAIN STREET IOWA PROGRAM

ch 169, §17, 32

MAINTENANCE OF PERSONS

See *SUPPORT OF PERSONS*

MALICIOUS ARREST

See *MALICIOUS PROSECUTION*

MALICIOUS PROSECUTION

ch 107

MALIGNANCY

See *CANCER*

MALPRACTICE

ch 107

MALTA FEVER

See *BRUCELLOSIS*

MALTESE FEVER

See *BRUCELLOSIS*

MAMMOGRAPHY

ch 61

MANAGED CARE ORGANIZATIONS

See *MEDICAL ASSISTANCE*

MANAGEMENT DEPARTMENT

ch 163, §1, 22; ch 165, §20; ch 166, §8; ch 171, §16, 17, 27, 43, 44, 54; ch 173, §4

MANICURING

See *COSMETOLOGY*

MANURE

ch 159, §42

MARIJUANA

ch 162; ch 174, §3, 42

MARINES

See *MILITARY; MILITARY SERVICE MEMBERS*

MARSHALLTOWN VETERANS HOME

See *VETERANS HOME*

MARSHES

See *WETLANDS*

MARTIAL LAW

See *MILITARY JUSTICE*

MASS TRANSPORTATION

See *PUBLIC TRANSPORTATION*

MASSAGE THERAPY

ch 122, §23

MATERNITY

ch 98

MATHEMATICS

ch 128; ch 169, §3, 20; ch 172, §7, 52

MEAL PROGRAMS

ch 172, §5, 50

MEALS

See *FOOD; NUTRITION*

MEASUREMENT

See *WEIGHT AND MEASUREMENT*

MECHANICS' LIENS

ch 33, §4

MEDIATION

ch 167, §2

MEDICAID

See *MEDICAL ASSISTANCE*

MEDICAL ASSISTANCE

ch 24; ch 33, §3; ch 161; ch 163, §8, 9, 22; ch 174, §10 – 13, 18, 23, 27, 31, 34, 36 – 39, 49 – 52, 57, 62, 66, 70, 73, 75 – 78, 81 – 85, 93, 94, 101 – 105, 112 – 116

MEDICAL CANNABIDIOL

See *MARIJUANA*

MEDICAL CARE

ch 5; ch 16; ch 18; ch 23; ch 24; ch 26; ch 34; ch 60; ch 61; ch 77; ch 86; ch 91; ch 96; ch 107; ch 108; ch 130; ch 148, §4 – 19, 24, 27 – 104; ch 161; ch 162; ch 163, §8, 9, 22; ch 170, §35, 44; ch 172, §2, 7, 9, 43, 46, 52, 54; ch 174, §10 – 13, 15, 18, 23, 27, 31, 34, 36 – 39, 49 – 52, 54, 57, 62, 66, 70, 73, 75 – 78, 81 – 85, 93 – 99, 101 – 107, 111 – 117

MEDICAL EXAMINERS

ch 152; ch 173, §4

MEDICAL INSURANCE

See HEALTH INSURANCE

MEDICAL MALPRACTICE

ch 107

MEDICAL MARIJUANA

See MARIJUANA

MEDICAL POWER OF ATTORNEY

See POWER OF ATTORNEY

MEDICAL RECORDS

ch 148, §27, 28, 104

MEDICINE

ch 16; ch 60

MEDICINE, COLLEGE OF

See CARVER COLLEGE OF MEDICINE

MEDICINES

See PRESCRIPTION DRUGS

MEDITERRANEAN FEVER

See BRUCellosis

MELANOMA

ch 174, §3, 42

MEMORIAL VASES

See FUNERAL MERCHANDISE

MENTAL HEALTH

ch 34; ch 58; ch 97; ch 109; ch 148, §19; ch 165, §2, 13 – 15; ch 167, §5, 30; ch 174, §6, 12, 23, 27, 31, 45, 51, 62, 66, 70, 87 – 89, 93, 94

MENTAL HEALTH ADVOCATES

ch 97

MENTAL HEALTH AND DISABILITY SERVICES DIVISION

See HUMAN SERVICES DEPARTMENT

MENTAL HEALTH CENTERS

See COMMUNITY MENTAL HEALTH CENTERS

MENTAL HEALTH INSTITUTES

ch 163, §13 – 15, 22; ch 174, §23, 25, 62, 64

MENTAL ILLNESS

See MENTAL HEALTH

MERCHANDISE

ch 20, §1, 3, 5

MERGED AREA SCHOOLS

See COMMUNITY COLLEGES

MERIT SYSTEM FOR STATE EMPLOYEES

ch 171, §58, 62

MESKWAKI

See SAC AND FOX NATION

METABOLIC SCREENING

See CONGENITAL DISORDERS

METAL CASTING INSTITUTE

ch 169, §17, 32

METHANOL

See ALCOHOL

METHYL ALCOHOL

See ALCOHOL

METROLOGY

See WEIGHT AND MEASUREMENT

MICROORGANISMS

ch 80

MIDDLE SCHOOLS

See SCHOOLS

MIDWEST GRAPE AND WINE INDUSTRY INSTITUTE

ch 168, §1, 36

MIDWESTERN HIGHER EDUCATION COMPACT

ch 172, §5, 50

MILITARY

ch 47; ch 59; ch 63; ch 99

MILITARY JUSTICE

ch 63, §2 – 4

MILITARY SERVICE MEMBERS

ch 47; ch 59; ch 63; ch 99; ch 120, §7; ch 174, §4, 5, 43, 44

MILK

See DAIRYING

MINIMUM SECURITY CORRECTIONAL FACILITIES

See CORRECTIONAL FACILITIES

MINIMUM WAGE

ch 20, §2, 4, 5

MINING

ch 159, §47

MINORITY PERSONS

ch 174, §18, 57, 98, 99

MINORS

ch 43

MISCARRIAGES

ch 174, §90 – 92

MISREPRESENTATION

See *FRAUD*

**MISSISSIPPI PARKWAY PLANNING
COMMISSION**

ch 164, §1, 3

**MITCHELLVILLE CORRECTIONAL
FACILITY**

ch 167, §4, 29

MIXED DRINKS

See *ALCOHOLIC BEVERAGES*

MOBILE PHONES

See *CELLULAR PHONES*

MOLESTATION

See *SEX CRIMES*

MOMS

See *MATERNITY; PARENTS*

MONUMENTS (CEMETERIES)

See *FUNERAL MERCHANDISE*

MOOD DISORDERS

See *PSYCHIATRIC ILLNESSES*

MORPHINE

See *NARCOTICS*

MORTALITY

ch 30; ch 96; ch 104; ch 123; ch 130

MOTELS

See *HOTELS AND MOTELS*

MOTHERS

See *MATERNITY; PARENTS*

MOTOR FUEL TAXES

See *FUEL TAXES*

MOTOR FUELS

See *FUELS*

MOTOR INNS

See *HOTELS AND MOTELS*

MOTOR VEHICLE REGISTRATION

ch 92, §1; ch 164, §1, 3

MOTOR VEHICLES

ch 8; ch 15; ch 31; ch 46; ch 75; ch 76; ch 81;
ch 84; ch 92, §1; ch 146; ch 149; ch 159,
§51; ch 167, §11, 36; ch 171, §20, 47

MOTORBOATS

See *BOATS AND VESSELS*

MOTORISTS

See *DRIVING*

MOTORS

See *ENGINES*

**MOUNT PLEASANT CORRECTIONAL
FACILITY**

ch 167, §4, 26, 29

**MOUNT PLEASANT STATE MENTAL
HEALTH INSTITUTE**

See *MENTAL HEALTH INSTITUTES*

MOVE OVER LAW

ch 84

MS (MULTIPLE SCLEROSIS)

See *MULTIPLE SCLEROSIS*

MULE DEER

See *FARM DEER*

MULTIPLE SCLEROSIS

ch 162

MUNITIONS

See *FIREARMS*

NAIL TECHNOLOGY

See *COSMETOLOGY*

NAKEDNESS

See *NUDITY*

NARCOTICS

ch 27; ch 174, §117

NARCOTICS ENFORCEMENT DIVISION

See *PUBLIC SAFETY DEPARTMENT*

NATIONAL GUARD

ch 63; ch 172, §2, 46; ch 173, §1, 3

NATIONAL PARKS

See *PARKS*

NATIVE AMERICAN AFFAIRS, OFFICE OF

See HUMAN RIGHTS DEPARTMENT

NATIVE AMERICANS

ch 167, §4, 29; ch 170, §3, 4

NATIVE DISTILLERIES

See DISTILLERIES

NATURAL DISASTERS

See DISASTERS

NATURAL GAS

ch 9; ch 62; ch 84, §1; ch 149, §2

NATURAL RESOURCES DEPARTMENT

ch 163, §1, 22; ch 165, §20; ch 168, §9 – 15, 18, 19, 26, 44 – 50, 53, 54; ch 173, §1, 3

NATURAL SCIENCE

See SCIENCE

NAVAL FORCES

See MILITARY; MILITARY SERVICE MEMBERS

NEEDY PERSONS

See POVERTY

NEGOTIATION

See ARBITRATION; MEDIATION

NEMATOCIDES

See PESTICIDES

NEWBORN CHILDREN

ch 77; ch 86; ch 148, §24

NEWTON CORRECTIONAL FACILITY

ch 167, §4, 26, 29

NEXT OF KIN

See FAMILIES

NICOTINE

ch 170, §61 – 69

NO-CONTACT ORDERS

ch 83; ch 121

NONOPERATOR'S IDENTIFICATION CARDS

ch 19

NONPUBLIC SCHOOLS

See PRIVATE EDUCATION

NONSUPPORT

See SUPPORT OF PERSONS

NORTH CENTRAL CORRECTIONAL FACILITY

See ROCKWELL CITY CORRECTIONAL FACILITY

NORTHERN IOWA, UNIVERSITY OF

See UNIVERSITY OF NORTHERN IOWA

NORTHWEST IOWA REGENTS RESOURCE CENTER

ch 172, §7, 52

NOXIOUS WEEDS

See WEEDS

NUCLEAR ENERGY

ch 64

NUDITY

ch 117

NUISANCES

ch 17

NURSE LICENSURE COMPACT

ch 91

NURSE PRACTITIONERS

See NURSING

NURSERIES

ch 55

NURSERY SCHOOLS

See PRESCHOOLS

NURSERY STOCK

ch 55

NURSING

ch 49; ch 91; ch 96; ch 107; ch 172, §2, 43, 46; ch 174, §12, 31, 51, 70

NURSING FACILITIES

ch 58; ch 171, §12, 39; ch 173, §1, 3; ch 174, §31, 70, 112 – 116

NURSING HOME INSURANCE

See LONG-TERM CARE INSURANCE

NUTRITION

ch 24; ch 165, §4; ch 172, §5, 50; ch 173, §4; ch 174, §83 – 85

OAKDALE CAMPUS

ch 172, §7, 25, 52

OAKDALE CORRECTIONAL FACILITY

ch 167, §4, 29

**OBSTETRICAL AND NEWBORN
INDIGENT PATIENT CARE
PROGRAM**

ch 148, §24

OBSTETRICS

ch 148, §24

OCCUPATIONAL LICENSURE

See *PROFESSIONAL LICENSURE*

OCCUPATIONAL SAFETY AND HEALTH

ch 56

OCCUPATIONS

See *PROFESSIONS*

OCTANE

See *FUELS*

OFF-ROAD UTILITY VEHICLES

ch 32

OFFENSIVE WEAPONS

See *WEAPONS*

**OFFICE OF MINORITY AND
MULTICULTURAL HEALTH**

ch 174, §98, 99

OFFICEHOLDERS

See *ELECTIONS AND POLITICS*

**OFFICIAL RECORDS OPEN TO THE
PUBLIC**

See *OPEN RECORDS*

OFFSPRING

See *CHILDREN*

OLDER PERSONS

ch 25; ch 174, §1, 40

**OMVI (OPERATING A MOTOR VEHICLE
WHILE INTOXICATED)**

See *OPERATING WHILE INTOXICATED*

ONLINE TRANSACTIONS

See *ELECTRONIC TRANSACTIONS*

OPEN RECORDS

ch 2, §19, 20, 26, 27, 50 – 54; ch 21; ch 22;
ch 122, §1 – 6; ch 156; ch 170, §30, 43

OPERATING WHILE INTOXICATED

ch 76, §2 – 16

OPIATES

See *NARCOTICS*

OPTOMETRY

ch 107

ORAL CARE

See *DENTAL CARE*

ORAL LANGUAGE INTERPRETERS

See *INTERPRETING*

ORGAN DONATIONS

See *ANATOMICAL GIFTS*

**ORGANIZED DELIVERY SYSTEMS FOR
HEALTH CARE**

ch 148, §29 – 103

ORGANIZED LABOR

See *LABOR UNIONS*

ORTHODONTIA

See *DENTAL CARE*

**OSTEOPATHIC MEDICAL CENTER (DES
MOINES UNIVERSITY)**

See *DES MOINES UNIVERSITY
OSTEOPATHIC MEDICAL CENTER*

OSTEOPATHIC MEDICINE

ch 107; ch 108; ch 172, §2, 46

OVINE ANIMALS

ch 159, §25, 26, 28, 29, 56; ch 168, §27 – 29

**OWI (OPERATING WHILE
INTOXICATED)**

See *OPERATING WHILE INTOXICATED*

**PACE (PATHWAYS FOR ACADEMIC
CAREER AND EMPLOYMENT)
PROGRAM**

See *PATHWAYS FOR ACADEMIC CAREER
AND EMPLOYMENT PROGRAM*

PACKAGES

See *CONTAINERS*

PACKAGING MATERIALS

See *CONTAINERS*

PAIN RELIEF

ch 162

PAINTINGS

See *ARTS*

**PAL (PREPARATION FOR ADULT
LIVING) PROGRAM**

See *PREPARATION FOR ADULT LIVING
PROGRAM*

PALLIATIVE CARE

See *HOSPICE SERVICES*

PALMER AMARANTH

ch 101; ch 159, §38

PANDEMICS

See *DISEASES*

PANELS (JURORS)

See *JURIES*

PARAMEDICS

See *EMERGENCY MEDICAL CARE*

PARENTAL RIGHTS

ch 87; ch 113

PARENTS

ch 87; ch 98; ch 113; ch 165, §1; ch 174, §9, 19, 48, 58, 100, 102, 103

PARI-MUTUEL WAGERING

ch 22; ch 73; ch 132; ch 167, §17, 42; ch 168, §2, 37; ch 170, §70, 71; ch 171, §14, 41

PARKING (VEHICLES)

ch 8

PARKINSON'S DISEASE

ch 162

PARKS

ch 163, §4, 22; ch 168, §9, 18, 19, 26, 44, 53, 54; ch 173, §1, 3

PAROCHIAL SCHOOLS

See *PRIVATE EDUCATION*

PAROLE BOARD

ch 165, §20; ch 167, §13, 38

PASSENGERS

ch 170, §25

PATERNITY

ch 98

PATHOGENS

See *DISEASES*

PATHWAYS

See *TRAILS*

**PATHWAYS FOR ACADEMIC CAREER
AND EMPLOYMENT PROGRAM**

ch 172, §44, 55

**PATIENT-CENTERED HEALTH
ADVISORY COUNCIL**

ch 148, §5, 10

PATROL (STATE HIGHWAY PATROL)

See *PUBLIC SAFETY DEPARTMENT*

PAY

See *SALARIES AND WAGES*

PAYMENT CARDS

See *CREDIT*

PEACE OFFICERS

See *LAW ENFORCEMENT OFFICERS*

**PEACE OFFICERS' RETIREMENT,
ACCIDENT, AND DISABILITY
SYSTEM**

See *PUBLIC SAFETY PEACE OFFICERS'
RETIREMENT SYSTEM*

PEDICURING

See *COSMETOLOGY*

PELL GRANTS

See *WORK-STUDY PROGRAMS*

PENITENTIARIES

See *CORRECTIONAL FACILITIES*

PENSION PLANS

See *RETIREMENT PLANS*

PER DIEM PAYMENTS

ch 163, §19, 22

**PERB (PUBLIC EMPLOYMENT
RELATIONS BOARD)**

See *PUBLIC EMPLOYMENT RELATIONS
BOARD*

PERMANENT DISABILITIES

See *DISABILITIES*

**PERS (PUBLIC EMPLOYEES'
RETIREMENT SYSTEM)**

See *PUBLIC EMPLOYEES' RETIREMENT
SYSTEM*

PERSONAL INCOME TAXES

See *INCOME TAXES*

PERSONAL INFORMATION

ch 122, §1 – 6; ch 171, §22, 49

PERSONAL INJURIES

See *INJURIES*

PERSONAL REPRESENTATIVES

ch 79

PERSONALITY DISORDERS

See *PSYCHIATRIC ILLNESSES*

PERSONNEL FILES

ch 2, §50 – 54; ch 122, §1 – 6; ch 170, §30, 43

PERSONS WITH DISABILITIES, OFFICE OF

See *HUMAN RIGHTS DEPARTMENT*

PESTICIDES

ch 159, §43, 44

PETIT JURIES

See *JURIES*

PHARMACEUTICAL DRUGS

See *PRESCRIPTION DRUGS*

PHARMACY

ch 5; ch 27; ch 93; ch 107; ch 145; ch 148, §26; ch 152; ch 162, §3, 25; ch 172, §9, 54; ch 173, §9; ch 174, §12, 31, 51, 70

PHENYLBUZAZONE

ch 73, §2, 4

PHONE SERVICES

See *TELEPHONE SERVICES*

PHYSICAL DISABILITIES

See *DISABILITIES*

PHYSICAL HEALTH

See *HEALTH*

PHYSICAL INFRASTRUCTURE

See *INFRASTRUCTURE*

PHYSICAL INJURIES

See *INJURIES*

PHYSICAL THERAPY

ch 172, §2, 46

PHYSICIAN ASSISTING

ch 60; ch 96; ch 107; ch 172, §2, 46

PHYSICIAN CARE

See *HEALTH; MEDICAL CARE*

PHYSICS

See *SCIENCE*

PICKUP TRUCKS

See *TRUCKS*

PIGS

See *PORCINE ANIMALS*

PIPE SYSTEMS

ch 64; ch 84, §1

PISTOLS

See *FIREARMS*

PLANTS (VEGETATION)

ch 55; ch 101

PLOWING (FARM LAND)

ch 159, §13

PMIC (PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN)

See *PSYCHIATRIC HOSPITALS*

PODIATRY

ch 107; ch 172, §2, 46

POKER

See *GAMBLING*

POLES (UTILITY)

ch 84, §1; ch 112; ch 170, §22

POLICE TRAINING

See *LAW ENFORCEMENT ACADEMY*

POLICE VEHICLES

See *LAW ENFORCEMENT VEHICLES*

POLITICAL ACTIVITIES

See *CAMPAIGN FINANCE; ELECTIONS AND POLITICS*

POLITICAL ADVERTISING

See *CAMPAIGN FINANCE*

POLITICAL CONTRIBUTIONS

See *CAMPAIGN FINANCE*

POLITICAL PARTIES

ch 110; ch 120, §1, 3; ch 144

POLITICAL SUBDIVISIONS

See *CITY GOVERNMENT; COUNTY GOVERNMENT; SCHOOL DISTRICTS; TOWNSHIPS*

POLITICS

See *ELECTIONS AND POLITICS*

POLLING PLACES

ch 110

POLLUTION

ch 168, §8, 11, 18, 19, 43, 46, 53, 54

PONIES

See *EQUINE ANIMALS*

POOLS (BETTING AND WAGERING)

See *GAMBLING*

POOLS (SWIMMING)

See *SWIMMING POOLS*

POOR PERSONS

See *POVERTY*

POOR RELIEF

See *PUBLIC ASSISTANCE*

PORCINE ANIMALS

ch 159, §18, 19, 23, 24, 28, 29, 56; ch 168, §27 – 29

PORS (PEACE OFFICERS' RETIREMENT SYSTEM)

See *PUBLIC SAFETY PEACE OFFICERS' RETIREMENT SYSTEM*

POSTSECONDARY EDUCATION

See *COLLEGES AND UNIVERSITIES*

POTABLE WATER

See *WATER*

POULTRY

ch 159, §27, 32 – 34, 56; ch 168, §27 – 29

POVERTY

ch 163, §2, 22; ch 165, §8, 12; ch 167, §1, 27; ch 174, §6 – 8, 10 – 16, 19, 21, 27, 31, 34, 36 – 39, 45 – 47, 49 – 55, 58, 60, 66, 70, 73, 75 – 78, 93, 94, 100 – 103, 108

POWER LINES

See *POLES (UTILITY); TRANSMISSION LINES*

POWER OF ATTORNEY

ch 30

POWER PLANTS

See *UTILITIES*

PRECINCTS

See *ELECTIONS AND POLITICS*

PREFERENCE LAWS

ch 4; ch 171, §27, 54

PREGNANCY

ch 77; ch 108; ch 165, §1; ch 174, §6, 12, 17, 45, 51, 56, 90 – 92

PREKINDERGARTEN

See *PRESCHOOLS*

PREMIUMS

See *INSURANCE*

PRENATAL CARE

ch 148, §24

PREPARATION FOR ADULT LIVING PROGRAM

ch 174, §18, 57

PREPARATORY SCHOOLS

See *PRIVATE EDUCATION*

PRESCHOOLS

ch 103; ch 153, §12 – 15; ch 154, §1; ch 174, §79

PRESCRIPTION DRUGS

ch 5; ch 27; ch 34, §1 – 11; ch 93; ch 124; ch 145; ch 152; ch 162, §3, 25; ch 172, §9, 54; ch 174, §3, 12, 31, 42, 51, 70, 81, 82

PRESS

See *RADIO; TELEVISION*

PRIMARY CARE

See *MEDICAL CARE*

PRIMARY EDUCATION

See *SCHOOLS*

PRIMARY ELECTIONS

ch 110; ch 120, §1

PRIMARY ROAD FUND

ch 13; ch 164, §2, 4

PRIMARY SCHOOLS

See *SCHOOLS*

PRINCIPALS (SCHOOLS)

See *SCHOOL ADMINISTRATORS*

PRISON INDUSTRIES

See *IOWA PRISON INDUSTRIES*

PRISON LABOR

See *INMATE LABOR*

PRISONERS

See *INMATES*

PRISONS

See *CORRECTIONAL FACILITIES*

PRIVACY

ch 117; ch 135; ch 170, §31

PRIVATE COLLEGES

See *COLLEGES AND UNIVERSITIES*

PRIVATE DETECTIVES

See *PRIVATE INVESTIGATION*

PRIVATE EDUCATION

ch 154, §7 – 11; ch 170, §3, 4

PRIVATE ENTERPRISE

See *BUSINESS AND COMMERCE*;
BUSINESS ENTITIES

PRIVATE INVESTIGATION

ch 69, §7

PRIVATE SCHOOLS

See *PRIVATE EDUCATION*

PRIVATE SECURITY

ch 69, §7

PRIVATE UNIVERSITIES

See *COLLEGES AND UNIVERSITIES*

PROBATE CODE

ch 79; ch 123; ch 142; ch 143

PROBATE COURTS

ch 143; ch 166, §1, 9

PROBATE JUDGES

ch 166, §1, 9

PROCUREMENT

See *PURCHASING*

PRODUCE

See *FOOD*

PROFESSIONAL ATHLETICS

ch 160, §1, 2

**PROFESSIONAL LICENSING AND
REGULATION BUREAU**

ch 171, §7, 8, 34, 35

PROFESSIONAL LICENSURE

ch 6; ch 10; ch 16; ch 41; ch 49; ch 60; ch
71, §1 – 13; ch 78; ch 90; ch 91; ch 93;
ch 106; ch 122, §23; ch 131; ch 171, §7,
8, 34, 35; ch 172, §26

**PROFESSIONAL LIMITED LIABILITY
COMPANIES**

See *LIMITED LIABILITY COMPANIES*

PROFESSIONAL SPORTS

See *PROFESSIONAL ATHLETICS*

PROFESSIONS

ch 6; ch 10; ch 16; ch 41; ch 49; ch 60; ch
71, §1 – 13; ch 78; ch 90; ch 91; ch 93;
ch 106; ch 107; ch 122, §23; ch 131

PROGENY

See *CHILDREN*

PROMISE JOBS PROGRAM

ch 174, §6 – 8, 45 – 47

**PROPERTY ASSESSMENT APPEAL
BOARD**

ch 151, §17, 22, 25, 29

PROPERTY INSURANCE

ch 51

PROPERTY REDEMPTION

See *REDEMPTION OF PROPERTY*

PROPERTY TAX RELIEF FUND

ch 109; ch 174, §12, 51

PROPERTY TAXES

ch 1; ch 92, §3 – 6; ch 109; ch 151; ch 173, §4

PROPERTY TITLES

See *TITLES (PROPERTY)*

PROPHYLACTICS

See *CONTRACEPTION*

PROTECTIVE ORDERS

ch 83; ch 121

PSYCHIATRIC CARE

ch 174, §31, 70, 87 – 89

PSYCHIATRIC HOSPITALS

ch 174, §31, 70, 87

PSYCHIATRIC ILLNESSES

ch 174, §87 – 89

PSYCHOLOGICAL DISORDERS

See *PSYCHIATRIC ILLNESSES*

PSYCHOLOGY

ch 174, §3, 42

PSYCHOTIC DISORDERS*See PSYCHIATRIC ILLNESSES***PUBLIC ASSISTANCE**

ch 24; ch 33, §3; ch 148, §24; ch 163, §6 – 12, 22; ch 165, §13, 14; ch 174, §6 – 8, 10 – 16, 18, 19, 21, 23, 26, 27, 31, 34, 36 – 39, 45 – 47, 49 – 55, 57, 58, 60, 62, 65, 66, 70, 73, 75 – 79, 81 – 85, 90 – 94, 100 – 105, 108, 112 – 116

PUBLIC BIDDING*See BIDDING***PUBLIC BONDS***See BONDS***PUBLIC BROADCASTING**

ch 172, §5, 50; ch 173, §4

PUBLIC BROADCASTING DIVISION

ch 172, §5, 50; ch 173, §4

PUBLIC BUILDINGS*See PUBLIC PROPERTY***PUBLIC CONTRACTS**

ch 4; ch 65; ch 170, §32, 43

PUBLIC DEFENDERS

ch 88; ch 163, §1, 22; ch 166, §1, 9; ch 167, §12, 37

PUBLIC DEFENSE DEPARTMENT

ch 163, §1, 22; ch 165, §20; ch 167, §14, 39; ch 173, §1, 3

PUBLIC DEPOSITS*See PUBLIC FUNDS***PUBLIC DOCUMENTS***See PUBLIC RECORDS***PUBLIC EDUCATION***See EDUCATION***PUBLIC EMPLOYEES**

ch 2; ch 118; ch 169, §8, 25, 33; ch 171, §26, 53

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

ch 141; ch 171, §26, 27, 53, 54

PUBLIC EMPLOYMENT RELATIONS ACT

ch 2

PUBLIC EMPLOYMENT RELATIONS BOARD

ch 2; ch 165, §20; ch 169, §8, 25, 33

PUBLIC FUNDS

ch 153

PUBLIC HEALTH*See HEALTH***PUBLIC HEALTH DEPARTMENT**

ch 148; ch 163, §1, 22; ch 165, §1, 3, 4, 20; ch 173, §4; ch 174, §3, 18, 42, 57, 98, 99

PUBLIC IMPROVEMENTS

ch 65; ch 170, §32, 43

PUBLIC INFORMATION BOARD

ch 163, §1, 22; ch 171, §18, 27, 45, 54

PUBLIC JOBS*See PUBLIC EMPLOYEES***PUBLIC LANDS***See PUBLIC PROPERTY***PUBLIC LIBRARIES***See LIBRARIES***PUBLIC OFFENSES***See CRIMINAL LAW***PUBLIC PROPERTY**

ch 135; ch 170, §31

PUBLIC RADIO*See IOWA PUBLIC RADIO***PUBLIC RECORDS**

ch 2, §19, 20, 26, 27, 50 – 54; ch 21; ch 22; ch 38; ch 39; ch 69, §31, 50, 51; ch 99; ch 104; ch 122, §1 – 6; ch 148, §105, 106; ch 156; ch 169, §1, 18; ch 170, §30, 43; ch 171, §6, 33

PUBLIC ROADS*See HIGHWAYS***PUBLIC SAFETY DEPARTMENT**

ch 163, §1, 22; ch 165, §20; ch 167, §16, 17, 41, 42; ch 170, §16; ch 173, §1, 3, 4; ch 174, §86

PUBLIC SAFETY PEACE OFFICERS' RETIREMENT SYSTEM

ch 167, §16, 41

PUBLIC SCHOOLS*See SCHOOLS*

PUBLIC STREETS

See *HIGHWAYS*

PUBLIC TELEVISION

See *IOWA PUBLIC TELEVISION*

PUBLIC TRANSPORTATION

ch 173, §1, 3

PUBLIC UTILITIES

See *UTILITIES*

PUBLIC WORKS

See *INFRASTRUCTURE; PUBLIC IMPROVEMENTS*

PUNISHMENTS

See *SENTENCING*

PUPILS

See *STUDENTS*

PURCHASING

ch 4; ch 65; ch 148, §26; ch 160, §3 – 11; ch 167, §10, 35; ch 170, §32, 43; ch 171, §27, 54

PYROTECHNICS

See *FIREWORKS*

QUAD-CITIES GRADUATE STUDIES CENTER

ch 172, §7, 52

QUARTER HORSE RACING

See *HORSE RACING*

QUARTER HORSES

See *EQUINE ANIMALS*

QUARTZ

See *SILICON DIOXIDE*

QUIETING TITLE

ch 147

QUITCLAIM DEEDS

See *CONVEYANCES (REAL ESTATE)*

RACIAL GROUPS

See *ETHNIC GROUPS*

RACING

ch 22; ch 73; ch 132; ch 167, §17, 42; ch 168, §2, 37; ch 170, §70, 71; ch 171, §14, 41

RACING AND GAMING COMMISSION

ch 171, §14, 27, 41, 54

RADIO

ch 52; ch 172, §7, 52; ch 173, §4

RADIOLOGY

ch 61

RAFFLES

See *GAMBLING*

RAILROADS

ch 173, §1, 3

RAPE

See *SEXUAL ABUSE*

RAPID TRANSIT

See *PUBLIC TRANSPORTATION*

READING

See *LITERACY*

REAL ESTATE

See *REAL PROPERTY*

REAL ESTATE AGENTS

See *REAL ESTATE BROKERAGE*

REAL ESTATE APPRAISALS

See *APPRAISALS OF REAL ESTATE*

REAL ESTATE BROKERAGE

ch 71, §1 – 13; ch 172, §7, 52

REAL ESTATE CONTRACTS

See *CONVEYANCES (REAL ESTATE)*

REAL PROPERTY

ch 64; ch 71; ch 129; ch 147; ch 151

REAL PROPERTY TAXES

See *PROPERTY TAXES*

REAP (RESOURCES ENHANCEMENT AND PROTECTION) PROGRAM AND FUND

See *IOWA RESOURCES ENHANCEMENT AND PROTECTION PROGRAM*

REASONABLE FORCE

ch 69, §37 – 44

REBUILD IOWA INFRASTRUCTURE FUND

ch 173, §1 – 3, 16 – 18

RECEIVERSHIPS

ch 14

RECEPTACLES

See *CONTAINERS*

RECORDERS

See COUNTY RECORDERS

RECORDINGS

ch 135; ch 170, §31

RECORDS AND PUBLICATIONS

ch 2, §19, 20, 26, 27, 50 – 54; ch 21; ch 22;
ch 38; ch 39; ch 122, §1 – 6; ch 156; ch
170, §30, 43

RECORDS OPEN TO THE PUBLIC

See OPEN RECORDS

RECOVERY OF CHILD SUPPORT

See CHILD SUPPORT RECOVERY

RECREATION

ch 40

RECYCLING

ch 84, §2, 3; ch 172, §7, 52

RED DEER

See FARM DEER

REDEMPTION OF PROPERTY

ch 92, §5, 6

REFORMATORIES

See CORRECTIONAL FACILITIES

REFUGEES

ch 174, §27, 66

REFUNDING BONDS

See BONDS

REFUSE DISPOSAL

See WASTE MANAGEMENT

REGENTS BOARD

ch 165, §20; ch 169, §17, 32; ch 170, §40;
ch 172, §7, 8, 52, 53; ch 173, §1, 3, 6 –
11; ch 174, §3, 42

**REGISTERED NURSE AND NURSE
EDUCATOR LOAN FORGIVENESS
PROGRAM AND FUND**

ch 172, §2, 46

REGISTERED NURSES

See NURSING

REGISTRATION (MOTOR VEHICLES)

See MOTOR VEHICLE REGISTRATION

REGISTRATION (VOTERS)

See VOTER REGISTRATION

**REHABILITATION (PERSONS WITH
DISABILITIES)**

See VOCATIONAL REHABILITATION

REHABILITATION CAMPS

See CORRECTIONAL FACILITIES

REINSURANCE

ch 7, §5 – 8

RELATIVES

ch 100

RELIGION

ch 167, §4, 29

RELIGIOUS EDUCATION

See PRIVATE EDUCATION

RENEWABLE ENERGY

ch 168, §3, 38; ch 173, §16

RENTAL PROPERTY

ch 33, §3; ch 89; ch 94; ch 169, §6, 23

REPUBLICAN PARTY

See POLITICAL PARTIES

RESEARCH

ch 157, §1, 12, 14; ch 169, §17, 32; ch 172,
§25

RESIDENCES

See HOUSING

RESIDENCY (PHYSICIANS)

See MEDICAL CARE

RESIDENTIAL CARE FACILITIES

ch 58; ch 174, §31, 70

RESIDENTIAL PROPERTY

ch 64; ch 94; ch 116; ch 134; ch 170, §37, 45

RESOURCE CENTERS

ch 174, §24, 63

**RESOURCES ENHANCEMENT AND
PROTECTION PROGRAM AND
FUND**

See IOWA RESOURCES ENHANCEMENT
AND PROTECTION PROGRAM

RESPIRE CARE SERVICES

ch 174, §1, 40

REST AREAS

ch 164, §2, 4

RESTAURANTS

See *FOOD ESTABLISHMENTS; FOOD SERVICE ESTABLISHMENTS*

RESTROOMS

See *BATHROOMS*

RETIREMENT

ch 141

RETIREMENT PLANS

ch 118; ch 141; ch 171, §26, 53

REVENUE DEPARTMENT

ch 157; ch 163, §1, 22; ch 165, §20; ch 171, §19, 20, 27, 46, 47, 54

REVITALIZATION AREAS

See *URBAN RENEWAL*

REVOLVERS

See *FIREARMS*

RIDE SERVICES

See *TRANSPORTATION NETWORK COMPANIES*

RIDES (PASSENGER TRANSPORTATION)

See *PASSENGERS*

RIFLES

See *FIREARMS*

RIGHT OF REDEMPTION

See *REDEMPTION OF PROPERTY*

RIVERBOAT GAMBLING

See *GAMBLING*

RIVERS AND STREAMS

ch 168, §14, 49

RN (REGISTERED NURSES)

See *NURSING*

ROAD USE TAX FUND

ch 164, §1, 3; ch 171, §15, 17, 25, 42, 44, 52

ROADS

See *HIGHWAYS*

ROCK FEVER

See *BRUCELLOSIS*

ROCKWELL CITY CORRECTIONAL FACILITY

ch 167, §4, 26, 29

ROOFS

ch 164, §2, 4

ROULETTE

See *GAMBLING*

RUBBISH DISPOSAL

See *WASTE MANAGEMENT*

RULES OF STATE AGENCIES (ADMINISTRATIVE RULES)

See *ADMINISTRATIVE RULES*

RUNWAYS

See *AIRPORTS*

RURAL ELECTRIC COOPERATIVES

See *ELECTRIC UTILITIES*

RURAL HEALTH AND PRIMARY CARE, CENTER FOR

See *CENTER FOR RURAL HEALTH AND PRIMARY CARE*

SABBATICALS

See *LEAVES OF ABSENCE*

SAC AND FOX NATION

ch 170, §3, 4

SALARIES AND WAGES

ch 2; ch 20, §2, 4, 5; ch 23; ch 166, §2; ch 170, §7 - 10

SALARY MODEL ADMINISTRATOR

ch 170, §10; ch 171, §16, 43

SALES TAXES

ch 157, §2; ch 170, §69

SALVAGE

ch 31

SARCOPTIC MANGE

See *SCABIES*

SAVINGS INSTITUTIONS

See *FINANCIAL INSTITUTIONS*

SCABIES

ch 159, §25, 26, 56

SCALES

See *WEIGHT AND MEASUREMENT*

SCAVENGER SALES

See *TAX SALES*

SCHEDULED VIOLATIONS

ch 68, §2; ch 75, §6; ch 140, §4; ch 167, §23

SCHOLARSHIPS

ch 172, §2, 20 – 24, 43, 46

SCHOOL ADMINISTRATORS

ch 6; ch 127

SCHOOL AID LAW

ch 1; ch 154, §2 – 4; ch 170, §6, 11

SCHOOL BOARDS

ch 120, §10; ch 125; ch 153

SCHOOL BUDGETS

ch 1; ch 153; ch 154; ch 170, §6, 11

SCHOOL BUSES

ch 170, §3, 4

SCHOOL DISTRICTS

ch 1; ch 2, §28 – 49; ch 6; ch 106; ch 120, §10; ch 125; ch 127; ch 128; ch 141; ch 153; ch 154; ch 155, §1 – 4, 8 – 31, 38 – 40, 43 – 45; ch 170, §6; ch 172, §5, 10, 27 – 30, 50

SCHOOL FINANCE

ch 1; ch 153; ch 154; ch 170, §6, 11

SCHOOL FOR THE BLIND

See BRAILLE AND SIGHT SAVING SCHOOL

SCHOOL FOR THE DEAF

ch 172, §7, 9, 52, 54

SCHOOL FOUNDATION PROGRAM

ch 1; ch 154, §2 – 4

SCHOOL INFRASTRUCTURE

ch 171, §19, 46

SCHOOL PRINCIPALS

See SCHOOL ADMINISTRATORS

SCHOOL READY CHILDREN GRANT PROGRAM

ch 172, §5, 50

SCHOOL REORGANIZATION

ch 155, §37, 44

SCHOOL SUPERINTENDENTS

See SCHOOL ADMINISTRATORS

SCHOOL TEACHERS

See TEACHERS

SCHOOLS

ch 1; ch 2, §28 – 49; ch 6; ch 69, §10; ch 85; ch 106; ch 125; ch 127; ch 128; ch 135; ch 141; ch 153; ch 154; ch 170, §6, 31; ch 172, §5, 10, 27 – 30, 50

SCIENCE

ch 128; ch 169, §3, 20; ch 172, §7, 52; ch 173, §10

SCIENTIFIC RESEARCH

See RESEARCH

SCULPTURE

See ARTS

SEARCH AGENCIES

See EMPLOYMENT AGENCIES

SEARCHES AND SEIZURES

ch 37

SECOND INDOCHINA WAR

See VIETNAM CONFLICT

SECONDARY ROADS

ch 13

SECONDARY SCHOOLS

See SCHOOLS

SECRETARY OF AGRICULTURE

ch 159

SECRETARY OF STATE

ch 165, §20; ch 170, §23, 26; ch 171, §21 – 23, 27, 48 – 50, 54

SECURITY GUARDS

See PRIVATE SECURITY

SECURITY SYSTEMS

ch 21; ch 156

SEEDS

ch 101; ch 159, §38

SEEING

See VISION

SEIZABLE PROPERTY

ch 37; ch 114

SEIZURES (PROPERTY)

See SEARCHES AND SEIZURES

SENILE DEMENTIA

See DEMENTIA

SENIOR CITIZENS

See *OLDER PERSONS*

SENIOR JUDGES

ch 166, §2

SENTENCING

ch 122, §7 – 22

SERVICE STATIONS

See *FUELS*

SEWAGE

ch 164, §2, 4

SEWAGE TREATMENT

ch 50; ch 84, §1

SEX CRIMES

ch 117; ch 127; ch 165, §4; ch 167, §6, 31;
ch 174, §25, 64, 110

SEXUAL ABUSE

ch 121; ch 127; ch 167, §1, 27; ch 170, §16,
28; ch 171, §22, 49; ch 174, §3, 18, 42,
57

SEXUAL EXPLOITATION

ch 127

SEXUAL PREDATORS

See *SEXUALLY VIOLENT PREDATORS*

SEXUAL SLAVERY

See *HUMAN TRAFFICKING; SEXUAL
EXPLOITATION*

SEXUALLY VIOLENT PREDATORS

ch 163, §15, 22; ch 174, §25, 64

SHEEP

See *OVINE ANIMALS*

SHERIFF'S DEEDS

See *CONVEYANCES (REAL ESTATE)*

SHERIFFS

See *COUNTY SHERIFFS*

SHIPS

See *BOATS AND VESSELS*

SHOOTING SPORTS

See *TARGET SHOOTING*

SHORELINES

See *WATER*

SHORT MESSAGE SERVICE

See *TEXT MESSAGING*

SHORTHAND REPORTERS

ch 133, §6, 7

SHORTHAND REPORTERS EXAMINERS**BOARD**

ch 133, §6, 7

SHOTGUNS

See *FIREARMS*

SHOWS

See *FAIRS AND FAIRGROUNDS*

SICK LEAVE

ch 167, §16, 41

SICKNESSES

See *DISEASES*

SIGHT

See *VISION*

SIGN LANGUAGE INTERPRETERS

See *INTERPRETING*

SIGNALS

ch 15

SIKA

See *FARM DEER*

SILAGE

See *CROPS; FEED*

SILENCERS

See *FIREARMS*

SILICA

See *SILICON DIOXIDE*

SILICON DIOXIDE

ch 11

SKEET SHOOTING

See *TARGET SHOOTING*

SKILLED NURSING FACILITIES

See *NURSING FACILITIES*

SLAUGHTERHOUSES

ch 159, §28 – 30

SLOT MACHINES

See *GAMBLING*

SLOUGHS

See *WETLANDS*

SMALL BUSINESSES

ch 160, §3 – 11; ch 169, §17, 32

SMALL ESTATES

ch 142

SMARTPHONES

See *CELLULAR PHONES*

SMOG

See *AIR POLLUTION*

SMOKING

ch 170, §61 – 69

SMS (SHORT MESSAGE SERVICE)

See *TEXT MESSAGING*

SNOWMOBILES

ch 40; ch 69, §46; ch 168, §12, 47

SNUFF

See *TOBACCO*

SOCIAL SERVICES

See *HUMAN SERVICES; PUBLIC ASSISTANCE*

SOFTWARE

See *COMPUTERS AND SOFTWARE*

SOIL AND WATER CONSERVATION

ch 159, §1, 3 – 17, 45, 46, 53 – 55; ch 168, §17, 19, 22 – 25, 52, 54; ch 170, §42

SOIL AND WATER CONSERVATION DISTRICTS

ch 53; ch 168, §17, 19, 22 – 25, 52, 54; ch 170, §42

SOIL CONDITIONERS

ch 159, §39 – 42, 57

SOIL CONSERVATION AND WATER QUALITY COMMITTEE

ch 159, §1, 14, 16, 17, 53 – 55

SOIL CONSERVATION AND WATER QUALITY DIVISION

ch 159, §3 – 12; ch 168, §8, 17, 19, 20, 43, 52, 54, 55; ch 173, §1, 3

SOIL CONSERVATION COMMITTEE

ch 159, §1, 3 – 12, 14, 16, 17, 45, 46, 53 – 55

SOLDIERS

See *MILITARY; MILITARY SERVICE MEMBERS*

SOLID WASTE

ch 45; ch 84, §2, 3

SOLID WASTE ALTERNATIVES PROGRAM ADVISORY COUNCIL

ch 45

SOLID WASTE DISPOSAL

See *WASTE MANAGEMENT*

SONS

See *CHILDREN*

SOUTHWEST IOWA REGENTS RESOURCE CENTER

ch 172, §7, 52

SPARKLERS

See *FIREWORKS*

SPECIAL ASSESSMENTS

ch 92, §2

SPECIAL EDUCATION

ch 103

SPECIAL FUEL TAXES

See *FUEL TAXES*

SPEED LIMITS

ch 149, §3, 5

SPIRITS

See *ALCOHOLIC BEVERAGES*

SPONTANEOUS ABORTIONS

See *MISCARRIAGES*

SPORTS

See *ATHLETICS*

SPOUSAL ABUSE

See *DOMESTIC ABUSE*

STALKING

ch 83; ch 171, §22, 49

STATE AGENCIES

See *DEPARTMENTS OF STATE GOVERNMENT*

STATE AUDITOR

See *AUDITOR OF STATE*

STATE BUDGET

ch 166, §8; ch 170, §1, 2, 7 – 9, 13 – 15; ch 173, §4

STATE CAPITOL

See *CAPITOL COMPLEX*

STATE COLLEGES

See COLLEGES AND UNIVERSITIES;
IOWA STATE UNIVERSITY;
UNIVERSITY OF IOWA; UNIVERSITY
OF NORTHERN IOWA

STATE COMMUNICATIONS NETWORK

See IOWA COMMUNICATIONS
NETWORK

STATE COURT ADMINISTRATOR

ch 166, §1, 9

STATE DEPARTMENTS

See DEPARTMENTS OF STATE
GOVERNMENT

STATE DOCUMENTS

See DEPARTMENTS OF STATE
GOVERNMENT

STATE EMPLOYEES

ch 2; ch 35; ch 57; ch 118; ch 170, §7 – 10;
ch 171, §1, 3, 28, 30

STATE FAIR

ch 165, §20; ch 173, §13

STATE FUNDS

ch 170, §7 – 9, 13 – 15

STATE GOVERNMENT

See DEPARTMENTS OF STATE
GOVERNMENT

STATE HIGHWAY PATROL

See PUBLIC SAFETY DEPARTMENT

STATE HIGHWAYS

See HIGHWAYS

STATE HISTORICAL SOCIETY

See HISTORICAL DIVISION

STATE INCOME TAXES

See INCOME TAXES

STATE INDUSTRIES

See IOWA PRISON INDUSTRIES

STATE JUVENILE HOME

See JUVENILE HOME, STATE

STATE LIBRARY

ch 169, §9, 26; ch 172, §5, 50

STATE MEDICAL EXAMINER

See MEDICAL EXAMINERS

STATE MENTAL HEALTH INSTITUTES

See MENTAL HEALTH INSTITUTES

STATE MILITARY FORCES

See NATIONAL GUARD

STATE OFFICERS

See DEPARTMENTS OF STATE
GOVERNMENT

STATE PARKS

See PARKS

STATE PATROL

See PUBLIC SAFETY DEPARTMENT

STATE PRISON INDUSTRIES

See IOWA PRISON INDUSTRIES

STATE PRISONS

See CORRECTIONAL FACILITIES

STATE PROPERTY

ch 170, §29

STATE PUBLIC DEFENDER

ch 88; ch 163, §1, 22; ch 166, §1, 9; ch 167,
§12, 37; ch 173, §4

STATE PUBLICATIONS

See DEPARTMENTS OF STATE
GOVERNMENT

STATE RECORDS

See PUBLIC RECORDS

STATE SUPPLEMENTARY ASSISTANCE

See SUPPLEMENTARY ASSISTANCE

STATE TRAINING SCHOOL

See TRAINING SCHOOL, STATE

STATE TREASURER

See TREASURER OF STATE

STATE TROOPERS

See PUBLIC SAFETY DEPARTMENT

STATE UNIVERSITIES

See COLLEGES AND UNIVERSITIES;
IOWA STATE UNIVERSITY;
UNIVERSITY OF IOWA; UNIVERSITY
OF NORTHERN IOWA

STATE VEHICLES

ch 167, §11, 36

STATE-FEDERAL RELATIONS OFFICE

ch 165, §20

STATEHOUSE

See *CAPITOL COMPLEX*

STATEWIDE PRESCHOOL PROGRAM

ch 153, §12 – 15; ch 154, §1

STATIONARY VEHICLES

See *STOPPED VEHICLES*

STATUES

See *ARTS*

**STATUS OF AFRICAN AMERICANS,
OFFICE ON THE**

See *HUMAN RIGHTS DEPARTMENT*

STATUS OF WOMEN, OFFICE ON THE

See *HUMAN RIGHTS DEPARTMENT*

STATUTE OF LIMITATIONS

ch 63, §4

STATUTE OF REPOSE

ch 64

STEALING OF PROPERTY

See *THEFT*

STEERS

See *BOVINE ANIMALS*

**STEM (SCIENCE TECHNOLOGY
ENGINEERING MATHEMATICS)**

See *ENGINEERING; MATHEMATICS;
SCIENCE; TECHNOLOGY*

STENOGRAPHERS

See *SHORTHAND REPORTERS*

STOCKYARDS

See *LIVESTOCK*

STOLEN PROPERTY

See *THEFT*

STOPPED VEHICLES

ch 8; ch 84, §2

STORAGE DEVICES

See *RECORDINGS*

STORAGE FACILITIES

ch 115

STORAGE MEDIA

See *RECORDINGS*

STORAGE TANKS

ch 168, §13, 48

**STREAMLINED SALES AND USE TAX
AGREEMENT**

See *SALES TAXES; USE TAXES*

STREAMS

See *RIVERS AND STREAMS*

STREETS

See *HIGHWAYS*

STROKE

See *CARDIOVASCULAR DISEASES*

**STUDENT ACHIEVEMENT AND
TEACHER QUALITY PROGRAM**

ch 172, §5, 32 – 42, 50

STUDENT ATHLETES

See *ATHLETICS*

STUDENT FEES

See *TUITION*

STUDENT LOANS

ch 150; ch 172, §2, 3, 46, 48

STUDENTS

ch 127; ch 128; ch 150; ch 153, §4 – 8, 16 – 18; ch 169, §3, 20; ch 170, §36; ch 172, §2 – 5, 9, 10, 15 – 24, 27 – 30, 43, 44, 46 – 50, 54, 55

SUBCONTRACTORS

ch 33, §4

SUBSTANCE ABUSE

ch 34, §1 – 11; ch 93, §3; ch 111; ch 148, §1, 20, 23, 24; ch 165, §1, 6; ch 167, §5, 30; ch 171, §10, 37; ch 172, §7, 52; ch 174, §12, 17, 31, 51, 56, 70, 117

**SUBSTANCE ABUSE TREATMENT
FACILITY ADVISORY COUNCIL**

ch 148, §24

SUBSTATIONS

See *TRANSMISSION LINES*

**SUBSTITUTE DECISION MAKING
SERVICES**

ch 148, §24; ch 174, §1, 40

SUICIDE

ch 130, §9

SUPER WEEDS

See *WEEDS*

SUPERINTENDENTS (SCHOOLS)

See *SCHOOL ADMINISTRATORS*

SUPPLEMENTARY ASSISTANCE

ch 163, §11, 22; ch 174, §14, 31, 53, 70, 108

SUPPORT OF CHILDREN

See CHILD SUPPORT

SUPPORT OF PERSONS

ch 98; ch 174, §9, 48

SUPPRESSORS

See FIREARMS

SUPREME COURT JUSTICES

ch 166, §1, 2, 9

SUPREME COURT OF IOWA

ch 166, §1, 2, 9

SURFACE TRANSPORTATION

See TRANSPORTATION

SURVEILLANCE

ch 135; ch 170, §31

SWAMPLANDS

See WETLANDS

SWIMMING POOLS

ch 173, §1, 3

SWINDLING

See FRAUD

SWINE

See PORCINE ANIMALS

SWINE FEVER

See CLASSICAL SWINE FEVER

TALENTED AND GIFTED EDUCATION

*See GIFTED AND TALENTED
EDUCATION*

TANKS (STORAGE)

See STORAGE TANKS

TARGET SHOOTING

ch 69, §48

TARGETED SMALL BUSINESSES

ch 160, §3 – 11

TAX CHECKOFFS

See CHECKOFFS

TAX CREDITS

ch 134; ch 157, §1, 12, 14; ch 174, §8, 47

TAX EXEMPTIONS

ch 116; ch 170, §37, 45

TAX REDEMPTION

See TAX SALES

TAX RETURNS

ch 161

TAX SALES

ch 92, §4

TAXATION

ch 1; ch 38; ch 92, §3 – 6; ch 109; ch 113, §1, 2; ch 116; ch 118; ch 134; ch 144; ch 151; ch 157; ch 158; ch 170, §37, 45, 69; ch 171, §19, 20, 46, 47; ch 173, §4; ch 174, §8, 47

TEACHER QUALITY PROGRAM

*See STUDENT ACHIEVEMENT AND
TEACHER QUALITY PROGRAM*

TEACHERS

ch 2, §28 – 49; ch 6; ch 106; ch 127; ch 141; ch 150; ch 153, §1 – 3; ch 154, §5; ch 172, §2, 7, 26, 31 – 42, 46, 52

TECHNICAL EDUCATION

*See CAREER AND TECHNICAL
EDUCATION; VOCATIONAL
EDUCATION*

TECHNOLOGY

ch 169, §3, 20; ch 170, §23, 40; ch 172, §7, 52; ch 173, §4, 17, 18

TEETH CARE

See DENTAL CARE

TELECARE

See MEDICAL CARE

TELECOMMUNICATIONS

ch 21; ch 52; ch 75; ch 76, §1; ch 84, §1; ch 112; ch 136; ch 166, §6, 13; ch 170, §22; ch 174, §95

**TELECOMMUNICATIONS AND
TECHNOLOGY COMMISSION**

ch 165, §20

TELEGRAPH SERVICES

ch 21

TELEMEDICINE

See MEDICAL CARE

TELEPHARMACY

See *PHARMACY*

TELEPHONE POLES

See *POLES (UTILITY)*

TELEPHONE SERVICES

ch 21; ch 76, §1; ch 84, §1; ch 112; ch 136;
ch 170, §22

TELEVISION

ch 172, §5, 50

TEMPORARY EMPLOYMENT AGENCIES

See *EMPLOYMENT AGENCIES*

TEMPORARY RESTRAINING ORDERS

See *PROTECTIVE ORDERS*

TERMINAL ILLNESSES

ch 130; ch 162

TERMINATION OF EMPLOYMENT

ch 2, §50 – 54; ch 170, §30, 43

TERMINATION OF PARENTAL RIGHTS

See *PARENTAL RIGHTS*

TERRACE HILL

ch 171, §1, 9, 28, 36

TETRAHYDROCANNABINOL

See *MARIJUANA*

TEXT MESSAGING

ch 75

TEXTBOOKS

ch 172, §5, 50

TEXTING

See *TEXT MESSAGING*

THC (TETRAHYDROCANNABINOL)

See *MARIJUANA*

THEFT

ch 89

THERAPY

ch 124

THOROUGHBRED RACING

See *HORSE RACING*

TIMBER

See *TREES*

TITLES (PROPERTY)

ch 31; ch 147

TNC (TRANSPORTATION NETWORK COMPANIES)

See *TRANSPORTATION NETWORK COMPANIES*

TOBACCO

ch 171, §60, 61; ch 174, §3, 42

TOBACCO SETTLEMENT

ch 171, §55, 56

TOILETS

ch 135; ch 170, §31

TOLEDO JUVENILE HOME

See *JUVENILE HOME, STATE*

TOOTH CARE

See *DENTAL CARE*

TORT LAW

ch 64

TOURISM

ch 160, §1, 2; ch 169, §1, 4, 18, 21

TOWNS

See *CITY GOVERNMENT*

TOWNSHIPS

ch 167, §8, 33

TOXIC MATERIALS

ch 80

TRACKING DEVICES

See *GLOBAL POSITIONING DEVICES*

TRACKS (RACING)

See *RACING*

TRACKS (RAILROADS)

See *RAILROADS*

TRADE SCHOOLS

See *CAREER AND TECHNICAL EDUCATION; VOCATIONAL EDUCATION*

TRADE UNIONS

See *LABOR UNIONS*

TRAFFIC

See *HIGHWAYS; MOTOR VEHICLES*

TRAFFIC ACCIDENTS

See *ACCIDENTS*

TRAFFIC CONTROL

ch 15

TRAFFICKING OF HUMANS

See HUMAN TRAFFICKING

TRAILS

ch 32; ch 40; ch 173, §1, 3

TRAINING OF EMPLOYEES

See JOB TRAINING

TRAINING SCHOOL, STATE

ch 174, §17, 56

TRAINS

See RAILROADS

TRANSIT SERVICES

See PUBLIC TRANSPORTATION

TRANSLATING

ch 166, §1, 9

TRANSMISSION LINES

ch 21; ch 170, §55 – 60

TRANSPORTATION

ch 8; ch 13; ch 15; ch 32; ch 46; ch 75; ch 76; ch 81; ch 146; ch 149; ch 164; ch 165, §11; ch 170, §25; ch 173, §1, 3

TRANSPORTATION COMMISSION

ch 13

TRANSPORTATION DEPARTMENT

ch 2, §18, 26, 27; ch 39; ch 149, §3, 5; ch 164; ch 165, §11, 20; ch 173, §1, 3

TRANSPORTATION NETWORK COMPANIES

ch 170, §25

TRAPPING

ch 168, §10, 45

TRAPSHOOTING

See TARGET SHOOTING

TRASH DISPOSAL

See WASTE MANAGEMENT

TRAUMATIC BRAIN INJURIES

See BRAIN INJURIES

TRAVEL

ch 163, §10, 20, 22; ch 166, §4, 11; ch 170, §5

TREASURER OF STATE

ch 39; ch 165, §20; ch 171, §24, 25, 27, 51, 52, 54; ch 173, §1, 3, 19

TREASURERS (COUNTY)

See COUNTY TREASURERS

TREES

ch 55

TRESPASSING

ch 129; ch 140

TRIALS

ch 166, §3, 10

TRIBAL GOVERNMENT

See NATIVE AMERICANS

TRIDYMITE

See SILICON DIOXIDE

TROOPERS (IOWA STATE PATROL)

See PUBLIC SAFETY DEPARTMENT

TROOPS

See MILITARY; MILITARY SERVICE MEMBERS

TRUANCY

ch 153, §4 – 8

TRUCKS

ch 46

TRUST DEEDS

See CONVEYANCES (REAL ESTATE)

TRUSTS AND TRUSTEES

ch 79

TUITION

ch 172, §44, 55

TUITION GRANTS

ch 170, §36; ch 172, §2, 15 – 19, 43, 46, 47

TURKEYS

ch 168, §27 – 29

TUTORING

See TEACHERS

UNATTENDED VEHICLES

ch 8

UNDERGROUND STORAGE TANKS

ch 168, §13, 48

UNDULANT FEVER

See BRUCELLOSIS

UNEMPLOYMENT

ch 70; ch 72; ch 74, §7 – 10; ch 169, §17, 32

UNEMPLOYMENT COMPENSATION

ch 70; ch 72; ch 74, §7 – 10; ch 169, §11, 12, 14 – 16, 28, 29, 31

UNIFORM ACTS

ch 79

UNIFORM CODE OF MILITARY JUSTICE

See MILITARY JUSTICE

UNIONS

ch 2, §19 – 22, 26, 27

UNIVERSITIES

See COLLEGES AND UNIVERSITIES

UNIVERSITY OF IOWA

ch 163, §1, 10, 22; ch 169, §17, 32; ch 172, §7, 25, 43, 52; ch 173, §1, 3, 6 – 9; ch 174, §3, 12, 42, 51

UNIVERSITY OF IOWA COLLEGE OF DENTISTRY

See COLLEGE OF DENTISTRY

UNIVERSITY OF IOWA COLLEGE OF MEDICINE

See CARVER COLLEGE OF MEDICINE

UNIVERSITY OF NORTHERN IOWA

ch 163, §1, 22; ch 169, §17, 32; ch 172, §7, 52; ch 173, §1, 3, 6 – 8

UNIVERSITY OF OSTEOPATHIC MEDICINE (DES MOINES UNIVERSITY)

*See DES MOINES UNIVERSITY
OSTEOPATHIC MEDICAL CENTER*

URBAN RENEWAL

ch 160, §12

URBAN TRANSIT

See PUBLIC TRANSPORTATION

URNS

See FUNERAL MERCHANDISE

USE TAXES

ch 170, §69; ch 171, §20, 47

UTILITIES

ch 2, §23, 26, 27; ch 9; ch 21; ch 50; ch 62; ch 84, §1; ch 112; ch 167, §3, 28; ch 169, §34 – 49; ch 170, §22, 55 – 60; ch 171, §7, 34; ch 173, §1 – 3

UTILITIES DIVISION

ch 171, §7, 27, 34, 54

UTILITY POLES

See POLES (UTILITY)

VEGETATION

See PLANTS (VEGETATION)

VEHICLE REGISTRATION

See MOTOR VEHICLE REGISTRATION

VEHICLE TITLES

See CERTIFICATES OF TITLE

VEHICLES

ch 8; ch 15; ch 31; ch 32; ch 46; ch 75; ch 76; ch 81; ch 84; ch 92, §1; ch 146; ch 149; ch 159, §51; ch 167, §11, 36; ch 171, §20, 47

VEHICULAR ACCIDENTS

See ACCIDENTS

VEHICULAR HOMICIDE

ch 76, §1

VENTILATION SYSTEMS

See HVAC SYSTEMS (HEATING, VENTILATION, AIR CONDITIONING)

VESSELS (WATERCRAFT)

See BOATS AND VESSELS

VETERANS AFFAIRS

ch 47; ch 59; ch 99; ch 167, §21; ch 174, §4, 5, 43, 44

VETERANS AFFAIRS DEPARTMENT

ch 59; ch 165, §20; ch 174, §4, 43

VETERANS HOME

ch 163, §1, 5, 22; ch 174, §4, 43

VETERANS TRUST FUND

ch 167, §21

VETERINARY MEDICINE

ch 168, §16, 51

VETERINARY MEDICINE, COLLEGE OF

See COLLEGE OF VETERINARY MEDICINE

VICTIM RIGHTS

ch 121; ch 167, §1, 27; ch 171, §22, 49

VICTIMS

ch 121; ch 167, §1, 27; ch 171, §22, 49

VIDEO

ch 89; ch 135; ch 170, §31

VIETNAM CONFLICT

ch 59

VINES

See PLANTS (VEGETATION)

VINTON

ch 170, §24

VIRAL DISEASES

See DISEASES

VISION

ch 174, §3, 42

VISION IMPAIRMENTS

See BLINDNESS

VISITATION RIGHTS

ch 98, §3

VITAL RECORDS

ch 148, §105, 106

VOCATIONAL EDUCATION

ch 170, §39, 41; ch 172, §5, 44, 50, 55

VOCATIONAL REHABILITATION

ch 23; ch 170, §17; ch 172, §5, 50; ch 174, §31, 70

VOCATIONAL REHABILITATION SERVICES DIVISION

See EDUCATION DEPARTMENT

VOCATIONAL SCHOOLS

See CAREER AND TECHNICAL EDUCATION; VOCATIONAL EDUCATION

VOLUNTEER SERVICE COMMISSION

ch 169, §3, 20; ch 174, §1, 27, 40, 66

VOLUNTEERISM

ch 102; ch 165, §13, 14; ch 174, §1, 29, 40, 68

VOTER REGISTRATION

ch 110; ch 120, §2; ch 170, §26; ch 171, §21, 48

VOTING

ch 110; ch 120; ch 155; ch 170, §26; ch 171, §21, 48

WAGERING

See GAMBLING

WAGES

See SALARIES AND WAGES

WARDENS (CORRECTIONAL FACILITIES)

See CORRECTIONAL FACILITIES

WARRANTS

ch 37

WARRANTY DEEDS

See CONVEYANCES (REAL ESTATE)

WASTE MANAGEMENT

ch 45; ch 84, §2, 3; ch 164, §2, 4

WASTEWATER TREATMENT

See SEWAGE TREATMENT

WATER

ch 62; ch 84, §1; ch 168, §11, 46

WATER CLOSETS

See TOILETS

WATER POLLUTION

ch 168, §8, 11, 18, 19, 43, 46, 53, 54

WATER QUALITY

ch 159, §1, 3 – 17, 45, 46, 53 – 55; ch 165, §10; ch 167, §8, 33; ch 168, §8, 11, 17 – 20, 43, 46, 52 – 55; ch 173, §1, 3

WATER QUALITY DISTRICTS

ch 82

WATER UTILITIES

ch 21; ch 50; ch 62; ch 84, §1; ch 173, §1 – 3

WATERCOURSES

See RIVERS AND STREAMS

WATERCRAFT

See BOATS AND VESSELS

WATERLOO

ch 164, §4

WATERMAN NONPROFIT RESOURCE CENTER

See LARNED A. WATERMAN IOWA NONPROFIT RESOURCE CENTER

WATERSHED IMPROVEMENT REVIEW BOARD

ch 168, §17, 19, 22 – 25, 54; ch 170, §42

WATERSHEDS

ch 168, §8, 17 – 20, 22 – 25, 43, 52 – 55; ch 170, §42; ch 173, §1, 3

WATERWORKS

See *WATER UTILITIES*

WAXING

See *COSMETOLOGY*

WBL (WORK-BASED LEARNING)

See *WORK-BASED LEARNING*

WEAPONS

ch 69; ch 170, §46 – 54

WEATHERIZATION ASSISTANCE

ch 165, §12; ch 169, §44 – 46, 49

WEB

See *INTERNET*

WEEDS

ch 101

WEIGHT AND MEASUREMENT

ch 46; ch 149, §2; ch 159, §52

WELFARE

See *PUBLIC ASSISTANCE*

WETLANDS

ch 168, §17, 19, 52, 54

WHISKEY

See *ALCOHOLIC BEVERAGES*

WHITETAIL

See *DEER*

WIDTH

See *WEIGHT AND MEASUREMENT*

WILD ANIMALS

See *WILDLIFE*

WILD DEER

See *DEER*

WILD TURKEYS

See *TURKEYS*

WILDFIRES

See *FIRES AND FIRE PROTECTION*

WILDLIFE

ch 36; ch 48; ch 168, §10, 45

WINE

See *ALCOHOLIC BEVERAGES*

WINE GRAPES

See *GRAPES*

WIRELESS COMMUNICATIONS

ch 76, §1; ch 112; ch 136; ch 170, §22

WIRES

ch 84, §1

WITNESSES

ch 107, §3 – 5; ch 166, §1, 9

WOMEN

ch 165, §1, 3, 5

WOMEN'S CORRECTIONAL FACILITY

See *MITCHELLVILLE CORRECTIONAL FACILITY*

WOOD COAL

See *CHARCOAL*

WOODWARD STATE RESOURCE CENTER

See *RESOURCE CENTERS*

WORK

See *JOB TRAINING; LABOR AND EMPLOYMENT*

WORK-BASED LEARNING

ch 170, §39, 41; ch 172, §44, 55

WORK-STUDY PROGRAMS

ch 172, §4, 49

WORKER TRAINING

See *JOB TRAINING; WORKFORCE DEVELOPMENT*

WORKERS' COMPENSATION

ch 23; ch 169, §9, 26; ch 171, §1, 28

WORKERS' COMPENSATION DIVISION

ch 169, §9, 26

WORKFORCE DEVELOPMENT

ch 3; ch 74; ch 134; ch 169, §9 – 16, 26 – 31; ch 170, §34, 43; ch 172, §44, 55

WORKFORCE DEVELOPMENT BOARD

ch 74, §1 – 6; ch 169, §9, 26; ch 170, §34, 43

WORKFORCE DEVELOPMENT DEPARTMENT

ch 74; ch 163, §1, 22; ch 165, §20; ch 169, §9 – 17, 26 – 32; ch 170, §34, 43

WORKFORCE TRAINING

See *JOB TRAINING; WORKFORCE DEVELOPMENT*

WORLD FOOD PRIZE

ch 169, §3, 20; ch 173, §1, 3

WORLD WIDE WEB

See INTERNET

WORSHIP

See RELIGION

WRECKS

See ACCIDENTS

WRITING

See LITERACY

WRITINGS

See RECORDS AND PUBLICATIONS

WRONGFUL DEATH

ch 64

YOUTHS

See CHILDREN

ZONING

ch 94; ch 112; ch 170, §22